

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 7, 2009, at 9:00 a.m., in the Lane Auditorium of the County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Ken C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann 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, Clerk, Ella W. Jordan, Deputy Clerk, Meagan Hoy, and Director of Planning, V. Wayne Cilimberg.

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

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

Annual Meeting:

Agenda Item No. 4. Election of Chairman.
Agenda Item No. 5. Election of Vice-Chairman.

Mr. Tucker said this is the first meeting (Annual Meeting) for the Board. He then opened the floor for nominations for Chairman of the Board for Calendar Year 2009.

Mr. Rooker **nominated** Mr. David Slutzky as Chairman of the Board for 2009. He also **nominated** Mr. Ann Mallek as Vice-Chairman. Ms. Thomas **seconded** the motion. Roll was called, and the motions passed by the following recorded vote:

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

At this point, Mr. Tucker turned the gavel over to Mr. Slutzky who thanked the Board for his appointment. He said the Board has "its work cut out for it" this year.

Agenda Item No. 6. Appointment of Clerk and Senior Deputy Clerk.

Ms. Thomas **nominated** Ms. Ella W. Jordan as Clerk, and Ms. Meagan Hoy as Senior Deputy Clerk for calendar year 2009. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 7. Set Meeting Times, Dates and Places for Calendar Year 2009.

Mr. Slutzky asked if there were any comments about the proposed schedule. No comments were given, and the matter was placed before the Board.

Mr. Rooker **moved** to adopt the meeting schedule as set out in the agenda packet which is: The first Wednesday of the month at 9:00 a.m., the second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road; meeting dates for **January, 2010** will be January 6 at 9:00 a.m. and January 13 at 6:00 p.m.

Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 8. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.

Ms. Thomas **moved** to consider zoning text amendment requests from citizens on the dates listed in the Board packets - September 9 and December 9, 2009, and March 10 and June 9, 2010. Mr. Rooker **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 9. Rules of Procedure, Adoption of.

Mr. Rooker **moved** to adopt the Board's current Rules of Procedure as included in the agenda package. The motion was **seconded** by Mr. Dorrier and passed by the following record:

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

(**Note:** The Rules of Procedure as adopted are set out in full below.)

RULES OF PROCEDURE
ALBEMARLE BOARD OF COUNTY SUPERVISORS

A. Officers

1. Chairman. The Board at its annual meeting shall elect a Chairman who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chairman shall be the head official for all the Board's official functions and for ceremonial purposes. He shall have a vote but no veto. (Virginia Code Sections 15.2-1422 and 15.2-1423)
2. Vice-Chairman. The Board at its annual meeting shall also elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability. (Virginia Code Section 15.2-1422)
3. Term of Office. The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code Section 15.2-1422)
4. Absence of Chairman and Vice-Chairman. If the Chairman and Vice Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

B. Clerk and Deputy Clerks

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code Section 15.2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code Section 15.2-1416)

C. Meetings

1. Annual Meeting. The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code Section 15.2-1416)
2. Regular Meetings. The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code Section 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code Section 15.2-1416)

If the Chairman (or Vice Chairman, if the Chairman is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code Section 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code Section 15.2-1416)

3. Special Meetings. The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code Section 15.2-1417)

A special meeting shall be held when called by the Chairman or requested by two or more members of the Board. The call or request shall be made to the Clerk of the Board and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chairman, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code Section 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

D. Order of Business

The Clerk of the Board shall establish the agenda for all meetings in consultation with the Chairman. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for "From the Public: Matters Not Listed for Public Hearing on the Agenda".

Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board's preference that a public hearing should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes made in proffers at the public hearing resulting from comments received from the public or from Board members at the public hearing.

E. Quorum

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code Section 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

F. Voting Procedures

1. Approval by Motion. Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. (Article VII, Section 7, Virginia Constitution)
2. Special Voting Requirements. A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code Section 15.2-1428)
3. Public Hearings. The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. Motion to Amend. A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. Previous Question. Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. Motion to Reconsider. Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. Motion to Rescind. Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. Amendment of Rules of Procedure

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

H. Suspension of Rules of Procedure

These Rules of Procedure may be suspended by the majority vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

I. Necessary rules of procedure not covered by these Rules of Procedures shall be governed by Robert's Rules of Order's Procedure in Small Boards.

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009).

Agenda Item No. 10. Boards and Commissions Policy, Adoption of.

Ms. Thomas **moved** to adopt the Boards and Commissions Policy as included in Board packet. Mr. Rooker **seconded** the motion which passed by the following recorded vote:

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

(**Note:** The Board's Policy for Boards and Commissions is set out in full below.)

**ALBEMARLE COUNTY BOARD OF SUPERVISORS
POLICY FOR BOARDS AND COMMISSIONS**

A. CREATION OF NEW BOARDS AND COMMISSIONS

1. On an annual basis the list of active boards and commissions will be purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.

2. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.

3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. All appointments to boards and commissions based upon magisterial district boundaries will be made by the members of the Board of Supervisors. All magisterial positions will be advertised. At the discretion of the supervisor of that district, selected applicants may be interviewed for the position.

2. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.

3. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available will be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

5. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board of Supervisors prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.

6. From the pool of qualified candidates, the Board of Supervisors, at their discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting. For magisterial appointments, the decision to interview selected candidates will be determined by the supervisor of that district.

7. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board of Supervisors.

8. All vacancies will be filled as they occur.

9. All incumbents will be allowed to serve on a board or commission without his/her position being readvertised unless, based on attendance and performance, the chairman of the body or a member of the Board of Supervisors requests the Board of Supervisors to do otherwise.

10. As a condition to assuming office all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file such form annually on or before January 15.

11. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the chairman of the body may request the Board of Supervisors terminate the appointment and refill it during the next scheduled advertising period.

C. ADOPTION

This policy shall be reviewed and readopted by the Board of Supervisors in January.

(Amended and/or Readopted 01-07-98; 02-12-2005; 01-04-2006; 01-03-2007;
01-09-2008; 01-07-2009)

Agenda Item No. 11. From the Board: Matters Not Listed on the Agenda.

Mr. Slutzky asked if Board members wanted to continue having committee reports at the beginning of meetings.

Mr. Rooker said committee reports were actually being made at the end of the agenda, with other matters taken at this time.

Mr. Slutzky asked if Ms. Thomas had any thoughts about the new year.

Ms. Thomas said she thinks the Board is lucky to have the collegiality it has, especially considering the working relationships of other local government bodies. It is not something that should be taken for granted, and she appreciates it.

Mr. Boyd said he would like to congratulate Mr. Slutzky and Ms. Mallek on their new positions. Also, he wanted to thank everyone for the honor it had been for the past two years to be the Chairman.

Ms. Mallek said having just completed her first year as a Supervisor she still feels like a "newby." She appreciates all the help and guidance she received from staff as well as Board members helping her to be as productive as possible. At some point she would like to have a review of all of the things the Board asked for this past year. Mr. Tucker said he and Mr. Slutzky have talked about having a tentative agenda for the year and listing a lot of those items, particularly those in the Community Development work plan.

Mr. Slutzky said he suggested that the Board have the list of matters most likely to come before it in the next year; maybe for the next three months there could be a firmer agenda knowing that changes may be made. He also suggested that the Board get this information on a quarterly basis.

Ms. Mallek asked if this information might be on the website. Mr. Tucker agreed that it could be.

Mr. Slutzky added that there should be clarifying language included that the items are in process, and Board dates might change.

Ms. Mallek mentioned the free television and recycling event scheduled for Saturday, January 31, 2009, in front of the Crutchfield store in Rio Hill Shopping Center. This will allow citizens to dispose of any old equipment for free, essentially anything with an electric cord.

Mr. Rooker said the request for RTA legislation and the funding legislation have both been drafted by Legislative Services. He asked Mr. Davis to circulate copies to Board members, and suggested they review the proposals and maybe pass a resolution of support if it decides to support those

proposals. Mr. Davis said the Board previously adopted a resolution of support for the transit authority, but on the funding aspect of the bill, his office has reviewed the bill and there are some technical changes (drafting errors) that need to be made. He said they will circulate those on Friday after receiving comments from all other interested parties. That can then go back to Legislative Services for technical revisions.

Mr. Boyd requested that this be a regular agenda item for discussion and not a consent agenda item.

Mr. Rooker thanked Mr. Boyd for the excellent job he did as Chairman for the past two years. The Board has had good leadership and he believes there will be good leadership going forward.

Mr. Dorrier said he would like to recognize a group that is sometimes forgotten. He said that each month the Board studies the list of applicants for volunteer positions on boards and commissions. Often, these people do not receive the appreciation they deserve. They aren't doing it for the pay. They produce a lot of reports and items of education for the Board; they are doing many dollars worth of work for the County, and they don't get paid. They're doing it because they love the County. He also thanked Mr. Tucker and the staff for doing "more with less." He knows this is going to be a "rough" year and he appreciates their work. The other Board members voiced support of his statement.

Mr. Slutzky said he has never held a gavel before. He is looking forward to doing it. Generally, he is more informal than some people are comfortable with, so as he moves forward if Board members prefer that he be more stringent they should share that thought with him. He will appreciate their guidance along the way during his term as Chairman. As has been pointed out already, this Board is an extraordinarily collaborative group with diverse points of view. This is a testimony to how the community works. Each Board member reflects different elements of the community, but Albemarle County does come together in a cohesive way and it is reflected through the Board members. That is one of the reasons he likes living in Albemarle.

Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Bill Schrader said he appreciates the comments made by Mr. Dorrier. He is one of those volunteers. He serves as Vice-Chair of the Crozet Community Advisory Council. He is a member of the Steering Committee for the new Crozet Library. He is also chairperson of fundraising for the new library. He asked that the Board reconsider its decision to push the library project back to 2013, noting that Crozet has been waiting for this facility since about 2000. The first study was done in 1999; the Train study was done in 2001 and the Crozet Master Plan indicated the library should be in place in 2007. In the master plan the library is the lynchpin of the downtown area of Crozet; it will bring business and parking to the downtown area and is a perfect opportunity to revitalize the downtown area of Crozet. Pushing the timeline back impacts the middle of the master plan which is about to be redone. Because of the economic climate in the country, constructions bids have been coming in at 10 to 12 percent lower than what was expected. As bids come in, if there is anyway the Board can move funds around and put them back into the CIP, he would ask that they consider only pushing back half of the funds. Looking at the County's website and looking at the library fact sheet, it says "Construction of a library supports a host of infrastructure projects that have multiple benefits for the public including the sidewalk project, shared public parking for downtown, construction of Main Street, and the streetscape project. The library project uses public investment to stimulate downtown activity and economic vitality and represents a significant commitment to revitalization directly into the heart of downtown Crozet." He said it's not just a library. It's the future of downtown Crozet.

Mr. Forrest Marshall said this community has always honored those who have done a great deal for it by naming schools, roads, parks, etc. after them. He said United States Senator John W. Warner, a personal friend of his, has done a lot of things for the community. There has also been an economic benefit to the community by having the NGIC facility stay in Albemarle County, and having other branches relocate here. He asked that the Meadow Creek Parkway be renamed as the John W. Warner Parkway. He said the majority of City Council members, the Chamber of Commerce, both delegates representing the community, as well as Mr. Butch Davies on the Commonwealth Transportation Board support this request.

Ms. Melissa Wiley addressed the Board, stating that she is Director of Special Projects for the Piedmont Environmental Council. For the last three years she has been coordinating PEC's "Buy Fresh Buy Local" program. This morning she will present an update on local agricultural programs and initiatives which might be of interest relative to discussions of the County's Economic Development Policy. Although this program is a PEC initiative, it is not the only entity working to promote the local agricultural economy. Within County government their efforts have received support from Ms. Lee Catlin, Ms. Susan Stimart, Ms. Ann Mallek and others. These efforts are consistent with the County's Rural Area Policy and its stated vision of a strong agricultural and forestal economy with large unfragmented parcels of land on which to produce goods, opportunities to gain value from processing their own produce, and access to local markets.

Ms. Wiley said current efforts in the community include, among others, the local food distribution hub project being led by Ms. Kate Collier from JABA's Harvest Now program (they now get over 25 percent of their food locally and have committed to furthering institutional purchasing efforts throughout the community). U.Va.'s Institute for Environmental Negotiation is co-teaching courses on sustainable food systems in partnership with their Department of Urban and Environmental Planning. There are also efforts to start a statewide food security council. She said the Board will hear today from Mr. Neil Halverson from Locust Foods virtual marketplace initiative. Darden School at UVA identified local foods purchasing as a central component to reaching their sustainability goals and is playing a role with local student research projects. The Blue Moon Fund has identified local foods as a priority and is providing support to some of these efforts. Farmers and producers in the area are working to make their businesses more viable through development of value-added products, technology to extend garden seasons, and collaboration on things such as mobile poultry-processing units and other technology.

Ms. Wiley said from PEC's perspective, the County could help address support for a facility for value-added product development and food distribution, tax support for agricultural operations – including use-value tax and reevaluation of how this program might better assist small farm operations - and with network assistance. Among other things, this would link interested producers with landowners willing to lease land for cultivation. Concerning PEC's Buy Fresh Buy Local Program, it was started in 2006 with a grant from BAMA Works. Since then its funding base has increased to include support from other local and national foundations, various county governments, community organizations and dozens of commercial sponsors. Since launching the program in 2006, it has been expanded beyond just the Charlottesville area. It now covers over 12 counties and in 2008 they mailed almost 250,000 fresh medical food guides to households in the Piedmont. In their survey of the farms and businesses listed in the 2007 Charlottesville Area guide, 80 percent of the respondents said their sales increased after being listed in the guide; 90 percent said their customers mentioned seeing them listed in the guide.

Ms. Wiley said they are expanding the Buy Fresh Buy Local campaign in 2009 to include a farm-to-chef directory to facilitate restaurant purchasing of local foods. It will list a series of workshops to connect landowners and farmers in need of land. They are hosting workshops to help producers navigate the complex regulations and requirements associated with value-added processing.

Mr. Neal Halverson Taylor and Mr. Ted Corcoran addressed the Board. Mr. Taylor said that before the Board this morning is a proposal from Locus Foods of Virginia. They see a virtual marketplace for local food as the driving force in a community food system. It can serve large and small producers, large and small consumers, and especially institutional servers of food. They think it will have a positive impact on the rural community in terms of the economy and in terms of giving farmers a chance to preserve their land as farmland. They hope the Board will see the benefits to the workforce development component. This type of program can teach others including internet users as well as on-farm skills. He asked that the Board seriously consider this proposal.

Ms. Mallek said she hopes all of the various parallel tracks will come together. She thinks it would be beneficial to all three projects as well as the community and funders to develop a cohesive project.

Mr. Rooker asked if there is an opportunity for these three groups to unite and make a single proposal. Mr. Taylor said that can be done informally or at the Board's instigation.

Mr. Rooker said the Board will be discussing the County's Economic Development Policy later today. He thinks the idea is good, and is one he is interested in seeing explored. But, it is more difficult when there are three ideas competing for the same funds. Mr. Taylor said PEC is developing relationships between landowners and farmers at the front end. The virtual marketplace could be the driving force in the middle with the local food hub and possibly a preservation/freezing facility being complementary to the whole community food system.

Mr. Slutzky said he thinks an informal discussion of this idea by the Board would probably show enthusiasm for the objectives of each of the different groups. However, embracing something ideologically is one thing, but it would be clearer if the three groups came to the Board with a unified proposal. Although each group has some specific economic interest for asking for support, the Board has to be more business-like than just expressing enthusiasm.

Ms. Mallek said all of the individuals involved in these projects have been working with Mr. Mike Harvey who started an agriculture roundtable in Charlottesville about a year ago. There is an umbrella already with the Partnership for Economic Development that could provide shelter for this, and there are lots of great possibilities.

Mr. Jeff Werner of PEC addressed the Board. He said it is not their intent today to ask for funds. Yesterday he asked Ms. Wiley about some of the proposals the Board will be considering today and she had a long list of what is going on in the community. Keeping her comments down to three minutes did not allow her time to go through the whole list. He said it has always been PEC's objectives to protect the rural area. They believe a working farm is the best way to protect farmland. They also believe there cannot be farms without farmers. He said PEC's Buy Fresh Buy Local Program is only a piece of what is going on.

Mr. John Martin indicated that the sound in the Auditorium this morning has been "spotty" so it is difficult for the audience to hear.

Ms. Kay Jenkins of JABA said they have committed to putting 20 percent local food into the 200,000 meals they prepare each year. The only way they've been able to accomplish this was to have their food manager go to the farms and pick up the food in her personal vehicle. Getting into this they realize it must be a collaborative effort; many people in the area are committed to this idea. Recently they had a meeting and discussed bringing everybody together. Many people are working on different initiatives that are episodic in nature; the need to be tied together so efforts are not duplicated. As a user of local food and wanting to increase the amount they use now, they need help from all of these organizations. She mentioned a farmer who had to dispose of his fresh produce because he couldn't sell it all at the market. He had to leave it in the field, so if there were a processing facility available for use year-round, he would have had a more profitable operation. She said JABA is enjoying the results it gets from being able to get more nutritious local produce to its clients; some are lower income people.

Not Docketed: Mr. Rooker asked if the Board wanted to respond to any of the things brought up by the public this morning.

Mr. Slutzky said the Board will be considering the food issue when it discusses the Economic Development Policy later today.

Mr. Rooker said he would like to ask the County Attorney if he had looked into whether the Board is able to name a road like the Meadow Creek Parkway, and if so, what the process would be.

Mr. Davis said different laws affect the entire parkway project. The part of it that lies in the County will be a secondary road and the Board has the discretion to name that part of the road without need for concurrence by any other body. City Council can likewise name the part of the road that lies in the City. The interchange part of the parkway is part of the primary system and it would be named by the Commonwealth Transportation Board but only after receiving a resolution by City Council recommending a name. In regard to Mr. Marshall's request, by legislation that interchange cannot be named after a living person; in order to do so, that would require an act of the General Assembly. As to the parts of the parkway that lie in the County and the City, if both agreed to a unified name, that could be done locally.

Mr. Rooker said he thinks the request is appropriate for a senator who has over many years brought honor to the state of Virginia serving with integrity. He thinks Senator Warner is recognized nationwide and internationally as a force in the Senate. He went to law school here and has spent a lot of time here. He remembers that at one time the idea for getting funding for that interchange was just a dream and the City would not go forward with the parkway itself without funding for the interchange, so he thinks it would be appropriate to honor this request. He then **moved** that the Board name the part of the Meadow Creek Parkway lying in the County as the "John W. Warner Parkway", subject to similar action being taken by City Council with respect to the City section, so there is a consistent name for the parkway.

Mr. Rooker said he thinks it would be inappropriate for the two segments to have different names. He does not think the Board needs to deal with the interchange at this time. If the road is named the John W. Warner Parkway, he does not think an interchange that meets another road would be considered as a separate item.

Ms. Thomas **seconded** the motion,

Mr. Slutzky echoed Mr. Rooker's enthusiasm for honoring Senator Warner. He has been an extraordinary servant particularly to the benefit of Albemarle County with regard to this road project. His only hesitation has to do with the two segments of the road, and the sensitivities of City residents about construction of this project. He would not want this Board to do anything that is too proactive. It is important to pay attention to Mr. Rooker's caveat that the Board is saying the name is acceptable to it but is not adopting it as the name until such time as the City might also consider it to be acceptable for their section.

Ms. Thomas said she thinks the John W. Warner name for this parkway is good. She reminded everybody that this is a true parkway. Years ago when it was being designed, this County hired some of the best parkway designers in the entire nation to design this parkway. She hopes VDOT has been following those plans and this will be a parkway in the full meaning of the word with pedestrian and bicycle facilities along its sides. It is something of great pride the County would be honoring the Senator with; it is not just a "back alley." This is a major project and designed fabulously.

Mr. Rooker said it will be by far the nicest transportation project in the area when it's completed, with the best bicycle/pedestrian facilities in the area with a linear park along the route. He thinks the Board will be very proud of it when completed and is something appropriate for the Senator's name.

Mr. Boyd said he will echo the sentiments expressed by fellow Board members.

At this time, roll was called, and the motion carried by the following recorded vote:

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

Mr. Marshall was still present and expressed his gratitude for the Board's action. He said Senator Warner did not want this done when he was in office, but now he is an ex-senator. He has a meeting with City Council next Monday night and they also want to do something in his honor.

Mr. Rooker asked about the idea that there might be some funds available from savings on capital projects that could be used for the Crozet library. He assumes the Board would take that up as part of the budget process for the CIP. He thinks it is a point well taken and the Board should look into it.

Ms. Thomas said she thinks that will have to be a part of the budgeting process, and the Board may need to ask the public to specifically think about adding a few pennies to the tax rate so the County can carry on with capital improvement projects as planned. She thinks staff was correct in warning the Crozet Library Advisory Committee that the project may have to be put off.

Mr. Slutzky said as members of the public come before the Board in the next few months with specific requests for isolated expenditures that are particularly significant as is the library project, it's important for them to share with the Board how they would expect the request to be funded. These are difficult financial times. If people present "wants" and do not say how to accomplish them financially, it is not as meaningful to this Board.

Agenda Item No. 13. Consent Agenda. After discussion of several items on the Consent Agenda (those conversations are included with the information on that item), Mr. Rooker **moved** for approval of Items 13.1 through 13.7 on the Consent Agenda and to accept the other items for information. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

Item 13.1. Approval of Minutes: August 6, October 1, October 8 and December 2, 2008.

Ms. Mallek had read the minutes of October 1, 2008 (pages 1 through 42 ending at Agenda Item No. 18) and handed to the Clerk a list of corrections.

By the recorded vote set out above, the Board approved the minutes which had been read. All other minutes will be put on the next agenda for approval.

Item 13.2. FY 2009 Appropriations.

It was noted in the Executive Summary 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. The total of this requested FY '2009 appropriation is \$1,460,874.54. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget. This request involves the approval of six new FY 2009 appropriations as follows:

Appropriation No. 2009-043, \$7,602.00, (Revenue Source - Local Revenue \$6,207.00; State Revenue \$1,395.00).

Albemarle County has been awarded a "Community Preservation Grant" from Preservation Piedmont in the amount of \$1,052.00 for use by the County's Historic Preservation Committee. The grant will be used to locate, research and disseminate information about the historic, African-American Rosenwald Schools in Albemarle County. From this initial grant the Committee will research local and non-local archives and produce a simple website with their results. The website will be the beginning of a public outreach effort to connect with communities that house these schools to discuss creative ways to restore and reuse these historic structures. There is no local match.

The Office of the Attorney General awarded the Sheriff's Department a grant in the amount of \$1,395.00 with a local match of \$155.00, for a total grant award of \$1,550.00. The grant is for purchase of equipment and supplies to assist seniors in the County to "Stay Safe". These efforts are in conjunction with the Jefferson Area Board of Aging, the Alzheimer's Association, and the local senior citizen centers throughout the County. The local match will be funded by the City of Charlottesville Police Department.

The Sheriff's Office Reserve Unit has received donations from the community totaling \$5,000.00. These funds will be used to purchase items needed to facilitate bringing initiatives to the community through the Sheriff's Office, primarily through the Reserve Unit. These initiatives include the Reserve Unit Search & Rescue, Project Lifesaver, Senior TRIAD, Internet Crimes Against Children Task Force, Crime Prevention/Safety Program (First Time Hunter Safety Courses, School Crossing Guard Course, "Eddie Eagle Program" (gun safety for children), CPR/AED Training courses, "First Steps Course" (home firearm safety course), McGruff Crime Prevention, Child Fingerprinting and Refuse to be a Victim course.

Appropriation No. 2009-044, \$93,200.00, (Revenue Source - Federal Revenue \$93,200.00).

The National Fish and Wildlife Foundation awarded Albemarle County a grant in the amount of \$93,200.00 with a local match of \$106,800.00, for a total grant award of \$200,000.00. This grant will assist in the engineering/design and construction phases of the stormwater control improvement project for the Woodbrook Lagoon. Funds previously allocated to the Stormwater Control Improvement Fund will be used for the local match.

Appropriation No. 2009-045, \$152,422.75 (Revenue Source - CCF Fund Balance \$152,422.75).

The City of Charlottesville served as fiscal agent for the Commission on Children & Families (CCF) until January 1, 2007, at which time Albemarle County became its fiscal agent. CCF helps support many agencies between the City of Charlottesville and Albemarle County, including Community Attention. After reviewing information between the City of Charlottesville and Albemarle County, it has come to attention that Community Attention never received its FY 2007 fourth quarter payment in the amount of \$152,422.75 from CCF. These monies have remained in CCF's Fund Balance since FY 2007 and will need to be appropriated so that payment can be made to Community Attention.

Appropriation No. 2009-046, \$30,221.00, (Revenue Source - State Revenue ~~-\$30,221.00~~; Board Contingency \$8,853.00).

The County serves as the fiscal agent for grant funds received from the Virginia Department of Criminal Justice Services for Local Probation/Community Corrections and Pretrial Services. As the grant administrator, the County services as fiscal agent and contracts with Offender Aid & Restoration (OAR) to provide these services for a nine jurisdictional area. During the 2008 General Assembly budget deliberations, the grant award to Albemarle County was reduced \$30,528.00. This resulted in a net reduction of \$8,750.00 from the initial appropriated grant budget. OAR requested additional local funding from the nine participating jurisdictions and on August 6, 2008, the Board agreed to provide \$8,853.00 in supplemental funding to OAR for the County's share of this reduction. OAR successfully received additional funding from six of the participation jurisdictions, including Albemarle County, and will use their available fund balance to cover the remaining shortfall. In addition to the reduction in the pretrial/community correction portion of this grant, DCJS has recently notified the County of an additional funding reduction of \$21,471.00 for the Public Inebriate Center. The County contracts with Region Ten for these services. This appropriation will adjust the budget for the grant to reflect the net decrease in grant revenues and expenditures from the adopted budget and will provide \$8,853.00 in supplemental funding to OAR from the Board's contingency.

Appropriation No. 2009-047, \$1,237,870.79 (Revenue Source - Local Revenues \$3,700.00; State Revenues \$37,500.00; Other Fund Balances \$1,196,670.79).

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

The Virginia Department of Education (VDOE) selected Albemarle County Public Schools to participate with 12 public school divisions and to act as fiscal agent for the Professional Partnership for School Leadership Preparation Grant. The 12 participating school divisions include Charlottesville, Fredericksburg, Staunton and Waynesboro city public schools; Clarke, Fluvanna, Greene, Louisa, Manassas Park, Orange, Rockingham and Warren County public schools. This grant program offers an alternate approach to administrative preparation that will give candidates the knowledge and skills they need to become effective school administrators. This grant has a FY 2008 fund balance of \$95,070.64 to be reappropriated into FY 2009.

The mission of the School Bus Replacement Fund is to provide constant funding for bus replacement in support of the division's strategic plan. This fund has a balance of \$1,012,743.34 from FY 2008 that may be used. While this amount is unlikely to be needed, approximately \$500,000 may be necessary to purchase both smaller buses and fuel efficient cars to improve operational efficiencies.

The mission of the Computer Equipment Replacement Fund is to provide students and staff reliable access to technology and support its use in meaningful ways in support of the Division's strategic plan. This fund has a balance of \$88,856.81 from FY 2008 that may be reappropriated for use in FY 2009.

Western Albemarle High School received a donation in the amount of \$250.00 from Barton D. Weis. The donor has requested that the contribution go toward the synthetic turf field project at Western Albemarle High School.

National Board Certification is an extensive yearlong assessment of actual teaching practice based upon high and rigorous standards established by the National Board for Professional Teaching Standards (NBPTS). Through this process, teachers document their subject matter knowledge; provide evidence that they know how to teach their subjects to students most effectively; and, demonstrate their ability to manage and measure student learning. In Albemarle's school division, 14 teachers meet these standards: Catherine S. Coffman, Denise A. Collado, Wendy L. Eckerle, Patricia P. Harder, Natasha A. Heny, Tim P. Howeth, Mary Beth Kookan, Catherine A. Meaney, Tessa M. Pehanick, Dolores W. Reinhold, Chandler E. Sansing, Marjorie W. Shepherd, Thomas F. Sutliff, and Charlotte S. Wellen. In recognition of this achievement, the Department of Education issues the National Board Incentive Bonus Payments to these teachers. In past years, payments were made directly by the state to the teachers. This

year, the funds, totaling \$37,500.00, were electronically transferred to this division to be disbursed to Albemarle teachers.

Cale Elementary School received a donation in the amount of \$3,150.00 from the Cale PTO. The donor requested that the contribution be used for teacher stipends for Cale Clubs.

Albemarle High School received a donation in the amount of \$300.00 from David C. Sloan. The donor has requested that his contribution be used for the turf project at Albemarle High School.

At its meeting on January 8, 2009, the School Board is scheduled to approve the following appropriation:

Previously, funds had been appropriated to the Rowing Club at Western Albemarle High School. These funds, totaling \$14,000.00, need to be transferred to the Capital Improvements Fund to support the building of the boathouse for the rowing club at Western Albemarle High School. This appropriation will have no impact on the County's total budget.

Appropriation No. 2009-048, \$93,000.00, (Revenue Source - Board Contingency \$93,000.00).

At its meeting on July 2, 2008, the Board approved the use of funds from its contingency for Virginia Commonwealth University's Commonwealth Educational Policy Institute (CEPI) to conduct a Local Government Resource Management Review. Funds totaling \$93,000.00 are being appropriated to cover the \$89,000.00 estimated cost of work and an additional \$4,000.00 in estimated travel expenses for CEPI staff. This appropriation will have no impact on the County's total budget.

Staff recommends approval of the budget amendment in the amount of \$1,460,874.54 and approval of the FY 2009 Appropriations Nos. 2009-043, 2009-044, 2009-045, 2009-046, 2009-047 and 2009-048.

(Discussion: Ms. Thomas said she was baffled that Community Attention never received its FY 2007 fourth quarter payment in the amount of \$152,422.75 from CCF. How did Community Attention continue to function without that amount of money? Mr. Bryan Elliott, Assistant County Executive, said that during transition of fiscal agent responsibilities from the City to the County, the request for reimbursement was misplaced. He is not aware of how technically they operated for a year and a half without the funds. It was picked up this year in the audit, so the transfer is being requested now.

Mr. Rooker said he thinks that budget should be examined more closely next year. If they got by for that length of time without the money, maybe there was not as strong of a need for those funds as expected.

Ms. Thomas said one other item is the \$1,000.00 that came from Preservation Piedmont to the Historic Preservation Committee. The Rosenwald schools are unusual structures and there are only a few of them left in the whole country. Mr. Rosenwald was part of the Sears Roebuck Company administration and took it upon himself to provide money and plans for African-American community schools all over the southeastern part of the United States. There are a few left in Albemarle County and they are going to try and raise attention and get them protected, if possible.)

By the recorded vote set out above, the Board approved the budget amendment in the amount of \$1,460,874.54 and also approved FY 2009 Appropriations Nos. 2009-043, 2009-044, 2009-045, 2009-046, 2009-047 and 2009-048, all as set out below.

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2009-043
 DATE: 01/07/09

EXPLANATION: Local Government Grants & Donations:

1) Community Preservation Grant; 2) Sheriff - TRIAD Grant; 3) Sheriff's Office Reserve Unit.

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	18120	181227	Preservation Piedmont	J2	1,052.00		
1	1000	81022	310008	Historic Preservation Comm	J1	1,052.00		
			0501	Est. Revenue			1,052.00	
			0701	Appropriation				1,052.00
2	1514	18000	181316	Charlottesville PD	J2	155.00		
2	1514	24000	240000	State Revenue	J2	1,395.00		
1	1514	21070	600100	Supplies	J1	1,550.00		
			0501	Est. Revenue			1,550.00	
			0701	Appropriation				1,550.00
2	1000	51000	512002	Transfer fm Sheriffs Reserve	J2	5,000.00		
2	1000	21070	301230	Sheriff-Reserve Program	J1	5,000.00		
2	8408	18110	181117	Contribution - Reserve Pgm	J2	5,000.00		
1	8408	93010	930009	Transfer to General Fund	J1	5,000.00		
			0501	Est. Revenue			5,000.00	
			0701	Appropriation				5,000.00
	8408		0501	Est. Revenue			5,000.00	
			0701	Appropriation				5,000.00
TOTAL						25,204.00	12,602.00	12,602.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2009-044
 DATE: 01/07/09
 EXPLANATION: Chesapeake Bay Small Watershed Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9100	33000	330034	Federal Grant	J2	93,200.00		
1	9100	41059	312400	Woodbrook Lagoon-Eng	J1	90,000.00		
1	9100	41059	800605	Woodbrook Lagoon-Const	J1	110,000.00		
1	9100	41000	800975	Stormwater Control Improve.	J1	(106,800.00)		
	9100		0501	Est. Revenue			93,200.00	
			0701	Appropriation				93,200.00
					TOTAL	186,400.00	93,200.00	93,200.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2009-045
 DATE: 01/07/09
 EXPLANATION: Commission on Children and Families - Community Attention Payment

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	4400	51000	510100	Appropriation - Fund Balance	J2	152,422.75		
1	4400	54102	301200	CCF - Contract Services	J1	152,422.75		
	4400		0501	Est. Revenue			152,422.75	
			0701	Appropriation				152,422.75
					TOTAL	304,845.50	152,422.75	152,422.75

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2009-046
 DATE: 01/07/09
 EXPLANATION: Adjustment to Community Correction Grants and Supplemental Funding for OAR

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1520	24000	240440	State Rev - Comm. Corr.	J2	(30,221.00)		
1	1520	29406	566120	OAR	J1	77,601.00		
1	1520	29406	566140	Central Virginia Regional Jail	J1	(82,749.00)		
1	1520	29406	566150	Region Ten	J1	(25,073.00)		
	1520		0701	Appropriation			30,221.00	
			0501	Estimated Revenue				30,221.00
1	1000	39000	566100	OAR	J1	8,853.00		
1	1000	95000	999990	Board Contingency	J1	(8,853.00)		
					TOTAL	60,442.00	30,221.00	30,221.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2009-047
 DATE: 01/07/09
 EXPLANATION: Education Donations and Programs:
 School Board Meeting - 12/11/2008; Boathouse - 01/08/2009

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	3,150.00		
2	2000	24000	240218	Nat'l Brd Cert Stipnd-St	J2	37,500.00		
2	3220	51000	510100	Approp Fund Balance	J2	95,070.64		
2	3905	51000	510100	Fund Balance	J2	1,012,743.34		
2	3907	51000	510100	Fund Balance	J2	88,856.81		
2	9001	18100	181107	AHS Donations-Turf Proj	J2	300.00		
2	9002	18100	181107	WAHS Donations-Turf Proj	J2	250.00		
1	2100	61101	160120	Stipend-Nat'l Brd Cert-St	J1	34,835.11		
1	2100	61101	210000	FICA	J1	2,664.89		
1	2214	61101	160200	Stipends-Non-Inst.	J1	2,926.15		
1	2214	61101	210000	FICA	J1	223.85		
1	3220	61311	160300	Stipend-Staff Development	J1	23,500.00		
1	3220	61311	210000	FICA	J1	1,797.75		
1	3220	61311	312700	Prof Serv Consultants	J1	46,000.00		
1	3220	61311	550100	Mileage	J1	100.00		
1	3220	61311	580500	Staff Development	J1	6,130.00		
1	3220	61311	601300	Educational Supplies	J1	14,250.00		
1	3220	61311	601700	Printing	J1	3,292.89		
1	3905	62320	800506	School Bus Replacement	J1	1,012,743.34		
1	3907	61101	800700	Computer Equip/Rplmnt	J1	88,856.81		
1	9001	60301	920245	AHS Syn Turf Field	J1	300.00		
1	9002	60302	950245	WAHS Turf Field Program	J1	250.00		
	2000		0501	Est. Revenue			40,650.00	
			0701	Appropriation				40,650.00
	3220		0501	Est. Revenue			95,070.64	
			0701	Appropriation				95,070.64
	3905		0501	Est. Revenue			1,012,743.34	
			0701	Appropriation				1,012,743.34
	3907		0501	Est. Revenue			88,856.81	
			0701	Appropriation				88,856.81
	9001		0501	Est. Revenue			300.00	
			0701	Appropriation				300.00
	9002		0501	Est. Revenue			250.00	
			0701	Appropriation				250.00
1	2302	61105	800100	Mach/Equip-New	J1	(14,000.00)		
1	2302	93010	930010	Transfer To GF CIP	J1	14,000.00		
2	9010	51000	512001	Transfer Fr. School Fund	J2	14,000.00		
1	9010	71032	800605	Construction-Boathouse	J1	14,000.00		
	9010		0501	Est. Revenue			14,000.00	

0701	Appropriation	14,000.00
		TOTAL 2,503,741.58
		1,251,870.79
		1,251,870.79

* * *

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2009-048
 DATE: 01/07/09
 EXPLANATION: Funding for Local Government Resource Management Review

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER	
						DEBIT	CREDIT
1	1000	11010	312346	BOS - Resource Mgt Review	J1	93,000.00	
1	1000	95000	999990	BOS Contingency	J	(93,000.00)	
TOTAL						0.00	0.00

Item 13.3. Resolution Regarding the Commonwealth's FY 2009-2010 Budget Shortfall.

(Discussion: Ms. Thomas asked if the resolution related to the Commonwealth's budget shortfall will be presented to the Budget Committee meeting tomorrow at Piedmont Community College. Mr. Tucker said it was staff's intent to mail it to all of the Legislators and the Governor. The Board could certainly attend the committee meeting here tomorrow.

Ms. Thomas said she thinks someone from the Board should attend.

Ms. Mallek said she is going to attend and believes it's important for the Board to have a place at the microphone.

Mr. Boyd commented that he doesn't know where this resolution came from. He had not seen it before.

Mr. Rooker said it was recommended by VACo. Mr. Tucker explained that this is a VACo and VML document.

Mr. Boyd asked if the other Board members had seen it before putting it on the agenda.

Mr. Slutzky said he had seen it.

Mr. Rooker said he had seen it, and had sent an e-mail to Mr. Tucker asking that it be approved, and he copied all Board members. Also, anyone on that VML and VACo e-mail list would have gotten a copy.

Mr. Boyd said he does not always get a chance to read all of that stuff.)

By the recorded vote set out above, the Board adopted the following resolution regarding the Commonwealth's FY 2009-10 budget shortfall:

Resolution regarding the Commonwealth's FY 2009-2010 Budget Shortfall

Whereas, the County of Albemarle is committed to ensuring fiscal sustainability at the local and state levels of government because fiscal sustainability enables the Commonwealth and its local governments to provide high quality, cost effective, core public services that benefit Virginians today and for generations to come; and

Whereas, the current difficult economic and financial times require government, at all levels, to evaluate service delivery responsibilities and to determine the continued importance of programs meeting critical needs; and

Whereas, the Commonwealth must resolve an estimated 2009 and 2010 biennial revenue shortfall approaching \$3.0 billion that may in fact continue to escalate in the near term; and

Whereas, the County of Albemarle must resolve an estimated local 2009 revenue shortfall of \$7.2 million; and

Whereas, the Commonwealth's General Fund supports most critical core government services including public education, health and human resources, including the Comprehensive Services Act, public safety, natural resources and environmental services by dedicating almost 50 percent of the state's General Fund to local governments (with 74 percent of this funding supporting K-12 public education); and

Whereas, if one level of government establishes and ensures a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority; and

Whereas, the current economic environment threatens the sustainability of these critical core public services if the Commonwealth is required to reduce its contribution to the financial partnership between the state and its local governments including the County of Albemarle; and

Whereas, specific and necessary state budget reductions may impact a wide array of core public services, including but not limited to public education, the Comprehensive Service Act, and public safety, and many local governments, including the County of Albemarle, will absorb significant state reductions in 2009 and may be compelled to increase real property taxes to help ensure the continuation of vital core public services; and

Whereas, the County of Albemarle stands ready to partner with the Commonwealth to make the difficult budgetary decisions required, including thoroughly evaluating programs and working together to maintain a structural balance between revenues and expenditures that promotes the long-term viability of our Commonwealth.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Albemarle respectfully offers the following budget and revenue recommendations for the 2009 legislative session to the Governor and Virginia General Assembly including the County of Albemarle Delegates and Senators:

- Budget and appropriate sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset necessary state budget reductions. Global and national financial markets are imbalanced; consequently, Virginia is one of many states facing a significant state revenue shortfall. The Commonwealth is required to replenish the Fund when economic conditions improve, and the County of Albemarle supports recapitalizing the Fund in better economic times.
- Before budgeting and appropriating necessary state budget reductions, revisit recent state tax exemptions. Since the late 1990s the state has enacted more than \$1.8 billion in net biennial tax reductions and specific General Fund transfers.
- Oppose the enactment of new unfunded and under-funded state mandates that will impose new costs on local governments. Additionally, consider repealing specific, unfunded and under-funded state mandates. In the area of public education, the Governor and Virginia General Assembly should consider providing localities and school districts maximum flexibility to i) suspend specific mandates and ii) manage specific public education reductions.
- Enact a law authorizing equal taxing authority for counties. Counties should be enabled, like cities and towns, to institute specific taxes, including a meals tax without a referendum. The new sources of revenue would be tailored to the needs of a jurisdiction and could help local governments protect adequate funding for the core government services including K-12 public education, and reduce county dependence on property taxes.
- Consider additional possibilities for mitigating the impact of state cuts on local governments. Local governments will have to make significant cuts in services because of flat or decreasing real estate revenues. Permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.

Furthermore, the County of Albemarle offers these recommendations in the spirit of compromise and partnership to the Governor and Virginia General Assembly including the County of Albemarle Delegates and Senators.

Item 13.4. Resolution to accept road(s) in Woodlands Subdivision into the State Secondary System of Highways.

At the request of the County's Engineering Department, the Board adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Woodlands Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 7, 2009**, 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 **Woodlands Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 7, 2009**, 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) Mountainwood Road (State Route 1112) from the existing end of State maintenance to the intersection of Mountainwood Road (Route 1112), as shown on plat recorded in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 3662, page 528, with a 60-foot right-of-way width, for a length of 0.01 miles.
- 2) Mountainwood Road (State Route 1112) from the intersection of Mountainwood Road (Route 1112) to the intersection of Sunset Avenue (Route 781), as shown on plat recorded in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 3662, page 528, with a 60-foot right-of-way width, for a length of 0.08 miles.

Total Mileage – 0.09

Item 13.5. Resolution to accept road(s) in Fishing Creek Subdivision into the State Secondary System of Highways.

At the request of the County's Engineering Department, the Board adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Fishing Creek Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 7, 2009**, 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 **Fishing Creek Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 7, 2009**, 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) **Fishing Creek Lane (State Route 1061)** from the intersection of Buck Mountain Road (Route 665) to the cul-de-sac, as shown on plat recorded in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 3662, pages 683-694, with a 50-foot right-of-way width, for a length of 0.21 miles.

Total Mileage – 0.21

Item 13.6. Resolution to accept road(s) in Fontana Subdivision, Phase 4B, into the State Secondary System of Highways.

At the request of the County's Engineering Department, the Board adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Fontana Subdivision, Phase 4B**, as described on the attached Additions Form AM-4.3 dated **January 7, 2009**, 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 **Fontana Subdivision, Phase 4B**, as described on the attached Additions Form AM-4.3 dated **January 7, 2009**, 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) **Via Florence Road (State Route 1775)** from the intersection of Verona Drive (Route 1771) to the cul-de-sac, as shown on plat recorded in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 3003, page 417, with a 50-foot right-of-way width, for a length of 0.38 miles.

Total Mileage – 0.38

Item 13.7. Voluntary Early Retirement Incentive Program (VERIP) – Amendment of Personnel Policy §P-63, Retirement.

It was noted in the staff's report that in an effort to effect cost savings over the next five years while maintaining commitments to employees, it is critical to seek innovative solutions to reduce compensation costs. The following report is a proposal for a one-time retirement incentive to create opportunities for employees who wish to retire.

The Voluntary Early Retirement Incentive Program (VERIP) was adopted by the Board of Supervisors and School Board during the summer of 1993 for both School Division and Local Government employees. Policy §P-63, Retirement, establishes this program. VERIP is designed for employees who have already met VRS retirement eligibility standards, but are not yet 65. It gives these employees an "early" retirement option that assists with medical insurance costs and supplements reduced Social Security benefits. To be eligible for benefits, employees must:

- Meet early or full VRS retirement eligibility standards;
- Have worked for Albemarle County for 10 of the last 13 years immediately prior to retirement; and
- Be employed in a benefits-eligible position at the time of retirement.

VERIP provides two kinds of benefits, both payable on a monthly basis for five years or until age 65, whichever comes first:

- 1) A contribution equivalent to the Board medical contribution given to active full-time employees; and
- 2) A stipend based on the difference between the estimated VRS benefit the employee would receive by retiring "early" and the benefit the employee would receive with five additional years of service.

VERIP serves as a retention tool in that it encourages the more experienced employees (particularly those within 15 to 20 years of service) to stay with the organization at least 10 years in order to qualify for the program benefits, the program also provides an option for employees who wish to leave the work force, but are still several years away from qualifying for Social Security retirement benefits. Although retirees can draw Social Security benefits as early as age 62, Medicare is not offered until the employee has reached the age of 65. As such, the VERIP benefit, which includes up to five years of the Board contribution toward the employee's health insurance costs, it allows employees who would otherwise be forced to remain in the workforce an opportunity to retire with their health coverage intact until Medicare eligibility.

In an effort to provide an additional benefit to those employees contemplating retirement and, at the same time, realize some savings, a short term retirement incentive is proposed.

Short Term: One Time Retirement Incentive

The following proposal is a one-time retirement incentive to create opportunities for employees who wish to retire. This incentive provides VERIP eligible employees the option to apply for VERIP and:

- receive the Board medical contribution for two additional years, or
- receive the cash payment equivalent to that amount.

The following scenarios illustrate the proposed amendments:

- A 55-year-old employee would receive seven years of medical contributions instead of five years of medical contributions.
- A 62-year-old employee would receive an amount equivalent to medical contributions until age 67 rather than age 65 (although participation in the medical plan remains capped upon turning 65).
- A 66-year-old employee would receive two years of medical contributions, instead of being ineligible for any medical contributions.

These changes to VERIP would benefit employees and the organization as follows:

Benefit to Employees: Allows eligible employees who want to retire but are concerned about the gap in medical coverage prior to reaching age 65 to receive the Board contribution to medical for two additional years.

Benefit to Organization: Cost savings – There is a savings for VERIP retirement in regard to staffing costs. Typically, VERIP retirees have left the organization with 20+ years of service (the average being 22.75 for the years 2000-2007). However, the organization can generally replace retiring staff with highly qualified employees at a lower salary than the employee whom they have replaced. In addition, for employees who would not have otherwise retired this coming fiscal year, the County would realize the full salary savings of those employees not replaced due to the current financial conditions.

This retirement incentive is designed as a one-time window of opportunity. To be eligible, employees would need to meet the VERIP eligibility criteria and agree to retire no later than June 30, 2009. As Policy §P-63 states that the deadline for VERIP applications is December 1 and that VERIP is payable for five years or until age 65, an amendment to this policy is attached (on file) changing the application deadline to February 27, 2009, and indicating the option of extending the payments an additional two years or receiving that amount as a cash equivalent.

Long Term: Develop recommendations to change VERIP monthly stipend

Market data indicates that the level of benefit offered in terms of the stipend may exceed the majority of other localities as few localities offer supplemental retirement benefits. Data from the Joint Board-adopted market Total Rewards Survey conducted in July, 2007 indicates that only 26 percent (six localities out of 23) offer a supplemental retirement benefit. Additionally, data from the October, 2007 Survey of School Divisions indicates that divisions offering a supplemental benefit require retirees to return to work additional hours during the period of their benefits. However, providing the Board medical contribution appears to be market-competitive, as nearly one-half (43.5%) of the localities responding to the July, 2007 survey indicated they provided an employer supplement to health insurance. As specific employer contribution amounts were not collected in that survey, further analysis is required.

A review of the VERIP benefit by the Health and Welfare Benefit consultant for Albemarle County, Tom MacKay, of Keiter, Slabaugh, Penny and Holmes (KSPH) concluded the following:

“KSPH recommends that Albemarle County and Schools consider eliminating the monthly VRS subsidy under the VERIP plan. It is the opinion of KSPH that the retiree medical benefit is the piece that is highly valued by those employees who consider VERIP very important, not the supplemental VRS payment. The retiree medical benefit is highly valued since the cost of individual health insurance for an employee over age 50 can range from \$200 to over \$1,000 per month.”

In light of this information, the monthly stipend portion of the VERIP benefit is recommended to be reviewed. Over the next several months, staff will obtain current market information to assess the market competitiveness of the stipend portion of the VERIP benefit and develop recommended changes for FY 2010-11.

Local Government considers this incentive as a means to help realize the already projected savings generated from an additional 12 vacancies needed by the end of FY 2010. The exact savings will depend on the number of employees that take advantage of this offer. Staff recommends that the Board adopt the resolution to amend Policy §P-63.

(Discussion: Mr. Boyd asked that Consent Agenda Item 13.7 be discussed. He does not think he has enough tangible information about the anticipated financial impact of this change in the short-term or the long-term. It was noted in the Executive Summary that a figure could not be derived because staff

does not know how many people would take advantage of the program. He thinks that in order to approve this, the Board must have information about its cost. Mr. Tucker said he thinks the Schools would receive a bigger advantage from the program than General Government. He thought some numbers had been distributed to the Board members. Essentially, staff had to assumptions about the number of people who might take advantage of the program.

Ms. Kimberly Suyes, Director of Human Resources, was present. She handed to Mr. Boyd a sheet containing information about the basis of the estimate which she said was distributed to Board members by Mr. Tom Foley. She said they are trying to create attrition, and this is a significant way to do so. Because of commonality, it has to be looked at from the perspective of both the School Board and the Board of Supervisors. The change proposed is to provide two additional years of medical benefits. Staff thinks that will create a large piece of attrition on the School side. Currently there are 40 Local Government employees who are eligible; if 10 percent of them left, that could amount to a savings of \$292,000.

Mr. Boyd asked over what period of time that savings would be realized. Ms. Suyes said there would be no additional cost upfront for the medical contribution. If someone aged 65 retired and was not eligible to stay on the medical benefit, but wanted the contribution instead, that would be \$13,000 a year.

Mr. Boyd asked if they could take the medical contribution in a lump sum. Ms. Suyes said it would be very rare for anyone to do that. For Local Government, there are only four people eligible to take advantage of this program. There are many people on the School side who are eligible to retire. But, because of the economy, there is no movement toward retirement. Staff felt that vacant positions created through attrition would not be filled so savings would be realized through salary savings and benefit savings (for the 40 people who are eligible would be about \$65,000).

Mr. Slutzky asked if it would be possible to pay the medical contributions on a monthly basis instead of in a lump sum. Ms. Suyes said it is designated in the policy as a monthly payment.

Mr. Rooker said the Board has discussed this before, and this is being done with the idea of saving money. He thinks replacing a senior person with a first-year person at a lower wage would save more.

Mr. Boyd said he understands the economics; he just had not seen the numbers. Ms. Suyes said there is really no downside to this recommendation.

Ms. Mallek pointed out that if the Schools lose their most experienced teachers that will be a tremendous blow. If many teachers took advantage of this program, those positions won't necessarily be able to be frozen. Ms. Suyes said they hope by creating attrition on the Schools side, it will help avoid layoffs.

Ms. Mallek asked if it will be more in the way of administrative employees than teachers. Ms. Suyes said it will be a combination of support services, and teachers and administration.

Mr. Boyd said because of accounting changes mandated a few years ago, the County now has to accrue the anticipated expenses of VERIP. What would this change do to the accrual number and how much would it increase by adding the two years? Ms. Suyes said there are two pieces to VERIP. The piece they are looking at now is the medical one; there is also the stipend. They are looking at the stipend for possible changes but don't have a proposal yet. Based on the changes they will be recommending to both boards, there would probably not be a significant increase because there will be a decrease in one or the other. They are anticipating that there will not be a significant change in the stipend.

Mr. Boyd said the additional two years is in a "short window" between now and February.

Mr. Rooker said this is a one-time offer that will be closed.

Ms. Suyes said when this proposal was put together several weeks ago, it was because they had to derive a significant way to create attrition and to provide employees who want to retire, to do so feeling more confident about that decision. There is a win on both sides here. She thinks this is a good opportunity to open a short window.

Ms. Thomas said it made her nervous when Ms. Suyes talked about cutting the stipend. Ms. Suyes said people think the stipend is disappearing, but they have not made a recommendation yet for any change.

Mr. Boyd said he, personally, is interested in having that recommendation returned to the Board. He does not think that 43 percent is an indication the County needs to keep the medical part going up, particularly if it's not being paid for medical insurance, but for giving as income to people who go to work for others and have medical insurance at those companies. He thinks that should be looked at also. Ms. Suyes said she did not understand what Mr. Boyd said.

Mr. Boyd said he is concerned that people may leave County employ and go to work elsewhere and get medical benefits at this new place of employment so the cash distribution is not provided so they have the ability to get insurance. Ms. Suyes said Human Resources has found that people want to retire, but decide to wait two additional years because they only get five years of medical benefits under VERIP.

She thinks this change will provide an incentive to those people because they are not looking for other positions. They want to retire.

Mr. Boyd said there is a loophole in the system, because they can go on to other positions. The Board might close that loophole if they looked at the policy further. It should truly be for medical and not additional cash income. Ms. Suyes said she has looked at all of the people who are eligible, and found that a majority of them will continue the medical benefits and not take a cash payout. Someone close to the age of 65 will want the cash payout because they cannot stay in the medical plan after the age of 65.

Mr. Slutzky said he shares Mr. Boyd's narrow issue of concern. If there is a way to have the benefit of access to medical coverage without having the reciprocal cash payout to people who get benefits otherwise, he would be more comfortable with this change.

Mr. Rooker said the change being made today simply opens a window where people can exercise an option to retire, and encourages them to do so. The Board is offering them a two-year increase in the payment of medical benefits supplementation.)

By the recorded vote set out above, the Board adopted the following Resolution amending Personnel Policy P-63, Retirement. The amended Policy follows:

RESOLUTION

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

WHEREAS, it is proposed that Personnel Policy P-63, Retirement, be amended to include a one time retirement incentive by providing additional benefits to employees eligible to retire under the Voluntary Early Retirement Incentive Program (VERIP) who retire by June 30, 2009; and

WHEREAS, the Board of Supervisors desires to adopt the revisions to Personnel Policy P-63.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby adopts Personnel Policy P-63, Retirement, of the County of Albemarle Personnel Policy Manual, as attached hereto and incorporated herein, effective January 7, 2009.

* * *

§P-63
COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-63

RETIREMENT

I. REGULAR RETIREMENT

Retirement shall be at the discretion of the employee. Full-time regular employees of Albemarle County who qualify are eligible for the benefits of the Virginia Retirement System ("VRS"). Additional information describing VRS benefits is available on-line at varetire.org.

All employees retiring under VRS and/or the County's VERIP policy are eligible for continuous participation in the group medical and dental insurance plan until they are eligible for Medicare coverage.

Salaried Board Members and full-time or part-time regular employees who are not retiring under VRS and/or VERIP, are eligible for continuous participation in the County's group medical and dental insurance plan until they are eligible for Medicare coverage, provided that they meet the following requirements:

1. be 55 years of age or older;
2. retire from service or separate from employment in good standing after four (4) or more years of continuous service or employment; and
3. be participants in the County's Group medical and dental insurance plan on the day prior to separation from the County.

Individuals eligible to participate in the County's group medical and dental insurance plan shall pay the full cost of health coverage, including any applicable administrative expenses.

II. LONGEVITY INCENTIVE PROGRAM

The County values the service of all of its employees, both full-time and part-time. Since part-time employees are not covered by VRS, the County has elected to establish a

Longevity Incentive Program (the "Program") and thereby provide eligible part-time employees with certain benefits as more fully explained in this section.

A. Scope of Program

All regular, part-time employees of the County will be covered by the Program provided that they work the minimum number of hours necessary to establish eligibility for County benefits. Salaried Board Members are not eligible for participation in this program.

B. Benefits

The following benefits will be provided to eligible part-time employees under the Program:

1. Life Insurance: A term life insurance policy will be provided equal to twice the employee's annual salary with double indemnity for accidental death and dismemberment payments for the accidental loss of one or more limbs or of eyesight.
2. Annuity Program: Based on length of service in the County, part-time employees will be provided with an annuity program. The Board will contribute an annual amount according to the following formula:
 - a. 5 - 9 years of County service - five percent of annual salary.
 - b. 10 - 14 years of County service - seven percent of annual salary
 - c. 15 - 19 years of County service - nine percent of annual salary.
 - d. 20+ years of County service - eleven percent of annual salary.

III. Retirement Pay/Payment upon Death

In recognition of employee service to Albemarle County, regular full-time and part-time employees who meet the age and service criteria for retirement under VRS and have been employed a minimum of five (5) years with Albemarle County shall be paid upon their retirement or death in service \$200 per year for each year of service to the County as a regular employee up to a maximum payment for 25 years of service, less any years previously paid for under this policy. Years of service do not have to be continuous.

IV. Voluntary Early Retirement Incentive Plan (VERIP)

A. Eligibility

Participants in the Albemarle County VERIP must be regular full-time or regular part-time employees eligible for benefits as defined in P-02, Definition of Employee Status and meet the following additional requirements:

1. Full-time employees must be eligible for early or full retirement under the provisions of VRS. Part-time employees must meet the same age and service criteria as if they were full-time employees covered under VRS.
2. Have been employed by Albemarle County for 10 of the last 13 years prior to retirement.
3. Employees retiring under the disability provisions of VRS and/or Social Security shall not be eligible for the VERIP.
4. VERIP benefits will cease if the retiree returns to work in a regular full-time or regular part-time position with Albemarle County.
5. VERIP benefits will continue if the retiree returns to work in a temporary part-time or temporary full-time position with Albemarle County.

B. Benefits

1. VERIP benefits shall be paid monthly for a period of five years after retirement or until age 65, whichever comes first.
2. Benefits under VERIP will be calculated as follows:
 - a. Compute the annual VRS benefit. This computation shall include any reductions for early VRS retirement if appropriate;
 - b. Recompute the annual VRS benefit with the addition of five more years service or the number of additional years needed to reach age 65, whichever is lesser;

- c. The difference between these two calculations shall be the annual VERIP benefit to be paid on a monthly basis.
 - d. Benefits for part-time employees who are eligible to participate in VERIP shall be determined as if the part-time employees are eligible for an annual VRS benefit and the amount shall be calculated in the same manner as benefits for VRS-eligible employees under subsections (a) – (c) above.
3. The County Executive will recommend to the Board an annual adjustment to the early retirement benefit after having been apprised of the VRS adjustment for retirees.
 4. The Board will pay to the employee an amount equal to the Board's annual contribution toward an employee's health insurance as long as the employee is covered by VERIP benefits.
- C. Application
- Applications for VERIP must be made to the Human Resources Department prior to December 1st of the year preceding the fiscal year the VERIP takes effect.
- D. Approval
- All VERIP applications are subject to approval by the County Executive or designee.
- E. Duration
- The Board of Supervisors reserves the right to modify this policy in its discretion, and all benefits described in this policy shall be subject to future modifications and annual appropriations by the Board of Supervisors.
- F. Additional Benefits
1. Current employees who apply for VERIP by February 27, 2009 and who meet the eligibility standards identified below shall be entitled to receive, at their election, one of the following:
 - a. Two additional years of Board contributions toward health insurance beyond the duration established by Section IV.B, paid on a monthly basis. Employees who retire at 65 years of age or older shall receive two years of contributions toward health insurance.
 - b. The cash equivalent of two additional years of Board contributions toward health insurance, calculated at the FY 2009-10 annual rate and paid in one or more installments.
 2. To be eligible for the additional benefits in this section, employees must:
 - a. Submit VERIP applications by February 27, 2009;
 - b. Submit a letter by April 1, 2009 establishing a retirement date no later than June 30, 2009; and
 - c. Retire after the effective adoption date of this subsection (F) but no later than June 30, 2009.

Amended: August 4, 1993; April 19, 1995; June 2, 2004; January 7, 2009

Item 13.8. Competitive Swimming Funding Requests.

It was noted in the Executive Summary that on August 6, 2008, Star Swimming ("Star") presented a request to the Board for \$500,000 to provide an enclosure system over a 12-lane competitive swim facility to be constructed at the Fairview Swim and Tennis Club ("Fairview"). In exchange for this funding contribution, Star pledged to provide priority practice and meet times for all three County high school swim teams at no cost to the School Division or County. The County had previously conditionally included in its FY 2011-12 Capital Improvements Program \$1.25 million for the potential addition of competitive swim lanes at the YMCA facility to be built in McIntire Park. In response to Star's request and, in recognition of the tentative funding allocation to the YMCA, the Board directed the County Executive to appoint a Committee, including a representative of the Albemarle County School Division, to recommend a course of action for Board consideration. The members of the Committee included Mr. Ken Boyd, Mr. Bryan Elliott, Mr. Bill Letteri, Mr. Steve Heon and Mr. Pat Mullaney. Subsequent to this decision, Crozet Park made a request to the Board on September 3, 2008, seeking funding assistance to construct an enclosure at the Crozet Park pool to provide a more convenient indoor swimming option for

residents in the western part of the County. The Crozet Park request was also assigned to the Committee for consideration.

As a framework for this discussion, it is important to understand where competitive swimming ranked against other indoor recreation needs in the 2004 County-wide recreation needs assessment. In a random survey, County citizens were asked to select three out of 16 potential indoor recreation programming spaces/facilities they would be most willing to support with tax dollars. Competitive swimming pool facilities ranked 15 out of 16 with approximately five percent of the respondents selecting it as one of their top three choices. Based on the results of this survey, competitive swimming was not deemed to be an urgent County-wide recreation need. Nonetheless, the three County high school competitive swim programs are currently in desperate need of reasonably convenient lane space.

Assuming the County wants these programs to continue and succeed, the needs of the three high school swim teams was a major consideration in the evaluation of these requests. Further, the Committee determined that while the requests were related, they should not necessarily be viewed as competing. Therefore, in order to obtain consistent and complete information, a procedure similar to the County's funding request process for agencies was followed and funding request instructions were developed. The following summarizes the three requests and the Committee's evaluation and recommendation.

Star Swimming of Charlottesville. The Star request is for a one-time \$500,000 contribution to be used for an enclosure system and related expenses to cover a new 10-lane competitive pool to be built by Fairview and a two lane warm water pool to be built by Star. The requested County contribution represents 30 percent of the total project cost. The frame of the enclosure has an anticipated life span of approximately 20 years while the vinyl panels will need to be replaced by Star after 10 to 12 years at an estimated cost of \$60,000. Star is guaranteeing that all three schools can have six full lanes for practice between 4:00 p.m. and 8:30 p.m. for the entire high school swim season at no charge. Further, the facility provides almost unlimited ability for local high schools to host meets up to and including regional competitions. Star anticipates the enclosed facility to be available for the start of the high school swim season in November, 2009.

Favorable Factors:

- Single request that best meets the needs of all three County high school swim teams.
- Initial investment is recovered over the life of the structure through elimination of per hour lane fee.
- Proven partnership between Star and Fairview since 2000.
- Proven ability of Star to operate a less efficient structure (bubble) since 2000.
- Opening the facility in the fall of 2009 appears to be realistic.
- Conveniently located to serve a large population with potential noncompetitive swimming programs.

Concerns:

- Difficult to completely secure the investment.
- Not as attractive to Western Albemarle as Crozet location, but still much better than current situation.

YMCA. The YMCA request is for a one-time \$1.25 million contribution from both the City and County for a competitive pool to be added to the proposed McIntire YMCA facility. If only the City contributes, the pool will still have at least six lanes. While it is unclear from the YMCA response, a follow-up conversation with the YMCA Director indicated that the YMCA would commit to build 10 lanes with the contributions from both the City and County. The County contribution would be approximately 33 percent of the total cost of the competitive pool addition and would allow the County high school swim teams to have access to the competitive pool at a reduced cost of \$12 to \$16 per lane hour. This facility would also provide the ability for County high schools to host meets. This would be a brick and mortar facility with a 50-year life span. Construction of this facility is anticipated to commence in late 2009 and be available for use in late 2010.

Favorable Factors:

- Expands on existing partnership with the YMCA.
- Brick and mortar facility with a 50-year life span. Sufficient investment security based on terms of land lease and three-party use agreement.
- Scholarship commitment secured by YMCA policy and three-party use agreement.
- Conveniently located to serve a large population with potential noncompetitive swimming programs.

Concerns:

- High cost in addition to original commitment of \$2,030,000.
- Charlottesville High School has first priority on swim times.
- Ability to meet needs of all three County high school swim teams at desirable times is unclear considering priority use by CHS.
- Some uncertainty exists regarding the timeframe for when the facility will be built.
- Larger footprint due to addition of competitive pool may increase likelihood of impact to softball fields.
- Least attractive option for Western Albemarle due to distance and practice time.

Crozet Park. The Crozet Park request is for a \$350,000 contribution to be used for a 960-square foot addition to the existing pool building, HVAC equipment and a 14,170 square foot air supported dome over the existing swimming pool. The County contribution is 66 percent of the estimated \$525,000 project. Crozet Park will begin a fundraising campaign to secure the remaining \$175,000 if the County agrees to fund this proposal. The existing pool is an eight-lane, 25-meter pool with an additional zero depth beach entry. The anticipated lifetime of the structure is 15 to 20 years. The programming and operations of the facility will be provided through a lease arrangement with the YMCA. A letter of intent from the YMCA included with the Crozet Park proposal indicated their interest in entering into a long-term collaborative agreement "as soon as is practical." The high school swim teams will have access to the pool for practice at a standard cost of \$15 to \$20 per lane hour. Crozet Park anticipates that the bubbled facility would be available for the start of the high school swim season in November, 2009.

Favorable Factors:

- Most attractive proposal to Western Albemarle swimming team.
- Conveniently located to serve western part of County with potential noncompetitive swimming programs.
- Least expensive request of three proposals.
- Potential long-term partnership with YMCA.
- Very committed Park Board has sustained outdoor pool annual operations without County assistance.

Concerns:

- Commitment from the YMCA needs to mirror partnership responsibilities in Crozet Park request.
- No history of working partnership with the YMCA.
- Park financial records indicate total expenditures over revenues for the last five years to be \$77,000.
- Outdoor pool operation has shown a total deficit of \$71,000 for the last five years.
- Air structure is the least efficient pool covering and given financial performance of the existing park operations, unknown future economic conditions and lack of market information, this seems to be a risky investment for the County, YMCA and the Park Board at this time.
- If YMCA/Crozet Park partnership fails, County could become default owner and operator of the bubble.
- Least attractive proposal to Albemarle and Monticello swim teams.

The budget impacts for all proposals are discussed above. The only proposal being recommended for consideration at this time is the Star proposal which would have a budget impact of \$100,000 per year for five years. The Committee has made the following recommendations to the CIP Oversight Committee:

1. The County's commitment to the YMCA should remain at \$2,030,000 with no additional funding provided for the competitive pool in the final adopted five-year plan.
2. Funding for a more efficient Crozet Park pool enclosure system should be included in the out years of the CIP.
3. Consideration should be given to funding the Star request at \$100,000 per year over a five-year period with the first \$100,000 provided from the existing Parks and Recreation capital budget in the spring of 2009 if the Star request is included in the final adopted five-year CIP. Funding would be conditioned upon the execution of an agreement to assure the public and school use of the facilities as proposed.

The School Board has not taken a position on the Star proposal. It asked that additional information be provided for its consideration at a School Board meeting in the near future. It is anticipated that the School Board will take a position on school use of the proposed facility prior to the Board's consideration of the CIP.

The Parks and Recreation Director is encouraging the Crozet Park Board to develop an on-going working partnership arrangement with the YMCA on the operation of the outdoor pool and other programming prior to scheduled funding for the pool enclosure. Based on the success of that partnership effort, evaluation of the market and availability of County funding, the pool enclosure project for Crozet Park could be recommended for funding sooner in future Parks and Recreation CIP submissions.

This report is provided for the Board's information and no action is required by the Board at this time.

(Discussion: Mr. Boyd said there are people present this morning who are concerned with this report concerning competitive swimming facilities. He was the Board's representative on the committee constituted to look at the issue of competitive swimming and he is also a member of the CIP Oversight Committee. What staff has recommended is the same thing the Oversight Committee recommended, so this is the way this item has been put into the CIP which will come before the Board soon.

Mr. Slutzky said it will not come before the Board until the School Board acts on it. Mr. Tucker said the School Board has asked for additional information. They have not suggested they will take official action on this.

Mr. Slutzky said if they don't feel it's important enough to move forward, he doesn't know why the Board would move it forward.

Mr. Boyd said this has been a Parks & Recreation project all along. It serves a much wider community than just the high schools. It could provide an opportunity for competitive swimming for the community.

Mr. Slutzky asked if an allocation of funds for the Star Swimming pool would provide access to the public. He thought it was just for competitive swimming.

Mr. Boyd said public access would be through a program run similarly to the YMCA's program.

Ms. Thomas emphasized that the Star program is a private facility so she did not understand that there would be general public access. She thought it was improved access eventually for the swim teams.

Mr. Boyd said it is a private facility but it also serves a community need. It provides a mechanism for year-round swimming for people who wish to participate, similar to what the SOCA Association provides.

Mr. Slutzky said there is some misunderstanding of the particulars of this program among Board members. This report was on the consent agenda purely for informational purposes. The Board is not being asked to do anything today.

Ms. Mallek said although there has been additional information and clarification about issues in the staff's report, she thinks more discussion is needed. If General funds are to be used, she thinks there needs to be an accountable public benefit. There is a difference between a pool that has an occasional program and one where anyone can go and pay to get in.

Mr. Slutzky said the staff's report notes that it is anticipated the School Board will take a position on school use of the proposed facility before the Board considers it as a CIP project. He would like to know that is true for sure.

Mr. Rooker said the last time this was discussed it was at a joint meeting with the School Board. Some members of the School Board expressed surprise because they hadn't been fully informed of the proposal. This is primarily something that would benefit the high school swim teams much the same way any other athletic facilities funded by the CIP benefit some component of the school population. He would like them to say whether they think this is a worthwhile investment by the County.

Mr. Tucker said he does not disagree. He talked with the superintendent a few days ago, and he did not get the impression this was an issue they would be considering in the near future, so he will encourage that it be taken up by them. He does not want to bring it back before this Board without their input.)

Item 13.9. Copy of letter dated December 11, 2008, from Brandon D. Kiracofe, Environmental Engineer Senior, Department of Environmental Quality, to Kenneth C. Boyd, Chairman, re: Reissuance of VPDES Permit No. VA0025470, Scottsville WWTP, **received as information.**

Item 13.10. Letter dated December 10, 2008, from Todd P. Haymore, Commissioner, Department of Agriculture and Consumer Services, to Ella W. Jordan, Clerk, re: designation of Albemarle County as a primary natural disaster area due to losses caused by drought and excessive heat during 2008 crop year, **received as information.**

(Discussion: Mr. Slutzky asked if anyone provides outreach to be sure farmers get this information on funding opportunities. Mr. Tucker replied that the VPI-Cooperative Extension Service handles that, and the process has already begun.

Ms. Mallek said farmers have all received letters from the FSA - Farm Services Administration office in Louisa - and they can file for reimbursements for extra feed costs, etc.)

Item 13.11. Copy of letter dated December 17, 2008, from Francis H. MacCall, Senior Planner, to Duane Zobrist, Zobrist Law Group, LLC, re: LOD20080020 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 102, Parcel 38JH; Tax Map 103, Parcel 16B; Tax Map 103, Parcel 16D; Tax Map 113, Parcel 2A (Property of Matthew Richard Singleton & Elizabeth St Cloud Muse Living Trust) – Scottsville Magisterial District, **received as information.**

Agenda Item No. 14. Department of Social Services Advisory Board Annual Report, Claude Foster.

Mr. Claude Foster, Chairman of the Social Services Advisory Board, addressed the Board. He introduced DSS Board member Ms. Mary Lou Fowler, and staff members Ms. Sonia Jammes and Ms. Jennifer Behrens who helped prepare the report. He said the theme of this year's report revolves around the roles identified in the department's Strategic Plan – advocacy, change, acting as stewards, community facilitators and conveners. He is proud of the Advisory Board's efforts to increase childcare subsidies through work with other community and state organizations. Their "key performance indicators"

are included in the report, noting that the department regularly monitors 35 outcome measures specific to its programs; the leadership team has chosen 12 of them on which to focus. He added that five of the indicators are new to the 2007-09 cycle and have been added to the seven monitored previously.

Mr. Foster stated that the results for five measures exceeded their targets – Bright Stars, Food Stamp application timelines, the View employment, foster care placements, and placement of children outside the home. Timely financial reporting and child protection response times were close to targets; the department has been more challenged with timely processing of Medicaid applications although there has been significant progress. Also, the department has not met the monthly contact requirement for child protection cases and has seen a decline in reducing risk in adult protective service cases. He commented that many programs showed growth in caseloads even before the economy began to slow significantly. This report covers the period between July 2007 and June 2008.

Mr. Foster said the budget shows that the Social Services Department tries to leverage additional funds to provide quality services to its customers. He noted that over \$68.0 million came into the community in FY 2008 because of the State and Federal programs operated by the department. These funds support not only the citizens that receive them directly, but also the community at large through payments to area grocery stores, hospitals, doctors, landlords and retail establishments. He concluded by saying it is an honor to serve on this advisory board for a department which has such a professional and dedicated staff and he can truly attest to their continued success in serving the residents of the County. He offered to answer questions, and said Ms. Kathy Ralston, Director of the Department, is also present to assist.

Ms. Mallek said she read the report cover-to-cover and found it compelling. She noted things mentioned on Page 4 of the report and asked if they are staffing issues. She knows the number of staff has been “flat” for a number of years and there is also a notation that caseloads have increased.

Mr. Foster said it is almost specifically related to staffing issues. Adult Protective Service caseloads have increased by 188 percent since 2000 and there is a staffing gap of almost six positions; in the Child Protective Services department there is a staffing gap of almost two positions; in the Benefit programs over the past eight years there has been a 144 percent increase in Food Stamps, a 50 percent increase in fuel assistance, a five-percent increase in the long-term care caseload, and a 60 percent increase in the Medicaid caseload. There is a staffing gap of over six positions for eligibility and almost three in the office associated with Medicaid.

Mr. Slutzky asked if those changes reflect only the previous fiscal year. Mr. Foster said that is correct.

Mr. Slutzky asked if there is any indication of how dramatic the economic downturn will be on the disadvantaged in the community. Mr. Foster said he does not have current numbers, but it can be anticipated that there will be a growth and it probably will be more significant than what’s been seen in the past. The real hit on the economy did not start until August and September.

Mr. Slutzky said the Board normally gets this report yearly, but it might be helpful for the Board to have an update before it tackles work on the next budget. Mr. Foster said they will be glad to provide that update.

Ms. Thomas said there is something in the report that does not fit with previous conversations about staffing for the department. The Board was told that Social Services had grown more than any other department. The implication was that they had their share of employees and should be able to do with what they had. Yet, this report shows there are gaps in personnel. She does not know how to reconcile those two pieces of information.

Mr. Boyd said in looking at budget figures, it is clear that 89 percent of Social Service revenues come from other than local funds. Some revenues are directly related to filing Medicare claims. When talking about gaps in the number of employees, is it related to revenues from the local community, or is it something from Federal and State funds? Mr. Bryan Elliott, Assistant County Executive, said during budget deliberations for FY 2007-08, a list of strategic initiatives was put forth by the Leadership Council. It included several positions – as many as seven for DSS; the Board approved three for the FY 2008 budget but with the economic downturn the other positions on the initiatives list are now on hold.

Mr. Slutzky said this is characterized as an “initiative.” He takes issue with use of that word. Essentially these positions would fill in gaps coming about from changing conditions. It is not an initiative when adding seven employment slots to keep up with the caseload. That’s just maintaining the obligations already set for the County. Mr. Elliott said the term “initiative” was used by the Leadership Council for new programs or positions previously presented to the Board. Looking at October, 2008 the number of food stamp applications were 22.2 percent greater than in October, 2007; temporary aid to needy family applications were up 12.5 percent over the same period; and in terms of caseloads, the Food Stamp caseload was 13.7 percent greater and TANIF cases rose as well.

Mr. Boyd said Food Stamps is a good example; the County is an administrator for a Federal program called Food Stamps. He asked why Federal funds are not keeping up with staffing needs. Mr. Elliott said some level of reimbursement is received on those positions, but there is a corresponding County share as well. Those cost burdens are shared with other agencies.

Mr. Rooker said Social Services was primarily a Federal and State function in the past. There has been under-funding of the administrative component of that department over a series of years which

resulted in local government having to come up with local funds to meet the Federal match for positions because the state wouldn't do so. This is not primarily a local program, but they are substantially underfunding the administrative positions according to their own formulas for handling caseloads. Over the last seven or eight years the County has added personnel that exceeded the increase in caseload in the Department. That did not completely close the gap in the Federal formula for administrative personnel. When the word "gap" is used it refers to the gaps based upon the formulas setting "x" number of personnel for handling "y" number of claims. The gap has been closed somewhat, but has not been eliminated.

Mr. Foster said the gap is not just based on the number of people, but how the department should be able to process the claims it gets. With the staff shortages, they have not been able to keep up in some areas.

Ms. Thomas said there is a difference between just handing someone money and actually having them as a case which requires some expertise and advice. Advice is probably as valuable as the money. That is the part the department is falling short on when there is a staff shortage. Stipends can get out to people who are qualified, but more mistakes are made. Also, assistance that might break the cycle cannot be provided.

Mr. Slutzky said this is an unfunded mandate issue. The Board has asked staff to identify unfunded mandates, so he hopes they recognize these kinds of gaps. He said Mr. Rooker is correct; this is an abdication of state responsibilities, so it then falls on the shoulders of local government to fund; that needs to be explained to the public.

Mr. Rooker said he had a couple of questions about the performance indicators. The one with the biggest disparity between the target and the result is in "CPS cases will meet number of monthly contacts." There is another performance matrix that is "CPS cases meet response times." He asked for clarification of the difference between those two. Ms. Ralston explained that the response time is the most critical element to the department. How fast do they send someone to investigate whether there is risk to a child when a report is received? The second one, which is the number of monthly contacts, has to do with ongoing cases. These are cases which are serious enough that there must be ongoing contact with the parties involved. The department is not able to meet the standard set which is based on research that says there must be contact with these people if any differences are to be made in their lives.

Mr. Slutzky thanked Mr. Foster for the report.

Agenda Item No. 15. Charlottesville Free Clinic/Health Department Proposal.

Mr. Bryan Elliott, Assistant County Executive, said the Board is being asked to endorse a collaborative plan between the Charlottesville Free Clinic and the Charlottesville/Albemarle Health Department concerning expansion of free clinic services at the health department's Rose Hill Drive property which the City and the County own jointly. They have worked together for a number of years to find ways to increase the operations of the Free Clinic. In 2006 both of those parties sought Board approval for a new building on that site and that request was thoroughly investigated in 2007. With the relocation of the CHIP program out of the health department building in 2008, there is now an opportunity for the Free Clinic to expand the current 1,400 square feet they occupy in that building up to almost 2,600 square feet. He said staff is here today on behalf of the Health Department and the Free Clinic to seek the Board's concurrence to move forward with the City and those parties to effect that change.

Mr. Elliott said that in several months staff will present a deed of lease between the State, the City and the County for a new five-year term for the Health Department and in turn allow a license agreement which is in effect a sublease for the Free Clinic space within the confines of the existing building. He said representatives from both the Health Department and the Free Clinic are present. Staff is seeking the Board's concurrence with the plan put forward.

Mr. Slutzky asked why the CFC would be limiting the bid package to three contractors given the current economic climate. He thinks that if they just put it out to bid, they might get 10 *bona fide* bids. Mr. Elliott responded that the Clinic is working closely with a local architect who has experience working with several bidders. Staff will pass that message on to them.

Mr. Slutzky asked if other Board members feel that is something the Board would encourage them to do.

Mr. Dorrier said he supports what Mr. Slutzky said. The more bids, the better.

Ms. Mallek said if they need to pre-qualify people before having them do an RFP that makes sense.

Mr. Rooker said the Board could certainly provide that suggestion. Obviously the Board is not involved in how they go about this project. This is a charitable organization the County doesn't control. It isn't nearly as large of a project as they would have had, had they been doing an entirely new building. This is a much scaled-back approach. It is certainly a significant money-saver for the organization.

At this point, Ms. Thomas **moved** to grant approval to the Charlottesville Free Clinic (CFC) Board to proceed with its plan to renovate the existing Health Department building on Rose Hill Drive to

accommodate its medical clinic and pharmacy as well as assume operation of the Dental clinic in general accord with the November, 2008 floor plans developed by the architectural firm of Daggett and Grigg of Charlottesville; and, to authorize staff to proceed with development of a new lease with the Health Department to extend the term of its current Deed of Lease and allow for occupancy of additional space by CFC.

Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 16. Crozet Master Plan Five-Year Update.

Ms. Elaine Echols, Senior Planner, reported that staff has been working with the Crozet Community Advisory Council and Crozet Community Association on the Crozet Master Plan update. The Crozet Master Plan was approved by the Board in December, 2004 as the first County master plan after adoption of the Neighborhood Model. The plan emphasized a different form of development and a different kind of land use plan than what the Board had seen previously. It emphasized centers and focal points. This is a different way of doing a land use plan, so staff expected that adjustments would be needed during the five-year update this year. The Advisory Council had subgroups develop a methodology to address the topics discussed. The Planning Commission has reviewed and endorsed that as well as the public participation plan.

Ms. Echols said the plan does not need a complete overhaul but specific areas of concern raised by the community, the Planning Commission, and the Board are the focus; the goal was to improve the plan – not rewrite it. One of the key parts of this plan is the public participation part, and Ms. Lee Catlin can address that.

Ms. Catlin reminded the Board that several months ago the County received a VACo achievement award for its public participation guidelines, explaining that the master plan revisions being presented today are an example of those guidelines in action. She said hundreds of people attended the meetings when the original master plan was established, and the revisions need the same strong public collaboration to produce a quality outcome. Involvement needs to be meaningful, transparent, and well managed to make sure it's effective as well as within its boundaries and on the established timeline. Staff has been working with the Board-appointed Crozet Community Advisory Council to develop the methodology to meet these important public participation goals – all centering around the principle of clear shared expectations and minimizing surprises along the way.

Ms. Catlin said this master plan is just the road map between the County and the community that lets everybody have a sense of predictability and consistency and a logical progression as to how this project is going to move forward; there is flexibility to make adjustments. The plan outlines the project description, the work product, the methodology, public activities, feedback loop, evaluation, and all elements that are important to a holistic public participation approach. The description of roles and responsibilities is one of the most important parts of the plan; starting off with absolute clarity is important. Staff's role is to work with the community to prepare revisions, ensure effectiveness of the public participation process, provide review and recommendations to the Planning Commission and the Board, keep the community informed, and communicate how public input has shaped decisions about the study.

Ms. Catlin explained that the Crozet Community Advisory Council will continue to play a critical role in advising and assisting with this process, particularly the public participation elements. Staff will work with the Council to design all elements of the public engagement process and regularly discuss how effective community outreach is. She emphasized that the general public would also be integrally involved. The Planning Commission directs updates to the Comprehensive Plan and they are essentially the managers of this update in their legally prescribed role. She reiterated that what the Board is seeing now is what they've approved to move forward, adding that the Board will be kept informed of progress along the way. She concluded by thanking the Advisory Council members for their work and participation, and then introduced Mr. Tim Tolson who has taken a leadership role in the process and Mr. Bill Schrader.

Ms. Mallek said each person on the Council represents another group in the community, so information flows in both directions. They're certainly engaged in the process and eager to have the discussions, particularly the issues that have come up in the past year where there's been a discrepancy between the text and the colors on the map.

Ms. Echols said staff will be bringing back topics that are identified as needing rewriting to ensure that they are proper areas of focus.

Ms. Thomas commented that she is glad to see one of the objectives is communicating how public input helped shaped decisions, as that tends to be difficult to achieve. Dealing with that is going to be very important.

Mr. Boyd said using the "dot approach" seems to leave some people out if they are in the minority for prioritizing certain items. He suggested asking participants to vote on issues. He would like to see the cost in dollars of staff people working on this project.

Mr. Slutzky commented that he thought the Board had already approved that when they decided to move forward with master plan revisions in 2009 instead of delaying them. Ms. Catlin said staff can provide a more definitive idea of that cost once the Board endorses this and a more specific timetable is laid out.

Mr. Rooker said Crozet was a wise choice for the first master planning process, as it's been an engaged and active and interested community.

Ms. Mallek **moved** that the Board endorse the Public Participation Plan for the Crozet Master Plan Five-year Revision (set out in full below). Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Public Participation Plan – Crozet Master Plan Revision

Project Description:

The update is an opportunity to assess Crozet's progress in achieving the goals set in the Master Plan adopted in 2004. As a Development Area in the county's land use plan, Crozet is expected to continue to provide a place for growth to occur outside of the designated Rural Areas as part of the County's overall growth management policy. Now at the five-year mark, as was specified by the Board of Supervisors at the time of plan adoption, it is time to determine how well the goals have been achieved and what may or may not have developed as envisioned given the experience of four plus years of the plan in action. The update is an opportunity to revisit and revise issues of concern from all perspectives.

Work Product for this Project:

The work product for this project is a revision to the Crozet Master Plan based on specific focus areas in the form of a Comprehensive Plan Amendment for adoption by the Board of Supervisors

Specific Focus Areas:

The Master Plan revision will concentrate on major areas /issues of concern identified through the following processes. To date, the Board of Supervisors and Planning Commission have indicated several areas which should be included for study. Using the methodology below, additional areas for study will be determined.

Project Methodology:

Staff and the community will complete several preliminary analyses to measure change and identify any new trends, which will include:

- An assessment of progress to date of the objectives and implementation strategies of the Master Plan. What has and has not been accomplished as envisioned?
- Data collection based on mutually agreed upon data sources and methodology
- Background research regarding existing conditions in the Crozet community
- A mutually agreed upon survey, developed by the CCAC and staff, to survey the Crozet community and others such as County staff who use the master plan. *(The CCAC and staff will identify what they would like the survey to measure/accomplish in relation to the master plan.)*

Based on the results of the various research and analysis tasks listed above, staff and the community will identify major areas/issues of concern that need to be considered as part of the revision process, creating the specific focus areas for the update, with ample public meeting and other involvement opportunities.

The identified focus areas will be reviewed and affirmed with the Planning Commission and the Board of Supervisors for their input and comments, before proceeding with the Master Plan update, which will include:

- Strategies will be developed for responding to the identified focus areas using a variety of public engagement approaches to make sure the community input is broad and inclusive
- Appropriate revisions to the plan will be drafted based on the developed strategies and public input will be used to develop/comment on these strategies.

Level of Public Participation:

Public Collaboration – Collaborating with members of the public in some or all aspects of decisions, including the development of alternatives and the identification of a preferred solution.

We will look to stakeholders for direct advice and innovation in formulating solutions and incorporate their recommendations into the decisions to the maximum extent possible, using the Crozet Community Advisory Council (CCAC) to fulfill a major portion of this stakeholder role.

Public Participation Goals:

- Provide educational opportunities for Crozet residents regarding general planning processes and the existing Crozet Master Plan
- Gather public feedback about community desires for the revision of the Crozet Master Plan
- Establish realistic expectations about the process and timeline for completion of the revision
- Provide transparent process for how public input is used in developing alternative and strategies
- Disseminate community input to ultimate decision makers for their consideration
- Keep public informed about any revisions to the updated Master Plan as it moves through the review process

Role of the Crozet Community Advisory Council:

As the Board of Supervisors' appointed Advisory Council for implementation of the Crozet Master Plan, the CCAC will play a critical role in advising on and assisting with the revision process, including the public participation elements. Because of significant community interest in the revision, the CCAC will invite citizens who are interested in a more in-depth role in the revision beyond the public meetings that will be held to attend CCAC meetings where the master plan revision is an agenda item and to participate in those discussions.

County staff will work with the CCAC to design all elements of the public engagement process and to regularly discuss the effectiveness of community involvement. The CCAC has also formed a number of subgroups focused on different topic areas, and members of those subgroups will be responsible for researching and providing insights on those topics as the plan revision process continues and for serving as community liaisons regarding those issues.

As with all Comprehensive Plan amendments, the Planning Commission will provide the overall guidance and decision-making on the master plan revision process, and the Board of Supervisors will have the ultimate authority for approval.

Other Stakeholders:

- Downtown Crozet Association
- Crozet Community Association
- Crozet residents
- Crozet organizations
- Crozet businesses
- Crozet school communities

Schedule of Public Participation Activities:

Publicity/Outreach Tools will include:

- Citizen planning academy opportunities, refresher sessions on the existing Master Plan
- Public meetings/open houses/other forums will be scheduled as appropriate to provide ample community comment on and involvement in the master plan revision process
- Dedicated website with public comment opportunity
- Frequently Asked Questions list
- Press release schedule to coincide with project milestones
- Notice to the community when public discussions/decisions are occurring

Roles and Responsibilities:

Staff – work with the community to prepare revisions to the Master Plan to present to the Planning Commission and Board of Supervisors for their approval, ensure the effectiveness of the public participation process, provide review and recommendations to the ultimate decision makers in accordance with established county policies and plans, keep community informed about progress of the revisions through the legal review process, record and honor public input, communicate how public input has shaped decisions about the study, present final recommendations to the Planning Commission and the Board of Supervisors

Crozet Community Advisory Committee – The CCAC will play a critical role in advising on and assisting with the revision process, including the public participation elements. County staff will work with the CCAC to design all elements of the public engagement process and to regularly discuss the effectiveness of community involvement. The CCAC has also formed a number of subgroups focused on different topic areas, and members of those subgroups will be responsible

for researching and providing insights on those topics as the plan revision process continues and for serving as community liaisons regarding those issues.

Planning Commission – The Planning Commission directs updates to the Comprehensive Plan, and will be expected to manage this update in their legally prescribed role. The Commission has affirmed the public participation plan for the Master Plan update, and will conduct its required public process, including work sessions and a public hearing, on the draft master plan revisions, resulting in a recommendation to the Board of Supervisors

Board of Supervisors – The Board of Supervisors has the final decision making authority for approving all updates to the Comprehensive Plan. The Board of Supervisors will conduct their required public process, including work sessions and a public hearing, on the draft master plan revisions, with the opportunity to adopt the amended master plan

The Feedback Loop:

The public participation plan will ensure dissemination of public input to decision makers and back to the public at large to demonstrate how comments and concerns have been recorded and understood and accurately communicated. It will also show the public how their input has been translated and how it influenced the outcome of the project. Examples of the feedback loop include:

- The Crozet Master Plan website will be kept up to date on all meetings and other events
- All comments generated at public meetings will be recorded and available for review on the county website and will be available for decision-makers during their review
- Major revisions to the project will be communicated to the community prior to being presented to the Planning Commission and/or Board of Supervisors
- All public meetings will be posted to the website and open to the public for their attendance
- The Crozet A-mail list will be used to keep interested citizens up to date
- Press releases and other materials will be sent out as appropriate to keep the community informed about the progress of the project

Evaluation:

We will use evaluation as an ongoing tool to assess and improve the public participation plan as the project moves forward, including the following strategies:

- Informal feedback
- Questionnaires/surveys
- End of project evaluation to see if goals are met

(Note: At 10:47 a.m., the Board took a brief recess, and reconvened at 10:58 a.m.)

Agenda Item No. 17. Economic Opportunity Fund Guidelines and Proposals.

Ms. Susan Stimart, Business Development Facilitator, said she was present to talk about the Economic Opportunity Fund Guidelines and a proposal that has been received since the Fund was created in 2006. When the Fund was first created, discussion focused on underemployment and poverty. To address those problems, the Board suggested creating opportunities for career-ladder jobs, improving wages and job training. Staff has studied ways these types of funds have been used in other jurisdictions – including the Governor’s Opportunity Fund – and it now recommends some overarching criteria: workforce development; matching funding which could be considered a gap resource, not the primary project resource; a project’s ability to demonstrate capital investment; and, where use of these funds might possibly meet the County’s goals and objectives in either/or both the Comprehensive Plan and the Strategic Plan. She asked if the Board had any comments about the criteria shown on the screen.

Mr. Rooker said he finds them to be appropriate.

Ms. Thomas asked if it really refers to underemployment. That term refers to people who have the skills, training and characteristics so they can have better jobs, whereas unemployment is the cause of a lot of poverty and is attacked by getting people better skills and education. She thinks that is what is meant when talking about workforce training and a skilled workforce. It is not taking a highly educated person and getting them an appropriate job. That has almost never been something this community thought was a public responsibility. Rather, this would take people who don’t have skills so are stuck in low paying jobs and giving them more skills. She thinks this would be more accurate if it talked about levels of employment or employment opportunities rather than underemployment.

Mr. Slutzky noted that he could see a scenario where there was interest in having a person with a higher education benefit from a training program – for example, if an employer wanted to move into the County and wanted to use the workforce but there were gaps in expertise, these moneys might be spent not just supplementing the lower strata. With that caveat, what Ms. Thomas said is a relevant point.

Mr. Rooker said he views workforce development as the application of resources to train people in the workforce for existing and expected employment opportunities. Often those opportunities might be related to a particular employer coming to the area or an existing employer who is expanding his business. A lot of that training is done through PVCC and its programs.

Mr. Boyd expressed concern that there is no mention of attracting jobs to the community, and that is important to him. There have been some opportunities over the years where people wanted to relocate to Albemarle and hire local people and provide good paying jobs. It is imperative that there be a fund to help businesses assist them; the Governor's Opportunity Fund does exactly that.

Mr. Slutzky said he thought the Board addressed that question when it set up this fund and there are constraints on how the money can be allocated. He asked how the money can be spent, beyond training. Mr. Davis said there are certain constraints. It has been suggested that the County make contributions to PVCC for specific training programs and the Board is enabled to do that. However, if the Board provided money directed to a specific entity or business, generally that would have to be funneled through an Economic Development Authority which has a broader capability to provide assistance to businesses. He said this program envisions that these funds would be appropriated and the EDA would carry out the Board's wishes.

Mr. Boyd said the discussion today is not about how the fund would be administered, but the objectives of the program. Since the beginning, he had in mind that there would be some kind of economic feasibility for any investments so the Board could see how investing those dollars would generate more tax revenues than the County would be putting out. It was his intention that the funds be replenished. In other words, if a new company was helped to get started, and they put up a \$1.0 million plant, the County would get "x" number of dollars back in tax revenues. That is the kind of criteria he wants to see. What is the tangible return to the community for this economic investment?

Ms. Thomas said that is exactly the reason she has not been eager for the Board to put public money into enticing new employers to the area. The fiscal analysis done for these situations never showed that it will be fiscally advantageous to Albemarle County. If a business were brought in that totally hired locally unemployed people, that conclusion would be different. But, when there has been a relatively low unemployment rate, companies coming into the County have found they have to bring in workers from outside and that simply adds to the school burden, etc. That kind of fiscal impact analysis was done and it shaped her view about this type of opportunity fund. Originally it was characterized as being something the Board wanted so it could act quickly if there was an opportunity for something locating to Albemarle. She said the Board has now gone away from that thinking in a better direction.

Mr. Boyd said there are also opportunities coming forward for local employment. The problem comes about if there is not the talent and the training to provide employers with employees. He knows companies look at the local workforce first. He saw this come about in a particular case where a company was coming to Albemarle and the Board talked about giving money to train local people to work in that facility.

Ms. Thomas said all the Board members agreed to that.

Mr. Dorrier said not much can be done with \$250,000.

Ms. Mallek said it would cover the County's contribution to the Workforce Network for many years. Fifteen cents per person of the population is the requested contribution to the network. That is on a regional level doing what is hoped can be done for employees with the One-Stop Center being developed on Hydraulic Road.

Mr. Slutzky said he had read the materials sent to the Board about the request for funding attached to this policy. If the County investment were necessary to make the agricultural idea real, and as a result of it being in place, the average household spent an extra \$10 a week locally on food, the impact was estimated at \$20.0 million turning over in the economy per year. There are substantial economic benefits associated sometimes with investing, but not always just in workforce training.

Mr. Boyd said in that particular request he did not see it as being an alternative to the Board's normal support for nonprofits, and one of these is a nonprofit so it produces no tax revenue.

Mr. Slutzky said he did not want to talk about the merits of that request at this time; that discussion will come later today. He only mentioned it to demonstrate the economic implications. He said if all the Board members agree, he will say that the criteria are satisfactory.

Ms. Thomas said she wanted to be sure that they are not in "ranked order."

Mr. Rooker suggested adding a criterion at the end of the list saying: "An analysis of the anticipated tangible benefits to the community from the investment." He said that could take many forms. It could be an analysis of the \$20.0 million Mr. Slutzky mentioned of additional economic opportunity in the community. It could be in the form of additional jobs. The primary criteria of any proposal the Board looks at should be an analysis of the tangible benefits it expects the community to realize.

Mr. Slutzky said he thinks that is a good idea and he agrees with the wording proposed.

Mr. Boyd said TJPED is presently trying to determine the needs of existing employers. It surprised him that there is a real need for computer technology people in this area. Obviously, people

needing these technical people will go outside and bring them in from other places. More local people need to be trained in these technology jobs.

Mr. Slutzky said the Board members have expressed their thoughts, and agree with the list of criteria plus the additional one Mr. Rooker suggested, with the caveat that they are in no particular order.

Mr. Slutzky asked about the first question reading: "Should use of the funds be limited to only certain types of expenditures, such as job training credits or can they be used for start-up or other expenses?" He thinks use of the fund should be as broad as possible.

Mr. Rooker said he thinks the answer to that question is "no."

Ms. Mallek said she thinks it could be used for start-ups or job training. She asked if that is a "yes."

Mr. Slutzky said it should not be limited to only certain types.

Ms. Stimart said the next question is: "Will the funds be made available to both for-profit and not-for-profit organizations and ventures?"

Mr. Slutzky said the answer is "yes."

Mr. Rooker said the question is the economic benefit to the community.

Ms. Stimart said the next question is: "Does the location of the business (rural verses urban area) matter?"

Mr. Slutzky said that should not matter.

Ms. Thomas said it should fit with zoning and the Comprehensive Plan.

Ms. Stimart said the next question is: "Should the recipient of funds have any conditions placed on the receipt of funds, such as the number of jobs created for County residents, types of job created or salary levels?"

Mr. Slutzky said he believes that on a case-by-case basis there will be conditions, but he does not think the Board can anticipate what they are at this point.

Ms. Thomas said the criterion just added says the applicant has to prove something to the Board.

Ms. Mallek said a strong business plan is basic. She assumes that every request coming to the Board would need one.

Mr. Rooker said if the primary benefit from an investment is the employment of people in the community, then the salary and benefit level they intend to provide would be one of the primary metrics of the benefit to be derived. He said some communities actually set criteria when they make an investment. He is not in favor of imposing a restriction, but he thinks that is an important criterion.

Mr. Slutzky said in the current economic environment, the Board might see a significant downturn in retail employment if a lot of national retailers pulled out of the area. There might be a larger segment of the employment base at the lower strata of dollars per hour than some other sectors. At this time, he thinks the Board should take it on a case-by-case basis and not cloud this with too many constraints.

Mr. Boyd said his outlook is probably different from what he is hearing. It was always his intention that there be a tangible way to account for the payback on this fund, which should be a revolving fund. From a business standpoint he wants the County to see actual dollars coming back into its coffers to replenish the fund for use again in the future. He would like to see that as part of the criteria.

Mr. Rooker said in the analysis of the anticipated tangible benefits to the community, he thinks some kind of computation should be done of those things.

Mr. Boyd said he does not discount the need in the community for County assistance, but he does not think this narrow type of fund should be used for anything not tangible.

Mr. Rooker said the criterion just added is an analysis of dollars.

Mr. Slutzky said staff time would be necessary to monetize the benefits of some lower dollar amount things. Obviously, if someone were asking for a large chunk of money, it would be appropriate to have a greater investment of staff time or the applicant's time to monetize those benefits. There are also non-monetizable, readily discernible benefits the Board would want articulated in a way that would persuade to move forward. The Board would need to have a case made that there would be a large economic component involved. Is that a fair way of describing what the Board is looking for?

Mr. Boyd said that is not what he is saying. In this particular initiative, the Board should be able to see a fiscal, positive impact from any investment made. That will narrow what the money can be used for, but it should be related to the fact that the County will invest in training because Red Light wants to expand their operation here and they don't have enough technological people. If the County helps with

this training they will open a new facility, so they will be paying people, taxes, equipment taxes, property taxes, and by running the numbers it will show a positive return.

Mr. Slutzky said the exercise of running the numbers worries him. It is important for staff to make the economic case, but sometimes it will be an imprecise, but persuasive case made.

Mr. Boyd said he understands that, but he is narrowly trying to define it. It is not to the exclusion of other projects.

Mr. Dorrier asked why the funds could not be used as an incubator with University of Virginia research people. The \$250,000 will not go a long way.

Ms. Thomas said some people might wonder why the Board is agonizing over this fund. She thinks it may be a fund that is enlarged in the future so it's good to have the criteria.

Mr. Slutzky said by investing this money wisely, he hopes there will be a significant economic benefit to the County.

Ms. Stimart said there is another question. "Since any funding provided would need to go through the Economic Development Authority, should they have a role in proposing guidelines or providing some other type of input?"

Mr. Slutzky said the EDA might have an advisory role, if at all.

Ms. Mallek said she thinks this Board needs to shape the guidelines.

Mr. Dorrier said the University does more than the County knows about research and development projects, so the County should probably be better integrated with what they are doing.

Mr. Slutzky said that is not the question. The issue is whether the Economic Development Authority be a participant in what the Board puts in these guidelines.

Ms. Mallek said they are the "pass through" for the funds. Mr. Tucker said that in most cases the Board has to go to them for approval, otherwise if the Board sets the guidelines and the EDA is not a part of them, they are just "rubber stamping" items. It might be better if they had some input.

Mr. Rooker said he understands there are different levels here. If it were the kind of project that required the EDA's participation, they would have an objective vote on whether or not to recommend that the funds be used. He does not think it becomes a rubber stamp, but on a project-by-project basis they participate in the analysis. As far as establishing the criteria, he thinks that is the Board's job.

Ms. Stimart said the final question is: "Should the County verify that all other available sources of funding have been pursued?"

Ms. Thomas said using the word "all" might be overstating it. Being sure other funding sources have been pursued, is a reasonable request.

Mr. Rooker said there are two different things involved. One is pursuing funding sources. There are criteria for matching funding, and to the extent that there is that criteria, the County needs to verify that the applicant has obtained and has available the matching funds.

Ms. Thomas said there are two separate things, but she thinks they are both important.

Mr. Slutzky asked if the Board is saying it is a condition precedent to this fund being made available. Do they have to leverage funds or might there be a circumstance where there is not a matching fund option because of the unique characteristics of the application? He does not want to be too restrictive.

Mr. Rooker said he cannot image a scenario where the County would invest funds and there was no private company, no co-op, no whatever that intended to put some of their own money, either public or private, into it. He is committed to making certain that the County is not the only investor in the project.

Mr. Boyd said he certainly agrees with that. He thinks the County should be the minority investor.

Ms. Mallek said she misunderstood Mr. Slutzky's last statement. She thought this was the fund of last resort, and everything else had already been exhausted. She is glad to get that clarified.

Ms. Thomas said that was also her understanding. That is why she thought "all" was too extreme.

Mr. Slutzky asked if staff had other questions.

Ms. Stimart said she could present some information about operations in the other jurisdictions, if the Board members so desired.

Ms. Mallek said she would like to hear that information.

Ms. Stimart said the Governor's Opportunity Fund has "claw back provisions" in its performance agreement. The company is asked to commit to capital investments, a specific number of new jobs and a set time period to fulfill those commitments. If they don't fulfill those commitments, they have to repay the GOF funding.

Ms. Thomas said there was an example of that on this Board several years ago. A firm approached the Board and promised a certain number of new jobs "locally." The Board defined "locally" broadly and they were not able to do that so they had to refund the loan. There is a precedent for that, and she thinks the County was well-served by that.

Mr. Slutzky asked if that burden would still be imposed on a nonprofit, noting that he was not sure he is in favor of doing that. He thinks these are the types of issues that get sorted out case-by-case.

Ms. Mallek said she thinks it should be on the list so applicants are aware of the different criteria the Board would be using in its decision-making.

Mr. Rooker said several things have been mentioned. When talking about a "claw back", the capital investment part is the anticipated match, and he does not think the County should put in money unless it were certain the other side of the money was coming in based on the business plan presented. He said different proposals will have different benefits they're selling to the community. Some of the benefits will be jobs, some will be an advanced rural economy, etc.

Mr. Boyd said he was thinking about saying the Board "may" invoke a "claw back" policy.

Mr. Rooker agreed.

Ms. Stimart said this conversation is going in the direction of a loan fund, so the Board might want to consider a loan aspect. She said Newport News puts in a loan payment deferral.

Mr. Slutzky said he does not think the County has enough money to get into a lending role.

Ms. Stimart said they have certain requirements, good credit, good character, the applicant's demonstration of management expertise, and the applicant's demonstration of working capital. She mentioned that those businesses are encouraged to work with training or technical resources such as the SBDC for profits. Nonprofits are not encouraged to work with SBDC's.

Mr. Boyd said all of these issues are matters of common sense. Other Board members agreed. Mr. Tucker noted that the case Ms. Thomas mentioned was a match situation with the State.

Mr. Boyd said there should be due diligence issues the County should go through with any kind of request for public funds.

Ms. Stimart said there is another loan fund that was initially capitalized by the U.S. government for Newport News regarding fixed assets. In this case a minimum of 25 percent was funded by other sources. She said there is a new grant program from the Department of Labor, and the Piedmont Workforce Network is considering applying for it – it is called the Older Worker Demonstration. In that grant program they are looking for applicants to work with the SBDC, leverage other resources, and demonstrate regional partnerships.

Mr. Boyd said he has a problem with this being defined as a grant program. That is not what he thought was intended. It was set up to promote economic development and tax revenues.

Mr. Slutzky said the culture in the grant is different. The Board decided to put aside a part of the Board's "slush funds" to invest in economic opportunities. The Board is not expecting there to be a lot of applicants coming in to fight over an annual allocation. There is not much money, and it is one-time money, so the Board will probably judge these on a case-by-case basis, using the criteria developed today. It will inform the applicant community what the Board will be looking for.

Ms. Stimart said she was ready to discuss the Food Hub proposal. Ms. Kate Collier is present if there are questions about the proposal.

Mr. Slutzky asked if the Board would allow Ms. Collier a couple of minutes to summarize the proposal the Board saw in its packet.

Mr. Boyd said he can agree to that, but he said other people have also requested these funds. The purpose today was to come up with the criteria that would be used to review the requests.

Mr. Slutzky asked Ms. Stimart if others were present who wished to speak. Ms. Stimart said there is another person present but she does not know if he is ready to address the Board.

Mr. Slutzky said the Board has already made it clear that they want collaboration between these two groups. Ms. Stimart said Ms. Kathy Ralston is here this morning to talk about ideas more related to what the Piedmont Network Workforce sent in concerning matching funding for incumbent worker training.

Ms. Kate Collier said she was present with local farmers and local food supporters. They appreciate that the County cares about the issues of land conservation, agricultural heritage and investing

in rural economies. They hope Albemarle will become the leading municipality in support of the local food hub. She said the hub would be a licensed wholesale food distribution and process center located in Ivy in the old Dettor, Edwards, and Morris facility. It would use the refrigeration, frozen, dry storage and loading docks that have been underutilized for a number of years.

Ms. Collier said County residents consume millions of dollars worth of food every year, but only a fraction of it is produced locally. The demand for fresh, high-quality locally grown food is high. Farmers' markets are packed and CSA subscriptions are up, but local food is not available at supermarkets and is rarely found in the kitchens of area institutions and restaurants. There is a lack of infrastructure to efficiently distribute local food products from the farm to the table. The local food hub would provide the infrastructure required for local farmers to efficiently and viably sell their products. Once start-up funding has been secured, they will immediately open the food market to established local farmers giving them the security to expand their production. These efforts will encourage the next generation of farmers by making agriculture a viable professional option.

Ms. Collier said the average age of farmers in this area is 56, and few in the next generation have any background in growing things. This is why the local food hub will be organized as a nonprofit 501(c)3 organization. Part of their mission is to incubate new farms and support current ones by providing business development, networking and grower planting services. Revenue from the distribution business will be reinvested in the project to support these services. Land is expensive and few who want to farm can afford the acreage it takes. They will work with the PEC to match people who want to expand production or start farming with landowners who want their land cultivated. They will also develop a farmer mentor for labor programs matching those who want to learn to grow with farmers who can teach.

Ms. Collier said Hub staff will work with local professionals and small farmers to build sustainable business plans. Large food buyers such as food systems, universities, restaurants and hospitals need to be able to depend on consistent volumes, proper liability and traceability coverage, regular delivery and they want it all with one telephone call. Few farmers can grow the volume and diversity of product that a large buyer would need to even set them up in the system as a vendor, so local farmers are faced with selling at multiple farmers' markets.

Ms. Collier said building a local food hub and becoming a large and dependable customer to local farms of all sizes it will give farmers a different option. They will pick up produce, eggs, cheeses and approved meats in central locations throughout the Thomas Jefferson Planning District, consolidate it, and sell it to area independent produce distributors and partner institutions. Anything extra will be frozen or cooked and preserved, enabling the hub to buy more produce from farms and giving citizens access to year-round local food.

Ms. Collier said the local food hub will open a market for local growers of all sizes, even backyard gardeners who have access to land and who follow good agricultural practices. This will increase the ability of individuals and families who are living in lower income households to become more self-sufficient. Full-time farmers own their own businesses and are invested in their community. They will hire local workers and buy from local businesses. These are the kinds of entrepreneurial opportunities and good jobs they want to create.

Ms. Collier said the County's support of this project will allow them to move forward quickly to secure guaranteed large-volume orders from partner institutions and communicate this demand to established farmers before the 2009 growing season. It will also allow them to move forward with staff training, business planning and warehouse outfitting. Additionally, support will send a clear message to other TJPDC municipalities, area foundations and citizens that this economic development project has support from Albemarle and will access the benefits and support services that come with this association. She offered to answer questions.

Mr. Boyd said he noticed in the application that there is a business plan development. He said the SBA and SCORE do that type of work at no charge. Ms. Collier said she is aware of that. They found that people in the food business have a great perspective, and there are many nonprofits who have started and are working on the issue, so they think "they will get there faster" if they hire some of the nonprofits to help with the business planning.

Mr. Rooker said Ms. Collier mentioned a match of \$325,000 from other sources. He asked if they have those sources in mind. Ms. Collier said there are a good number of foundations and citizens that are interested in investing in this project. On December 4, Nelson County provided them with \$10,000 to start working on this project. The Hub would like to incorporate all members of the TJPDC to show there is a coalition of local governments.

Ms. Mallek said another source of leverage funds which will be available through the rural cooperatives are the Rural Development Funds from the Federal Government. The Nelson County and the Rappahannock Electric cooperatives are the funnels for the Federal funds they can apply for once the project gets started.

Mr. Dorrier asked if there is any connection between this food hub and Meals on Wheels. Ms. Collier said not at this time. They expect to do a lot of networking services to take advantage of the nonprofits who are already working on this issue.

Mr. Rooker said this proposal meets many criteria in the Comprehensive Plan. The Board has been discussing what it can do to help the agricultural economy, so he looks forward to this proposal

being analyzed by staff and then receiving a recommendation. He thinks there is local enthusiasm for such a program, so the Board needs to capitalize on that while the enthusiasm is high.

Mr. Boyd asked if they are incorporating. Ms. Collier responded that they are working with an attorney and are in the process of setting up a 501(c)(3). Also, a couple of nonprofits have volunteered to serve as their fiscal agent until that is set up.

Ms. Mallek said she hopes all the groups that have been working on this local food process for the last several of years will increase their efforts to pull together a unified project.

Mr. Slutzky said there is a timing issue here, so he suggested they work with staff and their collaborators to present a more concrete proposal at the Board's February meeting. Ms. Collier asked for some specifics on what the Board needs.

Mr. Slutzky said if money is to come out of this fund, the Board would need a proposal that fit the criteria it has discussed today.

Ms. Thomas said she represents the Ivy area. There was a large construction project that that went through the courts to fight, so they are protective of their neighborhood. She will not be able to support this request unless there is a good relationship developed with that neighborhood. She said the neighborhood will not fear farmer's trucks, but when do the 18-wheelers start coming in? There are also water issues in that area. These are the kind of location issues she will need more information on, even though they are outside of the criteria the Board discussed today. Ms. Collier said they reached out to the PTO at Murray School and plan to make a presentation to them later this month. She has a letter from the landlord regarding water availability and their reserve well. They are being proactive on those issues.

Mr. Boyd said it looks like this has been put on a fast track. He would like to say this is a great idea. He does not know that given all the other budget issues the County has, that it fits in the Economic Opportunity Fund in the way he envisioned, or that the Board should invest public dollars into it. He encouraged Ms. Collier to find private dollars to do it.

Mr. Rooker said he does not agree with Mr. Boyd. He would be comfortable having part of this fund invested in an endeavor such as this if the Board is satisfied the criteria are met. This is a local start-up which is different than having a company relocate to the area. There is doubt as to having an ongoing business execute their plan which is not an ongoing entity. He thinks the Board has to respond to a business plan and some expectation that the project will be successful based on that plan. He suggested that they look at other comparable operations operating successfully from a financial standpoint and which have been for some period of time, otherwise there is uncertainty about its long-term potential.

Mr. Dorrier said a business incubator situation would be a good model for them. This is an era where cash is king, so the less credit they have the better. He suggested getting with SCORE or a similar organization to help them pull it together. Ms. Collier mentioned that Ms. Andrea Larson and Ms. Erica Hurtz from the sustainability program at the Darden School of Business are supporters.

Mr. Boyd said he would like to clarify his comments. He never thought of this fund as a venture capital fund.

Mr. Slutzky said he hopes Ms. Collier understands the Board's process challenges. Hopefully, this can be worked through. He thanked Ms. Stimart for letting the Board look at this issue so quickly.

Ms. Thomas reminded Mr. Slutzky that Ms. Kathy Ralston also wanted to speak.

Ms. Ralston said she was present to hear what the Board's criteria would be because of her interest in workforce development. She is pleased to see that was included. Some of that could be considered for incumbent worker training – PVCC is interested because that is lacking in the community. With the downturn in the economy, it is critical. There are other things which could be economically supported but she does not know if they would fit in with Mr. Boyd's thoughts. They would be things such as focusing on individual development accounts through the Piedmont Housing Alliance which provides matching funds for people to work and save to create a business, buy a home, or go back to school. There are also opportunities through the Strategic Plan to support the earned income tax credit to put money in the pockets of people who are already working. She isn't sure if this fund would support those types of things, but it's helpful to have criteria now.

Mr. Boyd said he will give an example of how he thinks the funds should be used. Employers are saying they need technology-trained people, so perhaps the County could make an arrangement with an employer so he would hire the people the County helped train. That would then be an excellent use of that money. Ms. Ralston said there is a one-stop facility poised to do that now.

Ms. Mallek said the building at the Visitor's Center will be used primarily for contract training with local businesses.

Mr. Slutzky said Ms. Ralston had given two examples, but those are not what the Board had in mind for this fund.

Ms. Ralston said she will also mention the work Social Services is doing with JABA in development of the Southern Albemarle intergenerational center. They are trying to put together a

childcare center to support employment in that area because there is virtually no childcare in that end of the County.

Ms. Thomas said she liked that idea in the sense that Ms. Ralston's figures showed some time ago that many single mothers are living in poverty. That would tackle that issue in a two-pronged way. Sometimes she thinks everyone is excited about the high-tech and forgets that it is low-tech that is needed to get people out of poverty. In her last paycheck from the County she got a notice about the earned income credit, so she wondered if other employers are sending out these notices.

Ms. Ralston replied that the EIT coalition is working on that now. The County was a lead employer in doing that this year; U.Va. is also doing it and has a tax prep site this year in its Human Resources Department. They plan on going to other employers and having them do it this year. First, they had to get the tax-prep sites set up and then make sure they were working. She said one of the lead employers in this area is BB&T Bank. They orient their employers about EIT and the childcare tax credit. Now, they are working with the County to develop that for County employees as well.

Mr. Rooker said this is a fund for a one-time investment. It is not a program where the Board envisions subsidizing ongoing operations of any type. The Board envisioned putting money into something that has a reasonable chance of economic success and providing benefits to the community on an ongoing basis from that success.

Mr. Slutzky thanked all who participated in this discussion.

Agenda Item No. 18. Closed Meeting.

At 11:55 a.m., Ms. Thomas **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711.A of the Code of Virginia under subsection (1) to consider appointments to boards, committees and commissions, under Subsection (1) to evaluate the performance of a County department which requires the discussion of the performance of a specific individual; and, under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding regional authorities.

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

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

NAYS: None.

Agenda Item No. 19. Certify Closed Meeting.

At 2:04 p.m., the Board reconvened into open session. Ms. Thomas immediately **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting.

Mr. Rooker **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 20. Boards and Commissions: Vacancies/Appointments.

Ms. Mallek **moved** that the Board:

Appoint Mr. Richard "Rit" Venerus to the Joint Airport Commission with said term to expire December 1, 2011.

Appoint Mr. Richard Carter as the Jack Jouett District representative to the Albemarle County Service Authority to fill the unexpired term of Robert Humphris set to expire on December 31, 2009.

Reappoint Mr. Vernon Jones as the White Hall District representative to the Economic Development Authority with said term to expire on January 19, 2013.

Reappoint Mr. Alan Collier as the Rivanna District representative, Mr. David Cooke as the Jack Jouett District representative, Ms. Virginia Gardener as the White Hall District representative, Mr. Rosa Hudson as the Scottsville District representative, and Ms. Alice Nye Fitch as the Samuel Miller District representative on the Equalization Board with all terms to expire on December 31, 2009.

Appoint Ms. Martha De Jarnette to the Housing Committee with said term to expire on December 31, 2010.

Appoint Ms. Erika Castillo to the Jefferson Area Disability Services Board as the Albemarle County Local Government Official representative. There is no term set for this appointment.

Reappoint Mr. Joe Samuels to the ACE Appraisal Review Committee with said term to expire on December 31, 2009.

Reappoint Mr. Steve Ashby to the Community Mobility Committee with said term to expire on December 31, 2010.

Reappoint Ms. Deborah Van Eersel as the UVA representative to the Housing Committee with said term to expire on December 31, 2011.

Reappoint Mr. Michael Gaffney to the Rivanna Solid Waste Authority and the Rivanna Water and Sewer Authority, as the joint City/County representative, with both terms set to expire on December 31, 2010.

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

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

NAYS: None.

Agenda Item No. 21a. Transportation Matters: VDoT Monthly Report.
Agenda Item No. 21b. Transportation Matters not listed on the Agenda.

Mr. Alan Sumpter, Residency Administrator, said VDoT is advancing with the safety implementations at Forest Lakes – work on the controller actuated beacon light is progressing and the conduit work is nearly complete; they are still expecting the flashers to be completed within six weeks, weather permitting, with another three weeks of work thereafter.

Mr. Sumpter said the Burnley Station signal was put into flash mode on Monday, but rain precluded final work so it will not go into operation until early next week.

Mr. Sumpter said VDoT has not been able to get a slight easement at the Woodlands Road/Reas Ford intersection to ease conditions at that point. They are now going to modify that location and make it a four-way stop; that work will occur in the spring months. They will be putting in rumble strips, signs, etc. They believe that is the safest thing to do based on existing sight distance.

Ms. Mallek said it will be interesting to see how many cars gets backed up toward the east at the stop sign. Mr. Sumpter said the only other way to obtain the sight distance necessary would be through condemnation and buying that property. It would have to be established as a project in either the Six-year Road Plan or the Revenue-Sharing Plan. Plans would have to be drawn, a public hearing held, and authorization obtained from the COB, etc. That would take a substantial amount of time given the urgency that everyone's expressed to resolve that situation.

Mr. Rooker said the primary problem is sight distance. It is an unsafe condition and there have been a number of complaints received. VDoT has been working for a year or more to try and resolve the situation with the hedge in that location, and the property has changed ownership. It has not been possible to get an agreement from the landowner, so this is basically the only alternative.

Ms. Thomas said that for lack of a clipped hedge, there will be a four-way stop at that point. She thinks the community should know about this ahead of time.

Mr. Sumpter said VDoT has received a tremendous outcry about that location. There was a fatality there that prompted suggestions from citizens to put up a four-way stop sign. VDoT's concern with the four-way stop is the possibility for more accidents, so to offset that they are going to install rumble strips and "stop ahead" signs to give advance warning of the stop.

Mr. Sumpter said VDoT will do a press release about the changing traffic pattern in that location since it will be a dramatic departure from what people are accustomed to. He said they will also put up message boards giving notice of the change.

Mr. Sumpter said he spoke with the Bridge Engineer, Mr. David Pierce, and they are still working on their analysis for Dry Bridge. It was held up because of the holidays, but they are about 75 percent complete.

Mr. Sumpter said on the project list is the Advance Mills Bridge project listed for an advertisement date of January 13. When a project like this one is posted, it is left on the board for 30 days while bids come in; they will be evaluated and within the next 30 days it goes to the Commonwealth Transportation Board for award consideration; if awarded, the contractor is notified to proceed with construction within 45 days of that date. He added that VDoT is hoping the bids come within the engineers' estimate, but if they don't that could cause delay, adding that most estimates have been coming in at or below projections.

Mr. Sumpter they are anticipating a field inspection on Georgetown Road on January 28, with a public hearing slated for mid-March.

Mr. Sumpter said he has spoken with one of Mr. Dorrier's constituents – Mr. Ward – and addressed some of his concerns, which should be fixed through the rural rustic road program.

Ms. Mallek asked if there is any new information about the signs on Crozet Avenue/Route 240 South. Mr. Sumpter responded that VDoT will be adding lower speed limit signs coming south on Crozet Avenue.

Mr. Sumpter said Ms. Mallek had related to him a concern from the Waverly Homeowner's Association about tree-trimming and pavement edge lines. VDoT's Traffic Engineering staff reviewed the request for edge lines and will recommend that they be put on the road as part of this year's striping program. He might need the Board's help with that request since sometimes VDoT gets feedback from people who think that makes the road look like a primary roadway, removing its rural character. This is a target area for tree trimming so VDoT has attempted to get a tree removal contract, but bids have come in above the estimate.

Ms. Thomas thanked Mr. Sumpter for his attention to Stribling Avenue, which is the City/County dividing line. It is a City resident who patrols it regularly and lets her know what is going on. She said the Zoning Department, the Police Department, and the Fontaine Research Park (which has one of its administrators help), keep a watch, but the illegal dumpers are keeping ahead at this point.

Mr. Sumpter said he has information about the financial picture regarding Secondary Road funding. The Six-Year Plan hearing was held last night. VDoT staff has been told that additional cuts may be forthcoming. Recently, they were asked to make adjustments to the Six-Year Secondary Road program from the current fiscal year through FY 2014. Albemarle's budget originally approved for that time period was \$20.5 million. That has now been reduced to \$15.5 million – a reduction of about \$4.9 million. He said the program is broken down into unpaved road money, money for state-funded only projects such as Georgetown Road, and projects that meet Federal qualifications. The cut of \$4.9 million, over the six-year period totals about \$743,000 on unpaved road funds, \$2.3 million to state-only projects, and \$1.8 million to projects that meet Federal qualifications. Bridge projects have seen less impact this fall, bridges and pavements remain a high priority.

Mr. Sumpter said the Meadow Creek Parkway project is okay. A great deal of help for that project came through putting revenue-sharing funds on the project. His staff has been working to keep the Georgetown Road project within the scope of the dollars banked for it, about \$3.0 million. The greatest impact at this time on active projects is to the Jarmans Gap project, based on the advertisement schedule of November, 2010. He reminded the Board that the funding scheme requires that the money be banked by the year the project is completed; at this time the project is about \$2.0 million short.

Mr. Sumpter reported that on the Rural Rustic Program, there are two projects which are still underway, the Walnut Level Road project and the Old Green Mountain Road project. Even though they were not done, the money has been banked for them. He said the Board has discussed what will be done in the future for unpaved roads. VDoT currently has no plans for any rural rustic road projects in the future. The Board was focusing on Dickerson Road as an unpaved road project. A multi-million dollar project like Dickerson Road will take significant time because of the amount of unpaved road money allocated to fund that project to construction. It is expected that allocations for unpaved roads will be dropping to about \$200,000 per year. VDoT has been able to construct three to four rural rustic projects per year. If that program were continued, they would only be able to do one or two per year.

Ms. Mallek asked how long the bridge on Dickerson Road will remain a three-ton bridge. Mr. Sumpter said there are no plans to do any other improvements to it. The project is still pending due to the number of projects going on.

Mr. Boyd said the rural rustic program was never eliminated by the Board, it was simply suspended. When it is likely to come back? Mr. Tucker and Mr. Sumpter responded that it will be part of the Secondary Six-Year Road Plan the Board will be considering soon.

Mr. Sumpter said they revised the numbers based on the current program. He has not yet received allocations for that year, which would be FY 2015. He has seen no allocations yet so there cannot be the yearly public hearing; it will probably be done in April. If the Board wishes to have a work session to establish priorities, they could do that.

Mr. Boyd said he and Mr. Slutzky attended the Commonwealth Transportation Board public hearing last night. There were people present from many different jurisdictions all asking that their projects not be cut. He feels confident that the Meadow Creek Parkway and inter-city rail service between Lynchburg and Charlottesville will remain intact since they have already been funded. He asked Mr. Sumpter to update the Board on the timeframe for construction of the Meadow Creek Parkway.

Mr. Sumpter confirmed that Faulconer Construction Company will be bringing in material and storing equipment on site so they will not lose time. They haven't received notice to proceed yet, but that will keep them from having to move material twice.

Mr. Rooker said there are a couple of projects for which the Board has been accruing money for many years, and they will go ahead because the money has been banked. But the ability to do new projects going forward will not be there other than very small things. Mr. Sumpter said there are projects like Old Ivy Road which are still in the plan; it shows as a \$6.0 to \$7.0 million project. For the projects he has mentioned today, it will take a significant amount of time using these funds alone to ever be able to fund them. When the update is done, there will need to be careful consideration of what actually needs to be in the plan.

Mr. Boyd said he heard last night that they will be doing it in phases; if the engineering phase of the project was already in process that would be completed.

Ms. Thomas said a year or more ago, Mr. Sumpter talked about trash pickup being something contracted on certain routes. She asked if he had been able to do that or if there is any way citizens can help. Mr. Sumpter replied that VDoT has not been able to move forward with that idea. There is a VDoT team right now working on their level of services. They are expecting new levels to be established in July. Most of their service contracts are basically frozen now.

Mr. Rooker said Mr. Sumpter did not mention Primary funds, but he understands the cuts are comparable to the cuts on the Secondary side. Mr. Sumpter said in the Culpeper District some of the biggest cuts are in Culpeper County. There are indeed comparable numbers on the Primary System; local interstate interchange improvements have taken hits – Fifth Street and the Shadwell exits.

Mr. Dorrier asked about the possibility of the Federal government funneling money into Virginia with the new initiatives being discussed. Mr. Sumpter responded that VDoT is working on projects that could fit into a stimulus package – he understands the projects being looked at are projects that could (theoretically) be under construction within six months. He was told that could total \$2.1 billion in projects.

Mr. Slutzky said Virginia will not get those funds. Mr. Sumpter said VDoT does not expect that kind of money. VDoT is getting projects ready and listed so they will know and be able to act because they understand that a key component of any stimulus package will be the ability to act quickly.

Mr. Dorrier asked if any of those projects would be in Albemarle.

Mr. Rooker told Mr. Dorrier that the Board submitted a letter specifically requesting that several projects in the County's Six-Year Plan be included in an economic stimulus plan if money becomes available. Albemarle's CTB representative has indicated that two projects on Route 29 would be at the top of the list for the Culpeper District.

Mr. Slutzky said if the Federal government gives a stimulus package that ends up possibly allocated to purposes like this, there is also the chance there might need to be a local match, and there is no money in the County budget for that. Even if a stimulus bill is passed, the County might not be able to take advantage of it.

Mr. Boyd said he thought the County had \$7.0 million that was going to be kept in the budget for just that purpose - matching funds accumulated over several years in the CIP.

Mr. Rooker said there are some transportation funds that could be used for that purpose if the County had to make a local match.

Mr. Slutzky said the Board could do other allocations, but it has not provided for specially matching a Federal program. He just wants to make sure everybody understands that if the Board used those funds, it would be taking money from things which had previous allocations.

Mr. Boyd said the Board has not yet seen the final version of Mr. Tucker's proposed budget. When the Board saw the original proposal, the Board promised matching funds for revenue sharing.

Mr. Slutzky thanked Mr. Sumpter for VDoT's extraordinary efforts to get the Advance Mills bridge project going, and to protect the projects it has been able to protect.

Ms. Mallek thanked Mr. Sumpter for the speedier than expected work on the Buck Mountain Creek project. The fire engines and the grocery stores are very happy that people can get across quicker.

Mr. Rooker said the local Highway Department has done a good job in extenuating financial circumstances. He said Mr. Sumpter and his office are to be commended for that work.

Agenda Item No. 22. **Public Hearing:** Virginia Community Development Block Grant Program - To solicit public input on local housing and community development needs in relation to the Community Development Block Grant (CDBG) funding available to the County. (Notice of this public hearing was published in the Daily Progress on December 22 and December 29, 2008.)

Mr. Ron White, Housing Director, reported that Albemarle County is a non-entitlement community so is eligible to apply annually for CDBG grants administered by the Virginia Department of Housing and Community Development. These funds are Federal pass-through funds through the State and are for projects that benefit low- and moderate-income persons, prevent slums and blight, address urgent community needs, and support activities such as economic development, housing rehabilitation, housing production, community facilities and community service facilities. Since 1982 the funds have been offered to non-entitlement communities on a competitive basis. Albemarle County has been the recipient of a number of grants supporting housing and community improvement initiatives. The process requires two local public hearings. The first public hearing today is to provide information on the availability of funds, eligible activities, and past activities undertaken with the funds. The grant the County received last year, which the Housing Office is still negotiating a contract on, will fund land development and infrastructure costs for the rehabilitation of housing units and creation of 38 new housing units at Crozet Meadows.

Mr. White said for projects to be considered for funding this year, the applicant is required to submit a notice of intent to the County no later than January 30. It must contain a brief description of the project, the proposed use of the funds, and the beneficiaries of the proposed activities. His office is currently discussing with the Albemarle County Service Authority regarding a possible application for funding installation of sewer lines in Oak Hill Subdivision. A letter of intent was received from the ACSA today. The Housing Office will meet next Monday with residents from that area to explain the scope of the project and some of the program requirements. He said they are recommending that the Board receive this information, hold the public hearing to receive public input on housing and community development needs, and then set a second public hearing for Wednesday, April 1, to review any applications received.

Mr. Rooker asked if Mr. White expects Treesdale to file an application again. Mr. White said that in its current partnership arrangement, Treesdale will not likely come forward for block grant funds. He has talked to the other partner today and he does not want to go through the process of CDBG funding. He thinks that is a wise choice considering the partnership that is developing between AHIP and this private developer.

At this time, Mr. Slutzky opened the public hearing and invited public comments.

Ms. Kathy Baker of Pinehurst Court addressed the Board. She said a group of people are present from the Oak Hill neighborhood who is concerned about what appears to be unmanageable costs for some of them to hook to the sewer line. Even though the ACSA has not yet given them a cost in numbers, she has spoken with someone from ACSA and Ms. Thomas, and it appears the fee would be approximately \$7,000 for the hookup to their property line, and then another \$4,000 to \$8,000 for the hookup to their home. She said most of these residents have lived in the County for a long time and have been contributing to infrastructure projects through their taxes for those years. She does not think these fees will be manageable for many of these residents. She understands these fees were set with development projects in mind. Those fees cover not only the cost of installation but the cost of future development and planning, etc. She asked that the Board talk to the ACSA and suggest this is an appropriate place to use the CDBG funds.

Ms. Baker said that every year the State turns back a significant amount of funds for the social services side of the CDBG program. To her knowledge, the County has not applied for the kinds of programs that the Aids Services Group in this area has supported through a number of sources of funding. They provide housing support for people living with Aids and HIV. When these people are no longer able to support themselves because of these diseases they get rental assistance. Currently, the Aids Group has some CDBG money from the City which they can use in the City, but the County has not applied for this type of funding before. Given the economic pressures expected in the next few years for people of low income to be able to maintain housing, the County should make application for these types of funds.

Ms. Betty Critzer reiterated what Ms. Baker said. She lives on Pinehurst Court and this project is like the Meadow Creek Parkway project in that it has been going on for years. Nothing has been done and now most of the residents are retired and living on fixed incomes. They really need help from this grant. She said the project is much needed because some of the septic systems in the neighborhood do not work properly and she knows they drain into the creek behind her house.

Mr. John Martin said he is a member of the ACSA Board. He thanked Mr. White for the assistance he gave the ACSA with this CDBG grant. This is an interesting project and the ACSA would like to see it work. It is not only good for the neighbors in this area, but solving the sewer problems in this area will benefit the Biscuit Run development which is in the same drainage shed. It will allow the ACSA to complete as much of a project as possible at one time rather than having to come back over the years for specific types of rescue projects which are extremely expensive. With respect to the prior speaker's comments about rates, the ACSA Board has a special meeting scheduled this Friday to initiate a formal rate study of their entire rate structure in an effort to make sure their rates are fair and equitable and adequate to meet their needs.

Mr. Boyd said he does not understand what the grant funds would pay for. Would they pay for putting in the lines, but not the hookups? Mr. Martin said he understands the block grant money would pay for running the sewer lines down the street, and in return for getting that money, the ACSA would waive the fees that ordinarily would be required to hook the lines up to the homes.

Mr. Slutzky asked if the block grant is sufficient to cover the entirety of the cost of the hookup fee, but there is a separate issue of running a line through the private property to actually connect to the house. One cost is paid to the ACSA and the other cost is paid to a contractor. Mr. Martin said neighbors would not be required to hook to the main pipe.

Mr. Slutzky asked if Mr. Martin was saying that if the grant is received the \$7,000 hookup fee would be waived, but they would still have the separate matter of figuring out how to get a connection to the line. Mr. Martin said "yes."

Mr. Slutzky asked if traditionally that is not an issue between the ACSA and the customer but between the customer and the plumbing contractor. Mr. Martin said the connection fee itself is the most troubling aspect for most people.

Mr. Slutzky asked if there is a possibility that within the context of the CDBG money a separate component could be incorporated into the grant and made available to those property owners. Mr. Martin responded that it's too early for him to know that.

Mr. White said that is a possibility for those people who meet the income eligibility for the block grant. For those who are over 80 percent of the area median income there would have to be some other arrangements made. There is a set amount the block grant will pay per connection. His office has not looked at the budget yet so he is not sure there would be money in addition to actually putting the public lines in to help offset some of the other costs. He has talked with the ACSA director about this, but he is not sure all of that information will be available Monday night.

Mr. Slutzky commented to Mr. Martin that when the ACSA has its meeting Friday and tasks someone to develop a rate structure analysis, that it does not have them just tell the ACSA what it needs to charge but to address the issue of the disproportionate burden on some people who live in the growth area who may have fixed incomes and who happen to be the last ones put online because of the history of things. Is there a way to design into the rate structure an accommodation for those cases? That is the issue in Oak Hill Subdivision and a couple of other neighborhoods. Mr. Martin said they will be discussing those things, but their objectives are that the rates need to be adequate to meet their needs, and they need to be fair and understood by the public as being fair.

Mr. John Klemm, a social worker with the ARC of the Piedmont, addressed the Board. They serve adults and children with developmental disabilities. He proposed the use of the block grant funds for more affordable housing – especially rental units. Most of ARC's clients are on Medicaid and Medicaid waiver funding, and the rate of that funding has not been increased for 10 years. It was supposed to increase three percent this year, but because of the budget crisis, the Governor is going to cut that back to a 1.6 percent increase. Most people get about \$600 per month for rent, food and clothing, and that is not a sufficient amount to live on in this area. He said Region Ten has a housing waiting list of 150 people now. They are also trying to get people out of the Central Virginia Training Center in Lynchburg. The new money follows the "person program" in the State. They are trying to get 1,100 people out in the next five years. It is sad, but at this time Virginia ranks 47th among the 50 states for care of the mentally retarded and people with developmental disabilities. He hopes that can be improved.

There being no one else from the public rising to speak, Mr. Slutzky closed the public hearing and placed the matter before the Board.

Mr. Slutzky said it sounds as though these block grant funds could have potential use in the social services realm, perhaps beyond the use the County has made of them. He suggested that someone look at how other communities in the Commonwealth have been able to successfully utilize those funds. Mr. Tucker said staff is familiar with those other areas. Staff will do that, but the purpose today was to just receive comments, there will be another hearing so staff needs the Board to set a date for that next hearing.

Ms. Thomas said when the Board has that second meeting, she hopes there will be some follow-through with the social services housing types of grants that are separate from what the Board is hearing about today.

Mr. White said he can give the Board an answer now. The County goes through a competitive process with DHCD; Charlottesville gets grants directly from HUD. There is a lot more leeway on how the City can use those grants for services as well as physical development projects or community development or housing projects. The DHCD is fairly restrictive on the types of activities the grant can be used for, and none of them involve social services activities. There are other grants where money might be available through the state, not necessarily to local government, but directly to service providers.

Mr. Slutzky asked if Charlottesville can apply directly to HUD for separate money. Mr. White said they do not apply, they get a formula allocation and they use part of Albemarle's population in their formula. Mr. Tucker said that is because of Albemarle's urban area; the City does not have 50,000 in population.

At this time, Mr. Boyd **moved** to set the second public hearing for the CDBG for April 1, 2009, to review any proposed applications. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 23. **Public Hearing:** Route 20 Visitor's Center - To consider the conveyance to the City of Charlottesville of a one-half interest in property owned by Albemarle County, known as TMP 77-15B (consisting of 5.911 acres, together with improvements, located at the southwest quadrant of the interchange of Interstate Route 64 and-State Route 20, formerly housing the Monticello Visitor's Center and an information center for the Charlottesville-Albemarle Convention & Visitors' Bureau), and the joint conveyance by the County and City of the entire interest in that property to the State Board for Community Colleges. (Notice of this public hearing was published in the Daily Progress on December 29, 2008.)

Mr. Tucker reported that in 1984 the City and County acquired the Visitors' Center property on Route 20 from the State Board of Community Colleges for \$562,500. The purchase was paid for with borrowed funds pursuant to a 20-year revenue note in the amount of \$575,000 secured by a revenue stream based on the Thomas Jefferson Foundation lease that paid the debt service. Following expiration of that lease, the County and the City have identified no need to continue the use of the property for the promotion of education, historic preservation, conservation and display of historically significant artifacts associated with Monticello, and for the operation of an information center and gift shop for visitors in the area, as the 1984 deed requires. The Thomas Jefferson Foundation has relocated its visitors' center and the CACVB has determined that the property is not needed for an information center any longer.

Mr. Tucker said that Piedmont Virginia College's intended reuse of the property as a workforce development center would provide beneficial services to the County and the region. Given the use, restrictions imposed by the deed for the proposed use of the property, and the return of the property to the State Board of Community Colleges as requested by PVCC is a reasonable request. The purpose of this public hearing is to consider a resolution authorizing the return of the City's one-half interest in the property and the conveyance of the remainder of the County's interest in the property to the State Board of Community Colleges. Charlottesville City Council had the first reading of this last Monday and will have a second reading on January 20; approval is expected at that time.

Mr. Tucker said staff recommends that following the public hearing the Board adopt a resolution authorizing: (1) the return of one-half interest of the Route 20 Visitors' Center property to the City; (2) the joint re-conveyance by the City and County of the entire interest in the property to the State Board of Community Colleges.

Mr. Slutzky said the Board had discussed this matter quite a while ago, so he thinks it is fairly straightforward.

Ms. Thomas stated it would be nice to have a plaque recognizing that it was the Irish immigrants from Ulster who gave the original contents of the building in 1976 for the American Bicentennial.

Mr. Slutzky said the Board can suggest that to the Community College. He then opened the public hearing and invited the public to speak. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

Mr. Rooker immediately offered **motion** that the Board adopt the following resolution authorizing (1) return of one-half interest of the Visitors' Center property to the City; (2) the joint re-conveyance by the City and County of the entire interest in the property to the State Board of Community Colleges. Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

RESOLUTION TO AUTHORIZE CONVEYANCE OF PROPERTY TO THE STATE BOARD FOR COMMUNITY COLLEGES

WHEREAS, the County of Albemarle owns a certain parcel of land, known as Tax Map Parcel 77-15B (the "Property"), consisting of 5.911 acres, together with improvements, located at the southwest quadrant of the interchange of Interstate Route 64 and-State Route 20, formerly housing the Monticello Visitors' Center and an information center for the Charlottesville-Albemarle Convention & Visitors' Bureau; and

WHEREAS, the County of Albemarle and City of Charlottesville jointly acquired the Property in 1984 from the State Board for Community Colleges on the condition that the Property be used for "the promotion of education, historic preservation, conservation, and display of historically significant artifacts associated with Monticello and for the operation of an information center and gift shop for visitors in the area;" and

WHEREAS, the Property has been leased to the Thomas Jefferson Foundation (TJF) and used as a Monticello Visitor's Center; and

WHEREAS, to facilitate financing, in 1984, the City conveyed its one-half ownership interest to the County, on the condition that the County return that one-half interest to the City upon the termination of the TJF lease; and

WHEREAS, the Thomas Jefferson Foundation is terminating its lease of the Property effective January 31, 2009; and

WHEREAS, unless the property continues to be used for educational or historical purposes, or as an information center, the City and County are required to re-convey the Property to the State Board for Community Colleges upon its request, under the terms of the 1984 deed; and

WHEREAS, the County and City have identified no need to continue to use the property for educational or historical purposes, or as an information center; and

WHEREAS, Piedmont Virginia Community College (PVCC) has requested that the property be returned to the State Board for Community colleges and proposes to use the Property as a Workforce Development Center; and

WHEREAS, the proposed use of the Property by PVCC will benefit the County; and

WHEREAS, prior to the re-conveyance of the Property to the State Board for Community Colleges, the County must return the City's one-half ownership interest to the City.

NOW, THEREFORE, BE IT RESOLVED, that following a public hearing duly held pursuant to *Virginia Code* § 15.2-1800(B), the Albemarle County Board of Supervisors hereby authorizes the County Executive (1) to execute on behalf of the County of Albemarle, Virginia, a Deed and any other document(s) necessary to convey a one-half ownership in Tax Map Parcel 77-15B, consisting of 5.911 acres, together with improvements, to the City of Charlottesville, and (2) to execute on behalf of the County of Albemarle, Virginia, together with the City of Charlottesville, a Deed and any other document(s) necessary to convey Tax Map Parcel 77-15B, consisting of 5.911 acres, together with improvements, to the State Board for Community Colleges.

Agenda Item No. 24. **Public Hearing:** Request to grant sanitary sewer line easement across Belvedere Boulevard - To consider granting a permanent sewer line easement to the Albemarle County Service Authority across property owned by Albemarle County known as Belvedere Boulevard, located approximately 0.25 miles north of East Rio Road. This easement is necessary to allow the Albemarle County Service Authority to maintain and operate a sanitary sewer line. (Notice of this public hearing was published in the Daily Progress on December 29, 2008.)

Mr. Tucker said the Covenant Church of God, located along East Rio Road, is presently served by public sewer. The sewer line to which the Church is presently connected requires that the Church pump its effluent through a one-inch pipe across the bridge on East Rio Road over the railroad tracks. Because of the cost of pumping and the need for ongoing maintenance of the pumps, the Church has reached an agreement with the adjoining Belvedere developer to extend a gravity flow sewer line from the Belvedere Subdivision to serve the Church property. Church representatives proceeded with the understanding that an easement across Belvedere Boulevard was not required. However, because Belvedere Boulevard had previously been dedicated to the County as a public right-of-way when the subdivision plat for Phase I of Belvedere was recorded, the County is the fee simple owner of the right-of-way and an easement should have been obtained. At this point, the sewer line has been constructed and the Albemarle County Service Authority (ACSA) requires an easement to maintain and operate the sewer line.

Mr. Tucker said Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveyance of any interest in County-owned real property. The proposed deed of easement is in a standard form prepared by the County Attorney's Office. Staff has reviewed and approved the proposed plat. The proposed perpetual easement would allow the ACSA to maintain and operate the sewer line. It is not anticipated that the sewer line will affect the acceptance of Belvedere Boulevard into the VDOT system for maintenance. Staff recommends that, after receiving public comment, the Board approve the proposed easement and authorize the County Executive to sign the deed of easement on behalf of the County after the deed has been approved by the County Attorney with any necessary changes.

Mr. Slutzky opened the public hearing and asked the applicant to speak first.

Mr. Richard Carter said he represents the Covenant Church, which will be the main beneficiary of this request. At this time the Church has to pump their sewage over to the Gasoline Alley property and this will allow them to have the sewage gravity fed.

With no one else from the public rising to speak, the hearing was closed and the matter placed before the Board.

Mr. Rooker **moved** to approve the following Deed of Easement and to authorize the County Executive to sign the Deed of Easement on behalf of the County after it has been approved by the County Attorney with any necessary changes. Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Tax Map 61 (Belvedere Boulevard right-of-way)

This deed is exempt from taxation under Virginia Code §§ 58.1-811(A)(3) and 58.1-811(C)(4).

DEED OF EASEMENT

THIS DEED OF EASEMENT, is made and entered into on this _____ day of _____, 2009, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantor, hereinafter referred to as the "County," and the **ALBEMARLE COUNTY SERVICE AUTHORITY**, a political subdivision of the Commonwealth of Virginia, Grantee, whose address is 168 Spotnap Road, Charlottesville, Virginia, 22911, hereinafter referred to as the "ACSA".

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, the County does hereby GRANT and CONVEY with SPECIAL WARRANTY to the ACSA, subject to the terms and conditions set forth herein, a permanent easement and right-of-way (hereinafter, the "Easement") to maintain, repair, replace and operate a sewer line consisting of pipes and appurtenances thereto, over, under an across the real property of the County known as Belvedere Boulevard in the Belvedere Subdivision in Albemarle County, Virginia, and more particularly described as follows:

A permanent sewer line easement in the public right-of-way known as Belvedere Boulevard, located approximately 0.25 miles north of East Rio Road in Albemarle County, Virginia, identified as the "20' Permanent Sanitary Sewer Easement" within the Belvedere Boulevard right-of-way, as shown on the plat entitled "Plat Showing Sanitary Sewer Easement for 'Covenant Church of God' 0.25 Miles North of East Rio Road Rio Magisterial District, Albemarle County, Virginia," dated August 25, 2008 (hereinafter, the "Plat"); the said roadway shown as Belvedere Boulevard is on a plat of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 3543, page 225.

Reference is made to the Plat, a copy of which is attached hereto to be recorded herewith, for the exact location and dimensions of the permanent easement hereby granted and the property over which the Easement crosses.

This Easement shall be subject to the following:

1. Location of Improvements. The ACSA shall construct, install, maintain, repair, replace and extend the sewer line pipes and appurtenances thereto (hereinafter, the "Improvements") only within the Easement. The Improvements shall be underground.
2. Right to Enter; Ingress and Egress. The ACSA shall have the right to enter upon the Easement for the purpose of installing, constructing, maintaining, repairing, replacing and extending the Improvements within the Easement. The ACSA also shall have the right of ingress and egress thereto as reasonably necessary to construct, install, maintain, repair, replace and extend the Improvements. If the ACSA is unable to reasonably exercise the right of ingress and egress over the Belvedere Boulevard right-of-way, the ACSA shall have the right of ingress and egress over the property of the County, if any, adjacent to the right-of-way.
3. Excavation and Restoration. Whenever it is necessary to excavate earth within the Easement, the ACSA shall backfill the excavation in a timely, proper and workmanlike manner so as to restore the surface conditions to the same condition as they were prior to excavation, including restoration of all paved surfaces that were damaged or disturbed as part of the excavation.
4. Vegetation and Obstructions. The ACSA may cut any trees, brush and shrubbery, remove obstructions, and take other similar action reasonably necessary to provide economical and safe installation, maintenance and operation of the Improvements. The ACSA shall not be responsible to the County or its successors and assigns, to replace or reimburse the cost of replacing or repairing any County-owned trees, brush, shrubbery or obstructions that are removed or otherwise damaged that would be inconsistent with the proper maintenance, operation or use of the Improvements.
5. Ownership of Improvements. The Improvements shall be the property of the ACSA.
6. Obligations of the ACSA if and when Belvedere Boulevard is Proposed for Acceptance or is Accepted into the State-Maintained System. If and when the segment of Belvedere Boulevard in which the Easement lies is proposed for acceptance or is accepted into

the state-maintained or other publicly-maintained system of highways, the ACSA shall comply with the following:

a. Permits. The ACSA shall obtain all permits required by the Virginia Department of Transportation (hereinafter, "VDOT") or such other public entity that becomes responsible for the maintenance of Belvedere Boulevard (hereinafter, "such other public entity") to authorize the Improvements to exist or remain within the Belvedere Boulevard right-of-way (hereinafter, the "Permits") and shall comply with all applicable requirements of VDOT or such other public entity.

b. Acts Required of ACSA to Assure Acceptance of Belvedere Boulevard into State-Maintained System. Until the ACSA quitclaims its interest in the Easement to VDOT, such other public entity, or the County as required in conjunction with the acceptance of Belvedere Boulevard into the state-maintained or other publicly-maintained system, the ACSA, at its sole expense, shall, promptly alter, change, adjust, relocate or remove the Improvements from the Belvedere Boulevard right-of-way if VDOT or such other public entity determines that such alteration, change, adjustment, relocation or removal is required in order for VDOT or such other public entity to accept Belvedere Boulevard into the system. Neither the County, VDOT, nor such other public entity shall be responsible or liable to the ACSA or its successors or assigns for any costs associated with such alteration, change, adjustment, relocation or removal of the then-existing Improvements. In addition, neither the County, VDOT, nor such other public entity shall be obligated to compensate or reimburse the ACSA or its successors or assigns for any increased or decreased cost or value associated with either the Improvements or Belvedere Boulevard resulting from such alteration, change, adjustment, relocation or removal.

c. Continuing Obligations of ACSA to the County. After VDOT or such other public entity has issued the required Permits, the ACSA shall be subject to the following conditions, notwithstanding any quitclaim of its interests to VDOT or such other public entity, and these conditions shall be continuing obligations of the ACSA:

1. The ACSA, to the extent authorized by law, shall at all times indemnify and save harmless the County, its employees, agents, officers, assigns, and successors in interest from any claim whatsoever arising from the ACSA's exercise of rights or privileges stated herein.

2. In the event that the County or such other public entity becomes responsible for the maintenance of Belvedere Boulevard and the County or such other public entity requires, for its purposes, that the ACSA alter, change, adjust, or relocate the Improvements, across or under Belvedere Boulevard, the cost to alter, change, adjust, or relocate the Improvements shall be the sole responsibility of the ACSA. Neither the County nor such other public entity shall be responsible or liable to the ACSA or its successors or assigns for any costs associated with altering, changing, adjusting or relocating the then-existing Improvements as may be required herein. In addition, neither the County nor such other public entity shall be obligated to compensate or reimburse the ACSA or its successors or assigns for any increased or decreased cost or value associated with either the Improvements resulting from such alteration, change, adjustment or relocation. The requirements of this paragraph 6(c)(2) shall not apply if the County, VDOT, or such other public entity is either required by law to pay for such costs or is authorized and elects to pay for such costs.

The County, acting by and through its County Executive, duly authorized by action of the Albemarle County Board of Supervisors on January 7, 2009, does hereby convey the interest in real estate made by this deed.

By its acceptance and recordation of this Deed of Easement, the ACSA acknowledges that it, its successors and assigns, shall be bound by the terms herein.

Agenda Item No. 25. **Public Hearing:** Ivy Creek Natural Area (ICNA) Tenant House Lease - To consider the approval of a proposed Lease Agreement for the tenant house located in the Ivy Creek Natural Area Park. The property is jointly owned by the County of Albemarle and the City of Charlottesville and the house is leased to tenants who assist in maintenance of the Park. (Notice of this public hearing was published in the Daily Progress on December 29, 2008.)

Mr. Tucker reported that the City and County own the house at the Ivy Creek Natural area which is leased to tenants at a reduced rent in exchange for service as the property's caretaker. Under the proposed new lease, the tenants would pay \$150 monthly rent to the County and all utility bills, plus the caretaker duties as outlined in the staff's report. The initial term of the lease would be one year beginning March 1, 2009, followed by up to four one-year terms; the monthly rent would remain at \$150 per month determined after review by the County Assessor's office. The proposed new lease has been reviewed and approved by both the City Attorney and the County Attorney. Virginia Code Section 15.2-1800 requires that the Board hold a public hearing prior to entering into any lease agreement. He said staff recommends that the Board, after public hearing, authorize the County Executive to sign the proposed lease agreement on behalf of the County.

Mr. Slutzky asked how the \$1,800 from rent is allocated to the City and the County. Mr. Pat Mullaney, Director of Parks & Recreation, explained that any revenues taken in are deducted from

expenses, and then the City is either billed or send them money. Mr. Tucker said that the money usually stays in the County because the County provides the services and maintenance at Ivy Creek.

Mr. Slutzky then opened the public hearing and asked for public comments. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

Mr. Rooker **moved** to authorize the County Executive to sign the following Residential Lease Agreement for the Ivy Creek Natural Area on behalf of the County. Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

RESIDENTIAL LEASE AGREEMENT IVY CREEK NATURAL AREA

THIS LEASE AGREEMENT is made as of this 1st day of March, 2009; by and between County of Albemarle & City of Charlottesville (hereafter collectively, the "Landlord"), whose address is 401 McIntire Road, Charlottesville, Virginia 22902 (hereafter, the "County"); PO Box 911, Charlottesville, Virginia 22902 (hereafter, the "City") and Steve and Debbie McVey (hereafter, the "Tenant" or the "McVeys").

1. **REAL PROPERTY AND TERM OF OCCUPANCY.** In consideration of the promises and covenants herein, Landlord hereby leases to Tenant that property located in the County of Albemarle, Virginia, and known as Ivy Creek Natural Area Park Tenant House together with the fixtures and personal property listed below, (the Premises) for the term of 1 (one) year(s) commencing at noon on March 1, 2009. Thereafter, unless otherwise terminated by either party, as provided herein, this Lease shall renew automatically for four (4) additional one-year terms.
2. **PERSONAL PROPERTY.** The following personal property is included in the Premises subject to this lease: Range oven, woodstove, and refrigerator.
3. **USE OF PREMISES.** The Premises will be used by Tenant as a private dwelling and for no other purpose. The Premises will be occupied by no persons other than persons who have signed this Lease as Tenant and such person's children under the age of 18.
4. **RENT.**
 - a. Tenant agrees to pay as rent the total sum of \$1,800.00 per year, due and payable in advance in monthly installments of \$150.00, except as follows: If the lease term begins on a day other than the first day of a calendar month, the first month's rent shall be \$ 75.00. If the lease term ends on a day other than the last day of a calendar month, the last month's rent shall be \$75.00. The first month's rent payment is due March 1, 2009. The monthly installment of rent due for each month thereafter shall be due on the first day of each month. Rent shall be paid to County of Albemarle (landlord/agent) at Albemarle County Parks & Recreation, 401 McIntire Road, Charlottesville, Virginia 22902 (address) or at other such place as Landlord or Agent may from time to time designate in writing. If a monthly installment of rent is not received before the 6th day of the month, Tenant agrees to pay as additional rent a charge of late fee of \$10.00 for each month that the monthly installment of rent is not received by the 6th day of such month. The purpose of this late fee is to compensate Landlord for the expenses of processing such delinquent account. Rent payments will be applied first to all past due balances of rent and other charges owing under this Lease. The remaining portion if any of such rent payments will be applied to current rent. If there are two or more tenants, Landlord shall have the option of requiring that only one check, cashier's check or money order will be accepted for each monthly installment for rent.
 - b. As additional rent, the Tenant shall perform the following duties as long as either of them resides on the Property. The following duties may be modified as duties may be added or deleted by mutual written agreement between the County and City and the Tenant. Failure to perform the following duties on the part of the Tenant shall constitute a material breach by the Tenant under the Lease Agreement and shall entitle the Landlord to terminate this Lease or exercise any other remedy under this lease or available law. The Tenant shall:
 - i. Assure the park entrance gate is opened and closed per posted times and at special requests;
 - ii. Assist the public with information as needed;
 - iii. Clean and stock restrooms and clean up and remove trash in parking lot and open areas;
 - iv. In absence of park personnel, perform emergency repair or maintenance of park facilities and grounds, to the extent possible, and contact park personnel
 - v. Mow and trim grass in park and on grass trails and around tenant house as outlined by Park Superintendent;
 - c. The County and City reserve the right to agree to certain modifications pertaining to the foregoing tenant responsibilities during the term of the lease agreement. It is the intent of the County and City to delegate this responsibility to the Albemarle County Parks and Recreation Department, and its Director.
 - d. The County and City further agree that, in the event tenant performs additional duties at the specific request of the County and City in connection with the property, or for any other reason in the sole discretion of the County and City, then an adjustment in the payment of rent under this lease agreement may be made, provided that any such modifications shall be effective only if in writing between the County, City and the tenant. It is the intent of the

County and City to delegate this responsibility to the Albemarle County Parks and Recreation Department, and its Director.

5. **BAD CHECKS.** Tenant agrees to pay as additional rent a charge of \$15.00 for each check returned for insufficient funds. This charge will be in addition to any late fee, which may be due. If any of Tenant's checks are returned to Landlord or Agent for insufficient funds, Landlord will have the option of requiring that further payments must be paid by cash, cashier's check, certified check, or money order.
6. **SECURITY DEPOSIT.** Tenant agrees to pay the sum of \$150.00 as a security deposit. This sum will be due when this Lease is signed by Tenant. Prior to the termination or expiration of this Lease, if Landlord makes any deductions from the security deposit for charges arising under this Lease or by law, Tenant agrees to pay Landlord such sums as may be necessary to offset such deductions to replenish and maintain the security deposit in the amount set forth above. The security deposit will be held by Landlord to secure Tenant's full compliance with the terms of this Lease. Within 30 days after the termination of this Lease, Landlord may apply the security deposit and any interest required by law to the payment of any damages Landlord has suffered due to Tenant's failure to maintain the Premises, to surrender possession of the premises thoroughly cleaned and in good condition (reasonable wear and tear excepted), or to fully comply with the terms of this Lease, and any balance, if any, to unpaid rent. Landlord shall provide Tenant with an itemized accounting, in writing, showing all such deductions. Within this 30-day period, Landlord will give or mail to Tenant the security deposit, with any interest required by law and minus any deductions. To assist Landlord, Tenant shall give Landlord written notice of Tenant's new address before Tenant vacates the Premises. During the term of occupancy under this Lease, if Landlord determines that any deductions are to be made from the security deposit Landlord will give written notice to Tenant of such deduction within 30 days of the time Landlord determines that such deduction should be made. This provision applies only to deductions made 30 days or more before the termination of this Lease. Landlord will maintain itemized records of all security deposit deductions and these records may be inspected by Tenant, his authorized agent or attorney, during normal business hours. However, when two years has passed from the time a deduction was made, Landlord may destroy the record of that deduction. If Landlord sells or otherwise transfers all or any interest in the Premises during the term of this Lease, Tenant agrees that Landlord may transfer the security deposit, plus any interest required by law, to the purchaser who in such event shall be obligated to comply with the provisions of this section.
7. **PARKING.** Tenant agrees to comply with such parking rules and regulations as Landlord may issue from time to time, and deliver to Tenant; provided that Tenant shall be given a reasonable opportunity to comply with any parking changes made during Tenant's term of occupancy under this Lease. Vehicles parked on or about the Premises in violation of such rules and regulations may be towed at the owner's expense.
8. **PETS AND ADDITIONAL RESIDENTS.** The Tenant shall not be allowed to have pets or additional residents without Landlord's prior written consent, which may be withheld in the Landlord's sole discretion. If such permission is granted the tenant agrees to be responsible for all damages to the property and third parties (persons and property) caused by pets or additional residents. It is understood that if this approval is given that it may be rescinded in the event a problem develops related to a pet or an additional resident.
9. **UTILITIES.** The Tenant is responsible for all utilities.
10. **ALTERATIONS AND IMPROVEMENTS.** Tenant agrees that no alterations; installations, repairs or decoration (including painting, staining and applying other finishes) shall be done without Landlord's prior written consent. However, Landlord may require Tenant to return the Premises to its original condition when this Lease terminates or expires. In addition, Landlord may require that any change, alteration or improvement to the Premises will become a permanent part of the Premises which may not be removed upon the termination or expiration of this lease. Such changes or improvements will include, but not be limited to, locks, light fixtures, shutters, built-in shelves or bookcases, wall-to-wall carpeting, flowers and shrubs.
11. **INSPECTIONS AND ACCESS.** Landlord may enter the Premises to make inspections, repairs, decorations, alterations or improvements, and to show the Premises to prospective tenants, purchasers, mortgagees, workers and contractors and shall have the right to erect or place "For Sale" or "For Rent" signs thereon. Except in case of emergency or when it is impractical to give notice, Landlord will give Tenant reasonable notice of Landlord's intent to enter and may enter the Premises only at reasonable times.
12. **MOVE IN INSPECTION.** Within 5 days after Tenant takes possession of the Premises, Landlord agrees to provide Tenant with a list setting forth all of the defects and damages to the Premises, its equipment and appliances. The list shall be treated as correct unless Tenant objects to the list by written notice given to Landlord within five days after Tenant receives the list.
13. **COVENANTS BY LANDLORD.** Landlord covenants and agrees to maintain all electrical, plumbing, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in good and safe working condition; and comply with applicable building and housing code requirements materially affecting health and safety. Landlord's failure to comply with the above requirements will not be grounds for Tenant's termination of this Lease unless Tenant has given Landlord written notice of the defective condition and Landlord has failed to remedy the

condition within 21 days. However, Tenant may not terminate the Lease if Tenant, a member of Tenant's family or some other person on the Premises with Tenant's consent intentionally or negligently caused the defective condition. Such defective conditions will be repaired at Tenant's expense. Any termination by Tenant shall be made in accordance with the section of this Lease concerning breach by Landlord.

14. COVENANTS BY TENANT. Tenant covenants and agrees to keep the Premises clean and safe; use all electrical, plumbing, heating, ventilating and air-conditioning facilities and appliances in a reasonable manner; conduct himself or herself, and require guests to conduct themselves, in a manner that will not disturb Tenant's neighbors; and to take care not to intentionally or negligently destroy, damage or remove any part of the Premises, and that he or she will not permit any person to do so. The County and City reserve the right to request the Tenant to remove from the site any personal property that is inconsistent with the scenic natural beauty of the park (inoperable vehicles, appliances, etc.). The County and City reserve the right to request the Tenant to cease any activity that is inconsistent with the park or surrounding neighborhood. Tenant covenants and agrees to care for, maintain and repair the Premises, equipment, appliances and fixtures. Upon the expiration or termination of this Lease, Tenant agrees to deliver the Premises in good and clean condition, ordinary wear and tear excepted. Tenant agrees to pay the cost of all repairs and cleaning required by wear and tear beyond the ordinary. During the duration of this Lease, Tenant agrees to give Landlord prompt written notice of any defects in the Premises, its equipment, appliances and fixtures. If further damage occurs between the time Tenant learns that a defect exists and the time Landlord learns of such defect. Tenant will be liable for the costs of any repairs of such additional damage, which might have been avoided, had Tenant promptly notified Landlord of the defect. Tenant agrees to pay all costs resulting from the intentional or negligent destruction, damage or removal of any part of the Premises by Tenant or by any of Tenant's guests or other persons on the Premises with Tenant's consent. Tenant further agrees to release, indemnify, protect, defend and hold the County and City harmless from all liability, obligations, losses, claims, demands, damages, actions, suits, proceedings, costs and expenses, including attorney's fees, of any kind or nature whatsoever, whether suffered, made, instituted or asserted by any entity, party or person for any personal injury to or death of any person or persons and for any loss, damage or destruction of the Premises, arising out of, connected with, or resulting directly or indirectly from the negligent or intentional acts of Tenant, Tenant's guests or other persons on the Premises with the consent or permission of Tenant. The foregoing agreement to indemnify shall continue in full force and effect notwithstanding the termination of this Agreement. Tenant further agrees to release, indemnify, protect, defend and hold the County and City harmless from all liability, obligations, losses, claims, demands, damages, actions, suits, proceedings, costs and expenses, including attorney's fees, of any kind or nature whatsoever, whether suffered, made, instituted or asserted by any entity, party or person for any personal injury to or death of any person or persons and for any loss, damage or destruction of the Premises, arising out of, connected with, or resulting directly or indirectly from the negligent or intentional acts of Tenant, Tenant's guests or other persons on the Premises with the consent or permission of Tenant. The foregoing agreement to indemnify shall continue in full force and effect notwithstanding the termination of this Agreement.
15. TENANT TO CLEAN PREMISES WHEN LEASE ENDS. Upon the termination or expiration of this Lease, Tenant will remove all of Tenant's property from the Premises and deliver possession of the Premises, thoroughly clean and in good condition, reasonable wear and tear excepted, and in compliance with such reasonable conditions as may be set forth in Landlord's rules and regulations. Tenant's compliance with this section is necessary to insure that the Premises will be in good condition for the next tenants to whom Landlord leases the Premises. Tenant will be liable for any damages Landlord may suffer due to Tenant's failure to leave the Premises thoroughly clean and in good condition, reasonable wear and tear excepted.
16. MOVE OUT INSPECTION. Upon the termination or expiration of this Lease, Landlord will inspect the Premises to determine whether Tenant has properly maintained the Premises and has left Premises thoroughly cleaned and in good condition, reasonable wear and tear excepted. Grease accumulation and unreasonable marks, holes, nicks or other injury to walls, ceilings, floors or appliances will not be considered ordinary wear and tear. This inspection will be made to determine what portion of the security deposit will be returned to Tenant and whether Tenant may be liable for damages exceeding the amount of the security deposit. This inspection will be made with 72 hours after the termination of Tenant's occupancy of the Premises. For the purposes of this section, the termination of Tenant's occupancy of the Premises will not be deemed to have occurred until all or substantially all of Tenant's property has been removed from the Premises. Tenant will have the right to be present during this inspection, provided Tenant gives Landlord written notice of Tenant's desire to be present during the inspection. Upon receiving such notice, Landlord will notify Tenant of the time and date when the inspection will be made. However, Tenant's delay in notifying Landlord of Tenant's desire to attend the inspection will not require Landlord to delay making the inspection more than 72 hours after the termination of Tenant's occupancy. If Tenant attends the inspection, an itemized list of damages known to exist at the time of the inspection will be provided to Tenant by Landlord immediately upon the completion of the inspection.
17. ABANDONMENT OF PROPERTY. Any personal property Tenant leaves on the Premises after the termination or expiration of this Lease may be treated by Landlord as abandoned property. Landlord will prepare an itemized list of such property and may immediately remove the property from the Premises and place it in storage for safekeeping for a period not less than one month from the date this Lease terminates and possession of the Premises is delivered to Landlord.

Tenant may reclaim the property during this one-month period, provided that tenant pays the cost of its removal and storage. Upon expiration of the one-month period, Landlord will be free to dispose of the property as Landlord sees fit, provided written notice of Landlord's intent to dispose of the property is given to Tenant at least 10 days before such disposal occurs. This notice must be sent to Tenant's last known address, address correction requested. In addition, Landlord must keep the itemized list of Tenant's property for two years after Landlord disposes of that property. Any funds received by Landlord from the disposal of Tenant's property may be applied to Tenant's indebtedness to Landlord for unpaid rent or other damages, including charges for removing, storing and selling the property. Any remaining funds will be treated as security deposit.

18. **DAMAGE OR DESTRUCTION OF PREMISES.** If, through no fault or negligence of Tenant or Tenant's guest, fire or other cause destroys or damages the Premises to the extent that Tenant's enjoyment is substantially impaired, Tenant may immediately vacate the premises and within 14 days thereafter give written notice to Landlord of Tenant's intention to terminate this Lease. In such cases, the Lease will terminate as of the date of termination of Tenant's occupancy and Landlord will return Tenant's security deposit, any interest required by law, and prepaid rent covering the period after Tenant vacated the Premises - subject to any set off for charges or damages Tenant owes to Landlord. If, through no fault or negligence of Tenant or Tenant's guests, fire or other cause damages the Premises to the extent that Tenant's enjoyment is somewhat impaired, though not substantially impaired, Landlord will have a reasonable period of time in which to repair the Premises. Landlord's duty to repair will not arise until Tenant gives Landlord written notice of the damage to the Premises. If Landlord fails to repair the Premises within a reasonable period of time after having received written notice from Tenant, Tenant will be entitled to a reduction in rent for that period of time beginning 30 days after notice was given to Landlord and ending on the date Landlord successfully repairs the Premises. In any dispute concerning Tenant's right to terminate this Lease or receive a rent reduction, Tenant will be required to prove that the condition of the Premises justifies such relief.
19. **BODILY INJURY AND PROPERTY DAMAGE.** Landlord is not an insurer of Tenant's person or property. Except to the extent provided by law, Landlord will not be liable to Tenant for any bodily injury or property damage suffered by Tenant or Tenant's guest.
20. **RULES AND REGULATIONS.** Tenant agrees to comply with Landlord's reasonable and non-discriminatory rules and regulations which concern the use and occupancy of the Premises, which intend to promote the convenience, safety or welfare to tenants or preserve Landlord's property from abusive conduct. Landlord agrees to give Tenant reasonable notice of any new rules or regulations before enforcing such rules and regulations against Tenant.
21. **EARLY TERMINATION OF OCCUPANCY.** Tenant will not be released from liability for all rent and other charges due under this lease unless Landlord signs a written statement on which Landlord agrees to release tenant from such liability.
22. **EARLY TERMINATION OF LEASE BY MILITARY PERSONNEL.** If Tenant is a member of the United States armed forces and (i) receives orders for a permanent change of station to depart 50 miles or more (radius) from the Premises or (ii) is prematurely and involuntarily discharged or relieved from active duty with the United States armed forces, Tenant may terminate this Lease by serving on Landlord a written notice of termination. This notice must state the date when termination will be effective and that date shall not be less than 30 days after the date Landlord receives the notice. In addition, the termination date shall not be more than 60 days prior to the date of departure necessary for Tenant to comply with the official orders or any supplemental instructions for interim training or duty prior to the transfer. Tenant's written notice of termination must be accompanied by a copy of the official orders. If Tenant exercises this right to terminate this Lease, Tenant shall be obligated for rent prorated to the date of termination. Rent for the final month or portion thereof shall be due on the first day of such month. On account of Tenant's early termination of this Lease, Landlord may require Tenant to pay liquidated damages as follows:
 - a. If Tenant has completed less than 6 months of the tenancy under this Lease as of the effective date of termination, liquidated damages may be no greater than one-month's rent.
 - b. If Tenant has completed at least 6 months but less than 12 months of the tenancy under this Lease as of the effective date of termination, liquidated damages may be no greater than one half of one month's rent. Any amount owed; as liquidated damages by Tenant shall be due on the first day of the month in which the effective termination date occurs. This section shall not relieve Tenant of any other liabilities, which have accrued as of the date of termination.
23. **TERMINATION, RENEWAL OR EXTENSION OF LEASE.** This Lease will automatically terminate at the end of the lease term on the date on which Tenant's occupancy ends. In addition, Landlord may terminate this lease for any reason by giving at least thirty (30) days written notice to Tenant. The termination of this Lease will terminate Tenant's right to occupancy but it will not terminate any claims Tenant or Landlord may have arising out of events occurring during the Lease term or during any holdover by Tenant. No agreement renewing or extending this Lease will be effective unless that agreement is in writing and signed by Tenant and Landlord. If Tenant remains in possession of the Premises after the lease term is terminated or expires and Landlord consents to such holdover but does not enter into a written agreement extending this Lease or substituting a new written lease, Tenant shall have a month to month lease subject to termination by either party upon 30 days notice. The monthly rent during such holdover period shall be at the same rate as under this Lease or as otherwise agreed in writing.

24. **ASSIGNMENT OR SUBLET.** Tenant will not assign this Lease or sublet the Premises without Landlord's prior written consent, which will not be unreasonably withheld or delayed. Tenant agrees to pay Landlord a \$ N/A fee if Tenant assigns or sublets the Premises, or any part thereof. No assignment or sublet will release Tenant from continuing liability for the full performance of this Lease unless Landlord signs a written statement clearly releasing Tenant from such liability.
25. **BREACH BY TENANT.** If (a) Tenant fails to pay rent within five days after the date when due, (b) Tenant commits a material breach of this Lease, (c) Tenant denies Landlord's exercise of any rights under this Lease or arising by law, (d) legal proceedings are begun by or against Tenant to levy upon or dispose of Tenants leasehold interest in the Premises, or (e) the Premises is used by Tenant or others for any illegal purposes, Landlord will have the right to sue for rent and to enter and take possession through legal proceedings or, if the Premises is abandoned, to enter and take possession by any lawful means. In addition, Landlord will have the right to pursue all other remedies available, including a claim for damages. If Landlord pursues any such remedies (and regardless of whether such remedies are prosecuted to judgment), Tenant will be liable as follows:
- a. For all past due rent and other charges
 - b. For all additional rent (future rent) that would have accrued until the expiration of the term of occupancy under this Lease or until a new lease term begins, provided (i) that this will not affect Landlord's duty to minimize the damages by making reasonable efforts to enter into a new lease as soon as practical, and (ii) that if Landlord obtains a judgment for future rent, Landlord shall apply as a credit towards that judgment all funds received by Landlord as rent for the Premises for those months for which the judgment for future rent was awarded.
 - c. For all expenses Landlord may incur for cleaning, painting and repairing the Premises due to Tenant's failure to leave the Premises thoroughly clean and in good condition, reasonable wear and tear excepted;
 - d. For any court costs and reasonable attorneys fees incurred by Landlord (i) in collecting rent, other charges or damages, and (ii) in obtaining possession of the Premises;
 - e. For a collection fee equal to 25% of the judgment amount for rent, damages, court costs and attorneys fees. Tenant understands and agrees that this amount represents damages Landlord will be likely to incur in efforts to obtain a judgment against Tenant (including time and effort spent in case investigation, correspondence, filling suit, discussions with lawyers, case preparation and court attendance) and to collect such a judgment. If Tenant has breached the Lease by failing to pay rent when due, Landlord shall give a written notice to Tenant stating that the Lease will terminate within 5 days if the rent is not paid. If Tenant fails to pay the rent within that 5 day period, Landlord may terminate the Lease and proceed to obtain possession of the Premises by filing an unlawful detainer proceeding. In that proceeding, Landlord may pursue a claim for rent and other damages. In connection with breaches other than failure to pay rent, if a material noncompliance with this Lease exists or if there is a violation materially affecting health and safety, Landlord may serve Tenant with a written notice stating that acts or omissions constituting the breach and stating (i) that the Lease will terminate upon a date not less than 30 days after Tenant receives the notice unless the breach is remedied within 21 days, and (ii) that the lease will terminate as set forth in the notice. If the breach is remedial by repairs or the payment of damages and Tenant adequately remedies the breach within 21 days or such longer period of time as Landlord may allow, the Lease shall not terminate. On the other hand, if the breach is not remedial, Landlord's written notice to Tenant may state the acts and omissions constituting the breach and state that the lease will terminate upon a specific date, which date may not be less than 30 days after Tenant receives the notice.
26. **BREACH BY LANDLORD.** If Landlord (a) commits a material breach of this Lease, or (b) fails to a substantial extent to comply with any laws with which Landlord must comply and which materially affect Tenant's health and safety, Tenant may give written notice to Landlord identifying the acts and conditions on the Premises concerning Landlord's breach and stating that this lease will terminate upon a specific date (which must be 30 days or more from the date Landlord receives the notice) unless Landlord remedies the breach within 21 days. If Landlord remedies the breach within that 21 day period, this Lease will not be subject to termination by Tenant in that instance. Tenant will not have the right to terminate this Lease because of conditions caused by the intentional or negligent acts of Tenant or persons on the Premises with Tenant's consent.
27. **RENT WITHHOLDING.** Tenant may not withhold rent because of conditions on the Premises that Landlord is required to repair unless Tenant has given Landlord written notice of the condition and Landlord has failed to successfully repair the condition within a reasonable period of time. If Tenant withholds rent because Landlord has breached the Lease, Tenant must immediately give Landlord a second written notice of the breach and of any conditions of the Premises which Landlord is required to remedy or repair and must state that rent is being withheld for such reasons. If Landlord then sues Tenant for possession of the Premises or for withheld rent, Tenant must promptly pay the rent to the court, which will hold the rent until it decides what portion, if any, should be paid to Landlord. If conditions exist which Landlord is required to remedy and which creates a fire hazard or serious threat to the health or safety of Tenant, Tenant may file an action in a court of competent jurisdiction to terminate the Lease, to require Landlord to repair the Premises, or to obtain other relief. In such an action, Tenant may pay rent to the court to be held until Tenant's action is decided. If Tenant withholds rent or pays rent into court under this section and the court finds (a) that Tenant has acted in bad faith, (b) that Tenant, Tenant's family or guests have caused the conditions or have refused unreasonably to allow Landlord or Landlord's written notice of the condition, Tenant will be liable for Landlord's reasonable costs, including

costs for time spent, court costs, any repair costs due to Tenant's violation of the Lease, and attorneys fees.

28. **NOTICES.** All notices in writing required or permitted by this Lease may be delivered in person, or sent by mail (postage prepaid) to Landlord, Tenant or Agent at such party's address, as set forth above or at such other address as a party may designate from time to time by notice given in accordance with the terms of this section.
29. **HEADINGS.** The headings of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.
30. **GOVERNING LAW.** This Lease is entered into and shall be construed under the laws of the State of Virginia.
31. **SEVERABILITY.** Any provision of this Lease which is prohibited by, or unlawful or unenforceable under, Virginia law shall be ineffective only to the extent of such prohibition without invalidating the remaining provisions of this Lease.
32. **FAILURE TO ENFORCE LEASE NOT A WAIVER.** Landlord's waiver of a breach by Tenant shall not be interpreted as a waiver of any subsequent breach or noncompliance, and this lease shall continue in full force and effect.
33. **AMENDMENTS.** This lease may not be amended or modified except by prior written consent of the Landlord. All amendments or modifications shall be in writing and signed by both parties.

ENTIRE AGREEMENT. This lease and Addendum attached hereto shall constitute the full and complete agreement between the parties, and no other writings or statements (other than amendments or modifications pursuant to Section 32) shall be of any consequence or have any legal effect.

Agenda Item No. 26. **Public Hearing:** ZTA-2008-00003, Administrative Waivers. Amend Sections 4.2.5, Modification or waiver; 4.7, Regulations governing open space, 4.7.1, Open space, intent, 4.7.2, Uses permitted in open space, 4.7.3, Open space, design requirements, 4.7.4, Ownership of open space; 21.7, Minimum yard requirements, and its untitled subsections 21.7.1, 21.7.2 and 21.7.3; 26.10, Minimum yard requirements, and its untitled subsections 26.10.1, 26.10.2, and 26.10.3; 32.2, When required, and its untitled subsections 32.2.1 and 32.2.2; and add Section 4.2.5, Modification or waiver, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would add Section 2.5 to establish a standard procedure for waivers by the agent of certain requirements of Sections 4.2.5, 4.7, 21.7, 26.10 and 32.2; amend Section 4.2.5 to establish procedures for waivers of certain requirements of Section 4.2 by the commission and the agent; amend Section 4.7 and its subsections regarding regulations governing open space; amend Section 21.7 and its subsections regarding minimum yard requirements in commercial zoning districts and authorized waivers; Section 26.10 and its subsections, regarding minimum yard requirements in industrial zoning districts and authorized waivers; and Section 32.2 and its subsections, regarding when a site plan is required and authorizing waivers of the site plan requirement. (Notice of this public hearing was published in the Daily Progress on December 22 and December 29, 2008.)

Mr. Ron Higgins, Chief of Zoning/Deputy Zoning Administrator, reported that this initiative began several years ago when the Development Review Task Force (DRTF) was constituted.

Mr. Davis, at this time, distributed a revised draft of the proposed ordinance as two words were omitted from the draft; those words are now included and are highlighted in yellow on the copy handed to the Board members. The changes are not substantive.

Mr. Higgins said the DRTF made a number of recommendations to improve the current review process in the way of efficiency, effectiveness, quality and adequate public participation. In May, 2007 the Board received their report which included a priority to establish staff authority for administrative waivers for proposals on land lying in the development areas. They recommended that staff have clearly defined discretion and authority on items that would have a significant impact on streamlining the approval process. The items suggested at the time were private roads, critical slopes and the disturbance of buffers. The Board endorsed this recommendation and asked staff to consider the public input process and seek policy guidance from the Planning Commission and Board. This was accomplished during work sessions with the Commission.

Mr. Higgins said staff studied the Planning Commission's agendas to see what kinds of waivers were requested. There were a number of "404" separate access waivers and others waivers which staff felt might qualify for administrative waivers such as site plan waivers and open space dedication. Staff reviewed the six requests it has now and supported five of the six. The private road item that came out of the DRTF report turned out not to be a heavily used request, particularly in the development areas and since the requests the Commission was getting were covered in the current Subdivision Ordinance. Staff decided to observe that item for some period of time, and not consider it with this recommendation. There was discussion about public input. Initially staff felt a simple notice would be sufficient for a streamlined process. The Commission was more concerned about codifying the process and formalizing it for an administrative waiver. Also, in addition to putting it into the Code, the Commission wanted to see a process that would include a call-up system.

Mr. Higgins said the Planning Commission held three work sessions: November, 2007, March and August of 2008. The Commission adopted a resolution of intent to amend the Zoning Ordinance at its February, 2008 meeting. They agreed on some limited authority to allow critical slope disturbance, some open space dedication, some limited buffer disturbance, waiver for the drawing of a full site plan, and the "404" exemption for lots that are literally split by a road. The text changes before the Board today include the two minor amendments from this morning which will codify all of the zoning text changes that carry out the agreed-upon waivers. The "404" waiver is a subdivision text amendment. The changes requested by the Commission specifically included a notice to abutting property owners with the procedure being outlined in the County Code (Section 2.5.b), and the ability of a Board member, a Commissioner, or an adjacent owner, to call the item up before the Commission.

Mr. Higgins said the administrative waivers are limited to critical slope disturbance when they're created as part of an approved site plan. It was felt that if a plan had been approved which allowed something to be done there was no need for a waiver for something already approved, or if an existing structure was being replaced with the same footprint or the same square footage. Staff studies the discussion of critical slopes in the minutes since it thought the Commission might want to look at expanded ideas. This was brainstormed with all staff members. If there are no protected resources of any type on the open space plan or in a side area that would make it eligible for a waiver. The side area is similar to the Erosion and Sediment Control Ordinance requirements for a threshold of 10,000 square feet, but the Commission could not decide on square footage. They felt that was somewhat high when dealing with critical slopes and they did not want to tackle that issue at the time. If there was no reasonable alternative, the Commission did not know how that would be defined, so took no action. In any case, there would be a mitigation plan. The Commission stuck with the two changes he just iterated.

Ms. Amelia McCulley, Zoning Administrator, said staff would continue to study the issue and perhaps bring back later a phase of critical slopes waivers.

Mr. Higgins said staff and the Planning Commission saw as a benefit that the public purpose would be served. However, the time and cost to the applicant and the County should be reduced by simplifying processes for items typically approved after going through the full staff report and Commission review process. Staff thinks it is a more appropriate level of review for the kinds of things they define, and hopefully it will allow the Commission and the Board to spend time on other things. He said the Commission recommended approval of the Zoning Text Amendment for administrative waivers.

Mr. Boyd said the Planning Commission wanted to insert the ability to have items called up. He asked if these are items that can't be changed anyway. He knows there are some situations which currently go before the Commission which can't be altered since they don't have the ability to do so. Mr. Higgins said there are some circumstances where someone would call an item up before the Commission and the Commission had limited ability to make any change. He thinks most of these waivers are basically discretionary based on the criteria. If it were reasonably debatable, someone could call it up.

Mr. Dorrier asked if these are so-called minor issues. Mr. Higgins said they are. Throughout the process of discussing this with the Commission and staff, the issues have been whittled down to very minor items. The minutes show that the Commission almost routinely approved such waiver requests.

Mr. Dorrier asked about major issues. Ms. McCulley pointed out that the ordinance is written with very limited qualifying criteria for administrative waivers, so there will likely be waivers that will not satisfy the criteria that will have to go before to the Planning Commission.

Mr. Dorrier said critical slopes was one of the big issues – is that a minor issue or a major issue? Mr. Higgins said in two instances - where a small area has already been disturbed as part of an approved site plan, and replacing the footprint with the same footprint of a house or a building - are so limited that they are considered minor thus eligible for an administrative waiver. The Planning Commission felt that all other critical slope requests need to be discussed in a public forum.

Mr. Davis noted that this provision only applies in the development areas. This is different than what was before the Board last year which primarily addressed the rural areas.

Ms. McCulley said the Planning Commission found that a more expanded critical slopes provision for administrative approval was a major issue that they weren't ready to authorize at this time.

Mr. Slutzky asked Mr. Boyd and Ms. Mallek (both had served on the DRTF) if the objective of the panel has been truncated. The question is, will there be enough streamlining coming from this to satisfy the participants of that task force?

Ms. Mallek said this is a start, but there are 10 more pages of recommendations. This is just one thing that was identified as a good idea because it is so well-defined. But, she does not want staff put in a position so people "lean on them" to bend the rules. For that reason, it is important to have things clearly laid out. The one question she has is how notice happens. If there is a request for a site plan waiver, would a letter be sent to the abutting property owners in the same way that one is sent for regular permit requests? Ms. McCulley said notice is given early and people are given site review dates so they can attend a meeting if they wish; it is done well in advance of any scheduled Planning Commission date or date of administrative approval.

Mr. Rooker said one of the waivers for requiring that a site plan be filed is when the Zoning Administrator, in conjunction with the County Engineer and the Manager of Zoning Enforcement, finds that a site plan meeting all requirements is not necessary to determine that the site is developed in

compliance with this chapter and all other applicable regulations. He asked under what circumstances that would typically apply. Ms. McCulley said there have been a couple of cases where staff accepted a site plan waiver that essentially had such minimal information on it that it became debatable as to distances, as to where the building had to be located, and what type of landscaping would be required. It was waived so far that in the case of a business owner who was making a lot of changes to the site, it became an ongoing debate as to what was approved for that property.

Mr. Rooker asked if this can be done with respect to a new building on a site. Ms. McCulley said it is typically not done for a new building. Typically it is for an existing building and doing an addition. It has been done in the rural areas, but not in the development areas for new construction.

Mr. Rooker said it's not clear to him what the circumstances would be so a person could expect to get the waiver. He asked if those circumstances are going to be articulated somewhere. Ms. McCulley said it's difficult to create a list of what might qualify and what might not qualify. Many times staff will have a pre-application meeting with the applicant and discuss what they intend to do. Sometimes their information is simply something drawn by the applicant, so they have to determine whether information can be obtained in order to do a proper review. If there are significant grade differences drainage provisions are needed and it may not be possible to do it as a waiver. It depends on the topo and what they're proposing as a change in the developed area.

Mr. Rooker said if it is found during that meeting that a site plan will not be required, what is there in the file that shows with enough specificity what has been approved so there is not the problem Ms. McCulley just referred to. Ms. McCulley said that actually this procedure is misnamed. By calling it a site plan waiver, everybody thinks there is no site plan required. Actually, there is still a site plan required but at a reduced degree of quality and specificity so instead of having to meet the full site plan content of "A" through "Z" in the Zoning Ordinance, it may only meet one-third of those items.

Mr. Dorrier asked if it requires an engineer to do the site plan. Ms. McCulley said not for a waiver. There is still a site plan, but this is a waiver of the drawing of a fully-engineered site plan. This procedure should be renamed because it continually causes confusion.

Mr. Rooker said there would be some kind of drawing which specified to the extent necessary what had been approved; that could be checked later to see if what had been done was in compliance. Mr. Higgins said a site plan is not waived, they have to address everything and that can be extraordinarily burdensome for someone dealing with just a minor thing.

Ms. Mallek asked if any of this would apply to a situation discussed by the Board about three weeks ago where a Scott Watkins wanted to remove a tree. It was suggested at that time that if there were an administrative waiver available, he would be able to get the dirt he needed. He has a full plan based on the zoning change. Ms. McCulley said he has a plan that amounts to a site plan waiver; it is a waiver of a full-blown site plan. If this is adopted and staff gives notice and nobody objects and calls it before the Planning Commission, staff can administratively approve the site plan waiver.

Mr. Rooker asked if this is a change from what was filed with the rezoning application.

Ms. Mallek said "no." The tree was gone originally. Apparently in order to get the dirt now when the dirt is available, this process would have had to be completed, so it is a "chicken and egg" thing. Everything seems to be almost identical to the original plan. Ms. McCulley said he has had to add a water protection plan to show the actual grading and drainage, etc.

Mr. Rooker said there have been changes to the original plan which can now be approved by the waiver process. Ms. McCulley said there were some additions needed to make it complete for construction.

With no further questions for staff, Mr. Slutzky opened the public hearing.

Mr. Neil Williamson with the Free Enterprise Forum said looking at this amendment he is reminded that when in the desert and presented a Dixie cup of water, accept it. This is a first step. He is interested in the number of call-ups there will be with regard to the waivers. He was interested that the City recently changed a policy whereby it required two planning commissioners to call something up. He finds that to be an interesting policy, although not a necessary policy. He would like the Board to keep that in the back of their minds. In attending Planning Commission meetings recently, it became more evident that the Commission wishes to be more involved in each and every step along the way, occasionally to the detriment of staff moving projects forward. This is a good first step and he is hopeful the balance of the recommendations can also be addressed. He thanked the Board for its support.

Mr. Jay Willer of the Blue Ridge Homebuilders' Association said they are encouraging the County to move forward with streamlining and being clearer about when waivers are acceptable. He said they support almost anything that will streamline the process. He referred to "Attachment A on Page 2, Section 2.5(c)" and said that everyone else is required to do things in a timely fashion in writing, but that paragraph says "requests by a member of the board of supervisors or the commission need not be in writing" and later says "if it is not in writing the staff shall put it in writing." Since several members of the Board are advocates of transparency and clarity, he will suggest that it might be useful to have any request from Board or Commission members in writing. That would make it clear as to who was making the request and to clarify that person's concerns as opposed to having a discussion with staff and then staff trying to write down what they think was said. He thanked the Board for bringing this amendment forward, and said he hopes this is the first of many steps in this direction.

With no one else from the public rising to speak, the public hearing was closed.

Mr. Slutzky asked for comments about Mr. Willer's suggestion.

Mr. Tucker agreed with that suggestion.

Ms. Mallek said she thinks it is a good idea. She feels stressed when people give her things in the grocery store and she has no way to write them down. She would rather get it in writing.

Mr. Slutzky asked if the Board members are agreeing that this be a matter of policy and not necessarily a part of the ordinance. Should it be part of the ordinance?

Ms. Mallek thought it should be included.

Mr. Boyd agreed.

Mr. Slutzky asked the County Attorney how difficult it would be to do this. Mr. Davis said the current practice is that the Board members do not need to send a written request. It is a role of staff to assist Board members to correctly state the reasons it is asked to be done. That is why it is in the ordinance the way it is. Planning Commission members and Board members who typically do this confer with staff and staff documents it, so there is transparency. He does not believe anybody hides the name of the person who asks that it be called up. It is just a matter of staff assisting the Board and keeping them from having to present something in writing, and under a deadline get it to staff.

Mr. Rooker said it has to be ultimately documented, and since the person who made the request is identified in that written record, what difference does it make whether it is by e-mail or by telephone, as long as the transparency of the request is there?

Mr. Slutzky asked if the suggestion is that the language of the ordinance not be changed, but it will be the Board's practice that any member who calls an item to the Planning Commission would be identified in the proceedings.

Ms. Mallek said she thought it was required, so has been doing that. Mr. Tucker said the only problem with having something done by practice is that it is not written down anywhere. If the Board wants something to be followed year-in and year-out, it should be put into the ordinance.

Mr. Rooker suggested changing the second sentence of Section 2.5(c) to read: "Any such request shall be in writing,"

Ms. Mallek said the last sentence of that section can then be deleted.

Mr. Rooker said that is correct.

Ms. Thomas asked if the next sentence reading: "A written request may be submitted either by regular mail, by e-mail, or by hand delivery" will remain to make it clear that e-mail is acceptable.

Mr. Slutzky asked Mr. Davis to read a revised version of that paragraph for the record. Mr. Davis said it would read: "Request for review by an abutting owner, a member of the board of supervisors or the commission may request commission review of a waiver. A request shall be in writing, shall state the reasons for commission review and shall be received by the agent by the date stated in the notice. A written request may be submitted either by regular mail, by e-mail or by hand delivery." He said if the notice was not timely received by the agent, it would not be reviewed by the Commission.

Mr. Boyd said there was a question earlier as to how much is being accomplished by this step. He did not reply because he had hoped he would hear from the public. If you consider a liberal interpretation of what the Task Force wanted to accomplish, how big of a step is this toward their recommendation.

Ms. Mallek said even two percent is better than nothing.

Mr. Slutzky said it is a step in the right direction.

Mr. Boyd said he is concerned about how much of what that Task Force recommended has been "watered down" or tampered with by the Planning Commission. They have obviously had great influence in reducing what was hoped to be accomplished. Ms. McCulley said staff had recommended two things that the Commission reduced in scope or restricted that probably did the opposite of streamlining – but they had their reasons. First, they wanted to give specific ability to call up a waiver request, and staff felt that almost all of these types of applications already go through a notice process that has its own inherent call-up provisions; that duplicates what is already allowed and it may not be done administratively because you will be encouraging people to call things up. Second, in the matter of critical slopes, things such as limiting areas, referring to the protective resources in the open space plan as confirmed by field inspection, and requiring a mitigation plan, could go a long way in achieving what the Commission now achieves in its approvals. The process for those two things was not streamlined as much as staff would have wanted.

Mr. Boyd said the Task Force was concerned about transparency for the applicant. He asked if this amendment improves that. Ms. McCulley said it does. As staff begins to approve buffer requests,

she thinks it will see many cases that do not meet these criteria, but are still requests that should be approved administratively.

Mr. Rooker said he thinks the Board should examine the critical slopes waiver. Staff has proposed some objective criteria under which an administrative waiver could be granted. Now, about 99 percent of them are granted by the Commission. During the time he was a member of the Planning Commission, he can remember only two or three such requests that were not approved. He thinks they would have fallen within the criteria exceptions staff recommended. Often, they take up time on the Commission's agenda, and require a process that should not be imposed on either the applicant or the Commission.

Mr. Boyd said they also use staff time.

Mr. Rooker said that is correct; however, staff would still have to process the requests. That is the one thing not being done today that was part of the original task that makes sense to do something with.

Mr. Slutzky asked if there is a plan for moving forward with some of the other items. Ms. McCulley said staff does not currently have a schedule. She will speak with the team in the Zoning Department that deals with text amendments. They have found when talking to other localities in Virginia that it is unusual for a planning commission to hear site plan and subdivision requests as frequently as Albemarle's Commission does. It is more frequent that they are done administratively. Some provision for ministerial acts that do not require discretion may be something that will be looked into also.

Ms. Mallek asked if there are any distinctions of size associated with the request. She knows there is the 10,000 square feet or smaller issue for critical slopes, but just in general, is the impact the proposal will have a part of the discussion. Ms. McCulley said that should be considered because some localities use square footage of a site plan, or the number of lots for a subdivision as a threshold.

Ms. Mallek said square footage, number of lots, or topography, or intensity of use may need to be considered. She has heard from citizens that as an individual they were doing something small and had to follow the same rules as "Biscuit Run" in the way of forms, fees and waiting time, and they found that to be out of context with their proposal. There was a lot of discussion by the Task Force about not increasing the distance of notice and trying to keep things quiet. She knows that sometimes people don't want their neighbors to know about their request and her response has been that they need to meet with their neighbors before the day of the hearing. There was a note in the original staff report that the first process notice would be enough. That was not put in this draft, so the Board might add all of those requirements back in. Ms. McCulley said staff has been reviewing how other localities give notice. Some localities require the developers to provide the notice as an early notice, not one that meets legal notice requirements, but one that informs the neighborhood of the application and what is being requested.

Ms. Thomas said she likes that idea.

Ms. Mallek said a lot of developers are now doing that on their own, but many do not, and she liked the idea. Mr. Higgins said there are localities that require applicants to demonstrate they have had a community or neighborhood meeting as an applicant.

Ms. Mallek said it should also be at their expense.

Ms. Thomas said it is easy now because the County can give the applicant the names and addresses of all who should be notified. She said when the Board has public meetings on these types of issues, it almost never hears from the general public because they do not get notices of what is happening next door. That becomes a personal, neighborhood, issue. The fact that the Board has had a public hearing and no one appeared should not make the Board think it is an unimportant issue. Board members will hear from individuals about the one time something affected them and they did not hear about it.

Mr. Rooker said the notice provision is in the criteria.

Ms. Thomas said she knows that, but she is just encouraging the Board members and saying it is a good thing to leave it in the criteria.

Mr. Rooker asked if other Board members agree with him that the critical slope waiver administrative process is something that should be looked at and brought back with recommendations.

Mr. Slutzky said he strongly agrees with that.

Ms. Mallek said she thinks what was in the draft was okay, but that is "dead in the water now" because it was excluded from the criteria.

Mr. Dorrier said that was the reason the Board appointed the Task Force.

Mr. Slutzky said the message to staff is that the Board is eager to see this move forward soon. Ms. McCulley said that is helpful for staff to know, and it will move forward as soon as possible.

Mr. Tucker said when staff presents the Community Development Department's work program some of these ideas might be a part of that plan. He said that on last page of the draft, under Article VI,

he agrees with Ms. McCulley that the term "waiver of a site plan" is misleading, as it's really a waiver of a detailed drawing of the site plan.

Mr. Rooker said he agrees that it is misleading.

Mr. Slutzky asked if the word "detailed" is sufficient.

Mr. Rooker asked Mr. Davis for his advice. Mr. Davis suggested changing "waiver of a detailed site plan" in the caption and again in the first line.

Mr. Rooker asked if it could say: "The agent may waive the requirement for a detailed drawing of the site plan." Ms. McCulley said it could be called a content waiver because that is exactly what it is. Mr. Davis agreed that calling it a content waiver is a better idea.

Ms. Thomas said that term doesn't mean anything to laymen.

Ms. Mallek said if it were called "a site plan content waiver" she thinks everyone would know what it is about.

Mr. Slutzky said he thinks that term is confusing. Mr. Davis said there are several places where the term would have to be changed in that paragraph.

Mr. Boyd asked the correct procedure from this point. The public hearing has been held. Can this amendment come back to the Board next week?

Mr. Slutzky suggested putting it on next week's Consent Agenda for approval.

Mr. Boyd asked if there are further changes that should be made.

Ms. Mallek asked if any Board member was interested in discussing today what had been deleted about critical slopes. Should that be postponed? Mr. Davis said if that text was added back to the ordinance, another public hearing would need to be advertised. It would not have to go back to the Planning Commission, but if provisions that were not a part of the advertisement for this meeting were included, that would require an additional public hearing by the Board.

Mr. Rooker said there is nothing that prevents that from coming back to the Board for discussion and advertisement at the appropriate time. Mr. Davis said if it is initiated after this amendment is approved, it would have to start with the Planning Commission.

Mr. Boyd suggesting postponing approval of this amendment so the adjustments discussed today can be made and, if necessary, have another public hearing.

Mr. Slutzky said there would be a better end result if the Board took no action today, got those revisions and the revisions discussed today, and brought back all of that for another public hearing in a month.

Ms. Mallek said she would rather vote on it today and get this part of it done.

Mr. Slutzky said the Board will suspend discussion of this item today with the understanding that staff will bring back a clean copy of this ordinance on the Consent Agenda for next Wednesday's meeting and beyond that the Board is directing staff to go forward with the other items as promptly as possible. Mr. Davis said the motion should just be to defer this until next week.

At this point, Mr. Rooker **moved** that the ZTA-2008-00003, Administrative Waivers, be deferred until January 14, 2009. Ms. Mallek **seconded** the motion which passed by the following recorded vote:

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

NAYS: None.

Ms. McCulley mentioned that there is an older critical slopes resolution of intent that was never acted on, that is broader and may give the authority to allow codification of an expanded critical slopes provision.

Mr. Davis said it is not this ordinance, but it would allow staff to start that ordinance process without a new resolution of intent.

Mr. Dorrier asked if it would go to the Planning Commission. Mr. Davis said "yes." It is a dormant resolution which is already "in the hopper."

(Note: At 3:57 p.m. the recessed and reconvened at 4:05 p.m.)

Agenda Item No. 27. CPA-2008-0004, Economic Development Policy Update, Work Session, (deferred from December 3, 2008).

Ms. Susan Stimart, Business Development Facilitator, said this process began in February, 2006 when the Board recommended three key areas of focus – agricultural vitality, light industrial land, and workforce development. There were three separate Planning Commission work sessions addressing each item with a public hearing being held on October 21, 2008. Both the Southern Environmental Law Center and the Free Enterprise Forum supported the changes made to that point. At a work session on November 11 additional changes and two new areas of focus were recommended – regional transportation references and the Neighborhood Model.

Ms. Stimart said in the text itself in Objective No. 1, Strategy No. 4, third bullet, it was suggested that the PEC be added so the sentence will read: “Supporting farmers by connecting those farmers with technical resources such as those provided by the Farm Bureau, PVCC, PEC, and the Virginia Department of Agriculture and Consumer Services and to landowners interested in farming leases.”

Ms. Thomas asked if the term “farming leases” at the end of that sentence is a correct term. She said it sounds as though leasing is a product. She asked what the correct term would be.

Ms. Slutzky suggested that it read: “... leasing farmland.” He said the Board went through each of the changes during its work session. It then asked staff to bring back specific recommendations, and he assumes everybody has reviewed what staff presented in written form for today’s meeting. He reviewed them and was satisfied. He has no specific recommendations for changing any of them.

Mr. Rooker said he does not see a need to go through these changes item-by-item.

Ms. Thomas said two suggestions have come to the Board since the last discussion. Ms. Stimart said PEC recommended two changes which she just put up on the screen for the Board members to consider. First, insert a new bullet in Objective I, Strategy 4, reading: “Commissioning a study of the impact of agriculture to Albemarle County’s economy.” Second, under Objective V, Insert a new Strategy 3 reading: “Encourage new entrepreneurial ventures to support the local agricultural industry.”

Mr. Rooker said that under Objective II, Strategy No. 4, first bullet, for the sentence reading: “Encouraging the provision of business and industrial development opportunities in non-residential and mixed-use projects in the development review and approval process” he would like the word “light” inserted before the word “industrial.” He said the County does not encourage any heavy industry in mixed-use developments.

Ms. Thomas said with the PEC input being shown on the screen, she was going to say “Participating in or commissioning a study” because others could initiate a study the County might participate in.

Mr. Rooker agreed with that suggestion, but said to leave off the word “commissioning.” He would not use a participle.

Ms. Thomas said it makes it parallel construction because the other two have participles for some reason.

Mr. Rooker said he was looking at the strategies themselves and none of them start out that way.

Ms. Mallek said it changes at the last bullet, so the “ing” should be dropped off of the last two.

Ms. Thomas agreed.

Mr. Rooker said “ing” is the correct structure within Item 4.

Ms. Stimart asked if the Board agreed to adding that language to Objective I, Strategy No. 4.

Mr. Slutzky said as long as it does not say “commissioning.”

Ms. Stimart asked about adding the new Strategy reading: “Encourage new entrepreneurial ventures to support the local agricultural industry.” under Objective No. V.

Ms. Thomas said the Board heard about such things this morning, so she thinks this addition is timely.

Mr. Rooker asked why it would be limited to agricultural.

Ms. Mallek said there are many other places in this policy where other activities are mentioned.

Mr. Rooker said the title of Objective No. V is to “Increase local business development opportunities.” He does not know why that would be limited to agricultural.

Mr. Slutzky said it is redundant for No. 2.

Ms. Thomas suggested adding to No. 2 “... including those that support the local agriculture industry.”

Mr. Rooker and Mr. Slutzky agreed.

Mr. Boyd said he would like to have some language included that would encourage the ability to track non-real estate tax revenues. He thinks there should be an objective for the County to look at tax revenues not put on the back of real property.

Mr. Slutzky said this is an economic development policy so it is exactly what Mr. Boyd is talking about. This whole exercise is about that.

Mr. Boyd said he understands that but it is not specific enough. Perhaps it should be an objective for strategic planning rather than part of the Comprehensive Plan. He thinks it is important to recognize that the County needs to increase those revenues.

Ms. Mallek noted that there is a reference to it in the very first paragraph, second sentence, of the policy.

Mr. Slutzky read: "By creating and sustaining a high-quality, diversified economic environment, citizens will enjoy improved job opportunities, competitive wages, workforce development opportunities, and a diversified tax base." He said Mr. Boyd's point is well taken, but it arguably is already reflected.

Mr. Boyd said that is more generic than what he had in mind. He was looking for a specific indication that the Board wants to promote non-personal residents real estate tax revenues, which would be BPOL taxes, sales taxes, etc.

Mr. Slutzky asked if Mr. Boyd would like to spell out the word "diversified" and say something like "A tax base less dependent upon real property taxes."

Ms. Thomas referenced Strategy No. 11 under Objective No. 1, reading: "Increase diversity in business and industry which will accommodate a variety of skill/educational levels and provide for a diversified tax base." She asked if Mr. Boyd would like to elaborate on that strategy.

Mr. Boyd said that might be a good place to put what he has in mind. He wants an emphasis put on expanding tax revenues other than through real estate taxes.

Ms. Thomas asked if the goal is to reduce the sole burden on the real estate tax. Mr. Davis asked if the words should be "to reduce the burden on residential real estate."

Mr. Boyd said that is what he had in mind. He suggested adding that at the end of the sentence under Strategy No. 11.

Ms. Thomas suggested the sentence read: "Increase diversity in business and industry which will accommodate a variety of skill/educational levels and provide for a diversified tax base, particularly to reduce the burden on residential real estate."

Mr. Slutzky suggested it read: "... in particular to reduce the tax burden borne by residential property owners."

Mr. Boyd said his point is that he would like to have a concentrated effort on increasing other sources of revenues.

Mr. Slutzky said if there are no other observations, he thinks the Board members have a clear sense of what will be advertised, and it will move forward with due haste. He thanked Ms. Stimart for her work.

Ms. Thomas commented that in reading articles about the BRAC affects on different communities in Northern Virginia, one article talked about a community that had the BRAC impacts in the mid-90s and how it survived and kept its rural character. It said they kept communicating constantly with the Army and the military establishment. They relayed to them their goals and objectives in their Comprehensive Plan. It was a constant open communication reminding them of their importance. She said Albemarle never got a satisfactory response from the Army with its environmental impact communication. It just ended with them saying they had taken care of everything, although the County and DEQ felt otherwise. That was the end of it, so she would like to encourage Ms. Stimart to keep communicating to them the community's goals and concerns.

Ms. Stimart said the next formal communication is scheduled in March with a community day event, and the Army has asked the County to participate.

Mr. Dorrier said there is a colonel at Fort Belvoir in charge of community relations and he said in a letter to contact him if there were any questions. Mr. Davis said that is Colonel Moffat.

Mr. Davis asked if the Board wanted to set a date for the public hearing. Mr. Tucker said if the changes are completed soon, staff will try to get it on an agenda for public hearing in February.

At this time, Mr. Rooker **moved** that the Economic Development Policy be set for a public hearing at the earliest possible date. Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 28. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd requested a report on TJPED's program *Business First*. Ms. Stimart said she will provide that information.

Mr. Boyd asked about a letter he received from Mr. Rick Carter saying there was a title search on a property that found an 1894 conveyance of a half-acre of property to the White Hall School District trustees. Mr. Davis said the property owner is asking the County for a quit claim deed. Staff has researched the request and found an old deed saying that in the 1930's there was a reference saying the school had long been abandoned and reverted back to the property owner – but there was never a deed recorded that sent it back. He said more research is needed but in order for the County to do a quit claim deed, a public hearing is required before giving up any rights to property the County owns. After further research, staff will contact Mr. Carter and tell him it will be scheduled for public hearing.

Ms. Mallek asked if staff is sure there is no structure. Mr. Davis said it appears that the school is long gone, and there is no identifiable site. He said there are a lot of pictures in the Albemarle Historical Society building, and there is a White Hall School, but they are not sure it is the same school.

Mr. Slutzky said he has a question about process. When a member of the public comes to the County with a problem and staff spends resources and time researching the matter, and there might be hard costs associated with advertising a public hearing, is there a mechanism whereby the County is allowed to charge for staff time to review such an issue and to recover the cost of advertising for a public hearing. Mr. Davis said there is no mechanism for that and typically it has not been done. Such requests are not received often, and in the past it has been considered a public service.

Ms. Mallek said the Board has been discussing process improvements, and she knows there are other things the Board will continue to look at, plus the items on the list of recommendations from the Task Force. She said the single tree grading plan process was considered a few years ago, but she hopes it will be brought back for consideration.

Mr. Rooker mentioned the resolution of support for enabling legislation to fund transportation and asked that it be put on the agenda for next week. Mr. Davis said the legislation itself is in draft form and there will be changes. He will send to the Board the draft with staff's recommended changes which he thinks will be accepted by Legislative Services next week because they are technical changes.

Ms. Thomas said the High-Growth Coalition has sent the Board copies of four proposed pieces of legislation it will be interested in during this Session. One of them would require local governments to allow any alternative septic system in the county without a chance to apply local judgment to it. She sent a strong rebuttal against Roger Wiley's recommendation since it seemed to have the least justification; the State Health Department doesn't know the particulars of each locality. She added that the legislation also includes a provision that localities can't require any greater or better maintenance of these septic systems than the manufacturer's recommendations. She asked what manufacturer would put out a notice saying that if the system is not maintained perfectly it will cause trouble in about five years. She said the High Growth Coalition will be opposing that legislation, but they are not going to automatically oppose requests from builders this year recognizing that it is a hard year for them.

Mr. Dorrier asked the Clerk to provide a calendar of Board meeting dates through the end of the year, and a list of tentative upcoming agenda items.

Mr. Slutzky said representatives from the City, County and University have been collaborating to address affordable housing issues and that task force has shared its recommendations with the Housing Committees from the City and County, as well as the senior management team at the University. It appears there is a consensus document that the representatives of the Joint Affordable Housing Task Force can support. He asked that their report be scheduled on the Board's agenda as soon as possible. He said there are significant opportunities in that report that could influence the upcoming budget dialogue.

January 7, 2009 (Regular Day Meeting)
(Page 62)

Agenda Item No. 29. Adjourn. At 4:36 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman

Approved by the Board of County Supervisors
Date: 03/04/2009
Initials: EWJ