

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 3, 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 9:01 a.m., by the Chairman, Mr. Boyd.

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

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Agenda Item No. 4. Recognitions:

a. Recognition of Police Department Reaccreditation.

On behalf of the Board of Supervisors, Mr. Boyd recognized the reaccreditation of the Albemarle County Police Department by the Virginia Law Enforcement Professional Standards Commission. Mr. Boyd said the reaccreditation process involved a very comprehensive analysis of the agency on 187 separate standards, culminating in a three-day on-site assessment by a three member team from VLEPSC. In awarding the reaccreditation, VLEPSC noted the following:

*The Albemarle County Police Department is an agency that espouses a philosophy of community-oriented policing, which centers on a close and cooperative relationship with county residents. This allows the County Police to take a proactive approach in a variety of criminal incidents and to develop active partnerships with citizen to identify and implement creative community-based solutions.*

Albemarle County was only the 24<sup>th</sup> law enforcement agency in the Commonwealth of Virginia to receive its original accreditation in 2000, following a rigorous four-year process. To become accredited, the department had to do a comprehensive review and upgrade of its policies, procedures and facilities to meet the standards required in all operational areas.

The reaccreditation award is a very tangible and objective acknowledgement that the County Police Department is operating at an outstanding level of professional performance and organizational excellence. Our citizens can feel very confident that the service they are receiving from the police department is of the highest caliber and reflects the very best in efficiency, effectiveness and innovation, reflecting the mission and values of Albemarle County.

Mr. Boyd said that on behalf of the Board and County citizens, he would like to express his sincere appreciation to the men and women of the County Police Department for their dedication and hard work, which made this reaccreditation possible. He then introduced Mr. Gary Dillon, representing the VLEPSC, and Police Chief John Miller.

Mr. Dillon addressed the Board as the Program Manager for the accreditation program, and said that Chief Tim Longo sits on the Executive Board of the Law Enforcement Professional Standards Commission. He also introduced his boss – Tim Paul – the Section Chief for Law Enforcement at DCJS; and added that City of Manassas Police Chief John Skinner is unable to attend but extends his congratulations. Mr. Dillon said that they are here to recognize Albemarle County's Police Department for their commitment to law enforcement excellence by participating in the program. He noted that all accreditation programs are designed to measure and confirm compliance that the participating agency meets, and the police program has voluntarily decided to participate in this accreditation program. Mr. Dillon said that this program was started in the early 1990's to provide law enforcement agencies of all sizes to prove they can demonstrate meeting 180 commonly accepted standards for effective and efficient operation. He explained that only 70 out of 417 eligible agencies have been accredited under their program, and each must meet or exceed the criteria contained in the standards.

Mr. Dillon said that in June a team of certified assessors came to the County and reported that the agency is in compliance with all standards; the Executive Board met in July and unanimously recommended accredited status for the second consecutive year. He emphasized that all agencies must maintain their accreditation files on an ongoing basis and submit to annual verifications of compliance as required by the commission. Mr. Dillon congratulated the entire police department – Chief Miller, Nicole Marshall, and all the men and women who worked to help complete the process.

Chief Longo addressed the Board and congratulated the Police Department and awarded Chief Miller with the reaccreditation certificate.

Chief Miller addressed the Board and said the reaccreditation documents live what they say, and he thanked the men and women of the police department for their work.

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- b. Proclamation recognizing October 2008 as Domestic Violence Awareness Month.

Mr. Boyd read and presented the following proclamation to Sarah Roth of the Shelter for Help in Emergency:

**Domestic Violence Awareness Month**

- Whereas,** *violence against women, children, and men continues to become more prevalent as a social problem in our society; and*
- Whereas,** *the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and*
- Whereas,** *the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and*
- Whereas,** *in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and*
- Whereas,** *it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and*
- Whereas,** *no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and*
- Whereas,** *the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and*
- Whereas,** *the Shelter for Help in Emergency commemorates its 29<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;*
- Now, Therefore, Be It Resolved,** *that in recognition of the important work being done by the Shelter for Help in Emergency, I, Kenneth C. Boyd, Chairman of the Albemarle County Board of Supervisors, do hereby proclaim the month of October 2008 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children, and men.*

Ms. Sarah Roth addressed the Board and thanked them for their support, and presented them with packets of information.

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- c. Proclamation recognizing the 25<sup>th</sup> Anniversary of the Literacy Volunteers of Charlottesville/Albemarle.

Mr. Boyd read and presented the following proclamation to Mike Etchemendy, of the Literacy Volunteers:

**LITERACY VOLUNTEERS OF CHARLOTTESVILLE/ALBEMARLE  
Celebrating its 25th Anniversary**

- WHEREAS,** *LITERACY VOLUNTEERS OF CHARLOTTESVILLE/ALBEMARLE (LVCA) is a non-profit agency that offers free basic literacy and English as a second language, tutoring to adults through recruitment, and training of volunteer tutors who work one-on-one with learners; and*
- WHEREAS,** *LVCA helps adults living or working in Charlottesville become more productive workers, parents, citizens, neighbors, and consumers; and*
- WHEREAS,** *LVCA believes the ability to read, write, and communicate is critical for adults to fully realize their potential; and*
- WHEREAS,** *September 8 is National Literacy Day; and*

**WHEREAS,** LVCA is celebrating its **25th Anniversary** of service to adult learners;

**NOW, THEREFORE, BE IT RESOLVED,** that I, **Kenneth C. Boyd, Chairman**, on behalf of the Albemarle County Board of Supervisors, do hereby recognize **Literacy Volunteers of Charlottesville Albemarle** as an invaluable asset to our community and call this observance to the attention of all our citizens.

Mr. Mike Etchemendy accepted the recognition on behalf of the organization, and shared two stories of learners who were able to better their lives tremendously because of their work with LVCA. He noted the work of all volunteers and staff for the agency.

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

Ms. Mallek asked about the process for reporting and paying for intake volumes of the water tankers that fill the hydrants at the Airport and Hydraulic Road. She asked if there could be a program developed for area farmers, who are running out of water, where they would not have to go to Waynesboro to get water.

Mr. Tucker replied that in the past they have been able to get water from the ACSA, but there will be a joint meeting next week with the ACSA and the question could be posed then.

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Ms. Mallek reported that she would be walking on the land north of the Airport with some neighbors and Airport representatives soon to get a firsthand view. If other Board members are interested in attending, let her know.

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Ms. Mallek said that some future meetings had been planned in September in the White Hall District to discuss the revalidation forms and tax relief.

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Mr. Rooker said that the Regional Transit Authority small working group is meeting every Friday now from 9:00 a.m. to 11:00 a.m., and decided to meet with the transportation options group that met several years ago with the idea that they would come up to speed with where the localities are with seeking transportation funds for transit and transportation projects in the area. He stated that the group would like to seek broad-based community support for efforts in this area, and the primary recommendation of the funding options group has been to seek sales tax increment that would provide funding for transportation in the area. Mr. Rooker said that the approach was going to be requesting some type of sales tax increment from legislations, and the fallback position would be to seek a package similar to that sought in Northern Virginia and Tidewater. He stated that the plan is for revenue for both local transportation projects of regional significance and transit to be done on the County and city level, with some agreement that a portion of that would go to transit based on the level of services provided.

Mr. Boyd commented that he does not have a problem seeking local authority to be in better control of transportation needs, but he does question the amount of spending and any proposed tax increase.

Mr. Rooker said that at the next meeting a time should be scheduled to discuss this, so that the support of the Board can be assessed; the first possible date to meet with the funding options group would be September 19<sup>th</sup> – so it would need to be discussed next week, perhaps at the end of the other work sessions scheduled.

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Ms. Thomas said that the Historic Preservation Committee would be coming to the Board with information leading up to a request to consider an ordinance to slow down the demolition of historic properties that currently can happen with a short turnaround.

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Ms. Thomas mentioned a Historic Preservation and an Automobile Association publication that had several articles and advertisements on sites in Virginia, but none of the articles pertained to this region. She suggested the Tourism Board work on this.

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Ms. Thomas also said that the Crozet Library Committee has preliminary designs from the architect that can be looked at by Board members, but they are not available for public review yet.

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Ms. Thomas said that the Rivanna River Basin Commission will be coming to the Board with a report on analyzing best management practices, a unique effort being done locally.

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Ms. Thomas said the South Fork Reservoir Stewardship Task Force recently toured the Reservoir by boat. She thanked staff for all their support of the Task Force and UVA for organizing the tour.

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Ms. Thomas stated that the Local Government Advisory Commission to the Chesapeake Bay Program have a pot of money for small watershed grants. The Commission is interested in the work of the Rivanna River Basin Commission and there may be some financial help for study projects.

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Mr. Slutzky stated that he serves on the Affordable Housing Task Force convened between the City, County, and University. He commented that Item 7.5 on the Consent Agenda (Resolution of Support of the Regional Action Agenda for Housing) is not the work of the Affordable Housing Task Force. The Regional Action Agenda is the collaborative work of all of the jurisdictions in the TJPDC. The Housing Task Force is comprised of the City, the County and the University, and will be a more specific body of recommendations. He then updated the Board on the work of the Affordable Housing Task Force. The Task Force hopes to be able to send a draft report to the City and County Housing Committees in the next couple of months, for them to refine and then forward to Council, Board and the University.

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Mr. Boyd said that he on September 11, 2008, 7:00 p.m., he will hold a community conversation with residents near Darden Towe Park to discuss implementation of the softball field lighting.

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Mr. Boyd also reported that the Stony Point Fire Department addition is a request for an increase in building size, and staff has indicated that the changes are minor. He asked the Board support to encourage staff to expedite the review process for the addition. He also stated that he has received the same request for the renter in the GIS building at the NGIC facility.

Mr. Rooker said that he understands the wish to put the NGIC project on a fast track, but it would be helpful to have some more information as to why this project should take precedent over other projects that put demands on staff.

Mr. Boyd noted that because of the nature of what they do, they do not broadcast their plans.

Mr. Slutzky added that the federal procurement rules may be a factor as well, as no official procurement has been completed for this.

Ms. Thomas responded that it may fit the goals for compactness in the work area out there, but she expressed her disappointment in the response to the environmental impact statement, and not having traffic assurance. She indicated that the applicant claims no environmental impact, but staff concluded otherwise.

Mr. Boyd said that this request is not coming from the people who filed the report.

Ms. Mallek expressed concern, and said that it is a confusing trail of decisions and recommendations which we as a County are involved in. She added that in the future it would be helpful to have things written down so the Board does not have a building that is completed under a permit that was issued when people were supposedly following the directions they were given.

Mr. Boyd said that there were a lot of good faith efforts being attempted.

Mr. Slutzky commented that he does not object to the accelerated timeline.

Mr. Rooker responded that when the process started for these buildings, there were other people interested in obtaining the contract to provide the space and they complained that this applicant was being given priority treatment. He said that the applicant at that time represented that he had a deal with them to take the space, and when asked for a letter of support what was provided was not indicative at all of a deal to take the space. He feels it is not overreaching to ask that end user to provide some letter indicating that they need to occupy by a certain date, and these changes need to be expedited in order for them to accomplish that.

Mr. Boyd replied that he does not think that will happen because the end user has to go through a lot of bureaucratic red tape to issue written assurances. He emphasized that he does not want to skip steps here.

Mr. Slutzky added that he only supports the change in timeline, not a change in substance.

Mr. Rooker commented that the RFP for this went out a long time ago and Mr. Wood got the RFP awarded to him. He added that asking for a copy of that RFP would not be out of the ordinary, and said that the County has been led along a trail here.

Ms. Thomas said that she has no interest in expediting this as staff is overworked at this point because of the Board's taxation decisions. She believe that staff works expeditiously on all the processes that are put in front of it so she does not see any particular reason to pick out this particular project.

Mr. Slutzky said he supports the accelerated timeline and asked if a vote should be called.

Mr. Rooker emphasized that he would support it if there were documentation from the user that they needed this done sooner rather than later to meet hard deadlines that they have for occupying the building, but in the absence of that he would not support it.

Mr. Slutzky commented that the problem is if NGIC is expecting the structure up by a certain day they can't wait until November to determine whether to add a basement.

Mr. Tucker suggested delaying this decision until later in the day when Mr. Graham would be available to answer questions.

Board members agreed that they did not mind having the Stony Point Fire Department addition being expedited as the change was very minor.

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

Ms. Colette Hall addressed the Board, stating that she was stunned to learn the Reservoir Task Force has no one on that committee that is a member of the public. She emphasized that it is important that reservoir users have input in maintaining the life of the south fork, but the very people whose lives and homes depend on this water and will be asked to pay for an expensive future water plan are voiceless. She emphasized that the dredging is intended to increase the south fork's potable water capacity until a new water supply is established – which may take years. Ms. Hall said that if public comment is relegated to only one public meeting as proposed it eliminates many citizens' voices.

Mr. Slutzky noted that not everybody on that commission is on well water, and some are users of that system.

Ms. Thomas said that about one-third of the membership is from the City, and others from the County are also public water users. She mentioned that the task force is trying to seek meaningful public comment, through postcards and other methods, and are also hoping to give people more than just three minutes to speak.

Mr. Rooker emphasized that this is not a governmental entity that is going to make a decision, but a group of people that are meeting to produce a report. He also commented that it is difficult to get meeting times when everyone can attend.

Mr. Boyd informed the Board that there would be a town hall meeting on September 9<sup>th</sup> for a group to go up and meet with DIA people who may be moving to the area, and the survey information would be released as to how many families would be moving.

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Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** Mr. Slutzky, to approve Items 7.0 through 7.10 on the Consent Agenda and to accept the remaining items for information. (Discussion are included with individual agenda item.) Roll was called and the motion carried by the following recorded vote:

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

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Item No. 7.0. Resolution: Disaster Declaration Due to Drought Conditions.

The following letter dated August 26, 2008, was received from Peter L. Warren, Extension Agent, Agriculture and Natural Resources, Virginia Cooperative Extension, to the Albemarle County Board of Supervisors:

"I am writing to recommend that the Board of Supervisors adopt a resolution requesting a Year 2008 Disaster Declaration for the County due to drought conditions. I have been in contact with Brent Whitlock at the Farm Service Agency in Louisa and Carrie Swanson at Cooperative Extension here in Albemarle. We agree that the corn, hay, and pasture crops in the County will have suffered anywhere between 35 and 50 percent losses by the end of the year. In the near future we expect to receive calls from farmers seeking to buy hay from producers who usually sell it and there will be none to be had as the second cutting this year is in bad shape. I urge you to draft a resolution so Albemarle agricultural producers can obtain drought related aid if they need it."

**By the above recorded vote, the Board adopted the following resolution to be sent to Governor Kaine:**

**Resolution Requesting that Albemarle County  
Be Declared an Agricultural Disaster Area  
Due to Drought Conditions**

**WHEREAS**, the drought conditions in the County of Albemarle have severely affected farmers; and

**WHEREAS**, during the growing season of this year the County of Albemarle has received considerably less rain than normal while experiencing unseasonably high temperatures; and

**WHEREAS**, the Albemarle/Charlottesville Extension Agent of the Virginia Cooperative Extension has reported that corn, hay and pasture crops will have suffered between 35 percent and 50 percent losses by the end of the year.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby requests that the County of Albemarle, Virginia be declared a drought disaster area as recommended by the Virginia Cooperative Extension in accordance with the Virginia Farmer Major Drought, Flood and Hurricane Disaster Act due to drought conditions.

**BE IT FURTHER RESOLVED**, that the County Executive forward this Resolution to the Governor of Virginia with a request that he takes all necessary steps to effect the disaster declaration.

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Item No. 7.1. State Reductions in Aid to Localities for FY 2009 and FY 2010.

The Executive Summary states that item 475.20 in Chapter 879 of the 2008 Acts of Assembly (2008 Appropriation Act) requires a \$50 million reduction in state aid to Virginia local governments in both FY 2009 and FY 2010. The Appropriation Act further requires the Director of the Department of Planning and Budget to provide localities a list of the state aid to local government programs which serve as the basis for calculating each locality's share of the \$50 million reduction. For Albemarle County for FY 2009, the amount of the reduction is \$477,842, and for FY 2010, the amount of the reduction is \$482,448.

Localities may carry out these reductions using one of the following methods:

- 1) Take the reductions out of one or more of the programs in the list provided by the Department of Planning and Budget,
- 2) Make a reimbursement payment directly to the Commonwealth for all of the locality's reductions, or
- 3) Choose a combination of program reductions and reimbursement payment.

The attached chart (Attachment B-on file) sets forth the County's elections to meet the mandated State reductions in aid to Albemarle County. As the chart indicates, Albemarle County staff recommends a combination of program reductions in FY 2009 (\$438,984) to various agencies and one reimbursement payment (\$38,858) to the Department of Juvenile Justice – Financial Assistance for Juvenile Confinement in Local Facilities (Blue Ridge Juvenile Detention Center Commission). This reimbursement was requested by the Juvenile Detention Center. The County's FY 2009 budget was developed based on these reductions. Similar reductions are elected for FY 2010 with program reductions (\$444,099) to various agencies and another reimbursement payment (\$38,349) to the Department of Juvenile Justice.

There is no additional budget impact for FY 2009. These budget reductions were included in the adopted FY 2009 budget. The budget reductions required in FY 2010 will be addressed in the FY 2010 budget process.

Staff recommends that the Board approve the County's reduction election and authorize the County Executive to submit the attached letter and chart to the Virginia Department of Planning and Budget.

**By the above recorded vote, the Board approved the County's reduction election and authorized the County Executive to submit the following letter and chart to the Virginia Department of Planning and Budget:**

Aid to Locality Reductions  
Virginia Department of Planning and Budget  
1111 E. Broad St. Room 5040  
Richmond, VA 23219-1922

**RE: Albemarle County's Reduction Elections**

To whom it may concern:

In accordance with the direction included in the Instructions for Submitting Aid to Local Government Reduction Elections issued by the Department of Planning and Budget during July, 2008, I am writing to certify Albemarle County's reduction election and transmit the required hardcopy of the Reduction Election Form. The County is being required to reduce State funding by \$477,842 in FY 2009 and by \$482,448 in FY 2010.

The General Assembly chose to respond to shrinking revenue growth anticipated in the 2008-2010 biennium by shifting to local governments the responsibility for reducing \$100 million of core services. This action was approved by the Governor without identifying the programs to be reduced. These reductions are in addition to those made by the General Assembly, and approved by the Governor, affecting law enforcement, elementary and secondary education, profits from the Alcoholic Beverage Control tax collections, constitutional offices, the upgrade of wastewater treatment, and farmland preservation to name but a few. Albemarle County is very concerned that this \$100.0 million reduction will be carried forward into future biennia forcing city and county governments to either raise taxes or further reduce services.

Albemarle County has elected to make the reductions through a combination of program reductions and a reimbursement payment as indicted on the attached Reduction Election Form. The portion included in the reimbursement payment will be reflected in the locality's records as negative revenue under the heading, **Local Aid to the Commonwealth Contra Revenue**.

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Item No. 7.2. County Facilities Revised Rental Application and Rental Rate Increase.

The Executive Summary states that for several years, the Board has encouraged the use of the County facilities by outside groups when those activities do not interfere with County business. This policy has been well received. For the past three years, General Services has overseen the process by receiving the requests, issuing and reviewing the applications for reservations, collecting the rental fees and monitoring the uses. However, the reservation application and rental fee schedule have not been revised since 2002.

With the additional conference rooms at COB-5th and the renovation of the auditorium and Conference Room 241 at COB-McIntire, staff has recognized the need to update the application and guidelines for using these facilities. The investment in modernizing County facilities has been significant: \$1.5 million in the auditorium and \$200,000 in Room 241. Also, there have been significant operating cost increases since the previous revision in 2002 – approximately 20% in labor and 40% in utilities. According to a recent staff analysis, the daily cost to maintain and operate the auditorium is \$175.20, which is the basis for the auditorium rate recommendation. The proposed rate increases off-set only a portion of the costs for security, custodial and utility expenses. The recommended fees remain significantly lower than what the local private sector charges. In addition to the proposed fee revisions, staff is also recommending additional changes to simplify and clarify the application.

Notable changes include:

- Reducing the classification of groups from five to three.
- Increasing the custodial charge from \$16 to \$18.
- Increasing the security deposit for weekend rental from \$100 to \$150 to address the increased incidence of property damage. For example, the County has had to have the document tables in the auditorium repaired when renters moved them without authorization and damaged the tops. The County has also had to clean, repair, or replace conference room furniture and walls written upon with markers.
- Increasing the hourly rental rate for for-profit and private groups, organizations and businesses from \$25 per hour to \$40 per hour.
- Increasing the flat fee for weekend use of Lane Auditorium from \$100 to \$175 plus applicable custodial charges.

In Fiscal Year 2008, revenue generated from conference room rental was \$9,411. It is anticipated that the recommended rate changes will generate an additional 10% to 15% in revenue.

Staff recommends that the Board approve the revised application and rate adjustments.

**By the above recorded vote, the Board approved the revised application and rate adjustments, as set out below:**

**Application Number** \_\_\_\_\_

**APPLICATION FOR RESERVATION OF  
ALBEMARLE COUNTY BUILDING AND GROUNDS**

I (we) \_\_\_\_\_, on behalf of \_\_\_\_\_ (organization) (the "Applicant"), have read and understand the attached rules and regulations and in accordance with same, I (we) hereby make application for the use of Room \_\_\_\_\_ (space wanted) on \_\_\_\_\_ (date), between the hours of \_\_\_\_\_ and \_\_\_\_\_ under the conditions indicated below:

- 1) The exact purposes, for which the space will be used, including the exact kind of equipment and apparatus to be brought on the property and any special equipment desired to be used:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 2) The following person(s) (include contact information) will be in charge of the program:  
\_\_\_\_\_  
\_\_\_\_\_
- 3) The schedule of admission charges will be as follows:  
\_\_\_\_\_  
\_\_\_\_\_
- 4) The proceeds from such charges will be distributed and used as follows:  
\_\_\_\_\_  
\_\_\_\_\_
- 5) Number of anticipated people attending: \_\_\_\_\_  
Number of anticipated parking spaces needed: \_\_\_\_\_

**General Rules and Responsibilities of Individuals/Organizations Using County Facilities**

On behalf of the Applicant, the undersigned acknowledges and hereby agrees to ensure compliance with the following rules and responsibilities:

1. The rental fee shall be paid prior to the rental date.
2. A representative designated as the Applicant's "responsible individual" shall remain on site throughout the rental period.
3. The Applicant shall provide appropriate supervision of all the individuals using the facility (to include the audience in case of performances).
4. The Applicant shall ensure all general and specific rules and regulations are adhered to, and safeguard all County property entrusted into its care.
5. Only the room/facility specifically requested and paid for (and adjacent restrooms) shall be used.
6. Dais furniture shall not be moved or otherwise rearranged.
7. No food or drink shall be brought into Lane Auditorium.
8. Other than guide dogs, hearing dogs, and service dogs for persons with disabilities, no animals shall be allowed in County buildings, without the County's prior consent.
9. No tobacco or alcohol shall be brought onto any County grounds or into any County facility.
10. Rental of Lane Auditorium shall not include the use of its audio/visual/recording /computer equipment, except by Class 1 Departments (directly supervised by the County Executive/Superintendent or sponsored by the Virginia Cooperative Extension). Other groups may bring their own equipment, if desired.
11. The Applicant shall be responsible for all damage to County property and agrees to indemnify and hold harmless the County and any of its employees or agents for any and all claims of any kind asserted for any damage, loss, injury or death to persons or property arising out of the above use of County property, including attorney's fees. Nothing herein shall be construed as a waiver of the sovereign immunity of the County.

Failure to adhere to these terms and conditions may be used as grounds to bar future use of County facilities. Allowing a group/organization to use the County's facilities does *not* constitute an endorsement of the group/organization's policies, beliefs or practices.

I hereby certify that I am authorized to sign on behalf of the Applicant. I assume full responsibility for compliance with the above Rules.

Signed \_\_\_\_\_  
(Applicant)

By \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

**FOR OFFICE USE ONLY - ACTION TAKEN**

- 1) ( ) Approved for use of Room \_\_\_\_\_ on \_\_\_\_\_ pending receipt of rental fee.
- 2) Total rental fee: \$ \_\_\_\_\_ Due Date(s): \_\_\_\_\_
- 3) Classification: \_\_\_\_\_
- 4) ( ) Disapproved for reason described below:  
\_\_\_\_\_  
\_\_\_\_\_

County of Albemarle  
By: \_\_\_\_\_  
(General Services)

9/30/99  
Revised 7/3/02, 3/19/08, 09/03/08

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**COMMUNITY USE OF COUNTY FACILITIES**

**A) Generally**

1. The Board of Supervisors believes in the full and best possible utilization of the physical facilities belonging to the citizens of the County. To achieve this end, the use of County facilities for governmental, school and related activities, as well as by outside organizations and groups, shall be encouraged when these activities will not interfere with the routine business of the County.

2. Proper protection, safety and care of County property shall be primary considerations in the use of County facilities.

**B) Eligible Organizations**

1. The Board has classified various organizations and groups for the purposes of priority and the charging of fees.
  1. Classification
    - I. School and County government affiliated or related groups.
    - II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations.
    - III. Profit making or private groups, organizations, or businesses.
  2. Membership  
The membership of any group or organization requesting the use of County facilities must be largely from the County of Albemarle. This restriction shall not exclude the use of certain facilities, as determined by the County Executive, by state and national organizations that have a local sponsoring division of such organization.
  3. Commercial Activities  
Commercial use of County property by any organization or individual is expressly prohibited.

**C) Applications and Approval**

1. Applications must be sponsored by reputable and established clubs, societies or organizations that reasonably can be held responsible for the payment of charges, compensation for damages to property and for use of the property in reasonable conformity with the regulations on the application.
2. The Board authorizes the County Executive or his designee to approve all applications for the use of County facilities that meet the requirements of the Board, that comply with implementing regulations the County Executive deems necessary to protect County property and that do not conflict with established business or commercial interests in the community. The County Executive shall design such application forms as are required. The completed and signed form shall be a binding agreement upon the applicant and the County.
3. No rental application will be considered more than six months prior to the desired rental date.
4. The County Executive or his designee reserves the right to cancel a rental contract up to ten days prior to a scheduled rental.
5. The Lane Auditorium is available during business hours (8:00 a.m. – 5:00 p.m. Monday through Friday) only if the applicant provides shuttle bus services or off-site parking for participants of the meeting. On-site parking is not available for large meetings during business hours.
6. The Lane Auditorium is not available on any day during which a local government board, commission, or other duly appointed entity is scheduled to use the facility due to the possibility of these meetings running beyond the scheduled end time.
7. Meeting rooms and Auditorium are not available on holidays, scheduled or declared, when the County Office Building is closed.
8. Reservations will automatically be cancelled when the County office buildings are closed due to inclement weather or emergency conditions.

**D) Fees (See Attachment)**

1. The County Executive shall establish a minimum schedule of fees and may make additional adjustments in the fees. The minimum schedule and additional adjustments shall be based upon the classification of the group or organization, the facilities to be used, the size of the group, the objectives of the organization, the approximate cost to the County and the purpose for which the facility will be used.
2. In general, the County Office Building Rental Charges schedule (attached below) will apply.
3. A full rental fee shall be charged to all groups except Classification I when County facilities are to be used for fund raising and/or when an admission charge is levied.
4. All fees must be paid at least seven (7) calendar days in advance, and the sponsoring organization whose name appears on the application shall be held responsible for any and all damages to property and equipment.

**E) Protection of County Property**

1. An employee of the County shall be on duty on the property at times when the facilities are in use. No equipment or furnishings may be used or moved without the consent of the employee in

charge if such usage is not in conformity with the contracted agreement. The employee in charge may expel any group if said group, after ample warnings, fails to adhere to the provisions of their rental agreement.

2. The sponsoring organization shall be responsible for crowd control measures, including the employment of police protection when required. Such control shall be arranged in advance when deemed necessary by the County Executive or his designee.

**F) Safety**

1. Organizations and individuals using the facility shall be responsible for familiarizing themselves with the nearest exits in case of emergency evacuation. Each conference room has a Fire Escape Plan posted at its entrance which shows the primary and secondary escape routes.

**G) Deposits**

1. A cash bond or deposit may be required at the discretion of the County Executive or his designee prior to use of the property.

Lane Auditorium Rental Charges

<u>Classification</u>	<u>Weekday- Business Hours</u>	<u>Weekday- Evening</u>	<u>Weekends</u>
I. County/Schools*	No Charge	No Charge	No Charge
II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations	No Charge	\$18 custodial charge	Fee: \$175 flat fee plus \$28/hr Security/Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection
III. Profit Making or Private Groups, Organizations or Businesses	\$175 flat fee plus \$18 custodial charge	\$175 flat fee plus \$18 custodial charge	Fee: \$175 flat fee plus \$28/hr Security/ Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection.

\* Departments directly supervised by the County Executive/Superintendent or sponsored by the Virginia Cooperative Extension

The Lane Auditorium is available during business hours (8:00 a.m.-5:00 p.m. Monday through Friday) only if the Applicant provides shuttle bus services or off-site parking for participants of the meeting. On-site parking is not available for large meetings during business hours.

County Office Building Rental Charges (Other than for Lane Auditorium)

<u>Classification</u>	<u>Weekday- Business Hours</u>	<u>Weekday- Evening</u>	<u>Weekends</u>
I. County/Schools*	No Charge	No Charge	No Charge
II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations	No Charge	\$18.00 custodial charge	Fee: \$28/hr Security/Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection
III. Profit Making or Private Groups, Organizations or Businesses	\$40.00 per hour plus \$18.00 custodial charge	\$40.00 per hour plus \$18.00 custodial charge	Fees: \$40.00 per hour plus \$28/hr Security/Custodial Personnel Fee Deposit: \$150, to be returned upon satisfactory inspection.

\* Departments directly supervised by the County Executive/Superintendent or sponsored by the Virginia Cooperative Extension

Additional Charges

1. Each additional room used shall incur an additional charge, pursuant to the above schedule.
2. Requests to set up additional chairs/tables shall incur a flat \$18.00 charge.
- 3 Any meeting scheduled past 5:30 p.m. will be subject to the applicable custodial charge.

Item No. 7.3. Set public hearing to consider request to abandon 50-foot right-of-way on TMP 56-35 (Zinnser-Booth) in the Crozet Community.

The Executive Summary states that on September 4, 2007, the Planning Commission considered a request from Michael and Charlotte Zinnser-Booth (Attachment A) for a waiver to Subdivision Ordinance § 14-404 to allow each of two proposed lots on TMP 56-35 to access separate public streets. The multiple access points would allow the subdivision without requiring a road to cross Lickinghole Creek. (See Attachment B)

This parcel is located in the White Hall Magisterial District off of Crozet Avenue (Route 240), across from Meadow Drive. The parcel has a legal frontage that has an existing drive accessing off of Crozet Avenue and another frontage along a platted 50' right-of-way, extending from Brookwood Road to

the northeast end of the property. Lickinghole Creek and a floodplain run through the property, essentially splitting the property into two separate developable areas/future parcels, one fronting on Crozet Avenue and the other fronting on the right-of-way that extends from the property to Brookwood Road. The property is zoned R1 (Residential) and EC (Entrance Corridor).

The Planning Commission approved the waiver (7:0) with the following conditions:

1. No more than two dwelling units would be constructed on Lot A (13.96 acres).
2. The Board would either abandon the 50-foot right-of-way, which would access this property to the subdivision behind it or grant the applicants the right to have a single private shared driveway under County standards to access the two dwelling units to be built.

The applicant is acting upon Condition 2 of the waiver. Condition 2 provides the applicant two options: (1) ask the Board for permission to allow what essentially would be a two-lane private driveway across the public right-of-way. The applicant was informed that County staff would likely recommend against this approach; or (2) ask the Board to abandon the public right of way so that a private street could be built in its place. This area is in the County's Development Areas as identified in the Comprehensive Plan. The applicant is requesting that the Board abandon the 50' right of way connecting from Brookwood Drive to the portion of the parcel north of Lickinghole Creek.

Proposed Lot A contains an existing 50-foot public right-of-way which was platted in the 1970's, but a road was never constructed. The platting was likely intended to serve any future development of this site with a subdivision street. With the Commission's action on the waiver request, development of Lot A is restricted to the development of not more than 2 dwelling units. With such a restriction on the number of lots, and without a connection across Lickinghole Creek to serve additional lots, any road constructed on this site (and right of way) could not be accepted into the State highway system. Public roads in the State system require three or more users. Therefore, the public right-of-way is not needed to serve the site. Furthermore, because a dedicated right-of-way is public land to be used for public purposes, private streets should not be located within public rights-of-way and County staff has not allowed public rights-of-way to be privately used.

Staff has evaluated this abandonment request for its consistency with the Comprehensive Plan and other County policies and finds that this abandonment will not conflict with the policies of the County. The Comprehensive Plan, including the Crozet Master Plan, does not identify/recommend any public road or other public improvement in this area for which the right-of-way could be used. No road crossings of Lickinghole Creek are identified in this immediate area in either the Comprehensive Plan/Crozet Master Plan or Transportation Plans. Further, the construction of a road connecting Lots A and B to Brookwood Drive would be costly given the length of that road and, under current regulations, additional approvals would be required because the road would cross critical slopes, floodplains, and stream buffers.

Abandonment would not, in and of itself, convey the County's interest in the alignment to either the property owners lateral to the alignment or to the Zinsser-Booths. Rather, if the public right-of-way is abandoned, the Board may then authorize the sale of the alignment or an exchange of lands.

Lastly, if the Board decides not to proceed with the abandonment, the applicant has one other option: to request that the Planning Commission amend Condition 1 to allow a third dwelling unit to be constructed on Lot A so that the right-of-way could be eligible under current VDOT regulations to be accepted into the State system.

There will be no budget impact.

Staff recommends that the Board authorize notice of the Board's intention to abandon the 50-foot dedicated public right-of-way and to set the matter for public hearing, as required.

**(Discussion:** Mr. Slutzky commented that a contiguous property owner has raised some concerns that he has not had an opportunity to address.

Mr. Tucker said that this action sets the matter for public hearing.)

**By the above recorded vote, the Board set the public hearing for November 5<sup>th</sup> to consider the requested abandonment.**

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Item No. 7.4. Fiscal Year 2009 Performance Contract between Region Ten & the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services (VDMHMRSAS).

The Executive Summary states that each year, Region Ten and other Community Services Boards (CSBs) throughout the Commonwealth of Virginia enter into Performance Agreements with the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services (VDMHMRSAS) for the delivery of these services in their respective communities. Although Region Ten is the primary signatory to this agreement, federal and state regulations require that the local governing bodies establishing a CSB approve these contracts in order for the CSB to be eligible to receive state-controlled funding.

Annual Performance Contracts between the VDMHMRSAS and CSBs delineate the responsibilities of the Commonwealth and the CSBs for the delivery of mental health, mental retardation

and substance abuse services in their respective service areas. These contracts describe sources of funding for the CSB, stipulate requirements for compliance with federal regulations and establish performance measures. Although the County of Albemarle is not a party to this contract, Virginia Code § 37.2-508(D) requires that the local governing bodies establishing a CSB approve these contracts in order for the CSB to be eligible to receive state-controlled funds for these services. Staff has reviewed the proposed Contract and found no terms adverse to the County.

The County's FY09 appropriation for Region Ten totals \$566,276. Of this amount, \$450,627 is identified as "comprehensive services," including outpatient, case management, emergency, day support, residential, prevention and early intervention services for mental health, mental retardation, and substance use disorders and prevention. The balance of funding (\$115,649) represents the County's share of local programs funded by the City and County such as jail services, children services, and early intervention grants for children.

Staff recommends that the Board approve the Fiscal Year 2009 Performance Contract between Region Ten & the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services (VDMHMRSAS).

**(Discussion:** Ms. Mallek stated that she had not seen this report. She asked if there are performance measures in this contract that involve patients in the evaluation of Region Ten. She added that she would like to have a joint meeting soon with the organization as they have a \$37 million annual budget.

Mr. Tucker replied that it is a voluminous report and is on file in the Clerk's office.

Mr. Bryan Elliott, Assistant County Executive, noted that the document was reviewed in the County Attorney's office and there was no substantive change from last year to this one.

Ms. Thomas commented that there should be a lot more attention paid to substance abuse, and asked if there is a responsibility to get the information to Region Ten.

Mr. Elliott replied that Dr. Peake's presentation will also shed some light on this, but the amount of interface between the Commission on Children and Families and Region Ten should include sharing of information.)

**By the above recorded vote, the Board approved the Fiscal Year 2009 Performance Contract between Region Ten & the Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services (VDMHMRSAS).**

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Item No. 7.5. Resolution of Support of the Regional Action Agenda for Housing.

The Executive Summary states that on March 13, 2008, approximately one hundred and fifty interested individuals attended the Regional Housing Conference: "*Finding Common Ground*". Attendees included representatives from each local government in Planning District 10, builders, developers, lenders, advocates, and citizens as well as representatives from nonprofit agencies and faith-based organizations. The conference included both plenary and breakout sessions that generated a number of ideas for action in the region.

Over the past several months, the planning group for the conference and the Regional Housing Directors Council developed and adopted an action plan (Attachment A) using ideas from conference attendees. The goal in developing this action plan was to put forth realistic ideas for actions to address unmet housing needs within the region. The members of the planning group and the Directors Council recognize that, although housing issues are regional, the successful implementation of an action plan would require different options so that each locality could choose the actions that are appropriate for its locality.

On July 17, 2008, the Planning District Commissioners adopted a Resolution in Support of the Regional Action Agenda for Housing (Attachment B) encouraging each of the localities in Planning District 10 to identify at least one specific item from the action agenda to undertake or implement. On October 30, 2008, the conference planners will hold a follow-up conference "*Finding Common Ground: Call to Action*" at which time each locality will report on what it is currently doing with regard to affordable housing and will identify at least one additional action to undertake from the action agenda.

There is no budget impact associated with the adoption of the Resolution of Support. The implementation of actions identified may have future budget impacts.

Staff recommends that the Board adopt the attached Resolution of Support (Attachment C) and provide guidance to staff on any specific item that members may want to undertake. Staff also encourages members of the Board and all interested parties to attend the conference planned for October 30, 2008.

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

**Resolution in Support  
of the Regional Action Agenda for Housing**

**WHEREAS**, the Regional Housing Conference: "Finding Common Ground" was held on March 13, 2008 with participation from all localities in the Thomas Jefferson Planning District; and

**WHEREAS**, participants at that conference generated a number of ideas for action in our region; and

**WHEREAS**, the Regional Housing Conference Planning Group and the Regional Housing Directors Council have adopted the Regional Action Agenda for Housing coming out of that conference; and

**WHEREAS**, Albemarle County is committed to working with other localities and partners to find realistic actions to address the unmet needs for affordable housing in the region;

**NOW, THEREFORE, BE IT RESOLVED THAT** the County of Albemarle will send one or more representatives to the follow-up event "Finding Common Ground: Call to Action" on October 30, 2008; and

**BE IT FURTHER RESOLVED** that the County of Albemarle will report on action items currently underway in the County of Albemarle at the follow-up event; and

**BE IT FURTHER RESOLVED** that the County of Albemarle will identify at least one specific item from the Regional Action Agenda for Housing to undertake, with partners as deemed appropriate.

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Item No. 7.6. Request FY 2008 Appropriation.

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

The total of this requested FY 2008 appropriation is \$269,089.45. 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 one (1) new FY 2008 appropriation as follows:

- One (1) appropriation (#2008083) totaling \$269,089.45 for various School grants and programs.

Staff recommends the approval of the budget amendment in the amount of \$269,089.45 and the approval of the FY 2008 Appropriation #2008083.

**Appropriation #2008083 \$269,089.45**

Revenue Source:	Local Revenue (Grant)	\$ 5,959.00
	State Revenue (Grant)	10,378.00
	Federal Revenue (Grant)	252,752.45

At its meeting on August 14, 2008, the School Board approved the following appropriations:

- The Virginia Commission for the Arts has awarded Hollymead Elementary School with two Touring Grants totaling \$995.00. These grants will assist with funding a Theatre IV and Virginia Opera Performance.
- The Virginia Commission for the Arts has made grant awards to several Albemarle County Public Schools. Teacher Incentive Grants were made to Baker Butler in the amount of \$1,193.00, Burley in the amount of \$600.00, Henley in the amount of \$300.00, Hollymead Elementary in the amount of \$1,500.00, Meriwether Lewis in the amount of \$300.00, Monticello High in the amount of \$600.00, Murray Elementary in the amount of \$300.00, Stony Point Elementary in the amount of \$3,300.00, and Western Albemarle High School in the amount of \$300.00. These programs will involve interactive activities to include hands on learning experience for students with performing, visual and musical arts.
- Stone Robinson Elementary School has been awarded a grant in the amount of \$775.00 from the local Childhood Obesity Task Force. These funds will be used to educate students on the new USDA MyPyramid, how to analyze a nutrition label, and the importance of daily physical fitness.
- The Virginia Department of Health has awarded Greer Elementary School with a Bike Smart Virginia Bicycle Helmet/Rodeo Mini Grant in the amount of \$990.00. These funds will be used to purchase bike helmets and to increase school and community bike safety awareness.

- The Virginia Environmental Endowment has awarded Meriwether Elementary School with a Watershed Educational Training Grant in the amount of \$4,184.00. These funds will be used to implement the project "Our Global Watershed: Water and Weather Connections"; which will provide students the opportunity to learn about local and global water resources through hands on classroom activities and field trips.
- Baker Butler Elementary School has been awarded a Target Field Trip Grant in the amount of \$1,000.00. These funds will be used to cover expenses for a field trip to Graves Mountain Lodge. The purpose of this trip is to provide students with hands on, real life learning experiences while studying the reproduction of flowering plants and the critical role of pollinators.
- The Reading First grant is a federally funded program designated for Benjamin F. Yancey Elementary School. The grant funds support a comprehensive K-3 reading instructional program and the implementation of prevention and intervention services to include: hiring a literacy coordinator to work with staff to provide high quality research based classroom reading instruction in grades K-3, purchasing research based instructional materials to be used for reading instruction in K-1, providing professional development related to implementing the research based reading instructional materials purchased, purchasing research based intervention materials to be used for reading intervention in grade 2 and 3 classrooms, and purchasing a variety of pleasure reading books for students to read in addition to those books read during core reading instruction time. Expenditures have exceeded appropriations for FY07/08 due to an increase in the federal allocation. Funding for FY07/08 was increased by \$6,661.74 from the original budget amount of \$160,000.
- The No Child Left Behind Act (NCLB Act), Public Law 107-110, authorized the Title II, Part A as a federal grant program that combines the Eisenhower Professional Development, School Renovation, and Class Size Reduction Grants into a Teacher Quality grant program that focuses on preparing, training, and recruiting high-quality teachers, principals, and paraprofessionals. Expenditures have exceeded appropriations for FY07/08 due to an increase in salaries; paying 1.00 FTE for a Math Coordinator, .50 FTE for an Office Associate, stipends for CAI and staff development. There is a fund balance retained by the State in the amount of \$45,246.47 from FY06/07 which may be reappropriated for FY07/08.
- Title I is a federally funded program designed to help children meet challenging content and performance standards. It supplements, not supplants, local funding in providing services to students in Albemarle County. The program utilizes strategies that focus on improving teaching and learning and building stronger partnerships between schools and communities to support the achievement of all children who are served. Title I supports reading/language arts instruction for students where achievement does not meet expected standards in the elementary schools where free/reduced lunch percentages are above the County average. Expenditures have exceeded appropriations for FY07/08 due to an increase in staff expenses. There is a fund balance retained by the state in the amount of \$173,903.59 from FY06/07 which may be reappropriated for FY07/08. The funds will be spent on salaries and benefits, educational materials, staff development, and telephone charges.
- The Albemarle County Schools received additional funding from the Carl Perkins Career and Technical Education Grant Award in the amount of \$10,039.19 for FY07/08. These funds will be used to modernize and improve Monticello High School's technology lab.
- The Albemarle County Schools has received The Education Technology Formula Grant Award in the amount of \$14,901.46 for FY07/08. These funds will be used to improve student academic achievement through the use of technology in schools, and providing funds for teacher training and curriculum development.

**By the above recorded vote, the Board approved the budget amendment in the amount of \$269,089.45 and the approval of the FY 2008 Appropriation #2008083.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008083  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Education Grants and Programs – School Board Meeting: 08/14/2008

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3101	33000	330101	TITLE I GRANT	J 2	175,903.59		
2	3104	18000	181222	REVENUE	J 2	775.00		
2	3104	18000	189900	REVENUE-MISC GRANTS	J 2	5,184.00		
2	3104	24000	240263	REVENUE-BAKER BUTLER	J 2	1,193.00		

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2	3104	24000	240281	REVENUE-STONY POINT	J	2	3,300.00		
2	3104	24000	240328	REVENUE-MURRAY	J	2	300.00		
2	3104	24000	240330	REVENUE-HOLLYMEAD ELEM	J	2	1,500.00		
2	3104	24000	240331	REVENUE-HENLEY	J	2	300.00		
2	3104	24000	240332	REVENUE-MWL	J	2	300.00		
2	3104	24000	240333	REVENUE-BURLEY	J	2	600.00		
2	3104	24000	240366	REVENUE-HOLLYMEAD ELEM	J	2	995.00		
2	3104	24000	240418	REVENUE-WAHS/MHS	J	2	900.00		
2	3104	24000	240900	REVENUE	J	2	990.00		
2	3131	33000	330125	EDUCATION TECHNOLOGY GRANT	J	2	14,901.46		
2	3203	33000	330105	TITLE II, PART A	J	2	45,246.47		
2	3207	33000	330107	CARL PERKINS TECHNICAL GRANT	J	2	10,039.19		
2	3302	33000	330001	READING FIRST GRANT	J	2	6,661.74		
1	3101	61101	111400	SALARIES-OTHER MANAGEMENT	J	1	10,978.00		
1	3101	61101	112100	SALARIES-TEACHER	J	1	109,607.00		
1	3101	61101	114100	SALARIES-TEACHER AIDE	J	1	2,576.00		
1	3101	61101	210000	FICA	J	1	9,085.00		
1	3101	61101	221000	VIRGINIA RETIREMENT SYS	J	1	18,916.00		
1	3101	61101	222100	ANNUITY-PART TIME	J	1	1,548.00		
1	3101	61101	231000	HEALTH INSURANCE	J	1	14,947.00		
1	3101	61101	232000	DENTAL INSURANCE	J	1	569.00		
1	3101	61101	241000	VRS GROUP LIFE INSURANCE	J	1	1,149.00		
1	3101	61101	242000	GROUP LIFE/PART TIME	J	1	221.00		
1	3101	61101	580500	STAFF DEVELOPMENT	J	1	384.00		
1	3101	61101	600200	FOOD SERVICES	J	1	35.00		
1	3101	61101	601300	ED & REC SUPPLIES	J	1	2,844.59		
1	3101	61311	115000	SALARIES-OFFICE CLERICAL	J	1	2,093.00		
1	3101	61311	210000	FICA	J	1	151.00		
1	3101	61311	221000	VIRGINIA RETIREMENT SYS	J	1	345.00		
1	3101	61311	231000	HEALTH INSURANCE	J	1	308.00		
1	3101	61311	232000	DENTAL INSURANCE	J	1	12.00		
1	3101	61311	241000	VRS GROUP LIFE INSURANCE	J	1	21.00		
1	3101	61311	550100	TRAVEL	J	1	80.00		
1	3101	62420	520301	TELEPHONE-LOCAL	J	1	34.00		
1	3104	60204	601300	ED & REC SUPPLIES	J	1	990.00		
1	3104	60205	312500	PROF. SERVICE-INSTR.	J	1	995.00		
1	3104	60205	601300	ED & REC SUPPLIES	J	1	1,500.00		
1	3104	60206	312500	PROF. SERVICE-INSTR.	J	1	432.44		
1	3104	60206	601300	ED & REC SUPPLIES	J	1	300.00		
1	3104	60206	601300	ED & REC SUPPLIES	J	1	2,500.21		
1	3104	60206	800700	ADP-EQUIPMENT-COMPUTERS	J	1	1,251.35		
1	3104	60210	601300	ED & REC SUPPLIES	J	1	775.00		
1	3104	60211	601300	ED & REC SUPPLIES	J	1	3,300.00		
1	3104	60216	601300	ED & REC SUPPLIES	J	1	300.00		

1	3104	60217	420100	FIELD TRIPS	J	1	1,000.00		
1	3104	60217	601300	ED & REC SUPPLIES	J	1	1,193.00		
1	3104	60251	601300	ED & REC SUPPLIES	J	1	600.00		
1	3104	60252	601300	ED & REC SUPPLIES	J	1	300.00		
1	3104	60302	601300	ED & REC SUPPLIES	J	1	300.00		
1	3104	60304	601300	ED & REC SUPPLIES	J	1	600.00		
1	3131	61311	160200	STIPENDS	J	1	13,840.00		
1	3131	61311	210000	FICA	J	1	1,061.46		
1	3203	61311	111400	SALARIES-OTHER MANAGEMENT	J	1	18,243.75		
1	3203	61311	115000	SALARIES-OFFICE CLERICAL	J	1	5,310.18		
1	3203	61311	160300	STIPENDS- STAFF/CUR. DEV	J	1	2,600.00		
1	3203	61311	210000	FICA	J	1	1,942.40		
1	3203	61311	221000	VRS	J	1	3,876.96		
1	3203	61311	231000	HEALTH INSURANCE	J	1	922.95		
1	3203	61311	232000	DENTAL INSURANCE	J	1	34.05		
1	3203	61311	241000	VRS GROUP LIFE INSURANCE	J	1	235.53		
1	3203	61311	312505	PROF. SERV. UVA	J	1	12,080.65		
1	3207	61190	800100	MACHINERY/EQUIP MENT	J	1	10,039.19		
1	3302	61101	601300	ED & REC SUPPLIES	J	1	6,661.74		
	3101		0501	Est. Revenue				175,903.59	
			0701	Appropriation					175,903.59
	3104		0501	Est. Revenue				16,337.00	
			0701	Appropriation					16,337.00
	3131		0501	Est. Revenue				14,901.46	
			0701	Appropriation					14,901.46
	3203		0501	Est. Revenue				45,246.47	
			0701	Appropriation					45,246.47
	3207		0501	Est. Revenue				10,039.19	
			0701	Appropriation					10,039.19
	3302		0501	Est. Revenue				6,661.74	
			0701	Appropriation					6,661.74
	<b>TOTAL</b>						<b>538,178.90</b>	<b>269,089.45</b>	<b>269,089.45</b>

Item No. 7.7. Requested FY2009 Appropriations.

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

The total of this requested FY 2009 appropriation is \$256,761.00. 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 (#2009012) totaling \$140,000.00 for two Commission on Children & Families grants;
- One (1) appropriation (#2009013) in the amount of \$3,800.00 for miscellaneous FY08/09 budget adjustments;
- Two (2) appropriations (#2009014 and #2009016) for two Social Services grants totaling \$37,399.00;
- One (1) appropriation (#2009015) totaling \$7,520.00 for Education donations;
- One (1) appropriation (#2009017) providing \$34,042.00 for transcription services for the Board of Supervisors; and
- One (1) appropriation (#2009018) totaling \$34,000.00 to reappropriate funding for two uncompleted Emergency Communications Center projects.

Staff recommends the approval of the budget amendment in the amount of \$256,761.00 and the approval of the FY 2009 Appropriations #2009012, #2009013, #2009014, #2009015, #2009016, #2009017, and #2009018.

**Appropriation #2009012** **\$140,000.00**

Revenue Source: Federal Revenue (Grant) \$ 140,000.00

- The Department of Criminal Justice Services has awarded the Commission on Children and Families a grant in the amount of \$97,500.00. This grant will provide training and continued services to reduce system involved of truants and juveniles with other negative school related behaviors. This will include staff time, staff training, and training materials. The federal portion of the grant is \$65,000.00 with an "in-kind" match of \$32,500, resulting in the total award of \$97,500.00.
- The Department of Criminal Justice Services has awarded the Commission on Children and Families a grant in the amount of \$75,000.00. This grant will provide training and the continued services of the Family Functional Therapy program. This will include staff training, manuals, and treatment services for the participants. There is no local match.

**Appropriation #2009013** **\$ 3,800.00**

Revenue Source: Board Contingency \$ 3,800.00

During the FY08/09 budget process, funding for the Commonwealth's Attorney's part-time law student intern was under budgeted \$3,800.00. This appropriation will provide \$3,800.00 in local funding to supplement \$3,800.00 currently budgeted for the intern which is provided through a grant from the University of Virginia Law School Foundation.

Effective July 1, 2008, the Office of Management and Budget (OMB) was reorganized under the Department of Finance and its FY08/09 budget was appropriated accordingly. One position, which had previously been funding in OMB, remained in the County Executive's office. This appropriation will reallocate this position's costs from OMB to the County Executive's office.

There is no impact on the County's total budget.

**Appropriation #2009014** **\$25,127.00**

Revenue Source: Federal Revenue (Grant) \$ 25,127.00

The County of Albemarle has received renewed funds for the Child Care Quality Initiative from the Federal government. These funds will be used in conjunction with the City of Charlottesville's Department of Social Services to create a position that will be housed at Albemarle County's Department of Social Services that will serve both departments under the grant. The revenues from this grant are 100% federal with no local match.

**Appropriation #2009015** **\$ 7,520.00**

Revenue Source: Local Revenue (Donations) \$ 7,520.00

At its meeting on August 14, 2008, the School Board approved the following appropriations:

- Western Albemarle High School received a donation in the amount of \$100.00 from Nguyet Nguyen. The donor has requested that their contribution be used on the turf project at Western Albemarle High School.
- Western Albemarle High School received a donation in the amount of \$500.00 from Estech Systems, Inc. The donor has requested that their contribution go towards the rowing team at Western Albemarle High School.

- Albemarle High School received a donation in the amount of \$1,325.00 from various donors. The following is a list of donors with their donations: Mr. & Mrs. Mark Holdren donated \$75.00; Mr. & Mrs. Neal Goodloe donated \$25.00; Mr. & Mrs. Michael Dantoni donated \$25.00; Mary Beth & Gary Cramer donated \$500.00; Mr. & Mrs. Larry Rouse donated \$25.00; Mr. & Mrs. Victor Morris donated \$25.00; Mr. & Mrs. Ben Hurt donated \$100.00; Carol Bickers donated \$100.00; Mr. & Mrs. R. J. Schuett donated \$300.00; Mr. & Mrs. Karla McCollough donated \$50.00; Mr. & Mrs. Douglas Weiss donated \$50.00; and Mr. & Mrs. Mark Robbins donated \$50.00. These donors have requested that their contributions go towards the turf project at Albemarle High School.
- Western Albemarle High School received donations totaling \$5,595.00 from various donors. The following are the donors with their contributions: William A. Grupp II donated \$1,000.00; Western Albemarle High School donated \$500.00; Douglas L. Starns donated \$100.00; Pamela K. Grove donated \$20.00; Terri B. Nicholaou donated \$75.00; Mark T. Drapanas donated \$250.00; Phillip E. Pfeifer donated \$1,000.00; Victoria Savoy donated \$20.00; George P. Nowlin, III donated \$25.00; Judith F. Pugh donated \$10.00; Valerie P. Seal donated \$20.00; Michelle D. Bushrow donated \$100.00; Leslie S. Bergin donated \$50.00; Cherie Chaney donated \$25.00; Andrew J. Moriconi donated \$25.00; Sara S. O'Connor donated \$100.00; James J. Shelley Jr donated \$100.00; Elisabeth A. De Jong donated \$100.00; Brian A. Wheeler donated \$100.00; Karen J. McGlathery donated \$50.00; Kristal Sumpter donated \$200; Greg's Painting donated \$100.00; Quanjun Cui donated \$25.00; Anna Castle donated \$50.00; Deborah H. Claytor donated \$200.00; Amy O'Leary donated \$35.00; Catherine Shaffrey donated \$250.00; Suzanne O'Dell donated \$10.00; C.G. Whitworth IV donated \$1,000.00; Jeffrey Schwoebel donated \$25.00 and an anonymous donor donated \$30.00. They have requested that their contributions go towards the turf project at Western Albemarle High School.

**Appropriation #2009016 \$12,272.00**

Revenue Source:	Federal Revenue (Grant)	\$ 9,468.00
	Transfer	2,804.00

The Department of Social Services has received continuation funding from the Virginia Community Corps via a Federal grant for the AmeriCorps Program. AmeriCorps is a network of national service programs that engage more than 70,000 Americans each year in intensive services to meet critical needs in education, public safety, health, and the environment. The AmeriCorps worker will serve the Adult Division of Albemarle County's Department of Social Services to help achieve the following strategic goals of the agency: develop and implement strategies focused on prevention and early intervention and ensure that all services meet the needs of the changing demographics of the community. There is a local 20% match, \$2,804.00, which will be funding through appropriated funds in the Department of Social Services' operating budget. This appropriation will increase the County's total budget \$9,468.00.

**Appropriation #2009017 \$ 34,042.00**

Revenue Source:	Board Contingency	\$ 34,042.00
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At its meeting on June 11, 2008, the Board of Supervisors agreed to increase the Clerk's operating budget by as much as \$35,000.00 from its contingency in order to improve timeliness of meeting minute preparation and Board Office operations. Staff presented to the Board information that the number of hours the Board met increased 43% between CY 2000 and CY 2007. During the first half of the current calendar year, the number of days the Board met increased 25% compared to the same period in CY 2007 while the number of Board meetings scheduled during this period increased by 45%. Responses to an RFQ for transcription services have now been received and evaluated. In order to improve the timeliness of meeting minute preparation and Board Office operations, \$34,042.00 in funding will be needed for FY08/09.

**Appropriation #2009018 \$ 34,000.00**

Revenue Source:	ECC Fund Balance	\$ 34,000.00
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The Emergency Communications Center has requested reappropriation of the following uncompleted projects:

- \$20,000.00 to replace all of the carpeting within the Emergency Communications Center. This will include the removal of the old carpeting and the cost to elevate each of the operational dispatch consoles while the carpeting is being removed and replaced. This task will be carried out while the Communications Center is in operations.
- \$14,000.00 for the APCO Emergency Medical Dispatch Program. The present EMD protocols were developed by our Operational Medical Director but are not recognized by the Virginia Department of EMS. This new program will meet all the requirements for pre-arrival instructions.

**By the above recorded vote, the Board approved of the budget amendment in the amount of \$256,761.00 and the approval of the FY 2009 Appropriations #2009012, #2009013, #2009014, #2009015, #2009016, #2009017, and #2009018.**

BATCH# \_\_\_\_\_

**EXPLANATION: Commission on Children & Families Grant**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1580	33000	330001	Federal Revenue	J	2	75,000.00		
1	1580	53157	312105	Consulting	J	1	70,400.00		
1	1580	53157	550100	Travel/Training	J	1	1,600.00		
1	1580	53157	600100	Supplies	J	1	3,000.00		
	1580		0501	Est. Revenue				75,000.00	
			0701	Appropriation					75,000.00
2	1581	33000	330032	Federal Revenue	J	2	65,000.00		
1	1581	53154	110000	Salaries - Regular	J	1	39,341.10		
1	1581	53154	210000	FICA	J	1	3,258.90		
1	1581	53154	231000	Health Insurance	J	1	6,701.00		
1	1581	53154	241000	VRS Group Life	J	1	452.00		
1	1581	53154	312700	Prof Services - Consultants	J	1	6,000.00		
1	1581	53154	500100	Travel/Training	J	1	2,000.00		
1	1581	53154	580000	Miscellaneous Expense	J	1	5,247.00		
1	1581	53154	800330	Computer Equipment	J	1	2,000.00		
	1581		0501	Est. Revenue				65,000.00	
			0701	Appropriation					65,000.00
<b>TOTAL</b>							<b>280,000.00</b>	<b>140,000.00</b>	<b>140,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2009013  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: Miscellaneous FY 2009 Budget Adjustments**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	22010	130000	C'wealth Atty – PT Wages	J	1	3,800.00		
1	1000	95000	999990	Contingency	J	1	(3,800.00)		
1	1000	12148	110000	Budget Office – Salaries	J	1	(54,990.00)		
1	1000	12148	210000	Budget Office – FICA	J	1	(4,207.00)		

1	1000	12148	221000	Budget Office –VRS Retirement	J	1	(7,446.00)		
1	1000	12148	241000	Budget Office – VRS Life	J	1	(550.00)		
1	1000	12148	231000	Budget Office – Health Ins.	J	1	(6,523.00)		
1	1000	12148	232000	Budget Office –Dental Ins.	J	1	(238.00)		
1	1000	12148	270000	Budget Office – Worker’s Comp	J	1	(64.00)		
1	1000	12010	110000	Co. Exec. – Salaries	J	1	54,990.00		
1	1000	12010	210000	Co. Exec. – FICA	J	1	4,207.00		
1	1000	12010	221000	Co. Exec. –VRS Retirement	J	1	7,446.00		
1	1000	12010	241000	Co. Exec. – VRS Life	J	1	550.00		
1	1000	12010	231000	Co. Exec. – Health Ins.	J	1	6,523.00		
1	1000	12010	232000	Co. Exec. –Dental Ins.	J	1	238.00		
1	1000	12010	270000	Co. Exec. – Worker’s Comp	J	1	64.00		
<b>TOTAL</b>							<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009014  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Social Services – Child Care Quality Initiative

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1561	33000	330001	Federal Revenue - Grant	J	2	25,127.00		
1	1561	53115	110000	Salaries - Regular	J	1	19,508.00		
1	1561	53115	210000	FICA	J	1	1,492.00		
1	1561	53115	301210	Contract Services	J	1	2,000.00		
1	1561	53115	310000	Professional Services	J	1	1,000.00		
1	1561	53115	312100	Professional Services - Legal	J	1	300.00		
1	1561	53115	550100	Travel/Training/Education	J	1	400.00		
1	1561	53115	600100	Office Supplies	J	1	427.00		
	1561		0501	Est. Revenue				25,127.00	
			0701	Appropriation					25,127.00
<b>TOTAL</b>							<b>50,254.00</b>	<b>25,127.00</b>	<b>25,127.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009015  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Education Donations – School Board Meeting – 08/14/2008

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	DONATION	J	2	500.00		

2	9001	18100	181107	AHS DONATION - TURF FIELD	J	2	1,325.00		
2	9002	18100	181107	WAHS DONATION - TURF FIELD	J	2	5,695.00		
1	2302	61105	800100	MACH/EQUIP - NEW	J	1	500.00		
1	9001	60301	950245	AHS SYN. TURF FIELD	J	1	1,325.00		
1	9002	60302	950245	WAHS SYN. TURF FIELD	J	1	5,695.00		
	2000		0501	Est. Revenue				500.00	
			0701	Appropriation					500.00
	9001		0501	Est. Revenue				1,325.00	
			0701	Appropriation					1,325.00
	9002		0501	Est. Revenue				5,695.00	
			0701	Appropriation					5,695.00
	<b>TOTAL</b>						<b>15,040.00</b>	<b>7,520.00</b>	<b>7,520.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009016  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Americorps Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1566	33000	330001	Federal Revenue - Grant	J	2	9,468.00		
2	1566	51000	512004	Transfer from G/F	J	2	2,804.00		
1	1566	53156	110000	Salaries	J	1	11,400.00		
1	1566	53156	210000	FICA	J	1	872.00		
1	1000	53013	571107	Social Services-Child Care Fee	J	1	(2,804.00)		
1	1000	53013	939999	Social Services-Trsnfer to Other	J	1	2,804.00		
	<b>TOTAL</b>						<b>24,544.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009017  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Funding of Transcription Services for Board of Supervisors

					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
1	1000	11010	312210	BOS - Contracted Services	J 1	34,042.00			
1	1000	95000	999990	Contingency	J 1	(34,042.00)			
<b>TOTAL</b>							<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009018  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** ECC Reappropriations

					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
1	4100	31041	312210	ECC-Admin-Contract Services	J 1	34,000.00			
2	4100	51000	510100	Appropriation - F/B	J 2	34,000.00			
<b>TOTAL</b>							<b>68,000.00</b>	<b>0.00</b>	<b>0.00</b>

Item No. 7.8. Personnel Policy Revisions: P-84 "Annual Leave", P-80 "Absences", P-60, "Salary Administration and Position Classification" and the addition of P-89 "Workers Compensation".

The Executive Summary states that Human Resources has been working with the County Attorney's Office to review and revise personnel policies as part of the comprehensive revision of the County's Personnel Policy Manual. Under Local Government Policy P-08 and School Board Policy GAD-AP, a joint staff committee must review proposed personnel policies that apply both to Local Government and Schools and make recommendations to the County Executive and Superintendent.

Last spring, the County Executive and Superintendent appointed employees from Local Government and Schools to the Commonality Personnel Policy Committee. At its meeting on June 25, 2008, the Committee reviewed the proposed areas of change in policies P-84, P-60 and P-89 and recommended that they be approved. Human Resources also presented the proposed changes to the Leadership Council and the Leadership Team for their information and feedback.

Revised policies P-84 and P-60 and new policy P-89 affect annual leave, salary administration and workers' compensation benefits, respectively. School Board policies GCBA (Salary Administration and Position Classification) and GCC (Leave – covering both Annual Leave and Workers' Compensation) were presented to the School Board for a first reading on August 14, 2008. The School Board directed staff to consider implications of the Workers' Compensation policy changes on non-benefits eligible employees, but asked that the Workers' Compensation policy, without changes, be presented for consideration at its next business meeting. Both policies will return to the School Board for a second reading and adoption on September 11, 2008. This fall, Human Resources will present information regarding non-benefits eligible employees to the Commonality Personnel Policy Committee for its review and will brief both boards on the relevant data and recommendations.

Highlights of changes to the policies are as follows.

Annual Leave (P-84):

1. Allow discretion for new employees to accrue annual leave at higher rates, with County Executive and HR approval.
2. Change the schedule for monitoring maximum accruals (320 hours) from a monthly to annual basis (on the employee's birth month) in order to help employees better manage their excess annual leave.

3. Allow annual leave over the maximum to convert in the following manner, rather than being lost without any employee compensation:
  - 50% Employee's own sick leave balance
  - 50% County sick bank

Salary Administration and Position Classification (P-60):

1. Allow for more flexibility in determining pay for promotions, demotions, voluntary movement to a lower pay grade and reclassifications.
2. Replace specific percentage amounts with language that allows for consideration of relevant experience and internal equity.

Workers' Compensation (Establish new policy P-89):

Background:

Under the Virginia Workers' Compensation Act (the "Act"), employees who miss work due to an eligible, work-related injury or illness must be paid 66 2/3% of their average weekly wages after their seventh day of absence. Their 66 2/3% benefits are not taxable. Although employers are not required to supplement these benefits, the County currently pays employees 1/3 of their daily wages, with no charge to their personal leave balances, for up to 1 year from the date of their eligible injury. Consequently, employees on workers' compensation leave take home more than 100% of their regular salary because their 66 2/3% benefits are not taxed. In most cases the untaxed 66 2/3% benefit, alone, is comparable to the employee's regular net earnings.

In a benchmarking study conducted last spring, Human Resources surveyed the workers' compensation policies of eleven comparable jurisdictions in Virginia. Out of the eleven localities, seven do not supplement the 66 2/3% wages (Chesterfield County, Henrico County Schools, Stafford County, City of Suffolk, York County, Fauquier County and City of Charlottesville); two supplement to provide 100% of the employees' wages (Henrico County and City of Richmond); and two currently supplement to provide 100% of the wages, but are in the process of revising their policies to discontinue supplementation (Hanover County and Prince William County). As this study reflects, the County's current policy of supplementing over 100% of employees' regular wages is in the minority.

The current policy also provides no financial incentive for injured employees to return to work or participate fully in the County's transitional work program, given that they earn more while not working than while working. Adopting the new policy would also provide better stewardship of County revenues.

Proposed Changes:

Based on the above, staff recommends the following changes:

1. Discontinue supplementing workers' compensation benefits through direct payment of 33 1/3% of employees' daily wages.
2. Allow employees to supplement their 66 2/3% workers' compensation benefits with accrued sick, annual and compensatory time leave for up to 1/3 of the daily hours they are normally scheduled to work. The County will continue to make all contributions toward the employee's retirement benefits, as well as their health, dental and life insurance.

Apart from policy changes, staff will also be making some procedural changes required by the Act and the County's Workers' Compensation insurance carrier, the Virginia Municipal League (VML). The County currently pays employees their 66 2/3% benefits on a monthly basis. Going forward, VML will issue the employees' workers' compensation payments and mail them directly to the employees every two weeks.

The County will also continue to focus on bringing employees back to work through its transitional work program. This newly implemented program helps injured employees with medical restrictions to return to work by matching them with departmental activities they can perform. The ultimate goal is to return the restricted duty employee back to full duty. If the employee's department cannot accommodate the restrictions, Human Resources searches for suitable work in other County departments.

Absences (P-80):

Delete Section F regarding Workers' Compensation.

There are minimal budget implications for these policy changes. The changes to the workers' compensation policy will create some cost savings for the minimal number of workers' compensation claims the County receives on an annual basis. Allowing annual leave to convert to personal sick leave and sick leave bank hours may result in the County paying for a greater number of sick leave hours, but should not create any direct costs.

Staff recommends that the Board adopt the attached Resolutions, which will approve the proposed changes to Personnel Policies P-84, P-80 and P-60, and the addition of Personnel Policy P-89.

**(Discussion:** Mr. Boyd said he did not understand how the County Executive can change the accrued annual leave time date.

Mr. Tucker explained that there are employees that have a lot of experience and are basically starting over from scratch, so as a recruiting tool it is helpful for him and the Human Resources Department to negotiate additional vacation time for those who already had 10, 15 or 20 years of experience. This will not be widespread use.

Mr. Boyd asked why change accruing leave time from date of employment to birth month.

Ms. Lorna Gerome, Assistant Director of Human Resources, explained that employees' leave has been measured every month from date of hire and every month if they had over 320 hours they would lose the time. This impacted long service employees. To allow those employees to better plan and the Department to better manage time off, it was recommended to be changed to once a year. It could have been hire date, but the decision was made to use the birth month because employees move around within the organization.

Mr. Slutzky asked why the County was additionally supplementing Workman's Compensation benefits with a direct payment of one-third as most localities do not supplement because the two-thirds is after taxes are taken into account, especially in light of the current economic crunch.

Ms. Pam Carter, Occupational Health, Safety, and Wellness Manager, explained that the County is supplementing one-third of the employee's salary and the new policy proposes that the employee can use accrued vacation and/or sick time to supplement the salary.

Mr. Slutzky responded that if the employee uses accrued vacation or sick time they would otherwise use, it still costs the County money to pay for those days. He asked why it is not more economically beneficial for an employee to go ahead when they are coming back from a work-related illness to stay out as long as possible. If they stay out they are going to get the equivalent of their pay from this two-thirds plus they are going to get the extra one-third through a sick day.

Ms. Carter explained that currently the County itself is supplementing the one-third, not the employee. The one-third would not exceed what their normal salary would be. It equates out to .7 hours a day. She said that she did a computation on a \$34,000 salary and on a weekly basis there would be a \$55 difference that equates to the one-third.

Mr. Davis added that it could vary depending on the tax status of the employee – how many dependents and deductions they have. He said that staff debated this internally but the General Assembly mandates that this policy be in place for Sheriff's deputies, so in the big picture staff decided this is the best approach.

Ms. Carter clarified that the legislature mandated that employers had to allow Sheriff's officers to use their personal time to supplement the one-third.

Mr. Slutzky asked what the deletion was for Policy "P-80". Ms. Carter responded that currently the Workman's Compensation statement is located in that section of leave. Staff is replacing that with its own policy number.

Mr. Slutzky said the Executive Summary states that: "Allowing annual leave to convert to personal sick leave and sick leave bank hours may result in the County paying for a greater number of sick leave hours, but should not create any direct costs." That could be a significant economic impact to the County because those hours that are now lost at the end of each year that employees did not take, are now going to be paid because they would be allowed to roll them over.

Ms. Gerome explained that the annual leave would be converted to sick leave but that is not paid for if an employee terminates employment or retires. Many of these are long-service employees who have large sick-leave balances. Many have hours that they will never use and the cost really is minimal.

Mr. Slutzky commented that the in-depth analysis is not included in the staff report, expressing concern about the budget impact of this policy.

Mr. Rooker added that when employees leave the County they do not get paid for unused sick leave. He added though that if many of the hours are never used, why make the change.

Ms. Gerome commented that all of these policies went through an extensive review process with inner-departmental staff committees as well as the Personnel Policy Committee. They were reviewed by Leadership Council on Local Government side and reviewed by Leadership Team on the Schools side. That point was brought up and data reviewed. It is difficult to really point to a dollar amount on the sick leave, but this move was mostly made for morale reasons, as it is difficult for an employee to work for the County a long time and end up losing time because they are not able to take vacation.

Mr. Tucker said that the County encourages staff to bank their sick leave because it is never known when you might have a serious illness.

Mr. Rooker pointed out that he does not see a computable financial cost in most instances.

Ms. Thomas asked if the discussion included employees or just the leadership group.

Ms. Gerome said that Ms. Carter spent extensive time with public safety employees as the Workman's Compensation was the more sensitive issue, but the salary administration and annual leave matters are more favorable to the employees and therefore less contentious. There was some representation but they did not go throughout the organization at every level.

Mr. Slutzky said he would like to have information from Human Resources' analysis on the financial impact of the sick leave policy change.

Mr. Rooker emphasized that unless you hire someone to take the place of an employee who is out sick, there really is not a financial impact. He said that there would likely be less sick days taken under the new policy presented for adoption.)

**By the above recorded vote, the Board adopted the following resolutions, which approved proposed changes to Personnel Policies P-84, P-80 and P-60, and the addition of Personnel Policy P-89:**

**RESOLUTION**

**WHEREAS**, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

**WHEREAS**, the proposed changes to Personnel Policy P-84, Annual Leave: 1) allow discretion for new employees to accrue annual leave at higher rates with County Executive and Human Resources approval; 2) change the schedule for monitoring maximum accrual of annual leave from a monthly to an annual basis; 3) allow annual leave accrued over the maximum to convert evenly to the employee's sick leave balance and the County's sick bank; and 4) make other appropriate updates and modifications; and

**WHEREAS**, the Board of Supervisors desires to adopt the revisions to Personnel Policy P-84.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby adopts Personnel Policy P-84, Annual Leave, of the County of Albemarle Personnel Policy Manual, as attached hereto and incorporated herein, effective September 3, 2008.

\* \* \* \* \*

§P-84

COUNTY OF ALBEMARLE  
PERSONNEL POLICY

§P-84

ANNUAL LEAVE

1. Accrual

All benefits-eligible regular employees of the County shall be granted annual leave by the County as follows:

- A. One day per month for each month employed during the first five (5) years of continuous employment.
- B. One and one-quarter days for each month employed during the sixth through the tenth (6-10) years of continuous employment.
- C. One and one-half days for each month employed during the eleventh through the fifteenth (11-15) years of continuous employment.
- D. One and three-quarter days for each month employed during the sixteenth through the twentieth (16-20) years of continuous employment.
- E. Two days for each month employed during the twenty-first through twenty-fifth (21-25) years of continuous employment.
- F. Two and one-quarter days for each month employed during the twenty-sixth (26<sup>th</sup>) and succeeding years of continuous employment.

With the approval of Human Resources and the County Executive or his designee, a new employee's annual accrual rate at the date of hire may begin at a rate other than the starting rate stated in section (A) above.

2. Use and Conversion of Unused Annual Leave

Employees are required to arrange use of paid annual leave in advance with their department head or designee. In case of a conflict because of the work schedule in a particular department, leave will be granted at the discretion of the department head or designee.

In the interest of fostering wellness for County employees, those employees with five or more years of service must take at least five (5) days of annual leave per fiscal year. Supervisors shall work with their employees to ensure that time is made available for annual leave.

On the anniversary of the employee's birth month each year, any annual leave balance that is above 320 hours automatically converts as follows: 50% to the employee's own sick leave balance and 50% donated to the County sick leave bank. The employee need not be a member of the bank. In cases where annual leave is at risk of being converted, annual leave must be used for time off prior to using compensatory leave.

Upon termination of employment, the employee will be paid for his accumulated but unused annual leave. The maximum payout of annual leave will be 320 hours, except for the employees of

constitutional officers, who may not accumulate more than 240 hours of annual leave pursuant to state law.

Amended: August 7, 1996; August 2, 2000; September 13, 2000; September 3, 2008

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## RESOLUTION

**WHEREAS**, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

**WHEREAS**, the proposed changes to Personnel Policy P-60, Salary Administration and Position Classification: 1) allow for more flexibility and for consideration of relevant experience and internal equity in determining pay for promotions, demotions, voluntary movement to a lower pay grade and reclassifications; and 2) make other appropriate updates and modifications; and

**WHEREAS**, the Board of Supervisors desires to adopt the revisions to Personnel Policy P-60.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby adopts Personnel Policy P-60, Salary Administration and Position Classification, of the County of Albemarle Personnel Policy Manual, as attached hereto and incorporated herein, effective September 3, 2008.

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§P-60

### COUNTY OF ALBEMARLE PERSONNEL POLICY

#### §P-60            SALARY ADMINISTRATION AND POSITION CLASSIFICATION

The County Classification and Pay Plan governs the classification and compensation of positions in County employment, and is maintained by the Human Resources Department.

The Pay Plan adopted by the Board of Supervisors is directly linked to the Classification Plan and will be based on the principle of equal pay for equal work. The Board will maintain a salary administration program will provide for payment of salaries and for recognition of and reward for differences in individual ability and performance.

#### Procedure for Salary Administration and Position Classification

- A. Class specifications are written descriptions of each position which include general statements of the duties, responsibilities, and qualifications necessary for that position. A class specification will be developed for each position and supervisors are to ensure that it is an accurate reflection of that position.
- B. Like classifications will be grouped in terms of common elements:
  - 1. Job Complexity
  - 2. Education and Experience
  - 3. Scope and Impact
  - 4. Supervision Received
  - 5. Working Relationships
  - 6. Working Environment
  - 7. Physical Demand

This grouping will be determined by a system of point values arrived upon in the analysis of each job.

- C. It is the responsibility of the department head/designee to maintain equitable and properly evaluated positions within his/her department. Newly created positions or major changes in the functions or responsibilities of an existing position shall be reported to the Director of Human Resources in order to initiate an evaluation study to establish a new position or reclassify an existing position.
- D. All position classifications and reclassifications must be approved prior to placement on a salary range. Recommendations must be approved by the County Executive or his designee.
- E. Salary ranges consisting of a minimum, midpoint, and maximum salary will be established for each class of positions based on the policies of the Board as well as information about similar positions in the community and, where appropriate, compared with similar positions within the state.
- F. Human Resources will ensure that the plan is kept current through periodic reviews and comparative studies of pertinent factors affecting levels of pay.
- G. Entrance Pay Rate – The entrance pay rate shall normally be the minimum rate in the pay range prescribed for the class. When a prospective employee has relevant experience and education

beyond position requirements that would warrant placement above the minimum rate, the following will be used as a guide for this placement:

Less than 12 months' relevant experience	Minimum Range
1 year to less than 3 years' relevant experience	≤5% Above Minimum
3 years to less than 5 years' relevant experience	≤10% Above Minimum
5 years to less than 7 years' relevant experience	≤15% Above Minimum
7 or more years' relevant experience	≤20% Above Minimum

The County Executive is authorized to hire employees at any point within the salary range based on market conditions and the qualifications of the individual.

H. Pay Rate Adjustment – The following personnel actions shall affect the pay status of an employee in the manner described:

1. Promotion – When an employee is promoted from one class to another having a higher pay range and additional responsibilities, the employee may receive an increase of up to ten percent or that rate which would be granted to a newly hired employee as stated in paragraph G above with consideration given to internal equity and relevant experience. Promotions can only occur if (a) there is a vacancy in the higher pay range or (b) additional positions in the higher class are approved in the budget cycle for implementation in the next fiscal year.
2. Demotion – When an employee is demoted from one class to another having a lower pay range, the employee shall be placed within the lower range with consideration given to internal equity and relevant experience. If an employee is reassigned for administrative purposes through no fault of the employee, his rate of pay shall remain the same. Only in such cases, if the employee's salary exceeds the maximum of the range, the rate of pay shall remain the same until the range changes, as a result of subsequent market studies and/or reclassifications, to the extent that the employee's salary then matches the new range for his position/job classification.
3. Voluntary Movement to a Position in a Lower Pay grade – When an employee chooses to move to/apply for a position in a lower pay grade, he or she may be subject to a reduction in pay, based upon internal equity considerations and other relevant factors.
4. Reclassification – When an employee is reclassified from one range into a higher range, the employee will receive a pay rate increase. The increased amount will be based upon the factors identified in section b, as well as internal equity considerations and the level of variance from the current position.
5. Completion of Probationary Period – Upon successful completion of their initial probationary periods, employees will:
  - i. If hired on or before November 1<sup>st</sup> of a fiscal year, receive a prorated salary increase effective the following July 1<sup>st</sup>, earned by their participation in the regular merit evaluation cycle; or,
  - ii. If hired on or after November 2<sup>nd</sup> of a fiscal year, receive a prorated salary increase based on the budgeted new increase in the fiscal year, as outlined on the Exhibit which accompanies this policy. Probationary salary increases will only be awarded for successful completion of the employee's initial probationary period. Successful completion of subsequent probationary periods, as may be required in accordance with Policy P-23, will not result in subsequent probationary increases.
6. Shift Differential – When an employee is assigned to work evening/midnight shifts, a pay differential will be paid as follows:

Evening:	4:00 p.m. – 12:00 a.m.:	4% of base salary for the position
Midnight:	12:00 a.m. – 8:00 a.m.:	5% of base salary for the position

Employees must be assigned to a shift to be eligible for the differential. If an employee works a shift that encompasses both daylight, evening or midnight shifts, the differential will be paid based on the majority of hours worked in the respective shift.

I. Temporary work in a higher classification - All regular employees who are assigned temporary work in a higher pay grade position shall be paid the minimum rate of the higher classification (but no less than 5% above their regular rate) for those hours of such assignment if the assignment exceeds ten (10) consecutive work days.

These temporary assignments with higher pay may be made only in situations when the work requires the designation of an employee in the higher classification by the department head or County Executive/designee and are not intended to apply to occasional assignments of supervisory or administrative responsibility.

When it can be substantiated that the salary of an employee is significantly below the average salary of the relevant market for the position, or the scope of the position has expanded considerably, an in-range equity adjustment may be granted. Requests for adjustments will be submitted by the

employee's supervisor to Human Resources, which will review the request based on the following factors: (1) an identification of the position's relevant market; (2) internal equity; (3) degree of position expansion; and (4) other relevant considerations. Human Resources will use this information to make a recommendation to the County Executive/designee, who shall have the sole authority to approve any adjustment to an employee's salary based on this process.

Adopted: July 1, 1993

Amended: September 13, 1993; June 19, 1995; July 8, 1996; December 8, 1997, September 3, 2008

§P-60

**EXHIBIT**

**EXAMPLE OF PRORATED MERIT FOR NEW EMPLOYEES**

Hire Date	End Probation	Merit Increase July 1 <sup>st</sup>	Date of Increase	Amount of Increase
<i>The following employee would participate in the regular evaluation cycle and receive an increase July 1:</i>				
July 1	December 31	12/12 x merit earned	July 1	\$600
August 1	January 31	11/12 x merit earned	July 1	\$550
September 1	February 28	10/12 x merit earned	July 1	\$500
October 1	March 31	9/12 x merit earned	July 1	\$450
November 1	April 30	8/12 x merit earned	July 1	\$400

*The following employee would not participate in the regular merit program, but would receive an increase based on the payout percentage*

December 1	May 31	7/12 x payout percentage	July 1	\$350
January 1	June 30	6/12 x payout percentage	July 1	\$300
February 1	July 31	5/12 x payout percentage	August 1	\$250
March 1	August 31	4/12 x payout percentage	September 1	\$200
April 1	September 30	3/12 x payout percentage	October 1	\$150
May 1	October 31	2/12 x payout percentage	November 1	\$100
June 1	November 30	1/12 x payout percentage	December 1	\$ 50

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**RESOLUTION**

**WHEREAS**, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

**WHEREAS**, the proposed Personnel Policy Manual changes: 1) discontinue supplementing workers' compensation benefits through direct payment of 33 1/3% of employees' daily wages; 2) allow employees to supplement their 66 2/3% workers' compensation benefits with accrued sick, annual and compensatory time leave for up to 1/3 of the daily hours they are normally scheduled to work; and 3) make other appropriate updates and modifications; and

**WHEREAS**, the Board of Supervisors desires to adopt these Personnel Policy revisions.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby adopts Personnel Policy P-89, Workers' Compensation, and amends Personnel Policy P-80, Absences, as attached hereto and incorporated herein, effective September 3, 2008.

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§P-89

COUNTY OF ALBEMARLE  
 PERSONNEL POLICY

§P-89

WORKERS' COMPENSATION

I. PURPOSE

This policy establishes procedures to administer benefits under the Virginia Workers' Compensation Act (the "Act"), Title 65.2 of the Virginia Code.

II. POLICY

- A. First 7 Days of Absence. In the event an employee misses work for a work-related injury or illness that is compensable under the Act, the first seven (7) calendar days of absence are not covered/paid by Workers' Compensation. During this period, an employee may use accrued sick leave. If sick leave is exhausted, the employee may use accrued annual and/or compensatory leave in any order desired.
- B. Absence After 7 Days. Starting the eighth (8) calendar day of absence due to a compensable work-related injury or illness, the employee will receive 66<sup>2/3</sup>% of his average weekly wages as Workers' Compensation income benefits. From the eighth day forward, the employee may use accrued sick, annual and compensatory leave to supplement his Workers' Compensation income benefits, as follows:
  - 1. The leave shall not exceed 1/3 of the employee's normally scheduled, non-overtime work hours on any shift.
  - 2. Sick leave must be taken first. After sick leave is exhausted, the employee may use accrued annual and/or compensatory leave in any order desired.
  - 3. All leave must be accrued by the time of usage. Employees may not borrow against future leave accrual.
  - 4. The County's Sick Leave Bank may not be utilized during this period.
- C. Benefits After 21 Days of Absence. In the event that the absence exceeds twenty-one (21) calendar days, the employee will be reimbursed for the first seven (7) calendar days by the County's Third Party Administrator for Workers' Compensation at the calculated compensation rate. The employee will be allowed to keep this reimbursement without obligation to return any payments to the County.
- D. Leave for Noncompensable Claims. Should a claim not be accepted by Workers' Compensation as compensable, the employee may use all applicable leave for which he is eligible.
- E. Employer/Employee Insurance Contributions. The County shall continue all applicable contributions toward retirement, life insurance, health insurance and dental insurance during the period of time an employee is absent for a compensable injury/illness. It will be the employee's responsibility to make payment arrangements directly with the Payroll Department for the employee's contribution toward these benefits, as well as any other optional programs to which the employee may be contributing.
- F. Return to Work. Once the employee is released by his treating physician to return to work in any capacity, he is expected to return to work. Depending upon the nature of the medical restrictions, if any, and the staffing needs of the employee's department, this return may not necessarily be to the same position or duties worked by the employee at the time of the injury/illness. Should the employee turn down or fail to perform offered work that he is capable of doing, the County may take all actions permitted under law, including but not limited to, contesting the employee's entitlement to further Workers' Compensation benefits before the Virginia Workers' Compensation Commission.

III. EMPLOYEE AND EMPLOYER RESPONSIBILITIES

- A. Workers' Compensation Third Party Administrator. The Workers' Compensation program is administered through a third party administrator. The Third Party Administrator handles all employee claims and settlements after detailed consultation with the County's representative, including contested claims scheduled for a hearing before the Virginia Workers' Compensation Commission.
- B. Employee Reporting. Employees are required to report immediately all work-related injuries and illnesses to their supervisor. These include any injury that occurs while working and any illness that the employee believes to be caused by his work. All incidents shall be reported regardless of apparent significance and regardless of whether medical attention was obtained. Late reporting by the employee can result in delayed or denied Workers' Compensation benefits.
- C. Departmental Reporting. The employee's department is responsible for:
  - 1. Submitting an Employer's Accident Report immediately upon notification by the employee of a work-related injury or illness, or upon his knowledge of the event. All reports must be submitted electronically within 24 hours of the accident or injury.
  - 2. Accurately recording time lost due to work-related injury or illness utilizing appropriate leave code(s).
- D. Assistance to Employees. The Human Resources Department is responsible for providing information to employees with respect to workers' compensation benefits. Human Resources

will also assist employees in completing necessary paperwork for submission to the Third Party Administrator.

Adopted: September 3, 2008

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§P-80

COUNTY OF ALBEMARLE  
PERSONNEL POLICY

§P-80

ABSENCES

The Board strives to keep attendance of employees at a maximum and absences at a minimum. The Board recognizes, however, that absences are unavoidable and allows certain absences and absence payments. The Board will establish policies that are meant to maintain the highest possible efficiency. Allowance will be made to permit bona fide absences, and prevent employees who have been ill from becoming a hazard to other employees by returning to work too soon.

Procedure for Compliance for Absences

- A. It will remain the right of the department head/designee and the County Executive or designee to:
1. Authorize, or refuse to authorize in exceptional cases, the advance request of an employee for permission to be absent.
  2. Investigate absences.
  3. Deny leave payment for absences in violation of any Board policy.
  4. Impose reasonable disciplinary penalties upon employees who have abused their leave privileges and who violate the provisions of the "Responsibilities of Employees" section of this policy.
- B. Responsibilities of Employees  
Every employee of the County has the following obligations and responsibilities concerning absence:
1. Request for Leave – When the need for being absent from work is known in advance, the employee must notify his immediate supervisor as far in advance as possible on the Leave Form provided by the Department of Human Resources.
  2. Notice of Unexpected Absence – When an employee who has not given advance notice finds that he cannot report to work, the employee must notify his supervisor prior to starting time or within thirty (30) minutes of the regular starting time unless the department has established other guidelines for notification. Employees should be aware of the notification requirements of their departments. Upon returning to work, the employee must complete a Leave Form as a record of absence.
  3. Failure to Give Notice – Failure to give the notice required shall constitute cause for a reasonable disciplinary penalty including cause for denial of absence pay allowance. Unless an absence has been authorized in advance or an absence is unavoidable, every employee shall be expected to be present and on time for his scheduled work.
- C. Employees Returning to Work After Illness  
Before an employee returns to work after an absence due to illness, the employee may be requested to submit a medical release certifying the illness and that he is well enough to return to work. This medical release shall be from the employee's physician or, if required by the department head, a physician designated by the Human Resources Department. In all instances, the employee will be advised of the requirement prior to the employee being authorized to return to work.
- D. Absences for urgent personal business, bereavement, or illness will be granted at the discretion of the immediate supervisor and in compliance with Board policy. Sick Leave may be used for bereavement leave for immediate family members. (See also Sick Leave, P-85) Bereavement leave for non-immediate family members shall be covered by compensatory time, Annual Leave or Unpaid Leave. (See also Annual Leave, P-84 and Unpaid Leave, P-82)
- E. The Board recognizes the duty of every citizen to serve on a jury when requested and will allow payment from the court for serving on jury duty. Employees serving jury duty will receive full salary as well as retain compensation received from the court. Employees are expected to give notice of jury duty and to report to work when jury is not in session. Employees who are subpoenaed to appear as witnesses in legal proceedings in their capacity as County employees will be entitled to treat time spent in such proceedings as compensable working time. However, employees who initiate or are otherwise involved in private legal actions of any kind (excluding employee grievance proceedings), whether such actions involve the County or not, will not be permitted to treat time spent during working hours in connection with such actions as compensable working time. Such employees will be required to use accrued compensatory time, Annual Leave or Unpaid Leave for all hours spent in connection with such actions that occur during working hours.

- F. Military leave of absence will be granted by the Board in accordance with existing state and federal statutes. (See also Military Leave, P-83)
- G. Breaks: There is no formal break time provided by Albemarle County. However, reasonable time shall be provided for personal care and refreshments during the workday.
- H. Lunch Time: A lunch period of at least thirty (30) minutes shall be provided to each full-time employee and, unless prior supervisory approval is received, employees may not forego the lunch period in order to shorten the workday. (See also Overtime/Compensatory Time, P-61/62)
- I. Acceptable Attendance:  
Acceptable attendance is a minimum expectation of all County employees. Department Heads are responsible for monitoring attendance within their departments. Except as noted, when an employee's absenteeism exceeds four percent (4%) of available work time for Sick Leave, Unpaid Leave, and/or unplanned use of compensatory time or Annual Leave, his department head is responsible for investigating the absenteeism and taking appropriate action as necessary. Leave taken under FMLA and/or Workers' Compensation shall not be considered when determining acceptable attendance. However, nothing shall prohibit the County from determining an employee's eligibility to return to employment once FMLA has been exhausted.

Amended: August 4, 1993, April 20, 2005, September 3, 2008

Item No. 7.9. Resolution of the Economic Development Authority of Albemarle County, Virginia, authorizing the issuance of up to \$195,000,000 in revenue bonds for Martha Jefferson Hospital and MJH Foundation.

The following letter dated September 2, 2008, was received from the Chairman, Economic Development Authority of Albemarle County, to the Board of Supervisors:

"Martha Jefferson Hospital and MJH Foundation, both nonprofit Virginia non-stock corporations (collectively, "Martha Jefferson Health Services"), have requested that the Economic Development Authority of Albemarle County, Virginia ("Authority") issue up to \$195,000,000 of its revenue bonds ("Bonds") in one or more series from time to time to assist Martha Jefferson Health Services in financing or refinancing costs associated with the following (collectively, "Plan of Financing"): (1) the acquisition, construction, equipping and furnishing of an approximately 456,358 square foot, five-story replacement acute care hospital facility (the "Replacement Hospital") to consist of approximately 176 beds to be located at the Peter Jefferson Place business office park near the intersection of Willis Drive and Peter Jefferson Parkway in Albemarle County, Virginia, (2) working capital and routine capital expenditures at the Replacement Hospital, (3) routine capital expenditures at Martha Jefferson Health Services' existing three-story healthcare and medical office facility located at 595 Peter Jefferson Parkway, Albemarle County, Virginia, in the Peter Jefferson Place business office park, and (4) costs of issuance, reserve funds and capitalized interest related to the projects or the issuance of the bonds.

As set forth in the resolution of the Authority attached hereto ("Resolution"), the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed Plan of Financing and has recommended that you approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

Attached hereto (copies on file) is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and (3) the form of resolution suggested by counsel to evidence your approval."

**By the above recorded vote, the Board adopted the following resolution of the Economic Development Authority of Albemarle County, Virginia, authorizing the issuance of up to \$195,000,000 in revenue bonds for Martha Jefferson Hospital and MJH Foundation:**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the Economic Development Authority of Albemarle County, Virginia ("Authority") has considered the application of Martha Jefferson Hospital and MJH Foundation, both nonprofit Virginia non-stock corporations (collectively, "Martha Jefferson Health Services"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$195,000,000 ("Bonds") to be issued in one or more series from time to time to assist Martha Jefferson Health Services in financing or refinancing costs associated with (1) the acquisition, construction, equipping and furnishing of an approximately 456,358 square foot, five-story replacement acute care hospital facility (the "Replacement Hospital") to consist of approximately 176 beds to be located at the Peter Jefferson Place business office park near the intersection of Willis Drive and Peter Jefferson Parkway in Albemarle County, Virginia, (2) working capital and routine capital expenditures at the Replacement Hospital, (3) routine capital expenditures at Martha Jefferson Health Services' existing three-story healthcare and medical office facility located at 595 Peter Jefferson Parkway, Albemarle County, Virginia, in the Peter Jefferson Place business office park, and (4) costs of issuance, reserve funds and capitalized interest related to the projects or the issuance of the bonds (collectively, the "Project").

WHEREAS, the Authority held a public hearing on September 2, 2008, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code").

WHEREAS, Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds.

WHEREAS, the Authority issues its bonds on behalf of Albemarle County, Virginia ("County"); the Project is to be located in the County; and the Board of Supervisors of Albemarle County, Virginia ("Board") constitutes the highest elected governmental unit of the County.

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds.

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. The Board approves (i) the Project and (ii) the issuance of the Bonds pursuant thereto by the Authority for the benefit of Martha Jefferson Health Services, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code to assist Martha Jefferson Health Services with the Project.
2. The approval of the Project and the issuance of the Bonds do not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or Martha Jefferson Health Services.
3. This resolution shall take effect immediately upon its adoption.

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Item No. 7.10. Resolution to Allow Lighting of Darden Towe Park Tennis Courts (**deferred from August 13, 2008**).

**(Discussion:** Mr. Boyd asked about coin-operated lights at the tennis court so they are only running when needed.

Staff indicated that the machines can be vandalized, and Mr. Rooker said that it's frustrating to be playing and not have a quarter.

Ms. Mallek noted that motion sensors have been effective in other localities.)

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

**RESOLUTION TO ALLOW LIGHTING  
OF DARDEN TOWE PARK TENNIS COURTS**

**WHEREAS**, the Albemarle County Board of Supervisors has received a citizen request to allow the tennis courts at Darden Towe Park to be lighted; and

**WHEREAS**, Darden Towe Park is owned by both the County of Albemarle and the City of Charlottesville; and

**WHEREAS**, the Darden Towe Park Agreement requires the mutual agreement of the County and City before lighting of any competitive sport or recreation facility in the Park may occur; and

**WHEREAS**, County and City staff have recommended to the Darden Towe Park Committee that lighting of the tennis courts be allowed; and

**WHEREAS**, the Darden Towe Park Committee recommended that the Board of Supervisors and City Council each set this item for public hearing in order to receive input from the public prior to taking action; and

**WHEREAS**, the Albemarle County Board of Supervisors held a public hearing on this matter on August 13, 2008; and

**WHEREAS**, the Albemarle County Board of Supervisors finds that lighting of the tennis courts at Darden Towe Park will benefit the community; and

**WHEREAS**, the Albemarle County Board of Supervisors will only consider a lighting plan to be acceptable that includes full cut off lighting in strict accordance with the Outdoor Lighting provisions of the County's Zoning Ordinance, that is as energy efficient as possible, that allows the lighting to be on only while the courts are in use, and that will automatically cut off lighting at 10:00 p.m.; and

**WHEREAS**, it is contemplated that private funding will be secured to fund the capital costs of the lighting project.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby expresses its intent to allow the tennis courts at Darden Towe Park to be lighted, contingent upon approval by the City of Charlottesville and the approval of an acceptable lighting and funding plan.

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Item No. 7.11. August 2008 Board-to-Board, *Monthly Communications Report from School Board, School Board Chairman*, **was received for information**.

**(Discussion:** Ms. Thomas mentioned that the schools have been successful in receiving grants, and applauded the grant-writer there.)

Ms. Mallek added that lots of county teachers received funds for their projects from the Shannon Foundation.

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Item No. 7.12. Draft 2009 Thomas Jefferson Planning District Legislative Program, **was received for information**.

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Item No. 7.13. JAUNT FY 2007-08 Annual Report, **was received for information**.

#### **Highlights of the Year in Albemarle County**

- Public ridership in the County increased 10% for the second year in a row, with the largest increase on the Earlysville route (75%).
- Despite efforts to encourage rural area riders to use the more efficient routes, demand-response service increased by 31%.
- There was increased ridership in every age category; service on Sundays increased significantly as well.
- JAUNT received additional funding for two special projects that will benefit the County in the upcoming year: a weekly shuttle connecting Esmont and Scottsville with the Central Virginia Community Health Center in Arvonnia and a Mobility Management program to work with human service agencies on improving transportation coordination.

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Item No. 7.14. Order for Notice and Hearing issued by the Virginia State Corporation Commission on applications filed by Columbia Gas of Virginia, Inc:

a. for approval of amendments to its tariff provisions filed pursuant to Section 56-126 of the Code of Virginia, Case No. PUE -2008-00059, **was received for information**.

b. for approval of an experimental Weather Normalization Adjustment mechanism pursuant to Section 56-234 of the Code of Virginia, Case No. PUE-2008-00074, **was received for information**.

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Agenda Item No. 8. Community Health Assessment, Lilian Peake.

Ms. Peake, District Health Director, reported that in order to be successful in public health today, there must be partnerships – including the health care delivery system, the employers, the media, academia, as well as government infrastructure. She explained that for years they have collected health data, and they are trying to take a different approach. The MAPP process uses a strategic planning approach, and it is hoped that the data will provide a basis for communities to prioritize their most pressing community health issues, identify resources to address them, and to take action. She noted that they first bring everyone together, conduct the four health assessments, then look at the strategies to follow up on.

Mr. Rooker asked if the assessment is an effort to get a health of the entire community population, and Ms. Peake indicated that it is.

Ms. Peake reported that the effort includes the City and County – representatives from local government, UVA, Martha Jefferson, and many community groups. She said that the first report was issued in July and the group collected all of the quantitative data that existed to compile it. Ms. Peake said that issues raised in the effort include access to care, chronic disease and risk factors including obesity and tobacco use, maternal and child health, injury, and health disparities. Ms. Peake presented a graph of uninsured City and County residents, and quite a few are above the poverty line but still can't afford health care, or elect not to buy it.

Ms. Peake explained that Virginia Smiles for Children offers Medicaid dental services, but sometimes people do not access the service so that needs to be publicized better. They still have some work to make sure that children in the County are actually using the dental care that's available to them. She presented a graph that showed overweight and obese fifth graders in the County and City over time;

between 1998 and 2007, the percent of those two categories has increased. She said that nearly 40% of our children are obese or overweight, so this is something that is a significant risk factor for chronic disease and health issues throughout their life.

Ms. Peake also presented a behavioral risk factor surveillance survey conducted by the Centers for Disease Control and Prevention – done through VCU– and between 1997-99 and 2002-04 the percent increased in our health district, and making the area still above the Healthy People 2010 target. She added that significant progress has been made since the 1950's, but there is still a ways to go.

Ms. Peake noted that they looked at maternal and child health – prenatal care, low birth weight, infant mortality – and found that the area is not always meeting our Healthy People 2010 targets and there were specific groups that were more affected. She pointed out a significant disparity between black and white infants less than a year old; black babies' infant mortality rate compared to white babies is about three times higher.

Ms. Peake explained that the most significant cause of unintentional injuries is motor vehicle transport crashes, and there is a high level of accidents in the area.

Mr. Slutzky asked how many were related to alcohol, and Ms. Peake replied that that is in a different part of the report.

Ms. Thomas commented that she was surprised at the rate of alcohol-related auto crashes, noting that there are more miles of highway.

Ms. Peake confirmed this, adding that there are higher speeds than on city roads. She added that the largest percentage of hospitalizations for unintentional injuries are D-2 falls, especially with the elderly population. Ms. Peake said that this issue requires ongoing study and awareness.

She commented that there are still health care disparities among race groups and income levels.

Ms. Peake reported that the Community Themes and Strengths Assessment include 10 focus groups and 100 participants, with each group being comprised of very different participants – older members, teens, working people. She said that they were provided with health data compiled previously, and asked the working group to come forward with their opinions on health issues and the resources in the community that could be tapped into to address them. Ms. Peake reported that the top five priorities by the number of votes were: dental care, nutrition and exercise and mental health, primary care, substance abuse, teen pregnancy, and sexually transmitted infections.

She said that the Local Public Health System Assessment includes everyone that can impact health – the Health Department, Region Ten, U.Va., local government, jails, etc. Ms. Peake reported that this was a quantitative CDC assessment of how we are doing in our community; three areas that came out related to mobilizing community partnerships to identify and solve health problems, better evaluate the effectiveness and quality of personal and population-based health services, and a better job monitoring the health status to identify community health problems. She noted that they asked the MAPP Steering Committee about issues that should be focused on, and they came back with concerns about the aging population, increasing multi-cultural population, and the slowing economy's impact on public programs. Ms. Peake added that the National Healthcare Reform debate could have an impact on public health in the future.

Ms. Peake reported that the steering committee will reconvene later in September and examine the issues deemed most significant, adding that they hope to do this again in five years.

Mr. Dorrier asked if there was anything being done to address the problem of elderly people without health insurance who have a chronic disease.

Ms. Peake responded that there is a free clinic and a prescription drug program through the clinic; JABA also has programs in place to address that.

Mr. Dorrier said that there could be better publicity about that issue.

In response to Ms. Mallek's question about factors for accessing the dental care, Ms. Peake explained that for a long time there were not appointments available but that has changed over the last two or three years, as Medicaid is now providing more funding and there is a not for profit dental center in the community. She said that the children at the Health Department will now be seen at the not-for-profit children's dental center so the free clinic space can be freed up for adult dental care. Ms. Peake agreed with Ms. Mallek that transportation and appointment timing is important for many of these families, and said that a more focused study could be done to address that problem.

Mr. Rooker noted that perhaps the YMCA's new facility could offer some nutrition programs, and they are planning to offer scholarship memberships.

Ms. Thomas said that her exercise facility, affiliated with U.Va., has lots of information available. She also said that FAMIS participation has dropped off, and perhaps that could be re-emphasized again.

Ms. Peake responded that there was a United Way grant that helped get enrollment levels up, but as soon as the levels were high the rules changed and people dropped out.

Ms. Thomas added that improved transit would help people get to medical care easier and earlier. She also mentioned that City Council zeroed in on one factor in this report – the death of black infants as an indicator – and they are looking at ramping up a health clinic in a particular location.

Mr. Dorrier commented that health problems can wipe a family out financially, and wondered if the group looked into that.

Ms. Peake said that it is challenging to get that data on a local level, but they did look at that issue. She noted that this would be available on the U.Va. School of Medicine Library website, with links to other sites.

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#### Agenda Item No. 9. Natural Heritage Committee Annual Report.

Mr. Michael Irwin, Chairman of the Natural Heritage Committee, addressed the Board. He reported that the committee is comprised of 12 volunteer citizens in the County with broad expertise in science, natural resources, management, and education. Mr. Irwin said that report includes accomplishments over the last year, a biodiversity action plan, and a draft letter to landowners encouraging environmental and biodiversity conservation. He explained that the committee has made progress in adding to the biodiversity database, adding some GIS layers in important County natural resources, a partner in generating funding to get the latest high resolution land use/land cover maps, participation in Earth Day ecofairs activity, meetings with the greenways coordinator for the County, and development of a list of invasive plant species.

Mr. Irwin said that most committee members have been serving for three years, and have spent considerable professional time and energy working towards a successful sustainable approach to biological conservation in the County. He said that the future of the committee looks bleak without County support, and they need at least partial FTEs in Community Planning & Development, and a minimum of \$3,000 for operations. Mr. Irwin said that without staff to help respond to the public regarding biodiversity issues, little progress can be made in implementing the plan. He explained that a modest amount of funding is needed to support a workshop focused on landowner practices and to defray the costs of an educational brochure and endangered species and other threats. Mr. Irwin explained that a committee member left before his term expired because of his perceived non-support from the County.

Mr. Irwin emphasized that the committee would like modest support from the Board, in balance with the investments in growth management.

Mr. Rooker said that the County is fortunate to have a committee of this caliber doing the work they've been doing and they know it's an area that more resources should be devoted to; the question is whether those resources can be found this year and that would be addressed in the budget session.

Mr. Slutzky asked if there is a danger that committee members will leave if they perceive non-support, before the budget cycle approaches.

Mr. Irwin responded that they would like at least some verbal commitment toward either dollars or FTEs.

Mr. Carlton Ray added that the loss of ecological services costs money to the County – water supply, crops, weeds, insects, etc. – and lack of attention to these issues is costly.

Mr. Rooker asked about any grant opportunities to help fund the next leg of the effort of the committee, noting that this year's budget revenues are \$4 million less than projected.

Mr. Slutzky asked for a sense of dollar value of their request, and Mr. Tucker replied that it would be in the \$50-60,000 range.

Ms. Thomas said that she envisions having the Natural Heritage Committee participate in the upcoming landowner workshops.

Mr. Irwin said that most people aren't even aware that the committee exists and there are lots of opportunities for partnership, and it only takes a couple thousand dollars; what is needed is someone to drive the program.

Mr. Slutzky commented that \$50,000 compared to the purpose of the committee is nominal, and he is committed to reallocating funds to foster their work.

Mr. Rooker added that it enables leverage of other public dollars significantly, and there should be a way to find the funds the committee is requesting.

Ms. Mallek said that those who have lived here bear some of the responsibility, and the work the committee is doing is wonderful prevention because heading off problems that the management task force is dealing with is an example of how it's more expensive to fix things later.

Mr. Irwin said that the issues such as dredging and water quality do not go away, and it is really all one package.

Mr. Slutzky asked that Mr. Irwin encourage committee members to stick with it through the next budget process so there can be a community dialogue as to the importance of natural heritage work.

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Agenda Item No. 10. Update: Journey Through Hallowed Ground Partnership, Cate Magennis Wyatt.

Ms. Kate McGinnis Wyatt addressed the Board, stating that she is president of the Journey Through Hallowed Ground partnership. Ms. Wyatt said that her last briefing was three years ago and reminded them that this is a four-state, 175-mile partnership generally following the Old Carolina Road, where more American history and heritage has been found than any other swath of land in the country – including nine presidential homes. She commented that there have been generations of citizens who put their lives on the line to create democracy, and there are over 11,000 years of Native American history; 400 years of African and European history, two world heritage sites, 49 historic districts, and over one million acres on the National Register of Historic Places, and 15 national historic landmarks. Ms. Wyatt mentioned that this land has the largest concentration of Civil War battlefield sites, and this was a very important corridor during the French & Indian War, the War of 1812, and the Revolutionary War.

She noted that along this corridor there are 15 Historic Main Streets – few if any that are prospering as Charlottesville is, and many threatened to be torn down because they can't compete with regional malls. Ms. Wyatt explained that there are 13 National Park units within this corridor, and the largest concentration of rural historic districts in the country, working landscapes, vineyards, and farms. She added that the number one industry is tourism, but visitation to many of these places is trending downwards. Ms. Wyatt said that three years ago they set a goal of having a national awareness campaign by 2008, wanted to create educational programs for students of every age, and secure a national act of Congress to designate the entire region as a Natural Heritage area, have the Route 15 corridor designated as a National Scenic Byway, and create a socially responsible real estate investment trust to be able to purchase land when farmers or landowners/homeowners had to sell estates that were deemed important to be telling the American story. She commented that they have created a very robust Board of Trustees and Board of Advisors, and created a standing committee called the Leadership Council – made up of the mayors and chairs from each of the jurisdictions – which have been meeting every other month. Ms. Wyatt said that there is also a standing committee of the 13 superintendents of the park units within the region, and they by law cannot market themselves and have downward trending visitation; the partnership can help do that.

Ms. Wyatt reported that they are looking at planning for the sesquicentennial of the Civil War, which begins next year in Harper's Ferry and will carry from 2011-15. She said that they have created a standing committee of educators – the directors of curriculum development – as well as the educators from the Park Service and Heritage sites, to begin working on creating lesson plans, field trips, etc.

She said that recognition of African-American, female American, and Native American contributions has been noticeably lacking, and the partnership has obtained funding from the Virginia Foundation for the Humanities to bring together top-flight academicians and historians to begin the research on the African-American contributions; they received a second grant to publish their findings. Ms. Wyatt reported that they created a standing committee of directors of the main street communities and the historical communities, many of whom have about \$6,000 per year to market themselves – so collaboration is much more effective. She noted that a travel guide book the partnership has worked on has made it easier for people to visit the area.

Ms. Wyatt explained that they have launched their national and regional awareness campaigns, and they started with zero name recognition according to polls; voters indicated that they want this initiative to succeed, and since then the group has created 100,000 visitor center brochures and have a standing committee comprised from each county's director of tourism. She reported that PBS has done a 30-minute special aired on 62 markets; Voice of America did a 15-minute piece in 72 different languages. Ms. Wyatt noted that the people in Australia and New Zealand are very interested in the Civil War, Japanese wanted to know about the shopping, and England snubbed the initiative stating it was only 200 years old.

Ms. Wyatt reported that they have created with the National Trust for Historic Preservation a two-day community and countryside workshop, and many other communities are facing similar issues so they have surveyed the country and Europe for best practices. She informed the Board that there has been a National Geographic book published: *Journey Through Hallowed Ground: The Birthplace of the American Ideal*, with stories and photographs of each generation and the challenges they've faced. Ms. Wyatt said that the forward of the book was written by the woman who just won the Pulitzer Prize – Geraldine Brooks – and was photographed by Ken Garrett, the cover photographer for the National Geographic Society. She stated that on September 16<sup>th</sup> they are featuring the book in a lecture and presentation introduced by the NGS Chairman Gilbert Grosvenor. Ms. Wyatt added that this will perhaps be a pilot program for a similar traveling lecture series that will go around the country.

Ms. Wyatt said that they have surveyed the public and discovered that most are familiar with Gettysburg and Monticello, and when they learn of the other assets in the region they are noticeably moved. She indicated that they hired a travel director who has extensive travel background and executive experience with AOL. He has created a program that allows people to look at the "seeds that were sown" during Revolutionary times that led to the Civil War; photographic safaris; a number of travel tours to encourage patronage of Bed & Breakfasts; and navigational systems to be used with GIS as people travel.

Ms. Wyatt reported that their second annual meeting would be May 1<sup>st</sup> this year, and David McCullough joined them for the first meeting and made remarks about the importance of the effort. She introduced Andrea Stokes, their Director of Educational Programs, and said that they have partnered with U.Va. and Virginia Tech on a number of classes and initiatives related to the Journey.

Ms. Wyatt added that on May 8<sup>th</sup> the President signed legislation to make the region the 38<sup>th</sup> natural heritage area in the country. She said that this allows them to get up to \$1 million for 15 years, which they match dollar for dollar, and now they can work with their partners to create a business plan to support educational programs and heritage tourism programs. Ms. Wyatt also stated that the budget situation will likely mean about \$150,000 allocated sometime next year.

She explained that safety improvements are necessary on Route 15, and a parkway could be created with partnerships so they are working to designate the corridor as a National Scenic Byway – which prohibits all new billboards. Ms. Wyatt also said that VDOT and the Department of Conservation and Recreation have offered to brief them on the designation, and every other town and county has done so. She noted that they have gone into communities and asked for feedback on what has been included and what might have been overlooked. Ms. Wyatt said that they have received a \$250,000 challenge grant to begin the legal work to create a standalone tool to take in investments which will be returned as investment in a critically cultural and historic property to the community.

Ms. Wyatt concluded with the three themes of the Journey: this is the land of leadership, the land of conflict and reunification, and it's the land of outstanding beauty.

Mr. Rooker reported that he had forwarded an email from VDOT regarding the "All-American Road" and "Scenic Byway" designations and what they mean as it pertains to land use, and their information indicates it is not very restrictive to landowners and might be helpful in getting grants.

Ms. Wyatt mentioned that this road was already shown as a scenic byway, but it really wasn't, and ideally they would like to have the public hearing on the designation within 60 days. She also said that Prince Michel Vineyard offered to do a private label wine for the Journey, and an artist painted the label; \$5 for each bottle sold there goes to the Journey's education program. She noted that their next quarter management plan meeting would be September 22<sup>nd</sup> in Warrenton at the Visitor's Center.

Mr. Slutzky asked how actively the tourism office was involved.

Ms. Wyatt responded that they work with the Charlottesville-Albemarle Convention and Visitors Bureau staff, and with Montpelier, Ash-Lawn Highland, Monticello, and the Bed & Breakfast Association. She added that one of the things they've done with the standing committee of Main Street historic communities is pursued a Preserve America designation – a White House initiative that includes funding and now involves four communities.

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#### Agenda Item No. 11. Crozet Pool Funding Request.

Mr. Kelly Strickland of Claudius Crozet Park addressed the Board, stating that this presentation is in relation to Star Swimming, who asked for funding to cover their pool for high school swimming. He reported that the park was established in 1954, and is not a county-owned park; it is community-owned and is run by 25 volunteer Board members; it is a non-profit 501 (c) 3. Mr. Strickland said that there has been a long-standing partnership with the County, and the baseball fields there were actually installed by the County; the construction costs for the pool were also helped by Albemarle County. He said that the fields are maintained by Parks & Rec and are used by SOCA and Peachtree Baseball; the swimming pool and existing building being leased to the Field School. Mr. Strickland said that the pool is owned and maintained by the Park Board and a committee runs the pool operation through the summer months.

Mr. Strickland explained that the pool is an eight-lane, 25-meter outdoor pool with handicap-accessible zero-depth entry, and his understanding is it's the only county pool open to the public; there is financial assistance provided for families through social services. He said that the Jefferson League swim teams use the pool, and there are also lessons throughout the summer. Mr. Strickland reported that there were 222 youth on the Crozet Gators swim team last summer, and there is also water aerobics and lap swimming available, as well as rentals.

He stated that the park is used four or five months out of the year and there are usually 700-2000 people per day using it, but in the winter it is empty; the Field School partnership has worked out well but they are not really serving a public need. Mr. Strickland said that they would like to increase the lap-swimming and aerobics, and there are six public schools that could benefit from a year-round pool at Crozet Park. He added that the YMCA swim teams could also use this pool as a practice facility, and there are currently 30 or 40 kids that participate in those programs in Charlottesville and Waynesboro. Mr. Strickland explained that the Director of the Piedmont Family YMCA has expressed a verbal commitment to opening a satellite branch facility, potentially in Crozet Park. He added that 40 people ran the pool at Crozet this summer, and about 80% of them are high school teenagers. Mr. Strickland said that it would increase participation to have additional programs.

Mr. Strickland reported that the bubble to go over the pool, site work, and making the change rooms year-round would be \$250,000 to \$350,000 total.

Mr. Rooker responded that the Star Swimming proposal was fairly straightforward and they were seeking capital assistance for the enclosure of the pool, and they could show how operationally they would

be able to pay. He asked what the nature of the Crozet request is, and Mr. Strickland replied that they would not be seeking operating funds but would be seeking memberships and YMCA contributions for lane hours, as well as an after-school swim program and the high school team usage. He added that the long-term vision is to add a fitness component.

Mr. Boyd explained that there is a consistent information form being developed so that the applications can be dealt with on an even level.

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**At 11:41 a.m., the Board took a recess and then reconvened at 11:48 a.m.**

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Agenda Item No. 12. Old Crozet School Reuse Study.

The following Executive Summary was forwarded to Board members:

The Old Crozet School (the "School") was built in 1924 and was used as a public school until 1990. From 1991 through 2007 the Charlottesville Waldorf School leased the facility. In 1997 an adaptive reuse study was conducted by UVA engineering graduate students. A recent review of that study revealed that the information was outdated and lacked citizen input. More recently, during the process of selecting a site for the new Crozet library, several sites were considered, including the School, and much discussion was generated between County staff and the Crozet community. When the School was not selected for the new library, members of the community expressed their desire for staff to consider it for other potential uses. Many members of the Crozet community feel that the School has a genuine connection to the history of the community and that the County has an obligation to examine the feasibility of other potential uses for the School as part of the overall Crozet revitalization effort. A staff committee was formed with individuals from the County Executive Office, Community Development and General Services to plan a process to engage the citizens of the Crozet community to receive their input on how the School should be used.

The County hired PMA Architects and Planners, Inc. to conduct an open community workshop, to take the information gathered, and to summarize it into an unbiased, readable report to be presented to the Board. The Study was not meant to be an all inclusive, comprehensive study considering all potential uses, but the results of discussion between Crozet community members and County staff regarding their ideas for potential future uses of the School. A two and one-half day work session was held at Western Albemarle High School with PMA and County staff facilitating lively and interactive discussions with community members. Opportunities for public engagement were also set up through email and the County website, and the Committee staffed an off-site table at a local grocery. Approximately 86 citizens attended the workshop and approximately 200 additional comments were received and included. The attached report (Attachment A) sets forth the results of the workshop. A cost estimate of the most highly favored use is included in the report. Jeffery Stodghill of PMA and his staff will present an overview of the process and answer questions.

Following is a summary of the consultant's recommendations arising from the community workshop:

- Proceed with the community center concept (various options of which are detailed in the attached study report), which is the preferred and recommended use by the community;
- Conduct further study to explore possible community center uses;
- Proceed with a study that would define the building and site environment conditions and engage the community to identify specific community center programs, including staffing and budget requirements.

A project definition study would be the next appropriate step if the Board wishes to pursue the possibility of converting the School to a community center. This study would refine the program elements of the community center concept and provide a more in depth environmental investigation. It is estimate that a study of this kind would cost approximately \$150,000, depending on the specifics of the study.

Staff recommends that the Board acknowledge the preferences of the Crozet community as reflected in the final consultant report and forward the study on for further staff analysis through the CIP process. This analysis will include consideration of the community center concept in light of the needs identified in the Crozet Master Plan and the Community Facilities Section of the County's Comprehensive Plan. This additional analysis is part of the normal process for considering the establishment of new facilities and may provide further guidance on potential uses for a community center.

Mr. Shadman reported that staff had presented an executive summary to the Board on April 9<sup>th</sup>, on a community worksession in Crozet to receive input on preferred uses for school. He said that citizens of Crozet had provided input during the site review for a new library, and a committee made up of various county departments and citizens was formed. Mr. Shadman stated that they interviewed several consulting firms and contracted with PMA architects and planners to conduct a work session and document results. He emphasized that this study was not meant to be an all-inclusive study, but rather to serve as a conduit from Crozet citizens to county staff and the Board of Supervisors as the County considers possible investments in the building and associated property.

Mr. Jeff Sogel of PMA addressed the Board and made a presentation on the work session held June 19-21.

Mr. Sogel explained that they were engaged with the chief purpose of trying to identify what the people of Crozet felt about re-using the old school, and designed a program that involved a wide range of community input. He said that they used several techniques for public participation. Mr. Sogel stated that the first goal was to identify citizens' ideas through the County website with a specific section and comment space for this project; an initial evening presentation and work session where residents and citizens came in and offered ideas; the following day the committee ran an offsite satellite session where they received almost 200 comments and ideas; other individuals met one-on-one with Mr. Sogel to discuss their ideas and concerns. Mr. Sogel said that the citizens came in at the end and evaluated various concepts and expressed their preferences.

Mr. Sogel noted that the school building is a typical colonial-revival/mission-revival building that was expanded in the 1960's with an on-grade flat-roof addition in the rear with six classrooms; in the 1990's it was deemed obsolete and a new school was built across the street; the Waldorf School moved out last year. He said that the building is sound and solid, even though it might not appear that way to the casual passer-by. Mr. Sogel stated that the exterior elements are in a state of decay and that will continue until a decision is made about the use of the building, and the systems in the building – heating, electrical, plumbing – would need to be replaced as well. He added that there are lots of issues with handicapped accessibility.

Mr. Sogel mentioned that the site is an eight-acre site zoned R-2, designated in the master plan as a CT-1 area with the intent of preserving open space at the site, and be sensitive about reuse scenarios due to its adjacency to neighborhoods and open space at the school across the street. He also said that the building is served by water and sewer and has about 25,000 square feet with historic preservation potential as well as being in a historic preservation district which opens the door to tax credits.

Mr. Sogel said that on June 19<sup>th</sup> they opened the work session with a presentation of other old school adaptations to demonstrate that the buildings can have a second life.

Mr. Slutzky asked if there had been a quantification of how much it would cost for lead and asbestos removal.

Mr. Sogel replied that costs have been put together, but that would need to be reexamined and better quantified. He added that it would depend on the ultimate uses to go in the building, and you'd have to do more work to pin it down exactly. Mr. Sogel said that the core idea of the public sessions was to have them express their ideas, so once all of the "lists were on the wall" participants placed their dots for prioritization. He stated that on June 20<sup>th</sup> and 21<sup>st</sup> they took those ideas and formulated them into eight or nine concepts that encompassed the ideas – revealing a strong consensus in the community for a community center, and using the building for a library even though he and his staff were clear that wasn't going to be possible.

Mr. Sogel indicated that there were 165 dots received for multi-use community center, which made it by and far the top choice. He said that farmer's market and gardens received 48, followed by County offices and athletic fields.

Mr. Rooker asked if there was an assumption that the building would be removed if the use became athletic fields or skateboard park.

Mr. Sogel replied that that assumption was built-in, and their goal was to get community feedback on ideas, adding that in this type of information-gathering it's critical to realize that an idea from another category could be brought in and integrated into the community center concept.

Mr. Rooker said that the combination of county offices and athletic fields shows an estimated per-square foot cost that's no lower than building a new building.

Mr. Slutzky commented that these budget figures do not reflect the cost of remediation, and the building might actually have a negative value. He said that when the community is engaged it's most effective if they are aware of the realities and constraints.

Mr. Sogel responded that taking a building and putting it back into service might involve anywhere from 85% of the cost of a new facility to more than the cost of the building. He said that historic preservation tax credits would likely be available, and there is a perception among community members that there is a value to the building's heritage.

Mr. Dorrier asked if it was considered to turn the school into apartments such as the Scottsville School, but Mr. Sogel said that there wasn't much community interest in that and housing would likely be more of a private-led effort.

Mr. Sogel said that there would need to be provisions for an at-grade entrance and parking would need to be added if community center is the choice here; the school across the street could perhaps accommodate the overflow. He added that adapting the auditorium was a key objective as was reusing the classroom space for new programs.

Mr. Sogel said that the next step is to define the project a bit better, and he has done the best he could to create a projected budget.

Ms. Mallek commented that the idea was to move some phase of the project into the CIP for the coming year.

Mr. Rooker responded that there are already several projects in the Crozet master plan and this is not one of them. He added that it is a worthy effort to try to reuse buildings like this, but the cost seems somewhat prohibitive as it is more costly than building a new facility.

Mr. Boyd stated that the next step is to see if there is a nonprofit or for-profit organization to step up on the building project, and he does not want to spend the \$150,000 for further study.

Ms. Mallek commented that the Rockfish Valley Community Center is an example of that type of collaboration; Ms. Thomas added that the Fluvanna County Performing Arts Center is also an example.

Ms. Thomas also expressed concern about the building sitting there unoccupied for a long time, and she has heard that ACAC has been looking for space in Crozet. She feels the County is the landlord of the building, and should be concerned about letting it deteriorate without having someone in it and some care being given to it of some sort.

Mr. Davis noted that this site is zoned R-2 so no commercial uses are allowed unless it is a public use.

Mr. Slutzky commented about the mold found in the building.

Mr. Sogel replied that mold is a concern that needs to be dealt with early on.

Mr. Shadman said that they have been regularly inspecting the building and walking through it, and they do have money in the maintenance budget to keep it from deteriorating; they are actively pursuing tenants and they have been coordinating that effort with the Department of Community Development.

Mr. Davis pointed out that if the building goes up for sale, the Board has to hold a public hearing and find that it's appropriate to dispose of the property in some manner.

Ms. Mallek commented that this is a public building and expressed concern about throwing it away without very carefully investigating other options first.

Mr. Rooker said that the Waldorf School used this until a year and a half ago, and now it's going to take \$6-8 million to be able to use it. He stated that there may be uses for this building that do not involve that level of investment.

Mr. Foley stated that staff has enough information and can bring it back for further discussion.

Ms. Mallek commented that this is a good model to look at to engage citizens in a really valid way and to have them feel that there is consensus on what they came up with.

Mr. Rooker said that there may be uses on that list for this facility without a gigantic investment.

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Agenda Item No. 13. Request for donation to Gordonsville Branch Library.

Due to being behind on the agenda, the Board decided to move this item until the afternoon.

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Agenda Item No. 14. Use Value Tax – Revalidation.

The following Executive Summary was forwarded to Board members:

On July 9, 2008, the Board held a work session on a proposed revalidation requirement for property in the Use Value Tax Program ("Program"). The Board requested staff provide a proposed revalidation form.

This Executive Summary provides the specifics of the proposed revalidation requirement discussed at the July meeting, the proposed revalidation form (Attachment A), and an ordinance to implement revalidation (Attachment B).

Virginia Code § 58.1-3234 authorizes the governing body of any county, city, or town to require property owners in the Program to revalidate any previously approved application. Revalidation requires property owners in the Program to confirm that the property continues to meet Program requirements.

To date, the County has not required revalidation. Prior to January 2007, the County conducted property reassessments on a biennial cycle. That two-year reassessment schedule allowed the Assessor's staff to conduct site visits of each property in the County every two years to reassess the property and, if the property was in the Program, physically inspect the property to gauge compliance with Program guidelines.

In 2007, the County changed from biennial to annual reassessments. This change resulted in the Assessor's staff visiting each property every three to four years instead of every two years. Revalidation is a tool to assure that parcels enrolled in the Program continue to qualify without a field visit by an assessor.

Advantages/Disadvantages:

There are several advantages and disadvantages of a revalidation requirement. Advantages of requiring revalidation include:

- greater public confidence that only qualifying parcels are receiving the special tax benefits of the Program.
- regular notification to property owners of their enrollment in the Program and the requirements of the Program.
- requirement that Program participants certify their farming/forestry/horticulture/open space use (i.e., Schedule F, income receipts, farm numbers, etc.).

Disadvantages of requiring revalidation include:

- additional administrative costs (i.e., supply/postage expense, staff assistance, and storage space needs).
- failure to meet deadline(s) and/or provide proper documentation would result in parcel(s) being removed from the Program, the possible assessment of roll back taxes and taxpayer complaints.

Comparative Information:

The following chart shows the revalidation requirements of other localities:

Locality	Use Value Parcels	Revalidation
Augusta County	6,000	Every Year, With Fee
Chesterfield County	800	Every Year, No Fee
Fluvanna County	1,500	Every Year, No Fee
Greene County	600	No
Henrico County	410	Every Year, No Fee
James City County	249	Every Year, No Fee
Louisa County	3,400	Every Two Years, No fee
Loudoun County	5,000	Every Year, With Fee
Nelson County	2,000	Every Six Years, With Fee
Orange County	1,000	Every Year, With Fee
Rockingham County	5,400	Every Six Years, With Fee

Albemarle County currently has 4,981 tax parcels in the Use Value Tax Program.

Recommended Revalidation Process:

Staff recommends that property owners in the Program be required to revalidate every two years, beginning in 2009 for tax year 2010. This two-year approach would ease the burden of the property owner having to file every year, while still providing the County adequate documentation that the property conforms to Program requirements.

Staff recommends an extensive education process prior to implementation of a revalidation requirement. This education process would begin by providing information about revalidation to all affected owners with the second half 2008 tax bills (to be mailed in late October 2008) and the 2009 reassessment notices (to be mailed in January 2009). Using the tax bills and reassessment notices for this step of the education process would save the cost of additional mailings to Program participants.

The second step of the process would be the distribution of the actual revalidation forms. These forms would be mailed in late April 2009, separately from the tax bills, to all owners in the Use Value Tax Program. The deadline for filing the forms with the Assessor's Office would be September 1, 2009. Staff recommends no fee for applicants who file by the deadline. Applications would be accepted after the deadline until December 5, 2009, but would require payment of a late fee of \$125. As with the initial Use Value applications, a separate revalidation would be required for each parcel.

Proposed Form:

Staff collected revalidation forms in use by 12 other localities and incorporated the best elements of each form to develop the attached proposed form (Attachment A). The proposed form requires property owners to provide certain information and forms to verify the continued qualifying use of the property. Staff then consulted with several representatives of the Farm Bureau and the farming community to ensure that the form, while providing the needed information, would not be unduly burdensome.

Administration of the Revalidation Process:

Upon receipt of the revalidation forms, the Assessor's staff would review the paperwork for accuracy and compliance, and would make every attempt to contact landowners concerning incomplete applications prior to the final filing deadline. Property that qualified would remain in the Program. Owners of property that did not qualify would be notified and the non-qualifying properties would be removed from the Program.

Implementing a revalidation requirement would necessitate an amendment to Chapter 15, Taxation, of the County Code pertaining to the Use Value Tax Program. In order for the forms to be mailed in spring 2009, effective for the 2010 tax year, the Code amendment must be adopted by October, 2008. This would provide time for the County to conduct a public information campaign this fall and again in January (in conjunction with the 2009 reassessment) to notify the public of this new requirement.

The proposed effective date of the ordinance is April 1, 2009, which is after completion of the 2009 Use Value Tax Program cycle, but in time to implement the requirement for the 2010 tax year.

Although the revalidation forms would be sent as a separate mailing, the fiscal impact of revalidation is expected to be minimal (less than \$2,000). Expenses would include postage and printing costs. It is anticipated that existing staff will be sufficient to review the documentation upon submission. Minimal expenses are anticipated for supplies and storage. Minimal late fee revenues are projected.

Staff requests that the Board provide direction to staff regarding the proposed revalidation process and form. In addition, staff recommends that the Board set the attached ordinance (Attachment B) to implement the revalidation requirement for public hearing on October 1, 2008.

Mr. Woodzell addressed the Board, stating that on July 9<sup>th</sup> they met to discuss land use and land use revalidation, then asked staff to develop a revalidation form. Mr. Woodzell said that staff looked at 12 other jurisdictions' forms and created one that incorporates elements from those, and if the form is adopted staff plans to put out literature this fall with tax bills.

Mr. Slutzky pointed out that jurisdictions with larger numbers of parcels charge fees, and wondered why that wasn't included in staff recommendations.

Mr. Woodzell replied that the revalidation is done only every other year and the amount of income produced from charging that fee would not be substantial.

Mr. Boyd said that the fee can only be charged every six years.

Mr. Woodzell added that it is no more than the original application fee – \$15 – and there is a \$125 fee coming from late filing, the exact same fee as land use.

Mr. Boyd asked if it could be done in halves every year, instead of every other year.

Mr. Davis pointed out that it would additionally be heavy loaded on the two-year cycle, but that would drop off as people are added to and drop out of the program.

Mr. Woodzell said that the September 1<sup>st</sup> deadline seems appropriate because it gives staff another three months to get taxpayers on the phone or some means to let them know their application is missing or needs to be amended. He stated that if you do not get it in by December 5<sup>th</sup> you are out of the program for the following year; a rollback only occurs with change in use or acreage.

Mr. Boyd expressed concerned that there are people who just do not pay attention.

Ms. Thomas said that open house events with Farm Bureau volunteers to help people fill out the forms, staff, and the Biodiversity Committee present might help.

Mr. Woodzell noted that his staff would be willing to help anyone who comes into his office.

Ms. Thomas added that it would be helpful for people filling out the form to have a statement of purpose as to why this program exists.

Mr. Woodzell explained to Ms. Mallek that when a plat is recorded, that information is available to his office. Ms. Mallek noted that it is difficult for his office to keep track of all plats though.

**Motion** was then offered by Mr. Rooker, **seconded** by Ms. Mallek, to set the proposed request to implement the revalidation requirement for public hearing on October 1, 2008. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 15. Request to set public hearings to amend the Albemarle County Service Authority jurisdictional areas:

a. **Clifton Lake PRD** – to provide water service to Tax Map 79, Parcels 23 and 23F and Tax Map 79C, Parcel 1, located approximately 2,100 feet southwest of the intersection of Rt. 250 and Shadwell Road.

Mr. David Benish, Chief of Planning, stated that the applicant has requested deferral of this request. No action is required by the Board.

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b. **Robert and Carolyn Michie** - to provide water service to Tax Map 79, Parcels 17 and 17C located on the north side of Route 250, near the intersection of Route 250 and North Milton Road.

Mr. Benish summarized the Executive Summary which stated that the applicant is requesting ACSA Jurisdictional Area designation for water service to two parcels totaling 15.8 acres with two existing single-family homes (Attachment A). The parcels are on the north side Route 250 East, just north of the intersection of Route 250 and North Milton Road (Rt. 729) and adjacent to the GOCO Oil site. The parcels are located entirely within the designated Rural Areas in the Rivanna Magisterial District. The existing well serving the home and cottage has recently been tested by the Virginia Department of Environmental Quality (DEQ) and determined to be contaminated with Methyl tertiary-butyl ether (MTBE), a gasoline additive that promotes a cleaner burn of the fuel. Beginning in May 2008, the property owners experienced taste and odor problems with the water, which prompted a request to DEQ to test the well water supply for contamination. Subsequent testing of the well found MTBE concentration of 0.021 mg/L. DEQ has funded the installation of a charcoal filter system on the well to treat the contamination. DEQ considers charcoal filtration systems a temporary remediation inferior to public water service (if available) and has recommended the site be connected to public water service.

The adjacent GOCO Oil site experienced a similar MTBE contamination in the wells serving that site and was approved for, and connected to, ACSA water service in 1999.

Because of site conditions, including the location of the homes, out-buildings/barn, existing and back-up septic fields, and the topography of the properties, there does not appear to be a viable location for a new well on-site at a sufficient distance from the existing well to ensure no further contamination will occur in the new well.

The Comprehensive Plan provides the following concerning the provision of public water and sewer service:

“General Principle: Urban Areas, Communities, and Villages are to be served by public water and sewer (p. 114).”

“Provide water and sewer service only to areas within the ACSA Jurisdictional Areas (p. 130).”

“Follow the boundaries of the designated Development Areas in delineating Jurisdictional Areas (p.130).”

“Only allow changes in the Jurisdictional Areas outside of the designated Development Areas in cases where the property is: 1) adjacent to existing lines; and 2) public health and/or safety is in danger (p. 130).”

Water and sewer services by policy are intended to serve the designated Development Areas where growth is encouraged and are to be discouraged in the Rural Areas because utility services are a potential catalyst to growth.

Water supply and system capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Areas result in further extension of lines from the fringe of the existing Jurisdictional Area and into the Rural Areas, potentially straining limited water resources and capacity.

This request meets the first criteria for the provision of service to Rural Area parcels (adjacency to existing service lines). The adjacent property to the east of this parcel is within the ACSA Jurisdictional Area for Water Only to Existing Structures and is served with public water. The primary issue with this request is whether the level of contamination experienced on-site creates a danger to the public health and safety. The County's Groundwater Manager has provided additional information regarding the health threat of MTBE (Attachment B). DEQ has essentially established a “zero-tolerance” level for MTBE contaminations. However, neither the Virginia Department of Health (VDH) nor the Environmental Protection Agency (EPA) has established a level of MTBE contamination which is considered a health risk. The Code of Virginia requires quarterly testing of public water supplies for MTBE and reporting of concentrations above 0.015 mg/L to VDH and DEQ. As previously noted, MTBE in concentrations of 0.021 mg/L was found in the Michies' well. The County has previously granted ACSA Jurisdictional Area designation to the adjacent GOCO Oil site and the Key West subdivision based on MTBE contamination. The contamination levels for those two sites were lower than the level found at the Michies' well.

Based on the odor and taste condition of the water supply, the level of contamination within this source falling within the range suggested for public system monitoring, the proximity to a known contaminate site, and past actions regarding sites/requests with similar levels of contamination, staff recommends amendment of the ACSA Jurisdictional Area for water service only to existing structures.

The property owner will bear the costs for the water connection.

Mr. Benish said that staff recommends the Board set a public hearing to amend the ACSA Jurisdictional Area for water only to existing structures to Tax Map 79, Parcels 17 and 17C.

**Motion** was then offered by Mr. Rooker, **seconded** by Mr. Slutzky, to set a public hearing to amend the ACSA Jurisdictional Area for water only to existing structures to Tax Map 79, Parcels 17 and 17C on October 1, 2008. Roll was called and the motion carried by the following recorded vote:

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

C. **Kirtley Property/University of Virginia** – to provide sewer service through a non-gravity line to the existing warehouse building on Tax Map 59, Parcels 23B1. The property is located on the north side of Route 250 West, adjacent to the Northridge Building.

Mr. Benish summarized the Executive Summary which stated that the applicant is requesting an amendment to the current ACSA Jurisdictional Area designation to allow an existing warehouse building to be served by a pumped sewer line as opposed to a gravity sewer line as required by the conditions of approval for the existing Jurisdictional Area designation. The property is located on Route 250 West, between the Northridge Building and the Volvo of Charlottesville site. The property is zoned C-1, Commercial and is designated as Rural Areas in the County Comprehensive Plan.

The Board of Supervisors amended the Jurisdictional Area designation for this parcel in 1984, granting conditional sewer service to this parcel and the adjacent parcels to the east (Tax Map 59, Parcels 23B, 23C1, 23D, 23F). The Jurisdictional Area designations were approved with a condition that “sewer service is approved only for the portions of these parcels which can be totally gravity fed...” Parcels 23B, 23C, 23D, and 23F have subsequently each demonstrated that the whole parcel can be served by gravity fed sewer.

The recently submitted preliminary site plan for the Long Term Acute Care Hospital (LTACH) (located on portions of Parcels 23B and 23B1) demonstrated that both the LTACH building and the existing warehouse building on the Kirtley property can be served by a gravity sewer line running along the northern boundary of the Kirtley and Northridge parcels, generally parallel to the railroad right-of-way, consistent with the existing Jurisdictional Area designation. However, the applicant would prefer to pump the sewer uphill and intercept the public sewer line serving the LTACH facility as opposed to installing a lengthier and more expensive gravity line downhill to the warehouse. Aside from the benefit to the applicant, the relocation of the line would provide protection of existing trees and vegetation that would otherwise have to be removed to run the gravity line. The maintenance of this vegetation would allow for better screening of the LTACH and Northridge sites from several adjacent residential properties located in Farmington (the site is visible from at least one home).

The Comprehensive Plan provides the following recommendations concerning the provision of public water and sewer service:

“General Principle: Urban Areas, Communities, and Villages are to be served by public water and sewer (p. 114).”

“Provide water and sewer service only to areas within the ACSA Jurisdictional Areas (p. 130).”

“Follow the boundaries of the designated Development Areas in delineating Jurisdictional Areas (p.130).”

“Only allow changes in the Jurisdictional Areas outside of the designated Development Areas in cases where the property is: 1) adjacent to existing lines; and 2) public health and/or safety is in danger (p. 130).”

By policy, public water and sewer services are intended to serve the designated Development Areas where growth is encouraged and are to be discouraged in the Rural Areas because utility services are a potential catalyst to growth. Sewer supply and system capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Areas result in further extension of lines from the fringe of the existing Jurisdictional Area and into the Rural Areas, potentially straining limited sewer capacity.

This request to modify the Jurisdictional Area designation is not consistent with the strict reading of the policy regarding changes to the Jurisdictional Area for Rural Areas properties because there is no health or safety reason for the requested modification. However, the applicant has demonstrated that the existing warehouse building can be served by a gravity sewer line consistent with the current conditions of the Jurisdictional area designation. Therefore, the requested change will have no impact on the level of sewer service provided to this site or to the Rural Areas.

This request to modify the Jurisdiction Area would allow for the warehouse to be served by a pumped sewer line. While gravity service is preferred over pumped lines because of: 1) the greater potential for pump systems to fail due to power outages and breakdowns, and; 2) the higher level of maintenance necessary for a pumped system over the long-term life of the facility; this would be a private line and the responsibility for maintenance would be the property owner's.

Installing the pumped sewer line would prevent the loss of approximately 30 trees, mostly mature white pines, along the Northridge parking lot. These trees would have to be removed with the installation of a gravity line. This site appears to be visible from at least one adjacent residence. New landscaping would be planted to replace these trees, although locating the new landscaping will be more difficult to achieve in this area due to the new easement for the sewer line (placement of trees within a utility easement is discouraged).

The property owner would bear all of the costs for connection to public water service.

Based on the findings noted above, staff recommends that the Board hold a public hearing to amend the Jurisdictional Area designation to Water and Sewer Service for Tax 59, parcel 23B1, which would eliminate the condition that the site be served by gravity sewer service only.

Mr. Boyd noted that the request is to take the item to public hearing.

Ms. Thomas said that she would like to see some kind of tree preservation plan for the trees in the back of that site, similar to what's required for cell towers because the trees are not in the best of health and might fall down at some point.

**Motion** was then offered by Mr. Rooker, **seconded** by Ms. Thomas, to set a public hearing to amend the jurisdictional area designation to water and sewer Service for Tax 59, parcel 23B1, which would eliminate the condition that the site be served by gravity sewer service only for October 1, 2008. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 16. Closed Meeting.

At 12:48 p.m., **motion** was offered by Ms. Mallek that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions; under Subsection (1) to evaluate the performance of a County department which requires the discussion of the performance of a specific individual; under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding an agreement necessary to implement a funding source for public safety services; and under Subsection (7) to consult with legal counsel pertaining to probable litigation regarding a conservation easement because such consultation in an open meeting would adversely affect the negotiating or litigating posture of the County.

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

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

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Agenda Item No. 17. Certify Closed Meeting.

At 2:39 p.m., the Board reconvened into open session. **Motion** was offered by Ms. Mallek that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

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

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

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Agenda Item No. 18a. Boards and Commissions: Vacancies/Appointments.

**Motion** was offered by Mr. Slutzky to:

**Reappoint** Clifford Buys and Juandiego Wade to the JAUNT Board, with said terms to expire September 30, 2011.

**Reappoint** John Murphy, Rick Odem, and Carleton Ray to the Natural Heritage Committee, with said terms to expire September 30, 2012.

Mr. Rooker **seconded** the motions.

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

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

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**(At this time the Board went back to Agenda Item No. 13.)**

The following Executive Summary was forwarded to Board members:

During the August 3, 2008 meeting of the Board of Supervisors, Mayor Bob Coiner of the Town of Gordonsville requested that the Board consider donating funding for construction of a new Gordonsville

library which will be operated as part of the Orange County Library system (See Attachment A). Mayor Coiner pointed out that residents living in the northeast quadrant of the County of Albemarle benefit from the existing Gordonsville branch library and the availability of a new and more modern facility would further enhance their library experience. The Mayor further indicated that the County of Orange has allocated sufficient funding for construction of a 900 square foot branch for Gordonsville; however, the Town is attempting to raise an additional \$300,000 to provide additional space and amenities for its users. The Board requested staff to confer with the Jefferson Madison Regional Library and develop a recommendation for its consideration.

The County of Albemarle is a member of the Jefferson-Madison Regional Library (JMRL) System and currently appropriates \$3.2 million of its general fund revenues for the operation of this system. The JMRL was created to provide and regulate library services to the residents of the City of Charlottesville and the Counties of Albemarle, Louisa, Nelson and Greene. According to JMRL data, approximately 45,000 Albemarle County citizens hold library cards and account for 58.2 percent of all circulation for the JMRL system. In addition, the County's adopted capital improvement plan is programming approximately \$50.0 million for construction of new libraries in the County over the next ten (10) years. Given its funding obligations to JMRL, staff is not aware of previous Board allocations for operational support of other library systems outside of the JMRL.

Based upon information provided by the Office of Geographic Data Services (GDS), less than 5 percent of the County's population resides within a 10 mile radius of the Town of Gordonsville (See Attachment B). Moreover, JMRL advises that approximately 320 Albemarle residents currently use the Gordonsville Library representing 0.35 percent of the County's population.

The County legally cannot donate funding directly to the Town of Gordonsville or to Orange County, which operates the library, unless the funding is for services provided under a joint exercise of powers agreement approved by ordinance. However, it may be possible for indirect funding to be donated to a charitable institution or association if such institution or association provides library services to the residents of the County.

No funding for this request is currently provided for in the adopted Operating or Capital budgets and would therefore have to be allocated from the Board's Reserve.

Staff recommends that the Board remain focused on using its increasingly limited revenues to serve the best interests of the largest possible number of county residents through its ongoing annual operating funding support for JMRL as well as development of enhanced library facilities throughout Albemarle County. Staff recommends that should the Board decide to consider this request, that it do so in the context of its overall library funding strategy and in relation to its adopted CIP process.

Mr. Rooker agreed to take staff's recommendation on this.

Mr. Boyd said that the recommendation is solid.

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Agenda Item No. 19. Transportation Matters:

a. VDOT Monthly Report.

Mr. Sumpter addressed the Board, noting that the signal at State Farm Boulevard and Route 250 is under construction and is expected to be done later this fall; the signal at Burnley Station is to be completed then as well. Mr. Sumpter said that the railroad bridge repairs for the Buckingham Branch Rail Road bridge are anticipated for the week September 15<sup>th</sup>, and the bridge is expected to be closed for two weeks. He also stated that the Advance Mills Bridge public hearing and design has been approved by Chief Engineer Mal Curley, and this will lead to approval of right of way acquisition and any easements – which should occur within the next several weeks.

Ms. Thomas commented that she lives next door to West Leigh Subdivision, and they work with school division to see how they should trim their trees. She asked if there was anything that could be done or suggested along private roads as far as tree-trimming is concerned.

Mr. Davis replied that it is not in the subdivision or private street standards, and he is not aware of anything adopted that would regulate that. He also stated that a formal homeowner's association may have something in their covenants related to safety or convenient access, and may have the authority to require it.

Mr. Rooker said that bright green signs show up more noticeably than white, and it's unfortunate that VDOT has taken the position to use the white ones.

Mr. Sumpter replied that the Federal Highway Administration dictates the signage requirements.

In response to Mr. Rooker's question regarding illegal signs in the right of way, Mr. Sumpter said that County staff has taken a draft sample agreement and it is currently in the review stage, adding that going through the Attorney General's office is a longer process and could take four to six weeks.

Mr. Sumpter added that VDOT is still looking at signage where they can with the resources available, and during the communications plan would be the appropriate time for a rollout.

Mr. Tucker said that once it comes back from the state it will come before the Board for their approval.

Mr. Rooker commented that the City has an ordinance that says you can only have signs on your property.

Mr. Davis said that if someone puts a sign on your property you can take it down, and if it's in the right of way it's illegal.

Ms. Mallek stated that if the signs are smaller than 2'x 2', they are allowed.

Mr. Davis said that some temporary signs may not require a permit, but they cannot be placed in the right of way.

Ms. Thomas thanked Mr. Sumpter for all his work in Batesville.

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b. Transportation Matters not Listed on the Agenda.

Ms. Mallek asked if the rural rustic road paving would be done for Walnut Level Road next year. Mr. Sumpter responded that it should be complete.

Mr. Boyd said that he is meeting with 300 to 400 State Farm employees this month, and they will likely ask about the traffic light there.

Mr. Sumpter replied that by the end of November it should be functional, possibly earlier.

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Agenda Item No. 20. **Public Hearing: Proposed issuance of general obligation school bonds** of Albemarle County in the estimated maximum principal amount of \$30,765,000. The purpose of the proposed bonds is to finance capital projects for public schools. (Advertised in the Daily Progress on August 18 and August 25, 2008.)

Mr. Richard Wiggins, Director of Finance, summarized the Executive Summary which stated that the FY 2008/09 Capital Improvement Budget was approved with the intent to issue approximately \$30,765,000 in bonds through the Virginia Public School Authority (VPSA) for the following projects:

AHS Addition/Renovation	\$10,316,000
Brownsville Elementary Renovations	\$9,415,000
Crozet Elementary Renovations	\$45,000
Greer Elementary Renovations	\$5,140,000
Gymnasium HVAC & Lighting	\$100,000
Maintenance Projects	\$3,954,000
Support Services Complex	\$645,000
Vehicle Maintenance Facility Addition	\$1,150,000
<b>Total</b>	<b>\$30,765,000</b>

A Resolution authorizing the application to VPSA was adopted by the School Board on August 14, 2008. The attached Resolution authorizes issuance of the bonds not to exceed \$30,765,000, the sale of the bonds to VPSA, and approves as to form the Bond Sale Agreement and details relating to the Bonds.

In order to proceed with this process, a public hearing is scheduled on September 3, 2008 after which the Board will need to adopt the attached Resolution.

The FY09 CIP and Debt Service budgets anticipated the issuance of \$30,765,000 in bonds for the above referenced projects.

After the public hearing, staff recommends approval of the attached Resolution to authorize the issuance of bonds in the maximum principal amount of \$30,765,000 to finance certain capital improvements for the County's public schools.

Mr. Boyd inquired about the operational impact of this. Mr. Wiggins noted that there is an increase as this is a higher amount of debt; the dollars for this were included in the five-year forecast. Mr. Wiggins said that a rule of thumb is 10% of the principal amount as what will be paid in principal and interest every year for 20 years.

Ms. Thomas encouraged including enough money for ongoing maintenance.

At this time the Chairman opened the public hearing. Since no one came forward to speak, the public hearing was closed.

**Motion** was offered by Mr. Rooker, **seconded** by Ms. Mallek, to adopt the following Resolution to authorize the issuance of bonds in the maximum principal amount of \$30,765,000 to finance certain capital improvements for the County's public schools.

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

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

**(The adopted resolution is set out below:)**

**RESOLUTION AUTHORIZING THE ISSUANCE OF  
GENERAL OBLIGATION SCHOOL BONDS, SERIES 2008A,  
OF THE COUNTY OF ALBEMARLE, VIRGINIA,  
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$30,765,000  
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF**

**WHEREAS**, the School Board (the "School Board") of the County of Albemarle, Virginia (the "County"), has, by resolution adopted on August 14, 2008, requested the Board of Supervisors (the "Board") to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

**WHEREAS**, the Board has determined that it is necessary and expedient to borrow an amount not to exceed \$30,765,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

**WHEREAS**, the County held a public hearing, duly noticed, on September 3, 2008, on the issuance of the Bonds in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

**WHEREAS**, the Bond Sale Agreement (as hereinafter defined) shall indicate that \$30,765,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

**WHEREAS**, VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds; and

**WHEREAS**, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in Section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:**

**1. Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$30,765,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes, including without limitation, the projects as described in Exhibit B. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

**2. Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price, determined by VPSA to be fair and accepted by the Chairman of the Board and the County Executive, either of whom may act [that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 95% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested]. The Chairman of the Board and the County Executive, either of whom may act and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 10, 2008 (the "Bond Sale Agreement"), with VPSA providing for the sale of the Bonds to VPSA. The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Bond Sale Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

**3. Details of the Bonds.** The Bonds shall be issued in fully registered form, dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2008A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2009 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

**4. Interest Rates and Principal Installments.** The County Executive is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be

ten one-hundredths of one percent (0.10%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed five and fifty one-hundredths percent (5.50 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. The County Executive is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution and provided further that the final maturity of the Bonds occurs no later than December 31, 2028. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by VPSA and Interest Payment Dates and the Principal Installments requested by VPSA as having been so accepted by the County Executive as authorized by this Resolution.

**5. Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

**6. Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) U.S. Bank National Association, Richmond, Virginia, is designated as bond registrar and paying agent for the Bonds (the "Bond Registrar"). The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar.

**7. Prepayment or Redemption.** The Principal Installments of the Bonds held by VPSA coming due on or before July 15, 2018, and the definitive Bonds for which the Bonds held by VPSA may be exchanged that mature on or before July 15, 2018, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by VPSA coming due after July 15, 2018, and the definitive bonds for which the Bonds held by VPSA may be exchanged that mature after July 15, 2018, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2018, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2018, through July 14, 2019	101%
July 15, 2019, through July 14, 2020	100½
July 15, 2020, and thereafter	100

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

**8. Execution of the Bonds.** The Chairman or Vice Chairman of the Board, either of whom may act, and the Clerk of the Board or any Deputy Clerk, either of whom may act, are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

**9. Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

**10. Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Executive and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations

contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

**11. State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the Director of Finance to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Executive and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing such Proceeds Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

**12. Continuing Disclosure Agreement.** The Chairman of the Board, the County Executive and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Continuing Disclosure Agreement, substantially in the form attached as Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

**13. Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

**14. Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

**15. Effective Date.** This Resolution shall take effect immediately.

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Agenda Item No. 21. **Public Hearing: Proposed ordinance to amend Section 4-100, Definitions, and Article III, Licenses, of Chapter 4, Animals and Fowl, of the Albemarle County Code.** The ordinance would amend Sec. 4-100 by defining "hearing dog," "releasing agency," "service dog," and "kennel"; and Article III by reorganizing and updating the County Code dog license provisions to conform to Virginia Code provisions; adding the requirement for veterinarians to provide the County Finance Director rabies certificate information forty-five days after vaccinating a dog; providing two and three year dog license options in addition to the one year license; increasing the penalty for making a false statement to secure a dog license and failure to pay the dog license tax to a class 4 misdemeanor; and increasing the dog license tax from \$3.00 to \$5.00 for spayed and neutered dogs, from \$5.00 to \$10.00 for un-spayed and unneutered dogs, and eliminating the twenty and fifty dog kennel licenses and establishing one kennel license tax of \$50.00 for each block of ten dogs. The proposed effective date of this ordinance is November 1, 2008. (Advertised in the Daily Progress on August 18 and August 25, 2008.)

Mr. Joe Correa, Division Manager of Revenue and Taxation, summarized the Executive Summary which stated 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. On August 6<sup>th</sup>, the Board authorized an ordinance to be set for public hearing to update the County Code provisions relating to dog licenses and to consider an increase in the dog license tax effective for calendar year 2009. Other animal ordinance updates not relating to dog license taxes will be brought to the Board later this year.

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 un-spayed 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. "Kennel" is 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 within forty-five days after vaccinating a dog;
- Include two and three year dog license options in addition to the one year license as authorized by Virginia Code § 3.1-796.88 (§ 3.2-6530(B)). This allows dog owners to

purchase a dog license which can run concurrently with the rabies vaccination, thereby reducing the number of renewals;

- Increase the criminal penalty for making a false statement in order to secure a dog license (currently a fine of not less than \$5.00 nor more than \$100.00) and the penalty for failure to timely pay the dog license tax (currently a fine of \$10.00) to a penalty punishable as a class 4 misdemeanor with a fine of up to \$250.00 as authorized by Virginia Code § 3.1-796.128(A) (§3.2-6587(A)); and
- 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 as 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, after the public hearing, the Board adopt the attached ordinance.

Mr. Correa noted that the 2007 and 2008 General Assembly sessions put into play legislation that required localities to amend their ordinances; 2008 requires clarification of definition of "kennels," "hearing dogs," "releasing agency." The 2007 action requires veterinarians in the County to report vaccinations to his office, and he then must reconcile them against the database to see which animals have licenses. Mr. Correa said that required the assignment of one individual exclusively to administer dog licenses, and there has also been additional expense in issuing licenses and sending notices out. He added that the 2008 session also required that criminal penalties be increased, and the Finance Department is proposing an increase in fees. Mr. Correa said that he surveyed 18 different localities, and 11 of them are up to the limit of what's proposed in the executive summary.

Ms. Mallek asked if he is considering have dog licenses mailed along with tax bills.

Mr. Correa replied that they have considered it, but they have to send out vaccination certificates in order to issue a license and they are not sure how to put that on a first cycle or second cycle bill.

Mr. Rooker added that they have discussed issuing licenses out of vet's offices, and more dogs would probably be picked up as the estimate now is only 10%.

Mr. Correa said that the 2007 legislation went into effect July 1<sup>st</sup>, requiring veterinarians to report to local treasurers; the second part was enforcement and notice provision which kicked in January 1<sup>st</sup> whereby treasurers must reconcile their information. He stated that he began reconciling it last year, and in the first mailing 4,100 notices went out.

Mr. Rooker commented that most people do not know it's a requirement.

Mr. Correa said that after that about 1,500 were sent out for a total of 5,600 without licenses. He explained that he tried to identify all the veterinarians in the County, and have them attend a meeting to discuss the legislation, adding that neither vets or treasurers are pleased with the legislation because of the additional burden it places on them. Mr. Correa said that he has to take vaccinations for dogs from another county and send them to that locality; he also receives information from neighboring counties. He reported that the Whitehall Ruritan Vaccination Clinic offered to sell licenses there, and they did sell 54 licenses there one Saturday.

The public hearing was opened and public comment was invited.

Ms. Ann Sullivan addressed the Board, stating that she understands the need for compliance with state code. She said that individual fees for neutering are going from \$3 to \$5, which seems fair. Regarding the kennel license proposal, Ms. Sullivan said that in 2007 the County sold 102 kennel licenses, and 90% were for the lesser amount of one to 20 dogs at \$15. She said now the fee is \$50 for 10 ten dogs in blocks of 10, which reflects a 14% increase – double the proposed raise in individual fees, but since it is for exactly half the number it is actually an 85% increase. She said if you have more than 10 dogs, you must pay the fee of \$100 every year for licenses from a previous \$15. Ms. Sullivan expressed

concern that people with multiple dogs which previously got kennel licenses will simply stop getting rabies shots for their dogs, an undue and punitive burden for a tiny minority; according to Mr. Correa it costs no more to process a kennel license than it does an individual license including notification of noncompliance; the only additional cost is additional kennel tags. She added that Greene County charges a kennel license fee of \$30 for 1-9 dogs; \$40 for 10-20 dogs; in Augusta County, \$25 for four or more dogs; in Fluvanna County, \$40 for up to 20 dogs; Orange County \$25 for 1-10 dogs. Ms. Sullivan added that Albemarle used Culpeper for comparison.

Mr. James Barrett addressed the Board, stating that he is with the Charlottesville-Albemarle Kennel Club and co-founder of Responsible Dog Owners of Albemarle County. He said that changes in licensing are long overdue and are based in neighboring county fees, and dog licenses should be required of all dog owners to encourage responsible ownership and support county animal control officers. Mr. Barrett said that Culpeper is not a neighbor, and imposing \$50 kennel fees will create a hardship for small kennel owners, and the fees only generate \$3,500. He added that it is of much more importance to go after the 16-30,000 unlicensed dog owners, and recommended only increasing the fees a small percentage.

There being no further public comment, the public hearing was closed and the matter placed before the Board.

Mr. Rooker commented that the license fee per dog is no higher for a kennel than an individual pet, which is \$50 for 10 dogs.

Mr. Davis responded that traditionally there had been a much lower cost for kennels, and the ordinance hadn't been amended since 1983.

Mr. Slutzky asked if it is worth requiring pet stores and breeders to report dog sales so it could be confirmed that a dog is licensed.

Mr. Davis replied that there are various strategies to try to enforce the dog license requirements, but the County has not devoted a lot of resources to this in the past – owners of unlicensed dogs receive notices as they are discovered – but essentially this has been an unfunded mandate. He added that the biggest concerns are getting dogs vaccinated, and spayed and neutered. Mr. Davis said that this ordinance is what has been proposed by the Finance Department to maximize the amount of revenue that state law allows, and that is the recommendation that came forward.

Ms. Thomas asked if puppies are included in the 10 dog rule, because if they are under four months they do not need a license.

Mr. Correa responded that they do not have to have a license but can purchase individual tags. He also said that there's no requirement to purchase a kennel block, that's purely by choice. Mr. Correa said that under the definition of kennels, it's defined as five or more dogs; you can have five dogs and buy a kennel block, or buy individual ones. He also stated that some localities have inspection of kennel facilities and other requirements for animal control officers, but Albemarle does not have that kind of a system.

Mr. Rooker emphasized that this is not a money-maker; it costs the County money every year.

**Motion** was offered by Mr. Rooker, **seconded** by Mr. Dorrier, to adopt the following Ordinance No. 08-4(2) to amend Section 4-100, Definitions, and Article III, Licenses, of Chapter 4, Animals and Fowl, of the Albemarle County Code.

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

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

NAYS: None.

**(The adopted ordinance is set out below:)**

#### **ORDINANCE NO. 08-4(2)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA BY AMENDING ARTICLE I, IN GENERAL, AND ARTICLE III, LICENSES.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, is hereby amended and reordained by amending Article I, In General, and Article III, Licenses, as follows:

**By Amending:**

Sec. 4-100 Definitions

Sec. 4-300 Required

Sec. 4-301 Procedure for obtaining licenses

Sec. 4-302 Evidence of rabies vaccination prerequisite to issuance of license

Sec. 4-307 Effect of dog not wearing collar and tag as evidence

**By Amending and Renumbering:**

Sec. 4-303 Amount of license tax	to Sec. 4-304 Amount of license tax
Sec. 4-304 When license tax payable	to Sec. 4-305 When license tax payable, valid
Sec. 4-305 Payment of license tax subsequent to summons	to Sec. 4-306 Payment of license tax subsequent to summons
Sec. 4-309 Display of receipts	to Sec. 4-308 Display of receipts; collar and tag to be worn; penalties

**By Adding:**

Sec. 4-303 Veterinarians to provide treasurer with rabies certificate information; civil penalty

**By Repealing:**

Sec. 4-306 Term  
Sec. 4-308 License to consist of receipt and metal tag  
Sec. 4-310 License tags – Attachment to collar  
Sec. 4-311 License tags – Contents  
Sec. 4-312 License tags – Collar and tag to be worn by dog; exceptions  
Sec. 4-313 License tags – Duplicate  
Sec. 4-314 License tags - Kennels  
Sec. 4-315 Penalties for violation of sections 4-312 and 4-314  
Sec. 4-316 False statements  
Sec. 4-317 Penalty for failure to obtain license

**CHAPTER 4. ANIMALS AND FOWL  
ARTICLE I. IN GENERAL**

**Sec. 4-100 Definitions.**

The following words as used in this chapter shall have the following meanings:

(1) *Abandon*. The term "abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code § 3.2-6503 for a period of five consecutive days.

(2) *Adequate care or care*. The term "adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

(3) *Adequate exercise*. The term "adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

(4) *Adequate feed*. The term "adequate feed" means access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

(5) *Adequate shelter*. The term "adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

(6) *Adequate space*. The term "adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

(7) *Adequate water*. The term "adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species,

condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

(8) *Adoption*. The term "adoption" means the transfer of ownership of a dog or cat from a releasing agency to an individual.

(9) *Agricultural animals*. The term "agricultural animals" means all livestock and poultry.

(10) *Ambient temperature*. The term "ambient temperature" means the temperature surrounding the animal.

(11) *Animal*. The term "animal" means any domestic animal, including both agricultural and companion animals, if not specified otherwise. For the purposes of article IV, "animal" means any species susceptible to rabies.

(12) *Animal control officer*. The term "animal control officer" means any person employed, contracted, or appointed by the Commonwealth or any political subdivision for the purpose of aiding in the enforcement of any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or county police officer, animal control officer, sheriff or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

(13) *Animal shelter*. The term "animal shelter" means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

(14) *Boarding establishment*. The term "boarding establishment" means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

(15) *Collar*. The term "collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

(16) *Companion animal*. The term "companion animal" means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

(17) *Enclosure*. The term "enclosure" means a structure used to house or restrict animals from running at large.

(18) *Euthanasia*. The term "euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

(19) *Hearing dog*. The term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

(20) *Kennel*. The term "kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purposes of breeding, hunting training, renting, buying, boarding, selling, or showing.

(21) *Livestock*. The term "livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Virginia Code § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

(22) *Owner*. The term "owner" means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

(23) *Person*. The term "person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

(24) *Poultry*. The term "poultry" includes all domestic fowl and game birds raised in captivity.

(25) *Pound*. The term "pound" means a facility operated by the Commonwealth, or county for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

(26) *Primary enclosure.* The term "primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

(27) *Releasing agency.* The term "releasing agency" means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue, that releases companion animals for adoption.

(28) *Service dog.* The term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(29) *Sterilize or sterilization.* The term "sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

(30) *Treatment or adequate treatment.* The term "treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

(31) *Veterinary treatment.* The term "veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

(Code 1967, § 4-4; 4-13-88; Code 1988, § 4-4; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08)

**State law reference**—Va. Code §§ 3.2-6500, 6528.

### ARTICLE III. LICENSES

#### **Sec. 4-300 Required.**

It shall be unlawful for any person other than a releasing agency that has registered as such annually with the County to own a dog four (4) months old or older in the County unless such dog is licensed, as required by the provisions of this article.

(Code 1967, § 4-17; 9-13-89; Code 1988, § 4-20; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08)

**State law reference**-- Va. Code § 3.2-6524.

#### **Sec. 4-301 Procedure for obtaining licenses.**

A. Any resident of this county may obtain a one year, two year, or three-year dog license by making oral or written application to the director of finance or his designee, accompanied by the amount of the license tax and a current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained.

B. The director of finance or his designee shall license only dogs of resident owners or custodians who reside within the County, and may require information to this effect of any applicant. Upon receipt of a proper application and a current certificate of vaccination as required by this chapter or satisfactory evidence that such certificate has been obtained, the director of finance or his designee shall issue a license receipt, on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for herein. Multi-year dog licenses may only be issued upon evidence that the certificate of vaccination is valid for the duration of the multi-year license.

C. The director of finance or his designee shall retain the application information during the period for which such license is valid, and shall be available for public inspection.

D. It shall be unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled. Any person convicted of making a false statement in order to secure a dog license to which he is not entitled shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

E. Any person convicted of failure to pay the dog license tax imposed by this division prior to February 1 of any year or at such other time as may be required by this division on any dog four (4) months of age or older and owned by him shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

(Code 1967, § 4-18; 5-15-75; Code 1988, § 4-21; Ord. 98-A(1), 8-5-98, § 4-301; Code 1967, § 4-33; Code 1988, § 4-36; Ord. 98-A(1), 8-5-98, § 4-316; Code 1967, § 4-34; 4-13-88; 9-13-89; Code 1988, § 4-37; Ord. 98-A(1), 8-5-98, § 4-317; Ord. 08-4(2), 9-3-08)

**State law reference**-- Va. Code §§ 3.2-6527, 3.2-6530(B), 3.2-6587(A).

#### **Sec. 4-302 What license shall consist of; evidence of rabies vaccination; duplicate tags.**

A. A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the County has issued the license and bear a serial number or other identifying information prescribed by the County.

B. No dog license shall be issued for any dog unless there is presented to the director of finance or his designee, satisfactory evidence that such dog has been inoculated or vaccinated against rabies, as required by section 4-301, by a currently licensed veterinarian or currently licensed technician who was under the immediate and direct supervision of a licensed veterinarian on the premises.

C. If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the director of finance or his designee for a duplicate license tag by presenting the original license receipt. Upon affidavit of the owner or custodian before the director of finance or his designee that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag. The owner or custodian shall immediately affix the duplicate license tag to the collar of the dog. The director of finance or his designee shall endorse the number of the duplicate and the date issued on the face of the original receipt. The fee for a duplicate tag shall be one dollar (\$1.00).

(Code 1967, § 4-19; Code 1988, § 4-22; Ord. 98-A(1), 8-5-98, § 4-302; Code 1967, § 4-25; 4-23-88; Code 1988, § 4-28; Ord. 98-A(1), 8-5-98, § 4-308; Code 1967, § 4-28; 4-13-88; Code 1988, § 4-31; Ord. 98-A(1), 8-5-98, § 4-311; Ord. 08-4(2), 9-3-08)

**State law reference** -- Va. Code §§ 3.2-6526, 6532.

#### **Sec. 4-303 Veterinarians to provide treasurer with rabies certificate information; civil penalty.**

A. Each veterinarian who vaccinates a dog against rabies or directs a veterinary technician in his employ to vaccinate a dog against rabies shall provide the owner a copy of the rabies vaccination certificate. The veterinarian shall forward within forty-five (45) days a copy of the rabies vaccination certificate or the relevant information contained in such certificate to the County's director of finance.

The rabies vaccination certificate shall include at a minimum the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, whether or not the animal is spayed or neutered, the vaccination number, and expiration date. The rabies vaccination certificate shall indicate the locality where the animal resides.

B. It shall be the responsibility of the owner of each vaccinated animal that is not already licensed to apply for a license for the vaccinated dog. If the director of finance determines, from review of the rabies vaccination information provided by the veterinarians, that the owner of an unlicensed dog has failed to apply for a license within 90 days of the date of vaccination, the director of finance shall transmit an application to the owner and request the owner to submit a complete application and pay the appropriate fee. Upon receipt of the completed application and payment of the license fee, the director of finance or his designee shall issue a license receipt and a permanent tag.

The director of finance shall remit any rabies vaccination certificate received for any animal owned by an individual residing in another locality to the local treasurer for the appropriate locality.

Any veterinarian that willfully fails to provide the director of finance with a copy of the rabies vaccination certificate or the information contained in such certificate may be subject to a civil penalty not to exceed \$10 per certificate. Monies raised pursuant to this subsection shall be placed in the County's general fund for the purpose of animal control activities including spay or neuter programs.

(Ord. 08-4(2), 9-3-08)

**State law reference**—Va. Code § 3.2-6529.

#### **Sec. 4-304 Amount of license tax.**

A. Dog license taxes shall be as follows:

1. *Spayed Female/Neutered Male.*
  - One year tag: Five dollars (\$5.00)
  - Two year tag: Ten dollars (\$10.00)
  - Three year tag: Fifteen dollars (\$15.00)
2. *Unspayed Female/Unneutered Male.*
  - One year tag: Ten dollars (\$10.00)
  - Two year tag: Twenty dollars (\$20.00)
  - Three year tag: Thirty dollars (\$30.00)
3. *Kennel license* Fifty dollars (\$50.00) per block of ten dogs

B. No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person, or any dog that is trained and serves as a service dog for a mobility-impaired person.

(Code 1967, § 4-20; 12-20-73; 80-11-76; 2-13-85; 4-13-88; Code 1988, § 4-23; Ord. 98-A(1), 8-5-98, § 4-303; Ord. 08-4(2), 9-3-08)

**State law reference--** Va. Code § 3.2-6528.

**Sec. 4-305 When license tax payable, valid.**

A. The license tax imposed on dogs by this article shall be due and payable no later than thirty days after a dog has reached the age of four months, or no later than thirty days after an owner acquires a dog four months of age or older and each year thereafter no later than January 31 of each year.

B. If a dog shall become four months of age or if a dog over four months of age unlicensed by this county shall come into the possession of any person in this county between January 1 and October 31 of any year, a license tax for the current calendar year shall be paid forthwith by the owner.

C. If a dog shall become four months of age or if a dog over four months of age unlicensed by this county shall come into the possession of any person in this county between November 1 and December 31 or any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax.

(Code 1967, § 4-21; 9-13-89; Code 1988, § 4-24; Ord. 98-A(1), 8-5-98, § 4-304; Code 1967, § 4-23; Code 1988, § 4-26; Ord. 98-A(1), 8-5-98, § 4-306; Ord. 08-4(2), 9-3-08)

**State law reference--** Va. Code § 3.2-6530.

**Sec. 4-306 Payment of license tax subsequent to summons.**

Payment of the license tax subsequent to a summons to appear before the judge of the general district court or other court for failure to pay the license tax within the time required shall not operate to relieve such owner from any penalty for the violation of this article.

(Code 1967, § 4-22; Code 1988, § 4-25; Ord. 98-A(1), 8-5-98, § 4-305; Ord. 08-4(2), 9-3-08)

**State law reference--** Va. Code § 3.2-6536.

**Sec. 4-307 Effect of dog not wearing collar and tag as evidence.**

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceeding under this article, the burden of proof of the fact that the dog has been licensed or was otherwise not required to bear a tag at the time shall be on the owner of the dog.

(Code 1967, § 4-24; Code 1988, § 4-27; Ord. 98-A(1), 8-5-98; Ord. 08-4(2), 9-3-08)

**State law reference--** Va. Code § 3.2-6533.

**Sec. 4-308 Display of receipts; collar and tag to be worn; penalties.**

A. Dog license receipts shall be carefully preserved by the owner and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when:

- (i) the dog is engaged in lawful hunting;
- (ii) the dog is competing in a dog show;
- (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar;
- (iv) the dog is confined; or
- (v) the dog is under the immediate control of its owner.

B. The license tag for a kennel shall show the number of dogs authorized to be kept under such license, and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag. The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall not be operated in such manner as to defraud the County of the license tax applying to dogs which cannot be legally covered thereunder or to any manner which violates other provisions of this article.

C. The owner of any dog found running at large at any time of the year in violation of this section, upon conviction, shall be guilty of a class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

(Code 1967, § 4-26; 4-13-88; Code 1988, § 4-29; Ord. 98-A(1), 8-5-98, § 4-309; Code 1967, § 4-31; 4-13-88; Code 1988, § 4-34; Ord. 98-A(1), 8-5-98, § 4-314; Code 1967, § 4-32; 4-13-88; Code 1988, § 4-35; Ord. 98-A(1), 8-5-98; Ord. 05-4(1), 12-7-05, § 4-315; Ord. 08-4(2), 9-3-08)

**State law reference--**Va. Code §§ 3.2-6531, 3.2-6587(A).

**This ordinance to be effective on and after November 1, 2008.**

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Agenda Item No. 22. **Public Hearing: WPTA-2008-0003. Water Protection Ordinance.** To exempt certain public airport improvements from stream buffer regulations. Amend Sec. 17-319, Types of development exempt from duties to retain, establish or manage a stream buffer, to exempt the construction, installation and maintenance of runways, taxiways, and other similar or appurtenant improvements at public airports, including the expansion or extension of those improvements, from the duty to retain, establish or manage a stream buffer, provided that all applicable federal, state and local permits are obtained. (Advertised in the Daily Progress on August 18 and August 25, 2008.)

The following Executive Summary was forwarded to Board members:

On August 13, 2008, the Board authorized a public hearing to consider amending the Water Protection Ordinance ("Ordinance") to allow public airport runways and associated improvements to be exempt from stream buffer requirements. The Charlottesville-Albemarle Airport's ("Airport") planned extension of its runway encroaches into stream buffers protected by the Ordinance. The planned extension is shown in the Airport's master plan, is incorporated into the County's Comprehensive Plan through the master plan, and is supported by the Board as evidenced by its August 13, 2008 resolution of support. Additionally, the runway extension has already gone through a federal approval process that included an environmental assessment.

Staff recognized a potential conflict between a planned runway extension at the Airport and the Ordinance when reviewing a site plan for the Airport that includes the runway extension. Staff found that the runway extension encroached into a protected stream buffer and that a runway was not specifically addressed in the Ordinance. To resolve this potential conflict, staff determined that either an ordinance amendment or an interpretation of the Ordinance by the Program Authority would be required. Recognizing the Airport was under tight contractual timelines, the Director of Community Development, acting as the Program Authority under the Ordinance, directed staff to proceed with the review of the project, treating the runway as if it were a driveway. This delayed the need to make a final interpretation and provided an opportunity to bring forward an ordinance amendment to address this issue. If the Ordinance is not amended, an Ordinance interpretation will need to be finalized before approving or denying a grading plan that allows disturbance of this stream buffer.

In proposing an ordinance amendment, staff considered three options for allowing a public airport runway within protected stream buffers. Those options included:

1. Under § 17-319 of the Ordinance, treat a public runway as an exempted activity;
2. Under § 17-320 of the Ordinance, treat a public runway as an authorized activity with established conditions; and
3. Under § 17-321 of the Ordinance, treat a public runway as a discretionary activity that requires a case by case determination and mitigation plan.

Staff supports an amendment to make the public airport runway an exempt activity under § 17-319 of the Ordinance for the following reasons. First, water quality impacts associated with the runway extension are already regulated under federal and state permits. This suggests that water quality regulation at the local level is redundant and would divert scarce staff resources from other projects where there are no state and federal safeguards. Second, the runway extension is already recognized by the County as a planned improvement in the Comprehensive Plan and by the Board's August 13<sup>th</sup> resolution of support. This demonstrates that the runway extension should be viewed as a Board endorsed project rather than a project subject to administrative denial by staff. Additionally, a public airport runway is a unique and very rare development, suggesting that standard conditions as an authorized activity will likely provide a poor fit. Finally, staff recognizes the Airport and the County have a long and cooperative relationship. While such an exemption might not be appropriate for all development, staff is confident the Airport will remain open to staff suggestions on additional water quality measures beyond what is required.

Staff has not identified any budget impact associated with the proposed ordinance amendment. This amendment will simplify the County's administration of the grading permit, but that activity is already funded through the fees in the Water Protection Ordinance. Under County policy, the Airport pays the same fees as any other developer.

After the public hearing, staff recommends that the Board adopt the attached ordinance to exempt public airport runways and associated improvements from the Water Protection Ordinance stream buffer requirement.

Ms. Thomas commented that she always thought the County requirements were higher than state standards, and asked him to elaborate.

Mr. Graham replied that there is wetlands permitting, which the County does not require, and they also have an industrial discharge permit for their storm water, and requirement for a pollution prevention plan to minimize long-term impacts.

Mr. Rooker stated that his primary concern is to make certain that the storm water facilities provided for this area are adequate to handle the runoff being created by the airport, and the County was assured that if the plan was executed the storm water situation would improve.

Mr. Graham responded that staff fully expects that, and the airport is also building in some redundancy under their erosion and sediment control plan that would not normally be seen for most applicants.

Mr. Rooker asked about the good faith effort to do some stream mitigation downstream.

Mr. Graham replied that that is being pursued, and that's a great example of the stewardship the airport has exhibited.

The public hearing was then opened and public comment was invited.

Mr. Tim Kendrick addressed the Board, stating that comments were made at the November 5, 2007 joint public hearing. He said that three agencies provided recommendations specifically addressing this issue as part of the DEQ's coordinated review of the proposed development dated December 20, 2007. Mr. Kendrick said that DCR recommended the implementation and strict adherence to applicable state and local erosion and sediment control and storm water management laws and regulations to minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities. He added that the DGIF made several recommendations: relocate stream channels where practical, incorporating natural stream design and wooded buffers; maintain undisturbed wooded buffers of at least 100 feet and width around all onsite wetlands and on both sides of the stream channels. Mr. Kendrick said that Community Development stated that the western portion of the airport falls within a water supply area; but the draft plan does not address local requirements for a 100-foot stream buffer in drinking water supply areas. He added that the County requested that the airport comply with the stream buffer requirements to design construction of the proposed project. Mr. Kendrick said that according to county GIS, there are eight streams on the airport property, some of which converge with others on the property, so five streams on the property flow into Chris Greene Lake.

He emphasized that the runway extension itself impacts the three streams located on the northwest corner of the airport property; the Barlow site is located south of the other stream and the relocation of snow removal equipment building is located next to the middle stream on the west side, and the construction of the temporary west side access road crosses three of the five streams on that side. Mr. Kendrick said that in Phase III of this project there are four or five buildings being placed on the west side directly impacting the two southernmost streams, and under the proposed verbiage all of these projects would be exempt from duties to retain, establish, or manage a stream buffer. He encouraged the Board to consider a third option – which would treat a public runway as discretionary activity that requires a case-by-case determination and mitigation plan, consistent with recommendations made by the Department of Conservation and Recreation, the Department of Game and Inland Fisheries, and the Albemarle County Department of Community Development as part of the December 20<sup>th</sup> coordinated review.

Mr. Bill Schrader addressed the Board, stating that he serves on the Airport Commission. Mr. Schrader noted that the de-icer used is not a harmful product and is captured in a retention pond on the east side and will not be close to the streams being discussed. He also said that the streamwork being done is actually looking at a 100-year worst storm scenario, and they will take every precaution that work being done meets guidelines. Mr. Schrader pointed out that the commission members are appointed, not paid, and all live in this community and share concerns of other citizens. He requested approval of the amendment so the project can move forward.

Ms. Tatiana Patton addressed the Board on behalf of the Rivanna Conservation Society. Ms. Patton said that the RCS's biggest concern with this project is the choice of amendment, and feel that the airport has gone above and beyond requirements to make this a good project. However, she said, by adopting option one, a future door is being opened for other projects that can slip by without any kind of Board or staff review, and they hesitate to recommend the option for that reason. Ms. Patton asked the Board to preserve the intent of the Water Protection Ordinance and choose option three.

Mr. Jim Nixon of Delta Airport Consultants, the registered engineer, addressed the Board. He indicated that they meet and exceed all requirements of the erosion and sediment control and stormwater management for the State and County. Mr. Nixon pointed out that runways have a lot of buffer areas, unlike regular roads, and assured the Board that there would not be problems downstream.

Mr. Tim Cosner of the Airport Commission addressed the Board, stating that he is with Delta and Northwest and they support the extension because it puts more passengers on a plane; currently the runway size prohibits the load on planes, and the extension would provide about 6,000 more passengers per year. Mr. Cosner said that 1,000 more feet would allow 50 more passengers and their bags.

Ms. Barbara Hutchinson, Executive Director of the Charlottesville-Albemarle Airport, addressed the Board, thanking them for their consideration and assuring them that additional mitigation would be undertaken. Ms. Hutchinson said that the clerk has been given written information on the de-icer material, a safety data sheet, an information sheet from the manufacturer, and an economic impact analysis.

Mr. Timothy Hulbert addressed the Board, on behalf of the Charlottesville Regional Chamber of Commerce. Mr. Hulbert said that the Chamber has long supported enhancements to the airport, and this community needs to go forward with the investment for the expansion. He stated that the plan is to meet and exceed all state environmental and federal standards, as agreed by staff and the Planning Commission.

Mr. Mike Matthews addressed the Board, stating that the airport is a critical link for his business, and he was part of the original group that created the ordinance. Mr. Matthews said that everything proposed here today is consistent with the intent of that ordinance, and the airport meets and exceeds environmental requirements on a regular basis. He stated that these have been turbulent times for the airport industry, and the airport must be competitive. Mr. Matthews also stated that the Airport Commission receives accolades for their work, and they continue to be one of the most effective local government bodies.

There being no further public comment, the public hearing was closed and the matter was placed before the Board.

Ms. Thomas noted that there's nothing in the action today that says the buildings would have to meet requirements.

Mr. Graham confirmed this, adding that they'd have to be considered under §17.3-22, which deals with the mitigation plan on a case by case basis; he said that only structures pertinent to the runway are covered with this amendment.

Mr. Rooker emphasized that this really only pertains to the runway and is an extremely narrow amendment.

Ms. Mallek said that she would like to find out what the difficulties are with option three.

Mr. Graham replied that the problem with that option is it becomes a discretionary decision with the program authority and the County has to find that there is no alternative to them and that there is the ability to mitigate the impacts on that property; no offsite mitigation can be mandated, which could put them in a very difficult situation. He said that just the time needed for mitigation plans could jeopardize their funding.

Mr. Rooker pointed out that the County Attorney advised that the ordinance change was necessary.

Mr. Dorrier commented that it's almost an emergency decision, and the airport is assuring that there will be no detriment to streams.

Mr. Rooker emphasized that they are going above and beyond what would normally be required.

**Motion** was offered by Mr. Slutzky, **seconded** by Mr. Dorrier, to adopt the following Ordinance No. 08-17(4) to exempt public airport runways and associated improvements from the Water Protection Ordinance stream buffer requirement.

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

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

**(The adopted ordinance is set out below:)**

#### **ORDINANCE NO. 08-17(4)**

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING 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 III, Stormwater Management and Water Quality, is amended and reordained as follows:

#### **By Amending:**

Sec. 17-319 Types of development exempt from duties to retain, establish or manage a stream buffer

#### **Chapter 17. Water Protection**

#### **Article III. Stormwater Management and Water Quality**

#### **Sec. 17-319 Types of development exempt from duties to retain, establish or manage a stream buffer.**

The following types of development shall not be required to retain, establish or manage a stream buffer, provided that the requirements of this section are satisfied:

A. The construction, installation, operation and maintenance of electric, gas and telephone transmission lines, railroads, and activities of the Virginia Department of Transportation, and their appurtenant structures, which are accomplished in compliance with the Erosion and Sediment Control Law (Virginia Code §§ 10.1-560 et seq.) or an erosion and sediment control plan approved by the Virginia Soil and Water Conservation Board.

B. The construction, installation, and maintenance by public agencies of water and sewer lines, including water and sewer lines constructed by private interests for dedication to public agencies, provided that:

1. To the extent practical, the location of such water or sewer lines shall be outside of all stream buffer areas;

2. No more land shall be disturbed than is necessary to construct, install and maintain the water or sewer lines; and

3. All such construction, installation, and maintenance of such water or sewer lines shall comply with all applicable federal, state and local requirements and permits and be conducted in a manner that protects water quality.

C. Silvicultural activities, provided that such activities are conducted in compliance with the water quality protection procedures established by the Virginia Department of Forestry in its "Best Management Practices Handbook for Forestry Operations."

D. The construction, installation and maintenance of runways, taxiways, and other similar or appurtenant improvements at public airports, including the expansion or extension of those improvements, provided that all applicable federal, state and local permits are obtained.

(§ 19.3-43, 2-11-98; § 19.2-12, 6-19-91, § 12; Code 1988, §§ 19.2-12, 19.3-43; Ord. 98-A(1), 8-5-98; Ord. 08-17(4), 9-3-08)

**State law reference--**Va. Code § 10.1-2108.

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Agenda Item No. 23. **Work Session:** Alternative Funding for ACE.

Mr. Rex Linville, Land Conservation Officer with the Piedmont Environmental Council, addressed the Board. He thanked the Board for their time and applauded their consistent and generous level of funding for ACE over the last eight years, as it has made a significant difference in the County and there are now 27 farms and forest properties throughout the County that wouldn't have been protected without the program. Mr. Linville said that the public funds invested in the ACE program will make a lasting impact in the community for generations to come. He said that demand has gone up and the cost for easements has increased, today's dollars are not protecting what they used to when the program was started in 2000.

Mr. Linville said that given these trends, it makes sense to preserve as much as possible today while these lands are still available for protection and the cost is relatively low for the community. He stated that one way to accelerate that rate of conservation would be to invest more dollars in ACE on an annual basis, but given the fiscal realities this might not be the most feasible option. Mr. Linville said that Pat O'Connell will speak with the Board today on conservation easement financing, as he specializes in assisting local governments and corporations in raising capital for land preservation. He said that Mr. O'Connell was instrumental in developing the Trust for Public Lands Government Lease Purchase Land Acquisition Financing Program and serves on TPL's Chesapeake Advisory Committee.

Mr. O'Connell addressed the Board, stating that most County programs funding conservation through annual revenues find out that the money starts to run out before they accomplish what they have set out to do. He said that land preservation programs are very opportunistic; with the landowner deciding when it is time to preserve and if you are only funding in cash you may not have enough in a given year to respond to that. Mr. O'Connell added that sometimes sellers do not want cash, and the County needs to be in a position to respond to that. He also said that having some "debt" for land conservation can also be healthy for municipality ratings – with criteria being considered such as quality of life and having some control over a capital budget; land preservation fits into those as it provides some assurance to rating agencies that there is a long-term vision.

Mr. O'Connell said that currently the County puts in about \$1.6 million a year to land conservation, and the state grants are somewhat uncertain. He stated that over the next five years, there would likely be \$1.8 and \$2 million to spend on land preservation, and preserving at the rate of \$4,000 per acre, assuming the price stays the same, that allows for about 450-500 acres a year, or 2,300 acres over that time period.

Mr. O'Connell emphasized that there is no one answer and several tools must be available, with seller financing, bonds and loans being additional options to cash. He added that public-private partnerships and providing pensions are other tools to be considered.

Regarding debt for conservation easements, Mr. O'Connell said that general obligation bonds can be issued, and the Virginia Resources Authority can also provide financing on behalf of local governments. He explained that the County could also borrow from the State's Clean Water State Revolving Fund to fund land conservation. Mr. O'Connell reported that the six County governments that have gone to the voters in Virginia have seen good results for approval of debt for land preservation. He noted that the approval rates went up with the higher the percentage of bonds being devoted for land preservation, but cautioned that getting it on the ballot and getting voter approval takes time and requires a significant effort. Mr. O'Connell said that VRA has a good track record for financing for local governments, and they were authorized by the General Assembly in 2007 to finance land conservation, and run a pooled financing program through SunTrust – with a 20-year basis and a moral obligation of the

Commonwealth to yield AAA rates. He stated that they were also authorized to do installment purchase agreements with landowners to require easements for open space.

Mr. O'Connell said that looking at the revenue stream, assuming that money was drawn down through VRA over five years, the County would come out in year six with all money committed to debt service on VRA leases, but \$31 million in acquisitions would be completed, or 8,000. He emphasized that leveraging increases purchasing power by almost three to four times.

Mr. Boyd pointed out that debt service would go on for another 20+ years though.

Mr. O'Connell likened the practice to not paying cash for a house, stating that it's reasonable to ask for preservation support from future residents. He added that historically, tax exempt rates going out 40 years tended not to be that advantageous. Mr. O'Connell said that it's a lot harder to look at revenues over 25 years and make the projections for how much land could actually be preserved.

Mr. Slutzky added that during that time that cost per acre and development right have gone up so that could be projected out fairly reasonably.

Mr. O'Connell indicated that there is an assumption that land is going to appreciate at a rate faster than a tax-exempt borrowing rate. He said that the IRS stipulates that when you borrow, you need to spend the money within a three-year time frame.

Mr. O'Connell said that the DEQ borrowing program is a state revolving fund funded primarily through the EPA with the state providing a 20% match, and it can be used for land conservation that prevent pollution and ensure availability for agriculture. He explained that they accept applications in July and DEQ ranks and approves projects, and this fund has been used traditionally for big conservation projects. He said that he has met with DEQ staff and they have concerns for use for agriculture because their goal is clean water, so they want to be sure that there are clean water practices such as buffers, cattle out of streams, etc. Mr. O'Connell emphasized that over time they could be made more comfortable with farmland. He confirmed that this is a competitive application process, and they have the ability to sell bonds to increase capacity. He mentioned that most good projects get funded.

Mr. O'Connell reported that with revolving funds, when Congress appropriates money to the 50 states, that money must be matched on a 20% basis by each state; Virginia has put 20% of it in with the EPA funding the other 80%. He noted that the interest rate is about one half of the market rate.

He discussed landowner concerns about capital gains tax, citing that all a landowner is selling is an easement, but you still have to pay the tax on the portion you are selling. Mr. O'Connell said that this has been compounded in recent years because of tax benefits from landowners who sell their easements for less than fair market value. He said that if you sell an easement for less than value, you can deduct that difference for up to 50% of adjusted gross income, and up to 100% if you're a farmer; if you do not use it the year of sale you can use it for the next 15 years until the amount is gone. Mr. O'Connell said that if you want to take that 100% deduction, you need to shift the gain out of the year of sale.

He explained that landowners would agree to a 30-year payout, they lock in their stream of revenue for a lifetime and push the capital gains tax off to their heirs. Mr. O'Connell said that a website has been created so that landowners can play with different financing options. He stated that most landowners have covered the balloon payment at closing by using available funds to buy strip coupon US Treasury Bonds, which pay no interest on a current basis. Mr. O'Connell said you buy them discounted and you get the face amount when they mature.

Mr. O'Connell reported that landowners can do a like-kind exchange, where the IRS lets you take the basis in the easement you're selling and flip it into new real estate without triggering the capital gain. He stated that the capital gains rate is at 15% today but is projected to go to 28% in ten years, where it was at the beginning of the Clinton administration.

Mr. O'Connell used Virginia Beach as an example, stating that they started their program over 10 years ago using 25-year installment purchase agreements to buy easements only; they'll only buy with IPA's. He said that they've bought easements on 123 parcels, protecting about 7,100 acres at a cost of \$23 million purchase price. Mr. O'Connell said that because they are a city, they can enter into general obligation purchase agreements without getting voter approval. He also reported that he is working with Isle of Wight County, one of two counties in the Commonwealth that have gone to voters and received authorization for their debt to be treated like City debt. Mr. O'Connell said that King George County has this same option.

Mr. Davis explained that this provision is in the constitution, although it's rarely done, and is permissible by referendum.

Mr. Rooker commented that he recently attended a TDR meeting, and walked through the economics of TDR exchange rates, and it does not compare favorably with putting an easement on your property and selling the tax benefits. He said that as much work that's being done, very few landowners understood that you can sell the tax benefits, and the County should help PEC and VOF with an education program so the information gets out in a broad way.

Mr. Linville mentioned that under new federal tax laws, conservation easements are deductible at the rate of 50% AGI with a 15-year carry forward, where historically they were only deductible at a 30% rate with a 5-year carry forward; a farmer gets a 100% rate at the 15 years. He said that the tax benefits

in that scenario to a very wealthy landowner can be just the same to a lower income landowner over that period of time.

Mr. Rooker commented that it would be helpful to create some models with different landowner scenarios.

Mr. Linville responded that the PEC does as much outreach and education as possible, but help from the County would be appreciated.

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**At 4:40 p.m., the Board took a recess and then reconvened at 4:50 p.m.**

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Agenda Item No. 24. **Work Session:** Community Development Fees – Subdivision Ordinance.

The following Executive Summary was forwarded to Board members:

The purpose of this work session is to receive Board direction on staff recommended changes to Subdivision Ordinance (“Ordinance”) fees. At the December 5, 2007 Board meeting, staff presented a Community Development Fee Study and a recommendation for a fee policy. (Attachment A) Given the limited amount of time for discussion and the complexity of the topic, it was not possible for the Board to give specific direction on revised fees. To provide adequate consideration of the fees, staff divided this task into several ordinances. The fees imposed under the Building Regulations and Water Protection Ordinances were reviewed at an April 9, 2008 work session and ordinance amendments were adopted by the Board on August 6, 2008. Today’s work session is to establish direction for the Subdivision Ordinance fees. Following completion of the Subdivision Ordinance, staff plans to bring forward the Zoning Ordinance fees.

The fee study presented to the Board in December 2007 identified County costs for fee related services, estimated revenue from current fees, proposed new fees, and compared the recommended fees to those in eight comparable localities. The fee study extract in Attachment A included an explanation of how the service costs were calculated and the algorithm used by the consultant in developing a recommendation for updated fees.

After reviewing past Board discussions regarding fees and the consultant’s fee recommendation, staff recognized it would be appropriate to consider simplifying the fee calculation process. To simplify, staff considered establishing fees at one-half of the County’s cost and retaining the fee at its current level where the fee is already greater than one-half of the cost. Fees were then rounded to the nearest \$10. The concept behind splitting the cost of service was to recognize that part of the service is related to the property owner’s interest and part is related to notices and other non-mandated County policies and procedures that allow for public involvement. Staff then prepared Attachment B to provide a side by side comparison of the cost of service, the current fee, the consultant’s recommended fee, and a staff recommended fee calculated at one-half of the County cost. Staff also included a revenue summary for each fee concept in Attachment B. From this analysis, it appears the consultant’s recommendation and staff’s recommendation will generate very similar revenues in an average year.

Next, staff provided a comparison of fees for three common subdivision types in Attachment C. Recognizing that each locality has a unique fee structure, staff found it nearly impossible to provide a meaningful comparison of all fees. This simple table provides meaningful examples of how the fees compared with three common subdivisions. This table demonstrates that the fees are similar in most situations, but that there are a few significant differences. Among the most significant changes would be the fee for a family subdivision (Fee Study ID 90, Attachment B). Staff noted that localities appear to have differing goals in establishing fees for family subdivisions and recognized the Board may wish to treat these differently than other subdivision applications.

Finally, staff notes that some other localities are also attempting to develop a more consistent fee structure and recover a higher percentage of their costs. Chesterfield County is currently attempting to establish a fee structure that sets fees at 75% of its costs and Arlington County is attempting to set many of its fees at 100% cost recovery. Staff noted that either a 75% or 100% cost recovery would set many of Albemarle County’s subdivision fees higher than any of the comparison localities. There are good reasons for this higher cost:

- First, most other localities make their processes administrative, meaning the Planning Commission is not involved in the process. For example, by comparing the cost of service for a 20 lot preliminary plat that goes to the Planning Commission to one handled administratively (Fee Study ID 82 versus 87), the cost is roughly double for the plat that is reviewed by the Planning Commission. Staff found a similar result in Attachment C with the Stafford County fees. Additionally, not only are subdivisions often handled administratively in other localities, most of the waivers or modifications are handled administratively. As the Board is aware, administrative waivers were a Development Task Force recommendation and are now being considered by the Planning Commission.
- Second, in keeping with administrative processes, most localities do not send notices to neighbors of proposed subdivisions. Costs associated with notices include the cost of preparing and mailing the notices, as well as staff time to address questions resulting from the mailings. While these notices keep the neighborhood informed, they can generate a considerable demand for staff time in responses.

- Third, it should be recognized that Albemarle County's Ordinance is more complex than most. For example, Albemarle's Ordinance is roughly twice the size of the Greene County Ordinance and the requirements are often more complex. The complexity of the ordinance in relation to staff time required appears to follow the rule of the square. In other words, if there are twice as many requirements, it requires four times as much time to review, due to the increased likelihood of errors or mistakes.

In spite of adequate justification for a higher percentage of cost recovery, staff continues to propose a 50% recovery to be more in line with the comparisons localities utilized in the study.

The County currently collects approximately \$145,000 from subdivision fees in an average year. Under the consultant's recommendation, fees collected would increase to approximately \$486,000. Under staff's recommendation, they would increase to approximately \$476,000, increasing County revenues by approximately \$331,000 in an average year. Due to recent development trends, staff anticipates applications will be two-thirds of an average year for the remainder of this year and most of next year. Assuming the recommended fees were implemented by January 2009, staff anticipates a revenue increase of \$100,000 for the remainder of FY 08-09 and of \$200,000 in FY 09-10.

Staff offers the following recommendations:

1. The Board direct staff to bring forward changes to the Subdivision Ordinance fees as recommended by staff in Attachment B, with any other changes the Board determines appropriate.
2. The Board adopt the Resolution of Intent in Attachment D to amend the Subdivision Ordinance.

With the above direction, staff will proceed with bringing a Subdivision Text Amendment to the Planning Commission.

Mr. Boyd asked if there were provisions for two-lot family subdivisions.

Mr. Graham said it's noted in the staff report, and that one is a very significant change as the current fee is \$95 with the proposed fee being \$690 – one half of the cost of what it takes to provide that service. He also noted with the two-lot family subdivisions, Greene County and Stafford are in that range but are in the high side of Virginia counties. Mr. Graham said that the only difference in requirements has to do with roads, everything else requires the same amount of review and time by staff.

Mr. Boyd commented that he is inclined to give a break to family subdivisions, and Mr. Graham pointed out that the County gets more of those than anything else. Mr. Graham also said that the cost of a boundary line adjustment is the same to make sure they comply with all ordinance requirements.

Ms. Thomas pointed out that the only options are having the family pay for it, or having the taxpayer pay for it.

Mr. Graham said that the last comprehensive adjustment was in 1991, and there was a 25% adjustment in 2002. He said that the fees are estimated to generate about \$145,000, with staff recommending a change that would generate about \$476,000.

Mr. Dorrier commented that this should be done during a year where property values are going up.

Mr. Slutzky responded that there is still a cost associated with the process, and if the families do not pay it the taxpayers will have to.

Mr. Boyd mentioned that the Albemarle costs are higher than comparable localities, although that is by design.

Mr. Graham pointed out that Stafford has even higher fees, and it depends on the locality and what they want in their subdivision review.

**Motion** was offered by Ms. Thomas, **seconded** by Mr. Slutzky, to adopt the following Resolution of Intent to amend the Subdivision Ordinance.

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

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

**(The adopted resolution is set out below:)**

#### **RESOLUTION OF INTENT**

**WHEREAS**, Section 14-203, Fees, of the Subdivision Ordinance (Chapter 14 of the Albemarle County Code) establishes a schedule of fees for various subdivision and related applications and approvals under the Subdivision Ordinance; and

**WHEREAS**, the fees imposed are inadequate to cover the reasonable cost of the services provided by the County in the implementation and administration of the Subdivision Ordinance; and

**WHEREAS**, the County has conducted an extensive fee study to determine the cost of services provided by the County under the Subdivision Ordinance; and

**WHEREAS**, it is desired to amend Section 14-203 in order to establish a schedule of fees that is adequate to cover the reasonable cost of the services provided.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend Section 14-203 of the Subdivision Ordinance to achieve the purposes described herein; and

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

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Agenda Item No. 25. **Work Session:** ZTA-2006-001. Country Stores.

Ms. Joan McDowell addressed the Board, explaining that in 2003 the Historic Preservation Committee reported that some of the stores were going out of business and could not open up again after the two-year window; some were deteriorating, some were being torn down. She said that the Comprehensive Plan includes a section of crossroads communities and stores, often being the nucleus of the community; that plan was adopted in 2005 along with an implementation plan that looked at crossroads communities and alternative uses. After the Commission drew attention to the stores' struggles, it was decided to address the issue and the staff working on this left so Ms. McDowell picked it back up. She stated that there is a ZTA team of County staff that has been consulted, as well as representatives from other agencies; she has visited country stores and talked to the owners as well.

Ms. McDowell reported that they have worked through an outline of an ordinance through work sessions with the Planning Commission, and a copy is in Board packets. She explained that a comprehensive inventory of country stores has been done, and information has been gathered for each one. Ms. McDowell stated that the ordinance redefines country stores and eliminates a two-year window in which a store loses nonconforming status that prevents them from reopening, as well as looking at changes to accommodate small store parking lots and well & septic issues. She also said that the group looked at property tax abatement programs but thought that should go at a later time. Ms. McDowell said that another country store was found recently, so that would need to be added, and the stores are widely scattered through the County. She presented photos of stores, noting their simple architecture.

Ms. McDowell explained that staff tried to account for every conceivable thing, and determined that the ordinance was cumbersome and unmanageable, so it was decided that stores would be either Class A or Class B. She indicated that Class A is historic – your store is 50 years or older at the time the ordinance is adopted, so the recognition for historic stores; a Class B store does not have all the exemptions available to historic stores.

Ms. Thomas asked about a building that might burn down and be rebuilt.

Ms. McDowell replied that that would not be a historic country store, but would be a country store, and there are benefits to both groups regardless.

Mr. Slutzky emphasized that he still wants to provide as much opportunity as possible for the stores to thrive.

Ms. McDowell responded that this does not mean they all of the sudden have to have paid parking and an improved entrance, it just gives them whatever they already have plus some new benefits. She noted that of the stores inventoried, 49 are over 50 years old.

Mr. Rooker wondered if stores like wine stores and farm shops are classified as country stores.

Ms. McDowell responded that many of those stores come in under winery provisions, and the Kluge store came in under farm store, which requires a special use permit.

Mr. Benish noted that 51 percent of items sold at those stores must be from the farm.

Ms. McDowell explained that there was more importance placed on preserving the old stores, the sites, historic character, etc. She added that the Planning Commission expressed concern about grandfathering and recommended that the ARB look at the Secretary of Interior standards, but felt it would be too much and determined it wouldn't be useful to have Entrance Corridor stores subject to an additional layer of review for their alterations and signs, so that provision was removed.

Mr. Davis replied that the consequence of that is there is no architectural standard, so a country store could be totally renovated to be a modern building and this ordinance would not regulate that.

Ms. McDowell added that it still comes under ARB review if it's in the entrance corridor. She explained that in 1969, the ordinance called for a 4,000 square foot limit on the ground floor; the new

ordinance calls for a 4,000 square foot limit on the entire building; a number of old country stores in existence are larger so they removed it and placed it in the portion of the ordinance that can be waived.

Mr. Davis emphasized that you could change the façade of an old building, but if you build a new building, you would be subject to the new regulations.

Mr. Slutzky commented that that seems like a loophole needing attention.

Ms. Thomas said that the 20% limit on space for food is a concern to some country stores, such as Batesville Store. She said that the flavor of a country store often assumes the personality of the owner, and at Batesville the owner is an excellent cook and baker.

Ms. McDowell clarified that that only covers the seating and table area, and not the food preparation area.

Mr. Boyd said that he does not understand the prohibition on a store becoming a restaurant, and wondered why the County would care.

Ms. McDowell replied that this is an ordinance for country stores, not restaurants.

Mr. Davis pointed out that the 20% limit could easily be waived.

Ms. McDowell reported that the parking requirements have been dealt with in the ordinance by coming up with a parking plan for each store, with review if the store is being expanded.

Ms. Thomas mentioned the issues with Covessville Store and parking, as they were subject to several sets of regulations because they were in the County but also on an Entrance Corridor (Route 29).

Ms. McDowell confirmed that most of the old country stores are not operating now. She said that she receives about two calls a week from people wanting to open country stores or renovate old ones.

Mr. Dorrier asked about historical tax credit eligibility, and Mr. Benish explained that some might qualify if they are 50 years or older, depending on how they are treated over time – but the County does not get involved in that.

Ms. McDowell explained that gasoline is not listed in Section 10 about one of the uses in the rural areas, and it's quite expensive to install pumps new. She also said that there is a limit on the number of pumps to be put in – both gas and diesel – with only one gas pump allowed.

Ms. Mallek asked if canopy issues were addressed in the proposed ordinance.

Ms. McDowell responded that it's not off the table, and if it's on the Entrance Corridor the ARB would have to look at it.

Mr. Slutzky wondered about prohibiting them, using Sheetz as an example of a style that concerns him.

Ms. McDowell replied that the one-pump restriction would probably preclude them from coming in. Mr. Rooker said that a canopy would be allowed by special use permit, as a waivable provision.

Ms. McDowell explained that there is a three-tiered approach to sewage disposal, and any discussion of an alternative system might cause concern – so they took it to the Planning Commission, who felt the three-tiered approach was worth moving on to the Board.

Mr. Slutzky asked if the Health Department has responsibility to provide those stipulations.

Mr. Benish noted that the ordinance is written so the Zoning Administrator requires maintenance of the septic system as recommended by the Virginia Department of Health. He explained that the alternative system is a last resort, and an applicant has to prove they cannot get a conventional system onsite, next door, or through moving a boundary to accommodate it.

Mr. Bill Craun, Environmental Health On-Site Inspector, explained that they haven't had any problems with the ones they've had in the County, and this July the state will implement a program of operational maintenance that will mandate the Health Department to be in charge of operation and maintenance.

Mr. Rooker asked about the restriction on placing a drain field offsite, noting that showing physically that it couldn't be done is different from showing a legal restriction on why it cannot be done.

Ms. McDowell explained that the intention is for the property owner to go to the people next door to try to obtain permission to place a drain field on their property.

In response to Mr. Slutzky's question about discouraging use of alternative systems, Mr. Craun reported that there have been subdivisions that have used alternative treatment systems by choice.

Ms. Thomas pointed out that those systems usually require a great deal more maintenance, and the concern has always been that they are not going to be maintained. She also said that they have been

a way to make sure development in the rural area takes place where the soil perks and a well is required. It has been part of a growth management practice.

Mr. Craun said that most country stores are small water users, and probably wouldn't even need an alternative system unless there is a food service facility onsite, or an apartment with a shower.

Ms. McDowell stated that staff and budgetary impacts would include about 20-22 hours of review, including a pre-application review.

Mr. Boyd commented that that's because no guidelines currently exist.

Ms. McDowell said that the Secretary of Interior standards would provide another layer.

Mr. Davis interjected that specific ARB guidelines do not exist, so the idea is to match the store design to architectural features compatible to neighboring properties.

Ms. McDowell reported that a public hearing is slated for November, and any comments are welcome before then.

Mr. Benish clarified that the Board may want some more information on canopies.

Mr. Davis suggested that new canopies could be covered under a Section 5.1 regulation that could be waived.

Mr. Slutzky commented that he finds it helpful to know which Planning Commissioners have voted for or against an item.

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Agenda Item No. 26. From the Board: Matters Not Listed on the Agenda.

Regarding the NGIC item that was discussed earlier in the day, Mr. Rooker asked what kind of assurance has been given as to the commitment to use the facility in place and the timing requirement of the user, as there is a request to expedite something; the change does not seem to be a huge one and the building's going to be the same height.

Mr. Davis asked Mr. Graham to explain the requested change.

Mr. Graham replied that they are expanding the square footage of the building – around 80,000 square feet per building by the proffer, and four stories – but a basement originally designated for storage requires a ceiling height limitation of 6'6" or lower. He explained that the building plan shows a floor to floor height for the basement as the same for other floors, and they are trying to increase that height. Mr. Graham said that staff is looking for clarification as additional parking may be required, noting that the same HVAC, electrical fixtures, bathrooms, etc. seem to be planned for that floor. There does not seem to be any distinction between the office floor space and the storage space so staff trying to get a better definition of what the space will be used for.

Mr. Graham emphasized that they would have to come up with over 200 additional parking spaces if that additional square footage is office space. Staff does not have answers to these questions, everything is anecdotal right now. Mr. Graham added that it will be very difficult for the Planning Commission to recommend approval without this information.

Mr. Slutzky postulated the idea of granting the accelerated timeline so those questions can be answered.

Mr. Graham emphasized that a Board public hearing would be advertised prior to having a Planning Commission recommendation from their public hearing. He added that would be outside of the normal process, and there are complications with that. He explained that the Board date would be November 11<sup>th</sup>, and the Commission's meeting the week before is rescheduled because of election day; the Tuesday before that date is actually scheduled as a joint City-County Planning Commission meeting on affordable housing.

Mr. Boyd asked why this should hold things up, because the applicant has indicated they would provide the additional parking.

Ms. Thomas said that the Board requires the applicant to do those things.

Mr. Boyd said that the applicant is waiting for staff to tell them what those things are.

Mr. Rooker indicated that the plan submitted is out of synch with what the applicant says he is going to use it for, and if it's only storage he does not need plans that show it as offices.

Mr. Boyd said that they are not willing to share what it is going to be used for.

Mr. Rooker said that building plans are available for this project.

Mr. Graham stated that they have not indicated any additional parking, and staff cannot figure out what the space is intended for based on the plans.

Mr. Slutzky said that maybe they are building this for storage space to come back later and convert it to usable office space.

Ms. Thomas emphasized that that kind of leeway would not be given to a shopping center developer.

Mr. Slutzky said that there is a sequencing issue here.

Ms. Thomas stated that there is a problem with the timeline for the reasons Mr. Graham mentioned.

Mr. Boyd said that if it's a warehouse facility, it won't generate more people.

Mr. Graham reiterated that staff wants to know that and has asked the applicant. At this point staff does not have the answers. He said that it can be expedited, but the applicant needs to provide the information before that can happen.

Mr. Rooker commented that he is not in favor of taking this outside of the normal process unless the applicant can demonstrate why.

Mr. Slutzky responded that perhaps the NGIC folks want the extra space for future expansion.

Mr. Rooker said that this is all hypothetical, and the County needs the applicant to put it in writing. He said that the NGIC Colonel told him that they might not use the space, somebody else might use it.

Mr. Davis stated that if they drop the ceiling, they can go forward with the building; they can come back in and raise the ceiling later.

Mr. Graham noted that the question is whether the certificate of occupancy is for a building with a lower ceiling, as the building permit has been approved. If he wants to raise it that changes things. The only evidence we have seen is what was required by the proffer that we be shown a lease of at least 40,000 square feet and staff has not seen any evidence of use of any other parts of this building. Staff is asking the applicant to define what this use is going to be in this basement, and depending on that answer, would it generate a need for parking.

Mr. Boyd stated that the applicant has indicated that this is for storage, and wondered what about a 6.5'-ceiling if tall people work in that area.

Mr. Davis reiterated the need for parking if it is office space.

Mr. Graham said that if the project is expedited it would be slated for Board review on November 11<sup>th</sup>, with the Commission reviewing it on November 10<sup>th</sup>; otherwise it would be December and the applicant said he wants a CO by December. He asked the Board if they believe there is no need to accelerate this unless he can provide written evidence that there is a contract that requires the space to be occupiable in December/January, and that would require a higher ceiling height.

Mr. Boyd stated that is fine with him as long as they can occupy the other floors.

Mr. Graham responded that that is fine, and sometimes staff grants a CO floor by floor.

Mr. Slutzky said that it's OK for Mr. Graham to determine whether an accelerated timeframe is needed.

Mr. Graham emphasized that this is not just about NGIC; it is about delaying the other ten people in the queue. He asked again if the Board was saying that if this project is related to NGIC/DIA activities and they need to have this space occupied in that time frame, it is acceptable to expedite it; otherwise it is not.

Mr. Rooker said that he thinks it should be demonstrated in writing.

Mr. Boyd replied that NGIC would not give that kind of detail.

Ms. Thomas pointed out that all that is being asked is whether that floor is being designated for "X" or for "Y." She stated that it needs to be in writing.

Mr. Rooker said that he does not see the need for an emergency here if they are only using it for storage as they say.

Mr. Graham stated that normally it would go to the Planning Commission in November, and based on the process brought to the Board last month it would come to them in January because a public hearing date would need to be set after the Commission recommendation.

Mr. Davis added that final proffers would also need to be received.

Mr. Tucker said that that puts Mr. Graham in a very awkward position.

Ms. Thomas commented that she does not see a reason to expedite this, and she would have been more easily persuaded but building occupancy permits can be given floor by floor.

Mr. Rooker expressed concern that everything has come in the form of verbal promises, and it needs to be more formal than that.

Mr. Graham said that he will contact the owner tomorrow and indicate that the County needs something in writing from the tenant – NGIC/DIA – that indicates there is a contractual obligation or a need to have that space.

Mr. Rooker mentioned that the applicant should be informed that he can occupy the building floor by floor. He also stated everyone knows they occupy the building, and their presence there is no big national secret.

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Ms. Mallek said that for the September 10<sup>th</sup> meeting with the Service Authority Board of Directors, she has ideas for topics and presented them to the Clerk, noting that they are seeking ideas to supplement the draft agenda.

Mr. Tucker mentioned that there is only one hour scheduled for the meeting.

Mr. Rooker stated that he wants to include discussion on whether hook-up fees are adequately compensating for the cost of capital improvements, as it is a large issue.

Mr. Tucker reminded the Board that next Wednesday at 2:00 is the joint meeting with the Planning Commission and ARB; at 3:00 they meet with the Service Authority; and at 4:00 the Board discusses the financial plan with staff.

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Agenda Item No. 27. Adjourn to September 10, 2008, 2:00 p.m.

At 6:16 p.m., there being no further business to come before the Board, **motion** was offered by Mr. Slutzky, **seconded** by Ms. Mallek, to adjourn the meeting to September 10, 2008, 2:00 p.m.

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

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

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Chairman

Approved by Board of Supervisors
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Date: 10/01/2008
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Initials: EWJ
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