

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 1, 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. (arrived at 9:19 a.m.), 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 9:00 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. VACo Annual Achievement Award.

Mr. Boyd said the Albemarle County Public Participation Planning Program and Intranet Site have been awarded a 2008 Achievement Award by the Virginia Association of Counties (VACo), which recognizes exemplary local government programs. Albemarle was one of only 12 counties in Virginia to be recognized in this competitive annual awards program that selects local government programs based on criteria that include innovation, collaboration and model practices.

Albemarle received an Achievement Award for its comprehensive public participation planning guidelines, which lay out expectations and processes for ensuring transparent, meaningful and productive citizen involvement. With several County communities actively engaged in master planning, and many more citizen engagement processes underway for major policy issues and capital improvement projects, county managers recognized the critical need for a consistent, structured approach to involving citizens in the decisions that affect them in a way that is clear and transparent to citizens, County staff and elected officials. In these challenging economic times it is important to note that the program does not require additional staff or funding to implement.

Mr. Boyd said the County appreciates this recognition from VACO for its efforts in public participation, and find that County guidelines have really helped improved community involvement in a number of critical issues facing the County. In acknowledging this award, the Board of Supervisors would like to offer its appreciation for the support and constructive feedback that County departments and citizens working with the new public participation plans have provided to help develop a dynamic program that will continue to build strong and effective relationships with our communities.

Mr. Boyd then introduced Mr. Ted McCormack, Director of VACo Community Affairs, to present the Achievement Award.

Mr. Boyd also expressed thanks to the Community Relations Office, particularly Ms. Britton Miller, for outstanding work on the County's public participation and outreach programs.

Mr. McCormack said that this year 34 entries were received, and 12 counties were awarded; the Communications category was one of the most contested, and Albemarle's entry was judged on innovation, cooperative approaches, transferability, etc. He stated that there would be a recognition event at the annual VaCo conference on November 11<sup>th</sup>. He then presented a certificate to the Board.

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b. Energy Star Award.

Mr. Boyd said on behalf of the Board of Supervisors he was pleased to announce that the Albemarle County Office Building has earned the U.S. Environmental Protection Agency's (EPA's) prestigious ENERGY STAR, the national symbol for protecting the environment through superior energy performance. The Albemarle County Office Building joins approximately 3,200 buildings nationwide that have earned the ENERGY STAR.

By earning the ENERGY STAR, the County Office Building is using about 35 percent less energy than average buildings, while still providing quality service and comfort to occupants. The County Office Building lowered energy usage by 458,470 kilowatt hours and saved \$58,900 in energy bills by making cost-effective improvements. In terms of greenhouse gas emissions, this reduction is equivalent to removing 38 vehicles from the roads for a whole year, and to planting 58 acres of trees. This effort supports the County's goal of reducing energy consumption in county office buildings by 30% by 2012, and the longer-term goal of reducing greenhouse gas emissions by 80% by 2050.

To earn the ENERGY STAR label, the County Office Building took the following actions:

- Conducted energy audits to identify saving opportunities
- Implemented lighting retrofits for higher efficiency lighting

- Installed occupancy sensors to reduce unnecessary lighting
- Implemented HVAC setbacks for nights, holidays and weekends
- Provided Countywide training to promote behavioral changes
- Provided compact fluorescent bulbs to employees with office lamps
- Implemented an Energy Management Policy
- Formed an Energy Management Team
- Set an aggressive goal for energy use reduction

Mr. Boyd said the County is very pleased to accept EPA's ENERGY STAR label for the County Office Building in recognition of its energy efficiency efforts. Through this achievement, County employees have demonstrated their commitment to environmental stewardship while also lowering our energy costs and we thank them for their efforts. He recognized Ms. Sarah Temple and Mr. George Shadman in particular for their leadership and dedication to achieving these very impressive energy saving totals.

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Mr. Boyd then recognized Dennis Rooker for his ten years of service to the County. He presented him with a certificate and pin.

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

Ms. Mallek reported that the Community Food Project is widening its scope of invitation and inclusiveness, and a Food Policy Council is being encouraged by the state. She indicated that the local food organizations cannot accomplish goals by themselves, and the council concept would help them unify. She asked the Board to think about the kind of involvement they would like the County to do; not just necessarily funding. Ms. Mallek also said that the initiative will include an analysis of our "foodshed" along economic development lines and paralleling the biodiversity study – location of prime soils and farms – and mapping them to establish best locations for plants, community kitchens, etc.

Mr. Slutzky commented that one opportunity for the County to explore is to have schools participate in the local food movement. He encouraged Ms. Mallek to bring that to the School Board meeting later today.

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Mr. Rooker said that the RTA group met with the Funding Options group last Friday, and it was a very productive meeting. He indicated that most at the meeting spoke positively of how to accomplish additional transportation funding and the need for them to go back to their constituents and emphasize the need for alternative funding and transit improvements. Mr. Rooker said that another meeting would take place within the next few weeks. He indicated that all members of the Funding Options group have been invited to meetings.

Mr. Boyd asked if the group was evolving into transportation as well as transit, and asked if the group was considering setting up a transportation district.

Mr. Rooker responded that the idea is to create a Regional Transit Authority, but the joint meeting with city Council revealed that a funding source would need to be sought for general transportation projects, with a portion of that allocated for transit. He added that they have talked about a one-cent sales tax possibility for a transportation fund that would benefit the entire region, and at the meeting the comments were positive. He added that the struggle is it may be difficult for participants to go back and pitch this to their constituents in a small amount of time.

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Mr. Rooker mentioned an article in the Loudon Times about illegal signs in the right-of-way. Loudon County is seeking authority from VDOT to enable the County to remove signs from the rights-of-way.

Mr. Tucker indicated that Ms. McCulley and Zoning are planning to meet with VDOT in the near future about this issue.

Mr. Davis added that the agreement is in the Attorney General's office waiting for its approval.

Ms. Thomas asked for an explanation on the Attorney General's recent opinion that political signs are exempt from County ordinances.

Mr. Davis explained that in an opinion for Fairfax County, the Attorney General opined that for purposes of the VDOT removal program, which allows for civil penalties, a political sign is not included within the definition of a sign because the definition only applies to advertisements – which political signs are not. He said that a previous General Assembly removed "political signs" from the definition, and VDOT will not be removing political signs from the right-of-way, unless they create a traffic hazard. It is unlikely that VDOT will take an aggressive position and remove the signs.

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Mr. Rooker said that the issues of late have related more to removal costs and funding than policy.

Ms. Thomas thanked Charlottesville Tomorrow for broadcasting Mr. Boyd's recent interview on WINA.

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Ms. Thomas stated that she and Ms. Mallek have been working on the Crozet Library Committee. Sketches of the Library are available if anyone would like to see them.

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Ms. Thomas said the Historic Preservation Committee continues to urge adoption of an ordinance which will come before the Board soon.

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Ms. Thomas noted that a month ago or so she mentioned that Albemarle and Charlottesville was not listed in the magazine for historic preservation. The Automobile Association Magazine wrote back and explained how they arrived at those choices. The choices seem to be logical and thought through.

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Ms. Thomas said that it was her understanding that a staff poverty workgroup was going to be formed after the Board went through the Poverty Report. She asked staff when that might happen.

Mr. Tucker said he does not have an update, but that he will talk to the Director of Social Services to determine the status. There have been meetings with department heads, etc., but he does not know if further action has been taken.

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Ms. Thomas said that she and Ms. Mallek sit on the Planning District Commission. There have been over 50 applications for Harrison Rue's position at TJPDC. She has offered to review them; the applicants are from all over the U.S. and many have indicated they applied because of the area's reputation.

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Ms. Thomas said she will be attending the Chesapeake Bay Watershed forum this weekend, and the concept of "zero runoff" from construction sites will be discussed.

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Mr. Boyd updated the Board on a community conversation he recently had regarding softball lighting at Darden Towe Park. He reported that the softball community felt very left out of the McIntire Park design study and the YMCA also said there were preferred designs that would have saved the fields at McIntire Park. He also had a conversation with Dave Norris, Mayor of the City, and they agree that the Board of Supervisors and City Council should have been more engaged in the process. The net effect of this will be losing two fields. Mr. Boyd also commented on the need for locations for women's fast pitch softball.

Mr. Slutzky said that the City's decision caused them to lose two fields, and the County's decision to light the joint fields would expand the opportunities. He added that the County is not the responsible party for the decision the City made.

Mr. Rooker emphasized that the decision about lights would be a joint one, but the City would ultimately decide on the use of McIntire Park. He also noted that fast-pitch women's softball has become a significant NCAA sport and now provides scholarship opportunities.

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

There were none.

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Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Mr. Slutzky, to approve Items 7.1 (as read) through 7.10, with the exception of pulling Items 7.3 and 7.4, making a separate motion on Item 7.5, and to accept the remaining items as information on the Consent Agenda. (Discussions on items are included with the individual agenda item.) Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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Item No. 7.1. Approval of Minutes: December 12, 2007; February 11, March 5, March 12, March 19, July 9, July 23, August 5, September 3 and September 10, 2008.

Mr. Rooker had read the minutes of December 12, 2007 and found them to be in order with the exception of some typographical errors, and had read the minutes of August 5, 2008 and found them to be in order.

Mr. Dorrier had read the minutes of February 11, July 9 and September 10, 2008 and found them all to be in order.

Ms. Mallek had read the minutes of July 23, 2008 and found them to be in order.

Mr. Boyd had read the minutes of September 3, 2008 and found them to be in order with the exception of a typographical error.

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

Item No. 7.2. Resolution to Fix Compensation for Albemarle County Service Authority Board Members.

The following letter of request was received:

"September 9, 2008

County of Albemarle  
Board of Supervisors  
c/o Mr. Robert Tucker, County Executive  
401 McIntire Road  
Charlottesville, Virginia 22902

Re: Albemarle County Service Authority Board of Directors' Compensation

Dear Supervisors:

The Virginia Water & Waste Authorities Act, Virginia Code Section 15.2-5113 (C) states that "Board members shall receive such compensation as fixed by resolution of the governing body or bodies which are members of the authority, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties." The Albemarle County Service Authority's (ACSA) By-Laws, Section 2-4 provides for "...a reasonable compensation for members of the Authority who are not County employees."

Since July 1, 1997, ACSA Board members have been compensated \$100.00 per regular meeting attended, and \$50.00 for each additional meeting attended per month. In addition, Board members have been reimbursed for mileage to and from their homes to attend the meetings. The ACSA interprets the Virginia Water & Waste Authorities Act to require that the County of Albemarle Board of Supervisors must authorize increases in compensation to ACSA Board Members. The ACSA Board of Directors is recommending the following for your consideration:

1. The increase in Board Member compensation, effective July 1, 1997, was not authorized by the Albemarle County Board of Supervisors. It is requested that the Supervisors authorize the increase in compensation to \$100.00 per regular meeting attended and \$50.00 for each additional meeting attended per month, retroactive to July 1997.
2. The compensation per meeting be increased to \$150.00, effective upon the authorization of the Board of Supervisors.
3. The compensation per meeting be adjusted annually, based on the Consumer Price Index (CPI). This adjustment, if authorized, would occur annually on April 1<sup>st</sup>.
4. The compensation for the ACSA Board of Directors will be reviewed every five years.

We appreciate your consideration of these recommendations. If you have any questions, please do not hesitate to contact me.

Sincerely,

Gary W. Fern, P.E.  
Executive Director"

**(Discussion:** Ms. Mallek asked if there was any interest by Board members to consider the compensation for the other County boards and commissions.

Ms. Thomas said it might be a good idea to get a report back to the Board.

Mr. Tucker said it has been a while since the Board has looked at the compensation for the boards and commissions.

Mr. Davis agreed with Mr. Tucker and said the compensation is set out in the County Code. He thinks the last adjustment was made about eight years ago.

Mr. Boyd said he also thinks it is a good idea to revisit the issue.

Mr. Rooker suggested including a cost of living adjustment and then the issue doesn't come up after ten years or so.

Mr. Tucker suggested staff looked at the compensation issue and establish a method so that it does not have to come back annually to the Board.

Mr. Rooker suggested including a cost of living factor for increases in the ordinance.)

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

**RESOLUTION TO FIX COMPENSATION  
FOR ALBEMARLE COUNTY SERVICE  
AUTHORITY BOARD MEMBERS**

**WHEREAS**, Section 15.2-5113(C) of the Virginia Water and Sewer Authorities Act provides that Service Authority Board members shall receive such compensation as fixed by resolution of the governing body or bodies which are members of the authority; and

**WHEREAS**, the Albemarle County Service Authority (ACSA) Board has requested that the compensation of Board members be increased to \$150.00 per meeting attended in recognition of the increasing complexity of the management, environmental and other issues facing the Authority, and in keeping with present-day compensation for board members among other Western Virginia water authorities; and

**WHEREAS**, compensation of ACSA Board members has not increased since 1997; and

**WHEREAS**, the ACSA Board compensation increase in 1997 was not fixed by a resolution of the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby affirms and ratifies the compensation of Albemarle County Service Authority (ACSA) Board members for the period beginning July 1, 1997 through September 30, 2008 at \$100.00 per regular meeting attended and \$50.00 for each additional meeting attended per month; and

**BE IT FURTHER RESOLVED** that the Albemarle County Board of Supervisors hereby fixes the compensation of Albemarle County Service Authority (ACSA) Board members at \$150.00 per meeting effective October 1, 2008. Such compensation shall be adjusted annually on April 1<sup>st</sup> by the percentage increase in the Consumer Price Index (CPI). Such compensation shall be further reviewed every five years.

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**(Discussion:** Mr. Boyd said that he believes a public hearing should be held on Items #7.3 and 7.4 because the Route 20 and sections of Route 250 are in the growth areas. In the future there could be commercial sites on these routes and they may want to put up public signs. This designation could take that decision out of local control.

Mr. Davis responded that the sign restriction applies to offsite advertising – such as billboards – which is already restricted by the Zoning Ordinance.

Mr. Boyd said that he would like the public to weigh in on this.

Mr. Rooker said the Board could hold a public hearing on this next week, October 8<sup>th</sup>.

Mr. Davis said there is no required advertisement for this item.

Mr. Rooker pointed out that the Virginia Byway staff report indicates that the designation does not impose any restrictions on private property, but may prohibit the installation of new signs advertising offsite uses and activities (billboards) along those roads – which are already regulated. He emphasized that he does not see a reason to run this item down to the last date that The Journey Through Hallowed Ground needs the decision.

Ms. Thomas said that a public hearing would help inform the community. Her first priority would be to get the process moving along.

Mr. Benish commented that the second or third week of November “becomes a critical point” for Hallowed Ground.

Mr. Tucker noted that there are already scenic highways in the County with commercial operations, so it should not be that big of an issue.

Mr. Rooker noted that there are some road segments they wanted included in the All American road designation that are not included in the resolution before the Board today. He suggested that the resolution be amended to include those roads.

Mr. Davis pointed out that there are two resolutions – the All-American Road resolution and the Scenic Byway designations. If the County is going to hold a public hearing on the Byway designation, it has 30 days from the date Mr. Tucker received the notification (September 3) to notify VDOT of that action so that they could delay action by the Commonwealth Transportation Board. Mr. Davis said that the Scenic Byway designation is a prerequisite for the All-American Road designation.

Mr. Rooker noted that a lot of the candidate roads are in Mr. Boyd’s district.

Mr. Boyd suggested that this conversation be postponed until this afternoon after VDOT is here.

Mr. Davis reiterated that the CTB designation schedule might be affected if a public hearing is requested by the Board.

Mr. Rooker said that the Journey people were fairly frantic about having this item addressed today.

Mr. Boyd said that he does not want to jeopardize their timeframe.)

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Item No. 7.3. Resolution Supporting National Byway All-American Road Designation for Route 20, Route 22 and Route 231.

The Executive Summary states that the Journey Through Hallowed Ground (JTHG) Partnership is requesting all localities along the JTHG corridor, from the Gettysburg battlefield in Pennsylvania to Monticello, adopt resolutions supporting the designation of Routes 15, 20, 22 and 231 as *National Scenic Byways Program, All-American Roads*. The National Scenic Byways Program is part of the U.S. Department of Transportation Federal Highway Administration and is a grassroots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States. There are currently 126 National Scenic Byways in the country. There are four designated in Virginia: Colonial Parkway (Williamsburg/Jamestown/Yorktown), Skyline Drive, Blue Ridge Parkway, and the George Washington Memorial Parkway (outside of Washington, D.C.).

One of the JTHG Partnership's main goals is to coordinate efforts with localities along the corridor and with the transportation officials in Virginia, Maryland, and Pennsylvania to seek this designation in 2008. The support of each locality is needed for the 175-mile corridor to be designated as a National Scenic Byway, All-American Road. A locality may hold a public hearing on the proposed designation, but a public hearing by the locality is not required.

The roads proposed for designation as All-American Roads are:

- Route 20 North (Stony Point Road), from its intersection with Route 250 East to the Orange County line
- Route 22, from Route 250 E to its junction with Route 231
- Route 231, from Route 22 to the Louisa County line

To be designated a National Scenic Byway, a road must possess at least one of the following "intrinsic qualities" on a regional level: archaeological, cultural, historic, natural, recreational, or scenic. To meet the higher level All-American Road designation, a road must possess at least two of the intrinsic qualities on a national level. Applying U.S. Department of Transportation standards, the JTHG Partnership determined that the Route 15/20/22/231 corridors meet the criteria for the All-American Road designation.

An All-American Road designation does not impose any restrictions on private property with the exception of prohibiting the installation of new signs advertising off-site uses and activities (billboards) along these roads. Such signage is already restricted by County regulation and the existing Virginia Byway designation along these routes. All other regulatory authority remains with local and state jurisdictions.

According to Virginia Department of Transportation (VDOT) staff, an All-American Road designation would not limit VDOT's ability to maintain, operate or improve transportation facilities along designated byway corridors, nor would it increase the extent of Federal involvement. (See Attachment A) These corridors are within a JTHG National Heritage Area. (See Attachment C) VDOT staff has noted that "the NHA designation is designed to call attention to issues of historic and heritage conservation" and, therefore, "it may increase public attention and scrutiny on the effects of VDOT actions within the NHA."

An All-American Road designation would make affected localities and states eligible for grant funding to support and enhance the National Scenic Byway through the National Scenic Byways Discretionary Grants Program. According to the JTHG Partnership, the NHA and Routes 20, 22 and 231, if they receive the All-American Road designation, will be included in future American Byways maps published by the U.S. Department of Transportation and will be marketed to national and international visitors with the hope of increasing heritage tourism in the area.

Since the designation would not establish any new restrictions on private property except restrictions on billboards, which are already regulated in the County, staff does not believe a public hearing is necessary. The intent of the designation is consistent with the County's Comprehensive Plan goals to protect natural, cultural and historic resources as follows:

**Goal:** Protect the County's historic and cultural resources

**Objective:** Pursue additional protection measures and incentives to preserve Albemarle's historic and archaeological resources in order to foster pride in the County and maintain the County's character

**Goal:** Preserve the County's scenic resources as being essential to the character, economic vitality and quality of life.

**Objective:** Maintain the visual integrity of all Albemarle's roadways.

A resolution supporting an All-American designation for Routes 20, 22 and 231 is attached. Should the Board decide to hold a public hearing, the hearing should be held in November to allow sufficient time to meet required submittal deadlines for federal action in 2008.

There is no direct budget impact of designating these routes as All-American Roads. The designation would provide opportunities for grants related to enhancing and protecting the Scenic Byway corridor.

Staff recommends that the Board adopt the attached Resolution supporting an All-American Road designation for Routes 20, 22 and 231 in Albemarle County. Again, since the designation would not establish any new restrictions on private property except restrictions on billboards, which are already regulated in the County, staff does not believe a public hearing is necessary.

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Item No. 7.4. Resolution Supporting Virginia Byway Designation for Route 53, Route 729 (Milton Road) and portions of Route 20 and Route 250.

The Executive Summary states that the Journey Through Hallowed Ground (JTHG) Partnership, in its continuing effort to get National Scenic Byway Designation from the Gettysburg battlefield in Pennsylvania to Monticello, asked VDOT to determine the eligibility of roads in the Journey Through Hallowed Ground Corridor to be included in the Virginia Byway System. It was determined that Route 729 (Milton Road), Route 53 (Thomas Jefferson Parkway) and portions of Route 20 and Route 250 have been recognized as part of the JTHG Corridor in the County and the City, but are not designated as Virginia Byways. Therefore, the JTHG Partnership has proposed Virginia Byway designation for the following (see Attachment A):

- Route 729 (Milton Road), from its intersection with Route 250 to its intersection with Route 53;
- Route 250 (east) from Route 22 to Route 729 (Milton Road);
- Route 53 (Thomas Jefferson Parkway), from the Fluvanna County line to its intersection with Route 20;
- Route 20, from the intersection of Stony Point Road (Rt. 20 north) and Route 250 east of Charlottesville through the City of Charlottesville to the Interstate 64 interchange south of Charlottesville (a small portion of this segment, from Stony Point Road to Free Bridge, is in the County and not currently designated. This segment of road is considered part of both Route 250 and Route 20).

The following roads are currently designated as Virginia Scenic Byways in the County:

- Route 20 North (Stony Point Road)
- Route 20 South (Scottsville Road)
- Route 22 (Louisa Road)
- Route 231 (Gordonsville Road)
- Route 250 West (Ivy Road/Rockfish Gap Turnpike)
- Routes 601/676/614 (Old Garth Road/Garth Road/White Hall Road)

A separate request will be presented to the Board at its October 1, 2008 meeting to adopt a Resolution supporting the National Byway All-American Road designation for Routes 20, 22 and 231. Roads must be designated as a Virginia Byway to be eligible for All-American Roads Designation.

The Virginia Byway Program identifies road corridors containing aesthetic or cultural value near areas of historical, natural or recreational significance. Roads designated as Virginia Byways are identified on a widely distributed Map of Scenic Roads in Virginia and promoted on the Virginia Scenic Roads Web site. The program encourages travel to interesting destinations on these roads, which are generally away from high-traffic corridors. Byways typically stimulate local economies by attracting visitors to lesser-known destinations.

A Virginia Byway designation does not impose any restrictions on private property, except that it may prohibit the installation of new signs advertising off-site uses and activities (billboards) along these roads. Such signage is already restricted by County regulation. All other regulatory authority remains with the locality. A Virginia Byway designation does not limit VDOT's ability to maintain, operate or improve transportation facilities on such designated roads.

VDOT staff has indicated that all three road segments (Routes 53, 729, 20 and 250) are eligible and should be considered for Virginia Byway designation (see Attachment B). Prior to Virginia Byway designation by the State, the Board must adopt a resolution in support of the designation. The Board may hold a public hearing on the proposed designation, but a public hearing is not required.

Since the designation would not establish any new restrictions on private property, staff does not believe a public hearing is necessary.

The intent of the designation is consistent with the County's Comprehensive Plan goals to protect natural, cultural and historic resources, including:

**Goal:** Protect the County's historic and cultural resources.

**Objective:** Pursue additional protection measures and incentives to preserve Albemarle's historic and archaeological resources in order to foster pride in the County and maintain the County's character.

**Goal:** Preserve the County's scenic resources as being essential to the character, economic vitality and quality of life.

**Objective:** Maintain the visual integrity of all Albemarle's roadways.

**Strategy:** Pursue additional Virginia Byway designations for roads meeting State criteria:

- Route 53 (Thomas Jefferson Parkway)

A resolution supporting Virginia Byway designation for Route 53, Route 729 and portions of Route 20 and Route 250 is attached (Attachment C).

There is no direct budget impact of designating these Routes State Scenic Byways.

Staff recommends that the Board adopt the attached Resolution supporting Virginia Byway designation for Route 53, Route 729 and portions of Route 20 and Route 250. Since the designation would not establish any new restrictions on private property, staff does not believe a public hearing is necessary.

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Item No. 7.5. Resolution Supporting State Scenic River designation for the South Fork of the Rivanna River and the Rivanna River from the South Fork Rivanna River Reservoir Dam to the site of the former Woolen Mills Dam.

The Executive Summary states that at the request of the City of Charlottesville and Albemarle County, the Department of Conservation and Recreation (DCR) conducted an evaluation of the South Fork of the Rivanna River and the Rivanna River from the South Fork Rivanna River reservoir dam to the site of the former Woolen Mills dam, and has determined that it is eligible for Scenic River Designation. The evaluation criteria for Scenic River designation include: stream corridor vegetation; streambed and stream flow modifications; human development of visual corridor; historic features; landscape; quality of fishery; rare, threatened or endangered species; water quality; parallel roads; crossings; and special features affecting aesthetics. That segment of the river from Woolen Mills to the James River is already officially designated by the General Assembly as a state Scenic River. Attachment B is information from DCR regarding the impacts of Scenic Stream designation.

The next step in the designation process would be for the Board of Supervisors to adopt a resolution supporting the designation. If the resolution is adopted, the County would then request the General Assembly to adopt legislation to formally designate the river in the 2009 session. The Board may hold a public hearing on the proposed designation, but a public hearing is not required. The Charlottesville City Council adopted a resolution supporting this proposal for Scenic River designation on September 2, 2008.

This request began as a community effort that has included the Rivanna Conservation Society, the Southern Environmental Law Center, and local legislators.

This proposal is also consistent with the County's Comprehensive Plan goals and objectives including:

**Goal:** Preserve the County's scenic resources as being essential to the character, economic vitality and quality of life.

**Objective:** Protect the scenic quality of Albemarle's streams.

**Strategy:** Pursue Virginia Scenic River designations for rivers meeting state criteria.

**Pantops Master Plan Guiding Principle:** Residents of Pantops value the exceptional natural and historical scenic qualities of this neighborhood – views to Monticello, surrounding mountains, Rivanna River, and west to the City. It is important to protect these scenic vistas and sense of open space as the neighborhood continues to grow.

**Pantops Master Plan Recommendation:** Preserve the Rivanna River. It is shown as green space on the *Parks and Green Systems* Map and will create a linear park within the Pantops Neighborhood

The designation of a river as "scenic" by the General Assembly is governed by the "State Scenic Rivers Act" (Virginia Code Section 10.1-400). The only applicable limitation contained in the enabling legislation is as follows:

*After designation of any river or section of river as a scenic river by the General Assembly, no dam or other structure impeding the natural flow thereof shall be constructed, operated or maintained in such river or section of the river unless specifically authorized by an act of the General Assembly.*

DCR staff have clarified that bridges are typically not considered a structure that would "impede the natural flow," with the possible exception of unique "bridge" structures such as a low level/water level bridge or a constructed ford. DCR staff advised that while the Scenic River status would not prevent a road or pedestrian crossing from being constructed, if Federal or State funds were used for the construction of such a project, there would be an emphasis placed on the aesthetic design of the crossing to be in harmony with the scenic status of the river. Projects might be expected to use design features such as see-through guardrail and other features that provide easy visual access to the river.

The following summarizes the impact of the designation:

- The designation does not impose any restrictions on private property.
- The only legislative prohibition of Scenic River designation is that no dam or other structure "impeding the natural flow" shall be constructed without General Assembly authorization.
- It does NOT give the public any right to use privately owned land.
- In general, designation is intended to recognize the scenic, natural and historic values of the river and to encourage present and future owners to continue to exercise good stewardship of the land and resources along the river. It also informs County officials about the special attributes of the river, so that they can work with landowners to protect those attributes.

Since the designation does not establish any new restrictions on private properties except restrictions on the construction of dams or other structures impeding the flow of the river, staff does not believe a public hearing is necessary to support this designation. The intent of the designation is consistent with the County's Comprehensive Plan goals to protect natural, cultural and historic resources and to designate eligible streams for Scenic River designation. A resolution recommending Scenic River designation for the Rivanna/South Fork of the Rivanna River is attached (Attachment D). Should the Board decide to hold a public hearing, the hearing should be held in November to allow sufficient time to meet required submittal deadlines for federal action in this year.

There is no direct budget impact from establishing the Scenic River designation. The designation would provide opportunities for grants related to enhancing and protecting this section of the river.

Staff recommends the Board adopt the attached resolution supporting State Scenic River designation for the South Fork of the Rivanna River and the Rivanna River from the South Fork Rivanna River reservoir dam to the site of the former Woolen Mills dam.

**(Discussion:** Mr. Slutzky said the suggested amendment to the Code of Virginia has the provision that no dam or other structure impeding the natural flow of the River shall be constructed, operated or maintained unless specifically authorized by an act of the General Assembly. Mr. Slutzky said the Scenic River starts at the Rivanna Dam and as you head down to the end of this length, you immediately run underneath where they hope to build the Berkmar Bridge. If the Berkmar Bridge needs to be held up in the air, it will be held up by some kind of support structure that will likely be in the water. He does not want to unwittingly create a circumstance where the bridge structure might be interpreted to be a structure that requires General Assembly approval. He has communicated with a couple of folks and there was suggestion that the Board add to the proposed language "nothing will preclude the Commonwealth, the County of Albemarle or the City of Charlottesville from constructing or reconstructing any bridge across the South Fork Rivanna River between the existing South Fork Rivanna River Reservoir Dam and Route 29 including the bridge that crosses the South Fork Rivanna River along Route 29. He asked if there should be some clarification language.

Mr. Davis responded that there would have to be clarifying language championed by legislators. The Rockfish State Scenic River has language which specifically says "nothing in this Chapter shall preclude the Commonwealth or local governing body from constructing or reconstructing any road or bridge."

Ms. Thomas said that seems like appropriate language.

Mr. Benish said that the Department of Historic Resources (DHR) has indicated that in their opinion that does not fall under that restriction.

Mr. Davis suggested amending the resolution with a provision to say that "nothing in the designation shall preclude the Commonwealth or a local governing body from constructing or reconstructing any road or bridge."

Board members concurred with the proposed clarification.

**Motion** was then offered by Mr. Rooker that the language proposed by Mr. Davis be added to the resolution. Ms. Mallek **seconded** the motion.

Ms. Thomas commented that when City Council did their Strategic Planning Retreat, the Rivanna River rose to near the top of the things they want to focus during the coming year. That fits in with this Scenic River designation.)

**By the above-recorded vote, the Board adopted the following resolution supporting State Scenic River designation for the South Fork of the Rivanna River and the Rivanna River from the South Fork Rivanna River Reservoir dam to the site of the former Woolen Mills dam:**

**RESOLUTION TO SUPPORT STATE SCENIC RIVER DESIGNATION  
FOR THE SOUTH FORK OF THE RIVANNA RIVER AND THE RIVANNA RIVER  
FROM THE SOUTH FORK RIVANNA RESERVOIR DAM  
TO THE SITE OF THE FORMER WOOLEN MILLS DAM**

**WHEREAS**, the Code of Virginia, pursuant to Title 10.1, Sections 10.1-400 through 10.1-418, provides for a "Scenic Rivers Act" under the jurisdiction of the Virginia Department of Conservation and Recreation; and

**WHEREAS**, the portion of the Rivanna River from the Woolen Mills dam to the Fluvanna County line is now designated as a State Scenic River; and

**WHEREAS**, the Albemarle County Comprehensive Plan, as adopted by the Board of Supervisors, recognizes this existing designation and supports a strategy to pursue additional designations for rivers meeting state criteria; and

**WHEREAS**, designation of this additional portion of the Rivanna River as a Scenic River would recognize the quality and value of this natural and scenic resource throughout its length from the South Fork Rivanna reservoir dam to the Fluvanna County line; and

**WHEREAS**, on October 31, 2007 by letter to John R. Davy, Director of the Division of Planning and Recreation Resources, the Albemarle County Executive has requested that the Virginia Department of Conservation and Recreation conduct a study of this portion of the Rivanna River to determine its potential as a State Scenic River; and

**WHEREAS**, on July 17, 2008 by letter to the Albemarle County Executive, John R. Davy, Director of the Division of Planning and Recreation Resources has declared that this portion of the Rivanna River was found to qualify as an extension of the existing designated portion of the Rivanna.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby expresses its support for the designation of the Rivanna River from the base of the South Fork Rivanna River reservoir dam to the junction of the South Fork and the North Fork of the Rivanna River (a distance of approximately three miles) and the Rivanna River from the junction of the two forks to the site of the former Woolen Mills dam (a distance of approximately six miles) as a "Scenic River" pursuant to the Scenic Rivers Act, Virginia Code Section 10.1-400 *et seq.*, provided that the designation shall not preclude the Commonwealth or a local governing body from constructing or reconstructing any road or bridge.

**BE IT FURTHER RESOLVED**, that the Albemarle County Board of Supervisors does hereby respectfully request that the members of the Albemarle County legislative delegation introduce designation legislation to the Virginia General Assembly for approval and designation in the 2009 session.

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Item No. 7.6. Resolution to accept the abandonment of Route 640 (Turkey Sag Road) in the State Secondary Road System.

**Removed from agenda.**

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Item No. 7.7. Resolution to Endorse Pedestrian Bridge Project in the City of Charlottesville.

**(Discussion:** Mr. Rooker emphasized the importance of this resolution to endorse the pedestrian bridge, working to connect Route 29 and McIntire Park with a ten-foot wide, hard surface, bicycle and commuter trail that will connect to the Meadow Creek Parkway and to downtown Charlottesville via the new Schenk's Greenway Trail. He noted that the bridge is the only missing link in completing the trail, and the Parkway has a similar multi-purpose trail.

Mr. Boyd asked if this bridge was part of the interchange. Mr. Rooker replied that it is over the railroad tracks, not part of the interchange.

Mr. Boyd asked if this has any impact on the design for the YMCA. Mr. Rooker replied that it does not have an impact.)

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

**RESOLUTION TO ENDORSE PEDESTRIAN BRIDGE PROJECT  
IN THE CITY OF CHARLOTTESVILLE**

**WHEREAS**, the City of Charlottesville and the Charlottesville-Albemarle Metropolitan Planning Organization ("MPO") have endorsed a Transportation Enhancement Project in the City of Charlottesville; and

**WHEREAS**, the project will add a much needed pedestrian bridge to connect the eastern and western portion of McIntire Park that is cleaved by a railroad line, and

**WHEREAS**, the project will expand the City of Charlottesville's pedestrian and bicycle network and is the highest remaining priority in the City's Bike Master Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors requests the Commonwealth Transportation Board to establish a project toward the design and construction of a bike and pedestrian commuter bridge, as more specifically described in Exhibit A.

Exhibit A

## McIntire Park Railroad Bridge TEA Grant Application Project summary

The City is working to connect Route 29 and McIntire Park with a 10 foot wide hard surface bicycle commuter trail. This trail will connect to the future Meadowcreek Parkway and to downtown Charlottesville via the new Schenk's Greenway trail. The missing link is a bridge over the railroad connecting the two sides of the park.

City Council has authorized \$250,000 in the CIP budget to begin construction of the trail, which is planned to be in place by summer 2009. In order to maximize the usefulness of the trail and the park, we would like to identify funding for design and construction of this bridge



The City is requesting ~\$250,000 in Transportation Enhancement funds from VDOT with an application due November 1<sup>st</sup>, 2008 to design and construct the bridge. If awarded, we hope to have the bridge in place in time for the opening of both the parkway/interchange and the YMCA at the park.

### Item No. 7.8. FY 2008 Appropriations.

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

The total of these requested FY 2008 appropriations is \$520,238.79. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget.

This request involves the approval of three (3) new FY 2008 appropriations as follows:

- One (1) appropriation (#2008084) totaling \$94,100.00 for various School grants and programs;
- One (1) appropriation (#2008085) for General Fund over expenditures in the amount of \$308,929.65; and
- One (1) appropriation (#2008086) adjusting budgeted revenues and expenditures for the Commission on Children and Families totaling \$117,209.14

Staff recommends the approval of the FY 2008 Appropriations #2008084, #2008085, and #2008086 totaling \$520,238.79.



<b>Appropriation #2008086</b>		<b>\$117,209.14</b>
Revenue Source:	Local Revenue	\$ 14,732.94
	State Revenue	102,476.20

The Commission on Children and Families exceeded their FY 2008 appropriated expenditures by \$117,209.14. This over expenditure was offset by additional State Grant Revenue in the amount of \$102,476.20 and additional funding from the City of Charlottesville in the amount of \$14,732.94.

**(Discussion:** Mr. Rooker pointed out that there are \$217,000 of Jail overruns; the largest amount in the appropriations.

Mr. Tucker said that this is based on inmate population. A lot of this has to do with inmates staying longer because the State is not picking up State-eligible inmates and is leaving them in local jails much longer.

Mr. Rooker commented that there are inmates in the Jail who were given 20 year sentences several years ago and should be State penitentiary.

Mr. Slutzky asked if the Regional Jail is obligated to provide beds at our costs. Mr. Tucker responded yes. They now have to look at an expansion of the Jail for nonviolent crimes or work release inmates. He added that they cannot even get State funding until they are at least 150 percent over capacity which they are now reaching.

Mr. Dorrier said they are projecting an increase in future Jail population based on the County.

Mr. Tucker said there are more than 100 inmates eligible for transfer to the State. The City has the majority of the capacity of inmates, but the County is approaching that same capacity, so it will soon be 50/50.

Mr. Rooker stated that there needs to be some revenue here, and wondered if it was allocated to localities based upon number of inmates.

Mr. Tucker explained that the money goes to the population as a whole. He pointed out that the State is taking inmates from other states because they get a higher per diem, and they were supposed to build additional state-funding jails which did not happen. Mr. Tucker added that another problem is getting them through the court system quickly enough, and the County is working with judicial bodies to try to speed that up.

Mr. Dorrier added that judges have not been sentencing these people to community service.)

**By the above-recorded vote, the Board approved the FY 2008 Appropriations #2008084, #2008085, and #2008086 totaling \$520,238.79:**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008084  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Education Donations, School Board Meeting 08/28/2008 and 09/11/2008

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3104	18000	189900	MISCELLANEOUS REVENUE	J 2	30,000.00		
2	3158	18000	181273	TEACHING AMERICAN HISTORY GRANT	J 2	25,100.00		
2	3219	18000	189900	REVENUE	J 2	39,000.00		
1	3104	61101	112100	SALARIES-TEACHER	J 1	27,865.00		
1	3104	61101	210000	FICA		2,135.00		
1	3158	61101	112100	SALARIES-TEACHER	J 1	1,260.45		
1	3158	61101	160100	STIPENDS-CAREER INCENTIVE	J 1	21,920.02		
1	3158	61101	210000	FICA	J 1	1,743.24		
1	3158	61101	221000	VRS	J 1	176.29		
1	3219	60213	119402	SALARIES-SUPERVISOR	J 1	28,000.00		
1	3219	60213	210000	FICA	J 1	2,142.00		
1	3219	60213	221000	VRS	J 1	4,000.00		
1	3219	60213	231000	HEALTH	J 1	4,458.00		
1	3219	60213	231000	DENTAL	J 1	200.00		
1	3219	60213	241000	VRS-GROUP LIFE	J 1	200.00		

	3104		0501	Est. Revenue				30,000.00		
			0701	Appropriation					30,000.00	
	3158		0501	Est. Revenue				25,100.00		
			0701	Appropriation					25,100.00	
	3219		0501	Est. Revenue				39,000.00		
			0701	Appropriation					39,000.00	
<b>TOTAL</b>								<b>188,200.00</b>	<b>94,100.00</b>	<b>94,100.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008085  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** FY08 General Fund Expenditures

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	11010	120000	BOS - Overtime Wages	J	1	8,433.70		
1	1000	11010	130000	BOS - Part-time Wages	J	1	7,552.19		
1	1000	11010	320000	BOS - Temporary Help Fees	J	1	4,920.87		
1	1000	21010	601200	Circuit Court - Books & Subsc.	J	1	1,404.19		
1	1000	31013	600800	Police - Motor Vehicle Fuel	J	1	1,992.89		
1	1000	31019	129900	Police - OT Reimbursable	J	1	4,083.89		
1	1000	32050	560600	Charlottesville Fire Dept	J	1	23,376.18		
1	1000	33020	700002	Regional Jail	J	1	217,994.09		
1	1000	41110	320000	Facilities Dev. - Temp Help Fees	J	1	2,872.68		
1	1000	59000	579100	Tax Relief for the Elderly	J	1	36,268.85		
1	1000	82030	221000	Soil & Water - VRS	J	1	30.12		
2	1000	51000	510100	Appropriation - F/B	J	2	308,929.65		
	1000		0501	Est. Revenue				308,929.65	
			0701	Appropriation					308,929.65
<b>TOTAL</b>							<b>617,859.30</b>	<b>308,929.65</b>	<b>308,929.65</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008086  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** FY08 General Fund Expenditures

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	4400	54102	301200	CCF - Contract Svcs-Other	J	1	72,517.40		
1	4400	54105	301203	CCF-Juv - Con. Svcs - City	J	1	44,691.74		
2	4400	18000	189900	City of Charlottesville	J	2	14,732.94		
2	4400	24000	240500	State Grant Revenue	J	2	102,476.20		
	4400		0501	Est. Revenue				117,209.14	
			0701	Appropriation					117,209.14
<b>TOTAL</b>							<b>234,418.28</b>	<b>117,209.14</b>	<b>117,209.14</b>

Item No. 7.9. Destruction of FY 2003 Paid Personal Property Tax Receipts.

The Executive Summary states that pursuant to Va. Code § 58.1-3129(A), the director of finance may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with retention regulations pursuant to the Virginia Public Records Act. The Library of Virginia's Record Retention and Disposition Schedule GS-28 requires that paid tax tickets be retained for five years from the

end of the fiscal year in which the tax is paid or until an audit, whichever is longer, at which time the governing body is to be petitioned for authorization to destroy the records.

Paid personal property tax tickets for FY 2003 were included in the FY 2003 audit in December 2003 and reached the five-year retention period on June 30, 2008 and are eligible for destruction. Attached is the County's Certificate of Records Destruction (Attachment A), which has been approved and signed by the Director of Finance and by the Clerk of the Board of Supervisors, the County's designated Records Retention Officer. Authorization from the Board is required to proceed with the destruction of these records.

Staff requests that the Board authorize the destruction of the FY 2003 paid tax receipts.

**By the above-recorded vote, the Board authorized the destruction of the FY 2003 paid tax receipts**

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Item No. 7.10. Set Dates related to development of FY 09/10 Budget Calendar.

The Executive Summary states that the process of developing the County's Operating Budget for FY 09/10 and the Capital Improvements Plan (CIP) for FY10-14 is underway. The proposed calendars are provided to the Board to establish firm dates for Board meetings and public hearings on the budget and CIP, and to provide the public with as much notice as possible for planned community meetings, public hearings, and work sessions related to the budget and the CIP.

There are several dates in the budget presentation and approval process that are driven by state code requirements and are reflected in the attached calendars. The first is the requirement that the tax rate be adopted by April 15<sup>th</sup> for localities with a first-half tax year collection in June. In addition, the Virginia Code requires that there be seven days between the public advertisement of the budget public hearings and the actual hearing dates, and seven days between the public hearing and the adoption of the budget. During the 2007 session of the General Assembly, legislation was enacted that requires localities to provide 30 days minimum notice of the tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's tax levies. In addition to these state requirements, the School Board has requested that the second public hearing be scheduled so that it does not coincide with Spring Break.

Attachment A provides a preliminary budget calendar for the FY 09/10 budget process that conforms to the Virginia Code requirements and meets the School Board's request. This calendar can be used if real estate tax levies caused by the reassessment are less than 101% of the prior year's tax levies.

Attachment B is an alternative preliminary budget calendar for the FY 09/10 budget process that conforms to the Virginia Code requirements, meets the School Board's request and meets the 30 day notice requirements triggered if real estate tax levies caused by the reassessment exceed 101% or more of the prior year's tax levies. This alternative schedule would only be necessary this year if the reassessment picture changes dramatically.

Because it is unlikely that the 2009 reassessment will require the 30 day notice for the tax rate public hearing, staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment A.

**(Discussion:** Mr. Rooker asked about the budget calendar which recommends adoption of Attachment A, and wondered if that locked them into a tax rate.

Mr. Tucker responded that it does not, and it is really just a matter of how it is advertised.

Mr. Davis clarified that the 30-day calendar applies to the assessment, not a change in the tax rate.)

**By the above-recorded vote, the Board adopted the preliminary budget calendar as set forth in Attachment A:**

#### **FY 09/10 OPERATING BUDGET CALENDAR**

##### **August 2008**

- 13 Operating budget instruction manual and forms posted to budget site
- 22 CIP project requests due to OMB
- 29 Community agency applications distributed

##### **October 2008**

- 1 Joint Compensation meeting with School Board
- 17 Department budget submissions due to OMB

##### **November 2008**

- 5 Preliminary FY 09/10 revenue projections, school allocation, and capital transfer estimates to the Board of Supervisors (BOS)
- 5 BOS Work Session – Five Year Financial Plan
- 12 BOS Work Session – Five Year Financial Plan
- 12 CIP project information to Oversight Committee

- 14 Community agency applications due to OMB
- 17 CIP Oversight Committee Meeting #1
- 24 CIP Oversight Committee Meeting #2
- 26 CIP Oversight Committee Meeting #3 (if needed)

**December 2008**

- 3 BOS Work Session – Five Year Financial Plan
- 10 Oversight Committee CIP Recommendation to Joint meeting of BOS/School Board
- 19 Special revenue fund requests due to OMB

**January 2009**

- 27 General fund and local government special revenue funds balanced

**February 2009**

- 18 County Executive's Recommended Budget document published
- 25 Public hearing on the County Executive's Recommended Budget

**March 2009**

- 2 BOS Work Session – General Government
- 4 BOS Work Session – School Division
- 9 BOS Work Session – CIP
- 11 BOS Work Session (if needed)
- 18 Deadline for setting tax rate for public hearing
- 25 Advertise tax rate for April public hearing

**April 2009**

- 1 Public Hearing on the 2009 calendar year tax rate
- 1 Public Hearing on the FY 09/10 Proposed Operating and Capital Budgets
- 6-10 Spring Break
- 8 BOS adopts FY 09/10 budget
- 8 BOS adopts the 2009 calendar year tax rate

**June 2009**

- 3 BOS approves the FY 09/10 Appropriation Resolution

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Item No. 7.11. 2008 Statement of Assessed Values for Local Tax Purposes for Railroads and Interstate Pipeline Transmission Companies as certified by the Department of Taxation, **was received for information.**

(**Discussion:** Ms. Thomas asked where railroad cars get counted. She asked if any are housed in the County. She asked if someone could find out that information.)

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Item No. 7.12. 2008 Statements of Assessed Value for the Electric, Gas, Telecommunications and Water Companies; and Listing of Motor Vehicle Carrier Companies Subject to Annual Rolling Stock Tax Administered by the Public Service Taxation Division for Albemarle County, as certified by the State Corporation Commission, **was received for information.**

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Agenda Item No. 8. James Utterback, VDoT Culpeper District Administrator.

Mr. James Utterback said he now serves in the position of VDoT Culpeper District Administrator. Mr. Utterback said that he was traveling around to all nine localities in his district to further establish that there is a step between the Resident Administrator and central office in Richmond. He has spent a significant amount of time working on the agency response to the Governor to address the budget crisis, noting that VDoT's Highway Maintenance and Operating Fund has traditionally been stable regardless of cuts. That is not the case this time. He said that trends show a change in driving patterns and a drastic drop in forecasted revenues from the gasoline tax, especially through diesel fuel. Mr. Utterback added that new and used vehicle sales have also dropped significantly. He noted that the Six Year Program was cut by 44 percent last year, and it will be significant again this year – perhaps 30 percent or more. They are looking at how that cut impacts the Interstate, Primary Urban and Secondary Programs. He said that the rough projections for the cuts to the Program overall are well over \$700 million. This is a long term issue that will affect every member of the Department; they will be focusing on core services, what they can deliver and how they can go forward smartly.

Ms. Mallek asked about the status of funds for projects that are ready to go to bid. Mr. Utterback said the intent is to move the projects into construction. He emphasized that the Advance Mills Bridge and Meadow Creek Parkway continue to be high priorities for the Central Office. He added that the Parkway is ready for advertisement from a technical standpoint.

Mr. Rooker pointed out that it will be impossible to ever come up with enough money from the secondary road fund to build a project like the Meadow Creek Parkway. He asked how would a major project ever get funded? This is something that is going to impact the quality of life for County citizens, citizens throughout the State and the economic development potential of the State.

Mr. Utterback commented that they have been told to try to federalize as much maintenance work with federal dollars as possible.

Mr. Rooker said that this puts more emphasis on the need for the area to get a local funding source to use for transportation.

Mr. Slutzky commented that the County has been very happy with Mr. Sumpter and his responsiveness to their requests.

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Agenda Item No. 9. Board-to-Board, *Monthly Communications Report from School Board*, School Board Chairman.

Mr. Brian Wheeler welcomed Mr. Utterback back to the community, and noted that he was instrumental in helping to get a speed zone established on Morgantown Road. He mentioned that Dr. Pam Moran, School Superintendent, was also in attendance. Mr. Wheeler reported that Albemarle County has 21 of the 382 National Merit semifinalists in Virginia; the County has about one percent of the K-12 students in the state, but five percent of the finalists. He also noted that all schools are fully accredited for the fifth year in a row and are awaiting news on adequate yearly progress. They appealed two of the decisions from the State related to Burley Middle School and adequately yearly progress for the division overall. They have not heard the results of the appeals. Mr. Wheeler mentioned one question from an earlier Board-to-Board regarding the percentage of gifted students in the division, and that number is about 15 percent.

Ms. Thomas said, from the High Growth Coalition Conference, they were alerted that they should keep close tabs on the Legislative Committee that is looking at paying for education, because the assumption from local governments is that the State is not thinking of ways it can pick up more of the burden, but instead thinking of ways it can shift the burden from the state to localities. She asked if the School Board is communicating with that group.

Mr. Wheeler responded that Senator Emmett Hanger serves on that committee, and he has been keeping in touch with him.

Mr. Boyd asked if Albemarle compares itself to "Best in Class" student designations in the State. Ms. Moran replied that School officials look at comparable school divisions and then more specifically individual schools. Mr. Boyd said it would be interesting data to report in the future to see how we are doing relative to the top quartile.

Ms. Mallek asked who from the School Division would be a contact person to attend the Community Food Program Board meetings. Mr. Wheeler responded that if local food is cheaper, schools will start buying it immediately. He stated that Ms. Kristina Fitzenburger is in charge of food services.

Ms. Moran said they do purchase some of their produce from local purchasers, but a lot of the food that goes into the school lunch program comes through national commodities that flow through the federal government, and are controlled by the federal lunch program.

Mr. Slutzky commented that if there is some acquisition outside of that system and local food can be obtained competitively then it should be done.

Ms. Mallek said at a recent meeting she attended, Mr. Leber, head of the State Workforce for Northrup Grummond, spoke about linkages of education and business communities. She would like to know what is done beyond two meetings a year to foster those partnerships.

Mr. Wheeler responded that he is involved in the Chamber of Commerce on the Government Affairs Committee. Mr. Rod Gentry and others have been involved with compensation reviews. They often reach out to those individuals for expertise; they are stakeholders and our customers in the community. They are looking for those opportunities and trying to get them involved.

Ms. Mallek pointed out that there needs to be more demand to step up and make those partnerships. Ms. Moran mentioned that Northrup Grummond (Sperry is a branch) is one of the best partners in the community in working with the schools, including scholarship funding and employment placement for engineers.

Mr. Rooker said that it is helpful to have information about where merit scholars reside, as there is some inherent prejudice as to what part of the County students who excel academically are from.

Ms. Moran said she hopes to provide a report on the specialty center that will be opening at Albemarle High School next year. The center is a math/science/engineering oriented program. The center came out of the Resource Utilization Study as a recommendation. It will open next year and will be available eventually as a magnet school that attracts students from all over the County. She added that the University of Virginia's Engineering School is a full partner with the County in the endeavor.

Mr. Wheeler noted that if one school has an exclusive offering, a student has the option of enrolling there – such as the Air Force ROTC Program at Monticello. He also said that he tries to educate people about school offerings. He realized when he got onto the School Board that excellence comes from all over the County, not just one part.

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Agenda Item No. 10a. ACSA Quarterly Update, Gary Fern.

Item No. 10.1. Albemarle Place - Meeting with Edens & Avant on September 24, 2008.

Mr. Gary Fern, Executive Director of the Albemarle County Service Authority, stated that recently RWSA representatives met with City officials, and Edens & Avant, developers for Albemarle Place, to work on how to get wastewater flow from the Albemarle Place site to the Meadow Creek interceptor. Edens & Avant have a route based on leaving the facility, running by the restaurant, by the post office, and down to the interceptor – subject to obtaining some easements – and Albemarle Place would be paying for that. Currently the City maintains a pipe in that area.

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Item No. 10.2. North Fork Pump Station.

Regarding the North Fork Pump Station, Mr. Fern said RWSA is meeting with the developers. It is their intent that the developers will pay for their appropriate share of the project – Fort Belvoir, Northpointe development, UVA Foundation, Wendell Wood, and Richard Spurzen. He said that they have been providing projected flows and working through payment arrangements. The preliminary engineering report should be ready within the next two months with final design, construction starting mid-year 2009, with completion in 2010. Mr. Fern emphasized that the impetus for the project is abandonment of the Camelot wastewater treatment facility. He noted that there is a lot of commercial and residential development in that area.

Ms. Mallek asked if the timeline will meet the needs for a 20 or 50 year horizon. Mr. Fern said he cannot answer that question. Their consultants are looking at a couple of different scenarios. Their minimum timeline is through 2030.

Ms. Mallek said she thought this was about replacing the existing pump system and improving delivery, but where does the gravity line come in. Mr. Fern said that in order to serve some of those developments, there would need to be some gravity sewer lines put in. They would be taking out of service the North Fork Research Park pump station.

Ms. Thomas asked if they were also looking at larger-scale improvements to accommodate neighborhoods such as Southwood Mobile Home Park. Mr. Fern replied that they are preparing a packet to bring back to the Board with that information, and that would include proposed pricing mechanisms for dealing with these issues.

Mr. Fern added that the Service Authority Board of Directors has offered to begin meeting with the Planning Commission, and they are moving forward with that.

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Agenda Item No. 10b. RWSA Quarterly Update, Tom Frederick.

Mr. Tom Frederick, Executive Director of the Rivanna Water & Sewer Authority, said that the RWSA is hoping to begin construction of a new leachate collection system for two of the closed cells at the Ivy Landfill. This will be using directional drilling technology – already used in the phone, cable, and electric industries – as well as pipes. It has not been used much in landfills, and not many communities are taking proactive efforts to improve collection of older cells, which in turn promotes better groundwater protection and clean-up. This community is out front of most communities that operate older landfills. He explained that there would be four pipelines installed, and they would be drilled into the cell without removing the contents of the cell.

Mr. Frederick said that RWSA continues its efforts to make the best use of its limited infrastructure resources to balance the needs of humans and the environment in the use of water. They recently made a decision to increase the release at the Sugar Hollow Dam – now 1 million gallons per day or natural inflow, whichever is less. He said that the RWSA wants to optimize their system and continue to tweak how they direct flows, which plants they operate at which capacity, etc. At the same time they do have to continue to reserve the right to drop it back to the regulatory minimum – 400,000 gallons per day or natural flow, during certain periods because if modeling results show that they are in the early stages of a drought and that drought is severe, those critical decisions in the early stages can be the differences on whether the community has water or not at the end of the drought. Their modeling shows that all reservoirs will be full by the end of next April.

Ms. Thomas commented that that's an unusual stance for a public water authority to take – to do the best for the environment – walking a tight line between having enough water and getting it flowing into the stream.

Mr. Frederick responded that Mr. Golladay, the Water Operations Manager, has done an excellent job of fulfilling the details of the policy decisions that are made.

Ms. Mallek asked if manipulating the height of the Sugar Hollow Reservoir bladder was a parameter that they adjusted. Mr. Frederick replied that the best way to accomplish the objective is through the new valve, and instrumentation feedback.

Mr. Frederick said that RWSA is continuing to provide staff support to the South Fork Reservoir Task Force, a group that is now meeting bi-weekly. The task force will be receiving public comment in October with recommendations coming back to the Board within the next few months.

Mr. Frederick reported that the RWSA is optimistic about the Meadow Creek interceptor project, but it is not without challenges as engineers have weighed in on what is required for proper pipeline construction. He said that the RWSA will be meeting with two homeowners' associations in the coming weeks, and have right-of-way agents trying to obtain easements to commit the project for early spring construction. Mr. Frederick added that, at the request of City Council, they are doing their best to minimize the width of the easements and construction area, and they will likely have cost implications with narrower easements. He stated that the RWSA has instructed reputable contractors to find out what the bidding climate might be if the easement acquisitions were changed, and the consultant is going to present that in the form of a survey. They may take that back to Rivanna Board to get further direction.

Mr. Rooker asked if the concern of property owners is the permanent easement or construction easement.

Mr. Frederick said "both," and that after discussion with County and City public officials and staff, and state and federal regulators with respect to environmental impacts, it was concluded that the best way to build the pipeline is to replace 70 percent of it in the same location where it exists today – many in easements already from City construction in the 1950's. He added that the easements and access points have not been adequately maintained, and repairs have been challenging. Mr. Frederick said it is not their intent to create a long delay in the project, but these questions do take time to address. He will continue to keep the Board updated on the discussions, decisions and timeline of the project.

Mr. Rooker asked if the project affects Albemarle Place. Mr. Frederick said Rivanna cannot provide a flow acceptance certificate until the work is done. Mr. Rooker said that Mr. Fern had indicated the project would be ready when Albemarle Place is ready, and asked if it was reasonable to assume that timeline was still on track. Mr. Frederick replied that the amount of time it takes to work this project out would have a bearing on the timeline.

Ms. Mallek said that the easements are from the 1950's, and the 30 percent would need to be acquired. Mr. Frederick confirmed this, adding that they are working with easement language drafted in the 1950's – but attorney review has opined that the language does not give the RWSA the right to come back and put in a larger pipeline. In effect, they are negotiating with all the property owners along the route.

Ms. Thomas asked if the Sugar Hollow easements would be the same situation. Mr. Frederick said that some easements were signed in the 1920's and 30's, and there was not as much care taken in the recording process so there are gaps in information.

Mr. Rooker added that sometimes the pipes are not built where the easements are.

Mr. Frederick reported that the RWSA Board gave staff direction to pursue an expert panel, and they are finalizing the solicitation for that now, with the intent of pursuing the best they can get on dam design in the industry. He said that they want a structurally sound and safe facility that meets all regulatory requirements, and will be looking at ways to get the project built as economically as possible for the community. Mr. Frederick added his appreciation for those who hear from constituents on a regular basis, as a lot of time and effort has been invested up to this point. He mentioned that what is happening now is a "pause" in the process.

Mr. Slutzky expressed his appreciation for the RWSA's approach and tenacity.

Mr. Boyd agreed that this is a pause, and not a stop-work order in the process.

Ms. Thomas said that Gannett Fleming has come out with a long list of measures that might be undertaken to change the cost picture, and the RWSA Board has chosen to go to an expert panel. Ms. Thomas asked if any actions would be taken on the list before receiving the panel's results on the dam.

Mr. Frederick responded that this is a broad community decision, and that list would be reviewed by the expert panel. He is not going to be recommending that this community take action on one of those without first hearing from the expert panel because he thinks you make a better decision when you have more information.

Mr. Rooker also thanked the Rivanna Board and Mr. Frederick for dealing with a lot of complexities in this project. He said that there is a rock clause in almost every construction contract – as that is not included in initial bids – and doing the geotechnical work first is commendable. There may be some rock issues and there may be some less expensive ways of dealing with it than Gannett Fleming has included in their high estimate of the increased cost from that. He also said that a reporter contacted him and mentioned a \$13 million increase in the cost of the embankment part that is not reflected in the higher cost estimate. He did not have the knowledge to discuss that further with the reporter. Mr. Rooker emphasized the importance of having equal points of comparison.

Mr. Frederick replied that a review of embankment issues was part of the expert panel, and that is what they intend to do. He explained that Gannett Fleming provided a laundry list of items, and this is really an issue of satisfying VDOT regarding the roadway. They have not had these discussions with VDOT yet, and he does not think they should try that issue in the press before they sit down and talk to VDOT officials, in fairness to them.

Ms. Thomas added that there was a range in cost that was listed in the information, and no one knows what the actual cost will be.

Mr. Frederick said they stated clearly to the Rivanna Board that RWSA is not taking a position on any of the estimates received until the expert panel is convened. It was not the intent of the report to try to establish a fixed number.

Mr. Rooker commented that the approach being taken is a very studied professional approach and is in the best interest of the community.

Mr. Boyd agreed, as did other Board members.

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Agenda Item No. 11. 2009 Thomas Jefferson Planning District Commission (TJPDC) Legislative Program.

The Executive Summary states that the Thomas Jefferson Planning District Commission (TJPDC) works with Albemarle County and other Planning District localities each year to develop a legislative program for the upcoming General Assembly session. The draft 2009 TJPDC Legislative Program (Attachment A) is before the Board for input and approval.

The draft 2009 TJPDC Legislative Program follows the same format as in previous years, identifying priority "action items" and highlighting areas of continuing concerns. The draft program incorporates all of the legislative priorities the Board approved at its August 6, 2008 meeting (Attachment B). David Blount of the TJPDC will be present to receive the Board's comments and answer any questions on the draft program.

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

Staff recommends the Board approve the draft 2009 TJPDC Legislative Program, which will be amended to include any changes that the Board requests.

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Mr. David Blount, Legislative Liaison, said the Board does have before it the draft Regional Legislative Program for 2009 – with five priority items. He emphasized that it is important for the Board to ask for flexibility in meeting state requirements in the face of funding reductions.

Under land use and growth management, Mr. Blount said that there is a request for additional tools without preempting existing authorities, with particular focus on impact fees and proffer issues.

Mr. Rooker said that the Board would not necessarily oppose weakening of the current proffer authority if there were an impact fee that was adequate – right now proffers can only be imposed on rezoned property, which is usually in the growth area and puts it at a competitive disadvantage to rural area. He said that some formula based on a reasonable approach would encourage the Board to give up some cash proffer authority for a separate per-unit charge.

Ms. Thomas commented that there is a low level of trust there, as the proffer authority would likely never be returned to localities.

Mr. Davis added that the other challenge is whether they would prohibit offsite and onsite improvements that cannot be directly attributed to the development itself, which greatly complicates developments where road improvements have been proffered on existing roads that have problems in lieu of a cash proffer. On the impact fee side, he said, the complicating factors have been the cap on the amount and applying it only to new development; prior bills did not apply to already platted subdivisions.

Mr. Blount said he believes the specific language in the Program speaks to points made by the Board. "While we support efforts to have impact fee and proffer systems that are workable and meaningful..." lends itself to the give and take.

Mr. Rooker clarified that if we obtain at any time a meaningful impact fee, we are probably going to have to give something up on the cash proffer component in order to get it.

Mr. Blount said that the remaining priority statements relate to transportation.

Mr. Slutzky noted that the Regional Transit Authority is mentioned, but nothing is included related to funding. They are supporting our Regional Transit Authority, and it is kind of a meaningless one without the enabling authority for those participants to be able to levy taxes.

Mr. Blount said that the intent was to encompass both of those, with a funding and governance structure to be established without the specifics of mechanisms. He agreed to include language to reflect the establishment of this.

Mr. Boyd said that he prefers more general language.

Ms. Thomas stated that Mr. Blount is the main lobbyist for the County and the statement should be as inclusive as possible.

Mr. Rooker pointed out that there just is not going to be transportation funding unless local taxpayers pay for it. He hopes they can include some language here that makes it clear that they are seeking funding authority.

Mr. Slutzky said he believes the language will sufficiently address the issue and not constrain the legislator.

Mr. Boyd emphasized that he has been clear to not get on either side of the funding issue, but he supports enabling legislation for the RTA.

Mr. Rooker noted that at the joint meeting with City Council, everyone was in agreement to seek local funding and enabling authority for transportation generally. He did not think there was anybody who did not speak in favor of seeking some kind of local enabling authority to raise local transportation dollars. The alternative is to put it all on real estate taxes, which is [not] as palatable as having it spread across the whole population that actually uses the transportation facilities.

Ms. Mallek mentioned the referendum for sales tax as part of what was discussed before.

Mr. Dorrier emphasized that the main issue is timing.

Mr. Rooker agreed, and said that without the enabling authority this goes nowhere.

Mr. Boyd said that he has not changed his position, but he is not ready to say whether he supports enabling legislation to assess additional taxes to the community. He cannot say that he is in favor of an unknown because he does not know what they are talking about...\$147 million and a \$16 million operating budget – is that what the Board is saying they are approving at this time?"

Ms. Thomas stated that this relates to enabling authority.

Mr. Blount noted that the joint workgroup Mr. Rooker and Mr. Slutzky sit on will be looking at draft language this Friday, only for the authority governance piece, and after draft legislation is ready the Board will get an opportunity to review it in more detail.

Mr. Boyd responded that once he sees those figures, he would decide his position.

Mr. Blount said there will be two separate pieces of legislation before the General Assembly.

Mr. Rooker said that the language right now needs to reference "local funding options for transportation," not just for transit.

Mr. Blount commented that the items the Board approved in their August 6<sup>th</sup> position paper and the issue of rollback taxes are incorporated in the Legislative Program. He is seeking Board approval of the Program.

Mr. Blount mentioned that the Board would be receiving invitations to the legislative luncheon on Thursday, October 23<sup>rd</sup>, at the Planning District offices.

Ms. Mallek asked about stormwater regulations going forward with the Department of Conservation and Recreation. Mr. Blount said he wants to track it. Ms. Mallek expressed concern about 30 percent of local fees going to Richmond to run their program. Mr. Blount agreed.

**Motion** was then offered by Mr. Slutzky to move approval of the 2009 Legislative Program as proposed, modified to reflect the inclusion of a reference to funding mechanisms for transportation. Mr. Rooker **seconded** the motion.

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

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

**2009  
Thomas Jefferson Planning District Legislative Program**

**Representing the Local Governments of:**

**Albemarle County  
City of Charlottesville  
Fluvanna County  
Greene County  
Louisa County  
Nelson County**

**September 2008**

Connie Brennan, Chairman  
Billie J. Campbell, Acting Executive Director  
David C. Blount, Legislative Liaison

**ACTION ITEMS**

**LOCAL and STATE FUNDING OBLIGATIONS**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the governor and legislature to honor their funding obligations to services provided in cities and counties by their local government partners, and to resist shifting fiscal responsibility for these programs to localities.**

After approving a FY09-FY10 state budget that included spending reductions of nearly \$2 billion, the state faces continuing revenue shortfalls that likely will result in an additional \$1 billion to \$2 billion in cuts over the biennium. Reductions in aid to various local programs and services totaled nearly \$250 million, including a \$100 million cut that required localities to decide how to absorb the shortchanging; for FY09 alone, this means a \$1.4 million shortfall to localities in our region. We particularly are concerned about potential state reductions in public education, public safety and health/human services. We believe state funding reductions for state-required services/programs should be accompanied by relaxation of the state requirement or flexibility for the locality to meet the requirement.

Local governments, which are overly dependent on the real estate tax that presently is producing less revenue due to the sluggish housing market, cannot continue to pick up the slack when the state retreats from its obligations. Unfunded and underfunded state mandates/commitments and "cost shifting" by the state reduce the ability, especially in our rural localities, to meet local needs, and force our citizens to bear local tax and fee increases to pay for programs and services. Service cuts will have a direct and harmful effect on the lives and well-being of our citizens who expect, rely and need programs in critical areas such as education, safety and human services. In addition, increased demand for services that are primarily funded at the local level present unique challenges to rural, urban and fast-growing localities alike (all present in our region).

Finally, any changes to Virginia's tax code should not reduce local government revenues or restrict local taxing authority. The legislature should broaden the revenue sources available to local governments, rather than capping, removing or restricting them. The state should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy, if governing bodies are to provide cost-effective services. This includes the processes for setting real estate tax rates and developing and approving budgets, which are integrated processes that are effective in involving the public and ensuring efficient tax administration. Recent, proposed changes to these processes would have upset this balance.

**LAND USE and GROWTH MANAGEMENT**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.**

The past few years have seen an increase in both mandated and optional land use provisions applicable to local governments to address growth issues. Still, current land use authority often is inadequate to allow local governments to provide for balanced, sustainable growth in a manner that protects and improves quality of life.

Last year, the General Assembly considered SB 768, a measure that would have repealed local authority to accept voluntary cash proffers from new residential projects and limited the ability to accept off-site non-cash proffers, while revising existing impact fee authority, capping the amount of impact fees a locality can impose at \$7,500 per unit. While we support efforts to have impact fee and proffer systems that are workable and meaningful for various parties, we oppose attempts to weaken our current proffer authority.

Rather, we support revising the road impact fee authority adopted in 2007 to include additional localities and to provide for the following: 1) a fair allocation of the costs of new growth on public facilities; 2) facility costs that include, but are not limited to, various transportation modes, schools, public safety, libraries and parks; 3) effective implementation and reasonable administrative requirements; and 4) no caps or limits on locality impact fee updates.

Further, to enhance our ability to pay for infrastructure costs and to support services associated with new developments, we endorse enabling legislation and optional provisions that include the following:

- Authority for local ordinances for determining whether public facilities are adequate (“adequate public facility,” or APF ordinances)
- Optional cluster development as a land use tool for local governments.

We also support 1) dedicated funding through the Virginia Land Conservation Foundation for the acquisition, preservation and maintenance of open space and recreation lands, 2) full authority to generate local dollars for such efforts, and 3) additional incentives for citizens to create conservation easements, including removing the cap on conservation easement tax credits approved in 2006. We request the state increase, from five years, the roll-back taxes assessed against property under land use taxation that changes to a non-qualifying use to an amount equal to the sum of the deferred tax for each of the 10 most recent complete tax years. Finally, we support authority for localities to enact scenic protection and tourist enhancement districts.

## TRANSPORTATION FUNDING

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the state to establish separate, dedicated and permanent state revenue streams for our transportation infrastructure. The state also should not shift road maintenance and construction responsibilities to localities.**

The need to fund a declining transportation infrastructure is dire and state dollars remain inadequate. Local governments need sustainable, dedicated, non-general funds from the state to support our transportation network. Absent such an investment, Virginia faces a congestion and mobility crisis that will stifle economic growth and negatively affect the quality of life of our residents.

This past spring, the Commonwealth Transportation Board approved a \$1.1 billion reduction to the Six-Year Improvement Program, meaning construction budgets for primary, secondary and urban roads were slashed by 44%, while transit was cut by 10%. Instead, those dollars are being transferred to the highway maintenance budget. It is expected that \$400 million will have to be transferred from construction to maintenance in each of the next two years to cover the maintenance shortfall, a figure that will grow as revenues coming into the state’s transportation coffers continue to slow.

The state should direct its funding efforts at all transportation modes both statewide and regionally, targeting investments toward solutions that put money to work on new ideas and in tandem with leveraging private investment. It should account for urban area needs where public transportation is very important, the increasing traffic demands placed on fast-growing localities and the ongoing improvements necessary on rural, secondary roads. These improvements are vital to our region’s ability to respond to local and regional congestion and economic development issues.

We support ongoing state and local efforts to coordinate transportation and land use planning, without eroding local land use authority, and state incentives for localities that do so. We urge VDOT to be mindful of local comprehensive, land use and trail/bicycle plans, as well as regional transportation plans, when planning transportation systems within a locality. We also request the following:

- Legislative support for enabling authority to establish governance and funding mechanisms for a Regional Transit Authority for Charlottesville/Albemarle
- State funding for improvements along rural sections of the Rt. 29 corridor
- Increased funding for the revenue-sharing program
- Support for passenger rail service for the Piedmont corridor (TransDominion Express)
- Allowing the use of Rural Rustic Road funds to pave rural addition roads
- Increased funding to help mitigate transportation, environmental and other impacts (e.g. educational facilities) on localities affected by recommendations of the Defense Base Closure and Realignment Commission (BRAC).

## COMPREHENSIVE SERVICES ACT

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District’s member localities urge the state to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government.**

Since the inception of the Comprehensive Services Act in the early 1990’s, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs. State and local costs of residential and non-residential mandated services continued to increase; from 2006 to 2007, CSA pool expenditures for state and local governments rose 16% (from \$295 million to \$342 million). Costs also have been difficult to forecast because of factors beyond state and local control (number of mandated children in a community, severity of problems, service rates, availability of alternative funding). Further, localities pay the

overwhelming majority (90%) of costs to administer CSA. Over the last decade, the state has increased administrative responsibilities, but not administrative funding dollars to localities.

The FY09/10 budget modified the local share of funding for community and residential services on a “phased-in” basis, by lowering the local share for community-based services as an incentive to serve children who can be appropriately cared for in the community, and then increasing the local share for residential services. Unfortunately, the approved service definitions do not include some services provided in the community as such, and therefore they will not qualify for a lower local match. Local governments are troubled by the haste with which service definitions were proposed and approved, that local governments were not part of the team that developed the definitions and that the changes will have a negative local fiscal impact.

We support the following: 1) full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need; 2) increased state funding for CSA administrative costs; and 3) a state cap on local expenditures in order to combat higher local costs for serving mandated children, costs which often are driven by unanticipated placements in a locality. The state also should be proactive in making residential facilities and service providers available, especially in rural areas.

In a further effort to help contain costs and provide some relief to local governments, we recommend that the state establish contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs. We encourage the state to consider penalties for individuals who have had children removed from their care due to abuse or neglect. Finally, we support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

## PUBLIC EDUCATION FUNDING

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the legislature to fully fund the state share of the realistic costs of meeting the Standards of Quality (SOQ) and to enhance teacher salaries to help recruit and retain high-quality instructional personnel.**

The state spends nearly \$6 billion/year on public education, roughly one-third of its general fund budget. Local governments, likewise, appropriate a similar amount and spend far more local dollars on educating children than the state requires. In these tight fiscal times, the state should resist changes that require localities to fund a greater share of K-12 education costs, such as proposals that recalculate personnel salaries by recognizing only state (and not also local) costs, and that increase the federal revenue deduction, which results in a savings to the state but an increase in required local costs. State funding should be realistic and recognize actual educational needs, practices and costs (including operational, capital and maintenance costs for school facilities and transportation). Otherwise, more of the education funding burden would fall on local real estate taxes. We also support establishment of a mechanism for local appeal of the calculated Local Composite Index (LCI) to the state; changes to the LCI that negatively impact a locality also drive up local taxes.

The state budgeted teacher salary figure (on which it bases its share of teacher costs) trails the statewide and national averages. Teacher pay comprises the majority of K-12 expenditures, and local market conditions dictate the level of pay required to recruit and retain quality teachers. We believe that the localities in our region should be included in the “Cost of Competing Adjustment” now available only to various localities primarily in Northern Virginia. This would help our localities to reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

Regarding school capital needs, we continue to urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs. The state should resist its customary seizing of dollars from the Literary Fund to pay state costs for teacher retirement (nearly \$300 million is being diverted in the current biennium). We also support an increase in the maximum amount of Literary Fund loans from the current \$7.5 million.

## AREAS OF CONTINUING CONCERN

## ECONOMIC and WORKFORCE DEVELOPMENT

The Planning District’s member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies that closely link the goals of economic and workforce development and the state’s efforts to streamline and integrate workforce activities and revenue sources. We also support increased state funding for workforce development programs:

- We support the governor’s Economic and Workforce Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and includes new tools for local governments to use in attracting economic development opportunities.

- We support enhanced funding for the Regional Competitiveness Act to continue meaningful opportunities for regional projects. We also support enhanced state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- We encourage the state and local governments to work with other entities to identify and promote local, regional and state agricultural products.
- We appreciate and encourage continuing state incentives and support for expanding broadband technology in underserved areas.

## ENVIRONMENTAL QUALITY

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to the protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

We believe the following:

- The state should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The state should reduce permit application fees associated with stormwater management and stream mitigation projects, as past fee increases have adversely impacted local abilities to adopt regional stormwater management programs and to undertake projects needed for stream protection. Fees should be used only to cover costs of administering the program.
- The legislature should provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state's impaired waterways, while ensuring that system design standards remain compatible with any new state requirements. The state also should explore alternative means of preventing and remediating water pollution.
- The state should not enact legislation mandating expansion of the area covered by the Chesapeake Bay Preservation Act. Instead, the state should 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.
- The state should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects. Also, the state's water supply planning efforts should continue to involve local governments.
- The state should expand the list of localities that may, by ordinance, require conservation of trees during the development process.
- The state should 1) ensure landfill closure schedules permit facilities posing no threat to property or the public to continue to operate through their allowable life, and 2) provide adequate funding for landfill closure and post-closure costs.
- We support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).

## HEALTH and HUMAN SERVICES

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.

- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services, including changes that would require additional local contributions for indigent care.
- The state should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has produced a nearly 50% drop in Department of Juvenile Justice commitments since 1998. Further, the state should maintain a formula-driven allocation process for VJCCCA funding.
- The state should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry. We support state action to increase investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services. We also oppose any shifting of Medicaid matching requirements from the state to localities.
- We support efforts to fund mental health and substance abuse services at juvenile detention centers.

- We oppose new state or federal entitlement programs that require additional local funding.
- We support sufficient state funding for local social services facilities and for local departments to maintain adequate office space to deliver services. We also request that the state provide funds for staffing local social services departments to 1) determine eligibility for residents seeking social services such as Medicaid, food stamps and Temporary Assistance to Needy Families (TANF), and 2) meet child and family services review goals. We also support state assistance for providing pre-admission screening services for nursing homes and for prompt investigation and services in cases involving abuse, neglect or exploitation of the elderly or disabled.
- We support continued state funding for local Disability Services Boards, as well as restored state dollars for the Rehabilitative Services Incentive Fund.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs (and renewal of CSA Trust Fund dollars to support them), including school-based prevention programs which can make a difference in children's lives. This would include the state's program for at-risk four-year-olds, the Child Health Partnership and Healthy Families programs.
- We support Virginia's welfare reform program and encourage efforts to promote family preservation and work requirements. The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient. We oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We support state efforts to expand access to education and training needed by welfare recipients to become employed and self-supporting. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs.

## HOUSING

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The state and local governments should work toward expanding and preserving the supply and improving the quality of affordable housing for the elderly, the disabled and low- and moderate-income households. Regional housing solutions and planning should be implemented whenever possible.

- We support changes to the Code to allow 1) local flexibility in the operation of affordable housing programs, 2) for creation of a state housing trust fund, 3) establishment of affordable dwelling unit ordinances, 4) the award of grants and loans to low- or moderate-income persons to aid in purchasing dwellings, and 5) the provision of other funding to encourage affordable housing initiatives.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- We support VHDA criteria for funding which encourages rehabilitation of existing housing and discourages new construction in close proximity to existing subsidized housing.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of, and request state incentives for using environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality and sustainability of the region.

## PUBLIC SAFETY

**The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.**

- We urge the state to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation, as local governments have continued to provide much supplemental funding for constitutional officer budgets.
- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions), drug courts and the Pre-Release and Post-Incarceration Services (PAPIS), Community Corrections and Pretrial Services Acts.
- The state should continue to allow exemptions from the federal prisoner offset and maintain the per diem payment to localities for housing state-responsible prisoners.
- We urge state funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program and other incentives that would help recruit and retain emergency service providers. Further, the state should improve access to and support for training for volunteer and paid providers.
- We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.
- We urge local involvement in planning processes for homeland security measures.

- We support state funding to develop supervised visitation centers to protect children during visitation with non-custodial parents, when ordered by a court.

<b>LOCAL GOVERNMENT STRUCTURE and LAWS</b>
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The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

- We support legislation to enhance the ability of local governments to provide services required by citizens and to meet their responsibilities in state/local partnerships. Accordingly, we support a requirement for state agencies to notify localities of planned construction projects that may affect the locality's comprehensive plan.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records. We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.
- We support local requests to the state for enabling legislation to increase the income and financial worth limitations for real property tax exemption or deferral programs. We also support enabling legislation that allows property tax relief for community land trusts that hold land for the purpose of providing affordable homeownership.
- We encourage clarification of Code provisions that stipulate law enforcement responsibilities when transporting persons for whom a temporary detention order has been issued for emergency medical treatment or evaluation.
- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.
- The state must ensure that the continued implementation of electric utility restructuring is revenue neutral to localities and that any necessary stopgap appropriations to adversely affected localities are fully funded.

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Agenda Item No. 12. **PUBLIC HEARING: PROJECT: SP-2008-018. Rosewood Village Rehab Services – Greenbrier.**

**PROPOSED:** Allow non-residents of Rosewood Village to use the Rosewood Village rehab facility.  
ZONING CATEGORY/GENERAL USAGE: C-1, Commercial - retail sales and service uses; and residential use by special use permit (15 units/acre).

SECTIONS: 22.2.2(6) and 18.2.2.9.

COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service - community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre).

ENTRANCE CORRIDOR: No.

LOCATION: 500 Greenbrier Drive. Northeast corner of Greenbrier Drive and Westfield Road.

TAX MAP/PARCEL: 61-W/02-1.

MAGISTERIAL DISTRICT: Rio.

(Advertised in the Daily Progress on September 15 and September 22, 2008.)

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Agenda Item No. 13. **PUBLIC HEARING: PROJECT: SP-2008-019. Rosewood Village Rehab Services - Hollymead Town Center.**

**PROPOSED:** Allow non-residents of Rosewood Village to use the Rosewood Village rehab facility.  
ZONING CATEGORY/GENERAL USAGE: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; and residential by special use permit (15 units/acre).

SECTIONS: 25A.2.2(1) and 24.2.2(7).

COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center: Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).

ENTRANCE CORRIDOR: Yes.

LOCATION: 2029 Lockwood Drive. The property is located approximately 1,500 feet from U.S. Route 29 along Timberwood Boulevard in the Hollymead Town Center.

TAX MAP/PARCEL: 32/41K.

MAGISTERIAL DISTRICT: Rio.

(Advertised in the Daily Progress on September 15 and September 22, 2008.)

Mr. Slutzky asked if he needed to recuse himself because his mother-in-law is a resident at one of the Rosewood Village facilities. Mr. Davis replied that he did not.

Mr. Cilimberg reported that there are two special use permits – one on Greenbrier Drive and the other in Hollymead Town Center, which is the newer of the two facilities. He pointed out the locations, and said the request is for the Board to allow non-residents of Rosewood Village to use the physical therapy services at both facilities. He said that there are factors favorable in the services that would be provided to the general population. No factors unfavorable were found. Staff has recommended approval in both requests with two conditions – one authorizing the assisted living facility and another limiting the number of residents in the facility. Mr. Cilimberg said that the Planning Commission also recommended approval and added a third condition to allow physical therapy services to nonresidents. He added that the third condition is not necessary because the underlying zoning allows for such services by-right. Mr. Cilimberg said the special use permits are recommended for approval with the two conditions.

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. Slutzky to move approval of SP-2008-018 subject to the two conditions recommended by staff. Mr. Rooker **seconded** the motion.

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

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

**(The conditions of approval are set out in full below:)**

1. This special use permit authorizes an assisted living facility; and
2. Maximum usage is limited to ninety (90) residents in the facility.

**Motion** was then offered by Mr. Slutzky to move approval of SP-2008-019 subject to the two conditions recommended by staff. Mr. Rooker **seconded** the motion.

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

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

1. This special use permit authorizes an assisted living facility;
2. Maximum usage is limited to ninety-six (96) residents in the facility; and

Agenda Item No. 14. **PUBLIC HEARING: PROJECT: SP-2008-021. Co-Construct Home Occ B. (Sign #47).**

**PROPOSED:** Home Occupation, Class B to allow up to 2 employees associated with a internet-based home business.

**ZONING CATEGORY/GENERAL USAGE:** PRD, Planned Residential District, with Proffers: residential (3 - 34 units/acre) with limited commercial uses.

**SECTION:** 19.3.2 Home Occupations, Class B.

**COMPREHENSIVE PLAN LAND USE/DENSITY:** Crozet Master Plan Neighborhood Edge CT3 - predominantly residential uses (net 3.5 -4.5 units per acre, 6.5 units per acre if accessory apartments added for 50% of the residential stock) in Neighborhood 7.

**ENTRANCE CORRIDOR:** No.

**LOCATION:** 1814 Clay Drive, Crozet, VA 22932, in the Waylands Grant subdivision, off of Jarman's Gap Road (RT 691), approx. 700 ft from the intersection of Crozet Ave (Rt 810).

**TAX MAP/PARCEL:** 55D-49. **MAGISTERIAL DISTRICT:** White Hall.

(Advertised in the Daily Progress on September 15 and September 22, 2008.)

Mr. Cilimberg reported that this application is to allow a home occupancy business that operates with a Class A permit to add up to two employees – which requires a Class B permit. The proposal would add the two employees, who would park in the driveway. No customer or client visits are planned and no additional signage would be needed. Mr. Cilimberg said that favorable factors -- it is a useable service to homebuilders and remodelers; allowing the employer to have up to two employees offers additional employment opportunities; no impact on surrounding properties is anticipated; and there would be adequate space for the additional employees to park. No unfavorable factors were identified. Mr. Cilimberg said staff and the Planning Commission recommend approval with four conditions.

Ms. Mallek asked if there is any impact with the house not being used for residential. Mr. Cilimberg said the owners have a home occupation in their unit and they are adding two employees. Staff is evaluating the impact of two additional employees. He added that they would not be allowed to have the employment operation in the unit solely; that would be a home occupation.

Mr. Rooker asked if the petition itself would be included in the approval so they are limited to the occupation described in the application; otherwise a home occupation would be approved without limit to what that business is.

Mr. Davis said that if the Board wants to be clear, the application should be included as part of the conditions.

Mr. Cilimberg said that the bullet at the top indicates the type of business that is there – an internet-based business that provides project management software for homebuilders and remodelers. Typically staff has had the application stand as the record of what the applicant applied for and the action taken.

Mr. Davis suggested adding the language “as described in the application,” to condition #1.

Mr. Rooker suggested that language be included as standard language in future applications.

At this time, the Chairman opened the public hearing, and asked the applicant for comments.

The applicant, Donald White, said he seconds the approval of staff and the Planning Commission.

There being no one else coming forward to speak, the public hearing was closed.

**Motion** was offered by Ms. Mallek to approve SP-2008-021 subject to the recommended conditions and change in condition #1 to state: “This Home Occupation Class B, as described in the application, replaces Home Occupation Class A.” Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

**(The conditions of approval are set out in full below:)**

1. This Home Occupation, Class B, as described in the application, replaces Home Occupation, Class A (HO 2005-00260);
2. There will be no more than two (2) employees, other than members of the immediate family living on the premises;
3. The Home Occupation will not use more than five hundred (500) square feet of the home at 1814 Clay Drive; and
4. There will be no customer/client visits.

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Agenda Item No. 15. **PUBLIC HEARING: To amend the Albemarle County Service Authority jurisdictional areas for 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 (Rt 729) and adjacent to the GOCO Oil site. Znd RA. Rivanna Dist. (Advertised in the Daily Progress on September 15 and September 22, 2008.)

Mr. David Benish, Chief of Planning, 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 and a new single-family home which the applicant had previously received a building permit to construct on Parcel 17C. 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.

He also reported that the DEQ has found no extension of this contamination in the area at this time. The property owner will bear the costs for the water connection.

Mr. Benish said at the conclusion of the public hearing, staff recommends that the Board amend the ACSA Jurisdictional Area for water only to existing structures on Tax Map 79, Parcels 17 and 17C and one new residence Tax Map 79, Parcel 17C (for a total of three residences served on the two parcels).

Ms. Thomas commented that this situation seems to be one of increasing development in the rural area. She is concerned about adding service to the new structure.

Mr. Benish explained that the building permit was issued several years ago, and the applicant has been endeavoring to build this house for some time and it is by-right. Given the lay of the land and probability of contamination of a well to serve the site, the County would either have to wait until a new well is drilled or approve service to the house. He said that waiting for contamination to occur would be more in keeping with the County's policy, but the suspicion is that contamination is inevitable, as MTBE moves fairly rapidly and does not take much contamination to flow through the groundwater system. He added that three separate well sites were drilled on the GOCO Oil site and he believes all three were contaminated.

Mr. Slutzky asked what is being done to address the contamination on the GOCO Oil site. Mr. Benish said that they have capped existing wells but there is not an extraction effort; DEQ had a brief explanation of that in the packets distributed to the Board last month.

Mr. Rooker noted that this application is different because they have already obtained a building permit, and to not approve this would require them to drill a well and incur that expense with a likelihood of contamination. He also said that MTBE cannot be immediately detected in water, and a buyer could possibly be consuming water that is contaminated. He does not think it would be wise to not include that building permit site.

Mr. Davis pointed out that the Board adopted an ordinance in 2005 which stipulates that if an area is designated as a contaminated area, prior to obtaining a building permit, testing and certification must be done to certify that there is a safe well. In this case they already have the building permit.

Mr. Benish clarified that the building permit was issued a number of years ago. The applicant is attempting to build a home for their daughters.

The Chairman opened the public hearing. There being no comments from the public, the public hearing was closed.

**Motion** was offered by Mr. Boyd, to approve the request to amend the ACSA jurisdictional area for water only to existing structures on Tax Map 79, Parcels 17 and 17C and one new residence Tax Map 79, Parcel 17C (for a total of three residences served on the two parcels). Mr. Slutzky **seconded** the motion.

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

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

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Agenda Item No. 16. **PUBLIC HEARING: To amend the Albemarle County Service Authority jurisdictional areas for Kirtley Property/ University of Virginia** to provide water and sewer service to Tax Map 59, Parcels 23B1. Property located on north side of Rt 250 West, adjacent to the Northridge Building and the Volvo of Charlottesville site. Znd C-1, Commercial and RA. Samuel Miller Dist. (Advertised in the Daily Progress on September 15 and September 22, 2008.)

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).

On September 3, 2008, the Board agreed to set a public hearing on this request, but requested that a tree preservation plan be established for the trees located in the area along the north side of the Northridge Building site and part of the Kirtley Warehouse site that would be retained as a result of this Jurisdictional Area amendment. A tree preservation plan has not been completed to date, but will now be required prior to approval of the final site plan for the LTACH Building.

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

Mr. Benish said at the conclusion of the public hearing, staff recommends that the Board amend the Jurisdictional Area designation to Water and Sewer Service for Tax Map 59, Parcel 23B1 conditional upon a tree preservation plan being completed and approved for the trees located in the area along the north side of the Northridge Building site and part of the Kirtley Warehouse site that would be retained as a result of this Jurisdictional Area amendment as part of the final site plan approval for the LTACH Building.

The Chairman opened the public hearing.

Mr. Charlie Hurt, representing the University of Virginia Space and Real Estate Management, stated that this is the first time that the University has developed anything in the Three-Party Agreement Area C. The process has gone well. They have been to the Planning Commission and ARB as well as worked with staff. He said that the plan now is better than the one initially submitted, which contemplated the pump-up system to the LTACH. The LTACH hospital actually has sewer capability, but this plan contemplates service for the warehouse in the back. Mr. Hurt said that the project is about \$300,000 to run the sewer from the warehouse down to the Sieg property, so they would like to pump up to LTACH and proceed that way. When they received their originally Engineering comments, it was pointed out that that could not be shown on the site plan until jurisdictional approval was secured. There was also someone present at the meeting from Farmington that had some concerns about the development. There were other small items – such as turning off a small security light, etc. Mr. Hurt said that they are also changing the pole lighting to bring that into compliance and protect his property from Northridge. He also stated that they are going to leave the trees in to provide buffer and save the University some money, so the tree preservation plan would be part of the final site plan approval.

There being no other comments, the public hearing was closed.

**Motion** was offered by Ms. Thomas, to approve the request to amend the jurisdictional area designation for water and sewer service for Tax Map 59, Parcel 23B1 conditional upon a tree preservation plan being completed and approved for the trees located in the area along the north side of the Northridge Building site and part of the Kirtley Warehouse site that would be retained as a result of this jurisdictional area amendment as part of the final site plan approval for the LTACH Building. Mr. Slutzky **seconded** the motion.

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

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

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**NonAgenda.** At 11:50 a.m., the Board took a brief recess, and reconvened at 12:03 p.m.

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Agenda Item No. 17. **PUBLIC HEARING: FY 2009 Budget Amendment.** (Advertised in the Daily Progress on September 15 and September 22, 2008.)

Mr. Richard Wiggins, Director of Finance, summarized the Executive Summary which 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 the new requested FY 2009 appropriations, itemized below, is \$1,887,190.00. Combined with the appropriations approved since the budget was adopted, the cumulative appropriation total is \$3,765,823.00. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required. The advertised budget amendment included reappropriation requests for uncompleted General Government, Schools, and Storm Water capital projects. These three requests are currently undergoing additional staff review and have been removed from the amendment request. They will be provided for the Board's considered at its' November meeting.

The proposed increase of this FY 2009 Budget Amendment totals \$3,765,823.00. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

General Fund	\$	298,086.80
Special Revenue Funds	\$	1,838,781.23
School Fund	\$	218,100.08

School Program Funds	\$	420,255.00
Capital Improvements Fund	\$	( 124,171.00)
Emergency Communication Center Funds	\$	<u>1,114,770.89</u>
<b>TOTAL ESTIMATED EXPENDITURES – All Funds</b>	<b>\$</b>	<b>3,765,823.00</b>

**ESTIMATED REVENUES**

Local Revenues (Fees, Contributions, Donations)	\$	1,305,483.96
State Revenue	\$	629,029.19
Federal Revenue	\$	784,396.19
General Fund Balance	\$	217,503.80
Other Fund Balances	\$	<u>829,409.86</u>
<b>TOTAL ESTIMATED REVENUES – All Funds</b>	<b>\$</b>	<b>3,765,823.00</b>

The budget amendment is comprised of twenty-seven (27) separate appropriations, eighteen (18) of which have already been approved by the Board as indicated below:

Approved July 2, 2008:

- One (1) appropriation (#2009001) providing funding to the Northwestern Virginia Health Systems Agency in the amount of \$4,723.00;
- One (1) appropriation (#2009002) totaling \$80,000.00 for a Fire Rescue SAFER grant;
- One (1) appropriation (#2009003) in the amount of \$20,000.00 for a donation to the School Division; and
- One (1) appropriation (#2009004) in the amount of \$180,000.00 establishing the revenue and expenditure in the School's operating budget relating to the storage facility lease, facilitating the transfer of appropriated capital funding.

Approved August 6, 2008:

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

Approved September 3, 2008:

- 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.

The nine (9) new appropriations are as follows:

- One (1) appropriation (#2009019) reappropriating \$174,659.80 in funding for uncompleted Emergency Communications Center projects and \$906,111.09 for the Mobile Data Project;
- One (1) appropriation (#2009020) \$244,248.80, reappropriating funds for outstanding purchase orders;
- One (1) appropriation (#2009021) totaling \$265,993.06, reappropriating grant and seized asset funds;
- Two (2) appropriations (#2009022 and #2009030) totaling \$35,075.08 for school programs and donations;
- One (1) appropriation (#2009023) in the amount of \$58,844.26 for the Foothills Child Advocacy Center;
- One (1) appropriation (#2009024) reappropriating \$61,835.91 for Commission on Children and Families grants;
- One (1) appropriation (#2009025) of \$130,422 .00 recognizing additional Community Development fees and unfreezing two Community Development positions; and
- One (1) appropriation (#2009029) providing \$10,000.00 to the Thomas Jefferson Planning District Commission for the Regional Transit Authority.

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

Mr. Wiggins said staff recommends approval of the FY 2009 Budget Amendment in the amount of \$3,765,823.00 after the public hearing, and then approval of Appropriations #2009019, #2009020,

#2009021, #2009022, #2009023, #2009024, #2009025, #2009029, and #2009030 to provide funds for various local government, school, ECC, and capital projects and programs as described in Attachment A.

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Attachment A

**Appropriation #2009019** **\$ 1,080,770.89**

Revenue Source:	Local Revenue	\$	416,309.62
	ECC Fund Balance		174,659.80
	Mobile Data Fund Balance		489,801.47

The Emergency Communications Center had the following uncompleted projects at the end of FY 2008 that will need to be reappropriated to FY 2009:

- Computer Aided Dispatch and Records Systems Review - \$50,000.00
- Prototype remote call taker workstation - \$20,000.00
- Replacement of current ECC Building Security System - \$100,000.00
- Shelter Training for Local Agencies - \$3,000.00
- Unexpended Emergency Management Grant Funding - \$1,659.80
- Mobile Data Project - \$906,111.09

**Appropriation #2009020** **\$ 244,248.80**

Revenue Source:	General Fund Balance	\$	217,503.80
	Vehicle Replacement Fund Bal.		26,745.00

Several departments had funding for projects approved in FY 2008 that had not been completed as of June 30, 2008. This request reappropriates the remaining balances for the uncompleted projects for which purchase orders were outstanding as of June 30, 2008.

**Appropriation #2009021** **\$ 265,993.06**

Revenue Source:	State Revenue	\$	140,101.19
	Federal Revenue		59,772.28
	Other Fund Balances		66,119.59

The following grants and seized asset accounts had not expended all funding as of June 30, 2008 and will require reappropriation. No additional local funding is required.

- In FY 2008, the Department of Motor Vehicles awarded the Albemarle County Sheriff's Department a grant in the amount of \$9,000.00 with a local match of \$2,328.00 for a total grant award of \$11,328.00. The purpose of this grant was to assist in overtime expenses and vehicle costs for officers conducting speed checks on primary and secondary roads. The balance to bring forward into FY 2009 is \$2,109.37.
- Seized asset monies were received from the Department of Criminal Justice Services for the Police Department (\$43,469.93) and Commonwealth Attorney (\$11,363.18). These monies will be used to purchase evidence equipment and traffic enforcement items for the Police Department and office supplies, furniture, and training/conferences for the Commonwealth's Attorney's office.
- The Riparian Buffer Restoration grant provides funds to match local expenditures to restore riparian stream buffers. Under this grant, landowners can request 50% reimbursement for the labor and materials of adding new buffer plantings on their property. To date, we have approved projects that commit \$120,240.65 in cost share funds. The unexpended balance to bring forward into FY 2009 is \$137,991.82.
- In FY 2007 State Farm awarded the Albemarle County Police Department a grant contribution in the amount of \$5,000.00. The purpose of this grant was to hold training events and to purchase equipment to enhance the Police Department Tactical Unit. The balance to bring forward into FY 2009 is \$1,837.30.
- In FY 2007, the Department of Justice awarded the Albemarle County Sheriff's Department a grant in the amount of \$29,617.00 with a local match of \$166.54 for a total grant award of \$29,783.54. The purpose of this grant was to purchase automated external defibrillators, Alzheimer tracking bands, and digital video equipment and cameras. The balance to bring forward for FY 2009 is \$8,884.19.
- In FY 2007, the U.S. Department of Justice awarded the Albemarle County Police Department a grant in the amount of \$15,847.00. The purpose of this grant was to assist in funding overtime hours by current officers in support of reducing crime and improvement of public safety with more "Community Policing". The amount to bring forward for FY 2009 is \$15,124.57.
- The Department of Criminal Justice awarded Bedford County a grant in the amount of \$95,000.00 to assist in the investigations of Internet Crimes against Children. Bedford has designated Albemarle County as being an area district in the fight against internet crime and is providing Albemarle County \$19,000.00. The amount to be brought forward for FY 2009 is \$7,305.13.

- The U.S. Department of Criminal Justice awarded the Albemarle County Police Department a grant in the amount of \$26,235.00 in FY 2006 to assist in the funding of overtime hours in an effort to reduce crime and improve safety with more "Community Policing". The amount to bring forward for FY 2009 is \$1,438.96.
- In FY 2008, the U.S. Department of Justice awarded the Albemarle County Police Department a grant in the amount of \$23,557.00. The purpose of this grant was to assist in funding overtime hours by current officers in support of reducing crime and improvement of public safety with more "Community Policing". The amount to bring forward for FY 2009 is \$23,557.00.
- In FY 2008, the Division of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$35,000.00 to assist in the purchase of radar units, breath testing units, as well as funding overtime hours for DUI checkpoints, increased saturation of trouble spots both on primary and secondary roads and in shopping locations. The amount to bring forward for FY 2009 is \$4,901.39.
- The Department of Homeland Security has awarded the Fire Rescue Department a grant in the amount of \$309,168.00 with a local match of \$77,292.00 for a total grant in the amount of \$386,460.00. This grant will assist in the purchase of safe and compliant personal protective equipment. The amount to bring forward for FY 2009 is \$8,010.22.

**Appropriation #2009022 **\$ 25,725.00****

Revenue Source:            Local Revenue (Donations)            \$    25,725.00

At its August 28, 2008 meeting, the School Board approved the following appropriations:

Red Hill Elementary School received a donation in the amount of \$10,000.00 from Anne Ueltschi. The donor has requested that this contribution be used to help offset the expenses of building an amphitheater for performances at Red Hill Elementary School.

Albemarle High School received several donations totaling \$450.00. The following are the donors along with their respective donations: Mr. & Mrs. Edward Spellman donated \$50.00; Mr. & Mrs. Jeffrey Leonard donated \$300.00; and Mr. Gregory Tyler donated \$100.00. These donors have requested that their contribution go towards the turf field at Albemarle High School.

Western Albemarle High School received donations totaling \$275.00 from two donors. Daniel J. Maynard donated \$250.00 and Andrew M.D. Wolf donated \$25.00. Both of these donors have requested that their contribution go towards the Turf Project at Western Albemarle High School.

Western Albemarle High School received two donations totaling \$15,000.00. An anonymous donor donated \$5,000.00 and Craig and Martha Redinger donated \$10,000.00. Both of these donors have requested that their contributions go towards the Rowing Club at Western Albemarle High School.

**Appropriation #2009023 **\$ 58,844.26****

Revenue Source:            Local Revenue (Foothills)            \$    58,844.26

For the last several years, Albemarle County has been the fiscal agent for Foothills Child Advocacy Center. Effective July 1, 2008, Foothills became an independent entity and Albemarle County is no longer its fiscal agent. With County Executive Office approval, the Grant Project Director for Foothills will remain on County payroll for FY 2009. All salary and benefit expenses for FY 2009, totaling \$58,844.26, will be reimbursed to the County by the Foothills Child Advocacy Center.

**Appropriation #2009024 **\$ 61,835.91****

Revenue Source:            Local Revenue                            \$    1,667.00  
    State Revenue                            5,000.00  
    Federal Revenue                        55,168.91

The following Commission on Children and Families' grants had not expended all funding as of June 30, 2008 and will require reappropriation.

- In FY 2008, the Department of Criminal Justice Services awarded the Commission of Children and Families a grant in the amount of \$97,500.00. This grant will provide training and continued services to reduce system involvement 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 \$32,500.00, resulting in a total grant award of \$97,500.00. The amount to be brought forward for FY 2009 is \$38,119.13.
- In FY 2008, the Department of Criminal Justice Services awarded the Commission on Children and Families a grant in the amount of \$5,000.00 in Federal funds, \$5,000.00 in State funds, with a local match of \$1,667.00, for a total award of \$11,667.00. This grant will be used to provide 200 service-learning sessions for 48 weeks for youth who are at risk of gang involvement. The local match will be funded by the Community Attention Agency. The amount to be brought forward for FY 2009 is \$11,667.00.
- In FY 2008, the Department of Criminal Justice Services awarded the Commission on Children and Families a grant in the amount of \$16,526.00 with a local match of \$1,836.00 for a total grant award of \$18,362.00. This grant will provide training and the implementation of

promoting greater accountability in the juvenile justice system, including the increased accountability for juvenile offenders. The amount to be brought forward for FY 2009 is \$12,049.78.

**Appropriation #2009025** **\$ 130,422.00**

Revenue Source: Local Revenue (Fees) \$ 130,442.00

As a result of increased Community Development fees recently implemented, funding is available to offset two Community Development positions that had previously been frozen.

**Appropriation #2009029** **\$ 10,000.00**

Revenue Source: Board Contingency \$ 10,000.00

At its September 10, 2008 meeting, the Board of Supervisors approved the use of \$10,000.00 from the Board's contingency for on-going support to the Thomas Jefferson Planning District Commission for their support of the Regional Transit Authority. This appropriation does not increase the County's total budget.

**Appropriation #2009030** **\$ 9,350.08**

Revenue Source: Local Revenue \$ 9,350.08

At its September 11, 2008 meeting, the School Board approved the following appropriations:

Sutherland Middle School received a donation in the amount of \$100.00 from Youngmin Kim. The donor requested that their donation go towards any school needs at Sutherland Middle School.

Scottsville Elementary School received a donation in the amount of \$500.00 from Crutchfield. The donor has requested that this contribution be used towards assisting students to participate in a Team Building program at Triple C Camp.

Hollymead Elementary School received a donation in the amount of \$1,000.08 from Microsoft. The donor has requested that this contribution be used for any educational needs at Hollymead Elementary School.

Jack Jouett Middle School received a donation in the amount of \$250.00 from Blue Ridge Radiant Systems, Inc. The donor has requested that this contribution sponsor any students that wish to attend the 7th grade Triple C camp trip.

The Dominion Educational Partnership has awarded Henley Middle School with a grant in the amount of \$7,500.00. These funds will be used to increase students' awareness of alternative energy in their communities and improve their understanding of the nature and extent of energy consumption, conservation and efficiency, the economic and environmental effects of energy use, and alternative energy technologies. A portion of these funds will also be used towards the installation costs of solar panels at the school.

Mr. Boyd asked if the County is obligated to continue the school storage facility lease.

Mr. Tucker said that his understanding is in the future it will be funded.

Mr. Davis noted that the lease was signed after the budget was approved so this is an adjustment in this year only to address the obligation for FY09; next year it will be part of the regular budget. Mr. Davis mentioned that the facility is used by both schools and local government, and the cost will be in the budget regularly from this point forward with schools paying its' share and local government paying its' share.

Mr. Boyd said he thought it was a one year situation. Mr. Tucker said it is.

Mr. Rooker clarified that it is one year in the sense of a mid year appropriation, but hereafter, it will be reflected in the adoption of the budget. Mr. Wiggans added that this amount covers schools and local government. Next year a smaller portion will be in local government's budget.

Mr. Boyd asked for reaffirmation that the \$130,000 is a wise decision because that money has not really been collected yet.

Ms. Mallek expressed concern about that as well.

Mr. Tucker said that this could be delayed until more is known about revenue and budget. He thought the Board was supportive with the approach of freeing up positions.

Mr. Rooker commented that the concern is the revelation that there is a \$4.1 million deficit in the current year, and as a matter of law the County needs to operate with a balanced budget. He added that he was under the impression that these positions would be freed up once that balance was established.

Mr. Slutzky asked if last month's discussion included these positions. Mr. Tucker replied that he believed it did – and the fees were still moving forward as the Board approved the fee structure. Mr.

Tucker emphasized that the idea was funding these positions solely through the fee structure, but this can be held off on until revenues are realized. If the intent of the Board is to not use any of the money from the "lock box" then they may need to revisit the issue.

Mr. Boyd suggested holding off on these positions for a few months until we see if the revenues are realized.

Board members strongly agreed that this should be held off.

Mr. Tucker noted that the Board had expressed concern about the number of positions frozen in Community Development.

Ms. Thomas asked if there was a deadline for the Riparian Restoration Grant. Mr. Wiggins indicated that he did not know if there was a deadline for spending that \$138,000, but will get the information.

The Chairman opened the public hearing. There being no one present to speak, the public hearing was closed.

**Motion** was then offered by Mr. Rooker to approve the FY 2009 budget amendment in the amount of \$3,635,401.00 and to approve Appropriations #2009019, #2009020, #2009021, #2009022, #2009023, #2009024, #2009029, and #2009030 to provide funds for various local government, school, ECC, and capital projects and programs. Ms. Thomas **seconded** the motion.

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

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

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2009019  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: Reappropriation of ECC Operating Projects and Mobile Data Project**

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	4100	31041	331800	ECC Admin - R & M Bldg.	J	1	100,000.00	
1	4100	31041	800700	ECC Admin - ADP Equipment	J	1	20,000.00	
1	4100	31045	312500	Emer. Svcs - Prof. Services	J	1	4,659.80	
1	4100	31046	312210	Reg. Crime Network-Contract	J	1	50,000.00	
2	4100	51000	510100	Appropriation - F/B	J	2	174,659.80	
	4100		0501	Est. Revenue				174,659.80
			0701	Appropriation				174,659.80
1	4115	31065	312700	Mobile Data - Prof. Services	J	1	68,501.56	
1	4115	31065	800316	Mobile Data - Mobile Data Proj	J	1	527,262.45	
1	4115	31065	800714	Mobile Data - Tech. Upgrade	J	1	140,971.08	
1	4115	31065	999999	Mobile Data - Contingency	J	1	169,376.00	
2	4115	16000	160502	City of Charlottesville	J	2	5,176.55	
2	4115	16000	160503	County of Albemarle	J	2	123,668.14	
2	4115	16000	160544	City Share (44.74%)	J	2	128,726.00	
2	4115	16000	160545	County Share (42.51%)	J	2	122,309.86	
2	4115	16000	160546	UVA Share (12.75%)	J	2	36,429.07	
2	4115	51000	510100	Appropriation - F/B	J	2	489,801.47	
	4115		0501	Est. Revenue				906,111.09
			0701	Appropriation				906,111.09
<b>TOTAL</b>							<b>2,161,541.78</b>	<b>1,080,770.89</b>
							<b>1,080,770.89</b>	<b>1,080,770.89</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009020  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** REAPPROPRIATION – OUTSTANDING PURCHASE ORDERS

					SUB LEDGER			GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE		AMOUNT	DEBIT	CREDIT
1	1000	12013	312102	Community Relations-ACE	J	1	2,880.00		
1	1000	12013	360000	Community Relations-Advertising	J	1	3,500.00		
1	1000	21060	332100	Clerk of Ct - Maint. Contract	J	1	1,884.00		
1	1000	32015	331000	Fire Rescue-Repairs/Maint	J	1	303.91		
1	1000	32015	601100	Fire Rescue-Uniforms	J	1	396.60		
1	1000	42040	390001	Solid Waste - Keene Landfill	J	1	28,832.47		
1	1000	43002	331200	Gen. Svcs - R/M Buildings	J	1	2,500.00		
1	1000	43005	301210	Storm Water - Contract Services	J	1	67,989.00		
1	1000	43005	331901	Storm Water - Maint. Det. Basin	J	1	450.00		
1	1000	43006	301221	Ground Maint. - Med Mowing	J	1	1,440.00		
1	1000	43006	301221	Ground Maint. - Landscaping	J	1	12,129.00		
1	1000	43006	312373	Ground Maint. - Art In Place	J	1	190.50		
1	1000	43006	332300	Grounds Maint. - Repl/Inst Street	J	1	689.56		
1	1000	43007	332200	Environmental Mgmt - Maint.	J	1	100.00		
1	1000	71012	540000	Parks - Lease/Rentals	J	1	1,979.17		
1	1000	71013	540000	Parks - Summer - Lease/Rental	J	1	692.40		
1	1000	81021	312105	Comm. Dev. - Consulting	J	1	650.00		
1	1000	81021	317000	Comm. Dev. - Other Prof. Svcs	J	1	4,500.00		
1	1000	81022	312342	Planning - Dev. Area Study	J	1	50,879.85		
1	1000	81024	312700	Zoning - Prof Services	J	1	2,025.00		
1	1000	89000	562501	TJPCD - Transit Auth. Plan	J	1	33,492.34		
1	1000	59000		Approp - F/B	J	2	217,503.80		
1	9200	43001	800500	GG Vehicle Replacement	J	1	26,745.00		
2	9200	51000	510100	Approp - F/B	J	2	26,745.00		
	1000		0501	Est. Revenue				217,503.80	
			0701	Appropriation					217,503.80
	9200		0501	Est.. Revenue				26,745.00	
			0701	Appropriation					26,745.00
<b>TOTAL</b>							<b>488,497.60</b>	<b>244,248.80</b>	<b>244,248.80</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009021  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Reappropriation of Grants and Seized Asset Accounts

					SUB LEDGER			GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE		AMOUNT	DEBIT	CREDIT
2	1214	24000	240010	Revenue - State	J	2	2,109.37		
1	1214	21070	120000	Overtime	J	1	1,518.14		
1	1214	21070	210000	FICA	J	1	125.75		

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1	1214	21070	601000	Police Supplies	J	1	465.48		
	1214		0501	Est. Revenue				2,109.37	
			0701	Appropriation					2,109.37
2	1234	51000	510100	Appropriation - Fund Balance	J	2	11,363.18		
2	1235	51000	510100	Appropriation - Fund Balance	J	2	1,825.72		
2	1236	51000	510100	Appropriation - Fund Balance	J	2	41,644.21		
1	1234	22010	320000	Temporary Help Service Fees	J	1	813.18		
1	1234	22010	550100	Travel/Training/Education	J	1	7,000.00		
1	1234	22010	600100	Office Supplies	J	1	2,500.00		
1	1234	22010	800200	Furniture/Fixtures	J	1	1,050.00		
1	1235	39000	580905	State Drug Seized Assets	J	1	1,825.72		
1	1236	39000	580902	State Drug Seized Assets	J	1	41,644.21		
	1234		0501	Est. Revenue				11,363.18	
			0701	Appropriation					11,363.18
	1235		0501	Est. Revenue				1,825.72	
			0701	Appropriation					1,825.72
	1236		0501	Est. Revenue				41,644.21	
			0701	Appropriation					41,644.21
2	1410	82050	580419	Dept. of Conservation	J	2	137,991.82		
1	1410	82050	580419	Riparian Buffer Reimbursement	J	1	137,991.82		
	1410		0501	Est. Revenue				137,991.82	
			0701	Appropriation					137,991.82
2	1510	51000	510100	Appropriation - F/B	J	2	1,837.30		
1	1510	31013	550100	Travel/Training	J	1	1,837.30		
	1510		0501	Est. Revenue				1,837.30	
			0701	Appropriation					1,837.30
2	1513	33000	330001	Revenue - Federal	J	2	8,884.19		
1	1513	21070	800100	Equipment	J	1	8,543.90		
1	1513	21070	800700	ADP Equipment	J	1	340.29		
	1513		0501	Est. Revenue				8,884.19	
			0701	Appropriation					8,884.19
2	1524	33000	330001	Federal Revenue	J	2	15,124.57		
1	1524	31013	120000	Overtime	J	1	13,963.61		
1	1524	31013	210000	FICA	J	1	1,160.96		
	1524		0501	Est. Revenue				15,124.57	
			0701	Appropriation					15,124.57
2	1528	33000	330033	DOJ Pass Thru	J	2	7,305.13		
1	1528	31013	120000	Overtime	J	1	3,509.30		
1	1528	31013	210000	FICA	J	1	290.70		
1	1528	31013	550403	Training	J	1	3,059.84		
1	1528	31013	800100	Machinery & Equipment	J	1	445.29		
	1528		0501	Est. Revenue				7,305.13	
			0701	Appropriation					7,305.13
2	1536	51000	510100	Appropriation - F/B	J	2	1,438.96		
1	1536	31013	120000	Overtime	J	1	1,328.88		
1	1536	31013	210000	FICA	J	1	110.08		
	1536		0501	Est. Revenue				1,438.96	

			0701	Appropriation					1,438.96
2	1538	33000	300001	Federal Revenue	J	2	23,557.00		
1	1538	31013	120000	Overtime	J	1	21,754.89		
1	1538	31013	210000	FICA	J	1	1,802.11		
	1538		0501	Est. Revenue				23,557.00	
			0701	Appropriation					23,557.00
2	1539	33000	330001	Federal Revenue	J	2	4,901.39		
1	1539	31013	120000	Overtime	J	1	3,461.41		
1	1539	31013	210000	FICA	J	1	286.73		
1	1539	31013	800100	Machiner & Equipment	J	1	1,153.25		
	1539		0501	Est. Revenue				4,901.39	
			0701	Appropriation					4,901.39
2	1540	51000	510100	Appropriation - F/B	J	2	8,010.22		
1	1540	32015	800100	Machinery & Equipment	J	1	8,010.22		
	1540		0501	Est. Revenue				8,010.22	
			0701	Appropriation					8,010.22
<b>TOTAL</b>							<b>531,986.12</b>	<b>265,993.06</b>	<b>265,993.06</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2009022  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Education Donations – School Board Meeting: 08/28/2008

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	DONATION	J	2	15,000.00		
2	9000	18100	181136	RED HILL COMMUNITY DONATIONS	J	2	10,000.00		
2	9001	18100	181107	AHS DONATIONS - TURF PROJECT	J	2	450.00		
2	9002	18100	181107	WAHS DONATIONS- TURF PROJECT	J	2	275.00		
	2000		0501	Est. Revenue				15,000.00	
			0701	Appropriation					15,000.00
	9000		0501	Est. Revenue				10,000.00	
			0701	Appropriation					10,000.00
	9001		0501	Est. Revenue				450.00	
			0701	Appropriation					450.00
	9002		0501	Est. Revenue				275.00	
			0701	Appropriation					275.00
<b>TOTAL</b>							<b>51,450.00</b>	<b>25,725.00</b>	<b>25,725.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2009023  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION:** Foothills Child Advocacy Center

TYPE	FUN D	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1569	19000	190248	Recovered Costs - Foothill	J	2	58,844.26		
1	1569	53157	110000	Salary - Regular			43,000.00		
1	1569	53157	210000	FICA			3,289.50		
1	1569	53157	221000	VRS			5,822.16		
1	1569	53157	231000	Health Insurance			6,153.00		
1	1569	53157	232000	Dental Insurance			227.04		
1	1569	53157	241000	VRS Group Life			352.56		
	1569		0501	Est. Revenue				58,844.26	
			0701	Appropriation					58,844.26
<b>TOTAL</b>							<b>117,688.52</b>	<b>58,844.26</b>	<b>58,844.26</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2009024  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION:** Reappropriation of CCF Grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1559	33000	330032	Federal Revenue	J	2	38,119.13		
1	1559	33000	110000	Salaries - Regular	J	1	21,876.40		
1	1559	33000	210000	FICA	J	1	1,673.54		
1	1559	33000	221000	VRS	J	1	2,518.26		
1	1559	33000	231000	Health Insurance	J	1	2,518.26		
1	1559	33000	232000	Dental Insurance	J	1	141.90		
1	1559	33000	241000	VRS Group Life Insurance	J	1	187.50		
1	1559	33000	520300	Telecommunications	J	1	478.80		
1	1559	33000	550100	Travel/Training	J	1	4,000.00		
1	1559	33000	580000	Miscellaneous Expense	J	1	2,724.47		
1	1559	33000	800330	Computer Equipment	J	1	2,000.00		
	1559		0501	Est. Revenue				38,119.13	
			0701	Appropriation					38,119.13
2	1573	18110	181318	Local Revenue -Comm. Attn.	J	2	1,667.00		
2	1573	24000	240000	State Revenue - DCJS	J	2	5,000.00		
2	1573	33000	330001	Federal Revenue - DCJS	J	2	5,000.00		
1	1573	53160	312105	Consulting Services	J	1	11,667.00		
	1573		0501	Est. Revenue				11,667.00	
			0701	Appropriation					11,667.00
2	1578	33000	330001	Federal Revenue	J	2	12,049.78		
1	1578	53161	110000	Salaries	J	1	847.77		
1	1578	53161	210000	FICA	J	1	70.23		
1	1578	53161	312210	Contracted Services	J	1	4,000.00		
1	1578	53161	350000	Printing & Binding	J	1	1,900.00		
1	1578	53161	550100	Travel/Training	J	1	5,231.78		
	1578		0501	Est. Revenue				12,049.78	
			0701	Appropriation					12,049.78

TOTAL							123,671.82	61,835.91	61,835.91
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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2009029  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

EXPLANATION: TJPDC – Regional Transit Authority

					SUB LEDGER			GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE		AMOUNT	DEBIT	CREDIT
1	1000	89000	562501	TJPDC - Regional Transit	J	1	10,000.00		
1	1000	95000	999990	BOS Contingency	J	1	(10,000.00)		
<b>TOTAL</b>							<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2009030  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

EXPLANATION: Education Donations – School Board Meeting – 09/11/2008

					SUB LEDGER			GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE		AMOUNT	DEBIT	CREDIT
2	3104	18000	189900	MISC. REVENUE	J	2	7,500.00		
2	2000	18100	181109	CONTRIBUTIONS	J	2	1,850.08		
1	2205	61101	601300	ED & REC SUPPLIES	J	1	1,000.08		
1	2209	61101	601210	CONTRACT SERVICES	J	1	500.00		
1	2253	61101	420100	JOUETT/FIELD TRIPS	J	1	250.00		
1	2255	61101	601300	ED & REC SUPPLIES	J	1	100.00		
1	3104	60252	312700	PROF SERV CONSULTANTS	J	1	150.00		
1	3104	60252	601300	ED & REC SUPPLIES	J	1	300.00		
1	3104	62421	800621	SOLAR PANELS- HENLEY	J	1	7,050.00		
	2000		0501	EST. REVENUE				1,850.08	
			0701	APPROPRIATION					1,850.08
	3104		0501	EST. REVENUE				7,500.00	
			0701	APPROPRIATION					7,500.00
<b>TOTAL</b>							<b>18,700.16</b>	<b>9,350.08</b>	<b>9,350.08</b>

Agenda Item No. 18. **PUBLIC HEARING: Revalidation Ordinance Amendment.** An ordinance to amend Chapter 15, Taxation, of the Albemarle County Code, by amending Section 15-803, Same – Processing; Continuation of Assessments, etc.; Fees, of Article VIII, Special Assessments for Agricultural, Horticultural, Forest or Open Space Real Estate. The proposed amendment would require effective tax year 2010 that property owners in the Land Use Value Tax Program verify every two years that participating properties continue to meet Program requirements and would establish a filing deadline and late filing fee. (Advertised in the Daily Progress on September 15 and September 22, 2008.)

Mr. Wiggins summarized the Executive Summary which stated that on July 9, 2008, the Board held a work session on a proposed revalidation requirement for property in the Use Value Tax Program (“Program”). On September 3, 2008, the Board authorized a public hearing for October 1<sup>st</sup> to consider adoption of an ordinance to establish the revalidation program. In addition, the Board reviewed a proposed revalidation form and provided comments to staff.

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 Ordinance:**

Following the Board's discussion at its September 3 meeting, staff is presenting for the Board's consideration a proposed ordinance to implement the revalidation process recommended above. Specifically, the proposed revisions to *Albemarle County Code* Sec. 15-803 would require participating owners to file (at no charge) a revalidation form with the Assessor's Office every other year by September

1. After September 1, participating owners could still file for revalidation as late as December 5, upon payment of a late filing fee of \$125.

The proposed effective date of the ordinance is January 2, 2009, which is the appropriate date to make the revalidation requirement effective for the 2010 tax year.

**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. Staff has also incorporated suggestions made by the Board at its September 3 meeting, namely:

- Including a brief statement of the purpose of the Program at the top of the form;
- Highlighting the filing deadlines in bold; and
- Clarifying the standards for forestal use and providing a link to the state Department of Forestry website for additional information.

**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.

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.

Mr. Wiggins said after the public hearing, staff recommends that the Board adopt the proposed ordinance to implement the revalidation program.

Referring to the Revalidation Form, Mr. Rooker asked about the rent/income for crop value done under a barter arrangement.

Mr. Tucker said there have been lots of questions raised about the form. The form does not need to be ready until April of next year, and staff would like to take Board members' questions and comments and incorporate those into that.

Mr. Slutzky noted that there has traditionally been a custom in the rural area of bartering things like cut hay.

Mr. Davis replied that there is no minimum amount of income that has to be derived in order to qualify, but this is just evidence that the farming operation is ongoing and a barter system would qualify just as well. Maybe the form needs to recognize that in some respect.

Mr. Boyd said that he thought there was a dollar amount on gross receipts.

Ms. Thomas said that it is an either/or – cash or proof of value of crops or animals.

Ms. Thomas also expressed concern about this form's print size, noting that Henrico County's form is in larger print and easier to read.

Mr. Davis noted that the Board is not legally required to approve this form – that is an administrative matter – the legal process is just approving the ordinance.

Ms. Mallek asked if value income can go across the farm as opposed to per parcel. Mr. Davis said he thinks that is correct. He said that there would need to be some recognition that there is agricultural activity on all parcels if they are to qualify.

At this time the Chairman opened the public hearing.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board, thanking them and staff for working on this with landowners to meet their mutual goals. He thinks this is a great example of good government.

Mr. Corky Shackelford, a farm owner in Stony Point, addressed the Board and thanked them for working on this. He helped work on the form. Their intent was to make it as simple a process as possible and easily identify those individuals who do not qualify.

There being no other comments, the public hearing was closed.

**Motion** was then offered by Mr. Rooker to approve Ordinance 08-15(2) to implement the Revalidation Program. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

**ORDINANCE NO. 08-15(2)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE VIII, SPECIAL ASSESSMENTS FOR AGRICULTURAL, HORTICULTURAL, FOREST OR OPEN SPACE REAL ESTATE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article VIII, Special Assessments for Agricultural, Horticultural, Forest or Open Space Real Estate, is hereby amended and reordained as follows:

**By Amending:**

Sec. 15-803 Same--Processing; continuation of assessment, etc.; fees

**CHAPTER 15. TAXATION**

**ARTICLE VIII. SPECIAL ASSESSMENTS FOR AGRICULTURAL,  
HORTICULTURAL, FOREST OR OPEN SPACE REAL ESTATE**

**Sec. 15-803 Same--Processing; continuation of assessment, etc.; fees.**

A. The application fee due under this article shall be figured at fifteen cents (\$0.15) per acre on total acreage with the minimum charge of fifteen dollars (\$15.00) per individual application and shall be paid to the director of finance of the county. However, where a landowner is required to file a new application under this article because the use or acreage of such land previously approved has changed, the application fee for each reapplication shall be fifteen dollars (\$15.00).

B. The tax for the next succeeding tax year for property qualifying under this article shall be based on the use value recorded in the Land Use Tax Assessment Book.

C. Continuation of valuation, assessment and taxation under this article shall depend on the continuance of the real estate in the use for which classification is granted, continued payment of taxes as referred to in Virginia Code § 58.1-3235, continued revalidation every second tax year as provided in subsection (D) below, and compliance with the other requirements of this article and Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia, and not upon continuance of the same owner of title to the land.

D. A parcel's eligibility for use value assessment shall be revalidated every two years during the second tax year of each two-year revalidation cycle. A revalidation form shall be filed with the local assessing officer on or before September 1 of the year preceding the two-year period for which the revalidation is sought, on forms prepared by the county. A separate revalidation form shall be filed for each parcel receiving a use value assessment. Late filing of a revalidation form may be made on or before December 5 of the year preceding the two-year period for which the revalidation is sought, upon payment of a late filing fee of one hundred twenty-five dollars (\$125.00).

(8-23-73; 12-20-73; 7-17-75; 7-2-86; 4-13-88; Code 1988, § 8-34; Ord. 98-A(1), 8-5-98)

**State law reference--**Va. Code § 58.1-3234.

**This ordinance shall be effective on and after January 2, 2009.**

Agenda Item No. 19. **PUBLIC HEARING: Transient Occupancy Tax Ordinance Amendment.**

An ordinance to amend Chapter 15, Taxation, of the Albemarle County Code, by amending Section 15-901, Imposed; Amount of Tax, of Article IX, Transient Occupancy Tax. The proposed amendment would conform the County's transient occupancy tax to the new State law that requires the County to designate and spend that portion of the revenue collected from the transient occupancy tax rate over two percent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, attract travelers to the County and generate tourism revenues in the County. (Advertised in the Daily Progress on September 15 and September 22, 2008.)

Mr. Tucker summarized the Executive Summary which stated that the 2008 General Assembly adopted House Bill 1453 that requires an amendment to Albemarle County's ordinance regarding the transient occupancy tax. Prior to July 1<sup>st</sup>, Albemarle's enabling authority provided that it and 14 other named counties could impose a 5% transient occupancy tax provided that the portion of the tax rate over two percent was designated and spent for promoting tourism, travel or business that generated tourism or travel in the County. Under the new legislation, Albemarle is now required to designate and spend any excess over two percent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, attract travelers to the County and generate tourism revenues in the County.

The proposed ordinance revises the transient occupancy tax provisions of the *County Code*. The proposed revision is required to comply with recent changes to state law.

Effective July 1, 2008, *Virginia Code* § 58.1-3819(A) included Albemarle among the 34 localities for which "any excess over two percent [of transient occupancy tax] shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality."

The new state law simply requires consultation with local tourism industry organizations regarding how best to spend certain tax revenues to attract travelers to the County and generate tourism revenues. It does not require approval by the tourism industry organizations. Staff anticipates that this requirement will be satisfied by consulting with the Charlottesville Albemarle Convention & Visitors Bureau. It is not anticipated that it will change how these funds are currently budgeted. This proposed revision neither raises nor lowers the amount of the transient occupancy tax.

No budgetary impact is anticipated.

Mr. Tucker said after the public hearing, staff recommends that the attached ordinance be adopted.

Mr. Boyd asked if this would impact ACE.

Mr. Davis responded that the money must be spent for tourism and travel, marketing of tourism, or initiatives that attract travelers to the County and generate more tourism. He said that ACE falls into the initiatives piece but does not require approval. If it is established that ACE does attract visitors to the County, it will not affect how ACE money is spent. Mr. Davis said that staff currently goes through a process of identifying those easements along routes that are tourist corridors and have scenic value. Those are the ACE easements for which occupancy tax money is used. He thinks the County has done a good job of documenting that it has met the criteria.

Ms. Thomas mentioned that several years ago she made a presentation to the Tourism Council which was very valuable. That might be something the County should think about doing from time to time.

The Chairman opened the public hearing.

Mr. Neil Williamson, Free Enterprise Forum, commented that he has no doubt the activities the County is doing are legal and are meeting criteria for tourism activities, but questioned whether those who are generating these funds and collecting them agree with the allocation, and perhaps they should be consulted.

There being no other public comments, the public hearing was closed.

**Motion** was offered by Mr. Rooker to approve Ordinance 08-15(1) as presented. Ms. Thomas **seconded** the motion.

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

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

NAYS: None.

#### **ORDINANCE NO. 08-15(1)**

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

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

#### **By Amending:**

Sec. 15-901 Imposed; amount of tax

#### **CHAPTER 15. TAXATION**

#### **ARTICLE IX. TRANSIENT OCCUPANCY TAX**

#### **Sec. 15-901 Imposed; amount of tax.**

A. There is hereby imposed a tax on the occupancy of all rooms or spaces in hotels, motels, boarding houses and travel campgrounds within the county. Such tax shall be assessed at the rate of five percent (5%) of the amount charged for such occupancy; provided, however, that nothing herein shall be construed as imposing any tax upon rooms or spaces rented for continuous occupancy to the same person or group of persons for thirty (30) or more days in hotels, motels, boarding houses, or travel campgrounds.

B. The revenues collected from that portion of the tax over two percent (2%) shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, attract travelers to the county and generate tourism revenues in the county.

(11-28-73; 8-15-74; 4-13-88; 3-19-97; § 8-41; Code 1988, § 8-42, Ord. No. 98-8(2), 6-10-98; Ord. 98-A(1), 8-5-98; Ord. 08-15(1), 10-1-08)

**State law reference--**Va. Code § 58.1-3819.

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Agenda Item No. 20. Closed Meeting.

At 12:35 p.m. **motion** was offered by Ms. Mallek that the Board go into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions; under Subsection (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 agreements necessary to implement a funding source for public safety services; under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding regional authorities; and under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding the renegotiation of the terms of a lease. Mr. Rooker **seconded** the motion.

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

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

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Agenda Item No. 21. Certify Closed Meeting.

At 2:08 p.m., the Board reconvened into open session. Ms. Mallek offered **motion** 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. Mr. Rooker **seconded** the motion.

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

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

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Agenda Item No. 22a. Boards and Commissions: Vacancies/Appointments.

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

**appoint** Mr. Scott Huang to the Jordan Development Corporation, with said term to expire August 13, 2009; and

**reappoint** Mr. Wallace McKeel to the Jefferson Area Board on Aging (JABA), with said term to expire October 20, 2010.

Ms. Thomas **seconded** the motion.

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

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

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**NonAgenda.**

**Motion** was offered by Mr. Slutzky to authorize the County Executive to enter into an amended lease with the Thomas Jefferson Foundation, Inc. that will: 1) terminate the lease for the Visitors' Center property located at 600 College Drive effective January 31, 2009; and 2) reduce the rent paid by the Thomas Jefferson Foundation, Inc. from \$5,644.54 per month to \$2,822.27 per month effective October 1, 2008.

Mr. Rooker **seconded** the motion.

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

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

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Agenda Item No. 23. **Transportation Matters:**

Item No. 23a. VDOT Monthly Report.

Mr. Allan Sumpter, Charlottesville Residency Administrator, highlighted information he provided in his Monthly Report. VDOT has started tracking pedestrian improvements. He stated that VDOT has been moving along with signal installations for the State Farm light, which should be operational by the end of October. The Burnley Station Road signal should be operational by the end of November or beginning of December. The signal will probably be blinking for about three days or so.

The draft agreement for the illegal signs in the right of way issue is in the Attorney General's office, and VDOT is insisting that sight distance requirements be enforced immediately. They are approaching the issue of political signs very carefully. Mr. Sumpter said that VDOT management has asked the Attorney General's office to reconsider the original opinion on signs in the right of way, and it may be that signs are not allowed to be collected under that part of the Code.

Ms. Mallek asked if it would be helpful if citizens weighed in on their support of VDOT's appeal. Mr. Sumpter said he is not sure that would be appropriate. This issue is certainly a lot of unclarity with this issue.

Mr. Sumpter asked the Board to emphasize to candidates that they know not to block sight distance. He indicated that every year they send out a letter but that has not been done because of the questions involved with this issue. They are trying to address the issue from a safety standpoint. In response to Ms. Mallek, he does not want to issue any statements or press releases this year because the normal process has not been completed.

Ms. Thomas asked that Mr. Sumpter keep this Board informed of any decisions.

Mr. Slutzky commented that he is opposed to having commercial signs, but is not as concerned about the political signs – unless they are blocking sight distance or causing other safety issues.

Mr. Sumpter reported that the Dry Bridge reopened this morning. VDOT's Bridge Office will next assess the weight limit to determine proper posting. VDOT has received authorization to begin right-of-way and utility relocation for Advance Mills. Right-of-way agents have been working on gathering all their appraisals and moving forward. The funding is all in place. They are still moving along on schedule.

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Item No. 23b. Transportation Matters not Listed on the Agenda.

Mr. Slutzky said that there is something wrong with the sequence of stoplights at Rio Road and Northfields.

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Ms. Mallek said when VDOT repaved and repainted the slip lane into the former White's grocery, now All Good Grocery, near the big parking lot near Earlysville Forest Road, it was painted solid white instead of dotted, and it is causing confusion.

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Ms. Thomas said she and Mr. Sumpter have been working on White Mountain Road. The project will consist of surface hardening in a couple of places, not total pavement.

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Mr. Rooker asked how VDOT would be impacted by proposed budget cuts. Mr. Sumpter replied that he is not sure but Mr. Utterback has said that every employee will be touched in some way. All State agency heads have been asked to prepare 5, 10, and 15 percent cuts. Mr. Sumpter said that there are 90 local employees. For example, they are looking for cutbacks in their maintenance operations like pipe replacements, mowing, etc. He reiterated that they expect that every facet of VDOT will be affected.

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Item No. 23c. Ashcroft Traffic Calming Resolution.

Mr. Benish said the Executive Summary states that the residents of the Ashcroft Homeowners Association (HOA) contacted the County in 2006 concerning speeding on Lego Drive, the main road in the Ashcroft subdivision. The County Police Department conducted a traffic survey that showed a speeding problem exists on Lego Drive from vehicles both coming down the mountain and those going up, and that the speeding problem exists throughout the day. The posted speed limit on the portion of Lego Drive where the traffic calming improvements are being considered is 25 mph. There are no sidewalks/walkways along the road.

Staff met with the Ashcroft HOA and the traffic committee on several occasions to discuss the safety of pedestrians and vehicles on Lego Drive.

Staff provided information to the Ashcroft subdivision residents about the VDOT Traffic Calming Program and the process. The community has followed the process and the following three traffic calming solutions have been approved by the HOA:

- Construct a median in the road adjacent to the clubhouse. This was once the end of the state-maintained road with a turn-around traffic circle. The road has now been extended beyond the circle, so this area of the road is very wide. The HOA would landscape and maintain the median with a permit from VDOT, and the new traffic pattern would be well-marked.
- Install a speed hump north of the Anderson Lane intersection.
- Install a speed table north of Wright Lane. The speed table is basically an extended speed hump. Staff and VDOT believe this improvement will serve as a good introduction to the reduced speed limit.

These three solutions are illustrated on the attached diagram (Attachment A). Advisory signage would be installed with all of the above improvements.

The County Police Department, School Transportation, and the Department of Fire Rescue have approved the requested improvements. Fire Rescue expressed concerns that the installation of the speed hump and speed table would increase the response time to the homes in Ashcroft (VDOT estimates about 4 to 8 seconds per hump/table). Community Development staff advised the HOA of this concern, and the HOA responded that the potential impact to emergency response time is acceptable to the residents in order to achieve safer travel speeds along the main access road for the community. Fire and Rescue service to the Ashcroft Subdivision would still meet the emergency response time standards established in the Comprehensive Plan with the installation of the traffic calming measures.

VDOT guidelines for the Traffic Calming Program state that 75 percent of the residents within an area impacted by proposed traffic calming improvements should support the recommended improvements. Because of the single-access point/cul-de-sac design of the community, VDOT required that all of the 142 homes in the Ashcroft Subdivision be included as part of the impacted area. Attachment B is a copy of the letter and the accompanying ballot that was mailed to all of the residents. The HOA gathered signatures from October 2007 to May 2008. A copy of the full petition is available for review in the Office of the Clerk of the Board of Supervisors, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

One hundred and two (102) residents approved the recommended improvements (71.8%) and 32 residents voted against the improvements (22.5%). The HOA was unable to get responses after numerous attempts from eight property owners. County and VDOT staff met with the HOA's traffic committee representative to discuss why the 75 percent approval threshold was not reached. County and VDOT staff were satisfied that the HOA has made a strong effort to reach all of the residents and had worked hard to acquire the signatures for nearly eight months, which is an extraordinary amount of time and level of commitment. VDOT indicated that the 75 percent approval threshold is a guide and can be modified based on the individual project. VDOT believes that the intent of the Traffic Calming guidelines has been met, and that a strong majority of the residents support the recommended improvements.

If the Board adopts the attached Resolution (Attachment C), staff will work with VDOT and the Ashcroft HOA to install the improvements. Staff estimates that the improvements would be installed in the spring of 2009, although it is possible that they could be completed this fall. The traffic speed on Lego Drive thereafter would be monitored to determine the effectiveness of the improvements.

The cost for the speed hump, speed table and median would be approximately \$20,000. These improvements would be funded from the VDOT Six Year Secondary Road Construction Program where funds have been allocated for traffic calming.

Mr. Benish said staff recommends that the Board adopt the attached Resolution supporting the Ashcroft Home Owners Association recommended traffic calming improvement for Lego Drive (Rt. 1090).

**Motion** was offered by Mr. Boyd to adopt the resolution to support Ashcroft Homeowners Association traffic-calming measures for Lego Drive. Ms. Thomas **seconded** the motion.

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

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

**RESOLUTION TO SUPPORT TRAFFIC CALMING MEASURES  
ON LEGO DRIVE (ROUTE 1090)  
IN THE ASHCROFT SUBDIVISION**

**WHEREAS**, speeding has been identified as a major concern of the residents of Ashcroft Subdivision;  
and

**WHEREAS**, the County of Albemarle Police Department has conducted a speed study in the Ashcroft Subdivision, which confirmed that a speeding problem exists on Lego Drive (Route 1090); and

**WHEREAS**, the Virginia Department of Transportation has reviewed and concurs with the speed study; and

**WHEREAS**, a strategically placed speed hump and speed table on Lego Drive (Route 1090) would encourage slower speeds; and

**WHEREAS**, a median placed at the end of the cul-de-sac at the Ashcroft clubhouse would further encourage slower speeds.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia requests the Virginia Department of Transportation to construct a speed hump, a speed table and a median as recommended in the Lego Drive Traffic Calming Plan dated August 3, 2007.

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Item No. 23d. Primary Road Improvement Priorities.

Mr. Benish said the Executive Summary states that the Commonwealth Transportation Board (CTB) will conduct a public hearing to give citizens and public officials an opportunity to review and provide comments on projects and programs for inclusion in the Fiscal Year 2010-2015 Six-Year Improvements Program (SYIP). The hearing date has not been set, but it is typically held in mid-October or early November. This is the opportunity for the Board of Supervisors to inform the CTB of the County's interstate, primary road, rail, bicycle, pedestrian and transit improvement priorities. Primary roads are those roads with route numbers below 600, including interstate highways (Routes 6, 20, 22, 53, 29, 231, 240, 250 and I-64). The County has maintained a priority list of improvements for a number of years, and uses this list as the basis for each year's update.

The Six Year Interstate and Primary Road Plan process differs from the Secondary Road Plan process in that specific amounts of funds are set aside for secondary road projects in the County, whereas funds for primary road projects are allocated for each construction district, and all primary road projects proposed within all localities in the district compete for those funds. The Culpeper District includes Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Orange and Rappahannock Counties.

The purpose of this review is to receive the Board's direction on transportation projects to be included in the FY 2010-15 SYIP for the Culpeper District. Staff has provided a proposed priority list of improvements which is based on last year's priority list approved by the Board (Exhibit A). Changes proposed by staff are identified in bold italics or strikethrough type. The Priority List includes an "Attachment A", which provides a more detailed narrative description of the County's project priorities.

The only major changes to the priority list are to bridge improvement priorities (see Section III. Bridges). The Free State Bridge improvement project has been deleted as a priority improvement. The construction of the entrance road to the Belvedere development has eliminated the need to improve the bridge. Improvements to the Route 250 East bridge over the CSX railroad in Shadwell have been added as a high priority project. Staff was informed by VDOT that a high level of deterioration was found during a recent inspection. VDOT recommended that this be included in this year's priority list. Staff recommends this project as the second highest bridge priority, after the Advance Mills bridge project. The Route 250 East bridge is the only bridge project on the list that is actually part of the primary road system. Staff is not recommending any other changes to the Priority List except for relatively minor updates and corrections.

The County is providing its priorities for projects to be funded through the State's interstate, primary and urban system funding. The impact on the budget will be determined after VDOT has identified the projects it will fund in their Six Year Financial Plan.

Mr. Benish said staff recommends that the Board 1) approve the attached recommended priorities (Attachment A) for primary road system improvements; and 2) provide direction regarding the presentation of the County recommendations and comments.

Mr. Benish added that the safety improvements for Route 22/250 intersection are underway and near completion, so they have been removed from this list. Mr. Benish said that staff did add a component for shoulder improvements/off-street trails and bike paths.

Mr. Slutzky said that if for some reason a lot of federal money comes to the County, a bridge over the Rivanna should be mentioned in the Berkmar Drive extended project (Item #1, 2d).

Mr. Rooker pointed out that several projects here are City projects – such as 2A and 2C – and asked if these should be included as part of the County's list. He asked whether it is appropriate for one locality to request funding for projects in another locality.

Mr. Benish replied that these improvements, while in the City, help the level of service in the County – and many were part of the 29-H250 Phase II projects that were a teaming process with VDOT, the City, and the County. He added that staff relies on this list of priorities to help focus decision making on land use decisions and budget issues related to the CIP.

Ms. Thomas asked if staff has analyzed what the most effective use of a limited amount of money would be – for projects such as Hillsdale Drive Extended or a bike lane, etc.

Mr. Rooker suggested choosing some primary road projects to emphasize, some secondary road projects, a few bridge projects, and a couple of safety projects, because they are different pots of money for each that would likely be affected separately by funding cuts.

Mr. Slutzky commented that the ranking has really already been done through the priority lists.

Mr. Boyd said that a lot of projects here relate to the Pantops Master Plan, and wanted to make sure that some of these items are considered priorities, even though the Crozet Master Plan was the first one approved.

Mr. Slutzky agreed, and said that Route 29 would really be a top priority. He added that Mr. Boyd is raising a really relevant point.

Mr. Rooker said they are arguing over money they do not have. He said that if a primary road project is to be emphasized, it should be Route 29 north to Hollymead Town Center from the bridge.

Mr. Boyd commented that it has a much bigger price tag.

Mr. Benish noted that that is the first primary road project after Meadow Creek.

Mr. Rooker suggested breaking out the City projects because he does not want to ask the State to do those projects ahead of County projects.

Mr. Slutzky concurred.

Mr. Boyd said he agrees with what is being said, but he asked if the Board should rethink some of the smaller projects and rank them by need.

Mr. Slutzky said maybe after the Board goes through each of the master planning exercises, it may be time for the Board to step back and look at ranking and priorities.

Mr. Boyd said he agrees with that suggestion.

Mr. Rooker emphasized that these things cannot be done without money, and the Board needs to unanimously get behind some kind of revenue source to get these done.

Ms. Thomas said that she does not want 2A to be moved into another category, as a lot of work went into getting that on the list.

Mr. Graham noted that the City has Revenue Sharing money from a different pot that they have to match money that presumably would come from the proffer change with Albemarle Place, which is currently under review. He said that the private money would essentially be a match for the City's VDoT Revenue Sharing money, and he understands that a combination of the two would be enough to complete the project.

Mr. Rooker said he agrees that the project should remain on the list but he is not sure where it should go.

Mr. Sumpter commented that Mr. Utterback had mentioned earlier a strategy to federalize as many projects as possible. The County may want to think about projects that would fit in the parameters of what would qualify for federal funds – such as Route 29 improvements.

Ms. Mallek referred to No. 5, and asked if the Main Street should be higher than some of the other projects because of its relationship to the Library. She also asked about the Eastern Avenue connector not being a part of the list. Mr. Benish explained that some of the projects on the list are in the planning process stage and some are on the way. The three projects are all part of the Streetscape project and Library project; they can probably be combined. Eastern Avenue is actually ahead of these smaller projects.

In response to Mr. Benish, Board members agreed that it would be helpful to mention bike lanes in the spoken part of the presentation, as well as the written part.

Mr. Slutzky asked if there is a mechanism to note bike lane placement when roads are being resurfaced and widened, noting the lack of available shoulder at Northfields.

Mr. Sumpter explained that VDoT physically goes out and measure roads when it does resurfacing. When funds are available, VDoT have attempted to get widening for bike lanes – even if they are not officially designated bike lanes. If the bike lanes are official, they look at every segment of the roadway to see what the critical needs are.

**Motion** was then offered by Mr. Rooker to adopt the Primary Road Improvement Priority List with the change adding the Berkmar Extended bridge. Ms. Thomas **seconded** the motion.

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

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

NAYS: None.

**ALBEMARLE COUNTY RECOMMENDED PRIORITIES FOR SYIP,  
FOR PRIMARY ROAD, TRANSIT AND ENHANCEMENT IMPROVEMENTS  
(OCTOBER, 2008)**

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

**I. Surface Transportation Program (STP Projects)**

- Undertake projects in The CHART–UNJam 2025 Regional Transportation Study (adopted May 3, 2004). These include:
1. Construct Meadow Creek Parkway from Route 250 Bypass to Rio Road, including the interchange at the Route 250 Bypass. The CTB should make every effort to provide adequate funding and resources to maintain the current construction schedule;
  2. Improvements to Route 29 North Corridor:
    - a. Funding of 29H250 Phase II Study, Option B design recommendations. These improvements include an extra ramp lane on Route 29 North onto the Route 250 Bypass and an extra lane on Route 29 from Hydraulic Road (in the City);
    - b. Widening improvements to Route 29 North--construct third lane on northbound and southbound lanes, from South Fork Rivanna River;
    - c. Construct Hillsdale Drive extension from Hydraulic Road to Greenbrier Drive in the City of Charlottesville; and
    - d. Construct Berkmar Drive extension including the Berkmar Bridge across the Rivanna River.
  3. Widening of Route 20 South, from I-64 to Mill Creek Drive, including bike lanes and sidewalks.
  4. Improvements to Route 250:
    - a. Improve two intersections on Route 250 West: the Tilman Road Intersection (Route 676) and the Owensville Road intersection (Route 678). Otherwise, maintain the current two-lane road configuration from the Bypass to Yancey Mills;
    - b. Improve Route 250 East corridor as recommended in the Pantops Neighborhood Plan (improvements to interchange, pedestrian crossings, widening to no more than six lanes, parallel road and new bridge/crossing at Rivanna River); and
    - c. Improve Route 250 West from Emmet Street to the Route 29/250 Bypass.
  5. Improve Route 240 in accord with the recommendations of the Crozet Master Plan:
    - a. Implement sidewalk plan (per Downtown Sidewalk and Parking Study and Crozet Master Plan);
    - b. Create bike lanes to and in downtown;
    - c. Construct Eastern Avenue, to include the Lickinghole Bridge and a railroad crossing; and
    - d. Construct Main Street east from Crozet Avenue.
  6. Widen Route 20 North, from Route 250 to Elks Drive/Fontaine Drive intersection, including bike lanes and sidewalks.
  7. Undertake improvements recommended in the Southern Urban Area B Study, including improvements to Fontaine Avenue and construction of Fontaine Avenue to Sunset Avenue connector road.
  8. Improve two intersections on Route 20 (Valley Street) in Scottsville: the Warren Street intersection and the Hardware Street intersection.

**II. Transit Improvements**

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

**III. Bridge Projects**

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

1. Route 743, Advance Mill at North Fork Rivanna
2. Rt. 250 East over the railroad near Rt. 729.
3. Route 708, Dry Bridge Road at Buckingham Branch RR
4. Route 677, Old Ballard Road -Buckingham Branch RR
5. Route 616, Black Cat Road - Buckingham Branch RR
6. Route 637, Dick Woods Road – Ivy Creek
7. Route 641, Frays Mill Road at Marsh Run
8. Route 795, Presidents Road at Hardware River
9. Route 614, Sugar Hollow Road at Moormans River
10. Route 649, Proffit Road at Norfolk Southern RR

**IV. Safety Improvements**

1. Construction of pedestrian walkways and crosswalk along primary roads in the County's Urban Neighborhoods and Development Areas as part of road widening/improvement projects. Absent major road improvements, the following roads are prioritized for improvement:
  - a. Route 240 in downtown Crozet;
  - b. Pedestrian crossings at strategic locations on Rt. 29 North.
  - c. Route 250 East in Pantops-extend from the existing sidewalks and provide pedestrian crossings at strategic locations;
  - d. Route 250 West from the City limits to the Farmington/Ednam entrance;
  - e. Route 20 South from City limits to Mill Creek Drive extended.
2. Safety improvements in Crozet area including Route 240 underpass.
3. Intersection improvements on Route 250 West at 1) Tilman Road and 2) Owensville Road (noted above).
4. Support the construction of bikelane improvements along primary roads consistent with County and Regional bicycle plans (bikelanes, paved shoulders and/or adjacent bike paths).
5. Develop functional plans, including an analysis of safety improvements for Route 22 and Route 231.

**V. Enhancement Projects/Safe Routes to School Program**

1. Pedestrian Streetscape improvements in downtown Crozet.
2. Beautification of entrance corridors.
3. Construction of bikeway, pedestrian, and greenway improvements as prioritized in the Jefferson Area Bicycle, Pedestrian and Greenways Plan and the County's Comprehensive Plan.
4. Development of portions of the Rivanna River Greenway path system.
5. Removal of non-conforming billboards.
6. Continued support of Scottsville Downtown Streetscape Improvement Project.

**VI. National Highway System (NHS)**

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

**VII. Congestion Mitigation and Air Quality Improvement Program**

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

**ATTACHMENT A  
ALBEMARLE COUNTY RECOMMENDED PRIORITIES FOR SYIP,  
FOR PRIMARY ROAD, TRANSIT AND ENHANCEMENT IMPROVEMENTS  
(OCTOBER, 2008)**

The following are Albemarle County's priorities for each federal allocations and each sub-allocation of the Surface Transportation Program (STP) funds. This attachment provides more information about each project.

**I. Surface Transportation Program (STP)**

Standard Projects:

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

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

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

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

2. **Route 29 North.** This highly urbanized area continues to grow and transportation system improvement needs continue to increase. The County, City, VDOT and the MPO have completed Phase I and Phase II of the 29H250 (US 29 – Hydraulic – 250 Bypass Intersection) Study. The County appreciates continued VDOT and Commonwealth Transportation Board support of initiatives in the Route 29 North corridor. The County, in coordination with the MPO, is currently utilizing VDOT, developer proffered and County general funds to study the concept/alignment of Route 29 North as part of a larger transportation network study for the County's northern development areas from the City limits to the Greene County line. This study, a component of the County's Places 29 Study, will include a comprehensive and integrated evaluation of both transportation and land use issues and planning to establish a series of land use recommendations, transportation network improvements and multi-modal approaches that will support the northern development areas and the Route 29 Corridor.
  - a) The County requests that VDOT plan for the funding of the 29H250 Phase II Option B design recommendations, which emphasize improving Route 29 to serve regional trips and changing the character of Hydraulic Road between Route 29 and the Route 250 Bypass. These improvements include an extra ramp lane on Route 29 North onto the Route 250 Bypass and an extra lane on Route 29 from Hydraulic Road (in the City).
  - b) The County requests funding for a third lane northbound and southbound on Route 29 from the South Fork Rivanna River to north of its intersection with Hollymead Drive. These improvements would tie into a third lane recently constructed in each direction along Route 29 as part of major land development projects at the Hollymead Town Center. This new third lane section, and other road improvements in the area, was funded by the developer through zoning proffers related to the project's approval. There are significant peaks and valleys in Route 29 through this area that create an existing dangerous condition and this will only worsen as traffic increases as development occurs in this area in accord with the Comprehensive Plan. This section of road already experiences a high level of vehicle accidents, particularly in the area of Forest Lakes South. Completion of this section would essentially complete the three phases of improvements to Route 29 from Hydraulic Road to Airport Road that were originally programmed in the Six-Year Plan in 1988. These and other Comprehensive Plan transportation system recommendations envision future development to be served by a transportation network that ultimately provides a complete system of urban streets and supports walking and biking and comprehensively links all land uses.

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

- c) The Hillsdale Drive Extension Project;
- d) Berkmar Drive Extended including the Berkmar Bridge across the Rivanna River.

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

3. Complete preliminary engineering and undertake the widening of Route 20 South from I-64 to Mill Creek Drive. Incorporate sidewalks and bike lane facilities into these improvements. This is a curvy section of road in the County's Urban Area that serves the traffic from Monticello High School and has experienced several accidents with fatalities in recent years.
4. There are three areas of emphasis the County requests be addressed on Route 250:
  - a) The County does request funding for the improvements of the Tilman Road intersection at Route 250 and the Owensville Road/Route 250 intersection (possible round-about at Owensville Road). Otherwise, the County recommends maintaining the present two-lane configuration of the corridor with any short term or spot improvements being as non-intrusive and consistent as possible with the special character of this scenic by-way.

- b) VDOT has completed a similar study of Route 250 East from Free Bridge to the Fluvanna County line. This study's findings have been presented to the Albemarle County Board of Supervisors. The County has included a number of the study's recommendations in the adopted Pantops Master Plan, a component of the County's Comprehensive Plan. This Pantops Plan focuses on creating a neighborhood plan that integrates land use and transportation planning to establish land use recommendations, transportation network improvements and multimodal approaches that will support neighborhood development. Recommendations include improvements to the I-64 interchange, pedestrian crossings, parallel roads and a possible new bridge/crossing of the Rivanna River connecting to the City, and limited widening of Route 250 to no more than six lanes.
  - c) Improve Route 250 West from Emmet Street to the Route 29/250 Bypass. This section is covered by the joint Ivy Road Design Study conducted by the City, County and University of Virginia and originally recognized for improvement in the Lewis Mountain Neighborhood/University Heights (Area B) Study. Any plans for the improvement of this section of Route 250 West need to be coordinated among the City, County and University.
5. Undertake improvements that will benefit/improve Route 240 in Crozet in accord with recommendations from the recently completed Crozet Master Plan.
- a) Implement sidewalk plan (per Downtown Sidewalk and Parking Study) and Crozet Master Plan.
  - b) Create bike lanes to and in downtown.
  - c) Construct Eastern Avenue, to include the Lickinghole Creek Bridge and a railroad crossing.
  - d) Construct Main Street east from Crozet Avenue.
6. Undertake the widening of Route 20 North from north of Route 250 East to the Elks Drive/Fontana Drive intersection. Incorporate sidewalks and bike lane facilities into the west side improvements. The County has also listed these improvements under "Safety" priorities. To date, the County has constructed sidewalks on the east side of Route 20 from Route 250 to Fontana Drive.
7. Undertake improvements recommended in the Southern Urban Area B Study recently completed in coordination with the City of Charlottesville, County of Albemarle, and the University of Virginia. The Study recommends improvements to Fontaine Avenue and the construction of a new connector road between Fontaine Avenue and Sunset Avenue.
8. The Town of Scottsville has requested that VDOT improve Route 20 (Valley Street) at the intersection of both Warren Street and Hardware Street. VDOT had proposed these improvements in the 1970's, but the improvements were not completed. The improvements will enhance the safety of the traveling public in the Town.

## II. Transit Improvements

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

## III. Bridges

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

1. Route 743, Advance Mill at North Fork Rivanna
2. Rt. 250 East over the railroad near Rt. 729.
3. Route 708, Dry Bridge Road at Buckingham Branch RR
4. Route 677, Old Ballard Road -Buckingham Branch RR
5. Route 616, Black Cat Road - Buckingham Branch RR
6. Route 637, Dick Woods Road – Ivy Creek
7. Route 641, Frays Mill Road at Marsh Run

8. Route 795, Presidents Road at Hardware River
9. Route 614, Sugar Hollow Road at Moormans River
10. Route 649, Proffit Road at Norfolk Southern RR

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

**IV. Safety Improvements:**

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

1. Construct pedestrian walkways and crosswalks along various primary routes within the County's Urban Neighborhoods. Absent the incorporation of such walkways into full road widening/improvement projects, the following road sections are priorities for pedestrian walkways:
  - a) Route 240 in "downtown" Crozet;
  - b) Pedestrian crossings at strategic locations on Rt. 29 North;
  - c) Route 250 East in the Pantops area as an extension to existing sidewalks and provide pedestrian crossings at strategic locations;
  - d) Route 250 West from the City limits to the Farmington/Ednam entrance; and,
  - e) Route 20 South from the City limits to Mill Creek Drive.
2. The County has placed a high priority on pedestrian improvements in the Crozet area. The County chose Crozet as the first community to be master planned based on the County's adopted Neighborhood Model. The County received TEA 21 funding in July 2004 for Phase I of the Crozet Streetscape Plan and continues to seek additional funding to undertake needed improvements (see Enhancement Project section). Another potentially eligible safety project is the improvement of the Route 240 underpass at the CSX Railroad tracks in Crozet (including pedestrian facility improvements).
3. Improvements to Route 250 West in the Ivy area to address existing traffic circulation problems at the Tillman Road intersection and the Owensville Road intersection (as noted in I.4.a, above), including access to developed properties in this area. Of particular concern is the Tillman Road intersection (Route 676), which serves school bus traffic and has poor sight distance. These improvements should be undertaken in accordance with recommendations approved by the Board of Supervisors in the Route 250 West Corridor Study.
4. Support the construction of bikelane improvements along primary roads consistent with County and Regional bicycle plans (bikelanes, paved shoulders and/or adjacent bike paths).
5. Functional plans, including an analysis of possible safety improvements, for Routes 22 and 231. The County remains concerned with overall public safety as it relates to traffic created by large trucks along these road segments, and encourages VDOT to consider all appropriate measures to ensure that trucks travel safely along these roadways in the future. The County has repeatedly requested VDOT to restrict through trucks on Route 22 and Route 231.

**V. Enhancement Projects/Safe Routes to School Program:**

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

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

**VI. National Highway System (NHS)**

The Charlottesville-Albemarle MPO Policy Board approved the NHS as proposed by VDOT in this area excluding the Route 29 Bypass. The Federal Highway Administration (FHWA) has approved the NHS, which includes the existing Route 29 and the Route 29 Bypass. The County believes

any projects that are included in the NHS should reflect the recommendations that result from the previously referenced transportation improvement study of the Route 29 North corridor area.

**VII. Congestion Mitigation and Air Quality Improvement Program**

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

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Mr. Benish stated that there has not been a set date for the submittal of the National Byway All-American Road designation other than the fall of 2008. Ms. Lynn Crump, from DCR, indicated that the Journey Through Hallowed Ground is concerned that if the Board of Supervisors does not support one of the legs of the route, they would need to amend their Management Plan, a requirement for this designation. His understanding is that the submittal date is in the mid to late November time frame, but he cannot confirm that. He also said that the process through the federal government is only opened up every three to four years.

With regard to the State designation, Mr. Benish said that if the Board wanted to hold a public hearing on November 5<sup>th</sup>, the CTB could not act on it until December 18<sup>th</sup>; the Journey's packet is due to VDOT on December 1<sup>st</sup>. So holding a public hearing next week would be the better course.

Mr. Slutzky said he is sympathetic to engaging the public, but the County is not obligated to hold a public hearing. These designations do not materially impact roads or private property rights other than billboards – which are already regulated.

Mr. Rooker suggested advertising a public hearing for October 8<sup>th</sup> and deal with the resolutions at that time. He added that the resolution should include all road segments and that they be contingent on action by the CTB.

Board members concurred.

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Agenda Item No. 24. Eastern Connector Alignment Study.

Mr. Juandiego Wade, Transportation Planner, summarized the executive summary which states that the Eastern Connector was identified in the long range transportation plan for the Charlottesville/ Albemarle area for an alignment study. The Albemarle County Board of Supervisors (Board) and Charlottesville City Council (Council) decided in 2006 to jointly fund a \$500,000 Eastern Connector Study. The study area for the Eastern Connector is roughly an area bordered by Route 250 to the south, Route 29 to the west, Proffit Road to the north and Route 20 to the east. The purpose of the study identified in the Scope of Work was to: *"Determine the basic feasibility of the proposed Eastern Connector and the definition of no more than three alternatives for this proposed facility. In essence, this will represent a major investment study (MIS) for the defined study corridor. A ranking of the performance of the three final alternatives was to be prepared to allow for the members of the Council and the Board to identify a locally preferred alternative which could then be advanced into the more detailed formal preliminary engineering and environmental impact assessment phases of project development."*

The Board and Council appointed a Steering Committee to direct the consultant and select alternative alignments. At its August 7, 2006 meeting, the Board approved the membership and duties/function of the Eastern Connector Steering Committee. The mission of the Committee was to: *"Work with a consultant to determine a minimum of three alternative alignments that will provide a connection between US 250 east of Route 20 and US 29 North between Rio Road and Profit Road. Study shall provide a thorough assessment of issues related to each alignment and a recommendation on preferred alignment based on analysis and direction provided during project"* (See Attachment A)

The Committee's recommendation will be presented to the Board on October 1, 2008 by Lewis G. Grimm, P.E., Project Manager for the transportation consultant. Mr. Grimm has been working closely with staff and the Committee to develop the recommendation. Mr. Grimm will include additional information on issues relating to developing a recommendation and the process the Committee used in developing its recommendation. The Steering Committee held meetings throughout 2007 and 2008 with the consultant, which allowed for public participation and input. The input from the public was valued and considered in the Committee's recommendations. Attached are summaries of the Committee and public meetings (Attachments B and C).

While the details of the recommendation are best explained with the presentation, staff has attached a map showing the recommended alternatives (Attachment D). Staff notes that all of the recommended alternatives considered have serious challenges. The preferred alternative (3) includes either a 4 lane or 2 lane road going through Pen Park and possibly through Darden Towe Park. The Committee recognized there is considerable public opposition to the connector going through the parks (see public comments in Attachment C) and there are possibly significant federal hurdles in placing a roadway within parks that have received federal funding or for a roadway to be built with federal funding through a park.

Despite those issues, the transportation modeling showed the roadway would have to be close to Route 250 to be effective and this alternative was considered the only viable option available when weighing all of the factors. Additionally, as shown on the graphic, the Committee has recommended planning for future connections far into the future with Alternatives 1 and 2. Neither of those alignments was considered effective within the Eastern Connector timeframe, but the lack of a better option closer to

Route 250 sparked recognition that there is a need for planning further into the future for transportation improvements (e.g. 50 year timeframe). Staff notes that both Alternative 1 and 2 also have significant issues and that there are potential conflicts with the Southwest Mountain Historic District, Proffitt Historic District, and properties already in qualified conservation easement. (Attachment E). Additionally, these alternatives may conflict with some goals of the County's Rural Areas Plan. All of these issues would need to be further studied if there is interest in planning for a future connector using either Alternative 1 or 2.

Cost estimates for each of the alternatives are identified in Attachment F. These estimates include the costs of construction and right of way acquisition associated with each alternative and range from \$40,000,000 to \$169,000,000. No funding sources for these costs have been identified.

Finally, it is noted that the Committee decided against seeking additional public comment before presenting this recommendation to the Board and Council. This decision was based on the Committee's recognition that the public sentiment on the recommended alternatives has already been heard and it was more appropriate to first review the recommendation with the elected officials.

This study has already been fully funded. If the consultant is required to provide additional services beyond the presentations to the Board and Council, a contract amendment and additional funding would be required. If the City and County decide to move forward with an Eastern Connector alignment, funding would be required for engineering, surveying, permitting and right of way acquisition. Previous long range transportation studies done by the Metropolitan Planning Organization (MPO) estimated that \$9 Million would be needed for that phase of the project. A source for that funding has not yet been identified.

The presentation completes the Committee's task by providing a recommendation to the Board and Council. If the Board and Council are interested in moving forward with the Committee's recommendation, staff recommends two options for proceeding:

1. Complete a more detailed analysis of federal and state permitting requirements, as related to a road through the park(s) and across the river, to determine if Alternative 3 is viable. After reviewing this information, if the Board and Council believe the permitting requirements allow a road to be constructed through the park(s), a public meeting can be scheduled to receive comments on this proposed road.
2. Schedule a public meeting to receive comments on the recommendation. Following the public meeting, if the Board and Council are interested in proceeding, staff recommends an analysis of the federal and state permitting process be completed and presented to the Board and Council.

Following completion of the public meeting and analysis of federal permitting requirements, if the Board and Council have interest in proceeding further, staff recommends possible funding strategies be identified before initiating a design effort.

If there is interest in including Alternatives 1 or 2 in the County's Comprehensive Plan, staff recommends that the Board direct staff to develop and present to the Board an analysis of issues related to establishing a future road alignment across conservation easements and historic districts. After consideration of this analysis, the Board can make an informed decision as to whether either of these alternatives is viable and should be considered for inclusion in the Comprehensive Plan.

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Mr. Grimm reported that they are hoping to move forward with things that are already in progress – intersection and timing improvements on the Route 250 corridor, increasing the transit service frequency in the Route 250 corridor into the Pantops area, and adding the proposed four-lane concept (Alternative 3) linking the Rio Road corridor with Route 20 into the Regional Transportation Plan. In the short term, the two alternatives looked at adding Proffitt Road and Polo Grounds into the long-range plan as unfunded needs, so it puts a placeholder in for those projects. Mr. Grimm said that then they would move ahead with detailed planning, engineering, and environmental studies associated with Alternative 3. In the next three to five years funding would be sought for that option from federal, state and local resources including a more detailed engineering study. Continuing to expand public transportation improvements, moving ahead with more detailed studies of the other two options – Alternatives 1 and 2 on Proffitt and Polo Grounds-- and hopefully moving those alignments into the County's Comprehensive Plan, as a placeholder. He added that other Rivanna River crossings would also be studied as part of the overall effort, with funding sought over 15 to 20 years for additional crossing improvements, and for continued improvements for public transportation from Pantops to downtown Charlottesville, and from downtown to along North 29 corridor. These are the basic recommendations developed by the Steering Committee.

Mr. Grimm explained that the Steering Committee worked out of the 2025 UnJAM Long-Range Transportation Plan, with additional input from the City and County, a study of history of traffic in the corridor, projected changes in population and employment, and what that means in terms of future traffic and congestion levels. He said that the 2025 plan stipulates a need to improve connections, mobility, and choices to foster more livable communities. Mr. Grimm said that that Plan called out the Eastern Connector as one element of a fairly large number of alternative studies including the Free State Road connector and the Route 250/ East Pantops multi-modal study. It is important to keep in mind that this is all part of the larger system. He stated that City and County staff put together an RFP which his firm responded to in fall 2006 which was to look at alignments and connection possibilities for the area along US 250 to the east of Route 20, and the area along Route 29 along Rio Road and Proffitt Road. Mr.

Grimm said that the recommended study area was defined by the consultant team, and a background analysis of changes was undertaken.

Mr. Grimm emphasized that the majority of changes had occurred along Route 250 – from High Street to Route 20 – according to VDoT analysis traffic went from 30,000 vehicles per day in 2001 to 52,000 in 2006, or a 73 percent increase in volume across that one length. He said that the segment from High Street to Route 20 has a much larger change from the areas further to the east and west in the Route 250 corridor.

Mr. Slutzky noted that one of the recommendations include a section of Rio Road where there is no data. Mr. Grimm said he would include traffic information on the farthest east section of Rio Road in the summary table.

Mr. Grimm noted that 2010 figures show a region of about 229,000 people, with projections of growth through 2030 to about 277,000 people – or 39 percent - for the entire metropolitan area. He explained that certain areas are experiencing more intense growth – with about a 116 percent increase within the defined study area for the Eastern Connector study area. Mr. Grimm said that they used the 2005 level as the base level, and studied the traffic crossing the Rivanna River Bridge with projections to 2025; the results say there will be a lot more demand, but no major change in direction of vehicle trips. He stated that the interchange at Meadow Creek Parkway and the Route 250 Bypass was also studied, and during the morning peak hours traffic in the westbound direction has 63 percent of traffic coming further to the east of Route 20, about 25 percent coming south on Route 20 and making a right turn, and about 72 percent of traffic on the bridge going to the west with 23 percent making the left turn onto High Street to come into downtown.

Mr. Slutzky asked if it is known what percentage of the traffic coming from Pantops and beyond that cross over the bridge are heading somewhere on Route 29 and north of Rio Road. Mr. Grimm responded that they do have that information and he will get to it further into his presentation.

During the evening peak hours, Mr. Grimm explained that about 53 percent of traffic going across the bridge going eastbound is coming from somewhere from the west on the bypass; 35 percent is coming up on High Street and making a right turn; when it crosses the Route 20 intersection about 25 percent makes a left turn to go north on Route 20 and about 67 percent continues to go east.

Ms. Thomas asked why the 35 percent from Downtown Charlottesville is a bigger number in the evening than the morning. Mr. Grimm noted that they are looking at percentages, not raw numbers, and travel patterns in the morning are work-trip oriented but in the afternoon it is work, shopping, etc. The data shows that the linkage to and from High Street is important.

Mr. Grimm said they also looked at a series of figures westbound and eastbound. They found that about 55 percent of the total traffic crossing the bridge could be traced back to the interchange. He then continued with additional statistics on traffic patterns (included in the PowerPoint presentation on file in the Clerk's office). The statistics provided data on the major corridors being used.

Mr. Boyd asked about the traffic coming down Park Street. Mr. Grimm responded that it is about eight percent in the morning, and seven percent in the afternoon, noting again that this is a percentage basis not an actual number.

Mr. Slutzky said that they would be candidates for diversion, but there are also people coming from north on Route 29 who choose not to go down Park Street but instead get on Route 250. It is those cars that are potentially part of that Eastern Connector traffic. He noted that there are no origin and destination studies, so these are really hypothetical numbers.

Mr. Grimm agreed, but said that these are actual traffic volumes even if you do not know exactly where they are coming from and where they are going. He stated that these figures are used to establish transportation patterns everywhere in the country, and improvements are based upon results of traffic-forecasting processes.

Mr. Rooker commented that origin and destination studies are not done very often because they are so expensive.

Mr. Slutzky said that there will be good origin and destination information available as part of the household study for the 2010 census.

Mr. Rooker noted that that still has to be overlaid onto the total number of trips. He added that when the origin and destination study was done previously on Route 29 – at a cost of several million dollars – it did not reveal data that was much different than other traffic pattern studies.

Mr. Grimm pointed out the location of arterial projects – proposed improvements along Route 29 and the Meadow Creek connection from Rio Road to Route 250 – and a number of collector projects that are parallel to Route 29 such as Hillsdale Drive. He said that there really are no other projects in the study area because they have not been a major priority. He also noted the areas with the lowest levels of service – along Route 29 and along Route 250 – and projected into 2025 there is not much change and it would continue to be a heavily congested area. Mr. Grimm said that model-number generated volumes show that at all crossing points of the Rivanna, the total for those is showing a projected 47 percent increase with Proffitt showing the highest percentage increase and Route 250 with the second highest.

He reiterated the probability of increased traffic across the Rivanna River, particularly along the Route 250 corridor. The adopted long-range plan does not address many of the current and future travel demands in the region. It does not solve all the problems.

Mr. Grimm said that the committee developed a series of alternatives for testing and evaluation that was responsive to those travel patterns and took input from the public and agencies, and began with the idea of using two-lane collector-type roadways. He stated that in evaluating those alternatives, there are not a whole lot of empty spaces in the study area because there is a lot of existing development, residential, commercial, historic areas, wetlands areas, and other constraints to try to work around. Mr. Grimm said that they came out with a final group of concepts for presentation, beginning with the long-range plan. He stated that one option would be a Proffit Road relocated corridor; the second would be a Polo Grounds Road corridor; and the third would be a Rio Road to Route 20 corridor via Penn Park. Mr. Grimm reported that in 2025, Route 250 is projected to carry about 65,500 vehicles per day and Proffit Road would be a little less than 11,000. If improvements were made to Proffit Road, Route 250 and Polo Grounds would not change much but a two or four-lane linkage from Rio Road to Route 20 over to Route 250, significant diversions off of Route 250 would occur.

He explained that there are projections for changes regarding how many hours per weekday there would be high levels of congestion on the Rivanna River Bridge – in 2005 it is about 1.3 hours per day; in 2025 it is about 4.3 hours per day under the constraints of the current long-range plan. Mr. Grimm said that under alternative one, a minor change is noted; the Polo Grounds alternative also makes a minor difference; but alternative three as a two or four-lane route makes a more significant change. He added that having another bridge to the south of the Route 250 bridge in addition to a new northern crossing would bring down the level of congestion as well.

Mr. Boyd noted that when Martha Jefferson is built they are going to be connecting Pantops Drive, but you still cannot cross the bridge.

Ms. Thomas noted that there was no modeling with a bicycle and pedestrian bridge from MJH to the Woolen Mills area. Mr. Grimm responded that it was not modeled although the idea does have merit.

Mr. Slutzky asked if an analysis was done for the scenario of a significantly expanded transit system. Mr. Grimm replied “no”. He noted that at the time of his group’s analysis, the travel demand forecasting model for the region did not have a transit mode choice element as part of it. He understands that the work VDOT is sponsoring in conjunction with the MPO includes a better model that has that component.

Mr. Slutzky said a fourth option would have a transit only route that would take Penn Park Lane, cut along the side of the park property, cross Meadow Creek and end up on River Road. He commented that it would be logical to have a transit station at River Road right by the bypass, as there is a substantial flow of cars from the east that could be doing a park and ride there. He brought that to the table as another option, but it was not included here. Mr. Slutzky said that he is not comfortable with these three options, and his constituents strongly oppose the Rio Road option. He thinks there are other opportunities for us to get the notion of an Eastern Connector right that might require us to wait until we have better origin and destination data, and we see where we are going with our transit system in the next couple of years. Those two factors could greatly impact the outcome of the Eastern Connector location discussion.

Mr. Grimm said that they have not answered all the questions, and there are a lot of issues associated with each alternative because it is a very changing community. He stated that the best available tools are used, and there is a need to look at linking Rio Road over to Route 20 and Route 250; better planning tools would allow for consideration of other alternatives.

Mr. Rooker wondered how much relief would actually be provided on the Route 250 corridor to simply leg around to about one-half mile of Route 250 at a cost of \$40 million. Mr. Grimm said they cannot just bring a crossing over to Route 20 and forget about it; it needs to tie into the entire system. The Pantops Master Plan shows a number of alternative traffic models, but there needs to be a good system on both the east and west sides of the River for those options to hook into. He reiterated that this is not a regional bypass, but a road designed to serve locally-oriented traffic. A lot of that is the natural growth, evolution and development of areas like Pantops.

Mr. Rooker asked if it was considered to look at the impact on the Route 20/250 intersection of driving additional traffic down Route 20 as opposed to bringing it across the bridge. Mr. Grimm replied that they did not look at that specifically but there is some information that gives a reasonable approximation, including some early concepts that focused on grade-separated interchange, etc. He noted that those options are expensive, but can be effective in reducing congestion.

Mr. Slutzky commented that neither Proffit nor Polo Grounds seem to offer much in the way of relief in traffic. The report also highlights the need to deal with traffic on Free Bridge.

Mr. Boyd noted that there may be a difference in what the City and County want, and the County’s priority has been relieving traffic on Route 250 which might be best served by a bridge on the other side of Route 250 utilizing the High Street route. He added that that route was not looked at because the City said the purpose of the study was to figure out how to lessen the number of cars driving through the City.

Mr. Slutzky said that this discussion has yielded a couple of options that need further exploration: a southern crossing of the Rivanna, south of the existing Free Bridge.

Mr. Rooker stated that that's a City decision and the County cannot force it to happen.

Mr. Slutzky suggested bringing it to the MPO and waiting to see what happens with regional transit in the next few years; he also advocated for origin and destination studies.

Mr. Rooker pointed out that the chance of doing this project in their lifetimes are slim, as it took 25 years to get Meadow Creek funding, not even considering VDOT's recent cuts. There is no money. Clearly the close-in route would not qualify under Primary Road funds under any formula for Primary Road funds that he has seen.

Mr. Grimm noted that the funding source is unspecified, but if the County is looking to connect Rio Road (a secondary road) with two primary roads – Route 29 and Route 250 – it could be done with another secondary road or say that Rio Road be converted into a new primary road.

Mr. Slutzky said that there is another pot of money – intermodal funds – for a bridge over the Rivanna if it includes a transit function in the form of a rail line.

Mr. Rooker stated that in all of his years in transportation, they tried unsuccessfully to get primary road designation for Meadow Creek and that seems to meet more requirements than this short leg. He asked how much more money should be spent on a concept, given the current funding climate. The County is going to have a very limited scope of things that it can accomplish with County-generated transportation money and minimal state money. There are many needs for projects that are already in the Plan.

Mr. Slutzky said he agrees with Mr. Rooker but he does not want to send the signal to the City that the County is abandoning the notion of an Eastern Connector. He thinks that out of deference to funding realities, given that there will be origin and destination data available in the not too distant future, and in consideration that the County is trying to address some of the transportation challenges through an expanded transit system, which hopefully the City will participate, the Board hold this in abeyance until it has an opportunity to reconsider it based on better information in two or three years.

Mr. Rooker said he would be hesitant to put additional money into an Eastern Connector unless the funding situation changes significantly.

Mr. Grimm also explained that there are other barriers, but if a project has a minimal impact on the basic function of a historic site, etc., approval could still be granted for a road that goes through a park or historic area. He mentioned that any transportation project utilizing federal funds or federal action affecting park land would have to go through the 4-F process.

Mr. Rooker asked how hard it would be to get traffic modeling information on the impact to the Route 20/250 intersection if alternative three was built.

Mr. Grimm responded that there would need to be a longer list of assumptions, and the model currently calculates daily trip estimates so it is not really precise.

Mr. Slutzky said there is no modeling tool that can help determine the percentage of cars that now down to Route 29 and Route 250 that would reallocate over to an Eastern Connector at any time of day because there is no basis to come up with a number.

Ms. Thomas said it would be the same, if the same modeling system is used.

Mr. Grimm explained that the flow pattern graphics are based on actually observed traffic counts collected years ago in connection with the Meadow Creek Parkway/Route 250 interchange study.

Mr. Rooker commented that Mr. Grimm's study determined the number of vehicles per day that would be taken off based upon all the assumptions by building alternative three, and presumably all that traffic is hitting Route 20. He added that most of the traffic would be coming back to Route 250 because there is not a whole lot to go to on Route 20. He said that presumably most of the 9,000 vehicles per day would be hitting that intersection at Route 250 and Route 20. Vehicle counts are one thing but traffic movement is another.

Mr. Grimm said that most of the model work focuses on segments of streets instead of individual intersections, but you can get a reasonable estimate. He concluded by saying that short-term actions would be adding concepts into the fiscally-constrained long-range plan, designate alternative one and two as unfunded needs, and undertake and complete the more detailed planning, engineering, and environmental studies for alternative three.

Mr. Slutzky suggested a third option – instead of forging ahead and spending money on more study of the permitting requirements and holding a public hearing that is not going to be happening any time soon – the Board forward this matter to the MPO for further discussion with the City as far as appropriate next steps. His suggestion to the MPO is to hold off for the next couple of years until the funding circumstances have evolved, look at transit, the availability of origin and destination data, and then decide how to proceed.

Mr. Rooker agreed, adding that forthcoming information from the transit study would help this. A creative solution needs to be found to this problem. He said that a \$40 million project that might not ever be approved because it goes through the park should not be pursued in terms of preliminary studies.

Mr. Dorrier agreed.

Ms. Thomas said that the County has an agreement with the City to pursue the Eastern Connector, and taking it to the MPO to get input would be a good move. She also said she wants the County to be creative in their thinking, as something as small as bike/pedestrian bridge over the Rivanna might help.

Mr. Boyd said the committee came to the conclusion early on that there is no one thing that will solve the problem. He then thanked Mr. Grimm for all the work that was done.

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Agenda Item No. 25. Voting Credentials for VACo Annual Business Meeting.

Mr. Boyd commented that given current economic constraints, he will not be attending the Annual Meeting.

Mr. Tucker said that Ms. Mallek, Ms. Thomas, and Mr. Dorrier are signed up to attend the conference.

Ms. Mallek agreed to be the voting representative, and Ms. Thomas agreed to be the alternate.

**Motion** was offered by Mr. Rooker, to appoint Ann Mallek as the delegate and Sally Thomas as the alternate to cast votes on behalf of the Board of Supervisors at VACo's Annual Business Meeting. Mr. Slutzky **seconded** the motion.

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

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

NAYS: None.

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Agenda Item No. 26. From the Board: Matters Not Listed on the Agenda.

There were none.

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**The Board recessed at 4:06 p.m. and reconvened in Room 241.**

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Agenda Item No. 27. **Joint Meeting with School Board**,

SCHOOL BOARD MEMBERS PRESENT: Ms. Diantha McKeel, Ms. Barbara Massie Mouly, Ms. Pamela Moynihan (arrived at 4:26 p.m.), Mr. Ronnie Price, Sr. (arrived at 4:26 p.m.), Mr. Jon Stokes, and Mr. Brian Wheeler.

SCHOOL BOARD MEMBER ABSENT: Mr. Steve Koleszar.

SCHOOL BOARD STAFF PRESENT: Dr. Pamela Moran, Superintendent, Dr. Bruce Benson, Assistant Superintendent for Student Learning, Mr. Jackson Zimmermann, Executive Director of Fiscal Services, and Ms. Jennifer Johnston, Clerk of the School Board.

Also present were: Mr. Tom Foley, Assistant County Executive, Ms. Kimberly Suyes, Director of Human Resources, and Ms. Lorna Gerome, Assistant Director of Human Resources.

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Item No. 27a. Call to Order. At 4:13 p.m., Mr. Boyd called the Board of Supervisors back to order and Mr. Wheeler called the School Board to order.

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Item No. 27b. Discussion: Total Compensation Report.

The following Executive Summary that was provided to Board members state that in November 2000, the School Board and Board of Supervisors approved a Total Compensation Strategy to target employee salaries at 100% of market median and benefits slightly above the market. The adopted market approved by the Boards is shown in Attachment #1.

This report details the supporting analysis for the recommendations to achieve the adopted Total Compensation Strategy for last year and for the Boards to consider in giving budget guidance to the County Executive and Superintendent for the coming fiscal. These projections are presented to the Boards for their information regarding the FY09-10 budget process. It is noted that all final funding is subject to, and based upon, available revenues and Board direction. This report provides information on:

- 1) Compensation Strategies
- 2) Benefits Strategies

**Staff recognizes that due to the projected revenue shortfall, funding to support these recommendations may not be available. However, this information is provided based on the Joint Board's adopted process to maintain our Total Compensation strategy.**

To maintain competitive compensation based on the adopted strategy, two separate, but related actions are required:

- 1) Ensure a competitive salary scale so that the County is able to attract and recruit new employees.
- 2) Ensure current employees are rewarded for performance by maintaining internal equity in their pay range and also maintaining market competitiveness for similar skills.

To adhere to the Boards' adopted strategy, the following processes are implemented each year:

Step 1: Annually survey the adopted market to determine the salary scale adjustment implemented in those localities/schools for the current fiscal year.

Step 2: Annually survey the adopted market to determine the average total salary increase granted to employees in those localities/schools for the current fiscal year.

Step 3: This market data is analyzed to ascertain where the salary scales (both classified and teacher) for Albemarle County stand relative to the adopted market and arrive at recommendations for next year's salary increases.

Step 4: Obtain data on what other organizations are projecting for salary increases for the next fiscal year through a compensation database (WorldatWork, Eastern Region). This data is used to project the merit increase percentage and develop the teacher scale, including step increases.

In March 2004, the Joint Boards adopted compensation strategies for different positions to address competitiveness in certain areas as follows:

- 1) Teachers - Target market position at top quartile of adopted market.
- 2) Positions recruited from outside of our adopted market - Identify competitive market as the specific localities within our adopted market that may also be competitors for those positions. This subset of our adopted market should address cost of living issues and target competitive market position. These localities represent areas that are in Metropolitan Statistical Areas (MSAs) both above and below Albemarle County in cost of living and currently include: Hanover County, Loudoun County, City of Charlottesville, Prince William County, Spotsylvania County, Chesterfield County, City of Chesapeake, James City County, and City of Roanoke.

### **Section 1: Board Adopted Process for Compensation Strategy: Market Analysis and Projections**

Last year, the initial projections based on the Joint Board adopted process presented in October were to increase the classified salary scale by 3%, classified merit increase of 4.35% and fund teacher increases by 4%. However, as our adopted market consists of other localities that were also facing revenue shortfalls, in December and January, staff collected revised salary projections on their increase amounts. While many localities were unsure as to their salary increase projections, the data indicated that most localities were planning lower salary projection amounts than previously indicated. Based on that information, the recommendations were revised and adopted as follows:

- 1) 2% increase in classified scale.
- 2) 3.35% merit increase for classified staff.
- 3) Design teacher scale to meet market and distribute 4.0% along teacher scale.

The following information is provided to both Boards to consider regarding development of the FY09-10 budget.

#### **Step 1: FY08-09. Survey the market to determine if the scale adjustment implemented for classified/administrator and teacher pay scales achieved the strategy.**

##### *Classified/Administrator Scale Adjustments - Target median of adopted market*

A competitive scale is important in attracting new hires. For classified employees, the scale adjustment impacts new hires and any employees with pay rates that might fall below the new minimums. The Albemarle County scale was adjusted by 2% in FY08-09. In reviewing the salary scale data for FY08-09, our adopted market's median scale adjustment was 2.5%. However, we started last year at -0.76 below market, therefore our current scale remains below market by -1.26%.

#### **Step 2: FY08-09. Survey the market to determine if the total salary increase implemented for classified pay achieved the strategy.**

##### *Classified Total Salary Increases - Target median of adopted market*

Our salary increase for the FY08-09 merit was 3.35%. The median salary increase amount implemented by our adopted market in FY08-09 was 3.63%. However, we started last year at -0.35 below market, which results in our 08-09 salaries remaining below market by -0.63%.

##### *Teacher Scale Adjustments - Target top quartile (75<sup>th</sup> percentile) of adopted market*

For teachers, the scale adjustment impacts actual salaries. Data indicates that our teacher scales are in the top quartile at the following steps: minimum, 5 years, 10 years, 25 years, and 30 years.

Although we did not quite reach the top quartile at both T15 and T20, we are very close. This is shown in Attachment # 2.

**Step 3: Projections for FY09-10. Based on current market position and scale/salary projections, determine the changes necessary to achieve the Board approved strategy using the WorldatWork, Eastern Region data.**

Classified/Administrator Scale Adjustments

The scale adjustment impacts new hires and any employees with pay rates below the new minimums.

- Adopted Market Salary Scale Median: 2.5%
- Albemarle Scale Relative to Market: -1.26%
- WorldatWork projection for Eastern Region (including Virginia): 2.6
- **FY09-10 Recommended scale adjustment: 3%**

Classified/Administrator Salary Increase (merit percentage)

- Adopted Market Median increase: 3.63%
- Albemarle Salary Increase Relative to Market: -0.63 %
- WorldatWork projection for Eastern Region (including Virginia): 3.3%
- **FY09-10 Recommended increase: 3.93%**

Teacher Scale and Teacher Average Salary Increase

The teacher scale is based on the projected total increase obtained from WorldatWork. This survey projects a 3.3% salary increase. Any increase would include the step increase. Our strategy regarding the teacher scale has been to target \$1000 above at minimum. Specific scale recommendations will be brought forth as part of the budget process.

**Section 2: Benefits Strategy: Projections for Medical and Dental Insurance Premiums**

The Joint Board adopted benefits strategy is to maintain a benefit program that is slightly above market. As the medical plan is a critical component of the benefits package, the plan design and employee premium levels of our medical plan are carefully reviewed every year.

**FY08-09 Plan Year**

**Medical** - Our medical insurance costs (both the Board contribution and employee premiums) increased by 8% this year. The annual Board contribution amount for full time employees is \$6648. There were no plan design changes for this plan year.

**Dental** - Our dental insurance costs (both Board contribution and employee premiums) increased by 6%. The annual Board contribution amount for full time employees is \$238.

**FY09-10 Plan Year Projections - Medical and Dental**

Based on claims data and reserve balance, along with trend information provided by our benefits consultant, Tom MacKay with Keiter, Slabaugh, Penny & Holme, LLC, our estimated medical cost increase for FY09-10 is 12%. Our dental insurance cost increase is estimated at 5%. As we have just started the new plan year, staff will continue to monitor claims experience and develop recommendations for both plan design and premiums as part of the County Executive's and Superintendent's budget proposals.

In light of the anticipated revenue shortfall, staff has provided several scenarios to be used in determining the degree to which the Total Compensation strategy can be achieved in the FY09-10 budget. Projections are inclusive of salary **and** benefits.

Classified Employees Merit Increase	Local Government	School Division To be provided after Sept payroll
3.93% increase (merit projections included)	\$1.81 million	Still being calculated by School Division
2.93% increase (merit projections included)	\$1.43 million	Still being calculated by School Division
2.00% increase (across the board, no merit projected)	\$0.85 million	Still being calculated by School Division

Note: Local Government projections maintain frozen positions

Teacher Increase (Step and Scale)	To be provided after Sept payroll
3.93%	Still being calculated by School Division
2.93%	Still being calculated by School Division
2.0%	Still being calculated by School Division

Please note: Staff is not providing a recommendation at this time. The projections below are based on the Joint Board process and adopted strategy.

- 1) 3% increase in the classified salary scale.
- 2) 3.93% merit increase for classified staff.
- 3) Fund teacher increases to reach and/or maintain top quartile (3.3%) to be distributed along the scale.

- 4) Continuation of a longevity increase for teachers and lump sum merit increase for classified employees.
- 5) Anticipate a 12% increase in medical plan costs.
- 6) Anticipate a 5% increase in dental plan costs.

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Mr. Wheeler read an email he received from a School employee – Mr. Richard Wright, a sixth-grade teacher at Henley Middle School – who thanked the Board for his pay raise.

Ms. Suyes addressed the Boards, stating that the adopted comparative market is comprised of 30 cities, counties, and school districts within the State of Virginia of similar size and in the same geographic region. She presented compensation targets for classified staff (100 percent of median adopted market); nationally and regionally recruited positions (100 percent of median subset market); and teachers (top quartile). Ms. Suyes reported that last year the market gave a 3.63 percent increase; Albemarle gave a 3.35 percent increase, which started the year with .35 percent below market, and now the County is at .63 percent below market. She said that the County did not reach the top quartile for teachers of 15 and 20 years, so effort would need to be put to bring that group in line. Ms. Suyes said the County is in the top quartile for all other teacher steps.

Ms. Suyes presented information on market-adjusted scales, noting that classified employees were adjusted by 2.5 percent so Albemarle is below scale by 1.26 percent. Using the WorldatWork projections (2.6 percent), Albemarle would need a 3.0 percent scale to maintain competitive strategy. She said that classified salary increase, the market gave a 3.63 percent and Albemarle is below that; World of Work is at 3.3 percent, so Albemarle is looking at a 3.93 percent needed to maintain the competitive market position.

Ms. Thomas asked when WorldatWork does their survey. Ms. Suyes responded that WorldatWork does their projections in April.

Mr. Boyd noted that the County decided to deviate from WorldatWork projections last year based on County projections; they were a percentage off. Ms. Suyes said WorldatWork had a 4.0 percent projection last year but the adopted market increase was 3.63 percent; the County gave a 3.35 percent increase. The County did not deviate from WorldatWork; it is a piece of information that the County uses. She said that that has been a consistently strong measure.

Mr. Rooker asked what it would mean in terms of a raise for an employee if both salary and scale were increased by three percent. Ms. Suyes said that scale rarely affects someone who is already employed, but teachers include step or scale adjustment increases. She explained that classified employees get a merit increase, but teachers might get more because there is a focus on getting them into that top quartile.

Mr. Rooker stated that he just wants to clarify that the increases are not cumulative, noting that generally a three-part compensation strategy is adopted. He wants to know what the total budget allocation to compensation would be as compared to last year's allocation. He understands that the benefits (medical) part is an additional piece.

Mr. Wheeler said for the first time this year, the Boards have estimates on the total cost of what the data is suggesting is needed. That information was not available last year.

Continuing with the PowerPoint presentation, Ms. Suyes said that for salary projections for teachers any increase would include the 3.3 percent increase from WorldatWork data.

Mr. Slutzky commented that Albemarle is being compared to a number of like communities, but their cost of living is not comparable. He asked how the County takes it into account when it is being compared to a cohort that is not exactly like it. Ms. Suyes responded that the County looks at the competitive market of 30 organizations, and cost of living was not taken into consideration; however, positions recruited for regionally and nationally have a subset target so the size and cost of living rate in those localities is taken into account. She noted that Albemarle used nine localities, and the County was right in the middle for cost of living.

Mr. Slutzky asked if there is a reasonable way every year to look at the comparison communities and make adjustments. Ms. Suyes responded that cost of living has not been a consideration in that, and when the 30 organizations were identified as the "market," it was clear that that was not going to be a factor.

Mr. Slutzky emphasized that if the goal is to attract the top quartile teachers, the market needs to be competitive and part of that is taking cost of living into account. Ms. Suyes said that if the Boards want that to be included as part of the competitive strategy, that could be done.

Mr. Rooker emphasized that that's why the top quartile benchmark was adopted for teachers, as well as the higher standards for national and regional general government positions. There was a response to the market conditions.

Mr. Slutzky also mentioned the strategic planning goal to build a "world-class" workforce. He said that it might be useful for Ms. Suyes to provide cost-of-living data. Ms. Suyes said that she has provided that in the past – which yielded a change to the top quartile instead of changing the competitive market

benchmarks. Ms. Suyes said that she gets that data regularly, but using that would change the current model.

Mr. Slutzky said that perhaps the retention rates and application numbers would need to be viewed as related to cost of living.

Ms. Moran stated that Albemarle is able to benchmark against specific Virginia localities with a high cost of living rate – Northern Virginia, Prince William, Loudon, Charlottesville, Fluvanna, etc.

In terms of benefits, Ms. Suyes reported that the County is looking at a 12 percent increase in medical plan costs and a five percent increase in dental plan costs – and sometimes the County has little or no costs. She also explained that there were nine claims that were over \$150,000, including several accidents. Ms. Suyes added that Albemarle has done well overall with prevention initiatives and they are very happy with the health and wellness of the employees. She emphasized that most of the time, medical plan increases are very low, but this year is an exception.

Ms. Thomas asked if there is any indication that the aging of the County's workforce is affecting medical plan costs. Ms. Suyes said she has asked for some additional information to see if that is the case. She is hoping to have some additional data in the next couple of days.

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Mr. Foley addressed the Board, noting that the County's General Fund budget is about \$224.0 million for this year. There is a revenue shortfall that has been allocated between capital, schools and local government; about a month ago the amount was \$4.1 million. Staff has also factored in another \$500,000 in additional State reductions. In addition there have been other adjustments downward on some revenue sources. The local government revenue shortfall went from \$1.4 million to \$2.5 million.

Mr. Foley said that for the upcoming year, it is anticipated that a \$3.0 million shortfall will likely start off the fiscal year. Staff is anticipating cumulatively in 2010, a reduction of \$1.0 million in State revenues. He clarified that this is the projection in 2010 based on the Five-Year Financial Plan and latest estimate of revenues. Mr. Foley said that the downturn this year adjusted the whole base for 2010, so that "black hole" is being continued into the new fiscal year, with the comparative point being the Five-Year Plan – based on revenue projections. He noted that this is just the local government side, not schools.

Mr. Foley explained that the revenue side would need to cover that gap of \$3.0 million, but the Board's adopted Five-Year Financial Plan for expenditures actually makes that gap \$9.3 million. He said that there are projections for cost increases for the Jail, CSA, etc. Staff has incorporated salary (4%) and benefit increases (12%) as presented earlier, and Board initiatives for 2010 – opening two fire stations, adding new police officers, adding funds for transit and housing, as well as other impacts of capital projects that have been planned for a number of years. Mr. Foley noted that some items are not really optional, but others could be delayed. He said that this number also includes tax increases (FY 2010 and FY 2011) approved in the Five-Year Financial Plan, so if they are left out that amount would be even greater. Mr. Foley confirmed that that amount was a penny in 2010 and a penny in 2011. He noted that effectively in FY 2010 the amount is actually a penny and a half, because taxes raised for FY 2011 has a half-year current year impact.

Mr. Foley said a couple of weeks ago staff talked with the Board about the need to freeze an additional 15 positions. He reported that there is a total of 32 frozen positions, and that has reduced the shortfall from \$9.3 million to \$8.6 million. He said that if the initiatives for the first year of the Five-Year Plan are removed, that shortfall could be reduced to \$5.5 million – with salary and benefit increases kept as they are, as well as meeting increased Jail and CSA costs. Mr. Foley also reported that eliminating salary increases could reduce the shortfall to \$3.6 million; local government share of the lockbox money could save another \$600,000, leaving a \$3.0 million shortfall. He added that freezing 32 more positions and coming up with another \$1 million in operating expense reductions would bring the County back to even. Mr. Foley said that there would also be additional tax scenarios presented when the Board talks about the Five-Year Plan in November.

Mr. Foley explained that if the tax increase was 3 cents instead of a penny and a half, it would generate about \$1.0 million extra. He added that there was approximately a \$500,000 cut from the State this fiscal year, and that cut is now between \$2.0 million and \$3.0 million, and that may not even be conservative enough. Mr. Foley said that by mid-to-end October there should be more specific figures available from the State.

Mr. Benson addressed the Boards, stating that the Schools started out with \$151.0 million. They now need to reflect the shortfall in local revenues of \$2.1 million. He said that there have not been school cuts from the State this fiscal year, but there would likely be for next year – perhaps a \$3.0 million cut based on estimates and Governor Kaine's comments; which would bring the school's deficit to \$5.1 million. Mr. Benson explained that schools are looking at another \$754,000 reduction in revenue projections from the locality going into next fiscal year as well, bringing the total deficit to \$5.85 million. During past years staff turnover has saved about \$1.0 million through hiring of less experienced workers, although he thinks there will be less turnover this year. Mr. Benson said that increases in health and dental would be about \$1.35 million for a deficit of \$6.2 million. In order to maintain current strategies, Mr. Benson said that classified salary increases would be \$1.5 for a deficit of \$7.7 million; teacher compensation increases would be \$2.6 million for a deficit of \$10.3 million. He also said that what is not included here are any initiatives from the school side, and those agreed on before are left out.

Mr. Slutzky said the Boards may want to recognize the school initiatives the School Division thought were important should be recognized so that everyone is aware of what is being given up.

To look at what is needed to close the deficit, Mr. Benson said that increasing class sizes by one student would save about \$1.4 million; reducing support staff would yield about \$682,000; eliminating retirement bonuses would yield about \$250,000; reducing funding for replacement cycles for learning resources and computers would generate about \$224,000. But he emphasized that that would still leave a sizeable deficit - \$7.7 million.

Mr. Benson emphasized that the \$5.5 million shortfall for local government and the \$10.3 million shortfall for schools do not represent any new initiatives.

Mr. Rooker said that a comparable number on the local government side would be \$9.3 million, not \$5.5 million. In order to get to \$5.5 million, local government would have to freeze another 17 or 15 positions.

Mr. Foley said that new initiatives on both sides were taken out to get to these comparable numbers.

Mr. Foley explained that if the lockbox penny is used, that will have a \$600,000 effect on the \$5.5 million; salaries taken out will have another \$1.8 million effect. The key on these two numbers – \$5.5 million and \$10.3 million – is they do include the full salary and benefit increases, but obviously with that there are some significant deficits to deal with.

Mr. Boyd asked how much is left in the County and School system fund balances. Mr. Foley replied that he does not have those numbers, but they are just one-time savings. Mr. Boyd said that there has been a pattern there.

Mr. Foley said that the Five-Year Financial Plan discussion will include fund balance discussion and details on revenues and other expenditures. He added that there is a significant amount of work going into the Capital Improvements Program (CIP), but obligations for paying debt are eating up most of the revenue going into the CIP. He added that formula that generates the money that goes to Capital also pays debt off top. Mr. Foley mentioned that the revenues generated to go to Capital are "way down" and the year-end transfer will also be way down, as will proffer revenues. He said that the CIP must be significantly adjusted because once debt obligations are met there is not much to work with. Staff is going to be scraping by in the Capital even when they move some projects out and do some different things. Mr. Foley said that staff is going to recommend suspending the CIP process this year and making it an adjustment year – not a full review year – because there is already a struggle to move projects around and keep it above zero.

Mr. Boyd said that he would like to see the same presentation for operating funds be given for the CIP.

Mr. Slutzky said that he would not want to have the only option being doing away with projects just because the revenues are gone right now. Expectations have been created.

Mr. Foley stated that if the Board wanted to take a penny from Capital and use it for operating, it would generate about \$1.6 million to be split 60/40; which would be about \$600,000 for local government.

Mr. Dorrier asked if new student projections for new students were accurate for schools this year. Ms. Moran replied that the projections were within eight, and they have more students this year than last year. Ms. McKeel clarified that there were 45 to 50 new students overall.

Ms. Thomas noted that enrollment might go up as parents pull their children out of private schools. Ms. Moran said they have seen an increase in some schools. Ms. McKeel added that in certain areas, people are moving in with grandparents so school enrollment figures are changing.

Mr. Rooker asked if anyone knows what the State plans to do about salary raises. Mr. Price reported that the two percent pay increase is still in for State employees at the University of Virginia, and the expectation is it would stay there.

Mr. Foley said that the information presented today is the best available at this time, and if there is agreement from the Boards as to how to proceed, now would be the time to do that.

Mr. Boyd said he is not sure the Boards are in a position to do anything other than to wait and see.

Mr. Foley said he thinks both staffs will say that they do not know that there will be any more significant information available in the next month or so. There is some anticipation that the State will cut local government even more than projected.

Mr. Slutzky suggested that as information on options is provided by staff, he would like to see information on revenue options to fill gaps and encouraged staff not to assume the Board would automatically make certain cuts.

Mr. Rooker said that the number is there as a \$9.3 million shortfall.

Ms. Thomas added that the worse-case scenario is \$16.0 million deficit. She said that a ten-cent tax increase would be needed to cover that, just to put a number on what is happening here.

Mr. Dorrier asked when the deficit occur – at the end of the fiscal year or middle of the year. Mr. Foley noted that there is an existing deficit this year that will need to be made up – part of it will be filled by freezing positions, but there is still \$600,000 to go and departments are looking at five percent reductions. Hopefully those five percent reductions would carry forward to the next year to help with the added deficit.

Mr. Slutzky commented that there would need to be a significant tax increase to get to what the County has historically promised, so the deficit in the Comprehensive Plan fulfillment might need to be discussed.

Mr. Boyd commented that the Comprehensive Plan is a guide and not an absolute, definite that this is what the County plans to do.

Mr. Slutzky said it is a document of expectations from the public.

Mr. Rooker said this is a classic situation where the only thing the Board can adjust is the real estate tax rate when State revenues are flat or being cut, sales tax revenues down, and other revenue categories down.

Mr. Boyd mentioned that a majority of income is generated by the economy, with 36 percent coming from real estate taxes. This economy is in a downturn and there is “belt-tightening” needed by government, just as citizens have to do.

Mr. Rooker said to get to \$5.5 million, 32 frozen positions have to be maintained in General Government, and that is significant belt-tightening. Beyond that on the expense side will involve layoffs. On the school side, it will mean substantially increasing classroom sizes.

Ms. Thomas said that another effect of the bad economy is increased reliance on social services, and it puts increasing strains on those departments/agencies if they are understaffed and underfunded. The County is part of the economy and downturn, but it also becomes the safety net and economic stimulus for a lot of people.

Mr. Wheeler said that he agrees that the economic climate needs to be taken into account, but he feels like the schools tighten their belts every year and a lot of initiatives do not get funded. He added that compensation is a key goal of the School Board and the community. The School Board has made commitments in its Strategic Plans to try to achieve those goals. He thinks that staff needs to understand that the Boards value the contributions they make. He pointed out that cost of living and inflation are running over five percent this year, and even if raises were paid employees they would still be falling behind. Mr. Wheeler added that last year after the Board of Supervisors set the tax rate, the schools lost an additional \$1.0 million from the State. He suggested that for the present, the School Division allow Ms. Moran to reflect on these numbers and come back to the School Board, tell them what her recommendation is, and let them give direction on some placeholder for compensation. As one Board member, he does not feel comfortable picking any one number for the compensation piece.

Mr. Rooker agreed with Mr. Wheeler. He stated that the money in the lockbox should be put on the table right now and used in the current budget. In his opinion, this is the reason the Board set aside that penny. The financial situation is even worse than anticipated.

Mr. Boyd said before doing that, he would like to see what is in the fund balances.

Mr. Slutzky commented that two years ago the County had an excessive amount of potential revenue associated with accelerating property values. The Board made a decision to reduce the tax rate by six cents, and he thinks there was an implied argument that if there was a rainy day, the Board may have to come back to the higher rate.

Mr. Rooker said he believes that if the tax rate had been kept the same, the money would probably have been spent. The deficit they are looking at today would then have been worse.

Ms. McKeel suggested that Ms. Moran review the options, looking at worst-case scenario to best-case scenario, and bring back a recommendation to the School Board.

Mr. Rooker pointed out that it would be helpful to get information on how competitive market localities are dealing with this crisis and it would be helpful to find out what they are doing.

Mr. Price said that he received an email from Frank Barum of the Virginia School Board Association, and Loudoun is looking at a \$176.0 million shortfall because of real estate assessments. Mr. Foley said that Fairfax is at \$430.0 million and most localities have frozen positions, and are dealing with the same issues as Albemarle. Mr. Foley added that the County is not dealing with projected deficits; it is dealing with deficits.

Mr. Boyd said he thinks it would be worthwhile for the County to survey surrounding communities to see what they are doing.

Ms. Suyes said she is hesitant to do that because they did it last year and none of the information they received was accurate. She pointed out that Albemarle was under WorldatWork market rates.

Mr. Foley added that the market did not move as much as WorldatWork said it would, but there was also a cumulative effect.

Mr. Boyd commented that economic times are very different today than they were even in April.

Ms. Moran said that the reality is schools are going back to tried and true targets for cutting – extracurricular activities, electives, significantly cutting staff and/or freezing positions, shorter work weeks, delaying opening of schools, etc. Ms. Moran reiterated that they are not talking about building on the current budget, but instead backing down from that budget. She added that now is the time for schools to focus on what their vision, mission, and core work needs to be.

Mr. Foley again reiterated that there will likely be a couple years of budget down-turns. He asked if there is going to be another joint meeting of the two Boards so there is a commonality decision on classified salaries.

Ms. McKeel said she thinks there may need to be another meeting in either January or February; this cannot really be decided now.

Ms. Thomas emphasized that the information is here, and this assumes it would be similar to last year.

Mr. Rooker commented that there are no final numbers from the State.

Mr. Wheeler suggested the Boards coming back at the beginning of 2009 and reevaluating this with even more information and a clearer picture of the outlook.

Mr. Boyd said that he would not take off the table the possibility of no salary increases. He thinks that is something that has to be realistically looked at. He added that the University has consistently given lower increases than the County in the past couple of years.

Mr. Slutzky and Mr. Dorrier agreed.

Mr. Rooker noted that U.Va. gets around that sometimes by reclassifying employees.

Mr. Foley pointed out that the numbers presented today were based on assumptions from two weeks ago, and would be updated again in early November. Assessments are still coming in. He added that Ms. Moran may be proposing a number that may differ from the number proposed by the County Executive. There will be no joint decision before the Superintendent presents her budget.

Mr. Tucker said when General Government and Schools are building their budgets, he thinks they should both come forward with the same number for compensation. The Boards should probably meet again in November even if they have to meet in February, if the revenues are different. Otherwise two different budgets will be brought forward.

Mr. Slutzky asked why the two divisions could not develop a base line with a range of options.

Mr. Rooker said he thinks the two Boards need time to reflect on the numbers that have been presented. He would suggest not picking a number this afternoon. He also suggests the two Boards get together in another month to look at any additional information and then try to come up with the best decision.

Ms. Moran emphasized that schools need to work with what they have got now to see what will happen with salaries. She is concerned about employees losing ground. She needs to give her Board some perspective at the end of October.

Mr. Price clarified that all of U.Va.'s salary increase money for classified staff comes from the State, and there is "no extra bucket of money there." He also said that if the health care costs are taken into account, with no salary increases, employees would make less in a declining economy and that concerns him.

Mr. Rooker said it would be helpful to have information on salary increases for U.Va.'s classified employees for the last five years.

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Item No. 27c. Matters not Listed on Agenda.

There were none.

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Agenda Item No. 28. Adjourn to October 8, 2008, 3:30 p.m., Room 241.

At 5:54 p.m., **motion** was offered by Ms. McKeel. The motion was **seconded** Mr. Wheeler, to adjourn the School Board. On a voice call vote, the motion passed unanimously.

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October 1, 2008 (Regular Day Meeting)  
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At 5:54 p.m., **motion** was offered by Mr. Rooker, **seconded** by Mr. Slutzky, to adjourn the Board of Supervisors to October 8, 2008, 3:30 p.m. Roll was called and the motion carried by the following recorded vote:

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

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Chairman

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