

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

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

ABSENT: None.

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

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

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

Agenda Item No. 4. Recognitions:

a. Miller School Fire Fighting Efforts.

Mr. Boyd said, on behalf of the Albemarle County Board of Supervisors, he would like to recognize Dan Pugh, the Chief Engineer of Miller School, and his staff for their outstanding efforts in support of improving firefighting capabilities at the school.

Albemarle's firefighting water supply options in the rural areas of the county are very limited in some instances, and this lack of water supply can negatively impact our ability to contain fire growth and spread as quickly as we would like. In the face of this difficulty, Mr. Pugh and his staff have voluntarily added two hydrants to their water line for firefighting purposes. They did this without any request by the County Fire Rescue Department and at their own expense in spite of working under very tight budget constraints.

The new hydrants at Miller School provide the only hydrant system for several square miles – other water supply possibilities in this area including ponds, lakes, or streams are very time and labor intensive to establish in the event of a fire.

He is very pleased to recognize Mr. Pugh's initiative in creating the hydrant system, and would like to extend our sincere appreciation to the Miller School for providing this valuable resource for this area for now and well into the future.

Mr. Boyd then asked Chief Dan Eggleston to come forward to make a presentation.

Chief Dan Eggleston said with the Fire and Rescue Department's long travel times and sometimes inadequate water supply, they are often at a disadvantage when fighting fires in the rural areas. Mr. Pugh "stepped up to the plate" and recognized the challenge of fighting fires in the rural area, going above and beyond his duty to provide additional fire protection measures. Chief Eggleston recognized Mr. Pugh's efforts and thanked him on behalf of the members of the Fire/Rescue Department for his duty to the citizens, Miller School and fire services. He then presented Mr. Pugh with a certificate.

b. Digital Government Award.

Mr. Boyd said for the sixth year in a row Albemarle County has been named among the top ten most technologically advanced, cutting edge county governments of its size in the U. S. by the Center for Digital Government and the National Association of Counties (NACo) in their 2008 Digital Counties Survey. Albemarle County ranks ninth in the nation in utilizing information technology (IT) to deliver high quality service to its customers and citizens based on a population category of 150,000 or less, according to the survey. Albemarle is among only seven Virginia jurisdictions ranked in the top ten for the four population categories, and one of only two Virginia counties to be ranked in the top ten in the 150,000 and less population category. All counties in the United States were invited to participate in the survey.

Albemarle is delighted to be included in the elite communities across the country that is receiving national recognition for providing quality information technology services to their citizens. This award is particularly significant as it reflects considerable efficiency, cost savings and improved service to customers realized by the county website and other IT innovations. We truly are providing convenient access to County government services 24 hours a day, 7 days a week – saving citizens' time and reducing impacts to our environment as they are more and more able to do business with Albemarle at the time and place of their choosing.

This honor reflects the hard work of the County Web Team which is comprised of our Webmaster, Elaine Pack; our Web Content Manager, Lisa Gilliam, and the Departmental Web editors who are so critical to keeping the website accurate and up to date. It also is a strong testament to our IT staff, who continues to keep the County on the leading edge of technology innovations. Mr. Boyd then asked those

present on the web team and from the IT Department to stand and be recognized. Several individuals rose as Board members expressed appreciation.

c. VML Green Government Award.

Ms. Thomas reported that she recently attended the Virginia Municipal League conference. VML's "Go Green Virginia" initiative endorsed by the League's Executive Committee issued a "green government challenge" and Sarah Temple of Albemarle, among others, "rose to the challenge." The Green Government Challenge is designed to encourage implementation of specific environmental policies and practical actions that reduce the carbon emissions generated by both the local government and the broader community. Local governments earn "green points" by implementing or adopting policies and actions listed in 11 categories. She stated that the categories include: energy efficiency, green buildings, waste management, vehicles, land use, transportation, water and air quality, employee incentives, education, community participation, schools, and innovation. Ms. Thomas noted that participants needed to have 100 points, and Albemarle scored around 130 – making it an official "green government." Ms. Thomas then presented the award to Sarah Temple and the staff of General Services.

d. Bob Willingham, County Assessor.

Mr. Tucker introduced Bob Willingham, the County's new assessor. Mr. Willingham oversaw all appraisal responsibilities in Loudoun County for the past 20 years. Mr. Willingham also worked for Manassas and the City of Fairfax, as well as in the private sector. Mr. Tucker recommended that the Board appoint Robert H. Willingham as the County Assessor effective October 13, 2008.

Motion was offered by Mr. Rooker to appoint Mr. Robert (Bob) H. Willingham, County Assessor, effective October 13, 2008. Ms. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Willingham said he is glad to be here. He is a Virginia native and lived in Loudoun County most of his life. His wife had said there were three places in Virginia she would like to go, and the first on her list was the Albemarle and Charlottesville area.

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

Ms. Mallek provided Board members with copies of information she picked up at the recent Chamber of Commerce luncheon where they discussed safety on Route 29 North, and information from a highway safety presentation by VDOT. She reported that they are trying to focus on accomplishable, small, less expensive safety measures that they can implement immediately.

Ms. Mallek said she represents the Board on the Piedmont Workforce Network. As part of their strategic planning, they are focusing on making sure the One Stop Center is as successful as possible in helping job-seekers, and also in becoming a true one-stop for businesses that are looking for employees. It is an important investment that the Board will be asked to make in their budget for next year to meet the per person donation to keep the One Stop going.

With yesterday's election, Ms. Mallek said that she heard lots of feedback from constituents on wanting better voting machines. She was asked why the County could not get new machines for 2010. There is great interest in a grassroots effort that maybe County government will want to be part of. If the Board wants, she can bring it up at the VaCo Annual meeting this weekend.

Mr. Dorrier asked if there were any problems with machines.

Ms. Mallek responded that most of the machines being used are no longer legal. She knows that last summer before the July 1st cutoff the County had to buy more of the illegal ones in order to have enough machines to get through yesterday's election.

Mr. Boyd and other Board members emphasized that they are not "illegal," but just could not be sold after July 1st. He also asked how new machines would be paid for.

Ms. Mallek responded that there has to be a tremendous push from the bottom to have a paper trail.

To comment on the election, Mr. Rooker said there were very few waits and the election seemed to be handled very smoothly. He thinks the "people mechanism" worked very well. Albemarle has a lot to be proud of locally for how the election was conducted in comparison to the four to five hour waits in other localities and nationwide.

Mr. Rooker mentioned that on September 5, 2007, the Board dealt with an issue on a grass and weed ordinance, and that was more than a year ago. He said that they considered grass and weed ordinances, and maintenance of buildings, and staff researched the various ordinances on how those were handled in other localities. Mr. Rooker recalled that the Board wanted to go forward with some kind of grass ordinance in the growth areas, and he would like to see it come back. During the summer he received between eight and ten calls from constituents. It is very aggravating to the neighbors when there is an overgrown parcel and nothing is being done; it does reduce property values. The places that have ordinances that are responsive enforcement averaged about 45 complaints per year. He said that staff had estimated a cost of \$5,000 to \$10,000 per year and that can ultimately be charged back against a home or lot owner.

Mr. Davis indicated that according to Mr. Graham this issue is a work plan issue for Community Development, and it is something that can be brought forward quickly if it is on the top of their work plan.

Mr. Rooker commented that it seemed staff had already done 90 percent of the work, including researching statutes in other localities and presented information on the type of ordinance that would be implemented. There did not appear to be a lot to do to get something in place from this point forward. He emphasized that it was over a year ago this was done and it seems to him it is something that needs to be completed.

Mr. Graham said that in February 2008, when he came up with a revised work plan based on reduced staff, he indicated that they were going to have to stagger some of the ordinance amendments out. They have been pursuing a number of them; next week the Board will hear the two dealing with rural lots and contractors storage yard. Administrative waivers are working its way through the system. The grass and weeds ordinance is one of the next ones in line. As he indicated in February, staffing is going to require prioritization of the ordinances. They will try to bring them forward as staff is available.

Mr. Rooker commented that it seems to make sense to complete items first that require very few hours, instead of prioritizing those that still require significant research and time.

Mr. Graham responded that they are within a month or two of having what is needed for the mowing ordinance.

Mr. Rooker said a month or two is no problem.

Ms. Thomas commented that one reason the election went so smoothly is that a number of people voted ahead of time, but that was an additional expense for part-timers and staff.

Mr. Tucker indicated that he was aware of this.

Ms. Thomas reported that tomorrow she would be representing local governments at a conference held by the Department of Forestry. The focus will be on measures such as sustainable flow of ecosystems services.

Ms. Thomas said that Creciendo Juntas recognized the County's Department of Social Services – which went to great lengths to have programs and information available during Hispanic Heritage Month in October.

Ms. Thomas said that she went to the affordable housing meeting that the Planning District Commission sponsored, and one of the items that came out of that was discussion of properties that are being foreclosed on, which can often turn into opportunities for nonprofits and social service agencies. There is supposed to be a report coming out in the next week or so on how many and where the foreclosed houses are located in this community. She encouraged staff to keep on top of that information.

Mr. Slutzky said that he is not comfortable with electronic voting, and encouraged the Board to weigh in as far as input to the State. He commented that in Louisa County there was a glitch that generated a confirmation page for the opposite candidate of who a voter selected.

Mr. Slutzky said he thinks the grass and weed ordinance is an important priority and would be willing to move it ahead of some other items in the work plan.

Mr. Slutzky said he was actively involved in this campaign and learned a number of things from it. There is a law about what campaign workers can and cannot do but he is not sure the law is entirely well understood throughout all the involved stakeholders. There were a number of instances where different political parties had different interpretations of what canvassers could and could not do. He was proud of how the County police responded with “reasonableness and fairness” to all incidents. He encouraged the County Attorney to get with Denise Lunsford, Commonwealth's Attorney, to work on information regarding what campaign workers can and cannot do so that it can be shared with campaigns, the police, etc. Mr. Slutzky commented that private property rights and the right of free speech “bump up against each other” and having examples of potential situations and how they are handled would be helpful. He clarified that he is talking about people soliciting for a candidate, putting up signs, etc.

Mr. Rooker commented that there are a lot of nuances there.

Mr. Dorrier mentioned that the previous week he attended a meeting at Monticello High School regarding renovation of schools in the southern part of the County. He explained that at that meeting, the question was raised as to whether Scottsville, Yancey, or Red Hill would be renovated or if a bigger school would be built on the Walton site. He was surprised that the Board members had not heard about it on the Board of Supervisors. He asked if the Board would be discussing this with the School Board. He noted that renovating the three schools would be \$15.0 million and building a new one would be about \$22.0 million, and perhaps the School Board could share some more information with the Board.

Mr. Tucker responded that this was generated from the Resource Utilization Study done last year, and this is the initial phase in informing the public about what the issues are. He said that the process can be supplied to the Board, but some of this will be discussed at the time the Oversight Committee deals with the CIP. Mr. Tucker said that all of those things are interrelated, but the School Board could definitely share more information. It is possible to discuss this with the School Board at the joint meeting on Friday. He clarified that the Board decides whether to support borrowing of funds, etc., based on the School Board's recommendations for new buildings. He emphasized that the School Board has just begun the process and they are weighing the available options.

Mr. Slutzky asked if the School Board had the specific figures Mr. Dorrier mentioned.

Mr. Boyd noted that the figures were in the Resource Utilization Report.

Mr. Slutzky commented that he thought it was the purview of the School Board to decide on whether it would consolidate or build a new school.

Mr. Dorrier said that there was a lot of misperception at the meeting he attended, and he did not feel that this Board had been very well informed.

Mr. Tucker replied that the recommendations were in the Resource Utilization Study. He added that this is the initial phase it will likely take several months to a year before any of those recommendations are finalized.

Mr. Boyd mentioned that he had received something in the mail from the American Public Works Association related to "reinvesting in America's transportation system." He indicated that when he was finished viewing the video he would provide it to the Clerk for anyone else who wants to look at it.

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

There were none.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Slutzky to approve Items 7.1 (as read) through 7.14 on the Consent Agenda, with the exception of Item 7.2, and to accept the remaining items as information. Mr. Rooker **seconded** the motion. (**Note:** Discussions on individual items are included with that agenda item.) Roll was called and the motion carried by the following recorded vote:

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

Item No. 7.1. Approval of Minutes: September 5, September 28, October 11 and October 19, 2007; and March 10, 2008.

Mr. Boyd said he had not read his portion of the September 5, 2007 minutes, and asked that they be pulled.

Mr. Slutzky said he would like to pull the minutes of September 28, 2007 as he has some changes to make. The minutes are not verbatim (they were from Board retreats), but for when specific discussions, he would like to have the Board member identified.

Mr. Slutzky had read the minutes of October 11 and October 19, 2007 and found them to be in order.

Mr. Dorrier had not read the minutes of March 10, 2008 and asked that they be pulled.

Mr. Rooker had read his portion of the minutes of September 28, 2007 and found them to be in order.

Ms. Thomas had read her portion of the minutes of September 28, 2007 and found them to be in order.

Mr. Mallek had not read the minutes of March 19, 2008 and asked that they be pulled.

By the above recorded vote, the minutes were approved as read. The remaining minutes were forwarded to the next agenda.

7.2 Fiscal Year 2009 County of Albemarle & State Health Department Local Government Agreement.

The Executive Summary states that the *Virginia Code* § 32.1-31 allows local governing bodies to enter into contracts with the State Board of Health for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law, and contain such other provisions as the State Board and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Thomas Jefferson Health District (TJHD), in cooperation with the Virginia Department of Health, is the primary provider of public health services and programs for Albemarle County and surrounding localities. TJHD offers specific health programs targeted at preventing and controlling infectious diseases, as well as initiatives aimed at improving the health of low income women, children and infants. In addition, the Health District provides dental services and an inspection and monitoring program to ensure the safety of food and private well/septic systems.

Non-local funding for these programs is provided by the Commonwealth of Virginia, as well as from grants and income from fees charged to individual clients. In addition, the localities served by TJHD provide matching local funds for the allocations made by the state. Moreover, the County of Albemarle and City of Charlottesville have historically funded the following programs that are not mandated by the federal and/or state governments:

- The Jefferson Area Child Health Partnership (CHIP) - An in-depth home visiting program for at-risk children (ages 0-6) and families provided by public health nurses and family support workers aimed at enhancing awareness and use of community resources to promote health;
- A dental care program for low-income children.

The County Attorney's Office has reviewed the proposed contract and has approved it as to form.

The County's original FY09 appropriation for the Thomas Jefferson Health District totaled \$938,097 of which \$262,716 was designated for the Jefferson Area CHIP program. Effective January 1, 2009, this program will be administered through the newly established Jefferson Area CHIP agency. A separate appropriation request has been submitted to the Board to reallocate \$131,358 from the Thomas Jefferson Health District to the Jefferson Area CHIP. After this reallocation, the FY09 funding for the Thomas Jefferson Health District will total \$806,739. Of this amount:

- \$562,851 is for support of federal/state mandated programs;
- \$7,712 is to provide supplemental support for the Food Safety/Inspection Program
- \$104,818 is for operation of the Children's Dental Program; and
- \$131,358 remains designated for six months of the Jefferson Area CHIP program.

Based on the vital nature of the services provided by the TJHD, staff recommends that the Board of Supervisors approve the Fiscal Year 2009 County of Albemarle & State Health Department Local Government Agreement and authorize the County Executive to execute the Agreement.

(Discussion: Mr. Tucker requested that this item be pulled. He just learned the previous evening that the Health Department is not prepared to move forward with the numbers as presented.)

Item No. 7.3. Route 640 (Turkey Sag Road) – Abandonment and Addition of Road Segments.

The Executive Summary states that Route 640 (Turkey Sag Road) was realigned and reconstructed at its intersection with Route 231 (Gordonsville Road) in the 1970's. (Attachment A) In 1976, the Board adopted a resolution abandoning a segment of Route 640 and requesting that another segment be added to the secondary system of state highways (the "secondary system") as part of Route 640. The lengths of the two segments referenced in the Board's 1976 resolution were erroneously stated as less than their actual length. In 1997, VDOT requested that the Board adopt another resolution abandoning the segment of Route 640 purportedly abandoned in 1976 because an abutting owner desired to acquire the triangular residue between the old alignment and the new alignment. However, the Board was not asked at that time to request that the new segment be added to the secondary system. Because of perceived errors in the prior Board resolutions, VDOT has now requested that the Board adopt a new resolution to abandon the segment of the old alignment and to request that the new alignment be added to the secondary system.

Under Virginia Code § 33.1-155, the Board may abandon any road in the secondary system that has been altered and a new road serving the same citizens as the old road has been constructed in lieu thereof. When a road in the secondary system is replaced by a new road in a new alignment, the Board adopts a resolution that simultaneously requests that the new segment be added to the secondary system under Virginia Code § 33.1-229, and abandons the old segment under Virginia Code § 33.1-155. For the reasons explained in the Background, VDOT has requested that the Board adopt such a resolution regarding Route 640.

The segment of right-of-way to be added to the secondary system as part of Route 640 and the segment of Route 640 to be abandoned are shown on Attachment B, which was provided by VDOT. The segment to be added to the secondary system is 0.09 miles in length and the segment to be abandoned is 0.10 miles in length. The segment proposed to be abandoned is no longer needed because the new alignment serves the same citizens as were served by the old alignment.

A public hearing is not required under Virginia Code §§ 33.1-155 and 33.1-229. Because the segment being abandoned was within a prescriptive easement, abandonment destroys the prescriptive easement and no further conveyance of any property interest is required.

There will be no budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment B) abandoning a segment of Route 640 and requesting that another segment be added to the secondary system of state highways as part of Route 640.

By the above-recorded vote, the Board adopted the following Resolution abandoning a segment of Route 640 and requested that another segment be added to the secondary system of state highways as part of Route 640.

**RESOLUTION ABANDONING A SEGMENT OF STATE ROUTE 640
AND REQUESTING THAT ANOTHER ROAD SEGMENT BE ADDED TO THE
SECONDARY SYSTEM OF STATE HIGHWAYS
(Virginia Code §§ 33.1-155 and 33.1-229)**

WHEREAS, a sketch provided by the Virginia Department of Transportation dated October 15, 1997 (the "Sketch") depicts a segment of State Route 640 (Turkey Sag Road) to be abandoned and a segment of road to be added to the secondary system of state highways; a copy of the Sketch is attached hereto and incorporated herein by reference; and

WHEREAS, the segment of road to be added serves the same citizens as the segment of State Route 640 identified to be abandoned, and the segment to be abandoned therefore no longer serves a public need.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways the segment of road depicted on the Sketch as the "Section to be added" from State Route 231 for a distance of 0.09 miles to its intersection with State Route 640, having a fifty (50) foot right-of-way width, pursuant to Virginia Code § 33.1-229; and

BE IT FURTHER RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways that segment of State Route 640 depicted on the Sketch as the "Section of old location to be abandoned" from State Route 231 for a distance of 0.10 miles, pursuant to Virginia Code § 33.1-155; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation; and

BE IT FURTHER RESOLVED, that this Resolution shall serve as the Board of Supervisor's Order of Abandonment as provided in Virginia Code § 33.1-163.1, shall be recorded in the records of the Clerk of the Circuit Court of the County of Albemarle, and shall be indexed by identifying the County of Albemarle, Virginia, as the grantor.

Item No. 7.4. Abandonment and Addition of Road Segments - Earlysville Road (Route 743) and Dickerson Road (Route 606) and Rio Mills Road (Route 643).

The Executive Summary states that the intersection of Routes 606 (Rio Mills Road) and 743 (Earlysville Road) and the intersection of Routes 643 (Dickerson Road) and 743 were recently realigned and reconstructed, and a segment of Route 743 was relocated. (Attachment A) The new road alignments have been open to the public since 2007. The Charlottesville-Albemarle Airport Authority (the "Airport Authority") has requested that the Board of Supervisors adopt resolutions to abandon segments of the old alignments and to request that the new alignments be added to the secondary system of state highways (the "secondary system").

Under Virginia Code § 33.1-155, the Board may abandon any road in the secondary system that has been altered and a new road serving the same citizens as the old road has been constructed in lieu thereof. The Airport Authority has requested that the Board adopt a resolution to abandon certain segments of Route 606 that no longer serve a public need because of the construction of the roundabout at the intersection of Routes 606 and 743.

When a road in the secondary system is replaced by a new road in a new alignment, the Board adopts a resolution that simultaneously requests that the new segment be added to the secondary system under Virginia Code § 33.1-229, and abandons the old segment under Virginia Code § 33.1-155. The Airport Authority has requested that the Board adopt such resolutions for the new alignments for Routes 643 and 743.

The segments of right-of-way to be added to the secondary system as part of Routes 643 and 743 and the segments of Routes 606, 643 and 743 to be abandoned are shown on Attachment B. Attachment B

is the plat that is referred to and incorporated by reference in each Resolution (Attachments C, D and E). The segments proposed to be abandoned are no longer needed because the new alignments serve the same citizens as were served by the old alignments.

A public hearing is not required under Virginia Code §§ 33.1-155 and 33.1-229. For those segments being abandoned within a prescriptive easement, abandonment destroys the prescriptive easement and no further conveyance of any property interest is required. For those segments being abandoned that are owned by the County or the Commonwealth, once the right-of-way is abandoned, the County or the Commonwealth are authorized to sell or convey the abandoned right-of-way for consideration or in exchange for other lands as provided in Virginia Code § 33.1-154.

There will be no budget impact.

Staff recommends that the Board adopt the attached Resolutions (Attachments C, D and E) to abandon segments of Routes 606, 643 and 743, and to request that other segments be added to the secondary system of state highways as parts of Routes 643 and 743.

By the above-recorded vote, the Board adopted the following Resolutions to abandon segments of Routes 606, 643 and 743, and to request that other segments be added to the secondary system of state highways as parts of Routes 643 and 743.

**RESOLUTION ABANDONING SEGMENTS OF STATE ROUTE 606
(Virginia Code § 33.1-155)**

WHEREAS, Sheet 3 of 4 of the plat entitled "Right-of-way and Drainage Easements to be Dedicated for Relocated State Routes 743 & 643 Across Lands of the Charlottesville-Albemarle Airport Authority, and Existing Right-of-Way to be Abandoned and Drainage Easements to be Vacated, and a New 30' Access Easement, Rio and White Hall Magisterial Districts, Albemarle County, Virginia October 30, 2007, revised April 16, 2008" prepared by Kirk Hughes & Associates (the "Plat") depicts segments of State Route 606 (Dickerson Road) to be abandoned near its new intersection with State Route 743; a copy of the Plat is attached hereto and incorporated herein by reference; and

WHEREAS, the altered State Route 606 serves the same citizens as the prior State Route 606, with the only material change being the construction of the roundabout at the intersection of State Route 606 and State Route 743, and the segments to be abandoned therefore no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those segments of State Route 606 depicted on the Plat to be abandoned (without consideration to the Plat's notes as to which parcels the abandoned right-of-way should be added) pursuant to Virginia Code § 33.1-155; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation; and

BE IT FURTHER RESOLVED, that the any segment of the abandoned right-of-way that is owned by the County is hereby authorized for sale and conveyance for consideration or in exchange for other lands as provided in Virginia Code § 33.1-154, and the County Executive is hereby authorized to execute all deeds or other instruments on behalf of the County for such purposes, provided that they are approved as to form and content by the County Attorney; and

BE IT FURTHER RESOLVED, that this Resolution shall serve as the Board of Supervisors' Order of Abandonment as provided in Virginia Code § 33.1-163.1, shall be recorded in the records of the Clerk of the Circuit Court of the County of Albemarle, and shall be indexed by identifying the County of Albemarle, Virginia, as the grantor.

**RESOLUTION ABANDONING SEGMENTS OF STATE ROUTE 643
AND REQUESTING THAT ANOTHER ROAD SEGMENT BE ADDED TO THE
SECONDARY SYSTEM OF STATE HIGHWAYS
(Virginia Code §§ 33.1-155 and 33.1-229)**

WHEREAS, Sheets 1 and 2 of 4 of the plat entitled "Right-of-way and Drainage Easements to be Dedicated for Relocated State Routes 743 & 643 Across Lands of the Charlottesville-Albemarle Airport Authority, and Existing Right-of-Way to be Abandoned and Drainage Easements to be Vacated, and a New 30' Access Easement, Rio and White Hall Magisterial Districts, Albemarle County, Virginia October 30, 2007, revised April 16, 2008" prepared by Kirk Hughes & Associates (the "Plat") depict segments of State Route 643 (Rio Mills Road) to be abandoned and a road segment to be added to the secondary system of state highways; a copy of the Plat is attached hereto and incorporated herein by reference; and

WHEREAS, the segment of road to be added serves the same citizens as the segments of State Route 643 identified to be abandoned, and the segments to be abandoned therefore no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways the segment of road depicted

on Sheet 1 of the Plat as "28,114 Square Feet to New S.R. 643 R/W" pursuant to Virginia Code § 33.1-229; and

BE IT FURTHER RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those segments of State Route 643 depicted on Sheets 1 and 2 as segments to be abandoned (without consideration to the Plat's notes as to which parcels the abandoned right-of-way should be added) pursuant to Virginia Code § 33.1-155; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation; and

BE IT FURTHER RESOLVED, that the any segment of the abandoned right-of-way that is owned by the County is hereby authorized for sale and conveyance for consideration or in exchange for other lands as provided in Virginia Code § 33.1-154, and the County Executive is hereby authorized to execute all deeds or other instruments on behalf of the County for such purposes, provided that they are approved as to form and content by the County Attorney; and

BE IT FURTHER RESOLVED, that this Resolution shall serve as the Board of Supervisors' Order of Abandonment as provided in Virginia Code § 33.1-163.1, shall be recorded in the records of the Clerk of the Circuit Court of the County of Albemarle, and shall be indexed by identifying the County of Albemarle, Virginia, as the grantor.

**RESOLUTION ABANDONING SEGMENT OF STATE ROUTE 743
AND REQUESTING THAT ANOTHER ROAD SEGMENT BE ADDED TO THE
SECONDARY SYSTEM OF STATE HIGHWAYS
(Virginia Code §§ 33.1-155 and 33.1-229)**

WHEREAS, Sheets 1, 2, 3 and 4 of 4 of the plat entitled "Right-of-way and Drainage Easements to be Dedicated for Relocated State Routes 743 & 643 Across Lands of the Charlottesville-Albemarle Airport Authority, and Existing Right-of-Way to be Abandoned and Drainage Easements to be Vacated, and a New 30' Access Easement, Rio and White Hall Magisterial Districts, Albemarle County, Virginia October 30, 2007, revised April 16, 2008" prepared by Kirk Hughes & Associates (the "Plat") depict a segment of State Route 743 (Earlsville Road) to be abandoned and a road segment to be added to the secondary system of state highways; a copy of the Plat is attached hereto and incorporated herein by reference; and

WHEREAS, the segment of road to be added serves the same citizens as the segments of State Route 743 identified to be abandoned, and the segment to be abandoned therefore no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways the segment of road depicted on Sheets 1, 2, 3 and 4 of the Plat as "4.2967 Acres to New State Route 743 R/W" pursuant to Virginia Code § 33.1-229; and

BE IT FURTHER RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways the segment of State Route 743 depicted on Sheets 1, 2, 3 and 4 of the Plat as "2.5784 Acres Existing R/W to be Abandoned" (without consideration to the Plat's notes as to which parcels the abandoned right-of-way should be added) pursuant to Virginia Code § 33.1-155; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation; and

BE IT FURTHER RESOLVED, that the any segment of the abandoned right-of-way that is owned by the County is hereby authorized for sale and conveyance for consideration or in exchange for other lands as provided in Virginia Code § 33.1-154, and the County Executive is hereby authorized to execute all deeds or other instruments on behalf of the County for such purposes, provided that they are approved as to form and content by the County Attorney; and

BE IT FURTHER RESOLVED, that this Resolution shall serve as the Board of Supervisors' Order of Abandonment as provided in Virginia Code § 33.1-163.1, shall be recorded in the records of the Clerk of the Circuit Court of the County of Albemarle, and shall be indexed by identifying the County of Albemarle, Virginia, as the grantor.

Item No. 7.5. Acquisition of Garnett and Other FY 2007-08 Class ACE Easements.

The Executive Summary states that on October 8, 2008, the Board approved the Acquisition of Conservation Easement (ACE) Committee's request to move ahead with the Anderson easement, the top ranked applicant from the FY 2007-08 class (see Attachment "A"). Since the second-highest ranked applicants (Garnett) were still assessing their situation when the Board met, the Board also accepted the ACE Committee's recommendation to delay action on the Garnett and other lower-ranked properties until the November 5th Board meeting. The \$735,000 cost to acquire the Anderson easement is only a portion of the total funds appropriated for the FY07-08 applicant pool and the remaining balance (\$826,026) is more than enough to purchase the Garnett easement and/or other lower ranked easements. To avoid delaying a decision on the lower ranked properties in the FY 2007-2008 class, the ACE Committee gave

the Garnetts until October 13 to decide whether to remain enrolled. If the Garnetts' easement is not purchased, the ACE fund balance would be enough for the County to purchase most of the remaining properties in this class, including the Hudson (Michael), Dutnell, Riddervold, Hudson (Fred) and Thurman properties.

Under Albemarle County Code § A.1-111(A), "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)." Nothing in the ordinance, however, obligates the Board to purchase a conservation easement on any property that meets the minimum number of qualifying points. Because not every invited applicant is likely to submit an offer, if one applicant drops out of the pool, another applicant would be added until the Program runs out of applicants or money, whichever occurs first.

Goal Two, Objective 2.1: By June 30, 2010, increase the total combined acreage in permanent conservation easements and qualifying public parkland by 30,000 acres (50%) using public and private means.

In order for the County to reach this objective, 7,500 acres would have to be placed under easement each year between 2006 and 2010. In the first two years (2006 and 2007), 14,064 acres were protected, just short of the 15,000 acres needed for this period to stay on target. If funding were available for acquisition of all nine (9) eligible properties from the FY 2007-08 class (see Attachment "A"), 1,310 acres could be placed under easement. The seven (7) appraised properties from the FY 2007-08 class total 1,151 acres.

A total of \$1,627,000 was appropriated to the ACE Program for FY 2007-08. Approximately \$66,000 has already been spent on easement appraisals and miscellaneous expenses from the previous year (such as title insurance, advertising, brochures etc.). After setting aside \$735,000 (see Attachment "B") for the acquisition of the top-priority Anderson easement, a balance of \$826,026 will remain in the FY 2007-08 budget to fund other easement purchases. While some grant money may ultimately supplement County ACE funding, nothing is guaranteed at this point.

The Garnetts have decided to proceed. Though the full appraised value of the Garnett property was \$928,000, adjustments from the income grid will reduce the ACE payment to \$705,280, leaving \$120,746 to fund any of the other remaining eligible easements. Because the adjusted easement value for the Hudson (Michael) property is \$582,800, ACE can only offer 21% of the easement value. Uncertain which invited applicant(s) might be willing to offer easements, the ACE Committee, at its October 13, 2008 meeting, made the following recommendation for the Board to consider:

Acquire the Garnett easement at the adjusted value of \$705,280 and offer the remaining balance of funds (\$120,746) to acquire the Hudson (Michael) easement. If the offer to Hudson (Michael) is rejected, proceed down the ranking list and extend offers to other, lower ranked applicants until the remaining funding or willing applicants are exhausted.

Acquisition of the Anderson and Garnett easements together would provide the following resource protection:

- protection of 319 acres of farm and forestland
- elimination of 20 development lots
- 7,578 feet of state road frontage
- 2,462 feet of riparian buffer on the Hardware River and 5,824 feet on the South Fork of the Hardware River will be protected on the Anderson property
- Natural Heritage resources were found within ¼ mile of both properties
- Anderson lies in the Southern Albemarle Rural Historic District
- 9,181 feet of common boundary with other protected lands
- 250 acres of "prime" farm and forestland
- Anderson has significant tourism value

In addition, the ACE Committee (during its October 13, 2008 meeting) voted to express its concern about long-term funding of the ACE Program and its inability to acquire more eligible and highly ranked properties. This concern is summarized in a Memo from the ACE Coordinator in Attachment D.

Funding for the purchase of these conservation easements comes from the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and the CIP-Tourism-Conservation budget (line-item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with "tourism value".

The following recommendations are provided for action by the Albemarle County Board of Supervisors:

- 1) Authorize staff to formally send an invitation to offer to sell the Garnett easement at the adjusted value of \$705,280.

- 2) Authorize staff to send invitations to offer to sell to the remaining eligible applicants in priority order (Hudson (Michael), Riddervold, Dutnell, Hudson (Fred) and Thurman), continuing through the applicant pool until available funding is exhausted.

By the above-recorded vote, the Board authorized staff to formally send an invitation to offer to sell the Garnett easement at the adjusted value of \$705,280; and authorized staff to send invitations to offer to sell to the remaining eligible applicants in priority order Hudson (Michael), Riddervold, Dutnell, Hudson (Fred) and Thurman), continuing through the applicant pool until available funding is exhausted.

Item No. 7.6. Set public hearing to consider proposed ordinance to amend County Code Chapter 9, Motor Vehicles and Traffic, Article I, In General, and Article IV, County Vehicle Licenses to eliminate the County vehicle decal requirement.

The Executive Summary states that Virginia Code § 46.2-752 enables localities to license vehicles and to impose a vehicle license tax. Traditionally, most localities did so by issuing annual vehicle decals. However, while still licensing vehicles, many localities are replacing annual decals with permanent decals, or are doing away with vehicle decals altogether. At its December 5, 2005 meeting, the Board revised the vehicle decal requirement from an annual to a permanent issuance. Since 2005, a growing number of localities have eliminated vehicle decals altogether as a convenience to their citizens. Decals are not legally necessary for the County to maintain or enforce its vehicle license requirement. As a practical matter, enforcement of the County's decal requirements has become less of a priority and has grown increasingly difficult since the City of Charlottesville eliminated its vehicle decal requirement in 2005.

The attached proposed ordinance retains the County vehicle license requirement and tax but eliminates the existing legal requirement that a decal be displayed. Proposed Section 9-401 clarifies that it is the failure to obtain a license, not the failure to display a decal that is unlawful. Consistent with state enabling authority, this section would also make the failure to obtain a license a Class 4 misdemeanor. While Section 9-408 would still require all personal property taxes to be paid before a license was issued, Section 9-401 would no longer require a vehicle license before a Court fine could be discharged.

While the proposed ordinance would eliminate vehicle decals, many existing procedures would remain unchanged for vehicle licenses. Residents with a vehicle normally garaged, stored or parked in the County would still be required to maintain a County vehicle license. The annual license tax would still be billed and paid together with the first-half personal property taxes. Purchasers of new vehicles and new residents of the County would still be required to obtain a County vehicle license within thirty (30) days of purchase or of their move into the County. Proration practices would remain unchanged under the new ordinance.

Although vehicle decals historically have been used as a tool to identify vehicles with a County situs, DMV records now serve the same purpose. Those records now provide the most up-to-date information regarding new residents of the County and the purchase of new vehicles by County residents. Various other methods are also used to identify vehicles subject to a County license tax (see Attachment B).

This ordinance is being proposed primarily as a convenience to the citizens. Over 50 Virginia localities, including some of the largest jurisdictions in the state (such as Fairfax County, Richmond, Roanoke, Henrico County, Portsmouth and Suffolk) no longer require decals (see Attachment C). Most of these localities have experienced virtually no change in tax collection percentages twelve months after the elimination of the decal.

If this ordinance is adopted, vehicle decals would no longer be issued beginning in 2009. The County issued 15,353 decals during the first nine months of 2008. Under the proposed ordinances, the labor-intensive task of issuing and mailing vehicle decals would be eliminated. Staff estimates that at least 20,000 decals would be issued in 2009 and that approximately \$14,800 would be saved in the cost of the decals, envelopes and postage in 2009 if decals were eliminated. In addition, there would be a savings in staff time to issue decals. It is not anticipated that there will be any significant impact on the collections.

Staff recommends that the Board set a December 3, 2008 public hearing for the attached ordinance.

(Discussion: Mr. Boyd asked if vehicle decals are eliminated, can people scrape the permanent ones off of cars.

Mr. Tucker replied that the decals are not permanent; they are good for five years and could be scraped off.

Mr. Davis noted that in Albemarle they were permanent decals good for the life of the vehicle, but if the ordinance is adopted they will no longer be necessary. He said that in other localities, after the decal requirement is eliminated and a car gets inspected, it is required that the decal be removed because it is no longer a lawful obstruction on the windshield. Mr. Davis said that the decal removal would likely need to occur during inspection.

Ms. Thomas noted that having decals was one way Parks and Recreation employees could tell what facility users were local or not; perhaps different rates should be considered for recreation activities

for the City and County. It is going to be harder to make some distinctions. There are some side effects of not having the decals.

Mr. Rooker commented that at the public golf courses it is done on an honor system.

Ms. Mallek said that she is not certain she is in favor of changing the decal requirement.

Mr. Davis responded that if the Board does favor making changes, then the issue can be brought back for public hearing.

Mr. Slutzky mentioned that when he spent lots of time in Northern Virginia, he got ticketed for not having a decal on his car and wondered if more localities are abandoning the stickers.

Mr. Davis replied that the Finance Department found out there were about 50 jurisdictions that no longer have decals, including some major jurisdictions. He also said that Finance is bringing this forward because of the trend in other localities.

Ms. Mallek expressed concern about not getting enough reporting to make this effort as seamless as it appears right now.

Mr. Davis responded that Finance is pretty comfortable that the reporting from DMV is adequate to enforce the personal property tax and decal requirement. He added that other jurisdictions that have gone this route have not experienced a significant drop in revenues from their collections. Mr. Davis commented that the only significant enforcement aid at this time is for new vehicles. The decal is only issued one time.

Mr. Slutzky asked if the decals were actually used as a "metric" whereby someone goes out and counts County stickers.

Mr. Davis replied that the permanent decals were used for counting, but that has to be weighed against cost and efficiency – and Finance does not feel that it is paying off to have them.

Mr. Rooker noted that staff is being asked to do more with less, and if other localities have had a positive experience with eliminating them, Albemarle should consider it.

Ms. Thomas said she would appreciate everybody looking at any unintended side effects.

Mr. Tucker commented that they have used surveys of users at the recycling center.

Ms. Mallek said that it seems that would be more staff-intensive.

Mr. Rooker said there is an administrative expense involved with stickers and mailing them out. He thinks that the communities that have adopted this have saved in administrative expenses.)

By the above-recorded vote, the Board set the proposed public hearing for December 3, 2008.

Item No. 7.7. Petty Cash Resolution to amend Petty Cash Fund for Hollymead and Monticello Fire Stations.

The Executive Summary states that Virginia Code Section 15-2-1229, provides that the County may adopt a resolution to establish petty cash funds not exceeding \$5,000 to be used to transact daily County business.

The Board of Supervisors last established petty cash funds by a Resolution adopted on October 3, 2007. Staff recommends adoption of a new Resolution to:

- Increase petty cash fund for the Hollymead Fire Station from \$250 to \$500. This increase is to accommodate the increase in the number of active volunteers receiving meal reimbursement.
- Decrease petty cash fund for the Monticello Fire Station from \$250 to \$200. This decrease is due to a smaller number of active volunteers.

There is no budget impact from this action.

Staff recommends that the Board adopt the attached Resolution to reestablish the current petty cash funds as well as amend the petty cash funds for the Monticello and Hollymead Fire Stations.

By the above-recorded vote, the Board adopted the following Resolution to reestablish the current petty cash funds as well as amend the petty cash funds for the Monticello and Hollymead Fire Stations:

RESOLUTION

WHEREAS, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors adopted a Resolution on October 3, 2007 establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend certain petty cash funds for the above stated purpose.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia establishes the following petty cash funds:

Finance Department	\$ 4,350.00
Social Services	200.00
Community Development	100.00
Police Department	1,800.00
Sheriff's Department	100.00
Fire and Rescue	150.00
Fire and Rescue - Monticello Fire Station	200.00
Fire and Rescue – Hollymead Fire Station	500.00
Commonwealth's Attorney	300.00
Parks & Recreation	<u>100.00</u>
Total	<u>\$ 7,800.00</u>

Item No. 7.8. Leahs Lane Road Name Change to Ronins Way.

The Executive Summary states that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests shall be forwarded to the Board for approval upon validation of the following:

That the landowners of more than fifty (50) percent of the parcels served by the road have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with other road name guidelines set forth in the Manual (i.e., that it is not a duplicate name, is limited to three words, and does not exceed sixteen characters and/or spaces).

Charles E. Lewis, III, the sole landowner of property served by Leahs Lane, submitted a request to change the road name of Leahs Lane to Ronins Way (Attachment A). The proposed name is a common road name within the meaning of the Manual and is consistent with the Manual's other road name guidelines. A map showing the location of the road is attached (Attachment B).

There is no anticipated budget impact. The landowner will be responsible for costs associated with new signage.

Staff recommends that the Board approve changing the road name of Leahs Lane to Ronins Way and authorize staff to implement the change.

By the above-recorded vote, the Board approved changing the road name of Leahs Lane to Ronins Way and authorized staff to implement the change.

Item No. 7.9. Reas Creek Drive Road Name Change to Golf Drive.

The Executive Summary states that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests shall be forwarded to the Board for approval upon validation of the following:

That the landowners of more than fifty (50) percent of the parcels served by the road have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with the road name guidelines set forth in the Manual (i.e., that it is not a duplicate name, is limited to three words, and does not exceed sixteen characters and/or spaces).

Beights Development Corporation, the sole landowner of property served by Reas Creek Drive, submitted a request to change the road name of Reas Creek Drive to Golf Drive (Attachment A). The proposed name is a common road name within the meaning of the Manual and is consistent with the Manual's other road name guidelines. A map showing the location of the road is attached (Attachment B).

There is no anticipated budget impact. The landowner will be responsible for costs associated with new signage.

Staff recommends that the Board approve changing the road name of Reas Creek Drive Lane to Golf Drive and authorize staff to implement the change.

By the above-recorded vote, the Board approved changing the road name of Reas Creek Drive Lane to Golf Drive and authorized staff to implement the change.

Item No. 7.10. Resolution of the Economic Development Authority of Albemarle County, Virginia, authorizing the issuance of up to \$23,100,000 in revenue bonds for The University of Virginia Health Services Foundation.

The following letter dated October 14, 2008, to the Board of Supervisors, from the Secretary, Economic Development Authority was received:

"The University of Virginia Health Services Foundation ("UVAHSF") has requested that the Economic Development Authority of Albemarle County, Virginia ("Authority"), assist UVAHSF in financing (i) the acquisition, construction and equipping of a 64,000 square foot long-term acute care hospital, including an approximately 8,000 square foot imaging, center to be located adjacent to property at 2985 Ivy Road in Albemarle County, Virginia, (ii) the acquisition and installation of a Gamma Knife (a specialized neurosurgical device) at the University of Virginia Medical Center located in the Primary Care Building at 1221 Lee Street at University of Virginia Medical Center in the City of Charlottesville, Virginia, (iii) the replacement of the HVAC system in the Northridge Building at UVAHSF's facilities, located at 2955 Ivy Road in Albemarle County, Virginia, (iv) capitalized interest and (v) certain costs of issuing the bonds (collectively, the "Project"), through the issuance by the Authority of its variable rate revenue bonds in an amount not to exceed \$23,100,000 ("Bonds").

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

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

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

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

WHEREAS, the Economic Development Authority of Albemarle County, Virginia (the "Authority"), has considered the application of The University of Virginia Health Services Foundation (the "UVAHSF") located at 500 Ray C. Hunt Drive, in Albemarle County, Virginia, requesting the issuance of the Authority's variable rate revenue bonds in an amount not to exceed \$23,100,000 (the "Bonds") to assist in financing (i) the acquisition, construction and equipping of a 64,000 square foot long-term acute care hospital, including an approximately 8,000 square foot imaging, center to be located adjacent to property at 2985 Ivy Road in Albemarle County, Virginia, (ii) the acquisition and installation of a Gamma Knife (a specialized neurosurgical device) at the University of Virginia Medical Center located in the Primary Care Building at 1221 Lee Street at University of Virginia Medical Center in the City of Charlottesville, Virginia, (iii) the replacement of the HVAC system in the Northridge Building at UVAHSF's facilities, located at 2955 Ivy Road in Albemarle County, Virginia, (iv) capitalized interest and (v) certain costs of issuing the bonds (collectively, the "Project"), and has held a public hearing on October 14, 2008;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

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

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

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

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of UVAHSF as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or UVAHSF.

3. This resolution shall take effect immediately upon its adoption.

Item No. 7.11. Historic Crozet Streetscape Enhancement Project – Phase 2, Authorize County Executive to sign revised Dominion Power Agreement for relocation of utility lines on Crozet Avenue.

The Executive Summary states that the County entered into an Agreement with Dominion Virginia Power dated May 5, 2008 (Attachment C) after approval by the Board on April 2, 2008. The Agreement is for the relocation of the overhead utility lines as part of the Crozet Streetscape project. This relocation would extend a new "primary" line down High Street using the existing power poles, turn west at Tabor Street, and follow the north side of Tabor Street to the existing "primary" line on Crozet Avenue (south of Jarmans Gap Road). New poles would be necessary along the north side of Tabor Street and a few trees would have to be removed.

Staff met with the property owners along Tabor Street to discuss the relocation plan and Dominion Virginia Power easements that would need to be granted. The owners expressed concerns about the aesthetic impact to the historical nature of Tabor Street, future enhancement plans for Tabor Church, the loss of specimen trees and significant screening shrubs, and potential health impacts of the overhead wire electromagnetic transmissions to a family member of one owner who suffers from Crohn's disease. The owners did not support the plan and would not agree to grant the necessary easements unless the power lines were placed underground. Letters received from the owners along Tabor Street are enclosed for reference (Attachment B).

Alternatives were discussed by County and Dominion Virginia Power staff, and it was decided that a reasonable and affordable solution would be to install the new wire underground and outside of the right-of-way by the use of a "Guide Drill". This installation method would minimize the land disturbance and allow the existing specimen trees and shrubs to remain, but would increase the estimated cost of \$307,563.68 set forth in the May 5, 2008 Agreement to \$351,553.64. Dominion Virginia Power revised the Agreement to incorporate the changes in design and cost (Attachment A). The revised design addresses the concerns expressed by the owners and will help assure their support.

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

Staff recommends that the Board authorize the County Executive to sign the attached amended Dominion Virginia Power Agreement (Attachment A) for the relocation of utility lines in Crozet.

By the above-recorded vote, the Board authorized the County Executive to sign the following amended Dominion Virginia Power Agreement for the relocation of utility lines in Crozet:

Crozet Avenue

AUTHORIZATION TO PROCEED

I understand the estimated cost of the requested work is \$351,553.64 and will be performed on an actual cost basis and based upon utility relocation plan prepared by Dominion Power titled "Remove Overhead Power Line – Crozet Avenue" dated September 19, 2008. As an authorized representative of the County of Albemarle, I hereby provide authorization for Dominion Virginia Power to proceed with the work subject to the conditions herein and confirm the County of Albemarle's agreement to reimburse Dominion Virginia Power the total actual cost upon completion of the work subject to the conditions herein. In the event the requested work is canceled, the County of Albemarle agrees to reimburse Dominion Virginia Power its costs incident to implementing this authorization subject to the conditions herein.

The County of Albemarle limits the authorization of Dominion Virginia Power to proceed as follows:

- 1) Dominion Virginia Power is not authorized to incur reimbursable costs on this project in excess of \$351,553.64, as outlined on the attached Work Request As-Built / Estimate Cost Summary for Work Request No. 6922354, Revision No. 3, without the prior written consent of the County of Albemarle.
- 2) Dominion Virginia Power is not authorized to incur any reimbursable costs on this project until the County notifies Dominion Virginia Power that all necessary easements have been obtained.

The County of Albemarle requests that the bill for the non-service project work described above be mailed to the following address for payment:

County of Albemarle
Attention Name: Jack Kelsey
Address: Office of Facilities Development
401 McIntire Road, Room 222
City, State, Zip: Charlottesville, VA 22902-4596

I confirm with my signature below that the information contained and provided within this Authorization to Proceed is true and correct.

Signature: (Signed)
Print Name: Robert W. Tucker, Jr.
Title: County Executive
Date: November 10, 2008

Item No. 7.12. Resolution to accept roads in Mosby Mountain Subdivision into the State Secondary System of Highways.

At the request of the County Engineer, and by the above-recorded vote, the Board adopted the following resolution:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of November, 2008, adopted the following resolution:

RESOLUTION

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

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

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

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

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

* * * * *

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

- 1) **Ambrose Commons Drive (State Route 1870)** from the intersection of Old Lynchburg Road (Route 631) to the intersection of Hatcher Court (Route 1871), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.05 miles.
- 2) **Ambrose Commons Drive (State Route 1870)** from the intersection of Hatcher Court (Route 1871) to the intersection of Singleton Lane (Route 1875), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.14 miles.
- 3) **Ambrose Commons Drive (State Route 1870)** from the intersection of Singleton Lane (Route 1875) to the intersection of Rhett Court (Route 1873), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.10 miles.
- 4) **Ambrose Commons Drive (State Route 1870)** from the intersection of Rhett Court (Route 1873) to the intersection of Ridgetop Drive (Route 1874), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.05 miles.
- 5) **Ambrose Commons Drive (State Route 1870)** from the intersection of Ridgetop Drive (Route 1874) to the end of maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.01 miles.
- 6) **Hatcher Court (State Route 1871)** from the intersection of Ambrose Commons Drive (Route 1870) to the intersection of Turnstone Drive (Route 1872), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 44-foot right-of-way width, for a length of 0.11 miles.

- 7) **Hatcher Court (State Route 1871)** from the intersection of Turnstone Drive (Route 1872) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 44-foot right-of-way width, for a length of 0.04 miles.
- 8) **Turnstone Drive (State Route 1872)** from the intersection of Hatcher Court (Route 1871) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3190, page 529, with a 50-foot right-of-way width, for a length of 0.06 miles.
- 9) **Singleton Lane (State Route 1875)** from the intersection of Ambrose Commons Drive (Route 1870) to the intersection of Hubbard Court (Route 1876), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.02 miles.
- 10) **Singleton Lane (State Route 1875)** from the intersection of Hubbard Court (Route 1876) to the intersection of Mattox Court (Route 1877), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.04 miles.
- 11) **Singleton Lane (State Route 1875)** from the intersection of Mattox Court (Route 1877) to the intersection of Old Lynchburg Road (Route 631), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.10 miles.
- 12) **Mattox Court (State Route 1877)** from the intersection of Singleton Lane (Route 1875) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 44-foot right-of-way width, for a length of 0.13 miles.
- 13) **Hubbard Court (State Route 1876)** from the intersection of Singleton Lane (Route 1875) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 44-foot right-of-way width, for a length of 0.13 miles.
- 14) **Rhett Court (State Route 1873)** from the intersection of Ambrose Commons Drive (Route 1870) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 44-foot right-of-way width, for a length of 0.10 miles.
- 15) **Ridgetop Drive (State Route 1874)** from the intersection of Ambrose Commons Drive (Route 1870) to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2682, page 529, with a 50-foot right-of-way width, for a length of 0.46 miles.

Total Mileage – 1.54

Item No. 7.13. FY 2008 End-of-Year Preliminary Financial Report.

The Executive Summary states that the attached Preliminary Financial Report provides information on the County's General Fund operations and Fund Balance as of June 30, 2008. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year.

(\$ in Millions)

A. Attachment A: General Fund Financial Report:

a. Revenues:

Revenues, excluding Transfers and Fund Balance Appropriations, are estimated to total \$212.321 million; \$5.199 million (2.4%) less than revised appropriations (hereinafter "Budget"). This is a \$1.590 million decrease from the previous estimate submitted with the March 31, 2008 Financial Report. Combined with the use of \$1.769 million in transfers from other funds and \$2.803 million in fund balance, Revenues, Transfers, and Use of Fund Balance total \$216.893 million; \$5.195 million (2.3%) less than Budget.

Following is a brief revenue analysis for the fiscal year:

- Real Estate Tax revenues total \$108.364 million; \$1.401 million (1.3%) less than Budget. The Budget was prepared based on a 5% 2008 reassessment rate and tax rate of \$0.68 per \$100. The actual 2008 reassessment rate was 0.14% and tax rate \$0.71 per \$100. New construction also decreased from budget estimates.
- Personal Property Tax revenues total \$19.973 million; \$1.192 million (5.6%) less than Budget. The reduction is due to a shift from high cost, fuel inefficient to lower cost, fuel efficient vehicles, average used vehicle sale prices falling faster

than prior year comparable vehicle sales, and actual decreases in new vehicle unit sales from prior years.

- Delinquent Property Tax revenues are estimated to be \$0.725 million; \$0.263 million (26.6%) less than Budget. The decrease is being experienced both in real estate and personal property tax collections. New delinquent fees are being implemented which should encourage timely payment of future tax bills.
- Sales Tax revenues total \$13.144 million; \$1.456 million (10.0%) less than Budget. Actual collections are slightly less than FY07. The Commonwealth as a whole has also experienced lower than anticipated collections attributed to current economic conditions. Housing-related and grocery store sales were flat to negative. Taxable sales from department stores and restaurants were flat compared to FY07. Increased internet sales typically do not generate sales tax revenues.
- Business License revenues total \$10.393 million; \$0.648 million (6.7%) more than Budget. Even with the weak economy, significant construction has taken place at the University. Additionally, business license revenues are based on prior year operations when the economy was stronger.
- Food & Beverage Tax revenues total \$6.059 million; \$0.484 million (8.7%) more than Budget. The increase is due to the continued shift from home to convenience food preparation.
- Other Local Tax revenues total \$10.867 million; \$0.497 million (4.4%) less than Budget. The shortfall is primarily due to decreased vehicle license tax collections, recordation tax collections, and seller fees resulting from the vehicle and real estate markets slowdown.
- Other Local Revenues total \$5.397 million; \$0.392 million (6.8%) less than Budget. The decrease is primarily due to reduced interest earnings, development fees, and Clerk fees resulting from the real estate market slowdown.
- Federal Revenues total \$4.300 million; \$1.194 million (21.7%) less than Budget. The Budget shortfall is due to less than anticipated public assistance reimbursements.
- Categories with variances of less than \$0.100 million have not been analyzed for this report.

b. Expenditures:

Total expenditures, including transfers, total \$213.435 million; an \$8.652 million (3.9%) savings from Budget. A \$1.187 million uncompleted project carryover reappropriation request is in process. Uncompleted purchase orders of \$0.218 million have been reapproved.

- i. Departmental expenditures total \$78.060 million; a \$5.195 million savings from Budget.
 - Administration expenditures total \$10.455 million; a 6.5% savings of \$0.731 million.
 - Judicial expenditures total \$3.674 million; a 3.4% savings of \$0.130 million.
 - Public Safety expenditures total \$28.376 million; a 2.1% savings of \$0.604 million.
 - Public Works expenditures total \$4.496 million, a 19.3% savings of \$1.072 million.
 - Human Services expenditures total \$17.283 million; a 6.9% savings of \$1.287 million.
 - Parks, Rec., and Culture expenditures total \$6.027 million; a 1.8% savings of \$0.109 million.
 - Community Development expenditures total \$7.750 million; a 14.0% savings of \$1.261 million.
- ii. Non-Department expenditures consisting of the revenue sharing payment, reserves, and refunds total \$13.343 million; a \$1.148 million savings from Budget.
- iii. Transfers total \$122.032 million; a \$2.310 million savings from Budget.
 - Transfers to the School Division total \$96.372 million, a 2.1% savings of \$2.061 million. This is approximately \$970,000 less than the school transfer specified in the Third Quarter Financial Report, which was based on estimated revenues for the year at that time. As noted previously in this report, actual revenues for the year were \$1.590 million less than the third quarter estimate. Therefore, the school transfer is reduced accordingly.
 - Transfers to the Capital and Debt funds total \$25.660 million; a 1.0% savings of \$0.249 million.

- c. Revenues less Expenditures:
The report indicates that the fiscal year will end with revenues in excess of expenditures by \$3.458 million:
- Revenues and transfers experienced a \$5.195 million shortfall which was offset by \$8.652 million in expenditure savings.

B. Attachment B: General Fund Budget Comparison Report:

The chart report tracks changes in revenues and expenditures over time.

- Revenues in all categories except Sales Tax, Other Local Revenue, Federal Revenue, Transfers from Other Funds, and Use of Fund Balance increased over last year.
- Expenditures in all categories except Capital and Debt transfers increased over last year.

C. Attachment C: Fund Balance Report:

The report indicates that the County:

- Has an Audited FY07 Fund Balance of \$19.997 million as of June 30, 2007,
- Appropriated \$2.803 million for FY08 projects,
- Has a remaining FY07 Fund Balance of \$17.194 million as of June 30, 2008,
- Estimates Preliminary Revenues in Excess of Expenditures of \$3.458 million,
- Resulting in an estimated June 30, 2008 Fund Balance of \$20.652 million,
- Subsequently approved \$0.629 million for FY09 projects,
- Has Proposed Commitments of \$1.187 million, and
- Has Projected Unobligated Funds of \$18.836 million as of November 5, 2008.

Staff recommends approval of the Preliminary June 30, 2008 End-of-Year Financial Report.

(Discussion: Mr. Rooker said this report mentioned federal revenues totaling \$4.3 million were \$1.194 million or 21.7 percent under budget due to “less than anticipated public assistance reimbursement”. He emphasized that that’s a huge cut that impacts the County budget significantly.

Ms. Thomas stated that expenditure savings are the only things keeping our heads above water, and expressed her gratitude to all staff and Mr. Tucker. She also mentioned that the County decided not to enforce the BPOL tax for internet sales.

Mr. Rooker noted that Senator Emmet Hanger was “miffed” about the State not taxing internet sales and how unfair it was. He thinks Senator Hanger is going to bring that issue back up. Mr. Rooker also said that staff did a terrific job with the strategic planning session, and expressed his thanks to Ms. Catlin and Ms. Allshouse.

Ms. Mallek added that she appreciates the extra details showing actual dollars and percentages rather than just reductions.)

By the above-recorded vote, the Board approved the Preliminary June 30, 2008 End-of-Year Financial Report.

Item No. 7.14. Cancel Board of Supervisors’ December 10, 2008 meeting.

By the above-recorded vote, the Board cancelled its’ December 10, 2008 regularly scheduled meeting.

Item No. 7.15. Board-to-Board *Monthly Communications Report from School Board, November, 2008*, **was received for information.**

(Discussion: Ms. Thomas commented that one of the effects of the revenue cutbacks is that the Parks and Recreation Department is not participating in the “turf fields” project in the way that had been hoped.)

Item No. 7.16. Copy of application of Virginia Electric and Power Company: Notification to the Commission of Election to Abandon the Company’s Bidding Program and Application to Revise its Cogeneration Tariff Pursuant to PURPA Section 210, Case No. PUE-2008-00078, **was received for information.**

(Discussion: Ms. Thomas commented that she does not have the ability to decipher the statements issued by power companies, and wondered if anyone is speaking for the residents when they are sent.

Mr. Slutzky asked if the County should make comments during the comment period.

Mr. Davis noted that VaCo does have a review responsibility for these, but typically there is not a lot of attention given to “routine” notices.

Mr. Tucker added that VaCo and VML focus more on the cost to local governments.

Ms. Thomas said her concern is who is looking out for the citizens.

Mr. Rooker mentioned that a lot of these things get challenged by private advocacy groups at the SCC level.

Mr. Davis said that this is a notice and comment opportunity that is required by statute, and all these issues all go before the SCC.

Mr. Slutzky asked if it would be appropriate to ask staff to review these to see if there were changes that were going to negatively affect rate-payers.

Mr. Davis commented that local governments rarely have the ability to play a significant role here, but it is put on the Board's agenda and publicized on the County's webpage.

Mr. Slutzky said that perhaps the rate-payers could be alerted and take their own action accordingly.)

Item No. 7.17. Copy of letter dated October 16, 2008, from John Shepherd, Manager of Zoning Administration, to Donna R. DeLoria, Esq., Payne & Hodous, LLP, **re: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 123, Parcels 4 & 7, Scottsville Magisterial District (property of Murcielago, LLC) Section 10.3.1, was received for information.**

Item No. 7.18. Copy of letter dated October 22, 2008, from the Honorable Governor Timothy M. Kaine, to the Honorable Ed Schafer, Secretary of Agriculture, re: designation of localities as disaster areas due to drought and heat for crop year 2008, **was received for information.**

Agenda Item No. 8. Jail Inmate Reentry Initiative Program, Ronald Matthews, Superintendent, Charlottesville-Albemarle Regional Jail.

Colonel Ronald Matthews, Superintendent of the Albemarle-Charlottesville Regional Jail, addressed the Board. He asked his staff and members of the Reentry Program to stand and be recognized. Col. Matthews said that they are looking for endorsement for the Reentry Program, noting that in 2004 President Bush passed the Public Safety Act and as part of that the reentry initiative. He explained that the purpose of the initiative was to help inmates coming back into the community transition and change their thought pattern and behavior to ease the reentry. Col. Matthews emphasized that the Jail is trying to train and reeducate the individuals to take a different path. In 2006 Governor Kaine created the Virginia Prisoner Reentry Policy Academy with the purpose of establishing the program state-wide. They started off by identifying five locations within the state, and one local location – the Regional Jail.

Col. Matthews said that the State reentry program was financed, but the local program was not so the Jail has done it on their own. He explained that a lot of the measures are already in place, and there must be a successful reentry program if you want to stop recidivism. Col. Matthews emphasized that this is a collaborative effort among all agencies – including Offender Aid and Restoration (OAR), City and County Department of Social Services (DSS), Region Ten, Jail, Probation and Parole, the Public Defender's Office, Department of Rehabilitative Services (DRS), Piedmont Virginia Community College (PVCC), Virginia Employment Commission (VEC), Adult Education, The Mohr Center, Love Inc., Focus, Commission on Children and Families (CCF), the Aids Services Group, and more.

He explained that they have established a steering committee to guide people through the different phases of reentry. There are four subcommittees under this steering committee: housing, financial, and resources – chaired by Sue Moffat and Jason Ness; employment and education committee – chaired by Ross Carew; social reintegration – chaired by Bob Rannigan; and mental health and substance abuse – with no chair currently in place. Those are the areas they hope to help people with the transition. Col. Matthews said that they strive to "remove the barriers" to reentry. The reason they are here today is to ask the County to help in that regard. He stated that the most difficult barriers to overcome include housing, employment, and mental health. Col. Matthews mentioned that mental health is a difficult barrier but there are a lot of initiatives statewide to help address the issue. He added that the criminal justice system has the largest mental health population in the State. With all the closing of beds and other facilities, the Jail has become the de facto place for holding mentally ill individuals.

Col. Matthews said that they are trying to get the community involved, and are here asking the Board to pass the resolution that has been provided to Board members.

Ms. Thomas asked if all people in the Jail leave knowing their HIV status. Col. Matthews responded that they do not test everybody for AIDS; it is all voluntary, not mandatory, unless it is court-ordered. He is not aware of anything mandatory in the State of Virginia.

Mr. Rooker asked if there is anything legal that prohibits a mandatory AIDS testing program. It is not a huge expense. Col. Matthews said he would think that would have to come out of the General Assembly.

Mr. Dorrier asked if this program works to find jobs for individuals, and how successful are they. Col. Matthews said they can probably get just about everyone a job who needs one. OAR has a bank of employees that they work closely with and the Jail works closely with VEC but finding jobs that pay enough

is very difficult. He also said that substance abuse often coincides with mental illness, and those are also difficult cases.

Mr. Slutzky said the City, County and University formed a collaborative task force to look at affordable housing with a focus on 50 percent AMI and below. There are some draft recommendations that have been circulated to the City and County's Housing Committees. He said it might be productive if Col. Matthews or someone from his staff take a look at these recommendations to see if they are consistent with some of the things this program is trying to address with recidivism. He added that comments and thoughts from the Jail would be helpful. He thinks the draft recommendations will be coming to this Board at its first meeting in December.

Col. Matthews said at their last steering committee meeting the housing recommendations were discussed, and he thinks someone from their committee is involved.

Mr. Slutzky commented that Ron White has a copy of the recommendations.

Mr. Dorrier asked the role of the people, who are present today, in the reentry program.

Col. Matthews replied that the individuals present today all work in some phase of reentry. He mentioned that Mr. Rannigan does the mentoring program which is one of the most difficult parts. He has to get individuals to obligate themselves for a year to 18 months to mentor a specific individual to help them address any issues that come up. He does have some volunteers, but they could always use more. Col. Matthews said that he cannot say right now what the success of the program is, but Dr. Ann Loper of the University of Virginia is doing a study of individuals who enter the program through three control groups of 100 people each – one receiving no services, one volunteering for services, and one mandated to get services. The groups will be studied to determine the success or nonsuccess of the program based on each area.

Mr. Rooker commended Col. Matthews and his staff for implementing the program, and expressed dismay that the State would not fund the local elements. He also said that the measurement through the U.Va. study will be a tremendous benefit to the community.

Col. Matthews added that there are over 20 community agencies involved and it takes cooperation among all the agencies and individuals to make it work.

Ms. Mallek expressed concern that the Jail has to assume the role of mental health caregiver, and encouraged him to make recommendations in the future as to how Region Ten might be more involved.

Col. Matthews responded that the State Department of Mental Health and Rehabilitative Services started a study of that issue and it will carry over into this year with a recommendation in 2009 or 2010 to address the problem. He also mentioned a grant that they working on for a diversion program with Region Ten to divert those with mental health issues into the community to receive appropriate services.

Motion was offered by Mr. Dorrier to adopt the proposed resolution in support of a Local Reentry Initiative in the Charlottesville/Albemarle community. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Resolution

In Support of Local Reentry Initiative In The Charlottesville/Albemarle Community

WHEREAS, the Code of Virginia directs the Office of the Secretary of Public Safety to establish a system for coordinating the planning and provision of reentry services for offenders; and

WHEREAS, the Virginia Policy Academy has established the Virginia Reentry Pilot Program in five localities focusing on state prisoners and one local jail focusing on local inmates; and

WHEREAS, the Charlottesville/Albemarle Community has been identified to pilot a local reentry program to integrate service delivery and interagency collaboration to prepare inmates for successful transition into their communities upon release from incarceration; and

WHEREAS, the OAR/Jefferson Area Community Corrections (OAR), in conjunction with the Department of Social Services (DSS), Region Ten Community Services Board (CSB), the Albemarle-Charlottesville Regional Jail (ACRJ), and other local government and private organizations have developed a pilot program known as the Local Reentry Initiative, whose main goal and focus are working to reduce recidivism rates for inmates transitioning to the community; and

WHEREAS, the Local Reentry Initiative led by a steering committee has developed four sub-committees to address the roadblocks to a successful reentry program, which are the Financial Obligations, Housing and Community Resource Sub-Committees; the Employment and Education Sub-Committee; the Social Reintegration Sub-Committee; and the Health-Mental Health-Substance Abuse Sub-Committee; and

WHEREAS, OAR staff will work in conjunction with the ACRJ staff to develop an “action plan” comprised of a “pre-release” and a “post release” plan to promote the safe and successful return of formerly incarcerated individuals to our community by promoting a comprehensive support system that reduces violence and recidivism, and promotes public safety;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors fully supports and endorses the reentry program developed by the Local Reentry Initiative and ask that all government and private agencies and citizens give their support in assisting our fellow citizens returning to the community.

Agenda Item No. 9. Request to Seek Enabling Legislation to Establish a Regional Transit Authority in the Charlottesville-Albemarle Area.

Mr. David Blount, Legislative Liaison, Thomas Jefferson Planning District Commission, addressed the Board, noting that Mr. Slutzky and Mr. Rooker have been serving on the Regional Transit Authority joint working group. The group, along with the Mayor and a City Councilor, has been meeting almost weekly for the past two months to discuss the formation of a transit authority for the two entities. Before the Board today is a resolution that would endorse moving forward with enabling legislation in the next General Assembly to authorize the formation of that authority. He commented that both the City and County Attorneys’ offices have shaped the proposed enabling legislation, and it is modeled largely on the Williamsburg Area Transit Association – which was formed two years ago. Mr. Blount reported that it gives authority to create that body, and sets the membership at just Charlottesville and Albemarle initially, with provisions that would allow it to be expanded to include other entities such as JAUNT and U.Va. and other localities in the Planning District region. Mr. Blount said that Delegate Toscano has sent the proposed legislation to Legislative Services staff in Richmond for drafting, and it will come back to him for review prior to submission. He stated that the resolution before the Board today is to move forward with the enabling legislation that has been drafted.

Mr. Boyd commented on the distinction between transportation and transit.

Mr. Slutzky responded that the MPO is responsible for transportation planning in the communities, and it was determined that the current condition of the relationship between the City and County regarding the transit system needed attention. He said that the Regional Transit Authority is a specific element of governance that would apply to the transit system, and the broader issue of transportation planning would continue to be covered through the MPO. This is an actual institutionalization of the ownership and operation of a system, which is different from the planning exercise with respect to the integrated elements of a transportation network.

Mr. Boyd asked about the funding part.

Mr. Rooker pointed out that there would be a funding proposal that comes before this Board separately, and they are two separate pieces of legislation. He said that there was unanimous support for the RTA legislation among Legislators, and they do not foresee any issue with getting the legislation through this year. Mr. Rooker stated that the funding issue is a separate issue. At the joint City Council meeting it was agreed that these things would be separate – as funding is needed for transportation as well as transit.

Motion was then offered by Mr. Slutzky to adopt the proposed resolution to seek enabling legislation to establish a Regional Transit Authority in the Charlottesville-Albemarle area. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

**Resolution
To Seek Enabling Legislation
To Establish a Regional Transit Authority
In The Charlottesville-Albemarle Area**

WHEREAS, transportation planning and systems are regional in scope; and

WHEREAS, transportation planning includes both transit planning and transit operations; and

WHEREAS, limited transit facilities currently serve the overall Charlottesville-Albemarle area; and

WHEREAS, the City of Charlottesville and the County of Albemarle intend to continue to serve existing ridership; and

WHEREAS, the City and County are interested in extended transit service to developing areas and providing faster, more frequent service to the existing system; and

WHEREAS, a Regional Transit Authority would coordinate regional transit planning and operations; and

WHEREAS, a Regional Transit Authority does not currently exist in the Charlottesville-Albemarle area;
and

WHEREAS, enabling legislation is necessary to create a Regional Transit Authority.

NOW THEREFORE BE IT RESOLVED THAT the County of Albemarle requests that enabling authority for a Regional Transit Authority to serve the Charlottesville-Albemarle area be adopted.

Agenda Item No. 10. Region Ten Community Services Board, Robert Johnson, Executive Director.

Mr. Johnson stated that he is here today to talk about substance abuse treatment services to the citizens of Albemarle, and to make a short statement in support of Col. Matthews report that more services are needed for individuals with mental illness, mental episodes, and those who have co-occurring addictions and mental illness. He reported that Region Ten has had a good year in terms of serving those in the community who suffer from alcohol and other drug abuse and addictions, including children's services that now have a consolidated campus on 500 Old Lynchburg Road. Provided to Board members in the packet of information is a list of the number of individuals served for FY 2008 as well as a comparison with the other counties and the City of Charlottesville that Region Ten serves. Mr. Johnson commented that some of the services tend to cross boundaries and a lot of services occur in Charlottesville although the individuals reside in Albemarle.

Mr. Johnson reported that Region Ten served about 250 individuals in the last year, and many of them were served in several different treatment programs in the agency – including intensive outpatient services, individual services, residential treatment, and a six-bed inebriant program at the Mohr Center. He noted that they are connected with the CIT model that involves police officers who become aware of individuals exhibiting psychotic episodes and end up in Jail. Mr. Johnson reported that Region Ten was selected by the State Department of Mental Health to apply for grant funding for its CIT program. They were one of about a dozen communities selected to go after this proposal which is due on November 10th. He said that the addiction services are part of a matrix system of services that are evidence-based – proven treatment modalities that help individuals begin the recovery process from addiction to alcohol and other drugs. Mr. Johnson mentioned problems with alcohol, marijuana, cocaine, heroin, and prescription drugs, but said that treatment is effective if there is enough intensity, the right length of time, and treatment upon demand.

He noted that the last area is the weakest area here and nationwide, and this system is underfunded to treat the demand. He said that they are a system that is underfunded because of the need and the lack of capacity to treat that demand, and they will never be as effective as need be until they can treat on demand. Mr. Johnson reported that Region Ten does a lot of outreach, and has a program called Step Up that allows them to take individuals who are homeless, at risk for homelessness, a mental health or substance abuse problem, or a co-occurring mental health/substance abuse problem. He hopes to continue to grow the program and they are planning for a re-up of the grant. He stated that he has only been here a year and a half but he is very impressed with the effort and energy various agencies put into partnering.

Ms. Mallek asked Mr. Johnson about his progress with modernizing the agency, filling Board vacancies, and with addressing the tension between behavioral versus medical treatment.

In terms of Board vacancies, Mr. Johnson replied that it is an easier task when people are passionate about helping, and informed about the consumer issues. They serve individuals with intellectual disabilities, mental health disorders, and substance abuse disorders. Region Ten is still looking to fill the Albemarle County vacancy on their Board and they have an individual who has applied. Mr. Johnson said that he is with the public defender's office and has lots of experience dealing with local agencies. He added that the agency is moving in the right direction, albeit slower now with the recent budget cuts. They are engaged in a lot of initiatives. Mr. Johnson said that staff morale is pretty high, although budget cuts can deflate this. He stated that they are working to modernize their information technology system so that it is web-based, and that will make them more efficient and effective, and better able to forecast future areas of need and service gaps, and potential demands. Mr. Johnson said that the new system would be up and running on December 1st, and that will enable staff to do work electronically. He added that the consumers are very much a part of the decision-making for the treatment they receive – often referred to as person-centered or shared decision-making – and that makes them a lot more likely to follow a service plan. Mr. Johnson noted that relapse eats up a lot of dollars and creates a lot of suffering for the person and their family. They are working with U.Va. on a shared-decision model, and Region Ten has focus groups implemented to review the plan. They are trying to modernize everything they do and create a better life for everyone in the community.

Mr. Slutzky asked Mr. Johnson to provide input into the affordable housing plan. Mr. Johnson agreed.

Ms. Thomas commented that she has heard it is more difficult for women to get into substance abuse treatment programs.

Mr. Johnson confirmed this, explaining that it is often difficult to engage women in treatment and keep them in treatment. He said that women often come in with children, and having a placement for the kids is very challenging. Mr. Johnson added that it is difficult for women to come into treatment if they

have children to care for, and the separation created with residential treatment programs is another barrier. Many treatment programs cannot afford to have a separate wing for the kids. He added that there was significant funding in the early 1980's for treatment programs, but that money has been diverted over time to building jails and prisons. This diversion of funds was at the expense of actual direct community services and half-way houses for individuals who had completed formal treatment, and yes, the women suffer. One of their challenges and needs is to have a residential treatment facility for women in the community.

Ms. Mallek asked where people go when they are awaiting crisis intervention.

Mr. Johnson responded that there is a need for a crisis drop-off center, but very few localities have that, and right now it is mostly done on a case-by-case basis whereby a client is assessed and often diverted to the emergency services unit for evaluation. If it is truly a psychosis, the individual may be placed under a TDO and transported to UVA for short term hospitalization. He mentioned that there are contacts within the hospitals that are able to administer treatment if applicable. Mr. Johnson said that there is a definite need for more capacity. He added that the housing deficits in the community create significant problems because a crisis may be resolved but there is nowhere to put the person. There is always going to be a need for specialized housing for individuals, especially lower economic citizens who do not have a lot of resources to get the services they need.

Mr. Boyd thanked him for coming in.

Agenda Item No. 11. Historic Preservation Committee Update.

The Executive Summary provided to Board members state that the Historic Preservation Plan was adopted by the Board in September 2000. In April 2001 the Board adopted the "Priority Recommendations for Historic Preservation in Albemarle County" (Attachment A) as the action agenda to be used for implementation of the Plan. The Historic Preservation Committee held its first meeting on January 8, 2002. The Board last received an update from the Committee on June 6, 2007. That update outlined the progress the Committee had made on the "Priority Recommendations".

Item #12 of the Priority Recommendations calls for an evaluation of the need for an Historic Overlay District Ordinance. The attached Ordinance Evaluation Report (Attachment B) was developed by a subcommittee of the Committee and was approved by the Committee on September 22, 2008. The Committee recommends that Albemarle County pursue the adoption of an Historic Overlay District Ordinance or some other type of local regulatory measure designed to provide more effective protection of historic resources than currently exists. The Committee also recommends that these regulations be combined with other existing County strategies so that it will be just one part of a broad, multi-faceted and comprehensive program whose goal is the protection and preservation of Albemarle County's historic resources. The Committee is also providing its current list of County historic resources and the status of those resources for the Board's information. (Attachment C.)

There are no budget impacts directly related to the Committee's report. However, the report includes a recommendation for the County to develop historic preservation regulations. The development and enforcement of any regulations would require additional staffing and funding. Given the number of frozen positions in Community Development, existing mandates, and Community Development's work program, staff does not believe it would be possible to initiate the development of an Historic Overlay District Ordinance unless other initiatives are postponed. If the Board is interested in pursuing a historic overlay district, staff recommends that the Board prioritize this initiative along with its other initiatives during the annual review of Community Development's work program. Additionally, unless funding is provided for additional staff to enforce this ordinance, administering the ordinance will require Community Development to shift staff from their current responsibilities, diminishing staff's long-term capacity to work on other programs. There has not been any analysis of resource impacts associated with developing or administering such an ordinance, nor have possible revenue sources been identified. Staff believes this information would be necessary in prioritizing initiatives, and will include this in the annual review of the Community Development work program if the Board wishes to consider the adoption of an Historic Overlay Ordinance.

Staff recommends that the Board accept the Historic Preservation Committee's report and direct Community Development staff as the Board feels necessary. Should the Board wish to move forward with this initiative, staff recommends including it as part of the annual review of the Community Development work program, which is scheduled to come before the Board in February 2009.

* * * * *

PRIORITY RECOMMENDATIONS for HISTORIC PRESERVATION in ALBEMARLE COUNTY

1. Create a permanent Historic Preservation Committee to provide assistance and advice concerning the County's historic preservation program.
2. Compile and maintain a current and comprehensive information base for Albemarle County's historic resources. This database should include, but is not limited to, the following: Identification of all historic sites by tax map and parcel number; maintenance of a map of potential prehistoric archaeological sites, and ready accessibility to all Virginia Department of Historic Resources historic survey inventory data on Albemarle County resources. This information base should be consulted so that historic resources may be fully considered in the County's development review process, and should be made

- easily available to interested citizens for educational and informational purposes. This information base should also be coordinated with the County's GIS system.
3. Institute a program whereby new owners of historic properties are notified of the significance of their property and are given instructions for obtaining additional preservation-related information concerning their historic resource.
 4. Establish a formal definition of the term "significant historic resource" to be used in the implementation of the County's Historic Preservation Plan.
 5. In the event that demolition of a significant historic resource must occur, thoroughly document the resource prior to demolition. Also encourage documentation prior to major adaptive reuse or renovation whenever possible.
 6. Promote and encourage preservation by making available information regarding state and national register designation procedures, tax incentives, historic and conservation easements, and other voluntary preservation measures.
 7. Foster community pride, good citizenship, and stewardship of the County's historic resources through heritage education programs, beginning with the creation of educational/informational brochures on various County historic preservation issues, including state and national register listing, tax incentives, County policy, etc.
 8. The Historic Preservation Committee should work with other organizations to initiate and implement community events for Albemarle County that recognize our historic resources. These events should be coordinated with other statewide heritage tourism activities and National Preservation Week.
 9. To help protect the Monticello viewshed, adopt a more formalized procedure that begins early in the planning process to encourage cooperation between the Thomas Jefferson Memorial Foundation and developers of property within the viewshed.
 10. Be prepared to take advantage of resources, as they become available, to assist in implementation of the County's historic preservation plan.
 11. Continue to pursue the implementation of financial incentives for historic preservation, including the establishment of a revolving loan fund and the requisite enabling legislation.
 12. Two years after the adoption of these recommendations, evaluate the County's progress on these preservation priorities, and evaluate the need for an historic overlay district ordinance.

Mr. Ben Ford addressed the Board, stating that their current president – Garth Anderson – is ill and unable to attend today. Mr. Ford thanked the Board on behalf of the Committee for approving their recent slate of new committee appointments, stating that they value the “advice, perspective, and fresh outlook on historic preservation issues” that new committee members bring. He said the document before the Board represents many months of hard work, discussion and debate on the part of a subcommittee tasked with drafting the document and subsequently the larger Historic Preservation Committee. He said that their work represents the last part of a study evaluating the County's progress on its list of 12 priority recommendations. In March 2007, he reported, the Committee approved the first part of the evaluation process focusing on priority recommendations 1 through 11 and that document was subsequently presented to and accepted by the Board. Mr. Ford stated that what is before the Board today specifically addresses priority recommendation #12 – evaluating the need for an historic overlay ordinance.

He said that the Committee found that the County's Historic Preservation Plan, component of the Comprehensive Plan, was still a very “sound and relevant document,” so the subcommittee used it as a baseline and expanded from there – with the focus of the work explaining how historic preservation has changed since 2000. Mr. Ford said that the Committee began by tracking easily accessible data available through the County – population growth, demolition permits, building permits – that was determined to impact historic resources. He noted that the Committee found that population growth has continued to increase since 2000 and development pressure had also increased. Mr. Ford stated that they also reviewed County documents and policy regarding historic preservation and the Committee found that the County professes a strong desire to protect and preserve its cultural heritage, as represented in a variety of documents such as the Historic Resources Plan and the Natural Resources and Cultural assets section of the Comprehensive Plan.

Mr. Ford stated that the Committee has characterized the current level of County sponsored preservation efforts as “largely voluntary in nature”. In their opinion, they believe the Committee's activities in educating the public and the role of tax credits as incentives are the two most prominent roles. He said that these are essential and important parts that should be continued and hopefully expanded. Mr. Ford commented that the greatest success the County has seen in preserving and protecting historic resources has been through policies and programs that contain language which specifically address historic resources – such as ACE. He stated that the Neighborhood Model via the proffer process has also been prominent in successfully preserving and protecting historic sites.

Mr. Ford said that despite the County's stated desire to preserve and protect its cultural heritage, the Historic Preservation Committee finds that it has not yet implemented an effective means of doing so; historically significant properties continue to be lost on an annual basis. He asked on behalf of the

Committee that an Historic Overlay Ordinance be adopted to more effectively protect and preserve all historic resources, and funding for historic preservation continues to take a back seat to other equally important priorities. Mr. Ford said that in order to enact a more effective preservation policy that includes some type of local regulatory measures, the Committee believes that the County will need to prioritize historic preservation along with other issues within the Community Development office – a recommendation that staff also makes.

Ms. Thomas said she serves as the Board's liaison on this Committee. She mentioned that a tremendous amount of work went into the document before the Board today, and Committee members take their roles very seriously. She pointed out that the group tries to get a letter to all new owners of historic properties, with assistance from the Charlottesville Area Association of Realtors. Ms. Thomas said the Committee is asking the Board to be more serious in its response to the fact that development pressures end up leading to the destruction of some of the County's historic buildings. Ms. Thomas said that the most endangered type of buildings is those that are least appreciated – such as a corn crib that might be torn down for new development. She asked Mr. Ford to describe where the Committee would like the County to go, even if staffing were not an issue.

Mr. Ford replied that he would like to reduce the staffing cutbacks, noting that the Historic Preservation Planner position has been frozen for some time now, and there is also uncertainty about a part-time intern in Community Development who works through December only at this point. Staffing directly impacts what they can accomplish as a Committee. He mentioned their efforts to create a database that would be "essential" in helping planning and keeping up with properties to learn about their significance. Mr. Ford said that the Committee would like to see the Board continue to support sustainability, and encourage the use and reuse of existing building stock; construction of new buildings results in a significant waste of materials and economically it makes sense to reuse existing buildings. It is also an essential part of any successful historic preservation policy.

Mr. Boyd commented that he recently attended the Walgreens ribbon-cutting on the corner where the old airport hotel was, and found the new use to be much more effective. If it could have been restored and used with some economic value, someone would have done so. He also said that it should be left up to the landowner who owns that property.

Mr. Ford agreed that its former use as dilapidated and unoccupied did not serve anyone or anything, but it would be considered significant based on the history of the region as it was used during the early 20th Century as people began traveling recreationally. There is a larger context within which that property can be placed which some would argue is quite significant.

Mr. Boyd stated that he does not believe it is the role of government to decide whether something is preserved or not. He thinks it is good to encourage voluntary programs, but another thing to tell someone what they can do with their property.

Mr. Slutzky asked him if he felt the same way about property rights needed for a road project. He is talking about the dynamic tension between the greater public good and the individual.

Mr. Boyd said that is entirely different than determining the value of a building.

Ms. Thomas emphasized that historic preservation ordinances do not have to put a clamp down on things and say they can never be changed.

Mr. Ford agreed, stating that the Committee has always supported "protect and preserve" as defined as getting the best solution out of it. That does not mean a person cannot build on a piece of property or alter existing buildings. The Committee would strongly encourage reusing buildings, documenting archeology of a site, and at least documentation of a property with drawings and photographs, and then move on with development. Documentation of the property would allow that when the building disappears there is a record of what was there.

Mr. Boyd said that he thought the group was doing that anyway.

Mr. Ford replied that staff has done that to some degree, and it can be as minimal as following the Department of Historic Resources inventory survey or as detailed as full-scale archeological excavations on a site.

Ms. Thomas said when the County issues a demolition permit, it allows time for an intern to follow up to see what the building was and document any significance.

Mr. Ford explained that they have frequently worked on partnerships – such as those with UVA. – to document properties or larger spatial areas, but the Committee itself is not charged with doing inventory. He also noted that in some cases a farm property owner does not need to apply for a demolition permit, and those buildings are rapidly disappearing in the County. That is something that they are concerned about and would like to see changed.

Mr. Dorrier asked for clarification of truly historic sites versus buildings that are just old.

Mr. Ford replied that it is in the eye of the beholder, with the National Park Service definition being anything 50 years or older eligible for listing on the National Register of Historic Places.

Mr. Rooker thanked the Committee for their work. He said he has strongly supported the Committee's initiative since its inception. He commented that he does take issue with things that could be swept into an ordinance if it is not carefully crafted. When he looked at the present definition of historic resources, he could not read and understand it. For example, the average person would not understand why the Airport Motel should be preserved. There has never seemed to him to be a cutoff for whether or not something was considered to have some outstanding characteristic when it was built. It is one thing to preserve something that everyone recognizes has architectural significance and was recognized as something outstanding.

Mr. Ford responded that the Committee has been trying to achieve that through establishment of their database. The DHR inventory and list of Virginia Landmarks and/or National Register are also helpful tools, but the Committee also wants to broaden the type of properties that this community would consider significant – such as general stores, many of which are only 80 to 120 years old. There are many examples in the County where these types of structures may not be architectural gems, no famous architect designed it, but they have been integral parts of the local communities that surround them. There have also been efforts by individual property owners to use them in a new adaptive way where there have been local successes. He said that the Committee feels that any historic overlay district should address other property types as well, whether it is a barn, cemetery or airport motel.

Mr. Rooker noted that regulatory schemes can propose different ways of dealing with different categories of properties.

Ms. Mallek said that documentation is very important and once something is gone, you can never get it back.

Mr. Slutzky commented that having a process map would help define some properties as being significant in a certain way.

Mr. Boyd replied that that's going on now, such as with churches.

Mr. Rooker said that it is because the Historic Preservation Committee voluntarily has put in hundreds and hundreds of hours to get that kind of input.

Ms. Thomas noted that it is easy to envision the "extreme" version of an ordinance, but the reality may be an ordinance that requires simple steps – such as demolition permits and site visits so that a structure can be documented. What we have in this County is not even that first step. She mentioned that the Committee is comprised of professionals or avid amateurs and there is a tremendous amount of talent there.

Mr. Ford commented that even when listed on the National Register, there is a lot that can be done with a historic building and property.

Mr. Rooker commented that he is supportive, expressing caution not to overreach the intent of the goal, and if the resources can be found.

Mr. Boyd said that the resources are not there. He stated that he considers this just more government intrusion.

Mr. Slutzky stated that a majority of the Board does support moving forward, and there are challenges to funding and implementation.

Mr. Rooker asked if the part-time intern was still going to be funded.

Mr. Benish replied that given budget constraints, the intention is not to pay them beginning in January, but the County is trying to get unpaid interns from UVA.

Mr. Ford emphasized that the Committee understands the budget situation, and asks just that they be treated the same as anyone else in terms of staffing and funding.

Ms. Mallek commented that the landowner notification process is an effective part of this, and expressed hope that the Board will think conceptually this is important.

Mr. Slutzky said he thinks that moving forward with a possible ordinance is reasonable for the Board to do. The Board will have to decide where this sits within other budgetary priorities.

Mr. Boyd said he does feel the work of the Committee is important, regardless of his feelings about the ordinance.

Mr. Benish said that as suggested in the budget section of the Executive Summary, if there is consensus to consider this a zoning text amendment priority, staff can come back in February with a list of projects at which point the Board can set priorities about which to undertake.

Mr. Rooker responded that much like the transportation plan, there is no funding, but at least the priorities will be set when money becomes available again.

Mr. Boyd said he hopes the County will go down the volunteer route.

Mr. Tucker agreed, noting that there are students who are not interested in being paid; there are those resources available.

Mr. Ford also agreed to gather information by doing background research from other localities in the State on their ordinances.

Mr. Dorrier said that there was an effort to pass an ordinance in Albemarle about ten years ago, but that did not move forward because of resistance by property owners to have their properties mandated for participation in an historic district.

Ms. Thomas noted that the Committee is not going to settle on a proposal that takes the presently designated historic districts and changes them, adding that those districts are probably the most exciting thing that is happening in historic preservation in the community as entire communities are getting acquainted with their history.

Ms. Mallek added that people who have become aware of the Greenwood historic project are actually clamoring to get within the boundary line.

Mr. Slutzky suggested that it might be helpful for Mr. Graham to meet with the Committee to get a sense of the resources needed to move this forward.

Mr. Graham said that the closer definition staff can get of what the ordinance is supposed to look like, the better estimate can be given of what it will take to implement and enforce it.

Agenda Item No. 12. **Public Hearing: Abandonment of right-of-way in Section III of Brookwood Subdivision.** Consider abandonment of 50-foot right-of-way under Virginia Code § 33.1-157 et seq., dedicated to the County on the subdivision plat of Section III of the Brookwood subdivision, recorded in the Clerk's Office of the Circuit Court of the County of Albemarle at Deed Book 601, page 311. The right-of-way intended to be vacated is not in the state-maintained system of secondary highways and is located along the forested boundary between the residential properties known as 5553 and 5559 Brookwood Road in the Crozet area of the White Hall Magisterial District. (Advertised in the Daily Progress on October 20 and October 27, 2008.)

Mr. Benish summarized the following Executive Summary which was forwarded to Board members. Michael and Charlotte Zinnser Booth have requested that the Board adopt a resolution to abandon a 50-foot wide right-way extending off Brookwood Road in the Brookwood Subdivision in Crozet. The Zinnser Booths are the owners of a 45.60 acre-parcel adjacent to the Brookwood Subdivision that abuts this right-of-way. The Zinnser-Booth parcel is split by Lickinghole Creek. To avoid having a road cross Lickinghole Creek, the Zinnser Booths proposed a subdivision of the parcel with Lot A having access from the extension off of Brookwood Road, and Lot B having access from Route 240. This proposal required a waiver of Albemarle County Code § 14-404, which requires that a subdivision take access from a single existing road. The Planning Commission approved the waiver with conditions that limited Lot A to not more than two dwelling units and required that the Brookwood extension right-of-way either be abandoned as a public right-of-way or that the County allow the public right-of-way to be used as a private road. (See Attachment A-on file for additional background) On September 3, 2008, the Board directed staff to schedule a public hearing on the proposed abandonment of the 50-foot wide right-of-way.

The 50-foot right-of-way was never improved and it is not in the secondary system of state highways ("secondary system"). It physically can only serve the Zinnser Booth parcel or the two parcels within the Brookwood Subdivision that abut it. The right-of-way has no historical value. Because the waiver approved by the Planning Commission limited the Zinnser Booth's proposed Lot A to not more than two dwelling units, the right-of-way, if constructed as a street to serve those dwelling units, could not be accepted into the secondary system under current state regulations which require that a secondary road serve at least three dwelling units.

The right-of-way is located between two residential properties known as 5553 and 5559 Brookwood Road (Attachment C). Staff has received comments from Danny Newton, who with his wife owns the property at 5559 Brookwood Road. Mr. Newton has raised concerns about the impacts resulting from the construction of a road in the right-of-way. (Attachment B) He has requested that if a road is constructed, that it be located in the center of the right-of-way, that it be paved, and that vegetative buffers be established or preserved.

Staff has evaluated this proposed abandonment for consistency with the Comprehensive Plan and other County policies, and has concluded that it would not conflict with County policies. The Comprehensive Plan, including the Crozet Master Plan, does not identify or recommend any public road or other public improvement in this area for which the right-of-way would be necessary. No road crossings of Lickinghole Creek in this area are identified in either the Comprehensive Plan, the Crozet Master Plan or any other transportation plan. Finally, allowing the Zinnser Booths, proposed Lot A to be accessed from Brookwood Road, and proposed Lot B, located on the other side of Lickinghole Creek, to be accessed from Crozet Avenue, would reduce the length of needed roadway and eliminates the need for the roadway to cross critical slopes, floodplain, and stream buffers. For the foregoing reasons, it is staff's opinion that the right-of-way no longer serves a public need and it recommends that the right-of-way be abandoned.

Because the right-of-way was dedicated to public use by a subdivision plat, the County owns it in fee simple. The abandonment of the right-of-way does not transfer ownership from the County. Rather, once the right-of-way is abandoned, the County is authorized to sell or convey the abandoned right-of-way

for consideration or in exchange for other lands. Mr. Newton's concerns, as well as permanent restrictions prohibiting future street crossings of Lickinghole Creek, can be addressed in conjunction with the sale or exchange of the abandoned right-of-way.

Mr. Benish said after conducting the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment D) to abandon the 50-foot right-of-way.

Mr. Boyd asked what the rationale was to limiting the number of dwelling units.

Mr. Benish replied that the Planning Commission wanted to limit impact on Brookwood Drive, but also the physical characteristics of the site – a lot of floodplain and critical slopes – would make further development difficult. He added that the applicants were agreeable to the conditions.

Mr. Slutzky asked if there were any reasons why the County would not want to do this.

Mr. Davis responded that if they can access the property another way, you are not allowing any additional development, but this right-of-way, if abandoned, does not have to be allowed to be an access. He added that if the County abandons it, the property owners can acquire it and use it as a private road or driveway which would allow access to the property on this side of Lickinghole Creek rather than having to cross it.

Mr. Benish said crossing Lickinghole Creek would probably require a special permit. He added that there would probably be further review of that type of activity.

Mr. Boyd then opened the public hearing.

Mr. Corban Klug, representing the property owners, addressed the Board, stating that the idea behind this subdivision is there is an existing house on Lot B occupied by another person, and the Booths want to minimally develop the parcel by subdividing it with a division along the creek – which is a natural boundary. Mr. Klug said that the limitation to two parcels was not required, but the Booths desired a low-impact form of development that would preclude them from having to cross the stream. He noted that the Planning Commission minutes noted that this limitation of development on Lot A was a substantial benefit to the Crozet community as it precludes the need for a larger road across the creek. Mr. Klug noted that the Newtons have been concerned about the road development, but it has not been developed at all and there is essentially just a swath of trees and a cart path that runs along the boundary of their property. The applicants' hope to use that cart path which would minimize the need for clear-cutting trees. They are willing to pave the private driveway, and install reasonable screening. He emphasized that the only purpose this serves is some access to the Booth's property, and the right-of-way is ultimately useless to the County at this point. He asked that the abandonment request be granted.

Ms. Mallek asked if the cart path was centrally located in the strip.

Mr. Klug responded that the Newtons believe it is very close to their property line, and they have requested a five-foot setback with screening, which would require some minimal tree removal. He said that Mr. Newton also requested it to be centrally located in the 50-foot roadway, but that would require clear-cutting a huge swath of trees in the center which would be very expensive, and he does not think it would ultimately minimize the impact.

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

Mr. Davis said that the resolution, if adopted, would follow the staff recommendation to abandon the property and authorize the County Executive to enter into negotiations for the disposition of the property. He explained that this hearing counts as the public hearing, and there is no further public process required. He added that there are three people who have interest in this and he thinks they are all aware of it.

Mr. Slutzky asked about the number of development rights on Lot A and Lot B. Mr. Benish explained that this particular action limits Lot A to two dwelling units. Lot B is unconstrained by the action of the waiver. He thinks Lot B has a Comprehensive Plan density of about three to six dwelling units per acre.

Mr. Davis explained that in order to subdivide the parcel, it required a waiver to allow Lot A and Lot B – with the further subdivision of Lot A limited to two lots.

Mr. Benish mentioned that this action allows a road from Crozet Avenue to serve Lot B, but Lot A is limited to two dwellings.

Mr. Klug said that the applicants are willing to limit their development rights in order to access this roadway.

Mr. Slutzky noted that the parcel is in the growth area, but topographical constraints would likely limit further development here anyway.

Ms. Mallek commented that the minimalist nature of the private access is important, and she has not heard any complaints from Brookwood residents.

Motion was then offered by Ms. Mallek to adopt the proposed resolution abandoning a segment of public right-of-way not in the State-maintained system of Secondary Highways. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

**RESOLUTION ABANDONING A SEGMENT OF PUBLIC RIGHT-OF-WAY
NOT IN THE STATE-MAINTAINED SYSTEM OF SECONDARY HIGHWAYS
(Virginia Code § 33.1-157)**

WHEREAS, the owners of Tax Map and Parcel Number 05600-00-00-03500 have petitioned the Albemarle County Board of Supervisors pursuant to Virginia Code § 33.1-159 to abandon a fifty (50) foot wide public right-of-way dedicated to the County of Albemarle, Virginia, (hereinafter, the "Right-of-Way") in conjunction with the subdivision plat for Section 3 of the Brookwood Subdivision, identified as the "Plat of Section Three – Brookwood Subdivision Located Near Crozet, Albemarle Co. Virginia" dated November 5, 1975, prepared by R.O. Snow, recorded in the Clerk's Office of the Circuit Court of the County of Albemarle at Deed Book 601, page 311 (hereinafter, the "Plat"), a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the Right-of-Way is identified on Sheet 2 of 2 of the Plat as "50' Roadway," is unimproved, is not in the state-maintained system of secondary highways, and extends from Brookwood Road along the forested boundary abutting the parcels identified as Tax Map and Parcel Numbers 056D0-00-0E-01700 (5553 Brookwood Road) and 056D0-00-0D-01700 (5559 Brookwood Road) in the Crozet area of the White Hall Magisterial District; and

WHEREAS, the Right-of-Way could provide access only to a portion of Tax Map and Parcel Number 05600-00-00-03500 which is subject to a condition of a waiver granted under Albemarle County Code § 14-404 restricting it to no more than two dwellings and, therefore, the Right-of-Way would be ineligible for acceptance into the state-maintained system of secondary highways; and

WHEREAS, the Right-of-Way has no historic value.

NOW, THEREFORE, BE IT RESOLVED, that for the reasons set forth hereinabove, the Board of Supervisors finds that the Right-of-Way no longer serves a public need and, therefore, it abandons the Right-of-Way as shown on the Plat pursuant to Virginia Code § 33.1-157; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation; and

BE IT FURTHER RESOLVED, that the abandoned Right-of-Way is hereby authorized for sale and conveyance for consideration or in exchange for other lands as provided in Virginia Code § 33.1-165, and the County Executive is hereby authorized to execute all deeds or other instruments on behalf of the County for such purposes, provided that they are approved as to form and content by the County Attorney.

BE IT FURTHER RESOLVED, that this Resolution shall serve as the Board of Supervisors' Order of Abandonment as provided by Virginia Code § 33.1-163.1, shall be recorded in the records of the Clerk of the Circuit Court of the County of Albemarle, and shall be indexed by identifying the County of Albemarle, Virginia, as the grantor.

Agenda Item No. 13. Public Hearing: FY 2009 Budget Amendment.

The Executive Summary forwarded to Board members state 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 \$49,311,138.74. Combined with the appropriations approved since the budget was adopted, the cumulative appropriation total is \$51,432,475.73. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2009 Budget Amendment totals \$51,432,475.73. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

General Fund	\$	1,182,592.36
Special Revenue Funds	\$	126,400.13
School Fund	\$	19,065.00
School Program Funds	\$	155,246.27

Capital Improvements Funds	\$	47,370,619.54
Storm Water Management Fund	\$	2,501,622.43
Emergency Communication Center Fund	\$	76,930.00

TOTAL ESTIMATED EXPENDITURES – All Funds **\$ 51,432,475.73**

ESTIMATED REVENUES

Local Revenues (Contributions, Proffers, Other)	\$	681,887.84
State Revenue	\$	654,485.46
Federal Revenue	\$	59,140.00
Loan Proceeds	\$	17,702,424.00
General Fund Balance	\$	1,187,281.56
Other Fund Balances	\$	31,147,256.87

TOTAL ESTIMATED REVENUES – All Funds **\$ 51,432,475.73**

The budget amendment is comprised of twelve (12) separate appropriations, one (1) of which has already been approved by the Board as indicated below:

Approved October 8, 2008:

- One (1) appropriation (#2009031) reappropriating \$2,126,026.19 for the Acquisition of Conservation Easement program.

The eleven (11) new appropriations are as follows:

- One (1) appropriation (#2009026) reappropriating \$42,310,343.81 for uncompleted local government capital projects;
- One (1) appropriation (#2009027) reappropriating \$2,919,833.54 for uncompleted school capital projects;
- One (1) appropriation (#2009028) reappropriating \$2,501,622.43 for uncompleted stormwater capital projects;
- One (1) appropriation (#2009032) totaling \$3,861.00 for two miscellaneous budget adjustments;
- One (1) appropriation (#2009033) in the amount of \$53,931.24 for Police and Fire Rescue Department grants;
- One (1) appropriation (#2009034) totaling \$188,727.27, for Education donations and programs;
- One (1) appropriation (#2009035) providing \$76,930.00 in funding for the implementation of a twelve hour work schedule for Emergency Communication Center’s communications officers;
- One (1) appropriation (#2009036) totaling \$789.69 to close out the Circuit Court Clerk’s Office Preservation Grant;
- One (1) appropriation (#2009037) for a Sheriff’s Department grant in the amount of \$19,829.20;
- One (1) appropriation (#2009038) reappropriating \$1,180,631.56 for uncompleted General Government projects; and
- One (1) appropriation (#2009039) appropriating \$58,500.00 for new local government projects to be funded from FY 08/09 savings.

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

Staff recommends approval of the FY 2009 Budget Amendment in the amount of \$51,432,475.73 after the public hearing, and then approval of Appropriations #2009026, #2009027, #2009028, #2009032, #2009033, #2009034, #2009035, #2009036, #2009037, #2009038, and #2009039 to provide funds for various local government, school, ECC, and capital projects and programs as described in Attachment A.

<u>Appropriation #2009026</u>		<u>\$ 42,310,343.81</u>
Revenue Source:	Local Revenue	\$ 161,588.84
	Proffer Revenue	366,718.00
	State Revenue	654,485.46
	Loan Proceeds	17,702,424.00
	Gen. Govt. CIP Fund Balance	23,425,127.51

This request reappropriates the remaining balances of General Government Capital Improvement projects that were uncompleted as of June 30, 2008.

<u>Appropriation #2009027</u>		<u>\$ 2,919,833.54</u>
Revenue Source:	School CIP Fund Balance	\$ 2,919,833.54

This request reappropriates the remaining balances of School Capital Improvement projects that were uncompleted as of June 30, 2008.

<u>Appropriation #2009028</u>		<u>\$ 2,501,622.43</u>
Revenue Source:	Stormwater CIP Fund Balance	\$ 2,501,622.43

This request reappropriates the remaining balances of Stormwater Management projects that were uncompleted as of June 30, 2008.

Appropriation #2009032 **\$ 3,861.00**
Revenue Source: Board Contingency \$ 3,861.00

During the FY08/09 budget process, Group Life Insurance costs for local government part-time employees were inadvertently omitted from the original adopted budget. Funding, in the amount of \$3,861.00, is being provided from the Board Contingency.

Effective January 1, 2009, the Jefferson Area CHIP Program and the Teen Pregnancy Program will be administered by the newly established Jefferson Area CHIP agency. FY08/09 funding for the Jefferson Area CHIP Program and Teen Pregnancy had been appropriated to the Thomas Jefferson Health District and Monticello Area Community Action Agency, respectively. This request reallocates \$131,358.00 from the Thomas Jefferson Health District and \$27,214.00 from Monticello Area Community Action Agency to the Jefferson Area CHIP agency which represents six months of FY08/09 funding for these two programs.

There will be no impact on the total County budget as a result of this appropriation.

Appropriation #2009033 **\$ 53,931.24**
Revenue Source: Local Revenues (Donation) \$ 100.00
Federal Revenue 44,000.00
Grant Fund Balance 9,831.24

The Department of Motor Vehicles has awarded the Albemarle County Police Department a grant in the amount of \$42,000.00 with an "in-kind" local match of \$8,400.00. The purpose of this grant is to assist in overtime expenses, training, and equipment for traffic safety. The traffic safety activities include: Operation Safe Holiday, Impaired Driver Enforcement Campaigns (3), Click it or Ticket enforcement, and quarterly speed enforcement projects.

The Commonwealth of Virginia Division of Motor Vehicles has awarded the Albemarle County Police Department additional monies in the amount of \$2,000.00 to assist in funding overtime hours for DUI checkpoints, increased saturation of trouble spots both on primary and secondary roads, and shopping locations. There is an "in-kind" match for the grant.

In FY 07/08, the Albemarle County Fire Rescue Department received \$12,000.00 from the J & E Berkley Foundation. These monies are to enable the continuation of a free smoke detector program to bring single family residences into compliance with the National Fire Protection Association (NFPA) recommendations. This program targets groups that are at risk and usually cannot afford smoke detectors. In addition to the \$9,831.24 available to reappropriate into FY 08/09, an additional local donation of \$100.00 has been given for the program.

Appropriation #2009034 **\$ 188,727.27**
Revenue Source: Local Revenues (Donation) \$ 153,481.00
Grant Fund Balance 35,246.27

At its September 25, 2008 meeting, the School Board approved the following appropriations:

- Broadus Wood Elementary School received donations totaling \$610.00 from various donors. These donations were made in honor of Mrs. Webber, a teacher at Broadus Wood who eventually became principal in the 1960s and 1970s. The following are the donors along with their donations: Mr. and Mrs. A. Kindrick donated \$20.00; Mr. and Mrs. Michael Forman donated \$20.00; Ms. Betty Bradney donated \$25.00; Mrs. Roberta Eichman donated \$25.00; Mr. and Mrs. Joe Brown donated \$20.00; Mr. and Mrs. T. Clark donated \$20.00; Ms. Virginia Holman donated \$25.00; Mr. and Mrs. Edward Johnson donated \$25.00; Mr. Charles Simmons donated \$25.00; Mr. and Mrs. Richard Tevendale donated \$25.00; Ms. Jane Crady donated \$30.00; Mr. and Mrs. George Hall donated \$50.00; Mr. and Mrs. Kenneth Loftin donated \$50.00; Mr. and Mrs. Cavil Huff donated \$50.00; Ms. Ann Charlton donated \$100.00 and Mr. and Mrs. Thomas Hurlburt donated \$100.00.
- Broadus Wood Elementary School received donations totaling \$100.00 from various donors. These donations were made in honor of Mrs. Webber, a teacher at Broadus Wood who eventually became principal in the 1960s and 1970s. The following are the donors along with their donations: Lovell L. Coleman donated \$25.00; C.E. Johnson donated \$25.00; Mr. and Mrs. Bailey donated \$25.00 and Mr. and Mrs. Inis L. Claude Jr. donated \$25.00.
- Broadus Wood Elementary School received several donations totaling \$825.00. The following are the donors with their amounts: Sharon T. Veith donated \$25.00; Thyrsa B. McCauley donated \$25.00; Carl L. Knauer donated \$25.00; Frances P. Jones donated \$50.00; Carolyn G. German donated \$25.00; Arline D. Kyger donated \$25.00; Louise B. Potter donated \$500.00; Frances P. Gibson donated \$100.00 and Julia J. Fudula donated \$50.00. The donors have requested that their contributions be made in honor of Mrs. Webber, a teacher at Broadus Wood who eventually became principal in the 1960s and 1970s.

- Albemarle High School received a donation totaling \$325.00 from two donors. Mr. Martin Goldstone donated \$25.00 and Mr. and Mrs. John Young donated \$300.00. The donors have requested that their contribution be used to help fund the turf project at Albemarle High School.
- Albemarle High School received a donation in the amount of \$100.00 from Mr. and Mrs. John Carroll Jr. The donor requests that their contribution go towards the turf project at Albemarle High School.
- Red Hill Elementary School has received a donation in the amount of \$13,866.00 from the Red Hill PTO. The donor has requested that their contribution be used to help fund the Red Hill Performance Area.
- Western Albemarle High School received two donations totaling \$125.00. Steve Heon donated \$100.00 and Ann Sweeney donated \$25.00. The donors requested that their contributions go towards the turf project at Western Albemarle High School.
- Jack Jouett Middle School received a donation in the amount of \$3,000.00 from the Jack Jouett PTO. The donor has requested that this contribution be used to purchase a laminator and encyclopedias for Jack Jouett Middle School.
- Jack Jouett Middle School received a donation in the amount of \$350.00 from Patricia Kenney and Stephen Bosley. The donors requested that \$250 go towards helping finance the purchase of violins for the JJMS orchestra. They also request that the remaining funds go towards the 6th grade field trips.
- V.L. Murray Elementary School received a donation in the amount of \$600.00 from Dr. Jeffrey Barth. The donor requested that his contribution be used to fulfill any educational needs at Murray Elementary School.
- Henley Middle School received a donation in the amount of \$2,580.00 from the Henley PATSO. The donor has requested that this contribution be used to help fund the At-Risk Program at Henley Middle School.
- The Community Public Charter School Grant (CPCS) is an alternative middle school based upon an arts infused curriculum. The mission of the CPCS is to provide an alternative and innovative learning environment, using the arts, to help children in the grades six through eight learn in ways that match their learning styles (i.e. developing the whole child-intellectually, emotionally, physically and socially). Seeking to serve students who have not succeeded in school, the program will close their achievement gap by offering a balance of literacy tutorials and the arts-infused curriculum. Funds, totaling \$120,000.00, were received to help with salaries and benefits.
- The Refugee Impact School Grant was a federally funded program that provided additional services for Albemarle County's growing multicultural population, which includes refugees. The grant program was run in conjunction with the evening Adult ESL program. There is a local fund balance of \$133.62 from FY 07/08 that may be reappropriated for use in FY 08/09.
- The Project Graduation grant provides additional assistance during summer school for juniors and seniors needing to obtain verified credits in reading, writing and algebra. There is a local fund balance of \$35,112.65 from FY 07/08 that may be reappropriated for use in FY 08/09.

At its meeting on October 9, 2008, the School Board approved the following appropriations:

- Stone Robinson Elementary School received a donation in the amount of \$8,000.00 from the Stone Robinson PTO. The donor has requested that each Stone Robinson teacher receive \$200.00 of this contribution to purchase instructional/recreational supplies.
- V.L. Murray Elementary School received a donation in the amount of \$3,000.00 from the Martinsville Area Community Foundation/Mr. and Mrs. Nelson Teague. The donors have requested that their contribution be used to support the technology program at V.L. Murray Elementary School.

Appropriation #2009035 **\$ 76,930.00**

Revenue Source: ECC Fund Balance \$ 76,930.00

At its meeting on August 19, 2008, the ECC Management Board approved the use of \$76,930.00 from the ECC Fund Balance to fund additional salary expenses for communications officers who switched to a 12 hour work schedule. These funds will cover this additional expense for FY 08/09.

The Management Board had previously approved the 12 hour work schedule as a six month pilot program that was subsequently reviewed by the Human Resources Department before final approval was made. The new schedule allows for staff to have every other weekend off duty, reduces the number of days worked annually by seventy-eight, and has reduced employee overtime, sick leave, and turnover. This

new schedule has also assisted the ECC as a recruitment tool in attracting experienced communications officers.

Appropriation #2009036 **\$ 789.69**

Revenue Source:	Grant Fund Balance	\$	789.69
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In FY 07/08, the Circuit Court Clerk's Office received a Virginia Circuit Court Records Preservation grant from the Library of Virginia in the amount of \$3,350.00 to provide funding of overtime hours for scanning and indexing of order books into the Clerk's Office. At the end of the grant period, \$789.69 remained unexpended and will be returned to the Library of Virginia.

Appropriation #2009037 **\$ 19,829.20**

Revenue Source:	Federal Revenue	\$	15,140.00
	Transfer from Sheriff's Dept.		4,689.20

The Commonwealth of Virginia Division of Motor Vehicles has awarded the Albemarle County Sheriff's Department a grant in the amount of \$15,140.00 with a local match of \$4,689.20 for a total grant of \$19,829.20. This grant will assist in the purchase of radar units, breath testing units, as well as funding overtime hours for DUI checkpoints and speed enforcement. The local match of \$4,689.20 has previously been funded within the Sheriff's Department's operating budget. This appropriation will increase the County's total budget \$15,140.00.

Appropriation #2009038 **\$ 1,180,631.56**

Revenue Source:	General Fund Balance	\$	1,168,781.56
	Bright Stars Fund Balance		11,850.00

The following departments had FY 07/08 funds for specific projects that were uncompleted at June 30, 2008 and will require reappropriation for use in FY 08/09:

General Fund

- County Executive - \$51,609.13 for the citizen survey
- Community Relations - \$30,000.00 for upgrade and redesign of County website
- General District Court - \$900.00 to purchase an additional credit card machine
- Fire Rescue
 - \$6,000.00 for Captain's promotional process
 - \$3,000.00 to purchase cameras for the Prevention Division
 - \$7,000.00 for strategic planning with the volunteer and career fire departments which began in FY 07/08
- General Services - \$482,729.43 for the Rivanna Solid Waste Authority contribution for Ivy Landfill
- Stormwater Management - \$5,000.00 for contract services
- Parks & Recreation - \$60,000.00 to replace two tractors whose purchase was delayed due to potential FY 07/08 budget shortfall
- Community Development - \$5,000.00 for groundwater monitoring
- Housing
 - \$27,543.00 to fund project development costs for AHIP associated with the Treesdale development
 - \$240,000.00 for the down payment assistance to homebuyers
- Job Opportunities Fund - \$250,000.00

Special Revenue Fund

- Bright Stars - \$11,850.00 received from the Rotary Club for its Foundation Scholarship Fund and for After School and Extended Day Enrichment Program tuition for Bright Stars and Family Support children in Bright Stars and Family Support.

Appropriation #2009039 **\$ 58,500.00**

Revenue Source:	General Fund Balance	\$	18,500.00
	Motor Vehicle Repl. Fund Balance		40,000.00

Several departments have requested use of FY 07/08 expenditure savings for new projects:

- Circuit Court Clerk's Office - \$10,000.00 for a records storage system
- General Services - \$8,500.00 to offset anticipated contract increases for street signs
- Social Services - \$40,000.00 to replace two motor vehicles (1989 and 1991) that are unreliable and have recurring repair issues. Staff recommends these vehicles be purchased from available fund balance in the Motor Vehicle Replacement Fund.

Mr. Richard Wiggins, Director of Finance, summarized the above executive summary. He said that staff is recommending one change – appropriation 2009027 for the reappropriation of the remaining balances of the School Capital Improvement Projects is recommended to be reduced by \$1,007,318.31 from \$2,919,833.54 to \$1,912,515.23. Mr. Wiggins explained that this reflects the savings from Gale Elementary and Monticello High School projects and the continued working discussions with School on the

use of these savings, which will be reported to the Board at a later date. He stated that the impact of this change is to reduce the total budget amendment from \$51,432,475.73 to \$50,425,157.42. This amendment is comprised of 12 separate appropriations including one in the amount of \$2,126,026.19 for ACE that has already been approved. Mr. Wiggins said the remaining 11 new appropriations incorporates the recommended change total \$48,299,131.23. Staff recommends, after the public hearing, approval of FY 2009 budget amendment in the revised amount of \$50,425,157.42 and approval of the appropriations mentioned.

Mr. Tucker said that Ms. Thomas had commented on the Board to Board statement that Parks and Recreation staff had indicated that the funds for the turf fields were not being appropriated, but what staff had indicated to Schools is that it had not been done yet but would be voted for reappropriation today. He clarified that it is in the CIP fund as \$238,245 that will be used for the turf fields in the Schools.

Mr. Wiggins said that is part of appropriation 2009026.

Mr. Boyd said he does not remember that being discussed. He commented that he thought that was going to be funded privately, and he does not think the County should put public dollars into that.

Mr. Tucker mentioned that staff had proposed funds for lighting of two multi-purpose fields at Monticello and Albemarle, and those are now lighted so Mr. Pat Mullaney had suggested using that money for the turf fields which would allow use for general recreation needs.

Mr. Rooker pointed out that Little League Football teams are playing on other fields at Monticello right now, and when they are not capable of being played on they go to St. Anne's to play. He said that it would be helpful for the Recreation Department to have access to turf fields assuming they will get times.

Mr. Boyd commented that he felt this was slipped in under the radar.

Ms. Mallek added that she would rather wait to put public money in until they have reached their fundraising capacity.

Mr. Tucker said this is to carry the money forward.

Mr. Mullaney explained that Parks and Recreation had planned to light a field at Albemarle and Monticello, but they did not do them because of the 24/7 fields. The stadium fields are already lighted, but are not currently used for community recreation – this would provide unlimited use. If the County participates, staff has an agreement that those fields are used by us; staff estimates 30 percent of the use on each field by Parks and Recreation and Community Recreation. Basically that gives the County a whole synthetic turf field for \$238,000 that is already lighted. It is the biggest bang for the buck. He added that if they were to light the two school fields, they take on the maintenance costs and because of heavy School use, the fields are not in very good shape. Mr. Mullaney said that the County can increase what they are offering citizens and actually reduce overall maintenance costs.

Mr. Slutzky said the economic analysis makes sense, but the question in his mind is the use of an artificial turf field, as a lot of citizens have raised concerns about that.

Mr. Mullaney suggested having the Board do the reappropriation and then having a separate discussion with Athletic Directors present to address those issues.

Mr. Slutzky stated that he would be comfortable supporting the appropriation as long as those important issues are discussed in the future.

Mr. Tucker confirmed that it would not technically have to come back to the Board to be allocated, but the Board could certainly request that.

Mr. Rooker mentioned that the School Board studied the health and safety impacts of artificial turf, and he would like to get a copy of the minutes from the meetings where that was discussed.

Mr. Slutzky agreed, but said that he wants to ensure that citizens who objected the most have an opportunity to provide input. He added that before he supports an appropriation that contributes to the project, he would like for staff to bring the issue back to the Board for consideration.

Ms. Mallek noted that there have been major changes in the chemicals used for turf fields, and there may be more developments by the time this money is allocated.

Ms. Thomas added that she would not want to have people in the community who are fundraising assume there is a promise by the County to allocate funds.

Mr. Davis emphasized that it is the School Board's decision whether to do the fields and they have been dealing with that discussion. The only issue for the Board is whether they want to contribute funds to it or not. He said that if the School Board decides to do it and the County does not fund it, they will just have to find the money elsewhere and that may hinder the County's use of those fields.

Mr. Rooker noted that the decision as to whether or not to participate in funding should be separate from the discussion on the safety of the materials.

Ms. Mallek asked about the tractors in the budget. Mr. Mullaney explained that they are replacing two 1974 John Deere 830 tractors with two four-wheel drive compact tractors that are much more versatile.

Mr. Boyd asked staff for assurance that the budget items are priority items, and cannot be done cheaper.

Mr. Wiggins said all the projects have been approved by the Board in prior years. Staff works with departments to make sure the dollar amounts are still feasible.

Mr. Rooker commented that the Board decides that every time they review the CIP. With regard to savings from projects, in his mind, the savings is money that is available in the CIP for other projects. He does not necessarily agree that the savings should go to School projects, but instead to projects that is on the priority list as presented by the Committee and approved by the Board.

Mr. Tucker noted that later today the Board would be discussing projects in the out years.

Mr. Davis pointed out that some of the School funds are VPSA borrowed funds and can only be used for School projects.

Mr. Rooker said he wants it understood that projects cannot be pulled out and funded when they were never in the priority list.

Mr. Tucker emphasized that the savings is really in the debt service for School projects.

Referring to appropriation 2009026, Mr. Rooker asked if the \$17,700,000 in bond proceeds is already issued bonds.

Mr. Wiggins responded that they are not. They are planned for issuance and as those projects come to construction phase and funds needed, those bonds will go to the market.

Ms. Mallek asked how the raises for Captain's promotional process (2009038) fit in with the overall raises for law enforcement.

Mr. Bryan Elliott, Assistant County Executive, replied that this is a fee to conduct the Captain's promotional process, not for raises. There was a pool of candidates developed from that process which has now been depleted; the funds being proposed for reappropriation are to pay to have that promotional process done again. He explained that Fire and Rescue worked with Human Resources on a process to bring in people from outside the agency to review candidates. This is the funding that would be utilized to gain a pool of individuals that would be eligible for Captain's positions as they come open. This does not create a new Captain's position; there is currently a position open. He added that Human Resources and Fire and Rescue developed this process several years ago – and this focuses on career staff but volunteers can apply to be part of the pool.

Mr. Tucker explained that the pool is evaluated by the panel, and once they are hired they are a career captain.

Mr. Elliott added that this process has been used in prior years by Fire and Rescue.

Mr. Rooker asked about the Community Public Charter School Grant (appropriation 2009034) and where the \$120,000 came from, and if it is a continuing grant or one time.

Ms. Mallek commented that it is a federal grant.

Mr. Brian Wheeler, Chair of the School Board, explained that his understanding is this is a federal grant received, and the School has also been doing their own fundraising.

Mr. Dorrier asked about the \$250,000 for the Job Opportunities Fund (appropriation 2009038).

Mr. Tucker responded that the Board created that to help a business relocate in the community. The funds could be used for training purposes. He explained that the companies that were going to take advantage of it have actually dropped out, adding that it is one-time money.

Mr. Slutzky said that they had agreed that that money would be on the table.

Ms. Mallek noted that JABA has applied for some seed money that would generate a bigger grant for a local food project.

The public hearing was then opened. No one came forward to speak, and the public hearing was closed.

Motion was then offered by Mr. Slutzky to approve the FY 2009 Budget Amendment in the amount of \$50,425,157.42 and to approve Appropriations #2009026, #2009027 (revised), #2009028, #2009032, #2009033, #2009034, #2009035, #2009036, #2009037, #2009038, and #2009039 to provide funds for various local government, school, ECC, and capital projects and programs. Ms. Mallek **seconded** the motion.

1	8521	93010	930010	Glenmore - Trsnf to CIP	J	1	305,000.00		
2	8521	51000	510100	Glenmore - App F/B	J	2	305,000.00		
	8521		0501	Est. Revenue				305,000.00	
			0701	Appropriation					305,000.00
1	8534	93010	930010	Avon Park - Trsf to CIP	J	1	61,718.00		
2	8534	51000	510100	Avon Park - App F/B	J	2	61,718.00		
	8534		0501	Est. Revenue				61,718.00	
			0701	Appropriation					61,718.00
TOTAL							85,354,123.62	42,677,061.81	42,677,061.81

								Reappropriation	
1	9010	12200	950226	INFORMATIO	COURTHOUSE PHONE SWITCH		50,000.00		50,000.00
1	9010	12210	312105	ACCESS ALB	CONSULTING SERVICES		182,528.04		
1	9010	12210	332115	ACCESS ALB	MAINT. CONTRACT-SOFTWARE		250,000.00		
1	9010	12210	800700	ACCESS ALB	ADP EQUIPMENT		150,000.00		
1	9010	12210	800710	ACCESS ALB	DATA PROCESSING SOFTWARE		200,000.00		782,528.04
1	9010	13020	800610	DEPT OF VO	RENOVATIONS		694.88		694.88
1	9010	21000	331000	COURT FACI	REPAIRS & MAINTENANCE		5,508.93		
1	9010	21000	800201	COURT FACI	FURNITURE & FIXTURES-REPL		15,463.00		
1	9010	21000	950135	COURT FACI	COURT SQUARE ENHANCEMENTS		45,000.00		
1	9010	21000	950176	COURT FACI	SALLYPORT		30,786.33		
1	9010	21000	950301	COURT FACI	OLD JAIL FAC MAINTENANCE		70,795.57		167,553.83
1	9010	21050	331000	JUVENILE C	REPAIRS & MAINTENANCE		122,384.52		
1	9010	21050	800901	JUVENILE C	BUILDING RENOVATIONS		6,369,452.16		6,491,836.68
1	9010	21060	800708	CLERK OF C	DOCUMENT IMAGING SYSTEM		156,853.29		156,853.29
1	9010	31000	800305	PUBLIC SAF	RADIO SYSTEM		37,015.19		
1	9010	31000	800910	PUBLIC SAF	TRAINING CTR/FIRING RANGE		937,495.99		974,511.18
1	9010	31010	800714	POLICE DEP	TECHNOLOGY UPGRADE		830,596.05		
1	9010	31010	800733	POLICE DEP	VIDEO EQUIPMENT		109,960.31		940,556.36
1	9010	32010	950358	FIRE DEPAR	COUNTY - COMMAND 110		58,000.00		
1	9010	32010	999999	FIRE DEPAR	CONTINGENCY FUNDS		93,779.24		151,779.24
1	9010	32017	312367	HOLLYMEAD	CONSTRUCTION ADMIN		20,454.25		
1	9010	32017	601315	HOLLYMEAD	SAFETY EQUIPMENT/SUPPLIES		63,305.55		
1	9010	32017	800741	HOLLYMEAD	I/T COST(EQUIP/FIBER)		21,020.49		
1	9010	32017	800742	HOLLYMEAD	ALERTING SYSTEMS		60,345.17		
1	9010	32017	811201	HOLLYMEAD	NORTHERN-ENGINE		1,855.36		
1	9010	32017	811202	HOLLYMEAD	NOTHERN-LADDER TRUCK		1,082,751.50		
1	9010	32017	950359	HOLLYMEAD	NORTHERN TANKER		316,133.40		
1	9010	32017	999999	HOLLYMEAD	CONTINGENCY FUNDS		158,279.30		1,724,145.02
1	9010	32018	312350	PANTOPS FI	ENGINEERING/PLANNING		124,985.00		
1	9010	32018	800605	PANTOPS FI	CONSTRUCTION		264,983.20		
1	9010	32018	800750	PANTOPS FI	PURCHASE OF PROPERTY		1,722,000.00		
1	9010	32018	950391	PANTOPS FI	PANTOPS - ENGINE		499,000.00		2,610,968.20
1	9010	32019	800741	MONTICELLO	I/T COST(EQUIP/FIBER)		139,257.00		
1	9010	32019	811101	MONTICELLO	MONTICELLO-AMBULANCE		57,545.13		196,802.13
1	9010	32020	810099	VOLUNTEER	VFD-CONTINGENCY		10,662.50		
1	9010	32020	810610	VOLUNTEER	ST/PT-FACILITY UNGRADES		176,504.80		
1	9010	32020	810801	VOLUNTEER	SEMINOLE-DESIGN/STUDY		14,746.08		
1	9010	32020	810802	VOLUNTEER	SEMINOLE-SALAVE 87 &EQUIP		287,500.00		
1	9010	32020	950311	VOLUNTEER	CROZET-TANKER 57		7,857.80		
1	9010	32020	950352	VOLUNTEER	SCOTTSVILLE FIRE-TANKR 79		326,546.39		
1	9010	32020	950353	VOLUNTEER	SCOTTS FIRE - COMMAND 70		16,862.46		
1	9010	32020	950354	VOLUNTEER	STONY POINT - COMMAND 60		23,390.00		864,070.03
1	9010	32021	800750	EAST IVY S	PURCHASE OF PROPERTY		1,634,000.00		1,634,000.00
1	9010	32030	815101	AMBULANCE/	CARS-AMB. & EQUIP		260,108.85		
1	9010	32030	815102	AMBULANCE/	CARS-SQUAD 133		300,000.00		
1	9010	32030	815502	AMBULANCE/	WARS - AMB 501		178,000.00		
1	9010	32030	950355	AMBULANCE/	CARS - AMBULANCE #3		182,000.00		
1	9010	32030	950356	AMBULANCE/	CARS - AMBULANCE #4		182,000.00		
1	9010	32030	950357	AMBULANCE/	WARS - COMMAND 506		58,000.00		1,160,108.85
1	9010	41000	800960	ENGINEERIN	STREET LIGHTS		337,831.98		
1	9010	41000	950039	ENGINEERIN	MEADOWCREEK PARKWAY ENGIN		28,125.74		
1	9010	41000	950059	ENGINEERIN	KEENE LANDFILL CLOSURE		522,078.42		
1	9010	41000	950061	ENGINEERIN	MEADOWCREEK PATH		20,000.00		
1	9010	41000	950110	ENGINEERIN	RECORDS MANAGEMENT SYS.		559,000.00		1,467,036.14
1	9010	41020	950081	STREET IMP	REVENUE SHARING ROADS		3,074,697.90		
1	9010	41020	950115	STREET IMP	AIRPORT ROAD LANDSCAPING		23,643.53		
1	9010	41020	950136	STREET IMP	TRANSPORT PL/CONSTR-LOCAL		4,110,729.78		
1	9010	41020	950171	STREET IMP	SUNRIDGE ROAD		8,388.54		
1	9010	41020	950200	STREET IMP	RT 22/250 INTERSECTION DV		305,000.00		
1	9010	41020	950204	STREET IMP	EASTERN CONNECTOR STUDY		95,631.00		
1	9010	41020	950220	STREET IMP	TRANSP PL/CONST-REGIONAL		100,000.00		
1	9010	41020	950223	STREET IMP	TRANSPORTATION PL-RS-SUPP		500,000.00		
1	9010	41020	950501	STREET IMP	TRAFFIC STUDY RT 250E		5,964.11		8,224,054.86
1	9010	41023	312350	CROZET STR	ENGINEERING/PLANNING		145,641.12		
1	9010	41023	800605	CROZET STR	CONSTRUCTION		495,000.00		640,641.12
1	9010	41350	950038	SIDEWALK P	RIO ROAD SIDEWALK		97,217.55		
1	9010	41350	950510	SIDEWALK P	SOUTH PANTOPS		512,000.00		
1	9010	41350	950511	SIDEWALK P	AVON STREET		73,000.00		
1	9010	41350	950513	SIDEWALK P	HILLTOP TABOR		200,000.00		
1	9010	41350	950514	SIDEWALK P	ST. GEORGE AVENUE		104,617.00		

1	9000	60211	312350	STONY PT - ENG./PLANNING	J	1	906.00		
1	9000	60214	800605	CALE - CONSTRUCTION	J	1	15,687.32		
1	9000	60216	800909	MURRAY - ATHLETIC TRACK	J	1	2,290.60		
1	9000	60301	312350	ALBEMARLE - ENG./PLANN	J	1	176,045.35		
1	9000	60304	312350	MONTICELLO - ENG./PLANN	J	1	4,273.55		
1	9000	60304	950179	MONTICELLO AUDITORIUM	J	1	8,212.45		
1	9000	60410	800949	CATEC - MAINT. PROJECTS	J	1	196,000.00		
1	9000	60510	800901	VMF - BUILDING RENOVATIONS	J	1	436,067.40		
1	9000	61101	800700	CLASS/INST - ADP EQUIPMENT	J	1	172,449.52		
1	9000	62190	800700	ADM. TECH - ADP EQUIPMENT	J	1	34,960.53		
1	9000	62420	800949	F/M - MAINTENANCE PROJECTS	J	1	149,041.16		
1	9000	62420	950188	F/M - EMERGENCY GENERATOR	J	1	36,893.97		
1	9000	62420	950229	F/M - WAHS-GIRLS LOCKER ROOM	J	1	6,057.25		
1	9000	62420	950237	F/M -STONY PT PARTIAL ROOF RPL	J	1	4,900.00		
1	9000	62420	950238	F/M -PHONE SYSTEM UPGRADE	J	1	23,286.05		
1	9000	62440	312350	GYM HVAC - ENG./PLANNING	J	1	117,401.60		
1	9000	62440	950215	GYM HVAC - AHS LARGE GYM	J	1	25,058.62		
2	9000	51000	510100	APPROPRIATION - F/B	J	2	1,912,515.23		
	9000		0501	EST. REVENUE				1,912,515.23	
			0701	APPROPRIATION					1,912,515.23
TOTAL							3,825,030.46	1,912,515.23	1,912,515.23

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009028
DATE _____
BATCH# _____

EXPLANATION: Reappropriation of uncompleted FY08 Stormwater projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	9100	41000	800975	STORM WATER CONTROL IMP	J	1	1,769,155.37		
1	9100	41059	800605	WOODBROOK - CONSTRUCTION	J	1	78,967.06		
1	9100	41062	800975	TURTLE CREEK - STORM WATER CONTROL IMP	J	1	53,500.00		
1	9100	41063	312353	DNTWN CROZET - DESIGN	J	1	50,000.00		
1	9100	41063	800605	DNTWN CROZET - CONSTRUCTION	J	1	300,000.00		
1	9100	41063	800692	DNTWN CROZET - BUFFER ENHANCEMENT	J	1	50,000.00		
1	9100	41063	800750	DNTWN CROZET - PURCHASE OF PROPERTY	J	1	200,000.00		
2	9100	51000	510100	APPROPRIATION - F/B	J	2	2,501,622.43		
	9100		0501	EST. REVENUE				2,501,622.43	
			0701	APPROPRIATION					2,501,622.43
TOTAL							5,003,244.86	2,501,622.43	2,501,622.43

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009032
DATE _____
BATCH# _____

EXPLANATION: Miscellaneous Budget Adjustments: 1) Budget funds for Group Life/Part-time inadvertently excluded from original adopted budget; To reallocate funding for CHIP and Teen Pregnancy Program from the Health Department and MACAA to Jefferson Area CHIP

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	12030	242000	Group Life/Part-Time	J	1	3,861.00		
1	1000	95000	999990	Board Reserve	J	1	(3,861.00)		
1	1000	59000	566301	Jefferson Area CHIP	J	1	158,572.00		
1	1000	59000	560100	Health Department	J	1	(131,358.00)		
1	1000	89000	566300	MACAA	J	1	(27,214.00)		
TOTAL							0.00	0.00	0.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009033
DATE _____
BATCH# _____

EXPLANATION: Police and Fire Rescue Department Grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1522	33000	330001	Federal Revenue	J	2	42,000.00		
1	1522	31013	120000	Overtime	J	1	27,705.00		
1	1522	31013	210000	FICA	J	1	2,295.00		
1	1522	31013	550100	Training	J	1	1,000.00		
1	1522	31013	800100	Machinery & Equipment	J	1	11,000.00		
	1522		0501	Est. Revenue				42,000.00	
			0701	Appropriation					42,000.00
2	1539	33000	330001	Federal Revenue	J	2	2,000.00		
1	1539	31013	120000	Overtime	J	1	2,000.00		
	1539		0501	Est. Revenue				2,000.00	
			0701	Appropriation					2,000.00
2	1576	18000	181114	Donations - Fire/Rescue	J	2	100.00		
2	1576	51000	510100	Appropriation - F/B	J	2	9,831.24		
1	1576	31092	800100	Machinery & Equipment	J	1	9,931.24		
	1576		0501	Est. Revenue				9,931.24	
			0701	Appropriation					9,931.24
TOTAL							107,862.48	53,931.24	53,931.24

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009034
DATE _____
BATCH# _____

EXPLANATION: Education Donations, Programs, and Grants - School Board Meetings:
 09/25/2008, 10/9/2008

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	DONATION	J	2	8,065.00		
2	3123	51000	510100	APPROP - FUND BALANCE	J	2	133.62		
2	3217	51000	510100	APPROP - FUND BALANCE	J	2	35,112.65		
2	3380	18100	181080	DONATIONS	J	2	120,000.00		
2	9000	18100	181136	RED HILL COMMUNITY DONATIONS	J	2	13,866.00		
2	9001	18100	181107	AHS DONATIONS-TURF PROJ	J	2	425.00		
2	9002	18100	181107	WAHS DONATIONS-TURF PROJ	J	2	125.00		
1	2201	61101	601300	ED/REC SUPPLIES	J	1	1,535.00		
1	2215	61411	580000	PRINCIPAL-MISC	J	1	600.00		
1	2252	61101	134100	PT/TEACHER AIDES	J	1	2,396.66		
1	2252	61101	210000	FICA	J	1	183.34		
1	2253	61101	601300	ED/REC SUPPLIES	J	1	3,350.00		
1	3123	61101	601300	ED/REC SUPPLIES	J	1	133.62		
1	3217	63335	160300	STIPENDS	J	1	32,615.00		
1	3217	63335	210000	FICA	J	1	2,497.65		
1	3380	61101	112100	SALARIES-TEACHER	J	1	89,000.00		
1	3380	61101	210000	FICA	J	1	6,810.00		
1	3380	61101	221000	VRS	J	1	12,000.00		
1	3380	61101	231000	HEALTH INSURANCE	J	1	11,140.00		
1	3380	61101	232000	DENTAL INSURANCE	J	1	300.00		
1	3380	61101	241000	VRS GROUP INSURANCE	J	1	750.00		
1	9000	62420	950241	RED HILL PERFORMANCE AREA	J	1	13,866.00		
1	9001	60301	950245	AHS SYN TURF FIELD	J	1	425.00		
1	9002	60302	950245	WAHS TURF FIELD PROGRAM	J	1	125.00		
	2000		0501	Est. Revenue				8,065.00	
			0701	Appropriation					8,065.00
	3123		0501	Est. Revenue				133.62	
			0701	Appropriation					133.62
	3217		0501	Est. Revenue				35,112.65	
			0701	Appropriation					35,112.65
	3380		0501	Est. Revenue				120,000.00	
			0701	Appropriation					120,000.00
	9000		0501	Est. Revenue				13,866.00	
			0701	Appropriation					13,866.00
	9001		0501	Est. Revenue				425.00	
			0701	Appropriation					425.00
	9002		0501	Est. Revenue				125.00	
			0701	Appropriation					125.00
2	2000	18100	181109	Donation	J	2	11,000.00		

1	1530	21070	120000	Overtime	J	1	7,388.00		
1	1530	21070	210000	FICA	J	1	612.00		
1	1530	21070	580000	Miscellaneous Expenses	J	1	1,182.40		
1	1530	21070	600800	Vehicle - Fuel	J	1	3,000.00		
1	1530	21070	600900	Vehicle - Maintenance/Repair	J	1	240.00		
1	1530	21070	600900	Machinery & Equipment	J	1	7,140.00		
	1530		0501	Est. Revenue				19,829.20	
			0701	Appropriation					19,829.20
TOTAL							39,658.40	19,829.20	19,829.20

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009038
DATE _____
BATCH# _____

EXPLANATION: Reappropriation of Uncompleted Projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	12010	312391	County Executive	J	1	51,609.13		
1	1000	12013	301200	Community Relations	J	1	30,000.00		
1	1000	21020	800100	General District Court	J	1	900.00		
1	1000	32011	310000	Fire Rescue Admin.	J	1	7,000.00		
1	1000	32013	800100	Fire Rescue - Prevention	J	1	3,000.00		
1	1000	32015	310000	Fire Rescue - Operations	J	1	6,000.00		
1	1000	42040	999851	Solid Waste - Ivy Landfill	J	1	482,729.43		
1	1000	43005	301210	Stormwater Management	J	1	5,000.00		
1	1000	71012	800100	Parks - Maintenance	J	1	60,000.00		
1	1000	81022	950172	Community Development	J	1	5,000.00		
1	1000	81030	563100	Housing: AHIP	J	1	27,543.00		
1	1000	71030	563150	Housing: Com. Dev. Loan Fund	J	1	240,000.00		
1	1000	95000	999987	Contingency: Job Opp. Fund	J	1	250,000.00		
2	1000	51000	510100	Appropriation - Fund Balance	J	2	1,168,781.56		
	1000		0501	Est. Revenue				1,168,781.56	
			0701	Appropriation					1,168,781.56
1	1579	53320	5710200	Rotary Donation/Bright Stars	J	1	11,850.00		
2	1579	51000	510100	Appropriation - Fund Balance	J	2	11,850.00		
	1579		0501	Est. Revenue				11,850.00	
			0701	Appropriation					11,850.00
TOTAL							2,361,263.12	1,180,631.56	1,180,631.56

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009039
DATE _____
BATCH# _____

EXPLANATION: Department Requests for New Projects funded from FY08 expenditure savings

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	21060	800201	Circuit Court Clerk's Office	J	1	10,000.00		
1	1000	43006	332300	General Services	J	1	8,500.00		

2	1000	51000	510100	Appropriation - F/B	J	2	18,500.00		
	1000		0501	Est. Revenue				18,500.00	
			0701	Appropriation					18,500.00
1	9200	53013	800500	Motor Vehicle Repl - Social Svcs.	J	1	40,000.00		
2	9200	51000	510100	Motor Vehicle Repl. - F/B	J	2	40,000.00		
	9200		0501	Est. Revenue				40,000.00	
			0701	Appropriation					40,000.00
TOTAL							117,000.00	58,500.00	58,500.00

Agenda Item No. 14. Closed Meeting.

At 12:15 p.m., **motion** was offered by Ms. Mallek that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions; and under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to the acquisition of property necessary for a transportation project. Mr. Slutzky **seconded** the motion.

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

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

Agenda Item No. 15. Certify Closed Meeting.

At 2:08 p.m., the Board reconvened into open meeting. **Motion** was offered by Ms. Mallek to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

Mr. Rooker **seconded** the motion.

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

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

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

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

appoint Fred Huckstep to the Board of Building Code Appeals with said term to expire November 21, 2013;

appoint Doug Lowe to the Board of Building Code Appeals with said term to expire November 21, 2013;

appoint Samantha Wood to the Monticello Area Community Action Agency as an Albemarle County representative;

appoint David Bowerman to the Public Recreational Facilities Authority to fill an unexpired term which will end on December 13, 2009;

reappoint Diane Allen to the Board of Building Code Appeals and to the Fire Prevention Board of Appeals with said terms to expire on November 21, 2013; and

reappoint Emily Bardeen and Rod Gentry to the Workforce Investment Board with said terms to expire June 30, 2009.

Mr. Rooker **seconded** the motion.

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

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

Agenda Item No 17a. **Transportation Matters:** VDOT Monthly Report.

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

- The monthly report that the Board received in their packets was actually last month's report. He has provided Board members with the correct report.
- The Burnley Station Road signal is under way.
- Next, the same crew will work on the controller actuated beacons at Forest Lakes.
- The traffic light at State Farm is now active. Mr. Boyd said there are many happy State Farm employees.
- They will be putting a yellow light at Forest Lakes, and the rumble strips are already in place
- The right-of-way sign agreement is being worked on by VDoT's Central Office. He hopes to see some movement at this time. He believes there will be individuals being proactive in the sign collecting campaigns. After next week, VDoT will also make rounds and try to collect the remaining signs.
- Crozet curb repairs have been scheduled. They are also looking at sign issues.
- VDoT staff is still working with the property owner at the Woodlands Road/Reas Ford Road intersection to develop a permanent solution to the sight distance issues. There is still some resistance from the property owner.
- VDoT staff is looking into the concerns about maintenance and traffic issues on Owensville Road.
- Asked to set up a time with Mr. Slutzky to observe the signal at the intersection of Northfields Road and Rio Road. Mr. Slutzky said that the problem is when you travel from Route 29 and try to turn left onto Northfields Road, you get trapped at the prior light, which is Old Brook Road. The turn arrow on Northfields is green while you are trapped at the Old Brook light. Mr. Slutzky suggested they take a ride together.
- Mr. Slutzky asked the status of the Hillsdale Road improvements, including the cross walk at Rio Road Road. Mr. Juan Wade said the project has to be readvertised to meet some VDoT requirements; they hope to complete the work in the Spring of 2009.
- VDoT is still looking at Route 20, and have made sign modifications at the Triple C Camp entrance. VDoT staff expects to have more signage and improvements in that area as well.

Other items:

- Advanced Mills Bridge right-of-way negotiations are ongoing, and Embarq utility relocations are expected to be completed this week. The power line relocations are expected to be completed by Thanksgiving. VDoT is still on schedule for a February advertising date and October 2009 completion date.
- The County portion of the Meadow Creek Parkway is out for advertisement and the bids are due on November 26th.

Item No. 17b. Transportation Matters not Listed on the Agenda.

Mr. Dorrier asked about the intersection of Routes 22 and 250 (Glenmore) and when that project would be complete. Mr. Sumpter said the grading work is for the most part complete. The scope of the project was for Luck Stone to be able to tie in their entrance and come out to a traffic light there. Luck Stone is planning to realign internally the roads in the quarry, and they anticipate it will be completed next year. VDoT must wait until that is complete to install the traffic light. Until then, it will function without the traffic light.

Mr. Dorrier commented that it is kind of dangerous as cars back up when they try to get into town.

Mr. Sumpter acknowledged this, stating that it is really an issue beyond that one intersection; it is a capacity problem.

Mr. Wade said he talked with representatives from Luck Stone yesterday, and they would like to expedite their plans. County staff will meet with them in the next few weeks to see how they can change the site plan.

Ms. Thomas asked why the White Mountain Road project was put on hold. Mr. Sumpter said he needs to see how the maintenance budget will be impacted before they proceed with projects of that size.

Ms. Thomas asked for clarification of the inspections of new entrances; 406 seems like a high number to her. Mr. Joel DeNunzio, of VDoT, confirmed that these include any requests they receive including speculative roads.

Mr. Rooker asked what the timeframe of completion was when the status from the VDOT report says "Design modifications complete. Developing logistics for installation."

Mr. Sumpter explained that "design modifications complete" means that Bill Parman has drawn his sketches, and come up with everything he needs for installation. Developing logistics for installation is when VDOT will draw up service contracts with entities such as concrete companies and work on coordinating all of those. They hope to start the concrete work, as weather allows, in November or December. They use some of the same crews that do the other signal installations. He is hoping to have all of these complete by July 2009, but it may actually happen sooner. Mr. Sumpter added that there may be different contractors to perform specific aspects of any given project. He added that it depends a lot on timing and contractor availability, but said that his goal is to have all three projects listed on the report complete by the end of this fiscal year.

With regard to Woodlands and Reas Ford, Mr. Sumpter said there was a small communication issue with the gentleman they was working with as far as how much hedge he wanted removed. They have approached him and asked if he is willing to take a privacy fence as it could be set back.

Mr. Rooker asked if the concept of a four-way stop is out. Mr. Sumpter said the Traffic Engineers have some concern with a four-way stop. Woodlands Road is a road with so much through traffic that they do not want to cause a condition whereby rear end accidents might occur.

Mr. Rooker said that it would certainly be better just to clear the sight distance there.

Mr. Slutzky asked if the land could be taken as this is a public safety issue.

Mr. Sumpter explained that the Board would have to establish that as a project like any other, with right-of-way, public hearing, funding in the Six-Year Plan, etc.

Ms. Mallek asked about the bridge over Buck Mountain Creek. Mr. Sumpter said that the contract is set up for the bridge to be open by November 24th and there are incentives and disincentives for the contractor to meet that timeframe. He confirmed that there is no way to keep fire lanes open during that process.

Agenda Item No. 18. **Work Session:** Economic Development Policy Comprehensive Plan Amendment.

Ms. Susan Stimart, Business Development Facilitator, said that staff has provided a hard copy (on file in Clerk's office) of the Planning Commission's input into the proposed Policy. Ms. Stimart said that the purpose of the amendment is to update the Economic Development Policy's element of the Comprehensive Plan. The timeline started in December 2007. A work session held on February 13th with three subsequent work sessions with the Planning Commission to address the three key areas; the last public hearing was October 21st. She explained that the one goal of the policy has not changed since the 1995 policy: maintain a strong and sustainable economy: 1) benefitting the County citizens and existing businesses and providing diversified economic opportunities; 2) supportive of the County's growth management policy and consistent with other Comprehensive Plan goals, and 3) taking into consideration regional economic development efforts.

Ms. Stimart reported that stakeholders and the Commissioners gave input in three key areas: 1) increasing Light Industrial land for local business expansion; 2) workforce development; and 3) enhancing the rural area economy. She explained that the major changes to the policy were: 1) revising the introduction to make it more direct; 2) working with objective one, strategy four, which references the Agricultural and Forestal Support Committee's recommendations publication from 1993 – deleting the reference and spelling out specific strategies to support the agricultural and forestal industries. This included increasing support for local agricultural infrastructure such as local food programs, establishing a proactive rural support program, providing assistance for the local agricultural community including ongoing dialogue with farm industry stakeholders, and supporting recruiting of farmers and connecting to School programs.

Ms. Thomas commented that she did not see anything in the goals and objectives that relate to ease of access for employees which are a major part of the Neighborhood Model concept. The section that deals with land uses and locations may be the place to put the reference to the land use aspect of the support for economic development.

Ms. Stimart replied that the policy was initially drafted before the Neighborhood Model form of development became part of the Code.

Mr. Benish said that addition can be added. He added that this policy generally focuses on those economic development activities other than locational decisions about land uses, but that does not mean it cannot be added.

Ms. Thomas responded that decisions about placement of specific uses and convenience of access are a factor in helping or hindering economic development.

Mr. Slutzky suggested expanding opportunities for agricultural activities in the rural area through a movement with local food groups who are looking for land and small farmers who are looking for business, and wondered if there could be some kind of "matchmaking system."

Mr. Boyd said those type activities are already going on with farmers and businesses.

Ms. Mallek said that would be a good idea. Blandemar is a farm that comes to mind where she thinks it would be a good idea.

Mr. Rooker said he thinks it is a good idea to include some language and he thinks that if the County can facilitate it, then they should.

Mr. Boyd said he does not have a problem with encouraging this activity, but he is concerned that the Farm Bureau and other agencies are capable of doing those things, instead of more government funding for programs.

Mr. Slutzky said acknowledging that it is a good thing does not commit the County to setting up a program or a body of regulations. He suggested incorporating the concept in the fourth bullet.

Referring to Objective 1, #5, Ms. Thomas commented that there is no recognition of the University as the main driver of the County's economic vitality and that the County should work in collaboration with the University and the Three Party Agreement to encourage infill, appropriate location of activities and environmental sensitivity. That gives some direction on how to deal with the University and it seems strange to have an economic development policy that does not recognize that or give it any direction. She thinks that there needs to be additional language added to this item.

Mr. Rooker said that he recalled the old version having more specific reference to U.Va.

Ms. Thomas said the next one is recognizing the increasing roll of military intelligence, working with Congress and the military to facilitate advance planning and environmental sensitivity. It has been a growing factor in the local economy and it seems strange to have an Economic Development Policy that does not mention the economic factor that will bring about 1,000 new jobs to the community.

Mr. Boyd added that there are a lot of large companies that contribute to the County's economy, Martha Jefferson is one.

Mr. Rooker said he supports including language to continue to cooperate with the University to facilitate their goals and strategies within our area.

Ms. Mallek said there should also be something about facilitating County goals within the University.

Ms. Thomas said that she mentioned infill because the County has profited greatly from the University's decision to do greater infill on their own grounds instead of sprawling out into the countryside. That should be continually encouraged.

Mr. Benish agreed that these are important statements, but should probably be included in the Land Use Plan instead. That is where they should be used for making decisions about where development should be. He acknowledged that there are economic development implications, and staff would work on language to include that in the policy.

Ms. Stimart then referred to Objective 2, Strategy #4 to modify it read: Encourage infill development of business and industrial uses in areas appropriately designated in the Land Use Plan, including consideration of proactively rezoning land as needs are identified through Master Plans and other efforts. Initiate zoning text amendments that further enable business and industrial uses of the appropriate zoning districts. This gets at the problem of some LI land being used for Class A Office and thereby driving up the market price of that LI land.

Mr. Rooker commented that the language does not specifically mention Light Industrial. He asked if the goal is more specific to that category as opposed to being a general statement. If the County initiates zoning text amendments, there is no proffer that accompanies a rezoning that is initiated by the County. He thinks that is something the County would use sparingly and only in certain circumstances. A general statement about Light Industrial may be better than specific recommendations about proactively rezoning land. He does not want us to necessarily go down a mode of when we create master plans going in and proactively doing the rezonings as opposed to application by landowners. He thinks that is kind of a unique circumstance when we do that.

Ms. Thomas said when she saw the "initiate zoning text amendments" she was thinking about a conversation by the Planning Commission about whether home occupations should have some different wording. Maybe it is the zoning text that is wrong here rather than opening up more land for LI; what if home businesses and landscaping businesses were more allowed in the rural area.

Mr. Rooker said this becomes a statement of general intent. As he reads this in the Comprehensive Plan, after they have identified zoning districts and master plans, there is a policy of proactively rezoning.

Mr. Slutzky said that the struggle is how to create conditions that stimulate interest among applicants.

Mr. Rooker said if the issue is LI, he thinks we should be specific.

Mr. Benish explained that the intent was for staff to assess that need and determine whether that would be an appropriate approach to address the market issues. It was for more industrial lands or other land uses that met that industrial need.

Mr. Boyd stated that this is a road map anyway, and the language should be more along the lines of encouraging development in these designated areas, even putting some mechanisms in place to make it advantageous. He mentioned the strip of rural area that Berkmar Drive may run through, noting that there is a developer who has been held up in anticipation of a Route 29 Master Plan that may never happen. He would like to see us proactively encouraging people to develop in these infill areas.

Mr. Rooker pointed out that the area Mr. Boyd mentioned is in a rural area, not an infill area.

Mr. Boyd said that that area is squeezed in between commercial areas.

Mr. Rooker said he does not think that is a good example because that is rural area and the decision to be made is whether to expand the growth area. The issue is whether to make a land use change in order to get some significant contribution to the building of a bridge which has never been forthcoming.

Mr. Boyd said he does not think there will be a significant building of a bridge, but there would be significant building of a road.

Mr. Rooker said a developer always builds an internal road to serve his development. Without building a bridge he does not know what it accomplishes other than several million square feet of commercial space along Route 29, and there are plenty of locations for retail.

Mr. Boyd responded that there is also retail that won't fit in there.

Mr. Slutzky said that language in this document should not determine a particular applicant's decision about how to move forward with a project.

Mr. Boyd said that the ultimate goal here is to be proactive in encouraging economic development and bring tax dollars so the burden on property taxes will be eased. We as a Board need to send a message through this document to staff that we are interested in economic development and that means growth of businesses, growth of retail. He said that he would like to come up with objectives and then challenge staff to come up with ways to meet them.

Mr. Slutzky stated that the Comprehensive Plan should be as it is, "a well-written statement of intent," with the process dimension coming through policy behavior. He said that the encouragement of infill is included in the language here, and the message is being sent that commercial activity within the growth area is aligned with the Plan. The process aspect is a separate matter.

Mr. Boyd commented that he thinks a stronger message needs to be sent to staff that they should be doing more to encourage economic development in the business sector of this community. He added that communities around the area have been developing in retail and other sectors, and Albemarle is lagging behind.

Ms. Thomas said that if he wants the economic plan to go full force ahead and not respect the last 16 years of growth management efforts you will have an argument and she certainly won't agree with that. She added that encouraging infill efforts is appropriate and sends a signal that the County is interested in infill, not sprawling outward.

Mr. Rooker mentioned that U.Va. has had a lot to do with employment growth in the area, and it is a natural engine of development. He emphasized that it is the County's job to work with them. Mr. Rooker also pointed out that the citizens' survey indicated a low prioritization of economic development, and a high prioritization for better growth management. He asked Mr. Boyd to show him the relationship between growth and taxes, because that is inverse. He said that the Fiscal Impact Committee determined long ago that there is a direct relationship between the pace of growth and real estate taxes.

Mr. Slutzky commented that planning for land and infrastructure to accommodate future business industrial growth stimulates the economic engine that will reduce the residential property taxes. But the element of providing for infrastructure means sometimes you have to invest money to get it to come back later. We are stymied sometimes in that regard because of your (Mr. Boyd's) reluctance in the near-term to fund the infrastructure that will obtain the objective that you are actually saying we should be trying to obtain. There's an inconsistency here.

Mr. Boyd responded that he thinks the private sector will fund that infrastructure if we open it up a little bit to them and let them do it. He also asked why there is a mindset not to build a store in this community that is over 70,000 square feet.

Mr. Rooker and Mr. Slutzky replied that that is not in the document.

Mr. Boyd asked about where the County has accommodated a location for a Super Wal-Mart because that would bring a lot of retail sales.

Ms. Mallek commented that in other communities those stores build on multi-levels to minimize sprawling footprints.

Mr. Rooker pointed out that there is about 3,000,000 square feet of retail approved in the community right now, and the country is in a recession – although that may be less pronounced locally – and looking back only two years to assess economic growth “is ridiculous.

Mr. Boyd said that there has been a recent trend with other communities to make deals with bigger companies. Recently he sat at a table with officials from surrounding communities and listened to them talk about all the economic development going into their communities; how they are meeting with these stores to get them to bring industry into their county, and they are making deals with them to get them to do it. How many times do you sit down with these companies and do that?

Mr. Rooker replied that he has sat down twice with the owners of Albemarle Place to try to work through issues and they are moving forward. Mr. Rooker added that Mr. Boyd’s view of the competition with surrounding communities is a little different than his. He thinks we want high-quality development here. We want to provide services to our residents. We want to do things to enhance quality of life in the area. But, he does not think that that’s going to mean that it does not make sense for Greene County to have their own Wal-Mart when they reach a certain level of bedroom community building. He emphasized that it is better for those communities to develop their own retail so their citizens are not driving 25 miles when they want to go to the grocery store. Maybe our growth needs to be more self-sustaining rather than based upon attracting grocery shoppers from Greene County.

Mr. Boyd said that if we are going to talk about real economic development policy then we need to have some meat; he does not think this plan does that.

Mr. Slutzky responded that this says “plan for land and infrastructure” and asked “what is missing from that.

Ms. Mallek commented that the tax implications in Greene County are astonishing as they are trying to accommodate residential growth, and sometimes other localities view Albemarle and Charlottesville as “hogging” businesses.

Mr. Slutzky said that the notion of waiting for the private sector to stimulate economic vitality has not been working. Mr. Boyd is acting like everyone else is anti-business and anti-development, and he thinks that it is a gross misrepresentation of the sentiment of this Board. They are very careful and mindful of how the County grows.

Mr. Boyd said this Board is not doing anything to encourage it.

Mr. Dorrier suggested that one specific objective that could be stated would be increasing Light Industrial space in the County.

Mr. Boyd said he thinks that language needs to be in the Plan.

Mr. Benish said that perhaps staff needs to take these comments into consideration and identify more clearly how infill developments are encouraged.

Mr. Boyd explained that he feels there should be something done to proactively work with businesses that want to have a location in the County.

Mr. Slutzky suggested funding a full-time position to do that.

Ms. Thomas commented that there is already millions of square feet of space approved for that.

Mr. Boyd asked if there is space for a 250,000 square foot facility like a Home Depot.

Mr. Slutzky asked if that is the only kind of economic development that the County can absorb.

Ms. Thomas said that they could use their multi-level Arlington model.

Mr. Rooker stated that there is a plan for a Lowe’s or a Home Depot in Avon Park. He emphasized that the Board rezones the land, it does not pick out the retailers that then go into the land.

Mr. Benish said that the Planning Commission was not focusing in on retail development, but was thinking of things that were more strategic and would provide better jobs and career ladder opportunities. This language may be a little intentionally weak to focus in on more basic type employment. There will be a gap if the Board is looking for specific statements about retail-type development. If that is something the Board wants incorporated into this Plan, then staff will have to go back and add.

Mr. Boyd commented that retail is the easiest to identify, and he simply wants language that shows that we have open arms in this County.

Ms. Thomas asked him to suggest a sentence or two.

Mr. Slutzky agreed, but cautioned staff on including that type of language in this, especially related to retail as those jobs tends to be the absolute lowest paying. There may be other commercial light industrial and agricultural activities that might be much better paying jobs that could address the County's housing affordability problems. We should be looking at building a robust, economically vital community.

Mr. Rooker mentioned a community in Scottsdale, Arizona that set a benchmark that they would not seek any businesses that did not pay their employees at least \$50,000 a year, and they have added about 25,000 jobs over the last few years. He said that there is three million square feet of retail that has been approved, but those are not the kinds of jobs that will pay people a high standard of living. Retail of the same kind would essentially compete with each other.

Mr. Slutzky said that perhaps this should be discussed during budget talks, but infrastructure needs to be on the table as well, as people are coming here to work and to shop.

Mr. Benish said that in February when staff started on this the focus was placed on Light Industrial, workforce development, and enhancing economic vitality of the rural areas. Amendments are focused in on those areas. If the Board wants staff to move into other areas, they need to let staff know.

Mr. Slutzky responded that the additional component of infrastructure was more of a short-term response and should not be reflected in the Comp Plan, which is more of a long-term vision statement of intent for the community.

Mr. Boyd asked how the first item is expected to be accomplished; is it through boundary line adjustments or rezoning of properties.

Ms. Stimart said that was Objective 2, Strategy 4, and staff added a strategy under Objective 5 that was speaking to a business incubator. It could be helpful for your small craftsmen type people that are a one or two-person operation.

Ms. Thomas said that John Cannon in the Planning Commission meetings said it was similar to the affordable housing problem, because if it is something the County wants but is contrary to what the market can provide, then perhaps it needs to be regarded as something to be subsidized. The County has had policies that require a proffer of a certain amount of affordable housing, such as with Avon Street, should we have required a certain amount of Light Industrial, or should we just come straight out with money – taxpayers' dollars – to provide Light Industrial land.

Mr. Rooker mentioned that there is somebody proposing a rezoning right now for that purpose. If that is one of the Board's goals and strategies, it should be given strong consideration.

Mr. Slutzky suggested that perhaps the County buy land at market rate and make it available for Light Industrial uses, and the way to achieve that may be through a proffer system.

Mr. Boyd commented that it is the same train of thought as a land trust, and asked how that would be accomplished in terms of setting aside Light Industrial properties.

Ms. Thomas pointed out that there are abandoned structures and parcels that could serve in that capacity.

Mr. Benish said that the Planning Commission would like for any Light Industrial land to be found within existing designated development areas and consistent with master planning processes that are in place or underway, so what would be assessed is, in the Land Use Plan, whether there are some underutilized or opportunity sites and specific gaps in providing sites such as railroad sites. Staff would consider proactive rezoning. He does not think that they see that as a major approach but they think that is a legitimate option. They also have some inventories of County-owned land that might be able to be used as interim uses until a long-term public use is made of those sites.

Mr. Boyd asked if staff currently would encourage someone who came along with property in the rural areas and wanted to convert it to LI. Mr. Tucker responded that it depends on the location and the availability of utilities nearby. Mr. Boyd said he does not think the County is open to such considerations.

Mr. Slutzky said if the property is in a unique location and close to a growth area, it might be reasonably considered, but, as a policy issue, he would not suggest opening up the rural areas to LI development would make much sense. He thinks it is clear the Commission wanted to make it clear that is not what they are talking about.

Ms. Stimart indicated that there is a third option with R&D projects, the County could go in at the applicant's request and look at their code and approve uses. Maybe there are some green businesses that do not necessarily fit the office category; maybe they have a certain portion of warehousing and distribution associated with the business that would make it at a smaller scale a good infill employment activity for those N&D projects.

Mr. Rooker pointed out that the Avon Park property sat there for years and years, zoned Light Industrial, and never found a user. He said that what has happened with most Light Industrial properties is they have been converted to retail or office because those are more lucrative for the owner.

Mr. Tucker suggested going through at least three of these objectives now and perhaps finishing these in a work session next week.

Referring to the proposed amended language for Objective II, Strategy 5, which states: "Maintain review of current infrastructure (water, sewer, roads, and community facilities) programs to determine their impact on capacity to support business and industrial development of designated areas. Identify infrastructure improvements that better enable business and industrial development that will make Growth Areas work.", Ms. Thomas asked if the Board wanted to have as a strategy maintaining infrastructure capacity to support business and industrial development of designated areas. If the Board wanted to be more strong it should delete the word "review".

Mr. Rooker said, to him, it would be better to say "maintain and implement current infrastructure to provide the capacity to support..."

Ms. Mallek asked if the County is going to build the infrastructure.

Mr. Rooker said the County does; this does not say how it is funded, but we do have a Six Year Road Plan, work through the Albemarle County Service Authority to develop water and sewer for the growth areas, provide schools to support the areas where growth is occurring, etc., that is what the CIP is about.

Ms. Thomas asked why the change was made from "the regional" to the "Charlottesville Metropolitan Region," noting that she wants to make sure to emphasize that the County is part of a region. It is the whole regional approach that she always liked about the County's original Economic Development Policy. Instead of the proposed amendment for Objective III, Strategy 3: "Maintain cooperation with the City of Charlottesville, through the TJPDC, Thomas Jefferson Partnership for Economic Development (TJPED), with other jurisdictions in the region, the University of Virginia, and Piedmont Virginia Community College for", she would suggest the following: "Maintain cooperation with the City of Charlottesville, TJPDC, members of the Thomas Jefferson Partnership for Economic Development (TJPED), and other jurisdictions in the region..."

Ms. Stimart responded that that strategy was folded into Objective 3, Strategy 1, because it had become redundant as its own item.

Ms. Thomas said if the Board wants to fit transportation in somewhere, it should be a part of Objective III, Strategy 3. Part of the County's economic vitality depends on a transportation system that works.

Mr. Slutzky said he thinks transportation would fit into Objective 2 because that is a core infrastructure element that accommodates or facilitates future business and industrial growth. It is worth acknowledging transportation on both places.

Mr. Rooker said that a bullet could be added in the regional part that says "continue to cooperate and work with other jurisdictions on a regional transportation plan."

Mr. Benish suggested "infrastructure, including transportation."

Ms. Stimart commented that staff added a new strategy in Objective IV, that was amended during the October 21st meeting to say "new benefits and costs imposed by the regulation." The entire strategy reads: "Recognize, identify and quantify new benefits and costs (for business and citizens) imposed by any proposed ordinance or policy change on business prior to taking action on said policy or ordinance."

Mr. Slutzky asked if in Objective IV, it means "standard of living" or "quality of life." The objective states: "Consider fiscal impact as one indicator of positive economic development, along with environmental impact and standard of living impact."

Mr. Benish replied that he thinks the intent was "standard of living".

Ms. Stimart said Objective V references the idea of the feasibility of a business incubator. She asked if there were other issues or questions regarding strategies associated with this objective.

Ms. Thomas commented that she was not sure the Board was interested in committing to increasing support of TJPED. That is how she read the second strategy.

Mr. Rooker responded that that could also include other business development entities, not just TJPED.

Mr. Slutzky said he also did not see that it just correlated to TJPED.

Ms. Thomas said that the County has not found them to be effective, and has removed support for most of them. She would suggest eliminating "increase support" to "support" to read: "Support to and coordination with existing entities that assist new small, locally-owned, and minority businesses and micro-enterprises in their start-up and early operation efforts."

Board members concurred with that suggestion.

Ms. Thomas then asked if the County wanted to get into being an incubator for small businesses.

Mr. Boyd and Mr. Rooker indicated that U.Va. serves effectively in that capacity.

Mr. Slutzky suggested that maybe the term incubator is too narrow, and perhaps it means encouraging different types of small businesses.

Ms. Stimart explained that this came forward from a Commissioner who wanted to keep the old Crozet School viable while funding is developed over time for a recreation center.

Mr. Rooker said there is a difference between looking at particular uses for a vacant facility and developing a general Comprehensive Plan statement. There is nothing that prevents the Board from deciding that would be a good location for an incubator and trying to entice that to occur. He does not think there needs to be a Comp Plan statement on that and suggested just removing the incubator reference entirely.

Board members concurred.

Ms. Stimart said that Objective VI relates to workforce programs, and there have been a lot of changes made to the first two strategies. She asked if there were any comments related to the changes.

Referring to the second bullet under Strategy 1, Ms. Thomas asked why support would be increased for "testing" facilities.

Ms. Mallek said that AIMR – the insurance testing company – came to mind, and there may be others as well.

Ms. Stimart noted that it also speaks to programs that could develop through the one-stop center.

Board members agreed to remove the word "testing."

Mr. Rooker said he does not see anything in the Plan stating that we are "focusing our efforts on opportunities to increase the pay for existing residents in the community".

Mr. Benish said Objective IV is related to standard of living. Strategy 3 states: "Recognize that the purpose of this economic development policy is to provide the local citizenry an improved standard of living, improved job and wage opportunities, and work force development opportunities, rather than to seek to stimulate further population growth." That is where it was couched.

Mr. Rooker said that he wants to ensure that the County is providing enhanced income opportunities for people, and one criterion the County should employ in evaluating businesses is how much they intend to pay employees. That does not clearly come across in this language.

Ms. Thomas agreed, stating that there is no mention of that, or a focus on jobs that offer upward mobility, in this document.

Mr. Slutzky said he agrees but is not sure how it could be reflected in the language.

Mr. Benish said staff will look at it, but he is not sure how that would be implemented. He added that the County does not provide tax incentives where it could put that as an inducement.

Ms. Thomas said that the Economic Development Authority is about the only vehicle for offering tax breaks, etc.

Mr. Rooker stated that in the case of rezonings, the Board has a fairly good idea of what business will go there, and that inquiry can be made. He thinks that permeating the plan is the idea that we are trying to raise the standard of living of our citizens and whatever we are doing to enhance the opportunities for businesses to relocate here we ought to have that in mind.

Mr. Slutzky said that the Board does not want to be too proscriptive in the language because this is a document about intent, and the goal is to enhance the economic condition of the workforce.

Mr. Boyd added that minimum wage jobs cannot be done away with.

Mr. Rooker commented that there's a lot of retail in the area, and if other businesses are going to be encouraged to locate here there should be an eye to what they pay.

Mr. Boyd said that there are opportunities for retail employees to advance.

Mr. Rooker responded that the average wage of a Wal-Mart employee, is not that high. We have got a huge amount of retail and space zoned in the community for retail to come in and relocate. He does not think the County needs to do a whole lot more to attract retail at this time. Again, he thinks efforts needs to be focused on jobs that pay more than retail.

Ms. Thomas said that the Planning Commission felt the policy was too long and involved so the first three paragraphs of the original policy have been removed. Perhaps the Board should look at that because she feels something is lost by losing those words. She explained that Bruce Dodson did a lot of research in comparing Albemarle to other similar communities. There are certain things that are characteristic of a workforce in a University community that are not characteristic in other communities. For example we look like we have low average wage when in fact we have high participation in the workforce and a high number of part-time employees, and that reduces statistically your average weekly

wage. It was that comparison that shaped the County's original Economic Development Policy in a major way. With the exception of James City County, we are now comparing ourselves to communities that are not University communities and we look different from them in ways that give us a picture that is not entirely accurately. She suggested Board members read those first three paragraphs and see if any of the language should be included in the policy.

Mr. Slutzky suggested staff relook at the language to see if they can include a couple of paragraphs that capture the essence of the County's policy.

Mr. Tucker said staff will bring the revisions back after they've had an opportunity to pull all the recommendations together. Staff may be contacting Board members about specific suggested language.

(Note: At 3:59 p.m., the Board took a recess, and reconvened at 4:14 p.m.)

Agenda Item No. 19. **Work Session:** Five Year Financial Plan.

Mr. Tom Foley, Assistant County Executive, addressed the Board, stating that this is the first work session for the Five Year Financial Plan, which was done for the first time last year when the Board developed a balanced five year plan of revenues and expenditures. The objective of these work sessions is to achieve the Board's strategic plan goal of developing a comprehensive funding strategy to address the County's growing needs. He commented that the budget situation has impacted the five-year picture, but there is some recovery in revenue over the timeframe. Unfortunately, the Plan does not get the County back to unfreezing frozen staff positions. Staff will provide an overview of the process ahead and then an overview of revenues and expenditures. Staff would then like for the Board to provide some general feedback that will lead to another work session. Mr. Foley explained that the Five Year Financial Plan has included some preliminary review and work from staff to develop a balanced Five Year Financial Plan. The purpose of the work sessions is to have the Board weigh in on whether they agree with it or not, and make any changes or reprioritizations. Mr. Foley said that it would be a good idea to have another work session on this next week, and there is one already scheduled for December.

Mr. Foley reiterated that this is a financial planning process and not next year's budget. This is not an adopted Five Year budget; it is financial planning to give staff some direction and helps them to be clear on the Board's priorities. He explained that the goals established in the Plan were maintaining essential health and safety services; avoiding layoffs by scaling back services, decreasing operating expenses, and freezing vacancies; maintaining competitive compensation to the greatest extent possible; continue commitment to the Board's core public safety improvements; meet obligations and commitments through this plan; and shore up reserves and undesignated General Fund balance to ensure maintenance of the County's strong financial position.

Mr. Foley noted that they have made some operating reductions over the last two years and into FY 2010 as a result of frozen positions. There is a nine percent reduction in staff and about \$3.2 million has been recouped through frozen vacancies between FY 2008 and FY 2010, which has reduced the base in the Plan by about 55 positions. He said that non-personnel operating reductions total about \$1.7 million or 12 percent between FY 2008 and FY 2010. There is no increase in salaries or funding to community agencies in FY 2010, but that builds back up over time. In addition, the previously approved Board initiatives such as housing and transit are eliminated. It also delays or reduces capital projects and associated operating costs.

Mr. Foley also said that, at the Strategic Planning Retreat, the Board had discussed increases in available resources for operations such as reducing funding to the Capital Improvement Program (CIP) by a total of three cents, up from the originally planned one cent. The Board had indicated that it was necessary to target the additional two cents towards transportation, the ACE Program and some urban infrastructure investments. He said that staff has eliminated transportation funding over the five years of the Plan, and ACE has been cut in half as it relates to real estate revenues; \$350,000 is from tourism revenues which leaves \$1.2 million – leaving about \$950,000 in the ACE Fund. In terms of urban infrastructure, he said, there has been about \$800,000 to \$1 million in urban infrastructure; that has also been cut in half over the five year period. Mr. Foley reported that this Plan utilizes the effective tax rate, which is an increase of 3.5 cents based on residential real estate assessments. He clarified that at the Strategic Planning Retreat it was discussed that the overall effective tax rate would add 2.2 cents. What staff has done, he said, is used the residential real estate values as a basis for this rate change. This is based on the principle that the average homeowner will get the same tax bill. The difference is that commercial properties have increased in value and offset the residential loss.

Mr. Boyd asked the impact to the rental market.

Mr. Rooker asked if apartments are counted as residential or commercial.

Mr. Richard Wiggins, Director of Finance, said that apartments count as commercial and the County is projecting a slight increase in apartment values.

Mr. Boyd commented that 3.5 cents will increase their tax bills and get passed on to the residents.

Mr. Foley emphasized that staff will go through a number of iterations, if necessary, and the Board's decisions will move this Plan forward, but there had to be a starting point. He said that the addition of two cents to capital and 2.5 cents to real estate is generating more operating revenues to

address the shortfalls in both the Schools and local government, but with all the frozen positions staff is working hard just to get back to zero. He added that there will remain 45 frozen positions throughout these five years, and there will continue to be a reduction in services. For that reason, he said that staff is proposing having the Board and School Board get together and talk about the "lock box." There should be some consideration of maintaining some level of Contingency Reserve from that money, but also consider the significance of local government's shortfall.

Mr. Boyd noted that the joint meeting with the School Board originally scheduled for November 7th has been cancelled.

Mr. Wiggins presented revenue assumptions for the model, explaining that the County is looking at a 0.7 percent decrease in revenues in FY 2010, with a slow recovery in the out years, specifically in terms of real estate. These assumptions anticipate a downturn continuing in the housing market in FY 2009 and 2010 – a three percent decrease in FY20 09, a two percent decrease in FY 2010, and modest increases beyond that year. He stated that staff has also reduced assumptions on new construction in the first two years, with a slow recovery after that. Other sources of revenue, he said, include reduced assumptions for personal property tax and sales tax, and a continued reduction in State revenues in FY 2010 with those revenues remaining flat in the out years.

Mr. Wiggins said that the tax rate being considered for calendar year 2009 (relates to FY 09-10 budget) assumes a 3.5 cent increase in the tax rate for a total of 74.5 cents. In the previously approved model, the Board had approved a one cent increase. In calendar year 2010 (FY 10-11 budget), he said, there is an additional one cent increase in the tax rate to 75.5 cents, which is assumed to continue in the out fiscal years. Mr. Wiggins said that staff wanted to specify what they are estimating for reassessment rates in the model. They are projecting modest, positive percentages for all five years with a slight increase in the succeeding years. In the current model, they are looking at a 3.15 percent decrease in FY 2009, a 2.07 percent decrease in FY 2010, with slight recoveries in the out years.

Mr. Boyd said that the one cent was escalated by a couple years because that was based on a 68-cent tax rate, but the rate approved was 71 cents last year. He thinks a four or five cent increase in the final budget should be reflected in the out years.

Mr. Slutzky said the Board has not given any revised direction to staff.

Mr. Wiggins acknowledged that the rate was at 68 cents when the model was reviewed last year in November/December.

Mr. Wiggins reported that last year's assumptions for new construction contained small percentage increases, ranging from 2.5 percent increase for the first year up to three percent for the out years, but staff has now reduced those to a one percent increase for the next calendar year and slight increases for the years beyond that.

Mr. Slutzky asked if the NGIC influx would impact new construction, or if the existing backlog was enough to support them.

Mr. Wiggins said that staff has built in those assumptions into the model.

Ms. Thomas commented that the discovery that most NGIC personnel would be renting impacted those assumptions.

Mr. Wiggins reported that there is no EMS recovery assumed in the model. For sales tax, they are anticipating a decline of approximately one percent in FY 2010, with a three to five percent increase in remaining years. State revenue is anticipating a slight reduction in FY 2010, with leveling in future years. He added that in December staff would be presenting its First Quarter Financial Report for FY 2009 and would be projecting revenues for the year based on receipts so far.

Mr. Slutzky said the fourth quarter of the calendar year might be significantly less than anticipated and asked if staff will be able to capture a meaningful estimate of that so that when the Board has its February budget discussions, it will not make a mistake and then have to determine how to backfill next year.

Mr. Wiggins said by the time February budget discussions take place, staff will have received information on Christmas sales which is the most significant month of sales tax. The information will be available.

Mr. Rooker asked what percentage of State revenue reductions are being factored in for FY 2010.

Mr. Wiggins responded that they are anticipating an additional \$500,000 in State revenue reductions for this year, and another \$250,000 in FY 2010, and the current budget was already built with a \$500,000 State revenue reduction assumption.

Ms. Thomas noted that at a recent VML meeting, they were even more gloomy about the State picture, thinking that revenue reductions are going to be even greater.

Mr. Wiggins then presented the following chart of overall revenue sources, and what is anticipated for changes from the previous year. It is most important to look at the bottom total figure.

Overall Revenue Sources					
	FY10	FY11	FY12	FY13	FY14
Property Taxes	1%	3%	5%	7%	8%
Other Local Taxes	-2%	1%	3%	4%	4%
Other Local Rev	-9%	4%	5%	5%	5%
State Revenue	-3%	0%	1%	1%	1%
Federal Revenue	3%	5%	5%	5%	5%
Transfers/Fund Balance	-20%	0%	0%	0%	0%
TOTAL	-1%	2%	4%	5%	6%

Ms. Laura Vinzant, Senior Budget Analyst, presented information on expenditure assumptions, noting that the County is starting off with assumptions of tax rates, etc. that they had at the beginning of the process. She explained that overall expenditures are decreasing just under one percent in FY 2010 with moderate increases in the out years. Some major expenditure changes are in the Revenue Sharing increase, \$1.0 million reductions in operating expenses for departments, and the frozen positions. Regarding obligations and commitments, Ms. Vinzant said that they had a major increase in FY 2010 in Revenue Sharing – \$4.4 million – bringing it up to \$18 million, and that smoothes out in subsequent years with increases that are not quite that large. She stated that there is a nine percent increase annually to the Comprehensive Services Act based on history and new mental health mandates, 12 percent annual increase for the regional Jail, and a two percent increase in ECC for FY 2010, decreased slightly from last year's projections, but then increasing four to five percent annual in out years.

Mr. Boyd asked if the revenue increase should not go down with the assessments. Ms. Vinzant said it does go down, but there will be a slight increase because of new construction. It will basically remain flat for the next several years.

Ms. Thomas commented that certain services have a greater demand in difficult economic times, and wondered if that had been factored into this model.

Mr. Bryan Elliott, Assistant County Executive, reported that first-quarter food stamp applications were up 40 to 45 percent in FY 2009 over FY 2008. He said that VIEW and TANNF applications, and other sources of aid, were up 30 to 33 percent.

Ms. Thomas asked if there is a way to project Jail incarcerations. Mr. Tucker said that is difficult to do but staff will look into it.

Ms. Vinzant then discussed the School transfer showing the 60/40 split policy. Staff is anticipating, based on reduced revenues, that the FY 2009 transfer to schools would actually be less than the \$101.2 million – about \$99 million. She explained that the FY 2010 transfer is a 1.2 percent increase over the adopted budget, and FY 2011 is a two percent; FY 2012 is a 4.5 percent with six percent and 6.5 percent in the last two years. Ms. Vinzant said that for local government compensation, market and merit combined were 4.45 percent in all years previously, but in FY2010 there are no increases, but that goes back up to three percent and four percent in 2011 and 2012; in the last two years those will be higher if possible depending on what market studies say.

Mr. Boyd asked if staff looked at implementing the State's strategy of sliding all increases six months. Mr. Tucker said that the County is looking into that as it helps determine if revenues are down in the first quarter and you have to project and possibly eliminate increases.

Ms. Vinzant reported that a year ago when this was done, there were 17 positions included as frozen throughout the five-year model, but now that total is 34 eliminated or frozen positions with a goal of 55 frozen positions by FY 2010 that may gradually be reinstated. Staff is able to slowly thaw those positions throughout the five year period bringing the County to a total of 41 frozen positions in FY2014.

Mr. Dorrier asked if the positions are frozen for over a year, are they eliminated. Ms. Vinzant said some of the positions have been eliminated and staff will evaluate whether some of the positions needs to be eliminated or changed to something else.

Mr. Slutzky expressed concern about the tax burden on the public of 55 fewer positions that reduce the County's ability to provide services. It means delays and things are not getting done that people expect to be done. There should be some form of acknowledgment of that, associated with this kind of strategy for balancing the budget. Staff is doing what it should do but he would like to see some caveat added with the information provided to the Board.

Mr. Tucker said that that is difficult to do because in some instances, activity has gone down in areas such as land use requests and proposals. The area they could probably do a better measurement of that information is in the area of police and fire and rescue. For the most part, staff is trying to move the positions around in the organization. Building activity, land use requests and proposals are down. Staff is looking at whether they are able to meet the demand at the same level of service.

Ms. Vinzant said that department operations had been assumed at a two percent annual increase. In the current model there is a \$1 million reduction in department operations plus a two percent annual increase on top of that – these are non-personnel, non-benefit operations expenses and this is well below the rate of inflation. She reported that with agencies, staff had built in a four percent increase in the previous model, no increase in FY 2010 and a gradual increase up to four percent in the last two years. Previous goals and directions identified in the last iteration of the model showed four new police officers.

Ms. Vinzant said that this model begins two new police officers starting in FY2011, for a total of eight new officers throughout the five years of the plan.

Mr. Slutzky asked what the current population increase estimates are. Mr. Tucker responded that that's about one percent at this time.

In terms of operating impacts of Capital, Ms. Vinzant said that the Pantops and East Ivy fire stations had been programmed to open in 2010, but this model shows them opening in 2013; Crozet Library operating costs were moved from 2011 to 2013; Northern Library which was to open in 2014 is slated out of the five-year plan at this time; recycling centers to begin in 2010 have been delayed to 2013; Crozet growth park instead of opening in 2012 has been slated out of the five-year plan, and there were some other slight reductions in operating impacts of capital due to changes made in the Capital budget.

Mr. Rooker asked the estimated cost of the Crozet growth area park. Mr. Elliott responded that the cost was approximately \$1.1 million for the construction starting in FY 2011.

Ms. Mallek asked how much was set aside from proffers for the park. Mr. Elliott said the proffer was for the development of the master plan; there was no money proffered for construction. The funding all came from the CIP. Mr. Davis said the proffer was for the land in the master plan.

Ms. Thomas stated that the cost of not increasing contributions to nonprofit agencies is troublesome as they provide services, and they are depending on contributions from donors and our portion of operating expenses. The State's contributions are also decreasing. She would like to see the dollar figure in cuts and what it means to be saving that amount of money. She thinks the impact on the community will be significant.

Mr. Foley said staff was trying to look at community agencies and County departments and try to create some consistency. Although there is a reduction in the increase, there are no other reductions. At the same time there are frozen positions over the five years for departments. Staff feels they have held them even.

Ms. Vinzant reported that the affordable housing, transit, and environmental initiatives are no longer in the current model. This model reduces the Board's reserves from \$300,000 annually to \$100,000 annually. Also, staff has proposed a discussion with the Schools regarding use of the lockbox funds. She said that the old growth formula was not designed to work with negative revenue growth, so the formula has been simplified to be more understandable and is now tied to the Capital transfer growing at the same rate as local tax revenue growth. Ms. Vinzant confirmed that the starting point uses the old growth formula through FY 2009, and that generated the base. She mentioned that staff used the decline in tax revenue to form the new base, and then have taken three cents off, off of that.

Mr. Rooker asked what this means in dollar contribution to Capital versus the planned contribution to Capital and the past contributions to Capital. Mr. Foley said staff can provide that information.

Mr. Foley noted that what is pointed out for FY 2009 is equivalent to about 15.2 cents on the tax rate going to Capital – paying for debt first, then Capital. He added that staff does not take it lightly that the formula has been changed. The formula does not work and staff cannot get a base under it; they had to start with something different.

Ms. Vinzant pointed out that the transfer to Capital and Debt has also been impacted by the overall reduction in revenues and the three cents discussed. She added that the impact that has had on Capital projects is a significant delay in projects related to schools, transportation, ACE, stormwater, urban infrastructure and some other adjustments.

Ms. Thomas noted that she would like to see information on what one cent could possibly do, as the County may be able to get more for the tax dollar at this time. She thinks that investing in infrastructure in the next few years is fiscally a good deal. It is a time to get more for the tax dollar.

Mr. Foley said that staff is trying to balance the CIP in a way that it has not done before, and the Oversight Committee process is intended to provide feedback on how to best proceed.

Mr. Slutzky suggested that staff provide a list of the assumptions that are codified in the proposed plan.

Ms. Vinzant stated that these assumptions and adjustments lead to the available balance of less than \$100,000 in each of the years.

Mr. Foley commented that this is a very difficult year, and this is a starting point based on staff's interpretation of the Board's priorities. If there are specific changes that the Board would like for staff to work with, they would like to hear those. Staff is looking for some general feedback at this time.

Mr. Rooker said that this is a "painful" budget time, and businesses go through this during recessions and learn to operate with less. He said that the County is trying to avoid laying people off as other sectors have, and is focusing on what the "core functions" of government are and make sure it is achieving those. The County also needs to recognize that there are things it would like to do but may not be able to because of lack of revenues. Mr. Rooker suggested having a chart that shows the number of employees that the County has going back for the last 10 to 15 years to get an idea of where they were in

total employment. He thinks this needs to be put into perspective in making judgments and decisions for moving forward. It would be more helpful if the information was broken down by departments.

Mr. Foley said staff has already done some of that analysis and can provide that information. He added that the current reductions take the County back to a staffing level of five years ago.

Ms. Thomas added that knocking out the previously approved Board initiatives is a valid step, but the Board cannot know today what the needs of citizens will be in two years, and having only \$25,000 in reserve does not provide security in the event of emergency.

Mr. Tucker responded that there are other contingencies – that is just the unallocated portion.

Ms. Thomas emphasized that there needs to be some kind of lockbox to anticipate unforeseen needs.

Mr. Slutzky suggested putting the affordable housing and transit initiatives back in, and create a revenue scenario that would address that, as well as addressing the lockbox through small increases in the tax rates.

Mr. Boyd suggested having revenue reduction figures on specific initiatives and how much on the tax rate it would cost to put them back in.

Mr. Foley agreed that was a good idea, noting that they had done that in prior years. Staff can bring that information back for the work session.

Mr. Boyd said that he would also like to see a cashflow analysis, showing investments.

Mr. Wiggins said that the financial report will come out in February and will have all the audited information through June 30, 2008. Staff can also provide some unaudited preliminary numbers.

Mr. Dorrier asked about debt owed at this time, stating that he thought the figure was about \$9 million. Mr. Foley responded that the Debt obligations are in the Capital, as this information is how that is all addressed.

Mr. Rooker said that it would also be helpful to see what the School budgets look like in the next few years, and what they are projecting for revenue.

Mr. Slutzky added that he would like to see some projections on the impact of the influx of NGIC families on the School population.

Mr. Rooker commented that they have been through public information sessions on land use tax, but the County needs to recognize that that program costs about \$18.0 million a year, and an alternative considered was requiring conservation easements or a non-development agreement. He said that this would serve the dual purpose of having more land in easements, and there would be substantial revenue realized. Mr. Rooker said that he sees the value of the land use taxation program, but he also sees value in other programs as well because the revenues are not there. Even with all of the proposed reductions, the County is looking at raising the tax rate by 3.5 cents. He asked Board members to think about whether it is wise of the Board to forego the revenue on land use when it is choosing to not do a lot of things and to make a lot of cuts in other areas.

Mr. Slutzky said the Board might want to present to the public an option would be to raise the tax rate "x"; another option would be to modify the Land Use Tax Program to raise those same revenues. He would not be interested in getting rid of the Program and he would like to include the conservation easement component a part of it. Another option is to perhaps redefine the basis on which the Revenue Sharing is paid so that it is tied to the land use value instead of the market value of what could go into commercial use. He asked if that would have to go to referendum with the City and County.

Mr. Davis replied that he would look at it more closely but his understanding is that modification would involve going back through the entire process which is a referendum.

Mr. Boyd and Ms. Mallek said that they recalled it could go forward with mutual agreement.

Mr. Davis stated that it would still have to go through the legal process. He added that he thinks it is clear in the agreement and the Board specifically discussed that that's what the intent was.

Mr. Rooker commented that the minutes are clearer than the agreement on that point.

Mr. Boyd said that perhaps the Board should ask that some of the Revenue Sharing money going to the City could go to community needs such as affordable housing and transportation.

Mr. Davis responded that that's up to the City.

Ms. Thomas stated that one of her constituents whose property is in land use made a suggestion that if the rollback was not such a penalty they might be willing to do that, but under the current system they get hit with a five-year rollback.

Mr. Davis said that the rollback only kicks in when they intensify the use of their property. As long as they maintain the use of their property there is no rollback.

Mr. Boyd commented that land use is not the reason the County is in this financial situation; it is the economy.

Mr. Rooker said the cost of the Land Use Program was factored into the Five Year Plan. Now economic conditions have changed substantially. Land Use has a value but he also supports many other things that are going to be eliminated from the Five Year Plan. Land Use is a program that needs to be looked at like all other programs. He commented that the way things are currently structured, the County is paying a whole lot out to the City on land that's valued for tax purposes at a much lower level.

Mr. Boyd said that the Plan staff has brought forward is a good one, and he would not support altering the Land Use Plan but if others want to put it on the table then that is their prerogative.

Mr. Slutzky said land use should be put on the table is another alternative to raising the tax rate.

Mr. Rooker mentioned that there are a lot of other things that are valuable to the County that are being cut.

Ms. Thomas stated that she does not want to get the ball rolling on changing land use unless there is enough support on the Board. If there are not more than two Board members interested in doing something with that program then it should not be put on the table. She said that people are under the assumption that the current land use policy, based on lots of Board discussion and public input, is a set policy – and changing it now would be “using our citizens poorly.”

Mr. Rooker agreed, but also said that when land use was on the table the economic realities were very different. He does think it needs to be looked at again because it has an impact on the tax rate. Land use was presented in isolation and now the alternative is a general tax increase.

There was no further discussion. Another work session is scheduled for November 12, 2008.

Agenda Item No. 20. From the Board: Matters Not Listed on the Agenda.

Mr. Tucker said that on Monday night, Charlottesville City Council made changes to the Scope of Work for the expert panel water supply plan review for the Rivanna Water and Sewer Authority (RWSA) that was supposed to move forward in the next few weeks. He provided Board members with a copy of the following proposal. He noted that Mr. Tom Frederick, Mr. Gary Fern and several members of the Albemarle County Service Authority (ACSA) are present for the Board's discussion.

“Expert Panel Water Supply Plan Review for RWSA – Scope of Work Outline
Approved by the Charlottesville City Council, November 3, 2008

Objective: To provide an expert review of the major elements of the local Community Water Supply Plan, within the context of approved permits by the Army Corps of Engineers and Virginia Department of Environmental Quality, and also within the local objectives of providing the 50-year water supply needs from within the locally-controlled watershed area with enhancement of the in-stream flow restored to the Moormans River. Further, with respect to all reviews, energy efficiency and options for renewable energy will be considered where practicable and consistent with the context of the approved permits.

1. Appoint Board of Consultants: A minimum of three senior executive level professional engineers who are nationally recognized experts in the field of water resources, having a significant number of years of experience within a wide range of projects of varying complexity.
 - a. Assist RWSA in development of scope of work and hiring criteria for individual technical studies as outlined below.
 - b. Meet with regulatory agencies to understand the context of approved permits and the feasibility and consequences of modifications.
 - c. Provide quality control review of all individual technical studies, except that the Ragged Mountain Dam Design Review team of experts may be organized independent of the Board of Consultants at the option of RWSA.
 - d. Prepare final recommendations to RWSA in a written report.
2. Individual technical studies:
 - a. Water Conservation – RWSA to retain a firm to define how water is being used by customers of City and ACSA, review conservation programs and incentives, and review rate structure, to include more aggressive conservation/efficiency measures. Firm to develop and evaluate multiple alternatives for structural measures that can firmly assure additional water conservation and achieve a significant water use reduction per capita. Alternatives will be summarized in technical memorandum for review by the Board of Consultants, and then presented to public in a community meeting with public input.
 - b. Future 50-Yr Water Demand Calculations – Board of Consultants to review demand projections for Community Water Supply Plan and make judgment on reasonableness of approach. RWSA will supply historical demand data updated to 2008. Methodology will be long-term trending and other parameters defined by regulatory agencies, and AWWA standard practices. Review will also consider decisions from a Water Conservation study. Demand needs of County and City will be determined independently and then combined.

- c. Dredging Feasibility Study – If the South Fork Rivanna Reservoir Stewardship Task Force recommends dredging as a means of maintaining the reservoir, RWSA will retain an engineering firm with specialization and proven experience in dredging operations to evaluate dredging of the South Fork Reservoir. The objective and scope of desired dredging will be based upon the local agencies' approval of recommendations from the task force. This may include reviewing background data, updating a bathymetric survey, updating sediment sampling and evaluation of basic characteristics, identifying wetland and other areas that would be restricted by regulatory agencies, calculating probable volume of sediment that would be removed, identifying goals of neighboring property owners, recommending acceptable dredging method(s), identifying and evaluating disposal sites (including Airport site and quarry site), interviewing local firms in construction dirt hauling and quarrying businesses to include DDR and Blue Ridge Sand. Determine feasibility of development of "in-reservoir" forebay area to more efficiently capture future sediment after initial operation. Develop estimated project cost for initial dredging operation that includes RWSA administration and quality control, and order-of-magnitude cost estimates in current dollars for future dredging to remove additional sediment that settles in the reservoir after the initial dredging operation.
- d. Ragged Mountain Dam Design Review – RWSA will retain a team of dam experts from multiple firms to review geotechnical data, preliminary design, and foundation design for proposed new dam and I-64 embankment. This review to follow draft RFP scope dated October 27, 2008. Significant focus will be on improving the value (lowest possible costs) of the project through foundation design, and will also consider revisions to dam orientation, existing Lower Dam location, and alternative core wall design. A report will be prepared listing technical decisions and providing an updated project cost estimate for a new Ragged Mountain Dam with sufficient storage to meet 50-Year demand. In addition, the team will determine the extent to which the height of this proposed dam could be lowered to reduce total storage volume by an amount equivalent to the volume restored in South Fork by an initial dredging operation, and will estimate how much of the cost of the dam is saved by the lower height (this will permit a comparison of benefits to cost when the savings are compared to the cost estimate for the initial dredging operation). The team, for comparison purposes, will also develop an updated cost estimate in current dollars to simply make required dam safety improvements to the existing Ragged Mountain Dams with no supply increase.
- e. Pipeline to Ragged Mountain – RWSA will retain a firm to review the conceptual design for a pipeline from the South Fork Reservoir to fill the Ragged Mountain Reservoir, and will develop a separate alternative to replace the Sugar Hollow Pipeline. This will include a review of Gannett Fleming's determination of pipe size and required water storage to meet the 18.7 mgd safe yield in an attempt to identify if the storage in the proposed expanded Ragged Mountain Reservoir can be reduced. This will also include field reconnaissance of both alternative pipeline routes. A project cost estimate will be prepared for each alternative, based upon an equivalent water rate transfer capacity at each location, and include recommended pipe sizes and necessary modifications at each location to provide an intake capable of providing the transfer capacity. The study also includes a review of water plant data for each source (South Fork Rivanna and Sugar Hollow) and consideration of economical measures for addressing the sediment in the water transferred to Ragged Mountain.

Council in adopting this Scope of Work on November 3, 2008 requested that construction work on the dam will not proceed until the other studies are complete."

Mr. Frederick, Executive Director of RWSA), said that he was not in attendance at City Council's meeting. In summary, he said City Council's intent is to appoint an expert group that would oversee or review documents and studies that would be prepared by other consultants on a variety of topics, and would authorize RWSA to move forward with a panel of experts to look at foundation issues for the dam. He said that Item 2-D in the handout covers largely what RWSA recommended to their Board in September, and everything else in the document is additional work. Mr. Frederick said that there would also be a water resources expert panel that would likely be a different group of consultants and they would oversee several studies outlined in the handout to include a study of water conservation to "include more aggressive conservation/efficiency measures."

He stated that his interpretation of "structural measures" is basically ways to confirm or approve that water conservation can be achieved – which largely means government regulation of how water is used by some sort of structure. Mr. Frederick said that there is also a review of demand calculations that was done to establish 18.7 million gallons per day as the 50-year safe yield. He added that it is not clear if that review will result in a different number, or if it is the same number and it calls for a judgment on reasonableness of approach using a long-term trending analysis. Most of the conversation he hears from the community that is critical of the demand calculations take a more short term approach, for example the last three to five years. Mr. Frederick said that the demand calculations done for the permit application process were a long-term statistical approach, and most statisticians suggest that 30 years of data for projecting 50 years in the future would necessitate use of long-term data to predict those trends.

Ms. Thomas commented that two consultants were already brought in. The demand analysis was done using outside expert consultants.

Mr. Frederick responded that there was an initial demand analysis done by VHB in the late 1990's. At that time O'Brien and Geer was the subconsulting engineer to VHB that helped work on the demand

analysis. He said that there were also extensive conversations with the EPA and state agencies regarding how to do the analysis in a way that meets their criteria since they contribute to the issuance of the permit.

Mr. Frederick said that Gannett Fleming reviewed and updated that analysis in 2003, but his understanding is that that firm took the methodology and just bought it up to date but did not change or radically affect how the analysis was done. He stated that a big reason for not altering that methodology was to prevent running off in a direction the state and federal agencies would not approve.

Ms. Mallek asked if the state and federal agencies still use the same criteria. Mr. Frederick replied that to his knowledge they do.

Mr. Boyd asked if the demand yield number came up the same. Mr. Frederick responded that in the late 1990's it came up over 19 million gallons per day; in 2003 it came up as 18.7. Gannett Fleming added a five percent cut in the methodology based on the assumption that there would be more water-efficient appliances being used.

Mr. Slutzky asked if they did any kind of crystal ball uncertainty analysis to determine accuracy. Mr. Frederick explained that they did four different methods of analysis and then looked at the four numbers and did an average to come up with 18.7. He said that one of the approaches used trends on water consumption, and the others used population statistics and projections. He is familiar with a industry process called sensitivity analysis, but have not read any documents that suggest that specific type of approach was used.

Ms. Mallek said she understands that it was determined that about 15 percent of summer consumption was household irrigation but there's no consideration for that as a substantial amount of water use if the County were to change its policy on "non-essential water use."

Mr. Boyd noted that some might feel that is essential water use, such as Parks and Recreation.

Mr. Rooker asked who drafted the document presented tonight from the City. Mr. Frederick said that he assisted Mr. Gary O'Connell in its preparation, and he made it clear that he would help any Rivanna Board member but could not endorse any plan.

Mr. Rooker asked how much this approach would cost. Mr. Frederick replied that he has done some confidential informal surveying of consultants, and he has heard estimates of \$750,000 to over \$1 million to do everything on the City's Scope of Work.

Mr. Rooker asked if the City assumes this would be paid for by Rivanna. Mr. Frederick replied that he believes that is the case.

Mr. Rooker said that the question is how much additional study and consulting work the community is willing to pay for as part of this review.

Mr. Tucker expressed concern about the time it would take, the integrity of the Ragged Mountain Dam, and when the DCR Dam Safety Unit may start pushing. Rivanna has asked for multiple deferrals in that and he is worried where that is going to go.

Mr. Frederick said that staff is working on correspondence to the Dam Safety Unit right now to update them on the project. It will be a straightforward letter and will include the current discussions that could have an unfavorable impact on the schedule. He has an obligation to make the Dam Safety Unit aware of the statement from the City that says "construction work on the dam will not proceed until other studies are complete." He added that City staff knows that RWSA plans to include that language, but the issue with the dam safety and State concerns date back to 1979.

Mr. Boyd asked if he knew how long it would take to put a panel like this. Mr. Frederick replied that it depends on how the work is sequenced and how much public input is put in, but the estimate is nine months to a year if it is fast-tracked, but public input and meetings could push that well beyond a year.

Ms. Thomas asked how long it took to get to this point. She said that the costs are not only what is on this paper, but the loss of what has already been spent.

Mr. Frederick stated that the first land acquisition for Buck Mountain was in 1983, and the recent effort started in 2003 with the updating of the demand analysis by Gannett Fleming. In 2004 the RWSA went from 32 possible alternatives down to four, and then started a series of public meetings – a total of ten community meetings plus over a dozen updates to the Board, ACSA Board, etc. He explained that in 2006 there was an application filed for a permit but it took until 2008 for the regulatory agencies to get around to reviewing all the documents, asking questions and permitting the process. Mr. Frederick added that if the community wanted to go outside of the context of the existing permits there could be substantial delays.

Mr. Boyd asked how much money has been spent on this so far. Mr. Frederick replied that there were environmental impact studies and other studies, including public input meetings, with a cost of over \$2 million not including staff time.

Mr. Slutzky said that he does not understand why the study for the long-term needs to be done before the project moves forward.

Mr. Rooker stated that when this first came through he questioned the demand analysis and the growth figures that were included, the percentage of people on public water versus private water, the starting point for demand – which is higher than what's currently utilized, but at the end of the day you still come back to developing a plan that accommodates the long term. He thinks where the people who have been attacking the plan are coming from is that if you can lower the demand analysis so that it is 15 million gallons per day, then you start getting to a point where dredging and conservation might satisfy that new demand. He suggested setting up a joint meeting with City Council because it does not help to have separate entities firing out resolutions that substantially alter the obligations of everybody involved.

Mr. Slutzky said that that would be his "Plan B." He does not object to the calculations being examined further. He is in favor of doing dredging as an additional element of the Water Supply Plan because Kevin Lynch made the argument on the downside of relying on one water source. The Ragged Mountain Dam still needs to be addressed from a safety and capacity standpoint. He does not have a problem with any of the items but he does not understand the need to do them before moving forward with the agreed upon Plan. He stated that the County should let the City know that we do not object to doing those things, but we object to doing them as a stumbling block to actually moving forward with a plan that's been through rigorous analysis, public input, collaboration, and ultimate agreement.

Mr. Boyd stated there is no guarantee that dredging would be cost-efficient. Mr. Frederick said that is correct.

Mr. Rooker emphasized that the only way to know that is to get bids, so everything is conjecture up to that point. He has generally been in support of dredging, but unless you satisfy all of the water demand, you still have to look at the water supply plan, and it will end up being an add on to all or most of the costs included in the current plan. The question then is whether the community is willing to pay for that.

Mr. Boyd said he thinks the County should move full force with the plan that is in place.

Ms. Thomas asked if this was holding up the panel. Mr. Frederick responded that it was.

Ms. Thomas pointed out that Gary O'Connell requested that he be allowed to take recommendations to City Council before Rivanna voted on it, so (d) is being held up.

Mr. Frederick said that when the press release was issued and that discussion happened, the RWSA was authorized to pursue a panel of dam experts. Rivanna staff went back and prepared a draft that could be released to consulting firms to submit proposal, and that's the point where they were stopped.

Mr. Rooker said that the City has two votes on the Board, and they are not going to go forward at this point.

Mr. Frederick said, at this time, he does not think he has the authority from the Rivanna Board to release that document and obtain consultants.

Mr. Rooker said ultimately there needs to be unanimous consent between the City and the County to move forward on a water supply plan. He does not want to be in a mode of the County trying to garner a third vote to do something the City is opposed to.

Mr. Slutzky said this Board could still say it wants to proceed and could let the Rivanna Board decide how to proceed. The City unilaterally usurped what the County was thinking.

Mr. Boyd commented that the Sugar Hollow pipeline study has to be done. Mr. Frederick said it is the County's option on whether it wants to update the cost of a pipeline from Sugar Hollow. The permit spells out that the pipeline will come from the South Fork Rivanna Reservoir.

Ms. Thomas emphasized that there will have to be a pipeline because Ragged Mountain has too small a drainage area. The Sugar Hollow facility was built in 1920, goes through a tunnel where the roof has collapsed and is old. There is a 23-mile pipeline from the James or a nine-mile pipeline from the South Fork Reservoir. The pipeline from South Fork is the shortest and it is going to be expensive, but compared to other pipelines and given the environmental value and the water supply value of that pipeline, a pipeline is needed one way or another. She does not think people have thought about the alternative. She does not think the Board wants to join in (e) and say you have to thoroughly analyze all the pipelines.

Mr. Rooker said in order to expedite a resolution of this the Board needs to sit down with the City. The City needs to hear some of the reasoning expressed by Board members. He does not think they will respond well to the Board agreeing to do some of these things and not others.

Mr. Boyd suggested the Board reaffirm the existing plan and then ask to meet with them.

Ms. Thomas commented that the City did not address this to the Board.

Mr. Slutzky added that they unilaterally took this action with no input from the County.

Mr. Tucker said that the ACSA has to be at the table also.

Mr. Rooker said that they would be at the meeting, as the RWSA would be, the City, and the County.

Mr. Slutzky asked why it could not go to the RWSA Board.

Mr. Tucker said this is the direction given to Gary O'Connell and Judith Mueller, to not support the panel that RWSA was moving forward on. Whatever this Board decides to do today is his (Mr. Tucker's) direction. Gary Fern will be meeting with the ACSA Board to get his direction. Mike Gaffney is the fifth vote on the Rivanna Board.

Mr. Fern added that he does not have a sense of the position from all his Board members. The ACSA Board is meeting tomorrow to discuss this topic.

Mr. Tucker suggested that a meeting be coordinated among all parties.

Mr. Boyd said that he believes the County should go into the meeting with support for the 50-year water supply plan. Mr. Tucker commented that that is the Board's policy.

Mr. Tucker noted that Fredericksburg went ahead with the bids for their project, then did the borings, and now they do not have the money to do it.

Mr. Frederick said that the RWSA is a regional organization that serves the County and City. He sees his role as helping to facilitate the discussion, but he also has a professional obligation to advise all parties if he sees potential pitfalls. The time that they are taking on this is making it probably impossible to meet the June 2011 deadline that Dam Safety has imposed on them. This community does become at risk for enforcement actions by state agency for not complying with state regulatory requirements. He said that there could be a court order to drain Ragged Mountain Reservoir to the bottom and not be refilled until the problem is fixed. That could lead to substantial mandatory restrictions on the community that could drag on for months and even years.

Mr. Slutzky said that is the kind of information that needs to be shared.

Ms. Thomas said that the argument is that the old dam could be repaired, but if it is repaired there is no increased capacity and there will need to be some other source of water. She commented that Lake Albemarle, Chris Greene Lake, and Beaver Creek have all been suggested but they each have pitfalls and barriers to use. Lake Albemarle has dam problems and is not owned by a water supply agency; it was built for fisheries. Beaver Creek Reservoir is needed for Crozet. Chris Greene Lake is a major recreation area and the federal government has supplied the money for the recreation facility as part of and would probably demand that money back. None of those are an advantage to the County.

Mr. Rooker said there are also technical reasons why it would be difficult to incorporate the other reservoirs into the water supply plan and have a plan that would provide the utilitarian service that the current plan would provide. He is not so concerned about whether the County gives an asset to the City or whether it becomes a joint use facility. Mr. Rooker stated that he is hoping that there will be an agreement reached from the joint meeting. He does not think it is necessary to put out a position of opposition at this time. He said that some opinions in the community seem to be based on incomplete and inaccurate information that has been freely circulated.

Mr. Slutzky agreed.

Mr. Tucker suggested that Rivanna staff work on coordinating a meeting date with the other entities. Mr. Rooker reiterated the importance of scheduling the meeting as soon as possible.

Following some discussion, Board members suggested contacting the City to see if they could meet on Friday, November 7th at 1:00 p.m.

Mr. Slutzky asked what happens if the City cannot meet on Friday. Mr. Davis responded that a Board member would have to come to the County Office Building and adjourn the meeting to the Board's work session on November 14th.

Mr. Davis commented that the City would need to call a special meeting to meet on Friday.

Mr. Frederick said that he is not sure with four boards involved if the other boards have to give legal notice.

Mr. Davis said that the FOI requirement is three days or immediate notice upon the meeting being called if it is less than that.

Ms. Thomas commented that the South Fork Rivanna River Task Force is going to be looking at dredging, but ahead of time she is going to be circulating information from a Gahagan & Bryant meeting which is really 'Dredging 101.'

Mr. Tucker said he has received a request from the County's Public Recreational Facilities Authority for an additional allocation of \$7,500 for legal counsel.

Mr. Boyd said that the Board had approved \$5,000, but he did not want to support the motion with the term "litigation" and instead preferred "second opinion." He expressed concern over spending more money on this.

Mr. Slutzky said that Mr. Davis was the first opinion and Mr. Zunka was a second opinion.

Mr. Rooker said that the question is whether to appropriate another \$7,500.

Mr. Slutzky said he thinks the purpose that made the Board allocate the original \$5,000 is still valid and if the County can get a positive result, he would be willing to support the additional allocation.

Mr. Rooker said the question is if that amount needs to be authorized now in order to carry forward. Is there a need for outside counsel to participate in a meeting with the Harris'. He does not think the cost of doing that meeting is \$7,500.

Mr. Slutzky said it might be an important point of information for our negotiating representatives to have that the Board is committed to investing in further legal work, if necessary. He suggested approving the \$7,500 and then see what might have to be spent.

Mr. Rooker said he is concerned with what happened the first time around with the \$5,000, and he is hesitant to authorize this amount of money for a small amount of work. He is not opposed to spending the money to get a result. If the Board decides that litigation is the route to go, the authorization will have to be larger than \$7,500.

Mr. Dorrier said he supports Mr. Rooker.

Ms. Thomas said that the Board needs to show a firm commitment to what needs to be done, even though the outcome may be the same.

Mr. Rooker agreed, but said that \$7,500 does not express a willingness to litigate, and if that route is chosen the expense will be substantially more than that. He said that he is concerned about the controls on the expenditure in the interim.

Mr. Slutzky suggested putting up \$2,000 with the Board's statement that it is their desire to see this matter resolved. The Board is prepared to visit the issue of litigation if it becomes ultimately necessary.

Mr. Rooker replied that the PRFA Board could decide whether to litigate or not, and the County is participating in negotiations now to see if that can be avoided. He said that he's not expressing a lack of desire to back them up if a resolution is not achieved, but he wants to have some joint control over the release of the \$7,500. Mr. Rooker asked if they could allocate that and stipulate what is done with those funds.

Mr. Tucker explained that they received a bill for about \$3,500; the County previously received one for more than the \$5,000.

Mr. Slutzky said he is willing to support the \$7,500 and added that there needs to be some language that shows intent to protect the integrity of conservation easements.

Mr. Boyd said that he thinks the County has gone as far as possible with that, and this seems to be a frivolous legal pursuit.

Mr. Rooker said that he objects to discussing the opinions of County counsel at this point. He then asked if the Board can approve the \$7,500 with some "shackles".

Mr. Davis clarified that the Board could approve \$7,500 subject to approval by the County Executive.

Motion was then offered by Mr. Slutzky that this Board reaffirms its commitment to protecting conservation easements and further that this Board authorize the appropriation of up to \$7,500 for this legal matter subject to the approval of the County Executive. Ms. Thomas **seconded** the motion.

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

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

NAYS: Mr. Boyd and Mr. Dorrier.

Agenda Item No. 21. Adjourn to November 7, 2008, 1:00 p.m., Room 241.

At 6:31 p.m., there being no further business to come before the Board, **motion** was offered by Mr. Slutzky to adjourn to November 7, 2008, 1:00 p.m., Room 241, for a possible joint meeting with City Council, Rivanna Water and Sewer Authority (RWSA) and the Albemarle County Service Authority (ACSA). Mr. Dorrier **seconded** the motion.

November 5, 2008 (Regular Day Meeting)
(Page 64)

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

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

(Note: This meeting was subsequently cancelled and scheduled for November 25, 2008.)

Chairman

Approved by Board
Date: 01/14/2009
Initials: EWJ