

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 11, 2009, with an adjourned meeting beginning at 3:00 p.m., 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 March 9, 2009.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:01 p.m., by the Chairman, Mr. Slutzky.

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Agenda Item No. 2. **Work Session: Capital Improvements Program.**

Mr. Bill Letteri, Director of Facilities Development, reported that the Oversight Committee's recommendation regarding the CIP was presented to the joint boards back in December, and those were also presented to the Planning Commission in January. In March the Board held additional work sessions. He emphasized that this year has been an anomaly, with no way to entertain new projects except those of a critical nature, and the need to reduce or delay projects totaling more than \$100 million over the five-year period. Mr. Letteri said that the Board and staff's approach to date has been proactive but conservative, in light of uncertainty about future revenues.

Mr. Letteri stated that one primary area of focus has been funding for competitive swimming pools, noting that this issue came before the County in 2007 when the YMCA planned to add that feature to their proposal. Mr. Pat Mullaney, Director of Parks and Recreation, is also present to respond to any questions. He said that in FY08, the Oversight Committee recommended funding for that in FY12, and recently considered two other proposals for competitive swimming. Mr. Letteri stated that the Board directed the County Executive to appoint a special committee made up of staff to consider all three proposals and make a recommendation. This was occurring during the same time as the normal CIP process. He noted that Parks submitted all three for consideration, knowing that only one would be recommended. The Board decided to revert back to the amendment-year process, given the economic downturn, and the direction the Technical Review Team was taking and the CIP process had to change. Mr. Letteri said that the team recommended deferral of all pool proposals given the amendment year.

Mr. Letteri reported that the Oversight Committee found the STAR proposal to be attractive at \$100,000 per year over a five-year period, and felt it important to get the School Board's position related to these projects. He said that the School Board entertained it at one of their February meetings and wrote back to the Oversight Committee indicating they supported the proposals for next year's CIP given that this was an amendment year.

Mr. Slutzky asked if the School Board considered the merits of the proposals or just a discussion of process.

Mr. Letteri replied that he believes that is accurate.

Mr. Boyd agreed, stating that people who attended that meeting indicated to him that was the case.

Mr. Letteri reported that the Oversight Committee's formal recommendation was to leave the placeholder of \$1.2 million in the out years of the CIP, and a full evaluation of the three proposals would be submitted to the CIP Technical Review Teams next year, which is hoped to be a normal CIP cycle.

Mr. Boyd emphasized that given the process, he could not say definitely that this was the recommendation of the CIP Oversight Committee.

Ms. Thomas commented that the Committee as a whole agrees on school and other CIP projects.

Mr. Boyd responded that there was not enough representation to get it inserted into the budget. He believes the CIP oversight process is broken.

Mr. Letteri said that the character of the discussion at the Oversight Committee meetings is not to isolate projects and vote on them one by one. Some projects are discussed more at length than others; some are just looked at in a cursory way, but in the end they present a schedule of proposed projects to be funded and a proposed schedule of projects, and they look for general affirmation from the Committee to go forward with a formal recommendation.

Ms. Mallek asked if the Committee was prioritizing which projects would come now and which would come later.

Mr. Letteri agreed that they were indeed doing that.

Mr. Dorrier said he thinks there is a basic problem of who is on the Committee. The room is full of staff and other individuals, but they do not vote.

Mr. Tucker confirmed that staff is not part of the Committee, and the process will be discussed at a later time.

Mr. Dorrier added that there has not been sufficient time to pull projects apart and analyze them, especially School projects. Staff brings forward the items as if they are defending them. It is hard to get the bottom line from everyone as to what to do.

Mr. Rooker said that there is a staff committee that brings these items forward, so they have already been prioritized before they come to the Committee. He emphasized that it's up to Committee members to call items out and ask for additional information in order to make their determination. No one expects the Committee to scrutinize every single small project within the CIP. This is kind of a strange conversation because after a period of time in dealing with this process and because there is one project that has been raised that did not make it through the process, all of a sudden the whole process is broken. If in fact the members of that Committee think that there is a better way of doing this he would ask that they make some recommendations about what that better way is.

Mr. Boyd said that he wouldn't feel comfortable going back to the School system and making recommendations against their projects. When he did question some of the projects, there were reasonable explanations for each of them. As a member of the Board, should the Board say that one project in Local Government is more important than another project in the School system. He tried to challenge the School system to look real hard at their projects to see if some of them could be cut down. That is where he lost his confidence because he does not feel the School system really looked hard. He thinks they took out a couple of small projects and left the remaining projects; whereas Local Government made some tough cuts on the County side.

Ms. Thomas said that perhaps the Board should have told the School system that a five percent cut was being requested. That direction was never given.

Mr. Boyd agreed and said that was discussed in their last meeting, and maybe the Board should do that in the future.

Mr. Rooker said he thought that the Board did indicate that they were going to have to cut \$100 million out of the CIP, and the Committee was to make recommendations as to how that would be accomplished. Some were School and some were General Government projects. His understanding was that one of the purposes of this Committee was to make relative priority rankings of projects among Schools and General Government overall, not just by individual categories. When Schools realized they had \$100 million less to work with, they came back with recommendations for the projects they felt made the cut. He thought the Board looks to the Technical Review and then the Oversight Committee to bring forward recommendations for a budget CIP amount that is available.

Mr. Boyd said the School system did indicate that had the Board said to reduce their five year plan by \$1 million or five percent, they would have willingly done that, but that was not the charge. The Committee let staff come back to them with those recommendations.

Ms. Mallek commented, "as you should."

Mr. Slutzky said that it's evident the CIP process needs to be reviewed in a separate discussion, and perhaps it will remain the same or perhaps there will be some changes. He does not think the Board should get bogged down in the CIP process today.

Mr. Letteri reported that there has been a substantial reduction in both transfers and resources for the CIP. This year the CIP excluded all new projects and enhancement programs except those of the most critical nature. There were proposed reductions of more than \$100 million in projects over the five year period needed to balance the CIP. He said that the School Board suggested postponement of the pool projects until next year. Mr. Letteri said staff is recommending that the Board direct the Oversight Committee to consider these proposals as part of next year's CIP cycle. Mr. Letteri also stated that they recommend the Board adopt the Oversight Committee's recommendation for the FY09-10 capital plan coincident with their adoption of the operating budget tonight. Mr. Letteri added that staff will schedule a work session to focus on the CIP process.

Mr. Slutzky asked if the Board was compelled to direct the CIP Committee to support the pool projects, if there would be \$100,000 available this year for the STAR pool project.

Mr. Mullaney replied that if the Board wanted to proceed with it that rapidly, Parks could find the money – perhaps delaying restroom installations at two park facilities.

Mr. Tucker added that the Board also has other funds – such \$100,000 in the reserve fund within the Board's budget; one-time money in the CIP; possible shifting of funds from other programs; additional freezing of positions, etc. There are opportunities. He does not think the Board has to amend the budget – either the CIP or the operating budget – to do that. Staff would just move funds within the budget that we're proposing tonight.

Mr. Rooker asked about the cost of the restrooms.

Mr. Mullaney replied that the cost would be \$50,000 for two new "vault" restrooms that would replace porta-john facilities and allow closure of year-round restrooms to save operating costs, similar to what's up at Mint Springs.

Mr. Dorrier mentioned the SOCA proposal, and asked if that sport had more people involved.

Mr. Mullaney responded that there are a lot more participating with SOCA, and the citizens' survey ranked swimming 15 out of 16 indoor recreation spaces. They have a very dedicated group of swimmers, but in comparison to other athletic activities it's small.

Mr. Rooker said that when the STAR proposal was sent out, it said that the project would serve "Albemarle County high school swim teams," noting that that is its primary public purpose. Swim teams have come in and said they are swimming from 9:00 until 11:00 p.m., midweek in order to get practice times in. Swim teams are experiencing expanded participation.

Mr. Mullaney noted that there are about 120 students actively involved in swimming for all three high schools combined.

Mr. Rooker said that the Schools are paying about \$21,000 annually for lane times, adding that there is a process issue here because this is a proposal for something school-oriented. He emphasized that it's important for Schools to weigh in on a project's importance within the CIP. Is it a high enough priority for the Schools? Is it a good deal? The Committee that was assigned to look at the pool proposals seemed to opine that this was a good deal in that the YMCA competitive lanes would cost in excess of \$1 million; this proposal would cost approximately \$500,000. In addition the YMCA would still charge lane fees. The savings on lane fees at \$21,000 per year, would amortize about \$250,000 in debt. Mr. Rooker said that the pool proposal would be approximately \$250,000 over five years – a pretty good deal if the need is a high enough need to spend CIP dollars on at all.

Mr. Slutzky commented that the \$21,000 is for all three schools; \$14,000 would presumably be applied to the STAR property, if the Board went forward with the Crozet pool separately.

Mr. Mullaney commented that the cost is approximately \$7,000 per school in lane fees.

Mr. Slutzky stated that this certainly seems like a better deal than what is currently in the CIP for funding the competitive pool addition to the McIntire YMCA pool. The issue is whether the STAR proposal is a school or general public purpose. He also said that it's unlikely that the STAR pool option would be available in future years. He then asked Mr. John McCue of STAR to address the issue.

Mr. McCue explained that lack of support now doesn't foreclose the project, but it does put some delays on it. Their plan is to build the pool and that is the direction they are going in. He said that there are a lot of variables with the YMCA and the closing of Smith Pool and pending closing of Crowe Pool. All of these things certainly make it compelling for them to build a facility. Mr. McCue commented that they hope to complete the pool in November, and the County's support will impact that timeframe. He confirmed that \$500,000 represents about 30 percent of the total pool cost, noting that it would be just over one-half of STAR's portion. Mr. McCue explained that the County's sports teams would have use of the pool, and there would be no fees associated with high school swimming – including the Western team if they chose to use the facility.

Mr. Mullaney explained that Fairview would own the pool and STAR would lease it from Labor Day to Memorial Day, with the County basically paying for the cover. In the summer the pool would be operated by Fairview as a private club. He said that Fairview and STAR would be responsible for maintaining it, adding that there would be cost savings in the travel to other facilities for swim meets.

Regarding participation of Western students, Mr. Boyd said that it is unlikely they would turn down the opportunity to swim at 4:30 in the afternoon just because the pool isn't in their neighborhood as they are swimming now at 9:30 at night.

Mr. Rooker stated that initially Parks and Recreation came in with a proposal for building County-owned facilities at \$30 million for three pools, noting that the County turned that down and suggested partnering with private agencies.

Ms. Mallek said that she felt obligated to express the issues raised by the Crozet Board, who would prefer to have the pool there used for Western students. She also stated that the time to consider the STAR proposal is next year, as staff has done a tremendous amount of work to trim the CIP and operating budget for priority projects and services.

Mr. Slutzky commented that a commitment this year would sacrifice the restroom upgrades, and the consideration is whether to move forward with this at \$100,000 per year, with the remaining \$400,000 and the CIP process brought forward through the CIP process next year.

Ms. Mallek said that if the economy worsens, the \$400,000 will not be there and the work on the pool would have already begun – along with the County's obligation to fund it. She is concerned about that.

Mr. McCue mentioned that revenues come from fees for competitive swimming as well as other programs run such as the Special Olympics, scuba certification training, water aerobics, etc.

Mr. Mullaney said that STAR is anticipating that additional membership would be attracted because the facility will be very nice and brand new, adding that the increased lane space would generate increased revenue.

Mr. Rooker said that Ms. Mallek's point is very well taken, as it is difficult for the Board to ignore the staff recommendation and instead jump outside of the process to include this project. He stated that the project should go back to the CIP Committee for their assessment as to whether or not this project satisfied the requirement of "most critical need," which the Board instructed that committee and staff to consider in evaluating proposals this year. Mr. Rooker pointed out that lighting fields in the community was a high priority for Parks and Recreation, and they came forward to say that was the least expensive way to accomplish that.

Mr. Slutzky stated that the "critical need" in this case is what the swimmers have to deal with to practice, and the sacrifice is the two restrooms.

Ms. Thomas said that it's not fair to make the issue seem to be pool versus bathrooms, and Mr. Mullaney just used that example to show where he would make cuts. She stated that the Parks and Recreation Department has been very responsive to the citizens' survey results, finding that the primary need is for passive recreation for older residents. Ms. Thomas also acknowledged that this is a very good proposal in getting a multiplier effect for dollars, but she is not inclined to support it for this year's CIP. She said that there may come a time where this is the most reasonable way to meet a low priority need.

Mr. Dorrier commented that the Oversight Committee could work with STAR to help move the project forward, but without the money this year.

Ms. Mallek said that the group is very well-organized and capable to move it forward even without the County's financial support.

Mr. Rooker stated that it would make sense for the CIP Oversight Committee to meet and determine if this project is one of a critical nature.

Mr. Mullaney said that the number one recommendation from citizens for park improvements is better restroom facilities.

Mr. Letteri reported that staff identified eight or nine major areas of concern, and this is probably not one of them.

Mr. McCue commented that there was clear confusion by the School Board over what was being requested, and he suggested that the Board listen to the podcast. He said that the School Board essentially said that they were not requesting capital budget for upgrade of facilities to support competitive swimming. Mr. McCue said that they weren't making a recommendation to delay; they were just saying that they didn't understand what was being requested. He noted that the Board recommended funding for the YMCA facility, but did not require the School Board or any other body to make recommendations.

Ms. Mallek responded that the YMCA proposal includes a warm-water general recreation facility for McIntire Park, not specifically something for competitive swimming.

Mr. Rooker noted that there are two components – the overall YMCA facility that includes educational and athletic facilities such as the warm-water family pool, and the \$1.25 million the County had set aside for potential participation in a competitive pool to be built next to the YMCA. But, that proposal has never been made completely concrete, and it was in the out years in our CIP." He also said that it is important for the School Board to consider the relative importance of their projects, and hopefully they will look at the merits of this proposal in the context of all other CIP projects as well as weighing it against the YMCA and Crozet projects. He thinks the Schools followed under the instructions that the only changes to this year's CIP, given the financial circumstances, are things of the most critical nature. He also thinks they did not think this request satisfied that criteria and did not go any further.

Mr. Dorrier commented that he thinks competitive swimming has a bright future in the County.

Mr. Rooker emphasized that Mr. Mullaney is speaking from the Parks and Recreation viewpoint, not the School viewpoint. He believes this is a proposal appropriately considered as a School CIP project because it is a public/private partnership that would enable facilities to be available to their students for competitive swimming.

Mr. Dorrier said that he would like to see additional public/private support in the form of money, but continued moral support from government.

Mr. Boyd said that he would like to propose a motion.

Ms. Thomas said that it's been suggested to vote on this item this evening when more members of the public are present.

Mr. Boyd said he has no problem with that.

**(At 3:59 p.m., the Board recessed and then reconvened at 4:10 p.m.)**

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Agenda Item No. 3. **Work Session: STA-2008-0002. Fees.** Amend Sec. 14-203, Fees, of Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend Sec. 14-203 to impose new fees, to increase existing fees, and to change but not necessarily increase other fees charged for almost all listed applications, permits, reviews, approvals, inspections and other services provided by the County in the administration of Chapter 14.

The following Executive Summary was provided to Board members:

The purpose of this work session is to review the Planning Commission's recommendation for Subdivision Ordinance fees. At the December 5, 2007 Board meeting, staff presented a Community Development Fee Study and a recommendation for a fee policy. (Attachment A) Subsequent to that study, staff proposed changes to the fees in the Building Regulations and Water Protection Ordinances, which were approved by the Board in August 2008. Staff then presented a recommendation for Subdivision Ordinance fees to the Board in September 2008. (Attachment B) The Board directed staff to present that recommendation to the Planning Commission and the Planning Commission to return a recommendation to the Board. The Planning Commission held work sessions in October 2008 and January 2009. The Planning Commission then held an ordinance amendment public hearing in March 2009. (Attachment C) Today's work session is to review the Planning Commission's recommendation and staff's original recommendation on Subdivision Ordinance fees, and to then receive direction from the Board prior to setting the Board's public hearing for the amendment to the Subdivision Ordinance. Following completion of the Subdivision Ordinance text amendment, staff plans to bring forward the Zoning Ordinance fee amendments.

The staff recommendation in Attachment B, presented to the Board in September, 2008, attempted to balance two factors, maximizing recovery of County costs associated with required Subdivision Ordinance reviews and maintaining reasonable consistency with fees in comparable localities. Maximizing cost recovery through fees helps the County reduce the tax support otherwise required for this program. For example, retaining the current fees means the review costs are largely borne by the taxpayer rather than the subdivision applicant. Maintaining consistency with other localities assures applicants see similar fees to other localities. Staff distributed a simple survey to a number of surrounding and comparable localities to see how our processes compared to others. (Attachment E) Staff found Albemarle County's processes add costs to the applicant that are related to engaging the neighbors and providing additional oversight by the Planning Commission not seen in most other comparable localities. Staff balanced this issue by making the applicant responsible for the costs associated with assuring ordinance compliance as typically done in other comparable localities while the County would support those costs resulting from processes above and beyond other localities. Based on the foregoing, the balancing of the two factors roughly equates to a 50% cost recovery, which was staff's recommendation to the Board at the September, 2008 work session.

The Planning Commission was divided on how much of the additional process cost should be the responsibility of the applicant versus the County. On October 7, 2008, the Planning Commission reviewed the executive summary from the September 2008 Board work session. The minutes from that meeting on subdivision fees are included as Attachment D. As a result of that meeting, staff was tasked with investigating the outsourcing of engineering reviews, creating separate charges for notices, and analyzing fees at 100% cost recovery. Staff subsequently found that outsourcing engineering reviews would be complex and recommended this be considered separate from the fees.

On January 14, 2009, the Planning Commission held a second work session to consider a revised proposal that included 100% cost recovery during a typical year and provided for a separate fee for notices. This discussion included an analysis comparing fees for typical subdivision applications at 50%, 75%, and 100% cost recovery and compared this to fees charged in other localities. After much discussion, the Planning Commission, by a 4-2 vote, directed staff to proceed to a public hearing with fees set at 75% cost recovery and a new fee to cover the cost of preparing and mailing notices.

On March 10, 2009, the Planning Commission held a public hearing for the subdivision fees. (Attachment C) The Planning Commission, by a 4-3 vote, recommended an ordinance amendment that provides for 75% cost recovery, except for family subdivisions, where a 50% cost recovery was recommended. Attached to the executive summary for this public hearing, staff provided a table of typical fees at 50%, 75% and 100% cost recovery that allowed the Planning Commission to compare these fees with other localities. (The table is Attachment 4 of that executive summary) As no minutes of this meeting were available at the time this report was prepared, staff notes two speakers from the public hearing. The first encouraged the County to consider the rollback taxes paid when the property is taken out of land use as an offset for fees. Neither staff nor the Planning Commission agreed with that approach. The second speaker, representing the Free Enterprise Forum, supported staff's 50% cost recovery recommendation.

Based on the earlier ordinance amendments for fees and the September 2008 Board work session, Staff believes the Board has expressed an interest in maximizing cost recovery while maintaining "fairness" to applicants. Staff and the Planning Commission have attempted to answer the fairness question by comparisons to other localities, both in terms of fees that applicants pay and the process expected of applicants. Staff continues to believe a 50% cost recovery is appropriate; while the Planning Commission believes a 75% cost recovery is appropriate, with the exception of family subdivisions. Staff's recommendation assumes the County should bear responsibility for the additional process costs above most other localities, while the Planning Commission's recommendation assumes the applicant should bear more of those costs. Thus, the Board is left with a judgment call on the fairness of a 50% versus 75% cost recovery for the fees. The crux of that question is whether the applicant should pay for the additional process costs that Albemarle County requires, including increased costs for applications reviewed by the Planning Commission.

The County currently collects approximately \$145,000 from subdivision fees in an *average year*. Under Staff's recommendation, the revenue would increase to approximately \$476,000, increasing County revenues by approximately \$331,000 in an average year. Under the Planning Commission's recommendation, the revenue would increase to approximately \$600,000, increasing County revenues by approximately \$455,000 in an *average year*. Due to the building downturn, Staff anticipates applications will be one-half of an average year for FY 09.-10. Assuming the Staff recommended fees were implemented by July 2009, Staff anticipates a revenue increase of approximately \$90,000 in FY 09-10. Assuming the Planning Commission's recommended fees were implemented by July 2009, Staff anticipates a FY 09-10 revenue increase of approximately \$150,000.

No significant drop in the number of applications is anticipated as a result of the fee increase for either Staff's or the Planning Commission's recommended fee increases. While the increase is significant in many circumstances, the fees remain very small in comparison to the value of the subdivided property.

Staff requests the Board to advise whether to proceed to public hearing based on the Planning Commission's recommendation for 75% cost recovery, with 50% cost recovery for family subdivisions, or with Staff's recommendation of 50% cost recovery. It is noted that the Board can adopt lower fees than what are advertised, but could not raise them above the advertised amounts without re-advertising and holding another public hearing.

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Mr. Graham reported that the last comprehensive review of fees was done in 1991.

Mr. Slutzky said there are a couple of individuals in the audience who had expressed an interest in making public comment. He suggested taking those comments before the Board discussions.

Mr. Roger Ray said that he received the recommendation from the Planning Commission about the fee increases and the County staff's assessment of a "full recovery fee". He is astounded that in many cases – especially items that go to the Commission – the fees are greater than the fees developers get for performing the work. He said that the preliminary plat fee for 1 to 9 lots is \$4,100, and he has never charged that much for doing a preliminary subdivision plat for a development that size. Mr. Ray stated that developers submit the plat, the application, a checklist that the ordinance stipulates, which should mean the reviewer is provided with all the necessary information. He also said that the boundary line adjustment plat recovery fee is \$1,350 along with the family subdivision, which developers do for mere hundreds of dollars. Mr. Ray stated that the County needs to examine the process by which the plats are reviewed to get the costs down, noting that there is enormous cost associated with sending by-right subdivisions to the Planning Commission. He added that about 80 percent of his work is for property owners, not developers.

Mr. Dorrier asked about the fees charged by Augusta, Hanover, and other counties.

Mr. Slutzky indicated that the information on other localities is in the Board packets.

Mr. Brian Chambers said that he operates in Fluvanna County and agrees with Mr. Ray's assessment of the fees. He said that to get costs down the County may want to consider better planning in the request for what goes into a plat, noting that he has addressed requested items only to receive additional questions in separate correspondence. Mr. Chambers said that the suggested review fees are about two to three times what he charges for preparing plats, and this seems to be somewhat excessive.

Mr. Graham resumed his report, noting that 1991 was the last time a comprehensive look at fees was done, but a policy for regularly updating fees was not established so they have not been updated on a systematic basis. He said that in December 2007 a Community Development fee study was done by a professional consultant. In August 2008 the Board adopted new fees for building regulations and water protection ordinances, based largely on the study with a few modifications to simplify the process. Mr. Graham stated that in September 2008 he presented proposed fees for subdivision to the Board, which is the staff-recommended 50 percent cost recovery. In October 2008 the Planning Commission had its first work session and considered a number of proposals, then in January 2009 directed staff to go to public hearing with a 75 percent cost recovery. He said that in March 2009 the Commission recommended a subdivision fee ordinance amendment of 75 percent cost recovery, with family subdivisions at 50 percent cost recovery. He noted that the vote was 4 to 3 primarily because of dissension in favor of the lower 50 percent cost recovery.

Mr. Graham said that the staff and Planning Commission agree that the cost of ensuring compliance should be the applicant's responsibility and should be reasonably consistent with other localities. He noted that Albemarle County has additional processes that other localities do not have, and the question is which costs for that should be incurred by the County. Mr. Graham said that in many other localities the Planning Commission doesn't get involved with by-right reviews, and very few localities require that notices be sent to neighboring landowners as Albemarle has elected to do. He stated that the Commission recommends the 75 percent cost recovery except for family subdivisions, and staff is still at the 50 percent cost recovery. They are in agreement on biennial fee adjustments using the annual merit increases as the basis for adjustment – the same recommendation for the building regulation and water protection ordinances last August. They also agree that future subdivision ordinance changes should consider proposed cost of service and have a fee recommendation. Mr. Graham said that the final recommendation by staff is for delaying implementation for 30 days from adoption so that letters can be issued to the development community and others to make sure everyone is aware the fees are changing.

Mr. Graham noted the fee comparison provided in the Board packets, noting the difference in the two-lot family subdivision – which drops to \$690 as a 50 percent cost recovery. He has provided some comparables from other localities to allow for a comparison on what other localities charge. He said that some other localities are very low, but Stafford County is higher than many of those as they try to run their Community Development as an enterprise with a goal of 100 percent cost recovery of operations with all fees. Mr. Graham stated that the decision for the Board to make today is whether they will move forward to public hearing with the Commission's recommendation or staff's, noting that the adopted fees cannot be higher than the advertised fees. He also asked whether the Board has any other issues they wish considered at the public hearing. He said that staff has recommended the 50 percent because they feel the County has elected to implement processes that add a considerable amount to the cost, which doesn't have much to do with standards required in the ordinance.

Mr. Rooker commented that that is evident in the process that has taken place with these fees. There are localities that would get this done in 60 days and this has taken a year and a half. People generally like the process when it allows them the opportunity for additional input but they do not like it when they are trying to get something accomplished. The County does choose to provide notice on a number of things that might impact surrounding landowners that a lot of other localities do not provide such notice. They deal with an application administratively; there is no process for the public at all.

Ms. Mallek said she is always supportive of clarifying the process. She then asked for an update on other administrative changes that might address some concerns.

Mr. Graham responded that in February there was an update in the Community Development Work Program on the Development Review Task Force. He would like to have the Board and Commission members of that group to come in and talk about next steps beyond the priorities set.

Mr. Rooker said that the whole idea of that task force was to improve efficiencies in the system and consider whether public participation was being provided in the most effective way. He stated that most of that group's recommendations have been implemented, noting that many of them came forward from third-party analysis of cost recovery.

Ms. Mallek asked if staff has considered having the applicant be responsible for the public notice, as is done in other localities.

Mr. Graham said staff did build into the fees, a separate line item for the cost of sending notices. The cost to do that is usually relatively small, but sometimes because of the nuances in an application it can be a very large number, citing a subdivision that required 900 notices because it backed up onto a common space of the large development at Glenmore.

Mr. Boyd asked for a comparison of Albemarle to other counties in terms of the recovery percentage.

Mr. Graham said in the original report done by the consultant, they tried to get information, but localities, except for Stafford, do not track the information. He mentioned that Chesterfield is considering a policy of 75 percent cost recovery fee, but they are struggling with how to implement that now.

Mr. Dorrier asked how many plans are requested to come before the Planning Commission.

Mr. Graham replied that Mr. Bill Fritz indicated that it's not that many, and it usually occurs in the case of controversial matters or a neighbor who is adamantly opposed to having the property next door developed.

Mr. Tucker pointed out that the Commission cannot really deny it; they can only make recommendations to improve a situation.

Mr. Graham stated that the ordinance stipulates a by-right subdivision may be called up for review, noting that it must be approved if it meets ordinance requirements but cannot be approved if it doesn't. Unless the applicant is asking for waivers, staff nor the Commission has discretion to deny the application.

Mr. Rooker said that having a proposal called up provides an opportunity for concerned neighbors to interact with the developer, and provides a forum for them to express their concerns and have them addressed. He acknowledged that the detriments are cost, and the erroneous assumption that the Commission has the latitude to deny a subdivision that meets ordinance requirements.

Mr. Slutzky said Board members received a number of emails from individuals questioning the means by which the numbers were determined. He then read the following paragraph prepared by Mr. Graham in response: "Do staff reports continue to show only a somewhat self-determined assessment of costs based on reports by employees of their expenditures of time related to each task? To date there seems to be no independent analysis of whether those self-assigned times coincides with what should be expected by efficient management." Mr. Graham responded: "Actually the assessment of costs was designed, tested and performed by PFM, the fee consultant hired to complete the fee study. Recognizing the County needed an independent expert to help with the study, we contracted with a firm that has a nationwide reputation for performing this type of analysis for governments. Additionally, the data compilation and analysis was performed by PFM. PFM then presented their findings to the County Board in December 2007 and our subsequent work has been based on that study."

In addition to the items raised by Mr. Graham, Mr. Slutzky said some people have asked if the County could delay by a year the implementation of the fees out of deference to perceived economic hardship. Some people have also mentioned the idea of creating a separate fee structure for nonprofits who perceive themselves to be unduly burdened by the new fee structure.

Ms. Thomas said that she would also like for Mr. Graham to comment on why Albemarle's expenses for two-lot family subdivisions and the five-lot subdivisions that are administratively reviewed are comparatively higher than other localities.

Mr. Graham responded that the requirements of Stafford are fairly comparable to Albemarle's as they also have a fairly comprehensive ordinance. He is not certain why those two items are higher; it is possible that Stafford has tweaked their fees.

Mr. Dorrier asked if the County can streamline its ordinances.

Mr. Graham responded that goes to the work of the task force. Staff continuously tries to improve the process. The next thing to look at is the actual requirements. If the County wants to match fees with other localities then it should also compare requirements.

Mr. Slutzky said he has been persuaded by the feedback he has received from the community and by the recommendation of staff that the 50 percent of full recovery is probably the right place for us to be right now. He understands where the Commission was coming from but there is a significant element to the County's process that is for the benefit of the greater community.

Ms. Thomas commented that the Board gets pressure from the public to shift the tax burden onto other revenue sources. She also supports the 50 percent recovery.

Mr. Dorrier said he supports 50 percent recovery.

Mr. Rooker said he also agrees. He noted that ATTA specifically recommended that the County implement 100 percent cost recovery, but he feels that 50 percent is a reasonable target for now. He said that these still result in large percentage increases in categories, but that is because many of the fees date back to 1991.

Ms. Mallek said she also thinks this is a good place to start.

Mr. Graham said that staff used the merit rate as the measure because over 80 percent of the cost is directly related to salaries.

Mr. Davis pointed out that staff would still be bringing back an ordinance amendment for Board consideration every two years. He also stated that the nonprofit issue comes up every time the Board considers fees, and there isn't enabling authority for fees to be differentiated based on the applicant. Mr. Davis said that the laws require uniformity to apply regulations to the uses and land classifications. A project being proposed should be considered by the project and not the applicant. Staff did some additional research after this question came up, and they surveyed a number of other localities. He added that the consensus among other localities supports this. The General Assembly's House Bill 2096 passed this year – with an amendment from the Governor that puts enabling authority into the Affordable Housing section of the State Code that says a locality may by ordinance provide for the waiver of building permit fees and other local fees associated with the construction of housing by a 501(3)c organization with the primary purpose of assisting with the provision of affordable housing. Assuming this is constitutional and not challenged, this does give some authority. Mr. Davis said that this was directed at building permit fees, but the language "other local fees associated" is pretty broad and arguably would include subdivision and zoning fees for development that is for the primary purpose of providing affordable housing. He thinks there is going to need to be some work done on how you craft an ordinance to assure that the development is affordable and the type of affordable standards.

Mr. Slutzky said he would be interested in seeing that brought forward if the enabling legislation passes.

Mr. Rooker added that there is a possibility of reducing the fee.

Mr. Davis said it is implied in the legislation.

Ms. Thomas mentioned some language she read from VML's analysis of the budget relating to localities overseeing some aspect of state higher education construction, and asked if staff has looked into it.

Mr. Graham said it is kind of a bizarre tweak to the law that says in those small counties with public institutions of higher learning, the locality would start to provide the erosion and sediment control oversight whereas up to now that oversight has been provided directly by the State. Currently the County does not look at any of UVA's campus projects; they are all done by the state.

Mr. Davis said staff can look at that. He assumes that if the County has to provide the service, it can charge a fee.

Mr. Slutzky asked if the Board could choose by policy to adjust contributions for nonprofit agencies that are recipients of money from the County as a way to offset those costs.

Mr. Davis replied that they could, noting that there is enabling authority that allows the County to make charitable donations to some nonprofits – citing the examples of the Boy Scouts and Habitat for Humanity. Not all nonprofits are eligible for donations from the County. He also said that given the number of nonprofits in the area, it would be wise for the Board not to have a wide-open policy. For those having a zoning application, nonprofits could always ask the Board to make a donation in an amount equivalent to the application fees. The Boards in the past have discouraged that because they felt those organizations should compete with all other nonprofits during the budget process, and should plan ahead and ask for that donation. He added that the organization applying would have to be a qualifying 501(c)3 nonprofit.

Mr. Slutzky suggested acknowledging, as a matter of policy, that the Board would be receptive to such requests to be considered on a case-by-case basis.

Ms. Mallek said she would feel more comfortable if it is the affordable housing topic because that is a huge benefit.

Mr. Rooker said he would prefer to consider it on a case-by-case basis.

Mr. Boyd said he also agrees on considering requests on a case-by-case basis.

Ms. Thomas said the new legislation is interesting and staff should look into that.

Mr. Slutzky said there have been a number of people in the development community who have expressed concern that this is a good idea, but that this is a terrible year to do it. In terms of timeframe, the Board could move forward with it or have its effectiveness be a future date.

Mr. Davis said without some special provision, the ordinance would be effective upon the date of adoption. Staff recommends a 30 day notice provision. An alternative could be July 1 or other date at the Board's discretion. In addition, the effective date could be set at the public hearing.

Board members concurred with setting the date at the public hearing.

Ms. Mallek suggested possibly having the fees gradually increase – starting with 30 percent and rising gradually to 50 percent.

Mr. Slutzky said that fits into the realm of the timing of the ordinance.

Mr. Davis said that for purposes of administering the ordinance, the Board's decision would be to set it at 25 percent or 50 percent, and in the future could review it and increase it. Adopting an ordinance that would have a phased effective date would make it difficult to codify.

Mr. Slutzky said there are a number of taxpayers who want to see it at 100 percent recovery and if the Board is not likely to go below 50 percent, then it should probably be advertised at 50 percent and considered accordingly.

Mr. Rooker said it is reasonable to go with the 50 percent. He supports the 50 percent as opposed to the 75 percent because of the current status of the building industry. He does not think it is a time to impose that significant of a cost increase. He would look favorable on a July 1 starting date for the ordinance. It's a different issue if the Board is not serious about implementing the ordinance for another year.

Mr. Slutzky agreed.

Mr. Rooker then **moved** to proceed with advertising an ordinance (STA-2008-0002) that would result in the 50 percent recovery of fees for Subdivision Ordinance reviews as recommended by staff. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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Agenda Item No. 4. Recess. The Board recessed at 5:01 p.m.

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Agenda Item No. 5. Call to Order. The meeting was called back to order at 6:04 p.m., by the Chairman, Mr. Slutzky.

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Agenda Item No. 6. Pledge of Allegiance.  
Agenda Item No. 7. Moment of Silence.

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Agenda Item No. 8. From the Board: Matters Not Listed on the Agenda.

Noting an article he distributed on the use of speed cameras, Mr. Rooker said that there have been several recent articles in major publications about use of speed and red light cameras and revenue generated by their implementation. He said that the General Assembly passed legislation for their use in

some locations, but Albemarle hasn't implemented them yet and there are several companies that will install them for a share of their revenue.

Mr. Davis stated that the local Police Department has considered it and is ready to bring a proposal forward, but noted that the Virginia legislation is more restrictive than that of other states. There is a one-half second delay required which eliminates a lot of the close cases.

Mr. Tucker commented that it would be helpful for staff to bring forth a report to the Board.

Mr. Rooker said it makes sense from a safety standpoint, and it should be a revenue enhancer for law enforcement.

Ms. Mallek noted the difference between speed cameras and red light cameras. She thinks the speed idea is good because a police officer would not have to sit there doing radar.

Mr. Rooker responded that speed cameras are not allowed in Virginia; the red light camera is the only enforcement allowable.

Mr. Davis pointed out that the number of red light cameras allowable is limited by population size, so that would mean just a few for Albemarle.

Mr. Rooker said that regardless, the County should make a decision as to do it or not.

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Mr. Rooker said at the County's request, the City has issued a letter requesting application of stimulus money for improvements from Hydraulic Road to the Route 250 Bypass.

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Ms. Mallek reported that in the White Hall District in Crozet is the first of the region's LEED gold-certified houses, which is being completed now. The house, owned by Brian and Joan Day, has been awarded Virginia's Earthcraft Certification and the Energy Star Certification. She said that there is a press conference on this house and its certifications scheduled for April 10<sup>th</sup> at 10:00 a.m. at John Paul Jones arena.

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Mr. Boyd announced that the Pantops Master Planning Committee will hold an open house on May 18, 2009, from 4:00 p.m. until 7:00 p.m. He noted that about a month ago he held a business summit that was hosted by State Farm with Pantops businesses, who have expressed interest in becoming involved with an effort similar to that of the North 29 Business Council.

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Mr. Boyd said he feels that the need for competitive swimming is a dire need in this community. He then **moved** to have the CIP Oversight Committee take another look at the two swimming proposals, for the Crozet Program and the STARS Program, with the idea of being able to fund this maybe over a longer period of time for lesser money, by looking at some alternative financing approaches to facilitate the STARS swimming proposal as early as next year, and the Crozet proposal within three years.

Mr. Rooker said that he would support the motion if the one and three-year stipulations are removed, and would support it going back to the Committee to evaluate whether it satisfies the criteria for amending the CIP in the current year.

Mr. Dorrier emphasized that the School Board needs to weigh in on this.

Mr. Boyd responded that they would be involved in the discussions, and agreed to take out the timeframes.

Ms. Mallek said this would be compared with all the other eight or nine items on the list that are of concern.

Mr. Rooker said it would be using the Committee's CIP process.

Mr. Boyd then **restated his motion** to have the CIP Oversight Committee take another look at the two swimming proposals, for STARS Program and the Crozet Program, by looking at some alternative financing approaches, for the Committee to decide. Mr. Rooker **seconded** the motion.

Ms. Mallek said this is different than putting this off until next year's regular process.

Mr. Boyd responded "yes", he is moving that the Board direct the Committee to meet about a possible amendment to the Plan.

Mr. Rooker said, to be clear, the Oversight Committee can make whatever recommendation it would make; this would be considered as an amendment according to the process and procedures they have. If they recommend that it go forward, then it would come back to the Board for consideration. They may recommend that it not go forward, but that would be their prerogative.

Mr. Boyd agreed that that was the intent of the motion.

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

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

NAYS: None.

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Ms. Thomas said that she has been enjoying the Preservation Week activities, and complimented staff and volunteer organizers. She took a tour of the Woolen Mills District and found that they would like more attention from the County. She stated that while there is no staff or money for a Historic Preservation Ordinance, the Committee is working on bringing something forward in the future when those resources are available.

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Ms. Thomas said the Chesapeake Bay Foundation has pointed out that 11 percent of the nitrogen and 5 percent of phosphorus pollution is generated from the stormwater that runs off of roads, and they would like the federal transportation bill to include a requirement that Best Management Practices in terms of keeping stormwater pollution off the roads be mandatory for new projects. She asked staff to look at this to see if it is appropriate and, if so, draft a letter for the Chairman's signature. This only comes up every five years.

Mr. Slutzky said he would support a letter.

Ms. Thomas suggested bringing the letter back for the Board's review on April 17, 2009.

Mr. Rooker commented that the statistics are a bit alarming, and until they address non source point pollutants it is going to be a very difficult battle to win.

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Agenda Item No. 9. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Marguerite Cox said the League of Women Voters have been advocates for watershed protection for more than 25 years. She said that based on accumulated knowledge the group has been steadfast in their support of the implementation of the 50-year water supply plan. Ms. Cox said that after more than 10 years of reviewing over 32 alternatives and allowing extensive public participation, a water supply plan that meets the goal of community demand for water and the desire to protect the environment for generations to come has been developed. She said that the sustainable plan should improve the health of the watershed by protecting flow into two major rivers. The size of the new Ragged Mountain Reservoir would meet estimated human demand in the year 2055 while meeting instream flow requirements of the South Fork Rivanna River below the South Fork Rivanna River Dam. Ms. Cox stated that the plan also recognizes the inadequate water transfer capacity of the Moorman's River water intake, thereby requiring that the Sugar Hollow pipeline be decommissioned and a new pipeline from the South Fork to Ragged Mountain be built taking advantage of the abundant flow of the SFRR. She commented that this important design change will end the competition between the urban demand for water and the environmental needs of the Moorman's River, and the financial burden placed on ratepayers will be less than any other viable alternative presented.

Ms. Cox stated that the plan leaves the community with a stronger tree canopy and streams than today. Although it necessitates the removal of trees at Ragged Mountain Reservoir, but it provides in compensation 200 acres of young native trees and miles of protected and rebuilt stream sides. She added that the plan deals creatively with the sediment flowing into the South Fork Rivanna Reservoir and facilitates the settling out of sediment before sending clear water to Ragged Mountain Reservoir, a reservoir not subject to sediment accumulation because of its topography.

Finally, an important goal that emerged from the community during the long public planning process was to keep our public water supply local. In keeping with this goal, the South Fork Rivanna River would continue to provide the community with its drinking water. Impressive public participation was instrumental in leading to this excellent outcome that the entire community can be proud to embrace.

Mr. Rooker suggested sending the statement as a letter to the editor of the Daily Progress and presenting it to City Council.

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Ms. Kathy Rash said she is a small farmer in Albemarle County and represents 200 other small farmers in the White Hall District, as well as being co-chair of Forever Albemarle – which has 2,300 members. Ms. Rash said that she met with Senator Tom Perello for two hours regarding locally grown food, farmers markets, and small farmers in the 5<sup>th</sup> District, and has also met with City Council officials regarding the request for support from the City and County. Ms. Rash said that there is a bill before House of Representatives that requests every farm, regardless of size, to be put under food safety regulations. Small farmers believe in food safety but also believe that the small farmer is not the same as an industrial farmer. Farmers' markets are very vibrant to the City and County. She stated that the small farmers of Albemarle are concerned about the regulations that may be put on every small farm and every farmers' market, noting that the legislation would require every piece of produce from farms to have a written form submitted to the federal government stipulating who bought it, who would eat it, and within what timeframe. This would require an unbelievable amount of paperwork and run every small farmer out of business. Ms. Rash asked the Board to help her with a letter regarding this legislation, noting that she is requesting that the County, City, and neighboring localities join in their opposition to certain aspects of

the legislation. She emphasized that most incidences of salmonella come from processing plants, not the farm themselves, and noted that there was \$1 million sold at the City Market last year.

Mr. Rooker said that there is nothing in the bill that defines what a small farm is.

Ms. Rash agreed, stating that there is absolutely no differentiation made in the current pending legislation.

Mr. Rooker suggested that there be a concrete recommendation as to appropriate exemption size.

Mr. Slutzky suggested staff take a look at the status of the bills.

Mr. Rooker suggested waiting to weigh on the bills after finding out their status.

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Mr. John McHugh thanked the Board for letting him speak about the STAR swimming proposal earlier at the work session. He said that the School Board focused primarily on process rather than critical need presented in their proposal. Mr. McHugh said they followed the process that was presented to them in presenting the proposal to the Board. Mr. McHugh emphasized that there is an aging facility at Fairview run by STAR, and swimmers have to swim late, adding that there has been diminishing number of pool facilities available in Charlottesville and Albemarle. He stated that he is encouraged by the motion put forth tonight.

Mr. Rooker said the CIP Committee has to look at the substance of the proposal. He added that there is a dollar and cents aspect to the proposal, as it would save about \$21,000 a year in lane fees and there would also be money saved by travel to other facilities. He suggested that Mr. McHugh compile statistics on those fees for the CIP meeting.

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Mr. J.J. Bean said he has been an aquatic professional here for 35 year. He has been an advocate in starting swimming programs in the County and has been successful in getting program for the high schools. He mentioned many of the other programs that have been held in local pools – the Special Olympics, the MACAA program for underprivileged swimmers, scuba diving, and springboard diving. Mr. Bean emphasized that STAR has the organization to make this work. They are looking for an investment from the County to help them continue their mission. This program increases the number of aquatic opportunities for the community. It makes it easier for high school participants although this is not just for the school. This will also provide a huge economic impact on the community when families have to come and stay for meets. He runs the facility and the programs, and is available to answer any questions.

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Agenda Item No. 10. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Ms. Mallek, to approve Items 10.1 and 10.2 on the consent agenda, and to accept the remaining items as information. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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Item No. 10.1. Approval of Minutes: February 4, 2009.

Ms. Thomas had read her portion of the minutes of February 4, 2009, pages 1-22 (ending at Not Docketed item) and found them to be in order with the exception of some typographical errors.

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

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Item No. 10.2. Economic Opportunity Fund Guidelines.

The Executive Summary states that in December 2006, the Board voted to create an Economic Opportunity Fund. In FY 2007 \$250,000 in **one-time funds** was designated for this purpose. At the October 2008 Board Retreat, the Board agreed to 1) maintain the subject fund and 2) have staff prepare guidelines that could be used to evaluate future funding requests.

In 2009, the Board held work sessions on January 7 and February 4 to discuss the proposed guidelines. The Board also heard several potential business owners speak to the possible use of these funds. At the conclusion of the work sessions, the Board provided staff guidance on a policy for use of this fund.

Staff has amended the attached draft guidelines, (Attachment A – Redline/Strikeout) based on the Board's input received in the two work sessions. This includes a minimum requirement, or restriction, for the fund's use only as a local match to federal or state economic development projects, especially those projects qualifying for funding from the Governors' Opportunity Fund, a state program operated by the Virginia Economic Development Partnership. Additionally the revised guidelines place more emphasis and scrutiny on a project's ability to create jobs for local County residents.

There is currently \$250,000 in **one-time** funds available. There are no plans for replenishing this fund as it is used.

Staff recommends that the Board adopt the attached proposed Economic Opportunity Fund Guidelines (Attachment B-copy on file).

(Referring to the annotated depiction of the guidelines, Item 3c, "Performance Surety", Mr. Boyd asked if the wording should be "will" or "may." He was thinking about a large establishment coming in and the County asking them to provide some kind of surety that they are a viable entity.

Ms. Mallek said that she would like to leave it as "will," as there are big established organizations that pick up and run two years later also.

Ms. Thomas agreed that it's important to require it, noting the GE Fanuc example. She thinks it is important.

Mr. Rooker commented that they actually had to pay money back. This is not a surety bond.

Mr. Davis said that GE Fanuc was required to put a note up that the County could call if they failed to perform.

Mr. Tucker pointed out that they are guidelines that could be revisited if necessary.)

**By the above-recorded vote, the Board adopted the following Economic Opportunity Fund Guidelines:**

### ECONOMIC OPPORTUNITY FUND GUIDELINES

**Purpose:** The purpose of the Economic Opportunity Fund is to address unemployment and underemployment of County residents by assisting County businesses in providing higher wage permanent jobs by providing matching funding to federal or state economic development projects.

#### 1) **Minimum Requirements for Consideration**

- a) **Approved Application:** Prior approval from a state or federal grant program requiring a local match, such as the Governor's Opportunity Fund.
- b) **Qualifications:** The applicant needs to demonstrate his or her qualifications and experience in following through on the proposed project.

#### 2) **Evaluation Criteria**

- a) **High-wage jobs:** An important goal of the Albemarle County Strategic Plan is to increase the ability of those individuals and families, who are living in lower-income households, to become self-sufficient. Eligible projects should increase the number of jobs, especially higher-wage jobs.
- b) **Local Workforce Recruitment and Development:** Applicants should describe the commitment to recruit local residents to fill vacant positions, including the number of jobs and expected wages, compared to comparable average wages in the chosen industry. Eligible projects should provide work-force training.
- c) **Matching Funds:** This fund was capitalized on a one-time basis for a maximum amount of \$250,000. To maximize the fund's impact, projects are considered more highly if demonstrating the success of the project is tied to other supporting financial resources. Though not a strict requirement, preferred projects should require from the Fund less than 20% of total project cost, in keeping with the goal of providing "gap" funding. Eligible projects will include federal or state funding.
- d) **Tangible Benefits to the Community:** Each applicant is expected to demonstrate how the project will provide measureable and tangible benefit to the community. In order to satisfy this criterion, an applicant must address each of the following elements:
  - i) **Capital Investment:** Like workforce development, project applications need to specify and quantify expected capital investment (land purchase, building development, machinery, tools and equipment).
  - ii) **Estimated Economic Value/Return on Investment:** The applicant is encouraged to furnish data on anticipated County revenues. This can include property taxes, machinery and equipment taxes, and sales taxes.
- e) **County Goals and Objectives:** The County Comprehensive Plan and the County's Strategic plan can be accessed online at the following address, [www.ablemarle.org](http://www.ablemarle.org). A project will receive more favorable consideration where the project ties to specific goals and objectives of either plan.

#### 3) **Conditions for Receipt of Funds**

- a) **Performance Agreement:** Approved projects will be subject to a performance agreement which will require commitments in the following areas, at a minimum:
  - i) Total jobs created for local residents
  - ii) Wage levels for jobs created
  - iii) Capital investment
  - iv) Matching funds

- b) **Performance Surety:** An approved project will be required to provide some form of surety acceptable to the County Attorney guaranteeing the County's investment is refunded if agreed upon performance criteria are not met.
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Item No. 10.3. Copy of Report on Collections of Commonwealth Revenues by Local Constitutional Officers for the Year Ended June 30, 2008, as prepared by the Auditor of Public Accounts, Commonwealth of Virginia, **was accepted for information.**

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Item No. 10.4. Copy of notice filed with the State Corporation Commission, by Virginia Electric and Power Company, *re: 2009 statutory review of the rates, terms and conditions for the provision of generation, distribution and transmission services of Virginia Electric and Power Company pursuant to §56-585.1 A of the Code of Virginia*, **was accepted for information.**

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Item No. 10.5. Copy of notice filed with the State Corporation Commission, by Virginia Electric and Power Company, *re: to revise its fuel factor pursuant to §56-249.6 of the Code of Virginia*, **was accepted for information.**

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Item No. 10.6. Copy of notice filed with the State Corporation Commission, by Virginia Electric and Power Company, *re: for approval of rate adjustment clause pursuant to §56-585.1(A)(4) of the Code of Virginia*, **was accepted for information.**

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Item No. 10.7. Copy of notice filed with the State Corporation Commission, by Virginia Electric and Power Company, *re: for approval of a rate adjustment clause with respect to the Bear Garden Generating Station and Bear Garden-Bremo 230 kV Transmission Interconnection Line pursuant to §56-585.1(A)(6) of the Code of Virginia*, **was accepted for information.**

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Agenda Item No. 11. **PUBLIC HEARING: PROJECT: SP-2008-0065. Tandem Friends School Classroom Mobile Unit (Signs # 12&13).**

**PROPOSED:** Mobile classroom in northeast corner of parcel.

**ZONING CATEGORY/GENERAL USAGE:** R-1 Residential - 1 unit/acre.

**SECTION:** 18.13.2.2 Private Schools.

**COMPREHENSIVE PLAN LAND USE/DENSITY:** Institutional - schools, universities and colleges and ancillary facilities and public facilities and utilities; Urban Neighborhood 4.

**ENTRANCE CORRIDOR:** No.

**LOCATION:** 279 Tandem Lane, approx 350 feet west of the intersection with Mill Creek Dr.

**TAX MAP/PARCEL:** 09100-00-00-002A0.

**MAGISTERIAL DISTRICT:** Scottsville.

*(Advertised in The Daily Progress on March 23 and March 30, 2009.)*

Mr. Cilimberg said this request is for a temporary classroom that will be located on the northeast corner of the parcel. He presented a slide of the mobile unit that would be moved onsite. He said that the classroom is about 1,300 square feet and can accommodate 194 students and staff, and would be used solely for classroom space during normal hours of operation. Mr. Cilimberg noted that the school is located off of Mill Creek Drive just to the southeast of Monticello High School. He stated that the staff and Planning Commission have recommended approval with the three conditions presented.

Mr. Boyd asked about the origin of the restriction of 260 persons.

Mr. Cilimberg replied that it was to reflect staffing and enrollment expectation, and this is just an old condition restated. He said that in 1997 they went up to 200, and went to 260 in 1997.

At this time, the Chairman opened the public hearing. There being no one to speak, the public hearing was closed, and the matter was placed before the Board.

Mr. Dorrier **moved** for approval of SP-2008-0065 subject to the three conditions recommended. Ms. Mallek **seconded** the motion.

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

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

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

1. The development of the use shall be in conformity with the concept plan entitled, "Tandem Friends School Campus Plan Study Site Plan," prepared by VMDO Architects, and dated 12/4/08 as determined by the Director of Planning and the Zoning Administrator. To be in conformity with the plan, development shall reflect the following major elements within the development essential to the design of the development, including:

- Building Orientation
- Building Size
- Location of the Buildings
- Limits of Disturbance

as shown on the plan. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

2. Additional buildings or increase in total enrollment/staffing may only be authorized by a new special use permit; and
3. Total school enrollment and on-site staffing shall be limited to two hundred sixty (260) persons.

Agenda Item No. 12. Discussion and Adoption of FY 2009/10 Capital and Operating Budgets.

Mr. Tucker said on April 1<sup>st</sup>, a public hearing was held on the Board of Supervisors' Proposed FY 09/10 Operating and Capital Budgets.

The FY 09/10 Operating and Capital budgets total \$303,723,333. This amount reflects the County Executive's Recommended Budget plus changes made during the Board's work sessions. These changes include:

- eliminated the 2.5 cent tax increase for revenue shortfall contingency funds
- reallocated VDoT revenue sharing funds
  - \$150,950 for JAUNT
  - \$1.35 million for revenue shortfall contingency
- allocated \$40,000 of the Affordable Housing Trust Fund for Woods Edge
- provided \$3,255 for Mohr Center funding
- froze/eliminated an additional five staff positions due to decreased revenues

The attached resolution (Attachment A) formally approves the total proposed expenditures of \$303,723,333 for FY 09/10. Attachment B details the adjustments made to the County Executive's Recommended Budget.

Mr. Tucker said if the Board has no additions or deletions, staff requests adoption of the FY 09/10 Operating and Capital Budgets.

<b>Board of Supervisors' FY 09/10 Operating and Capital Budgets</b>		
<b>Changes from Recommended Budget</b>		
<b>GENERAL FUND EXPENDITURES</b>		
	<b>FY 09/10 Recommended Budget</b>	<b>FY 09/10 Adopted Budget</b>
<b>General Government Operations</b>	81,410,231	
<b>Subtotal, General Government Operations</b>		<b>81,410,231</b>
<b>General Government Additions</b>	0	
Region Ten - Mohr Center		3,255
JAUNT		150,950
Housing Trust Fund		-40,000
Woods Edge		40,000
<b>Subtotal, General Government Additions</b>		<b>154,205</b>
<b>Refunds</b>	169,500	
<b>Subtotal, Refunds</b>		<b>169,500</b>
<b>City Revenue Sharing</b>	18,038,878	
<b>Subtotal, Revenue Sharing</b>		<b>18,038,878</b>
<b>Capital Improvement &amp; Debt Service Transfers</b>	19,842,614	
Adjustment based on revised revenues		-134,857
Reduction in Transfer to CIP (JAUNT)		-150,950
<b>Subtotal, Capital &amp; Debt Transfers</b>		<b>19,556,807</b>
<b>Transfer for School Operations</b>	100,688,571	
Adjustment based on revised revenues		-537,994
<b>Subtotal, Transfer for School Operations</b>		<b>100,150,577</b>
<b>Contingency/Other</b>	3,662,370	
Board Reserve Adjustment (Mohr Center)		-3,255
Revenue Shortfall Contingency		-3,911,424
Additional Anticipated Salary Savings		-387,367
<b>Subtotal, Contingency/Other</b>		<b>-639,676</b>
<b>FY 09/10 GENERAL FUND EXPENDITURES</b>	<b>223,812,164</b>	<b>218,840,522</b>
<b>GENERAL FUND - REVENUES &amp; FUNDING SOURCES</b>		
	<b>FY 09/10 Recommended Budget</b>	<b>FY 09/10 Adopted Budget</b>
<b>COUNTY EXECUTIVE'S RECOMMENDED BUDGET</b>	<b>223,812,164</b>	
<b>REVENUE ADJUSTMENTS</b>		
Decrease Tax Rate to \$0.742		-3,911,424
Revised Revenue Estimates		-1,060,218
<b>TOTAL, Revenue &amp; Fund Balance Adjustments</b>		<b>-4,971,642</b>
<b>FY 09/10 GENERAL FUND REVENUES</b>	<b>223,812,164</b>	<b>218,840,522</b>

Mr. Slutzky asked if staff had any more current revenue projections.

Mr. Tucker replied that staff would provide them at the end of the quarter, hopefully next month.

Mr. Boyd noted that when the Board approved the \$800,000 for the Brownsville project, it was to be offset somewhere else in the CIP in another school project, but he doesn't recall that coming back to the Board.

Mr. Tucker said he does not recall the exact figures, but he believes they are reflected in this budget.

Ms. Thomas recalled the School Board offsetting it by one-half.

Mr. Rooker explained that the Board did not initially approve it and requested that it go through the same process as others for recommendation; the CIP Oversight Committee unanimously supported it, and it was included. He said that beyond that he doesn't recall any other changes to the CIP, adding that the Brownsville project had savings that exceeded the initial recommendation.

Mr. Boyd responded that he recalled there being an offset agreed upon. He remembers that when it came out of the CIP Oversight Committee, it was with the condition that the School system would adjust the entire \$800,000 somewhere else in the budget.

Ms. Mallek said that she does remember that part of the persuasive argument for this project was the offset.

Mr. Davis stated that this would only affect next fiscal year, and Mr. Boyd's discussion might be more relevant when the five-year plan comes before the Board.

Mr. Rooker added that the Board didn't discuss any other adjustment for next year's CIP.

Mr. Rooker also noted that the reallocation of VDoT funds is actually reallocation of County funds for revenue-sharing.

Mr. Rooker then **moved** to adopt the FY 2009/10 Operating and Capital Budgets as set out in Attachment A in the Board packets in the total amount of \$303,723,333.

Mr. Slutzky **seconded** the motion.

Ms. Thomas said that she appreciates the public comment and all the staff's work.

Mr. Slutzky said that public comment had a profound effect on his decisions this budget cycle.

Mr. Dorrier concurred that public input was very valuable this year, noting that the Board is learning as they go along.

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

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

NAYS: None.

#### **BUDGET RESOLUTION**

##### **BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:**

- 1) That the budget for the County for the Fiscal Year beginning July 1, 2009 is made up of the County Executive's Recommended Budget document and the amendments made by the Board of Supervisors as detailed in Attachment B of this Executive Summary.
- 2) That the budget for the County for the Fiscal Year beginning July 1, 2009 is summarized as follows:

	<b>FY 09/10 Adopted</b>
Administration	\$10,392,837
Judicial	3,778,420
Public Safety	28,883,088
General Services	4,586,380
Human Development (including PVCC)	15,769,278
Parks, Recreation, and Culture	6,222,743
Community Development	7,489,664
City/County Revenue Sharing	18,038,878
Anticipated Salary Savings	-976,421
Refunds/Other	409,500
General Government Special Revenue Funds	12,696,884
General Government Capital Projects	9,287,050
Stormwater Improvements	250,000
General Government Debt Service	3,068,113
Education - Capital Projects	7,822,000
Education - Debt Service	15,174,802
Education - School Operations	144,184,787
Education - Self-Sustaining Funds	16,548,585
Board Reserves	96,745
<b>TOTAL</b>	<b>\$303,723,333</b>

- 3) That the budget for the County for the Fiscal Year beginning July 1, 2009 as described in 1) and 2) above be approved.

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Agenda Item No. 13. Discussion and Adoption of Calendar Year 2009 Tax Rates.

Mr. Tucker said on April 1, 2008, a public hearing was held on the Board of Supervisors' proposed budget for FY 2009/10. A public hearing also was held on the 2009 calendar year tax rates.

The attached resolution to set the 2009 tax year or calendar year tax rates must be approved at the April 8, 2009 meeting in order that the printing and mailing of the tax bills can occur in a timely manner.

Mr. Tucker said the attached resolution sets the tax levy for calendar year 2009. The proposed rates are set at \$0.742/\$100 assessed valuation for real estate, public service, and mobile homes for the 2009 tax year and at \$4.28/\$100 assessed valuation for the personal property tax rate, including machinery and tools.

Mr. Tucker said staff recommends approval of the proposed tax rates.

Mr. Rooker offered **motion** to adopt the proposed resolution as presented to set the tax rate for calendar year 2009 at 74.2 cents per \$100 assessed valuation for real estate, public service, and mobile homes; and at \$4.28 per \$100 assessed value of personal property including machinery and tools. Mr. Slutzky **seconded** the motion.

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

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

#### **RESOLUTION**

**BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for the Calendar Year 2009 for general County purposes at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of real estate; at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of manufactured homes; at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of public service assessments; at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of personal property; and at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of machinery and tools; and

**FURTHER** orders that the Director of Finance of Albemarle County assess and collect the taxes on all taxable real estate and all taxable personal property.

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Agenda Item No. 14. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said that she was torn on the motion regarding the pools, but her preference is very much to put it off until next year.

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Ms. Mallek said at the last Planning District Commission meeting there was a presentation on mitigation banking, which addresses the impact of development on wetlands. There are no official banks in Albemarle; the closest one is across the River in Buckingham County. The DEQ and Army Corps of Engineers are involved in the program.

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Ms. Thomas reported that she and Ms. Mallek would like to recommend John Martin to be reappointed to the Rivanna River Basin Commission. The Planning District Commission will recommend to the Board an appointee and the Board will then make the appointment.

Mr. Slutzky and Mr. Rooker expressed their support for that reappointment.

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Ms. Thomas announced that she would not run for reelection again, and read a brief statement regarding her decision. She said that she originally ran to give Samuel Miller voters a choice when only one name was on the ballot; that was 16 years ago. Since then, she has been privileged to serve those voters and all the residents of Samuel Miller and the County. Personally it's been a wonderful opportunity. She loves the job and the responsibility; and all the people she gets to work with here. Sixteen years is probably as long as one should stay, so she won't be running for reelection in November. For the same reason that she originally ran, which was giving the voters a choice, now folks need to think about what they want for Albemarle County and select the right person to work for those goals. She would suggest if they ask her, that they ask their candidates their views in support of education. Samuel Miller families have highly valued their schools long before she was on the Board. She would also suggest they look into growth management views – another issue Samuel Miller residents have encouraged her to work on over the years. Another area of grave concern is protection of natural resources, especially water quality. And since it is historic preservation week, she'll also mention that our historic resources are dwindling. Voters need to find a candidate who will tackle those issues the way they would want them to be tackled. She is proud of the choices made by this district's voters in recent years and she is confident their good judgment will prevail again.

Ms. Thomas added that she is not gone yet and there are still important votes to be taken, so citizens should still give her the benefit of their views and knowledge but they also need to look for someone else to fill this seat next year.

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Agenda Item No. 15. Adjourn to April 17, 2009, 11:00 a.m., Room 241.

At 7:09 p.m., Ms. Thomas offered **motion** to adjourn the meeting to April 17<sup>th</sup> at 11:00 a.m. in Room 241. Mr. Boyd **seconded** the motion.

Mr. Rooker indicated he would not be able to attend the meeting.

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

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

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Chairman

Approved by Board
Date: 07/08/2009
Initials: EWJ