

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 11, 2009, with an adjourned meeting beginning at 3:00 p.m., in Room 241, and the regularly scheduled meeting beginning at 6:00 p.m. in the Lane Auditorium of the County Office Building on McIntire Road, Charlottesville, Virginia. The adjourned meeting was from February 4, 2009.

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 3:01 p.m., by the Vice-Chairman, Ms. Mallek. She indicated that she would be chairing the meeting today because of Mr. Slutzky's laryngitis.

Agenda Item No. 2. Joint Task Force Report on Affordable Housing (deferred from February 4, 2009).

Mr. Tucker said the Board deferred this item last week so that Mr. Slutzky could be present for the presentation.

Mr. Ron White, Housing Director, said he gave a very brief report at last week's meeting. He said Mr. Slutzky has asked him to mention each of the recommendations from the Task Force.

Mr. Slutzky apologized for his speaking voice, and asked Mr. White to go through each recommendation one at a time. He was the County's representative on the Task Force which came about as part of the County's effort to evaluate a number of issues dealing with poverty, one being affordable housing. The Task Force looked comprehensively at what the City, the County, and the University could do to improve affordable housing. Each recommendation for the County had a general consensus of support, and ultimately the recommendations were supported by almost one hundred percent of the participants. Some of these recommendations will require money; maybe some recommendations should be deferred to the budget process. During those sessions the Board might delay implementation of some recommendations until the financial picture improves, although a number of the recommendations will not require significant, or any money at all. They are policy related, and hopefully can be implemented sooner rather than later.

Mr. White clarified that most of the recommendations for Albemarle County are also shared with the City of Charlottesville. There are only one or two specific to the County. The first recommendation is: "Commit to a permanent, dedicated, annual funding investment in affordable housing initiatives either by changing current funding priorities or increasing long-term revenue streams. Such funding should be dedicated to support the building and/or preserving of affordable housing (bricks and sticks)."

Mr. Boyd said he has a comment to make at the beginning of this discussion. He sees language in these recommendations that he wants clarified. This report refers to a "housing crisis" which is a rather strong expression. He was "taken back" when he saw the report because he sat in with the group that was originally going to start this task force. He understood the problems and did not expect them to come in with a comprehensive strategy such as this. He thought the recommendations would go to the individual housing committees to do the work. Obviously the Task Force took a different direction from that originally talked about. His concern is with the use of the word "crisis." Has it actually been established that there is a housing crisis? Is this area worse off than most of the rest of the country? Is the area comparable to the rest of the country or the rest of the state? Is there not a pretty good situation here? He does not see anything addressing those questions in this report. If there is a crisis this report puts it in the 30 percent income level, yet it talks about land trusts and proffers which does nothing to help that group – it should be more concerned with rental property. He wants a general overview of the work of the Task Force and an explanation of why they took the route he just discussed.

Mr. Slutzky said he represented the Board on the Task Force. It extracted clear direction from this Board as did the City representatives from its Council. This Task Force (group) was convened to identify the gaps in the affordable housing environment, from the zero to 80 percent AMI universe, and then make specific recommendations for each jurisdiction. The group immediately acknowledged after convening that the more significant gap was in the 50 percent AMI and below range; that was the focus of a lot of the group's dialogue.

Mr. Slutzky said they agreed not to think too narrowly about the affordable housing issue, and for that reason considered issues beyond the 50 or 60 percent AMI range all the way to 80 percent AMI. Some of the recommendations – such as refinements of the County's proffer policy – impact the 70 to 80 percent AMI universe to some degree. Most of the recommendations are targeted at the bottom tier. He said Mr. Boyd had just said he did not see how a trust fund would be relevant to that cohort, but they discussed how there might be a benefit to have the land cost taken out of a development; that's one reason for making recommendations regarding a land trust. It is not just for the upper end of the affordable housing continuum, but it also has implications for single-room occupancy structures. If there are no land costs, it is easier to produce that type of housing. He does not feel the group went beyond the mission as they were directed to undertake.

Mr. Boyd said he did not see anything in the report about the land trust, and he thought the report only talked about affordable single-family dwellings. He did not realize it was to put money into low-cost housing or Section 8 housing.

Ms. Thomas pointed out that the County has no money to put aside in a dedicated fund. She thinks it helps taxpayers to see dedicated funds although Virginia law prohibits true dedication – allowing only for policy measures such as the one-cent going to the ACE Program. At this time, she would not want the Board to adopt this report and imply that it might put aside money in a special fund for affordable housing. She wants to reiterate that there is no money to do this at any time soon.

Mr. Slutzky said that for each recommendation pertaining to the County, the Board might acknowledge that each need is relevant but there is no ability to fund it today. That would be a demonstration of the Board's interest in addressing the issue, except for the cost factor. If a dedicated stream of funding is not supported, he thinks that should be acknowledged on the record.

Mr. Boyd said this gets back to his original point. Has this issue been deemed a crisis? Is this a critical crisis situation such that it is imperative that the next penny available in the tax rate go toward affordable housing as opposed to some other area in the budget that might also be in tremendous need? He thinks something needs to be established – is this the most critical need facing the County today?

Mr. Rooker agreed with Mr. Boyd. He thinks the Board should accept the report and discuss it, but committing dollars to anything requires that it go through the budget and appropriation process. That involves weighing any expenditure against other expenditures. He thinks it might be helpful to let the Board and City Council see the information on which the group based its recommendations.

Mr. Slutzky said he agrees with the direction the conversation is taking, but has a couple of thoughts. With respect to whether or not there is a crisis, the November, 2007 staff report included an assessment of poverty in the community and one area of concern was housing affordability. There is a crisis in that people cannot afford to live in their houses. What Mr. Boyd, Ms. Thomas, and Mr. Rooker are asking is how that stacks up against other funding priorities. That is why he is suggesting that for an item like the first one, which is probably the most aggressive recommendation on the list, if the Board would like to invest more money in housing affordability but does not have enough money to do so, it could acknowledge that fact, put it into the budget discussions and decide relative to other priorities whether or not funding can be increased for housing affordability, and if so, whether it should be done in the form of a dedicated stream of funding.

Mr. Boyd said the Board is already dedicating about \$2.0 million each year to affordable housing. If the group thinks that amount should be doubled, that is a significant increase.

Mr. Rooker said the County spends about \$1.0 million per year on affordable housing, and puts \$250,000 a year into the Affordable Housing Fund which goes to the Piedmont Housing Alliance for down-payment assistance. The County helps to fund the Albemarle Housing Improvement Program. Over the last four or five years the Board has been dedicating money to affordable housing. This recommendation says "Such funding should be dedicated to support the building and/or preserving of affordable housing (bricks and sticks)." He said AHIP's primary undertaking has been rehabilitation of affordable housing and they rehab 25 to 30 homes a year under that program. This report does not make it clear whether there is more demand for rehabilitation than can be delivered. This is a general recommendation to do something the County is already doing. He does not understand if there is a demand for service that is not being met, and how the County might better meet it.

Mr. Slutzky said this group included representatives from a number of stakeholders in the community, including the County and City Housing Committees, IMPACT, the planning commissions, etc. It was a convening of interested parties and their consensus view was that the County is not spending enough money addressing affordable housing needs particularly for those in the zero to 50 percent AMI category. In response to that concern the recommendations call for a dedicated funding stream over and above the County's current level of funding. The Board may not agree with that recommendation, but it was the consensus view of the group. The question is whether the Board agrees the County should explore increasing its commitment to affordable housing in competition with other funding priorities and whether this question should be deferred to the budget process.

Mr. Rooker stated that this recommendation doesn't mention an increase. He would like to reiterate that the County is dedicating each year what amounts to about \$1.0 million of County money, and it is also possible to leverage County money through State and Federal sources. If what is recommended in the report is an increase, the recommendation does not say that.

Mr. Slutzky said that on page 7 of the report under "Funding", it acknowledges that substantial investment is in place, but there is a conclusion that it should be increased, particularly in the County. It says "Increased local investment was deemed necessary due to the lack of investment by state and the generally level funding from the Federal government." That did not carry over to the final language, but that was intent of the recommendation.

Mr. Dorrier asked if there was any discussion of using the "rainy day fund" as a source of affordable housing money.

Mr. Slutzky responded that they discussed whether to identify specific funds currently in the County that could be targeted for this use. They also discussed whether to recommend that the tax rate be raised to increase funding, but there wasn't sufficient consensus in support of either direction. He said

the group decided instead to recommend that the County increase funding for affordable housing but to leave it to the Board to decide how to do it.

Mr. White said the Task Force didn't feel it was prepared to identify any funding sources, but the language under the "Funding" section on Page 8 of the report clearly says there was a consensus and an increase in funding is necessary.

Mr. Boyd said he is going to keep asking his question. Did the Task Force look at the County's spending on affordable housing relative to other localities, other than the City? He wants to establish that the problem and need here is acute. Is it something that is much more serious than what is generally seen around the country or the state? He would guess that this area is not as bad off as the city of Richmond might be, or some other cities and counties.

Mr. Rooker said a couple of years ago when the Board met with the High Growth Coalition, affordable housing was a topic. He was surprised that few localities in the State had any kind of an affordable housing program. Albemarle was one of just a few counties who did anything about this other than administering Federal programs for rent subsidies, etc. Compared to what other counties do around the State, Albemarle is doing a good job.

Mr. White agreed, stating that compared to counties similar in size to Albemarle which are not entitlement communities for Federal funds, Albemarle is probably doing more than any other county. Most counties are using the Federal funds they receive as an entitlement community to leverage local, public and private funds. They may be able to do bigger projects, but Albemarle does not have access to those funds.

Mr. Boyd said the reason he keeps bringing this up is that the group was given the narrow task of looking at affordable housing. When it gets to the Board level, he has to consider the recommendations in the report relative to all the other things which must be funded. That is why he is trying to determine if there is a really serious problem here, more so than there not being as many police officers as the Board would like to have on staff.

Mr. White said Albemarle is not much different in terms of need compared to other communities statewide and even nationwide. He said the group agreed not to redo data that already existed. As its primary data, it used a report done by Virginia Tech two years. That report pointed out the lack of assistance going to those in the very low and extremely low income ranges. A lot of the work had already been done, so the group accepted that work.

Ms. Thomas commented that she took the report with its recommendations as coming from a group of people who know about the housing and poverty issues, so it's up to the Board to determine how important affordable housing is in comparison to other priorities. Although she disagrees with pieces of the report, it is useful by the fact that the group said how it can be done. She said the Board could talk for a long time about the importance of the problem (and waste time doing so), because that is not what this report is about. It is saying that because it is a problem, the group is making recommendations which they feel will help.

Mr. Boyd said that is a good point. The only thing that bothers him is that the Board is being asked to either move forward with some of the recommendations or not approve them at all. He is not ready to make any decision.

Mr. Slutzky said he thinks the Board should address each recommendation and take some action, but defer funding to the budget process. The Board could also decide there is not enough of a problem with housing affordability to take it up during the budget discussions. The recommendation is that the Board increase funding and dedicate at least one penny of a funding stream toward affordable housing issues. The Board could ignore that recommendation, but he thinks it would be fair to react to it. It is his recommendation that the Board defer it to the budget process. Then, the Board does not have to get bogged down today in deciding the importance of addressing affordable housing versus the litany of other needs in the community.

Mr. Boyd asked if Mr. Slutzky was suggesting the Board go through the report step-by-step as action items.

Mr. Slutzky said each of the recommendations was made by the consensus group in the hope that the City, the County and the University would react to each of them by taking some action. He requests that the Board go through each one and make a decision. He thinks deferring the issue of funding to the budget process would be an appropriate action for the first item. There are other items where the Board could direct the County Housing Committee to provide a strategy for implementation of the recommendations if they are accepted as reasonable and appropriate or modify them accordingly, or the Board could choose to say it is not interested. That is why he thinks it would be meaningful to go through these recommendations one-by-one and take an action.

Ms. Mallek said she thinks it is a good idea to push off the funding part of No. 1 to the budget process so the Board can talk about funding priorities and policy changes.

Mr. Slutzky asked if the Board members agree that deferring a decision on bullet No. 1 to the budget process is a reasonable response, or is the Board convinced that its investment in affordable housing should not be increased at all.

Mr. Boyd said he is willing to consider shifting some money around in the budget to accommodate a penny for this purpose, but he is not interested in adding a penny to the budget this year.

Mr. Slutzky said he does not agree with Mr. Boyd, but he understands his opinion. He asked if it is the consensus that the Board defer action on No. 1 until the budget process.

Ms. Thomas agreed.

Mr. Dorrier agreed that a decision on additional funding should be deferred until the entire budget is considered.

Mr. White said recommendation No. 2 is "Support the creation of a Regional Housing Fund to accept investments in affordable housing from both public and private sources." He said this could probably be lumped with the first recommendation for committing funds, but it is a different tact than what is done presently. Now, funds coming into the Housing budget are for a specific program. This would be a fund open for various eligible activities; it would be a fund where the County directed how it could be used in order to have control over the County's investment.

Mr. Boyd asked what type of housing funds the County now has. Mr. White said the group supported his recommendation to combine what exists now into one fund. That recommendation is further down the list.

Ms. Mallek asked if this fund would allow for private donations. Mr. White said that is correct.

Mr. Rooker said the County can take donations now that are tax deductible to citizens, and if citizens specify that the funds go into the down-payment assistance fund, or into the AHIP Program, it is deductible. To him this is purely an administrative issue. He has no objection to setting up a fund, but is not convinced that administratively it makes sense.

Mr. Slutzky said the County's proffer policy now allows proffer dollars to go into a fund specifically limited to down-payment assistance. It might make more sense to have those proffer dollars go into a broader housing fund that could accept private donations also, could include contributions from the County, with dispensing of those funds done under the guidance of the Housing Committee. Those two things could have been put into one recommendation, but there were constituencies speaking on behalf of different parties so it ended up as separate recommendations.

Mr. Rooker said it was presumed that a separate fund would need to be created so people could make a contribution to affordable housing which was tax deductible. That is not necessary.

Mr. Slutzky said that is not the issue. At this time, a contribution can be made to down-payment assistance that does nothing to help the 50 percent AMI and below community. There needs to be a way to have the money contributed to the County by private persons allocated across the spectrum of those in need of affordable housing. Now only the 70 to 80 percent AMI group can benefit from down-payment housing assistance. That was the reason for having it be more broad-based. They might choose to allocate money toward a single-room occupancy project, and there is no mechanism allowing that now.

Ms. Mallek asked if the Board will discuss the various funds and the ways they can be united later.

Mr. White said he can do that now. He is working with the County Finance Director to set up a special fund that would not be subject to reappropriation at the end of the fiscal year; the money would remain in that fund. They will try to combine current funding the County provides, the \$250,000 plus any proffer money, income returned on projects when people sell their house. He said the Housing Committee would set up criteria and eligible activities that could be funded; that was the idea of aggregating everything into one fund. There is a fairly large trust fund now. The Crozet Crossings Trust Fund probably has receivables of \$0.5 million or more. That money will not be realized until people sell their houses, but it is a large pool of receivables that could go into this special fund.

Mr. Rooker said the money in that land trust is not targeted for Crozet Crossings. Mr. White said it is targeted for people at 80 percent of median income or below.

Ms. Mallek asked if under this umbrella of funds there could be different accounts. Mr. White said if different accounts were necessary, he is sure the Finance Department can set up the fund with sub-accounts. It was envisioned that the money could go into a fund under one umbrella; there would not be different application processes. There is money in the Crozet Crossings fund, money from the annual appropriation, and program income. It is all in one bank account.

Mr. Dorrier asked how much money is in that account. Mr. White said that at this time, in the three accounts, there is probably about \$750,000. Mr. Davis cautioned that some of that money is restricted, such as that for Crozet Crossings, which is restricted by Federal grant requirements. There is also some money that is restricted because it was donated for a restricted purpose. The General Fund money is not restricted but requires reappropriation as would all of the money; it would not be necessarily frozen for that particular purpose depending on a future board's discretion. There is no way to can get around that.

Ms. Mallek asked if this would change any proffers that have already happened.

Mr. Slutzky said that depends on how the existing proffers are worded. Some are worded more restrictively than others. Mr. White said he thinks all the cash proffers existing now are for general housing use; the only proffer that was restricted has already been expended.

Mr. Rooker said there are two things being discussed here. If it makes sense administratively to set up a fund for the purpose of holding the affordable housing money that is different from the present setup, but he does not object. He said the \$250,000 a year the County has been putting in the funds was designated primarily for down-payment assistance. The Housing Committee has said that is not enough. Proffers have been made and the cash is expected to be available to purchase affordable housing in those developments, although they are not legally tied to that development. It will mean less money for down-payment assistance and the Housing Committee has already said that amount is not adequate.

Mr. Slutzky agreed that the Housing Committee would assert it is insufficient for the demand, but the need is even greater for the cohort in the 50 percent AMI and below. Unlike the down-payment assistance program, they do not have the same institutional opportunities for funding. The goal in the group's recommendation was to commingle these funds as best as possible into "one bin" and let the Housing Committee recommend how to distribute the fund across that spectrum of options. The logic behind creating one fund was that the Housing Committee could recommend how to allocate money based on the greatest need.

Mr. Dorrier asked if there is any requirement that the money be spent in a given year.

Mr. Slutzky said that sometimes there is, but generally there is no such requirement. Mr. White said if the Housing Department cannot carry over the County's contributions from year to year, obviously that would have to be considered. They think it makes sense to have all the money in one fund and one process.

Mr. Boyd asked if Mr. White was talking about commingling University of Virginia money with City money with County money. Mr. White said "no", this is all County money.

Mr. Boyd asked if there is a better administrative way of doing it.

Ms. Thomas asked if the Board is suggesting it ask staff to see if there is an administratively better way to handle the housing money than the way it is being done now. Mr. White said staff is working on it and will bring it to the Board with some recommendations. The Trustees for the Crozet Crossings Trust Fund also have to be involved in the discussion.

Mr. White said recommendation No. 3 is: "Amend the existing proffer policy to include these recommendations: Cap the value of proffered units; Provide an incentive for developers to get more credit for deeper targeting of affordability by using a sliding scale; Require proffered units to include an equal share of units affordable at extremely low-, very low-, and low-income levels; Increase the term of affordability for proffered rental units to a minimum of 15 years; and, Require deed restrictions or deeds of trust to ensure longer term affordability." He will go through the recommendations one-by-one. The first is to "Cap the value of proffered units."

Mr. Rooker said they are capped now based on the definition of affordable housing.

Mr. Slutzky said when the unit is sold it can become a market unit.

Mr. Rooker said that is not what this recommendation is about. As he reads it, it is about the initial sales price.

Ms. Mallek said it should be about the construction value. If you built a house for \$180,000 instead of building a house for \$250,000 and you agree to sell it for \$180,000 that is different from what is going on now. Mr. White said that for the nine affordable units that have come on line the builder subsidized the sales price well below the appraised value.

Mr. Rooker said this is talking about capping the construction costs.

Ms. Mallek asked if that is the right interpretation.

Mr. Slutzky said that is exactly what the group intended. He said that may mean building smaller square footage units or having less fancy amenities in the unit itself, but the idea is that when it is appraised they would not get credit for the affordable unit if it appraised at more than "x" percent above the cap at that time.

Mr. Rooker said there have been projects where the Board pushed for affordable units based on the nature of the project. It is highly unlikely anything would be appraised at what the Board considers affordable. The result of that would be building a high-end development with the after-market likely exceeding affordable housing benchmarks; in those cases developers would be encouraged not to build those units but to make cash contributions.

Ms. Mallek said she thinks they would build smaller units.

Mr. Rooker said they can't be but so small. A one-bedroom condo in a high-end development will probably appraise for more than the maximum price set as the affordable rate at any given point in time.

Mr. Slutzky responded that that would not be the case for all developments, but would probably be true in White Gables but not for units in Hollymead Towncenter A-II. Right now, builders are allowed to build a market-sized and market-like unit, discount it and count it as an affordable unit or they can build a smaller, less finished product that would appraise at the lower rate. The burden has been put on the developer to decide if the economic conditions are such that they cannot achieve a unit at that lower price point so they could make a cash proffer.

Mr. Rooker said that theoretically he does not agree. The developer already has an incentive to build a smaller unit. If he could put in two affordable units that would value down to the affordable number in the space where he is presently building one unit that would appraise higher, he has an economic incentive to do that. Thus far, that has not been done.

Mr. Slutzky said there have been proffers with that exact scenario.

Mr. Rooker said it then takes care of itself.

Mr. Slutzky said it was the consensus of the group that there would continue to be discounted market units unless a cap were set and developers are told to find a way to build a lower price point unit even if it means it is a smaller unit.

Mr. Rooker said the Board has discussed the last recommendation under the proffers ("Require deed restrictions or deeds of trust to ensure longer term affordability") "forever," but it never seems to get a recommendation from the Housing Committee about how to get that done. If that were done, why do you want to do No. 1? If someone built a unit that had a market value of \$250,000 and sold it as an affordable unit at \$175,000, a substantial part of that excess would go into the affordable housing fund when it is sold. He thinks this should be left to the free market.

Ms. Mallek said if the deed restriction part was done "it would change the ball game," but no one has said that will work in Albemarle County. Without the cap, there is no assurance the market won't just erase these affordable units immediately when the first person moves out.

Mr. Rooker said that is a separate problem just like the land trust which actually deals with that problem. The Board has been talking about this for a long time. It is a recommendation here.

Mr. Slutzky said there have been extensive discussions about all of these points and about all of the things that might come up with respect to the intervening bullets. There is one about providing incentives to developers so they get more credit for deeper targeting of affordability by using a sliding-scale.

Mr. Rooker said that item was presented to the Board earlier and he thought the Board conceptually agreed with a "sliding-scale" approach. Mr. White explained that there have been two applications since that time and the applicants were not interested in using the sliding-scale. The idea was not officially adopted, but in a work session between the Board and the Planning Commission, there was a consensus that staff should start using that sliding-scale as policy.

Mr. Slutzky mentioned that the group discussed the Board's proffer policy. Their recommendation was that the Board direct the Albemarle County Housing Committee to come back with a proposal for implementation of each of these proffer policy items.

Mr. Boyd said he is not in favor of doing that. He thinks they will just drive up the cost of housing. The cost of providing these units in some neighborhoods will just make the cost higher.

Mr. Slutzky said he did not understand Mr. Boyd's concern.

Mr. Boyd said if developers have to build houses at a level which is not in keeping with the neighborhood, they will probably build expensive housing across-the-board and then put more cash into cash proffers. That money would not help because there would then be nothing in the price range needed. He does not like the Board "diddling" with the private sector like this with caps on houses and 15-year caps on rents, etc.

Mr. Slutzky said Mr. Boyd may not agree with the group or that there is in fact a problem with affordable housing. He said a lot of thought and effort went into this specific recommendation. The group was concerned that the County's proffer policy, with respect to affordable housing, is not working, particularly at the lower end. The policy is skewed to encourage proffers to satisfy the 80 percent AMI but there is not enough incentive to get at the needs of the full affordable housing group. These recommendations were designed to influence the market to spread the 15 percent units across the continuum. The members on this Task Force that represented Albemarle's Housing Committee were strongly in favor of these recommendations and felt members of the Housing Committee would be supportive of them. It is his request that the Board direct the Housing Committee to bring back an implementation plan for this proffer policy revision. He asked if anyone, other than Mr. Boyd, disagreed with the request.

Mr. Davis said he had a couple of points of clarification. The County doesn't really have an affordable housing proffer policy. There are a set of practices which have been accepted by the Board to address a Comprehensive Plan provision which stipulates that every new development provide affordable housing aimed at the 80 percent AMI. That is what developers have attempted to address by making proffers. The Board's cash proffer policy does not include affordable housing. It is not a capital

expenditure that would be appropriate in a cash proffer policy *per se*. Basically the policy in the Comprehensive Plan is that 15 percent affordable units should be provided, or an equivalent. That language has warped into what is an acceptable equivalent to this Board. There is no specific affordable housing proffer policy, so if the Board wants a more articulated policy, it should start with the Housing Committee. There are many complicated issues wrapped into these recommendations that the Community Development staff should also weigh in on.

Mr. Slutzky said the Task Force expected these recommendations to be submitted to the Housing Committee so it can derive an implementation strategy. The issue is whether the Board is comfortable directing the Housing Committee to make a recommendation for implementation of an amended proffer policy. Mr. Davis said the key process part of this would be to amend the Comprehensive Plan because currently it does not address anything other than the 80 percent AMI.

Mr. Rooker said he is willing to have the Housing Committee take a look at it, but he is not saying today that he supports every component of these recommendations. Some of the worst public policies are made with the best of intentions. The Board has been talking about the last bullet for a long time, so he would not want that one to wait because a number of these recommendations have not been studied yet. He thinks Bullet No. 3 will result in not having much affordable housing built and instead people will decide to make cash contributions. Taking cash contributions in the form of proffers and then directing that money toward the lowest AMI could be done. He thinks the Board needs to understand that doing that will result in less affordable housing being built by developers.

Mr. Slutzky said the group discussed that issue, but anticipated a different outcome. He still requests that the Board direct the Housing Committee to devise an implementation strategy, and suggest that it be part of a Comprehensive Plan amendment or that it pull out a couple of items to react to in the near term. Whatever the process steps are, the question can be referred to the Housing Committee to consider. The Board can consider each on its merits at the time the Board gets their recommendation.

Ms. Mallek asked if the Board agrees to ask the Housing Committee to concentrate on the deed restriction investigation first before taking on one of the other recommendations. Mr. White said the Housing Committee was ready to make recommendations on deed restrictions a year ago, but then the Task Force was convened.

Mr. Rooker said he would like to consider that item first. The Board has already agreed it needs to be done to retain affordable units, or at least some value in affordable units, within the affordable housing realm. He then offered **motion** that the Board request the Housing Committee to bring that recommendation forward.

Ms. Mallek asked for comments on the motion.

Mr. Slutzky said he thinks the Housing Committee is poised to react swiftly to most of this report, so he would prefer that the Board just request an answer as quickly as possible in whole or in part.

Mr. Boyd said he is not in favor of the Housing Committee recommending an implementation strategy. He wants an analysis of the pros and cons of doing all of these things and the impacts of same.

Mr. Rooker expressed concern that some of the recommendations might have negative implications for affordable housing.

Mr. Boyd said he wants a detailed report on the pros and cons and what negatives there might be.

Mr. Slutzky said a detailed report of the pros and cons is basically an analysis of what everybody is guessing the market would do. The Board has already lost a year by taking the time to look at this one thing. The Housing Committee spent considerable time over past years looking at this issue, so why can't they be asked to make recommendations based on this Task Force report.

Mr. Rooker said if he were a member of a committee and got directions to present a plan to implement all of these policies that would be an implication to him that the body giving that direction did not agree all of these policies should be implemented; he is not ready to make that decision yet. On the last one he is clearly there, but right now he does not agree with the first one. He is not sure the third one actually works in favor of affordable housing unless the Board only wants cash. He would like to get the final one (deed restriction) done. To him, it is the most important because it allows affordable units to remain affordable.

Mr. Slutzky asked Mr. Rooker if the Housing Committee should study these recommendations further before making a recommendation to the Board? How is that different from asking them for a strategy for implementation which would obviously include the underlying support for moving forward or not?

Mr. Rooker said it is clear the Board is not instructing them to present an implementation strategy as opposed to just instructing them to look at and discuss the recommendations. They could determine the pros and cons and present the Board with a report that includes those pros and cons. That is what he would like to see.

Ms. Mallek noted that it could be similar to a staff report addressing favorable and unfavorable factors.

Mr. Slutzky said if the Housing Committee knows the Board has received the Task Force report and then tells them to study it further that is a signal the Board is really not interested in implementation.

Mr. Rooker said he does not consider a report making specific recommendations proof that those recommendations should be adopted.

Mr. Slutzky agreed.

Mr. Rooker said he may ultimately agree these things are good things to do. For example, there's no proof that capping the construction value of proffered units will actually result in more affordable housing.

Mr. Slutzky said there is no proof that any of the recommendations will have an effect. If Mr. Rooker is not comfortable directing the Housing Committee to move forward with a strategy for implementation, what is he suggesting?

Mr. Rooker said the Housing Committee can be asked for its recommendation on the last bullet, which is something the Board members agreed to a long time ago. As to the other items, he would like for them to look at them one by one, debate them internally, and give the Board a report as to whether they would actually improve the affordable housing situation in the community.

Ms. Mallek said that would be step two after the one concerning the deed restriction is taken care of.

Mr. Dorrier said they should also look at the proffer policy for affordable housing. He said Mr. Davis said the Board should look at that matter.

Ms. Mallek said that idea is included in these recommendations.

Mr. Boyd said he thinks the Housing Committee is being asked to build a case to sell to this Board. He wants to see the details behind why this is a good strategy and why it will work.

Ms. Thomas said she feels the Task Force was influenced by the idea that the lowest income people are not being well served by what the County is doing now (she does not know that for a fact but thinks that was the primary feeling). Should the County put different policies into effect if it is going to aim for a lower income group, as well as the group that has no chance of getting into housing at all, which is what the single occupancy room building is about? She thinks the Board "fuzzies" this up by just talking about affordable housing if it is trying to divide its actions into what affects different income levels.

Mr. Rooker said that at the first IMPACT meeting the Board members attended, one of the key recommendations was about affordable housing. The person from the City who spoke lived in an affordable rental unit, and her complaint was that for the money she had been putting into rent for the last 20 years, she should have been able to buy a house. The County's policy has been geared toward helping people buy a unit.

Ms. Thomas said the Real Estate Organization's fund is aimed toward what they call affordable housing and at teachers and others who are above the average income.

Mr. Rooker said he does not think the Board wants to abandon that element.

Ms. Thomas said it would be helpful to have the Housing Committee divide the different recommendations into which would be useful at different income levels and take that into account when they make their report to the Board. She said the Board should thank the Task Force for its effort in this regard even though the Board is picking the report apart.

Mr. Rooker said he agrees.

Mr. Slutzky asked if the recommendation is that the Housing Committee be encouraged to move swiftly with the deed restriction item and further study the recommendations in an effort to make it clear to the Board that these other recommendations may or may not be appropriate to move forward. Mr. White asked if the Board is expecting the Housing Committee to work on the deed restriction recommendation, draft something and bring it back for the Board to review with the intent to amend the Comprehensive Plan.

Mr. Rooker said that right now the Board has set criteria for affordable housing and one of those is a deed restriction. He asked if that would require an amendment to the Comprehensive Plan. Mr. Davis said if it is aimed at 80 percent AMI and below, it would just be part of the practices the Board would expect to be proffered. Mr. Tucker said he would rather use it as a practice first. Then, when it is determined whether there are other recommendations to add, do them all at one time as an amendment to the Comprehensive Plan.

Mr. Boyd said when these things come back to the Board they will be easier to review if they are in targeted areas.

Mr. Rooker said it does not require a Comprehensive Plan amendment to implement these things as a practice. Can it apply to proffers that have already been made? There are a lot of proffers that require building affordable housing and those units have not been built at this time. Mr. Davis said he

does not know that the County could make that requirement, although there may be some landowners who would be willing to agree. Steps could be put into place that would allow that to happen.

Mr. Boyd said he does not remember all the details, but he thought the deed restriction was going to be put on the person buying the house. That was the restriction for giving them down-payment money so the County would get that money back. That has nothing to do with the developer. Mr. Davis said the County has to qualify purchasers for most of the proffered units, but the County is not a party to the sale. In order for the County to get a deed of trust on it, there would have to be some agreement by the seller to require it to happen.

Mr. Rooker said the County is in a position where a lot of affordable units are proffered. He thinks it would be good to get this in place before a lot are built. Mr. Davis said on the other hand some developers might think this is another obstacle to getting buyers. It is not totally a no-brainer for the development community.

Mr. Slutzky said recommendations on each of these items and amendment of the existing proffer policy were made with the specific objective of getting better coverage in the lower end of the continuum of affordable housing. The question is what can be done so the proffer policy is not just focused on the 78 to 80 percent AMI?

Mr. Boyd asked if there are any major developers as members of the Housing Committee. He thinks their input is needed. Mr. White said there is one such member.

(Note: Mr. Rooker's motion died for lack of a second.)

Mr. White said recommendation No. 4 is: "Support the building of Single Room Occupancy housing." He said that currently there is a project under consideration in Charlottesville, and it is likely to be built, although a site has not been identified. He said both the City and the County have been asked to support this project in various ways, one way would be to use dedicated Housing Choice vouchers. It is likely the developer of this project will seek some kind of funding as the project proceeds. The Task Force just wanted to recognize the project as meeting the need of an important segment of the population.

Mr. Slutzky said from talking with some City Councilors, he thinks they would be satisfied with the County providing some vouchers toward the project because that insures a certain long-term revenue stream to help them finance the project.

Mr. White said recommendation No. 5 is: "Support and encourage the creation of security measures and supportive services in new and existing neighborhoods to ensure that affordable housing is safe and pleasant." He said this stemmed from a concern that some people, whether they have vouchers or are paying their own rent, do not wish to live in certain apartment complexes because of past crime, or whatever. He said the Task Force got a report from the Police Department on its efforts in the way of a crime-free, multi-family housing program.

Ms. Thomas said that has been open to managers of all the housing complexes and they chose not to participate. It has been a very good program. She asked if the Task Force considered that people who have never rented before who are using housing vouchers need some education on how to be a good renter in the same way that the County has a program for people who are going to become homeowners.

Mr. Slutzky said "yes." That is covered in the ombudsman discussion.

Mr. White said recommendation No. 6 is: "Promote the use of tax credits for developers by offering technical assistance." There was concern that developers don't take advantage of tax credits because many of them do not know about the credits. That could also be a piece that comes up with the ombudsman discussion about a central place for getting information on housing.

Ms. Mallek asked if that information is provided by the Housing Office now. Mr. White said they provide it if someone comes into the office; they are then referred to VHDA for the information.

Mr. White said recommendation No. 10 is: "Review and remove unnecessary regulatory barriers that impact affordability including consideration of a streamlined approval process for developments that propose affordable housing units." He thinks that is already underway in reviewing the development review process. This is probably a statement from the Task Force to continue that work and remove as many regulatory barriers as possible that affect the affordability of housing.

Ms. Thomas said "it is in the eye of the beholder" as to what is unnecessary. She would not want it suggested that this Board thought affordable housing could in any way be less environmentally-conscious or less safe for its occupants or any other regulations that deal with health, safety and welfare.

Mr. Slutzky said it is worth noting that in the proposed Federal stimulus package, in the bill passed by the House of Representatives there was \$2.5 billion going to HUD to spend about \$15,000 per unit for about 175,000 low-income rental units to be rehabbed with the specific purpose of making them more energy efficient. Up to this point, in this list, he asked if there is general agreement, except as noted, that

the Board is comfortable acknowledging, for example, that it would want to support SRO specific proposals, obviously having to come before the Board.

Ms. Thomas said she did not know.

Mr. Slutzky asked if there is anything in the recommendations the Board is looking at now that anyone objects to.

Mr. Rooker said a number of the recommendations were skipped over. There was one about using general obligation bonds and funding affordable housing initiatives. After taking \$100.0 million out of the County's CIP, he will not say today that he is a strong supporter of adding debt for the purpose of building affordable housing. Most of the affordable housing in the County is geared toward the lower AMI areas; it has been built with Federal funds. Charlottesville receives Federal assistance for low-income housing, but the County does not receive such funds. Localities have not built most of this kind of housing. It has been built by the Federal government in targeted areas and they provide funds accordingly. He does not want the County to take on what has been a Federal obligation. That is not a wise use of the County's resources.

Mr. Boyd agreed.

Mr. Slutzky asked if Mr. Rooker was saying he would reject the recommendation of considering the use of general obligation bonds to fund affordable housing initiatives.

Mr. Rooker said he is fine with saying "consider." But, to just say today to issue general obligation bonds, he would say "no." He thinks the Board would need to see specific project requests and whether there would be Federal and State money involved. He is against the general principle of having the County start funding 100 percent of what has been to this point a Federal obligation.

Mr. Boyd said those have been more public/private type partnerships with the public sector taking advantage of tax credits and other things that the Federal government supplied. He does not see the County doing that.

Mr. Rooker said he can see the County providing assistance to something like Treesdale where it has a lot of components in place but needs one thing to complete its package and go forward. He does not think the County would typically issue bonds to do that.

Mr. Dorrier said it is too vague and too nonspecific.

Mr. Rooker said it is the same as "provide funding for loans to developers of affordable housing." He does not want the County to become a lender generally to the housing business.

Mr. Slutzky asked if Mr. Rooker wants to take those two items off of the list and basically not say there is interest in doing either of those, although he would still be open to a particular recommendation if a proposal came forward.

Mr. Rooker said he would want to see proposals on a case-by-case basis.

Mr. Slutzky said all of these are on a case-by-case basis. Of the different recommendations so far, he thinks those are the only two that Mr. Rooker is not interested in doing, except in rare circumstances. Is that correct?

Mr. Rooker said that is an accurate representation.

Ms. Mallek said to put her in the same category, too.

Mr. Slutzky said he disagrees, but if that is the consensus of the Board, that needs to be reflected in its action. Mr. White said providing funds for loans to developers was the idea that at this time the County subsidizes the end user of the housing; it does not necessarily provide subsidy to the development. This might be something to discuss in consideration of this fund and its eligible uses if the Board wants to defer it to that level. If the Board is not interested at all, then it will not be discussed at that level.

Mr. Slutzky said he would prefer that nothing be taken out, and just let it be understood that there will be limited circumstances where the Board will implement those two items, funding for developer loans and general obligation bonds, but not delete them entirely.

Mr. Dorrier said the issue of funding is important, but there is such a funding crisis in the County that the Board needs to keep its options open and look at the total picture. If the Board begins cutting out the bonds and other funding, it will not end up with anything.

Mr. Slutzky asked if Mr. Rooker and Ms. Mallek were both comfortable with leaving those two bullets in since they have both gone on record saying it would be rare that they would likely support one, but they can see it might make sense at some point, so are comfortable with the recommendation.

Ms. Thomas said it can be said that there is not a consensus for those two items because there is not. She voiced concern about the time of day since this meeting goes into a night session.

Ms. Mallek asked for suggestions.

Ms. Thomas said working from the bottom of the list upward, continuing to support Habitat for Humanity, etc., and supporting regional transit networks and options are things the Board can clearly do. There has been a lot of discussion about a living wage but there was no consensus on that subject when it was presented as part of the budget. The County has been providing its employees raises, there are no raises proposed for FY 2009-10 so that one cannot "be put on the front burner."

Mr. Slutzky said there was not a unanimous opinion on that matter.

Ms. Thomas said the Housing ombudsman office is something the Housing Committee could study and report to the Board as to its use and how it differs from what is now being provided by the Housing Office. That leaves the Board with supporting the Thomas Jefferson Community Land Trust and she does not know what "supporting" means.

Ms. Mallek said she would like to know more about it. Mr. White said there will be a report on it in the near future.

Mr. Slutzky summarized by saying there is a consensus of support for all but three of the recommendations - the living wage, the general obligation bonds and loans for developers.

Mr. Boyd said he would like to clarify – Mr. Slutzky said that except for those three the Board supports the recommendations, but he thinks what the Board wants is more specific details on more specific proposals, not that they are being supported.

Ms. Mallek said that is right.

Mr. White said the only one to move forward with in a timely manner is the follow-up on the deed restrictions.

Ms. Mallek said that is priority No. 1.

Mr. Boyd said he appreciates how much work went into the report, even though the Board has "torn it up."

Mr. Rooker said these are all subjects on which there are a variety of opinions. He thinks the Task Force did a good job of assembling all this information and putting it in a report in a coherent way so it could be considered.

Ms. Mallek said she understands about different constituencies and that is why the list is long. Each one needs to be looked at in its independency.

Agenda Item No. 3. Resource Management Review; Presentation of.

Mr. Tucker introduced Mr. Lane Ramsey who was present to provide an overview of the study (The entire report will be available online tomorrow.). Dr. Bill Boshier was not able to attend this meeting.

Mr. Ramsey said CEPI (Commonwealth Education Policy Institute) is part of Virginia Commonwealth University's Center for Public Policy in its School of Education. They have conducted similar studies around the state, primarily in the education environment. CEPI brings practitioners to the teams which go into the community and do these studies; this particular team had a combined 300+ years of local government experience.

Mr. Ramsey explained that the criteria for the study included: use of resources by the County; changing demographics and how that projects into the future; implications between revenues and costs; effectiveness of stewardship of resources; future service needs; and, how the organization will address those future changes. Key questions were: the relationship between revenues and costs; effective employment and deployment of people (how the HR system supports the entire organization); observations of efficiency and effectiveness (there are observations in every area that support their recommendations); how the mission statement is integrated throughout the organization; effectiveness of decision-making and communications to the organization and community; is the County prepared for the future: and, accountability to the public.

Mr. Ramsey said the team also identified things the County is doing well. Often when a study like this suggests improvements, it could imply that there is a problem. There are many places in this study where the team identified things the County is doing which are on a "leading-edge basis." The team agreed on all of the points – anywhere they visited in Albemarle County they found that the Board and administration were well respected. For a number of years the County has taken a risk by doing a citizen satisfaction survey. Not many communities will do that because of the risk. Albemarle scored high on those surveys, particularly the feeling in the community about quality of life and the services the County provides. As they went through the organization interviewing people, there was an understanding of the strategic vision throughout. The County has a relatively low tax rate, and he showed a comparison chart on the screen of the real estate tax rate compared to five other communities they benchmarked Albemarle against. There is only one other jurisdiction that has a rate lower than Albemarle, but when they adjusted for the unique circumstance with the Revenue-Sharing Agreement with the City, Albemarle's rate would be lowered to about 61 cents, so that would put Albemarle at the lowest of the benchmarked communities.

Mr. Slutzky asked if the team looked at the fact that the other five communities have service district taxes that Albemarle does not have, so the differential is even greater than shown.

Mr. Ramsey said the benchmarks are difficult because there are differences between every community. They did not go down to that level of analysis.

Mr. Rooker said Spotsylvania has service districts so a good part of that county's citizens pay higher taxes.

Mr. Slutzky said they have two service districts that add 35 cents on top of their 62 cent tax rate, so they are taxing at 97 cents on most of their commercial property.

Mr. Ramsey said Albemarle County is the smallest jurisdiction in the state that has an AAA bond rating.

Mr. Slutzky said Albemarle is the smallest locality in the country that has such a rating.

Mr. Ramsey said Albemarle has an outstanding school system and is a strong regional partner which impressed the team. Other regions do not come close to this level of collaboration. The County's local government and the Schools are consolidated to a greater extent than any team member knew about, and is particularly unique in having the Human Resources function consolidated which is worthy of commendation. He said the County Police Department compared to the benchmark communities had the lowest cost per-capita for police services, but on the other side the County is not meeting its standard of officers to population. He said the County is known around the State for its absolute commitment to strong growth management and smart growth philosophies. That was certainly evident as they talked with the Board members and its staff.

Mr. Ramsey said there is a strong business tax base here. The mix of residential versus commercial and industrial tax base has been very steady for the past 10 years (approximately 13 percent of the tax base is business).

Mr. Boyd asked if that is higher than generally seen in the state. Mr. Ramsey said there are other localities that are higher, but Albemarle has been steady in that percentage as the residential housing market has grown so fast. It's unusual for a community to maintain that same business ratio. They did not benchmark that in other jurisdictions, but they know that in other regions there are higher percentages in counties, and they suggest in their report that it be monitored, benchmarked and strategies developed to grow that business portion of the tax base.

Mr. Ramsey said there are about 140 recommendations in the report. This study was not a departmental audit or an evaluation of personnel. The team members encountered no staff member that was not giving their all. Their first recommendation is that the auditing of sales tax and business license reports as it relates to locality designations be increased. That can be done by filling the vacant auditor position. They did not recommend many additions to staff, but this is one position that is a revenue-generator for the County. Past experience shows this position should be able to generate between \$500,000 and \$800,000 annually. He mentioned that recently in Alexandria a Target store was misreporting their sales tax as if they were located in Arlington County when they were actually in Fairfax County and when it was discovered Arlington had to refund to Fairfax County \$1.0 million in sales tax. Zip codes are the major problem and need to be audited and watched. The State Department of Taxation had been increasing its effort in this area, but due to the cuts in the State budget, they have basically eliminated this process. He said the State has no priority to get the jurisdictions right because it does not concern them.

Mr. Ramsey said the team looked at School funding and is recommending that the funding formula be amended. In looking at the growth in the County and in student enrollment over the past 10 years, there was about 13 percent overall growth in population and a little over seven percent in student enrollment. The team recommends that the formula be amended each year – up or down – based on the growth difference between population and school enrollment. That might sound drastic, but it will be small increments. They do not recommend that the County adjust for the past ten years, but that a point be established and from that point forward adjust it each year.

Mr. Dorrier asked if Mr. Ramsey was referring to the 60/40 split of new revenues with the Schools. Mr. Ramsey said "yes." He said if there is a one or two percent difference between population growth and student enrollment that might reduce the 60 percent down to 59.8 percent, it is not a drastic change. They believe that would help keep a balance between the resources needed to operate the County and the resources for the School System.

Mr. Ramsey said the report recommends that debt service be allocated and reflected in the Schools budget, and that the target be adjusted upward to take into consideration that debt service and from that point forward the School Board manage its debt service and its operating fund through that percentage allocation.

Mr. Boyd said he has been advocating for that for a long time. Mr. Ramsey said he knows of one school system that does this and it gives them a much better business approach to operating their system. They are happy with it because they can project out four or five years through their capital improvement program and see what they can afford within that allocation.

Mr. Ramsey said they know the Board is presently looking at an Economic Development proposal for the Comprehensive Plan. They endorse the County moving along with that and recommend that the Board have an economic development philosophy targeted toward generating revenue for the County. It was clear to them that the Board's philosophy is not to have economic development that creates a burden on the County. If a business with low capital and a high number of jobs were attracted to the County that would be a negative on finances; if a business with high capital investment and a low number of employees were attracted, that could be a net addition to revenues. They are not suggesting a philosophy, but are suggesting that the Board develop a philosophy aimed at recruiting businesses that suit Albemarle County and would help it meet future revenue needs, particularly since Albemarle is part of the regional economic development organization and the Chamber of Commerce, and both are moving in that direction.

Ms. Thomas said Mr. Ramsey had said Albemarle has a steady tax base, so she wondered if he had some reason for making that statement. When they first met it was evident that his philosophy is different from hers and that of the boards over the years. She asked the factual reason for saying the County is not doing a good enough job in the economy. Mr. Ramsey said the team did not analyze it, they believe the 13 or so percent they saw is low for a community like Albemarle. As an example, Henrico County is 30 percent and Chesterfield is 20 percent.

Ms. Thomas said they are also competing with their "central city" whereas Albemarle is a regional entity for the market and has been for quite a while, and there is some value in that. Mr. Ramsey said they believe Albemarle has more room to attract business, but the primary reason for the recommendation is that they believe the County will need additional revenue in the future. Primarily because the County is not meeting its own standards for number of police officers compared to population. There are other areas where they think the County is not meeting its own standards. That has occurred because the County does not have the resources.

Ms. Thomas said the Board has kept the tax rate low.

Mr. Ramsey said they believe the Access Albemarle system is critical. For organizations such as this, they believe it was the right decision to pursue a system like this. The team recommends that additional resources be provided for it, particularly with a project manager certified in this type of system insuring that it is put into place. Also a "champion" might be dedicated to work with the various departments and customers of the system because it will be a tremendous culture change when the system comes on line for employees and others operating the system. Speaking from experience in putting such a system in place, it was more difficult than expected and they had to regroup a number of times to get the system right.

Mr. Ramsey said the team suggests an analysis of the County's early retirement program to determine if it is meeting expectations. It is unique that a local government would have a system like this, but is not as unique to school systems. He said that school systems having such a program often require retirees to donate a number of hours each year or some other consideration for that retirement incentive. They understand the system was put in place to encourage savings, but the team suggests the County monitor it to ensure it is meeting the criteria.

Mr. Ramsey said the team is suggesting that the County and the City develop different strategies for administration of the Comprehensive Services Act. There is significant confusion now because of the many parties involved; there is actually a third party contract administering the program. He said the CSA requires services for young people and also requires management of the cost side, and the State is putting more pressure on localities to manage the cost side, at least the portion in which they participate. The team believes the County and the City should streamline how administration of the program is done to achieve balance.

Mr. Rooker said he thought the Commission on Children and Families did that. Mr. Tucker said staff is already looking at this in terms of how it might be accomplished differently. He thinks money can be saved by doing so; the review is already underway.

Mr. Ramsey said the team recommends that the County move forward with EMS revenue recovery as a revenue item. There are many pitfalls going through this arena of public safety demands and demands for EMS services. Revenue recovery is working well in many communities throughout the State. There are negatives in the public's perception. What do people do that do not have insurance or the means to pay for the ambulance? There are answers to all of those questions in the report. They know it is difficult politically to put the program in place, but it is working well in communities which have done so and it generates significant revenue to offset the cost of EMS services. The team knows the Board is considering a Fire/Rescue ordinance which will define roles and responsibilities and protocols. They agree it is absolutely necessary to get those responsibilities defined so there is a clear understanding of how operations are handled in the field on an incident. There is a mix of volunteers and paid staff in the County so there should be clear lines of authority.

Mr. Ramsey said the County has many arrangements with outside organizations, nonprofits, etc. They are recommending that the County move toward performance-based contracts with these agencies instead of formula-based contracts. It's a much better way to justify the money put into these contracts.

Mr. Rooker asked for examples of jurisdictions that have shifted to that model. Mr. Ramsey said he does not know of any specifically, but it is a trend throughout the state to look at performance-based contracts. He said the (Region Ten) Community Services Board is an area because the County is billed on a formula basis for the number of clients served, but the Board does not get performance reports on

the outcomes. This agency must submit performance contracts to the State, but the team did not see that they are tied directly into the funding provided for the services. As the team benchmarked services against other communities, it showed that mental health costs here are higher on a per capita basis.

Mr. Tucker reminded the Board that where funding is provided for outside agencies the Program Review Committee sometimes sets certain performance standards. These standards are not part of any contract, but are part of the review the Budget Review team considers before recommending funding. He said Mr. Ramsey is recommending that funding be more formalized which would take quite a bit more work for staff.

Ms. Mallek asked if Region Ten is an example of one of those outside agencies. Mr. Tucker said "yes."

Ms. Mallek said it was mentioned that evaluations are already sent to the State, so does a process already exist that the County could use? Mr. Ramsey said those evaluations might be different from what the County would expect from the organization.

Mr. Rooker said the Board has virtually no control over the funding of mental health services.

Ms. Mallek said she thought the Board had control.

Mr. Rooker said it does not have any control.

Mr. Tucker said that is why he said it would be difficult for certain agencies the County deals with. For example, Region Ten would be more difficult. It does not mean that performance standards could not be used to work with them, but he is not sure how it could be tied totally to funding. The funding is formula-driven for the entire region.

Ms. Mallek said the Region Ten funds are for the region, not just Albemarle County. Mr. Ramsey said they are partly State funds and all of the other partners. They believe that whether it affects the funding or not, the County should have an indication of performance outcomes; it would be useful information.

Mr. Rooker said he does not disagree, but he is more interested in areas where the County is providing funding and it expects outcomes for the money put into in an area that is basically State or Federal funded. Region Ten covers a number of jurisdictions so they are not answerable to Albemarle County. Mr. Ramsey said there are a number of these instances throughout the operation.

Mr. Ramsey said in looking at the Albemarle Parks and Recreation Department they found a number of similarities to services and facilities provided by the City and users of the parks do cross jurisdictional boundaries. The team recommends discussing with the City the possible merger of some of these operations to see if efficiencies might be gained through a combined operation.

Mr. Rooker asked if they are suggesting a merger of the entire departments or just more cooperation in specific areas. Mr. Ramsey said the team is suggesting there be discussions around the entire departments. Then, if that did not work, maybe there could be mergers around some components of the departments.

Mr. Rooker said in the last six or so years the County has added over 1,800 acres of parkland in the County. He does not know that the City would be interested in the cost of developing the improvements needed to make those parks fully functional. There's a lot of difference between the scale and scope of what the City is doing and what the County is doing in this regard.

Ms. Mallek said there are different development levels also. There is a big difference between the new Byrom Park in Crozet and the skate park in the City.

Mr. Boyd said Darden Towe Park is a collaboratively-operated park now. That has worked well over the years.

Mr. Rooker said the County contributes to the operation of the skate park. There is already a lot of cooperation, so he does not know if merging those departments would make sense given the significant geographic differences in the scale of the facilities.

Mr. Ramsey said as the team looked at the housing program, a significant part of the responsibility is administering the Section 8 housing program. They are suggesting that the County enter into discussions with the City about merging the management of the Section 8 housing program. The two programs are similar in form, criteria, etc.

Mr. Rooker asked if Mr. Ramsey had seen other cities and counties merge their Section 8 housing programs. Mr. Ramsey said he is not aware of one, but he might question the team and provide some information on this recommendation to Mr. Tucker.

Mr. Rooker said if there are other localities doing what is being suggested, it would be helpful to point out where those areas are so they can be contacted to find out exactly what they are doing and whether it is working. Mr. Ramsey said that was not included in the study, but he thinks they can do further research and give the Board an answer.

Ms. Mallek said a search of VACo's database might provide that information.

Mr. Ramsey said they want to commend Mr. Tucker and his organization for its performance management, and the continuous improvement philosophy. They suggest that it continue to do what it is doing now and keep building on that. He noted that there are over 140 recommendations in the study, and at least that many different observations. The team enjoyed being here and enjoyed seeing what is being done in the County organization. He then offered to answer questions.

Mr. Dorrier asked if they considered the University of Virginia and what it offers to the community, and whether interaction needs improvement. Mr. Ramsey said they considered only some of that relationship because of the emergency dispatching center.

Mr. Dorrier said the City, the County and the University have the "town and gown" relationship. He thinks there can be some future value that should be looked at. Mr. Ramsey said they talked about economic development and got feedback that the University is the economic development in the area, so the County may not need to step up and do more in that area. Their team did not feel the County should depend solely on the University, although it is a tremendous resource. This is a community where businesses and companies want to come. It is in a position to be selective. The County can pretty well define economic development as it believes it should be.

Ms. Mallek asked if the team had a first priority in its recommendations. Mr. Ramsey said it did not rank them in terms of priority. He was told by Mr. Tucker that his staff would go through them, and he thinks that in terms of priorities, they will be able to determine priority order. If he had to give an answer, he would say that economic development should be a priority, along with the School funding formula, and the Access Albemarle system.

Mr. Rooker asked if retail development is more or less fiscally profitable for a community than office development. Mr. Ramsey said that generally it is retail because the locality not only gets real estate taxes, but sales taxes and business license taxes. However, the types of jobs it creates and the level of wages paid for those jobs are not as lucrative; they are traditionally low-paying.

Mr. Rooker said the County has over 2.0 million square feet of zoned retail approved in the last six or seven years. Mr. Ramsey said the County has the product and that is probably the most important thing in economic development because development will not wait to go through the zoning process unless it is a special circumstance. They suggest the County look at all aspects of development including industrial parks and whether transportation is right for different types of businesses.

Mr. Dorrier asked if the team developed any ideas about tourism as a force for economic development. He said Monticello pushes tourism, as does Charlottesville and Albemarle. Mr. Ramsey said the team did not specifically analyze tourism. Mr. Tucker said the regional Tourism Bureau has that responsibility, and they do a good job.

Mr. Ramsey said tourism comes in many different ways. They found that in other parts of the State things like softball tournaments or soccer tournaments which bring in 200 teams for a weekend and that generates tremendous sales and meals tax revenues for them.

Mr. Rooker asked if there are any specific recommendations in the report that could be categorized as money-saving. Mr. Ramsey said the County spends more in the community development area than the other benchmarked communities, but that's because the County does more in this area. He thinks they were told that a zoning application goes through four public hearings before it is approved. They understand that if a developer wants to come in for a pre-application meeting with the County, it is actually done as a formal public meeting with the Planning Commission. In many other communities, that is done by staff. They answer questions and tell the developer what the County expects. They believe the County has very competent staff.

Mr. Rooker said the County does have a pre-application meeting and it is not before the Planning Commission. The applicant is not required to have such a meeting, but he thinks that most developers have such a meeting with staff. Mr. Tucker said that is correct. The Commission also reviews a lot of applications on a preliminary basis. In some communities, those preliminary plans and a lot of the site plans and subdivision requests are reviewed by staff; they are ministerial acts and do not have to go before the Commission. However, Albemarle has always chosen to have them go to the Commission. At this time, the Commission reviews those more on a "called-up" basis. He said more is being done by staff and then there is a final review on the ministerial items.

Mr. Ramsey said they may have misunderstood what they were told by staff about the pre-application process. Mr. Tucker said terminology may be a little different.

Mr. Tucker said unless there are any other questions for Mr. Ramsey he would like to recommend that staff be given some time to go through the study and bring back an action plan for moving forward with these recommendations.

Ms. Mallek asked about the timeframe. Mr. Tucker said they will try to have something ready for the Board's day meeting next month, but there are a lot of recommendations in the report.

Mr. Slutzky said a number of the recommendations seem to be that the County spend more money on certain things. As to spending more money on public safety, he thinks the Board needs a

reflection of these recommendations in the budget process, if that is possible. Mr. Tucker said he does not know that staff has time at this point to make those changes in the proposed budget.

Mr. Ramsey said the team understands the present economic times, and how they affect local government. Some of the recommendations are actually to add positions, but they are saying to take those in context of the economic circumstances. They did not identify anything they feel is a crisis or so critical that employees need to be added.

Mr. Rooker said there was the recommendation concerning the auditor position. Mr. Ramsey said they would have no problem recommending that one.

Mr. Slutzky said he would like to mention that position. It was implied that one of the reasons it is relevant as a revenue generator is because of jurisdictional ambiguities and there is not much opportunity for that to occur here.

Ms. Mallek said there is. Zip Code 22901 goes through several magisterial districts and into the City. Mr. Tucker said that is one of the things that would be looked at. The State was looking at that but cut back on their staff and stopped it. That would be a big undertaking, but is something an individual could do. He said when this auditor position was first filled major savings would be seen in the short term, but over time those savings would tend to "flatten out." In the past, that position covered its salary but was not showing any major increases.

Mr. Rooker asked if there are firms that could come in and do this on a percentage basis. Mr. Tucker said staff can look into that. Mr. Ramsey said there may be a problem with that suggestion because the State is very protective of individual sales tax information. Albemarle County has more leeway because it has a different form of government, but in the localities where there are commissioners of revenue, many commissioners will not even give their county administrator information about a business. Mr. Tucker said some confidentiality issues are involved.

Mr. Rooker asked about the allocation of sales tax on internet sales. Sometimes sales tax is charged, so he wonders how they allocate that among the localities. Mr. Ramsey said that is also a big problem. They have been trying for many years to get the State to solve that problem, but they have not done so.

Ms. Mallek thanked Mr. Ramsey for the report.

Agenda Item No. 4. Closed Meeting. At 5:09 p.m., **motion** was offered by Ms. Thomas that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions.

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

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

Agenda Item No. 5. Recess.

Agenda Item No. 6. Call to Order. The meeting was called back to order by the Vice-Chairman, Ms. Mallek, at 6:01 p.m. (Mr. Slutzky did not return to the meeting.)

Agenda Item No. 7. Certify Closed Meeting. **Motion** was immediately offered by Ms. Thomas that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

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

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

Non-Agenda. Mr. Boyd said he would like to make some appointments. First, he would like to recognize the fact that the Eastern Connector Alignment Study Committee, the Affordable Housing Task Force, the Safer Chemicals Committee, and the South Fork Rivanna Reservoir Stewardship Task Force have all concluded their work and are no longer require appointees.

Mr. Boyd then offered **motion** to reappoint all Board members to their current committees for 2009. Mr. Rooker **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Slutzky.

(The list of appointments for the Board members follows.)

<u>Board Member:</u>	<u>Term Began:</u>
<u>Ken Boyd:</u>	
Albemarle County Fire Rescue Advisory Board	1/09/08
CIP(Capital Improvements Program) Oversight Committee	1/09/08
C'Ville/Albemarle/UVA Planning and Coordination Council Policy Committee	2/01/06
Darden Towe Memorial Park Committee	1/07/04
Fiscal Impact Advisory Committee	2/01/06
<u>Lindsay Dorrier:</u>	
Audit Committee	1/05/00
CIP (Capital Improvements Program) Oversight Committee	
Jail Authority	1/04/06
Lewis and Clark Exploratory Center Board	1/07/04
Police Department Citizens Advisory Committee	2/01/06
Rivanna River Basin Commission	9/13/06
<u>Dennis Rooker:</u>	
Audit Committee	2/01/06
C'Ville/Albemarle/UVA Planning and Coordination Council Policy Committee	2/01/02
High Growth Coalition	1/09/08
MPO (Metropolitan Planning Organization)	1/09/02
<u>David Slutzky:</u>	
Agricultural and Forestal Advisory Committee	2/01/06
Darden Towe Memorial Park Committee	2/01/06
Hazardous Materials Local Emergency Planning Committee	2/01/06
MPO (Metropolitan Planning Organization)	2/01/06
<u>Sally Thomas:</u>	
Building Committee	1/07/04
High Growth Coalition	2/01/06
Historic Preservation Committee	2/01/06
Lewis and Clark Exploratory Center Board	2/01/06
Rivanna River Basin Commission	9/13/06
TJPDC (Planning District Commission)	1/05/94
<u>Ann Mallek:</u>	
ACE (Acquisition of Conservation Easements)	1/09/08
Albemarle County Fire Rescue Advisory Board	1/09/08
Building Committee	1/09/08
Piedmont Workforce Network Council	1/09/08
TJPDC (Planning District Commission)	1/09/08

Agenda Item No. 8. Pledge of Allegiance.

Agenda Item No. 9. Moment of Silence.

Agenda Item No. 10a. Recognition: Robert R. Humphris – Albemarle County Service Authority.

Ms. Mallek said the Board would like to recognize Mr. Robert R. Humphris for his dedicated service and outstanding leadership as a member of the Albemarle County Service Authority Board of Directors from April 20, 1978, until December 31, 2008. She then presented him with a plaque in appreciation of his services.

Mr. Humphris received a round of applause and accepted the plaque. He did not wish to speak at this time.

Mr. Don Wagner, Chairman of the ACSA Board, said ACSA have been fortunate to have had Mr. Humphris on its board for that length of time. Mr. Wagner served with Mr. Humphris for 24 of those 30 years. He said when Mr. Humphris first became a member of the ACSA Board, there were many very serious problems that needed correcting. In the six years before Mr. Wagner became a Board member, they had basically been about 99.9 percent completed due to Mr. Humphris' work on the Board. Mr. Wagner said he and Mr. Humphris served on the LURC Committee (Land Use Regulations) and one of their main charges was to look at how the County land use ordinances were enforced. Many issues that existed were worked out, thanks in part to the work of Mr. Humphris.

Mr. Clarence Roberts, a member of the ACSA Board, said one of the most important assets that people possess is integrity. He has worked with Mr. Humphris for almost six years on the ACSA Board and Mr. Humphris never compromised his integrity, or the integrity of the ACSA. He asked if the Board knew of anyone else in the County that had served on a single board longer than 30 years. He said Mr.

Humphris brought to the ACSA Board his institutional knowledge and wisdom. He was a wonderful person to work with.

Mr. Humphris said he is almost at a loss for words. He had not expected to see all of the board members and staff of the ACSA present tonight. He thanked everyone for their kind words, stating that he had not planned to be on the board for 30 years, it just happened. He said it was easy to stay on that board because the Executive Director, Bill Brent, his staff and the other ACSA Board members; everything just ran so smoothly it was a privilege to be a member of that board. He said the organization with the new executive director is a well-run organization, it is very efficient and something the Supervisors can be proud of.

Mr. Rooker said Mr. Humphris has been his appointee for his last two terms. He has known him for 20 of the 30 years he has been a member of the ACSA Board. During the time he has known Mr. Humphris, he has been a great source of inspiration and technical knowledge not only in water areas but in other areas. He has a tremendous ability to put together information in a meaningful way. He thanked Mr. Humphris for his help and for all his years of service to the community.

Agenda Item No. 10b. Proclamation recognizing the National Association for the Advancement of Colored People (NAACP) Centennial Anniversary.

Ms. Mallek read the following proclamation into the record:

PROCLAMATION

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) CENTENNIAL ANNIVERSARY

WHEREAS, on February 12, 1909, the National Association for the Advancement of Colored People (the NAACP) was founded by a diverse multi-racial group of activists of varying political and religious backgrounds, all committed to the common cause of equality; and

WHEREAS, the mission of the NAACP is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination; and

WHEREAS, since its inception, the NAACP has advanced its mission through reliance upon the press, the petition, the ballot and the courts, and has successfully utilized the legal system and moral persuasion, to tear down the barriers of racism, discrimination, education, and economic and political exclusion in this country; and

WHEREAS, the sustained efforts of the NAACP led to desegregation of America's public schools, military, election to public office and public places of accommodation; and

WHEREAS, more than 1,700 NAACP units in the United States, Italy, Germany and Japan are the life blood of the Association, acting as grassroots 'freedom fighters' in their communities; and

WHEREAS, this nation has benefited significantly from the NAACP's unwavering commitment to civil rights and the vision of a society free of injustice; and

WHEREAS, the Albemarle-Charlottesville NAACP Branch was formed July 12, 2001 upon approval of a merger request from the Albemarle and Charlottesville branches thereby allowing the two localities to be more effective in working to ensure an end to discrimination and to continue the promotion of understanding, harmony and racial justice for all citizens in the community; and

WHEREAS, the County of Albemarle and all its citizens have benefited from the dedication of these principles on the part of the membership of the Albemarle-Charlottesville NAACP and from their unwavering commitment to achieving its mission for the betterment of its citizenry;

NOW, THEREFORE, BE IT RESOLVED, that I, David Slutzky, Chairman of the Board of Supervisors of Albemarle County, Virginia, do hereby recognize the significance of **February 12, 2009** as the **100th Anniversary of the NAACP**, and encourage all our citizenry to recognize the significant contributions and commitment this organization has played in leading social change in this community and across America.

Ms. Mallek then presented the proclamation to Mr. Rick Turner.

Mr. Turner thanked the Board and Ms. Thomas for her role along with Ms. Ella Jordan in assisting with the proclamation. He said the NAACP is the oldest and most revered civil rights organization in America, noting that the local NAACP branch will be having its annual founder's day celebration on February 15 at Jackson Burley Middle School at 4:00 p.m. He provided flyers to Board members announcing the event.

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

Mr. Boyd noted that he had a committee report to give, and agreed to do so at the end of the meeting.

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

Mr. Jeff Werner from the Piedmont Environmental Council (PEC) spoke. He said that three people have asked him to bring up different matters tonight. Ms. Mallek has a letter about the first request which he has been asked to say is for a famous musician putting together an agriculturally-related farm fair at Bundoran Farm in May. They need a special use permit for a single-day event and they are asking for help in expediting this request. He understands it has to be authorized by the Board of Supervisors.

Mr. Werner said Ms. Melissa Wiley in PEC's office has put together a program to be held on March 7 – "Hosting the Small Farm Dream: An Introduction to Farm Partnerships for Landowners." One of the big problems with current and new farmers is trying to acquire land in the County on which to actually farm. There are also people who have land but don't know what to do with it, so this is an attempt to foster relationships between farmers who need land, and landowners who have it in order to pursue a food production partnership.

Mr. Werner said that Ms. Dawn Story in the PEC office is also a small farmer, and works with Ms. Wiley on the Buy Fresh/Buy local campaign. Recently she applied for a USDA grant to put together a program called "Virginia Agricultural and Food Entrepreneurship Program." With that funding she will be holding two workshops to be held on March 30 and April 6 in the County Office Building. The purpose of the program is to bring people together to talk about value-added food processing and a food production enterprise, and to find ways to strengthen that producer-consumer relationship. She has a host of partners who are working on this project. There are organizations in the community that are helping such as the County which is providing space. He suggested that the workshops be posted on the County's website for the people who are interested.

Ms. Mary Miller, Co-Chair of VSA Arts of Charlottesville/Albemarle, thanked the County for its support which is a city-county collaboration. She thanked Ms. Mallek, Mr. Rooker, and Mr. Boyd for their participation, and presented the October 2008 Annual VSA Poetry Book and the 2009 VSA Calendar to Board members. She also invited them to the "Sprout Film Festival" on March 13 at the Martha Luther King, Jr. Performing Arts Center, an event to "make the invisible visible." She introduced VSA poet Richie Hay who read his poem, *I am Valuable*, to the Board.

Mr. John Grady thanked the Board for moving forward a request for a jurisdiction area change so a Mr. John Chavan can hook his home to public water. He has a concern. He believes this Board has the power and authority to enact an emergency policy so this situation does not occur again. Mr. Chavan has been waiting since January 1 to connect to public water and everything is ready except for the mandatory meetings. He said it is a shame that there is a family of five with three small children running back and forth to Sam's Club to purchase water when a water meter is virtually sitting in this person's front yard on his property. He believes that something needs to be in place to resolve such an issue.

Mr. Mack Lafferty addressed the Board, stating that he serves on the Crozet Community Advisory Council and the Crozet Library Steering Committee. He is here on behalf of the library. The Crozet Master Plan designates the "town" for high growth but businesses continue to move out because there is no anchor; the library could serve as an anchor. The steering committee has preliminary plans that would be ready if construction moneys were available. The current library is housed in the old railroad station (it is the second busiest library in Albemarle County), and its space is totally inadequate. Delaying the project will cost Crozet an anchor and cost the County and its citizens extra money because at this time construction costs are probably as low as they will be for a number of years. He asked that the Board give the go ahead for construction of the library as a signal to the Crozet community that it is serious about providing cultural activities.

Ms. Leslie Middleton said she serves as staff to the Rivanna River Basin Commission. She came to give an update of its activities, and is specifically asking the Board to support a funding opportunity. The purpose of this Commission is to provide guidance for the stewardship and enhancement of the water and natural resources of the basin. It has been working hard to identify the greatest threat to health of the Rivanna River. The threat can be described as excess sedimentation resulting from the "scouring of the banks" of already incised streams during high-energy flows and storms from rainfall events that traverse massive amounts of impervious surface. In January the Commission sent a letter to the County which included recommendations for best management practices that will help slow the flow to the streams, will improve water quality and also reduce the amount of stormwater runoff. It has also encouraged neighboring localities to implement these practices on public buildings, and provide incentives to developers and homeowners to include these practices in their projects. Albemarle has already implemented many of these suggestions.

Ms. Middleton said the Commission was asked to submit a final funding proposal to the Chesapeake Bay Stewardship Fund that is administered by the National Fish and Wildlife Foundation. The Commission's proposal includes provisions for working with localities to accelerate implementation of BMP's and it is structured so that each locality would receive some money toward the cost of implementing projects. The Albemarle County project is known as the "Crozet Stormwater Wetland," which was approved by the Board in 2007 and is presently in the design phase. On behalf of the Commission she requested that the Board write a letter of support to the funder that simply states the County's participation in the project. They are prepared to work with County staff in order to meet the grant deadline of February 20, 2009.

Ms. Thomas went to the microphone in the audience to speak because she was appointed by the League of Women Voters to the South Fork Rivanna Reservoir Stewardship Task Force. She said that Task Force has finished its work, and there is to be a meeting of all four bodies that appointed members to the Task Force. The Task Force was told to take the adopted water supply plan as a given so it did not get into whether that is the right way to supply the community's water in the long term. The question then became, what is to be done with the South Fork Rivanna Reservoir? She said the report of the Task Force contains historical information gathered by Ms. Charlotte Humphris about the reservoir. The consultants who came to town to discuss dredging said the first question the Task Force should answer is "why dredge," so the report goes into some ideas the Task Force had to see how to address that question. It has suggested further studies particularly in terms of wetlands formation, and work to keep sediment from getting into the reservoir. The Rivanna River Basin Commission will be working on how to slow down sedimentation. This is a wonderful water source, and 96 percent of the community's water will continue to come from the South Fork Rivanna River – even in the adopted plan. It is up to this Board and the community to protect this water source. Since it is such a good water source, the sediment comes naturally, so one idea is to see whether a fore bay would make any sense. She thanked Mr. Rooker for his participation on the Task Force, and she then distributed a copy of the report to each Board member.

Mr. Rooker said Ms. Thomas did an outstanding job as chair of that Task Force, as she was able to distill the divergent opinions of the members and get them into a final report. He then offered **motion** that a letter in support of the grant application as requested by the Rivanna River Basin Commission be sent by the Board. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Slutzky.

Mr. Boyd asked about the request earlier in the meeting from Mr. Jeff Werner that the Board expedite a request for special use permit from Bundoran Farm.

Mr. Mark Graham, Director of Community Development, said there is a formal process for review of special use permit requests. He has instructed applicants in the past that a schedule must be followed unless the Board directs the staff to do otherwise. He said the application has not even been filed at this point, but staff will try to figure out the most expeditious way to get it before the Board. Mr. Tucker said this request asks the Board to work outside of the regular schedule.

Mr. Boyd asked about the issue mentioned earlier regarding amendments to jurisdictional boundary lines for water service. Mr. Davis said the process for amending those boundary lines has been in place for over 25 years and is required by the State Code. The Albemarle County Service Authority service districts (jurisdictional boundaries) were set up so that each addition to a service area has to be approved as a new project. The State Code specifically requires that each time the Board adopts another project for the ACSA to implement an advertised public hearing is mandated. There was no way for the County to expedite the request faster than what the Board agreed to do. The Board has agreed to hold a special public hearing on a date when it does not normally conduct regular business. Staff processed the request faster than it has for any other application. He is not even sure staff had all the necessary information it needed at the time the request was advertised. He does not know of anyway to expedite the process faster, in fact he has never seen this Board expedite the process as fast as it has done under any other circumstance in 25 years.

Mr. Boyd said he thinks these are "pretty dire circumstances."

Mr. Rooker said he agrees, but there is a reason there is a legal process in place. During the time he has been a member of the Board, he has had people call him who said they had an emergency, but when all the facts came out, it was not that dire of an emergency. He said people who might want to object must be given an opportunity to do so. The decision to extend public water service to any area is part of the growth management approach of the County that has been long used and supported by this Board. Given the circumstances in this case, he agrees that the Board should do everything possible to expedite the request, and he thinks that has been done, but there is a reason the legal process is in place. In this case, this would require going outside of a State-mandated process in order to do anything different. There is a reason for that process.

Mr. Boyd said he does not have a problem with that, but thinks the fact that it was brought to the Board's attention in January and was not expedited until February was the part he wondered about.

Mr. Rooker said Mr. Chavan actually appeared at a February meeting.

Ms. Mallek agreed.

Mr. Tucker said the confusion may be that the request went to the ACSA in January.

Ms. Mallek said there was a suggestion at one time that the National Guard or some other organization might help these people get a temporary water supply. Did anything like that happen? Mr. Tucker said he did not have an answer to that question.

Ms. Thomas said she is sorry it could not have moved faster, but by State law it could not. She appreciates staff moving as fast as they did.

Agenda Item No. 13. Consent Agenda. Mr. Rooker **moved** for approval of Items 13.1 through 13.4 on the Consent Agenda and to accept Item 13.5 for information. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Slutzky.

Item 13.1. Approval of Minutes: November 12, 2008.

Mr. Boyd had read the minutes of November 12, 2008 (beginning at Item No. 13 on page 21 to the end) and found them to be in order as presented.

By the recorded vote set out above, the minutes which had been read were approved.

Item 13.2. Resolution to accept road(s) in Mountain Harvest Farm Subdivision into the State Secondary System of Highways.

By the recorded vote set out above, the Board adopted the following Resolution:

RESOLUTION

WHEREAS, the street(s) in **Mountain Harvest Farm Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 11, 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 **Mountain Harvest Farm Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 11, 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) **Mountain Harvest Lane (State Route 1013)** from the intersection of Route 684 (Half Mile Branch Road) 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 3603, page 746, with a 50-foot right-of-way width, for a length of 0.36 miles.

Total Mileage – 0.36

Item 13.3. Resolution to accept road(s) in Frays Grant Subdivision into the State Secondary System of Highways.

By the recorded vote set out above, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Frays Grant Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 11, 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 **Frays Grant Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 11, 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) **Frays Ridge Crossing (State Route 1880)** from the intersection of Route 664 to the end of state maintenance, as shown on plat recorded in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 3074, pages 166-182, with a 50-foot right-of-way width, for a length of 1.44 miles.

Total Mileage – 1.44

Item 13.4. Resolution to accept road(s) in Hollymead Town Center into the State Secondary System of Highways.

By the recorded vote set out above, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Hollymead Town Center**, as described on the attached Additions Form AM-4.3 dated **February 11, 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 **Hollymead Town Center**, as described on the attached Additions Form AM-4.3 dated **February 11, 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) **Town Center Drive (State Route 1719)** from the intersection of Route 29 (Seminole Trail) to the end of state maintenance, as shown on plat recorded in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 3224, page 245, with a 96 foot variable right-of-way width, for a length of 0.07 miles.

Total Mileage – 0.07

Item 13.5. Copy of the Albemarle County Service Authority's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2008, **was received as information.**

Agenda Item No. 14. **Public Hearing:** SP-2008-052, Forest Lakes Office Park (Signs #96 & 103).

Proposal: Special use permit request for off-site parking and dumpster pad.

Zoning Category/General Usage: R-15 Residential: compact, high-density residential (15 du/acre).

Section: 18.2.2.16, Stand-alone parking and parking structures (reference 4.12, 5.1.41).

Comprehensive Plan Land Use/Density: Transitional in the Hollymead Community.

Entrance Corridor: Yes.

Location: Southeast corner at intersection of Timberwood Boulevard (SR 1721) and Worth Crossing (SR 1722).

Tax Map/Parcel: Tax Map 46B4 Parcels 7B and 7C.

Magisterial District: Rivanna.

(Notice of this public hearing was advertised in the Daily Progress on January 28 and February 2, 2009.)

Mr. Bill Fritz, Chief of Current Development, summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. The property is located at the intersection of Timberwood Boulevard and Worth Crossing in the Forest Lakes commercial area. The request is for approval of existing parking spaces on a lot that has no primary use on it at this time (stand-alone parking). He showed on the screen the concept plan that was included with the special use permit request. A request to allow offices in the R-15 district was approved a few years ago, along with a site plan for the property; however, the plan presented with this request differs somewhat from that plan. There was a great deal of discussion by the Planning Commission about this, actually occurring over two meetings.

Mr. Fritz said the specific request is for stand-alone parking. A subdivision was approved (he noted the boundaries of that subdivision on a map on the screen), and the placement of portions of the parking areas on adjacent property. The requirement on the site plan was that bollards be placed in the travelway to prevent the parking areas from being used – there was no other use on that adjacent property and the bollards were never put into place. The property has been in violation of site plan requirements for quite some time. This special use permit would allow that parking to remain and be considered stand-alone parking. A great deal of additional commercial development can still occur on this property. He showed a photograph of one of the areas – parking there is integrated into the development and as further development occurs will be integrated into that development as well. He noted another parking area which is in a field shown on the original special use permit request as future development. He said Current Development staff reviewed the application and found that it met ordinance criteria, and thus recommended approval; the Planning Commission also recommended approval. He offered to answer questions.

With no questions for staff, Ms. Mallek asked the applicant to speak.

Mr. John Grady said Mr. Downer (the applicant) was called out of town due to an emergency and had asked him to represent him tonight. He offered to answer questions from the Board.

There being no questions, the public hearing was opened. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

Mr. Boyd immediately **moved** for approval of SP-2008-00052, Forest Lakes Office Park, as recommended by the Planning Commission. Mr. Dorrier seconded the **motion**, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Slutzky.

Agenda Item No. 15. **Public Hearing:** SP-2008-028, BB&T Crozet (Sign #37).

Proposal: Request for special use permit to allow for a drive-in window for a bank in accordance with Section 24.2.2 of the Zoning Ordinance which allows for drive-in windows serving or associated with permitted uses within HC-Highway Commercial zoning.

Tax Map/Parcel: Tax Map 56, Parcel 110, contains 6.189 acres and is zoned HC-Highway Commercial and EC-Entrance Corridor. This site is located on the southern side of Rockfish Turnpike (St Rte 250 West), approximately 1/2 mile east of the intersection with St Rtes 240 and 635. The Comprehensive Plan designates this property as Urban Center (CT 5) in Crozet Community.

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on January 28 and February 2, 2009.)

Mr. Fritz summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this is a request for two drive-through lanes with a proposed 2,400 square foot bank to be constructed in the Blue Ridge Shopping Center on Route 250 West near Crozet across the road from Clover Lawn adjacent to the Blue Ridge Builders' Supply. He showed the site plan for the property on the screen and explained its features. The location is in an Entrance Corridor so the ARB reviewed the project and recommended approval. He said the Zoning Ordinance requires five stacking spaces for circulation, but this particular application provides four – that modification was approved by the Zoning Administrator as allowed for in the Zoning Ordinance. He showed the design reviewed by the ARB. Staff found that the proposal complies with Zoning Ordinance requirements and that the ARB recommended approval. It found no unfavorable factors. He said the Planning Commission reviewed the request and recommended approval subject to conditions. He offered to answer questions.

With no questions for staff, Ms. Mallek asked the applicant to speak. The applicant's representative said he would answer any questions the Board might have.

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

Ms. Mallek immediately **moved** for approval of SP-2008-00028 subject to the two conditions as recommended by the Planning Commission. Mr. Rooker **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Slutzky.

(**Note:** the conditions of approval are set out in full below.)

1. Development shall be in general accord with the site plan titled "Grading, Site, and Utility Plan for BB&T", dated September 12, 2008; and
2. The reduction in the required number of stacking spaces is limited to one (1) space. Further reduction will require an amendment to the special use permit.

Agenda Item No. 16. **Public Hearing:** CPA-2008-004, Economic Development Policy. Amend the Economic Development Policy section of the Albemarle County Comprehensive Plan to reflect updated data and make revisions to the goals, objectives and strategies of the plan. (Notice of this public hearing was advertised in the Daily Progress on January 28 and February 2, 2009.)

Ms. Susan Steimart, Business Development Facilitator, said there is a three-fold purpose to this meeting tonight; first, she will review the history of the work completed on the policy update; she will review the last changes made to the policy; and, then, after taking public comments, the Board might adopt the updated policy. In September, 2007 the key findings were that farm income had declined, manufacturing employment losses were significant, and there was a shortage of light industrial land designated in the Comprehensive Plan, as well as zoned. The Board met to review this data in November, 2007, determined the policy was still fundamentally sound but directed the Planning Commission and staff to address the three key areas of workforce development, agricultural economic vitality, and the light industrial land supply.

Ms. Steimart said that in April, 2008 the Planning Commission reviewed the data and then staff worked through three work sessions on improvements to the Policy strategies. Key recommendations to the strategies were to incorporate the Neighborhood Model (this was adopted prior to the Policy so it was incorporated into three parts of the policy), to strengthen and enhance support for agricultural vitality, to address the need for light industrial land, to incorporate regional transportation support, and, to recognize key economic drivers. Since the last meeting on this policy, there have been a few more minor changes, and a bullet was added saying "to commission a study of the impact of agriculture to the County's economy." Objective 1, Strategy 11, was modified to point out the need to increase business diversity and lessen the tax burden to residential property owners. With that, staff recommends adoption of the updated policy.

Mr. Boyd said he got a recommendation from the public for a minor change at the beginning of the Policy. The recommendation is in the sixth line down from the top of Page 1 under "Policy": After "... development opportunities and diversified tax base" insert the words "the community will enjoy a growing" before "and diversified tax base." He thinks that makes sense. He noted that in the line above that were it says "competitive wages" it has been suggested that the word "and" be inserted so it says "competitive wages and development opportunities".

Ms. Mallek said the only "and" needed in that sentence is already a part of the sentence.

Mr. Rooker said he found some minor word things he would like to note before the public hearing is opened. On Page 4, under Objective 1, Strategies, Paragraph 1, in the last line which starts with the words "offer a mix of uses and a balance of jobs" the word "to" should be included. Next, in Objective 2, Strategies, Paragraph 2, in the last line which starts "Housing support services and multi-modal options" insert the word "transportation" in front of the word "options" because transportation is not discussed there at all. Under Paragraph 4 in that same section, where it says "additional infill approaches" add the words "should include". In the second bullet in Paragraph 4 where it says "Encouraging proffers for assembly and light industrial land or funding to offset the cost of local light industrial user expansion where there is

an impact from the project” what is meant by “mitigating impacts.” He thinks that language should be deleted. Ms. Steimart responded that legal staff recommended there be a clear nexus between a project and its impacts.

Ms. Mallek said it is important to tie the mitigating project into it.

Mr. Rooker said the Board is encouraging proffers where there is an impact from the project. Mr. Davis said the language could be improved by saying “... and it is necessary to mitigate impacts.”

Mr. Rooker agreed. He asked if in Paragraph 5 of that same section, in the second line where it says “Facilities and programs to support business and industrial development of designated” if that means designated development areas. Ms. Steimart said “yes.”

Mr. Rooker suggested adding the words “development areas” at that point. At the end of that paragraph it would be clearer if the words “in appropriate locations” were added after the word “development.”

Ms. Thomas said on that same page there are initiatives such as the high school technology tour. She asked what it is and whether it needs to be part of a comprehensive plan amendment. It is in the bullets under Objective 3. Ms. Steimart explained that the technology tour is directed at high school students and is a one-day event each year to visit companies in the region to learn about careers generally in high technology fields. Mr. Benish said it is not necessary that it be included.

Ms. Mallek said it might encourage similar initiatives if included, so it may be useful.

Mr. Rooker said in the last bullet under Objective 3, Strategies, Paragraph 2, where it says “Continue to cooperate with other jurisdictions on regional transportation” everything except “regional transportation” can be removed because it is under a section that says “maintain cooperation with the City of Charlottesville” so it is redundant. On Page 8, Paragraph 4 at the top of the page where it says “Recognize, identify and quantify new benefits and costs for business and citizens imposed by any proposed ordinance or policy change” the words “on business” can be deleted because the Board has already said “for business and citizens.” Under Objective 6 on that same page, Strategies, first bullet, at the end of it there is language that says “such as measured by the number of participants in career education activities.” He asked if that language has any meaning. It already has the language “Increase support for initiatives that foster career planning, decision-making and workplace readiness skills for the K-12 population.” He thinks that language covers the issue.

Ms. Mallek asked if the words “as measured” are still needed. Ms. Steimart said it is a way of incorporating metrics for engaging success.

Mr. Rooker suggested deleting the word “such” and simply saying “as measured by.” In Paragraph 2 on that same page which reads “Encourage and support continuing educational and training programs, prepare the local workforce for the skill demands of current and future employees, including appropriate work habits and life skills” he suggested deleting “including appropriate work habits and life skills” because it already talks about providing skill demands of current and future employees.

Ms. Thomas said that sometimes it is that basic level of skill which is needed so she does not think it does any harm to keep that language.

Mr. Rooker said he has no problem with leaving it in, but he felt it was redundant. On the next page in Paragraph 3d, he asked the meaning of the term “entrepreneur software.” Ms. Steimart said there is a new program titled “Business First.” It is a regional program using a software package called “Executive Pulse” that allows for a systematic approach to checking in with businesses on their current issues, strategic planning and long-range needs.

Mr. Rooker said he had never heard that term before. He said if the intention is to use the name of a specific software program, it should be inserted at that point. Mr. Tucker suggested including the words “such as.”

Mr. Boyd said he does not think this should be limited to just one program.

Mr. Rooker suggested using the words “Use technical approaches to help identify workplace training needs.” Ms. Steimart said it is an important systemic approach and the benefit of using a software database is that the data can be rolled up, and there can be Albemarle specific information as well as regional and state information.

Mr. Rooker suggested using the term “use software databases” instead of “entrepreneur software.”

Ms. Thomas suggested deleting the word “use” in order to make the construction parallel.

Mr. Rooker said in the last bullet on that page the term “entrepreneur software” is again shown as a priority action measure. That is just a repeat of what is set out above.

Ms. Thomas said it is listing short-term priorities so it repeats all of them.

Mr. Rooker said that on page 12, Analysis and Findings, Paragraph 5, under "Tourism", in the second to the last line where it says "... typically it has a higher average occupancy rate" in front of the word "occupancy" he suggested putting the word "hotel." He assumes that is what the sentence means.

Ms. Thomas suggested saying "lodging occupancy."

Mr. Rooker said that in Paragraph 7 in the same section, in the second line it says "... graduate degrees also a reflection of the presence of the University in higher technology." He asked if it should say "high" or "higher".

Ms. Thomas said in that sentence it needs to be expressed well since it claims the "we" are well-educated.

Mr. Rooker said the word should be "high" not "higher." That is all of his suggestions for changes.

Ms. Thomas said she did not know the Board would be going through this document and making these corrections. In the first paragraph of the Policy statement in the sixth line up from the bottom of the paragraph there is a semi-colon that should not be there. The Board received a copy today of the Albemarle County Service Authority's report and on page 40 it gives a historical listing of the type of water customers and the amount or use. The industrial use falls until in 2008 it was only 13 percent of water usage in that category as compared to 1999. While people in the community are talking about water conservation, it is interesting to note that water has been saved through loss of the area's industries; that is not the recommended way.

Mr. Rooker said the people coming into the University Research Park and the Fontaine Research Park, for example, are not heavy water users.

At this point, Ms. Mallek opened the public hearing.

Mr. John Grady thanked the Board for looking at this policy and encouraged their adoption of same. He asked the Board to look at property on the north side of Route 250, on the east side of I-64, from location of the Comfort Inn down to the existing light industrial property at Hunter's Hall and further along Route 250 to the VDOT facility for the possibility of adding it to the light industrial designation. With a multi-million dollar hospital and other commercial uses currently being constructed on Pantops, this area can support light industrial uses. He knows the area is designated rural at this time, but this property virtually has no residential value. This is a good time to make a change on that property.

Mr. John Chavan said his property is located next to the Comfort Inn. You can see a four-lane highway from his windows and see almost 40,000 cars per day pass by. The land really isn't rural area. He said there is a hotel nearby and the other characteristics of the area make it not rural any longer. The Board has changed many designations in the past. They have been trying to find land for light industrial zoning, and he is willing to have that designation on his land.

Ms. Connie Lee said she works for the University of Virginia and she came to support Mr. Chavan's issue.

Ms. Meena Chavan said she supports Mr. Chavan's cause to have his land designated as industrial. She lives on the land and there is nothing rural about it. She became a citizen last July and is a proud American. One outstanding feature of America is that it is fair, so she trusts the Board to make a fair decision and include this land in the zoning so he as a normal citizen has a chance to rise and serve the community.

Ms. Silvia Mills commended the Board for their difficult work during this budget crisis. She expressed her support for Mr. Chavan's request, noting that the area surely is not rural. The Economic Development plan needs more industrial land and this land provides a good opportunity for that designation. The area already has much development.

Mr. John Lowry, Chair of the Economic Development Authority, addressed the Board. He asked the Board to make one change in the Policy under Objective 1 in Strategy 7, and that is to change the word "facilitator" to "director." He researched 12 counties and 12 cities in the state and all of them have a director of economic development. He asked why Albemarle does not have a director of economic policy. He appreciates Ms. Steimart's work, but believes that position should be elevated to establish "line authority" between Mr. Tucker and staff below. There needs to be an in-house advocate for the economic policy, someone who could speak to those who come to him or her and they could say "yes" or "no" to certain things. Having a director would show that Albemarle County is ready to accept business development in the growth area. If there is not a director, the County is in effect letting the business people determine Albemarle's policy. His basic question is: Why is there no director of economic policy? The position does not need to be filled immediately, and it could be a staff person who is just given more authority and visibility.

Mr. Morgan Butler addressed the Board on behalf of the Southern Environmental Law Center. He said SELC participated in the Planning Commission work sessions and provided input on the policy. He thanked them for incorporating some of SELC's suggestions. He has one more suggestion on Page 6, Objective 2, Strategy 4, which reads: "Encourage infill development of business and industrial uses in areas designated in the land use plan" He concern is that the clause he just read is ambiguous and unclear, specifically the words "designated in the land use plan" as it doesn't identify what those areas are. He recommended that the language be tweaked to make it clear it refers only to land in the development

areas. For the County to proactively rezone land to commercial and industrial uses outside of the development areas would pose a conflict with the County's overall growth management policy of discouraging development in the rural areas. It would not mean the County would not explore or consider such developments outside of the development areas, such as it is doing now with the Yancey proposal, but it wouldn't be the County's policy as enunciated in the Comprehensive Plan to encourage such rezonings to proactively initiate rezonings outside of the development area to business and industrial uses. He thinks the change could be accomplished by changing the language to read "Encourage infill development of business and industrial uses in development areas" and pick up with "including." He said the same language is on Page 9 under Priority Action Measures. The same justification holds true for changing the language there also.

Ms. Mallek asked if anyone wanted to react to the suggestions.

Mr. Rooker said it is a point of clarification because he cannot image any place in the rural areas were there would be "infill development." He thinks it would be appropriate to make the change on Page 6 and also on Page 9 as a point of clarification since the language is addressing infill development.

Mr. Boyd asked how infill is identified. The Yancey Mills property is adjacent to existing heavy industrial, so is that considered infill, or is Mr. Rooker thinking specifically about the gaps between two areas?

Mr. Rooker said he views infill as filling in gaps between areas and generally on not large tracts of undeveloped property. He cannot image a 120-acre infill development. When thinking about infill, it usually refers to one lot or some area between two existing developed pieces of property.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board. He has been encouraged by his work with staff, the Planning Commission and members of this Board. The changes he heard recommended tonight deal with clarity and improving people's understanding that Albemarle County is interested in business and interested in being pro-business where it makes sense. This Comprehensive Plan amendment is a significantly stronger statement of that pro-business position. It also recognizes that agribusiness and tourism around agribusiness is important. This plan has strategies for improving the policies the County uses to promote agribusiness and keep the rural areas economically viable while still maintaining open space and a place where people love to live. He thanked the Board for listening to the many people who have provided input on this matter and he asked the Board to pass this amendment tonight.

Mr. Will Yancey addressed the Board. He said he supports the Comprehensive Plan amendment in its current form, but he does not endorse Mr. Butler.

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

Mr. Rooker said for the people who spoke about the property on Route 250 East, this amendment is not a proposal to change any land use designations. This is a proposed general statement of economic policy in the County. This is not the forum in which the Board would entertain a Comprehensive Plan change for a specific piece of property.

Mr. Boyd said he understands that but would like to bring some closure to Mr. Chavan's issue. He brought a request before the Board for a zoning change and it was denied. At that time, the Board left him with the impression that the economic restructuring in the Comprehensive Plan might have some impact on that request. Mr. Boyd said he knows this would have to come to the Board through the proper venue, but he wonders if the Board would even consider such a request. If the Board is not going to consider it, he does not think Mr. Chavan should go to the time and expense of filing an application.

Mr. Rooker said that issue is not before the Board. There is no staff report on it and there is no information about it. He has never seen a situation where someone came in and asked for water for an emergency family situation and then tried to use that grant as a reason why the property should be rezoned to commercial use.

Mr. Boyd said he does not understand that connection either. Since this is his constituent, he wants to know whether it would be worth Mr. Chavan's time to submit an application. If there is nothing in the economic policy that would lead the Board members to believe they might want to expand some industrial areas, then there would be no need to file. Mr. Davis said Mr. Benish might speak to this question. The Planning Commission has had discussions about this area.

Mr. Rooker said these things normally come through the Planning Commission to the Board.

Mr. Boyd said he understands that.

Mr. Benish said as this issue pertains to this economic development policy, staff had indicated to a number of property owners considering commercial or industrial land use changes in the rural areas that observing the discussion of the policy changes with the Planning Commission and the Board might inform them as to what might be considered possibilities in the future for changes to the Comprehensive Plan. The Commission had a fair amount of discussion about a number of these requests in the broader context of where the expectations are for growth area expansion. Some of the language that clarifies infill development in the development areas came from their desire to focus economic analysis of industrial lands first on the development area and then on other areas. That is what the Commission told staff as it

went through this issue, but this is not the point where any definitive decision can be made. The next step in the process under Objective 2, Strategy 1, is for staff to take a more detailed assessment of the industrial land use inventory. Some discussions staff had about this policy helped them decide where to focus and gives guidance as to what should be done. The consensus of the Commission was to focus on the development areas first. It does not mean staff would not consider other places.

Mr. Boyd asked Mr. Benish if he would consider this particular piece of property as infill. Mr. Benish said in terms of the correction made, and Mr. Butler's suggestion, the language was intended to address the development area. The idea was to look at the development areas and encourage infill opportunities in various ways through mixed-use development and other things.

Mr. Rooker said Mr. Boyd's question was specifically about the property on Route 250. Mr. Benish said this property is part of the rural areas.

Mr. Boyd said it is sandwiched between light industrial and highway commercial. It is next to what is essentially an industrial park. Mr. Benish said it could be infill from a form of development. Mr. Davis said it has a 1980 zoning designation that was carried over into the 1980 Comprehensive Plan.

Mr. Tucker said that in 1980 the Board wanted to recognize existing buildings and structures even though they fell outside of the development area. What Mr. Benish is saying is that at some point the inventory might be assessed and a Comprehensive Plan amendment of that entire area undertaken. A rezoning would come after that had occurred.

Mr. Rooker said when Mr. Chavan came to the Board before it was for a rezoning which was contrary to Comprehensive Plan recommendations. He said Mr. Boyd is asking whether the Board would support a Comprehensive Plan change for this area, and whether there needs to be a staff report on the whole area with a recommendation from the Planning Commission.

Mr. Boyd asked if staff is going to undertake that process.

Mr. Rooker said somebody would first have to file an application. Mr. Benish said the question is whether the Board would want to look at an individual request out of the context of looking at the study that calls for assessing the quality of areas designated for business and industry through analysis of site, topography, location, and availability of infrastructure. The concept was to look comprehensively across the County at opportunities for that focusing first on the development area and also looking at other unique locations.

Mr. Boyd asked when that work is scheduled. Mr. Benish said he believes it is a priority assignment for Ms. Steimart after adoption of this Comprehensive Plan amendment. It is a study that will inform future master plans, so staff does not make non-comprehensive decisions about these matters. There are other issues involved besides this individual property. There is a balance of locations, and whether unique needs for industrial sites are being met.

Mr. Boyd said he agrees it needs to be done, but he wonders when that study will be finished and back before this Board.

Mr. Mark Graham said that staff will go through the data analysis and try to determine the needs in the next 10 or 20 years, and then start applying it to areas. The first directive for staff and the Planning Commission is the Crozet Master Plan with respect to Mr. Yancey's application. Staff hopes to do it as part of the master plan updates.

Mr. Boyd asked if work is five years off for Pantops. He said the area in question is not even in the Pantops Master Plan. Mr. Graham said just like Mr. Yancey's request which is near the Crozet Master Plan area, this one is near the Pantops area. Discussing it in the overall context of the Pantops Master Plan appears to be the appropriate time to discuss it.

Mr. Boyd asked if it will be done on a regional basis and not comprehensively for the County. Mr. Graham said staff will look at it comprehensively with respect to industrial demand. That is the first part of the data analysis.

Mr. Boyd said the Board saw some information on that from Ms. Steimart. Mr. Graham said staff needs to dig deeper into that information and then apply it to specific areas as it goes through each of the master plans.

Ms. Thomas said she talked with a member of the City Planning Commission who is interested in changing some of their light industrial land to residential. She asked if City staff had done an analysis of how much of that land they have. She found that he was just "eyeballing" it and thought they had too much such land. She encouraged County staff to work with City staff and City figures, particularly if they are thinking of changing things. That would put a greater pressure on the County's industrially-zoned land. If they work together, staff might find there is more available light industrial land in the region if the City's land is also considered. She has no idea what staff might find, but encourages them to look at what the area has to offer instead of just Albemarle.

Mr. Rooker said that is particularly true if the City is thinking about eliminating some light industrial land.

Ms. Thomas said she did not want to start a rumor; this was just one Planning Commissioner who spoke.

Mr. Boyd said he thinks this is a real problem that needs to be dealt with soon. He knows of a couple of businesses wishing to relocate here but there is no place for them to do it. Also, there have been small businesses that moved out of the County because there is no affordable light industrial property.

Mr. Rooker said he does not think the Board can solve the affordable problem. He thinks a good assessment is needed. If there are specific people who looked at coming here but did not because there was no land available, it would be helpful to know that.

Mr. Boyd said he has some information he can share with Mr. Rooker.

Mr. Rooker said the Board needs to know the kind of needs going unfilled. Part of the problem is that light industrial land has readily been converted to other uses – rezoned or used for office – and if the zoning designation is left such that it allows light industrial property to be used for higher and more valuable uses to the owner, it's not going to be opened for use by small businesses. He said the University Research Park could accommodate some of these requests.

Mr. Boyd said they will not take everybody into their park and have turned away some of the people he mentioned.

Mr. Rooker said there is no assurance that making a spot designation will create more affordable land and the choice between Albemarle and Fluvanna, etc., will still weigh in favor of going somewhere else if someone is looking for three acres of very inexpensive land so use for commercial purposes.

Mr. Boyd said he is not advocating for spot rezoning, but just wants to give the people who came tonight about their project some idea of the process. If it is done as part of a master plan update, it will probably be four years before the Pantops area is done again. Mr. Benish said the first step in the process is to determine in detail the best lands for the deficiencies that exist now, and where to locate them best spatially in the County to best serve industrial needs. Staff will begin working on that step in the next few months. In the context of looking at an individual Comprehensive Plan amendment request, it is whether the Planning Commission and the Board would feel comfortable making an individual response during or before that comprehensive study is done. In the past, the Board and Commission tended to want the whole picture before they reacted to an individual request.

Mr. Boyd said he would say that is probably the way it is now.

Ms. Mallek asked if staff will go through the brown fields and places where mediation is taking place (Badger, Avionics, ConAgra, etc.) and put them in the mix. Ms. Steimart said "yes."

Ms. Thomas asked about home occupations. She said that often the demand for light industrial is from someone who had a home occupation which has outgrown their property. She asked if that aspect of this is part of Community Development's work plan. Mr. Graham said that was one of the specific strategies in the work program, it overlapped with working on rural area strategies and the Economic Development Policy. He confirmed that the work will begin soon after this policy is adopted.

Mr. Boyd asked if Mr. Graham is saying this is the first step, and the next step will occur six months to a year later. Mr. Graham said that is correct.

Mr. Boyd asked if after that is identified globally the Board will be able to look at individual requests. Mr. Graham said if the Board feels it is enough of a priority, there is a Comprehensive Plan amendment process that is always in place and available to applicants. Staff can take individual areas of the County out of turn in the master planning process. That is the prerogative of the Board and Planning Commission.

Mr. Rooker said that is what has occurred with the Yancey request.

Ms. Mallek said it is difficult to know if something is urgent until there is the comprehensive overlook.

Mr. Rooker said he would like to point out that the location of Avon Park is an example of a piece of property that was zoned Light Industrial and located close to town. That property had that LI zoning for years, but the owners never found a user for that zoning. The applicant then requested a Comprehensive Plan change and a zoning change to convert it to a higher and more valuable use. People who have owned and held light industrial property have not found a huge demand for it.

Mr. Tucker said at this time, the Board needs to decide if it will approve the Economic Development Policy and Comprehensive Plan amendment as presented.

Mr. Rooker then **moved** for approval of CPA-2008-004 with the changes indicated tonight. Mr. Davis said with the number of changes made even though they are technical in nature, it might be a better process to incorporate all of those changes and put the final version on a consent agenda for approval, so the language would be definite.

Mr. Rooker said that is fine with him, and he **withdrew** his motion. He then offered **motion** to defer taking action on CPA-2008-004 until the next Board meeting, and consider it as part of the Consent Agenda. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Slutzky.

Agenda Item No. 11. From the Board: Matters not listed on the Agenda (deferred from earlier in the meeting).

Mr. Boyd said the group that has been looking at a fire/rescue ordinance has come up with a finalized draft to submit to the Fire/Rescue Advisory Board in a couple of weeks. He asked if the Board members would be interested in seeing a copy of that draft now.

Ms. Mallek said several members of the rescue squads invited Mr. Slutzky to meet with them in order to present him more information regarding the EMS fee recovery.

Mr. Boyd said Mr. Slutzky conveyed to him the results of that discussion and it is a different direction than the Board had considered, and he wondered if the Board is ready to move forward with that plan. He understands the fire/rescue people wanted assurances from the Board in terms of a policy because they know the Board cannot encumber future boards in terms of the funds, but it was the intent to use all of these dollars for emergency services. He is bringing this up because if that is their counterproposal he thinks it would be acceptable.

Ms. Mallek said a way to focus their attention on this subject is to charge the rescue representatives and staff to work on a draft of the ordinance and present something to the Board that is a little more concrete.

Mr. Rooker asked if this is the recovery fee.

Ms. Mallek said "yes." She said Mr. Slutzky wanted to participate in the discussion but could not be present tonight.

Ms. Thomas asked if it is clear that the funds can cover the broader expenses of the safety system, such as the 911 system, things not normally thought of as part of the cost of the system. It certainly is a major cost and a major financial burden on the County taxpayers.

Ms. Mallek said that in any plan, that was to be the third tier. The first allocation of money was to cover their operations, and that would replace the money the County normally allocates. The second tier was division of extra revenue, but that was something that also could be set aside for capital needs. Their budgets would be for operating expenses with the capital set aside for the fleet and things need replacing. One recommendation is for a fleet report listing all County-owned vehicles and all volunteer vehicles in one place.

Mr. Rooker said the assumption all along has been that the money collected from the recovery program would go into the fire/rescue program in some form or another, primarily for their operations. He asked if anyone knows the total amount of the annual budget allocation for operating expenses.

Mr. Boyd said it depends on what is included as an operating expense; there are some discrepancies.

Mr. Rooker asked if it is over \$1.0 million.

Mr. Boyd said "yes."

Mr. Rooker said when the Board looked at this recovery program earlier, the amount expected to be recovered is less than the County's present allocation for operations, "so it's kind of a moot point."

Mr. Boyd said he keeps pointing out that this is a "recovery" program. The County advances them money every year, and this would just recover some of that money. He brought this up tonight because he thinks the Board needs to move forward with the program. The group was asked for a report in January, but did not present it then.

Ms. Mallek said Mr. Slutzky wanted to do more work on the notes to get everything straight.

Ms. Thomas said there were only two Board members on that group, so the rest of the Board members and staff were not involved.

Mr. Boyd said they wanted the ordinance to be put on the agenda for a public hearing in May.

Ms. Mallek said she does not want people to worry about a deadline and feel that they are being rushed and not heard. She wants to make sure people have a voice in this, and she recommends that the ordinance proceed while the recovery part is on a parallel track.

Mr. Rooker said that he, Ms. Thomas and Ms. Mallek went to Richmond to attend Legislative Day. The Governor spoke and talked about the President's stimulus plan and the current economic situation. They also heard an economist speak specifically about the stimulus plan; he made some concrete recommendations about things the County should be getting together to make certain it has a reasonable chance of participating in some manner. They were forwarded to Mr. Tucker.

Mr. Rooker said they also met with the High Growth Coalition. The counties that are part of this coalition have a lot of the same legislative concerns. They received an update on various pieces of legislation and in most cases input the County provided which went through the Coalition and the lobbyists and Mr. Dave Blount had a significant impact on the legislation the County is most concerned about. The proffer legislation which would have basically ended proffers in 2014 has been laid aside. One that is still going forward has to do with private septic systems; unless there has been a recent change it appears it will go through. Mr. Davis said it passed the House on a 50/48 vote and is now going to the Senate.

Ms. Mallek asked if it had a companion Senate bill. Mr. Davis said it was just a House bill, but now it goes to a Senate committee for consideration. If it is reported out it will go to the full Senate. If they pass the same bill the House passed, it would go to the Governor.

Ms. Thomas said it is frustrating that the vote was that close. She said this will take out of local government's hands any regulation over alternative septic systems. That is a major aspect of the rural areas. Growth and development policies in Albemarle County have depended on it. Certain areas in the County do not perk and alternative systems can be put anywhere. The County will lose a major piece of what previously determined part of its growth pattern. The health, safety aspect of it is that the County will not be able to say "no" in particular situations and these systems could endanger neighboring landowners. The Health Department does not always look at the same things staff looks at in terms of the health and safety. They consider these systems as temporary so they do not use the same high standards the County uses. The County considers them to be permanent in the rural areas because it knows that water lines will never be extended into those areas. She regards it as a major impact on Albemarle, so the Board can only hope that some Senators agree.

Ms. Mallek said if that bill passes, the Board needs to ask the Governor to use his veto power.

Mr. Rooker added that Albemarle is in better shape than a lot of counties, as many of them have rural area zoning of one lot per acre and there has not been much development in those areas because the land does not perk. Albemarle's zoning is not quite that permissive. He agrees with Ms. Thomas that the bill is not something that helps anybody from a growth management standpoint. It basically says that no stricter maintenance than the manufacturer recommends can be required.

Ms. Thomas said she cannot image that a manufacturer would say the system has to be maintained every six months or "it will blow up." She thinks they will suggest only a minimal type of maintenance. The frustrating part is that there were bills put in by the Homebuilders' as a way to help them out in these economically difficult times. Those are going forward, and there does not seem to be any reason to argue against them, but this one did not have any connection to economically hard times for the Homebuilders', it just "rode in on the coattails" of those other bills. She thinks it really will do damage to the County.

Ms. Mallek said she attended a VACo class over the weekend, and Mr. Dean Lynch, the financial and budget person from VACo updated them on the latest reductions in the State budget. One is a substantial reduction in State support for constitutional officers. He said that many counties have said to their constitutional officers that they have to make the adjustment. It is not a foregone conclusion that they will be able to make up the loss from the State. The other budget amendment is to take away the train which had already been funded by the State.

Mr. Rooker said another program cut back significantly is the drug court.

Ms. Thomas said that funding was removed entirely in the House version. She cannot imagine a more short-sighted thing. It is less expensive and actually has an effect on recidivism.

Mr. Rooker said the recidivism rate for drug court clients is 20 percent of those who were incarcerated for similar crimes.

Ms. Thomas said when comparing Virginia's budget to that of other states the amount of money it spends on its prisons is much higher. She would think the Legislators might want to fund alternative programs that cost less and are more effective.

Mr. Dorrier said he received some information last week that said judges in the Sixteenth Judicial Circuit sentence at a more strict level than other judges. He said there may be some possibilities to do something about the drug problem through drug courts and persuading judges that they work.

Agenda Item No. 17. Adjourn to February 25, 2009, 6:00 p.m.

At 8:06 p.m., with no further business to come before the Board, **motion** was offered by Mr. Boyd, **seconded** by Mr. Rooker, to adjourn this meeting until February 25, 2009, at 6:00 p.m. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Slutzky.

Chairman

Approved by the Board of County Supervisors

Date: 05/06/2009

Initials: EWJ
