

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 2, 2009, at 11:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 11:04 a.m., by the Chairman, Mr. Slutzky.

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

Agenda Item No. 4. Update on Status of Land Use Value Tax Revalidation Program.

The executive summary provided to Board members stated that on October 1, 2008, the Board adopted an ordinance to require biennial revalidation of properties in the Use Value Tax Program. On April 17, 2009, a work session with the Board was held to further discuss the revalidation requirement, including the form and process.

The purpose of this Executive Summary is to provide the Board with an update on the status of the revalidation process. It includes a discussion on the current status of the submission of forms, a review of both completed and planned/proposed communication efforts, and a discussion of key milestones in the next several months of the program.

Current Status of Forms Submission:

In June, 2009, the County sent a revalidation form along with information concerning the revalidation process to the owners of approximately 5,000 parcels in the Use Value Tax Program. The owners were informed that:

- The filing deadline for the forms without penalty was September 1, 2009.
- Forms submitted from September 2, 2009 through December 5, 2009 were subject to a late filing fee of \$125 per parcel.
- Failure to complete and file the form by the deadline(s) would cause the property to be removed from the Program and could result in the assessment of roll back taxes.

As of August 18, 2009, the owners of approximately 3,000 parcels have submitted the revalidation forms. At the Board Meeting on September 2, 2009, staff will provide the Board with an updated number.

Public Communication Efforts:

Attachment A provides detailed information on staff's public communication activities to date and those planned or proposed for the future. As the Attachment indicates, the County has provided an extensive amount of information to the public and has been available on numerous occasions to answer questions and assist in the completion of the revalidation forms. In addition, staff will send certified letters to owners who have not filed the form by the September 1, 2009 deadline, informing them of the late filing deadline and the ramifications of not filing the form. These efforts will remain on-going past the September 1 deadline, understanding the potentially significant impact of being removed from the program after the December 5 deadline.

Key Milestones:

Attachment B provides detailed information on the key dates and milestones over the next several months of the revalidation process. As discussed above and indicated in Attachment B, owners who do not file their revalidation forms by December 5, 2009 will be removed from the Use Value Tax Program. Their property will be assessed and taxed on its full market value in 2010, and if the use of the property has changed to a non-qualifying use, it will be subject to roll back taxes and interest at full market value for the current tax year (2009) and five previous years (2004 through 2008). The roll back taxes and interest will be billed in 2010 following calculations by staff of the amounts.

As noted above, owners filing revalidation forms between September 2, 2009 and December 5, 2009 will be subject to a late filing fee of \$125 per parcel. Assuming all owners who have not filed by September 1, 2009 submit forms by December 5, 2009, late fees of approximately \$250,000 will be collected. The actual number of parcels subject to a late filing fee and the number of parcels that have changed to a non-qualifying use and will be subject to roll back taxes and interest is unknown at this time.

The Executive Summary is intended to provide the Board with an update on the status of the Revalidation Process and is for information only. Staff welcomes suggestions from the Board on additional opportunities to provide public information.

Revalidation Public Communication Activities, to Date:

- July, 2008 – The Board held a work session on the proposed revalidation requirement.
- October, 2008 – The Board adopted an ordinance to require biennial revalidation of properties in the Use Value Tax Program.
- November, 2008 – The Finance Department mailed tax bills with information about revalidation.
- April, 2009 – The Real Estate Assessor sent an email to Board members offering to co-host public communication meetings in each magisterial district.
- April – July, 2009 – The Real Estate Assessor and Board members co-hosted three town meetings, to which they invited the public through media announcements.
- May, 2009 – The Finance Department mailed tax bills with information about revalidation.
- June, 2009 – The Real Estate Assessment Office mailed a revalidation form to all property owners enrolled in the Use Value Tax Program in envelopes marked “Important Tax Document – Land Use Revalidation”. The information included a cover letter and a Frequently Asked Questions sheet.
- Mid-June, 2009 – The Real Estate Assessment Office extended its office hours every other Wednesday from 5:00 pm to 7:00 pm to serve and assist property owners.
- August, 2009 – The Real Estate Assessor attended the Coveseville Ruritans’ Town meeting and the Farm Bureau Annual meeting to provide information and answer questions regarding the Use Value Tax Program and the revalidation process.
- August 10, 2009 – The County published a press release reminding the public of the September 1st revalidation form filing deadline.
- August 11, 2009 – The County sent an A-mail notification to all A-Mail subscribers of the August 10, 2009 press release.
- August, 2009 - Finance Department and Community Development Department staff worked together to create an expedited schedule for processing and approving new agricultural/forestal districts and agricultural/forestal district additions by the end of the 2009 calendar year, resulting in Planning processing two new districts and eight requests for additions to a district, consisting of approximately 200 parcels, to date.

Future Planned or Proposed Communication Activities:

- Publish block ads in the Daily Progress, the Hook and the C’Ville Weekly prior to the Sept. 1 and Dec. 5 filing deadlines;
- Post a flyer in rural stores and other appropriate locations prior to the Sept. 1 and Dec. 5 filing deadlines;
- After September 1, 2009, send a certified letter to all owners of property currently in the Use Value Tax Program who have not filed a revalidation form by the Sept. 1 deadline;
- Send a reminder of the December 5 filing deadlines along with the October tax bill mailing;
- Plan special outreach sessions for seniors through JABA and the Senior Center; and
- Host or attend additional meetings as requested by Board of Supervisor members.

Revalidation – Future Dates/Milestones

- September 1, 2009 – Deadline for revalidation applications, after which a \$125 late fee will be assessed; also the deadline by which applications for agricultural /forestal districts must be received to be processed to be effective for 2010 (agricultural/forestal districts only affect land use valuation qualification for the tax year 2010, cannot cure past years disqualification/roll back liabilities)
- November 1, 2009 – Deadline for applications for Open Space Use Agreements – only affect land use valuation qualification for the tax year 2010, cannot cure past years disqualification/roll back liabilities
- December 2, 2009 – Board of Supervisors public hearing and action on new agricultural/forestal districts and agricultural/forestal district additions for which application is made on or before September 1 (fallback date is December 9, 2009)
- December 5, 2009 – Final deadline for filing of revalidation forms, after which those not revalidating will be subject to removal from the Use Value Tax Program

- Letter will be sent after December 5, 2009 deadline to property owners who did not revalidate, informing them of removal from the Use Value Tax Program
- Reassessment notices issued in January, 2010, will list both fair market value and land use valuations for those in the Use Value Tax Program
- June 5, 2010 tax bill (issued late April, 2010) will bill at fair market value for those parcels that were removed from the Use Value Tax Program
- Supplemental bills for roll back taxes and applicable interest will be issued following field work and verification activities by Assessor's staff
- December 5, 2010, tax bills (issued October, 2010) will bill at fair market value (as did the June bills)
- Verification letters will be mailed to the owners of non-qualifying parcels removed from the Use Value Tax Program

Mr. Bob Willingham, Real Estate Assessor, reported that in late May and early June the County mailed out 4,917 revalidation forms, and as of yesterday 4,206 have been sent back – an 85 percent success ratio, exceeding his expectations for response. He thanked the Board for their efforts in promoting responses, and noted that there has also been an extensive public relations program for the effort. Mr. Willingham said that there have been about 2,500 to 3,000 phone calls and office visits, and the deadline was September 1 for the first round of revalidations. His staff is in the process of sending out certified letters for the remaining people who haven't filed – they will have until December 5 to file the revalidations with the \$125 late fee. He thanked his staff and recognized Carolyn Herndon, Myra Lawson, Sherri Roberts, Annette Shatz, Butch Beverly and Jeff Davis.

Mr. Willingham mentioned the different activities that were undertaken to get the word out (set out above). Staff is also going to follow-up with additional advertisements in the newspaper about the deadline and will continue good customer service.

Mr. Slutzky noted that many constituents have expressed their appreciation for the outreach effort, and he plans to make contact with people in his district who had not yet responded.

Mr. Boyd and other Board members agreed to do the same, in addition to efforts they had already made. He asked that Mr. Willingham provide Board members with a list of the individuals in their districts who have not responded.

Ms. Thomas added that she received several compliments about County staff during this process, noting that Joan McDowell and Erin Brennan, from Community Development, had been mentioned.

Mr. Boyd asked Mr. Willingham to comment on the timetables needed for changing property owners' status to open space and other similar issues.

Mr. Willingham responded that anytime there is a change in use or a change in acreage, it requires a new application to remain in land use. The County is seeing a lot of people switching over to open space – either by joining an ag/forestal district or signing an open space agreement with the County. He said that the ag/forestal program starts in Community Development, and you must be in the district by December 31, 2009 or have your open space commitment recorded by that date to actually qualify for open space land use assessment next year. He added that land use applications must be filed by November 1 without penalty, then by December 5, with a late fee; or the County ordinance provides that they can apply for an extension fee up to 30 days after they receive their notice.

Ms. Thomas asked when the deadline is for ag/forestal district applications. Mr. Willingham responded that he believes the deadline was September 1. He knows that staff is working under a compressed timeline to accommodate as many citizens as possible and to get through the public hearing process.

Mr. Slutzky noted that he serves on the Ag/Forestal District Committee and they currently have about 30 additions.

Ms. Thomas mentioned that there have been 20 easements come out of this process so far, and 11 additions to ag/forestal districts, encompassing 100 parcels. Those are the good side affects of what is going on.

Ms. Mallek added that the open space agreements are numerous but haven't been counted yet, and asked if there was a deadline for people to apply to do a commitment.

Mr. Willingham responded that the revalidation form is not the form that you would use to switch from your current use to open space or another use. That takes a brand new application. He noted that those are due November 1st. Staff will work with Lee Catlin to get the word out.

Ms. Thomas said that it might be a good idea to remind people who are getting the notices that this now has to be done every two years, and secondly, they wouldn't have to reapply every two years if they put their land into conservation easement.

Mr. Willingham pointed out that landowners still need to be good stewards of the land, and just because there is a conservation easement doesn't mean that landowners are taking care of the land the way they should to qualify for use value. The staff will be working with those people also.

Mr. Davis stated that if a landowner meets the terms of their open space easement, they should be in compliance with open space – assuming that they have the minimum 20 acres and otherwise qualify. The assumption is that anyone who goes into an open space easement and is in compliance with their easement would qualify for open space.

Mr. Slutzky asked if the land is taxed based on reduction of development rights.

Mr. Davis responded that unless it otherwise qualifies for land use, it is not taxed at land use value. The State Code provides that for land in a conservation easement, you deduct the loss of value that is placed on the property by virtue of the restrictions from the fair market value, and that fair market value minus the deduction is the assessed value of the property. It's a market-driven determination based on what properties with those restrictions would be worth.

Mr. Willingham added that the market will tell you the effect of easements, as far as what buyers and sellers are paying under those restrictions – and that must be reflected in the fair market value if there is a loss in value transferred by the easement to a third party that's non-taxable, such as the County, PEC, and VOF. Secondly, if they meet the standards for open space, they are to be given an open space land use assessment, without application.

Mr. Slutzky commented that they would not meet the requirement if it was 19 acres. Mr. Willingham responded that is correct and added that they would not be assessed at land use value because it is less than 20 acres, but staff would take into consideration the loss in value from the easement and their taxable value.

Mr. Boyd asked if there was any interest among fellow Board members on reexamining the time limits for Ag/Forestral Districts and open space restrictions of 20-acre minimum.

Ms. Thomas noted that five acres is the amount of land allowed by the State to have in land use taxation/open space if it abuts a scenic byway.

Ms. Mallek pointed out that five acres applies across the board, and that is what Loudoun County has implemented.

Mr. Rooker mentioned that there are minimum lot sizes in the rural area, and for agricultural property it's a five-acre minimum to start with. He said that he would be cautious in adopting a plan that essentially allows a lot without a house on it to qualify for land use. There are a lot of five to ten acre lots in the County that are not developed and may not be further divided. Mr. Rooker also said that he heard very positive comments from several constituents from landowners in his district who received the forms and needed help with them from the County. They received very clear, quick and helpful instructions from the Real Estate staff.

Mr. Slutzky said that he appreciated Mr. Rooker's concern, but would like to consider reducing the required acreage in the case of property that is in an easement.

Mr. Boyd commented that he is interested in finding out the origin of the timeframe and acreage limits.

Mr. Rooker agreed that it could be reexamined, but his inclination is to leave it alone.

Ms. Thomas indicated that there is an exception for properties along scenic byways and scenic rivers, so having land use taxation available for those properties should be considered – even if they are small parcels.

Mr. Slutzky suggested that after this revalidation cycle, staff could come back to the Board with possible options to revise the current program.

Mr. Tucker said that he would like some guidance on the timeframes, because it would be helpful if there is going to be a change with the 10-year ag/forestral timeframe.

Ms. Thomas asked Mr. Willingham to comment on public perception of the time restrictions.

Mr. Willingham responded that many people – especially the elderly – are concerned about tying their land up for ten years, and the ordinance does provide for four to ten years. It would be a policy decision to change the number of years. He said that of the 20 or so open space agreements he has now, the majority are for less than 10 years – usually four to five years.

Ms. Mallek commented that she is in favor of keeping it as a range to provide flexibility and encourage more participation.

Mr. Willingham noted that the agreements are very restrictive. If an easement is put on property that does not have a house on it, you cannot build a house during the agreement, subdivide; if it is an existing house, it cannot be enlarged.

Mr. Davis pointed out that there's going to be an incentive for people to try to stay in open space because at the end of the term of that agreement, if the property doesn't continue to qualify for open space, there will be a rollback.

Mr. Tucker said staff will leave the option; the option of four to ten years will be up to the applicant.

Ms. Mallek said that would be her preference.

Mr. Boyd said that he is in favor of leaving the option, as he believes it should be market-driven.

Mr. Davis noted that the only agreement the Board has entered into has been for 10 years, adding that the same range exists for ag/forestal districts – the Board's general policy for districts has been to impose the 10-year timeframe.

Mr. Boyd asked if someone joins an ag/forestal district, they come in for the remaining term of the district.

Mr. Davis said that is correct. He also said that the issue of whether or not open space agreements should apply to the entire parcel is on the Consent Agenda today, and staff recommends that the County Executive would only have the authority to sign the open space agreements that apply to the entire parcel, rather than a part of the parcel.

Board members said that they agreed with that.

Ms. Thomas mentioned that an issue that came up when she called people was the difficulty some elderly people were having in maintaining their farm property. She added that it seems to be the farm side and not the forestry side, and perhaps the Farm Bureau has a list of people who are willing to work on other people's land – but there will be a few who cannot afford a rollback.

Mr. Dorrier commented that he was under the impression that the Board supports "gentlemen farming," whereby the land is kept cut, mowed, and productive.

Ms. Mallek stated that the law requires some commercial or conservation activity.

Mr. Rooker mentioned that it does not require that for open space, and there are a lot of people who have a large parcel that is basically a mowed piece of land that they can obtain open space designation for, if it is over 20 acres. He also said that the communication activity around the policies goes back a year, as the Board adopted the ordinance in October 2008; in November tax bills were sent out with information about revalidation and there have been many follow-up communications as well as public meetings and many articles. He does not think there is anybody out there who has land in land use who has not been made aware of this issue.

Ms. Thomas responded that she is aware of several.

Mr. Rooker said he finds it hard to believe; they may have ignored the information. He emphasized that this program is \$19 million of tax benefits, paid for by other taxpayers. He said that people have a personal responsibility to get their revalidation forms in, and they have had significant opportunity to do that; and if they haven't, they still can with a late fee. He does not join in the "hand wringing" about anyone who has decided not to send in the revalidation form.

Mr. Boyd asked about the timetable for verification.

Mr. Willingham responded that the County would start the process next spring – typically when people start cutting hay, etc. – and it will be a two-year process; there will be 5,000 parcels up for review. He said that fortunately there are appraisers and staff who are familiar with parcels. He added that the better information people provide, the less they will have to pay attention to the property.

Mr. Willingham mentioned that they included a "frequently asked questions" list with the revalidation forms. Several questions have come up since this list was prepared, and staff would like to add those. The first question is: Can the revalidation form be used to change the current use, such as forestry use, to another qualifying use as open space? The response is "no". The revalidation form is retrospective; it is what you have done up to this point under your original application. To change your use to another use you have file a new application and go through that process.

Mr. Rooker said the use can be changed in a "seamless" way so that you never lose.

Ms. Mallek said it is that transition that she wants to know more about because people are understanding that they will have rollback taxes when they are trying to transition to the correct category. She knows of at least 30 people.

Mr. Willingham said as long as the property does not cease a qualifying use there shouldn't be a problem. He stated that if your property has been qualified for farming, horticulture, or forestry, it is "seamless" and by filing a new application you go straightforward to another qualifying category with no rollback taxes.

Mr. Davis pointed out that if you cannot revalidate your current use, there will be a rollback.

Mr. Rooker mentioned that that has happened in some cases where people have had land use for a long time but really haven't qualified.

Mr. Dorrier asked if conservation easements qualify for land use.

Mr. Davis responded that they do, but must qualify with other criteria too.

Mr. Willingham pointed out that even if all conservation easements qualified for land use, you would still need a use value ordinance calling for open space.

Mr. Davis pointed out that the Board does not have to adopt ag/forestral districts and does not have to enter into use agreements, so by policy the only option could be left as open space easements, but the other three options could be available at the discretion of the Board.

Ms. Mallek stated that the primary focus, according to the commitment form, is a mixture of acceptable Department of Forestry regulations, and asked if someone would be in jeopardy in the evaluation going forward if they didn't put timber production as number one.

Mr. Willingham replied that his interpretation of the standards is that they would not be penalized, and a landowner doesn't have to harvest or clear-cut every year – as the category for productive forestry states that a landowner is growing a commercial crop of trees to harvest when mature. He added that there was an Attorney General's opinion that said that a primary use to qualify for forestry is that a landowner is actually producing for-sale trees or timber products. Mr. Willingham noted that you can either have a professional foresters plan done, and an owner should know what to do in lieu of that plan. He said that when a landowner signs that, they are certifying to Best Management Practices, etc., and the County website will be updated with new information and links. Mr. Willingham added that the majority of people have at one time harvested trees. Staff is working hard with people to not remove them from land use. If someone is in substantial compliance and if they are working diligently to keep the property qualified, their property will not be rolled back – as some trees may not be harvested for many years.

Mr. Slutzky commented that the absence of a forestry management plan is not a trigger for rollback. Mr. Willingham said that is correct.

Mr. Boyd asked if there is any leeway on the forestry management plan because there are a limited number of people who can do that plan. Mr. Willingham said they are accepting revalidations with notes from property owners that they are working with someone, with the understanding that staff is earmarking those applications by putting them into tickler files, to follow-up to be sure they follow through.

Mr. Willingham said that the second question that came up was whether the revalidation form and information supplied by the property owner are available to anyone, and the answer to that was "no." He emphasized that anything given to him as the County Assessor and related to those duties is confidential under Virginia Code Section 58.1-3, and the only way he can divulge that information is if it the Court orders him. People should not fear that any information given to him will be disseminated to the public or that someone from the public can look at it.

He reported that the next question is whether there is any exception to the requirement for a five-year history of production before a property can qualify, and said that the answer is "no" for agriculture, horticulture, and forestry because the State requires the five-year history. Mr. Willingham indicated that the one exception is if you are expanding an existing use on a previously qualified use, and there is a local option for a two-year rule for agricultural products that need to mature but the County doesn't have that provision yet.

Ms. Mallek asked if grape vines would fall into the latter category. Mr. Willingham replied, "yes".

Mr. Willingham stated that the fourth question was whether there was any way not to incur rollback taxes, which are triggered when a property is changed to a non-qualifying use or if a property is rezoned to a more intensive use. He said that the way to avoid rollback taxes is something he calls "burning it off," where you pay fair-market value tax and continue a qualifying use for a certain period of time.

Ms. Mallek asked if the same program can be used for people who wanted to go into open space because they are not in compliance so they do not have the rollback. She is concerned about the possibility of people paying a huge rollback fee but still being willing to do a 10-year commitment to open space.

Mr. Willingham responded that there is currently no provision for that, and the law would either need to be changed at the State level, or a local option would need to be pursued.

Mr. Davis explained that under current law, changing to a non-qualifying use mandates that the rollback penalty be applied. There is no exception.

Ms. Mallek asked what if the person just stopped doing the more active things, not including putting a house on the property. Mr. Davis responded that the assessor has to make a determination that the property has changed to a non-qualifying use. Something beyond a short term idle use of the property would determine a change in use. If someone stops farming and made no provisions to continue farming for an extended period of time that would be a change in use to a non-farming use. If someone had stopped farming for one season and had continued to try to find someone to till the property, that may be

able to be determined as idle and not be a non-qualifying use, but that is a judgment call the assessor has to make as to when the property is no longer being farmed or timbered, etc.

Ms. Mallek asked if that kind of detail will be shared in Mr. Willingham's letter. That will provide some additional understanding for people.

Mr. Willingham emphasized that he tries to use as much common sense as possible in making a determination as to whether the use has changed.

Mr. Rooker said the best advice for people who have questions is to tell them to call the Assessor's office. It is almost impossible to send out a written communication that has all the nuances in it that might impact a particular landowner.

Mr. Willingham added that there are also organizations that can help people in protecting their land, such as the Farm Bureau and Thomas Jefferson Soil and Water Conservation District.

Ms. Thomas asked if the Farm Bureau has stepped up in their role here.

Mr. Willingham responded that they have been, and those he's met from the agency have expressed their willingness to help.

Mr. Boyd said that the County's Land Use Validation Committee should be used more often as a resource.

Mr. Rooker asked what would happen in the case of a landowner who subdivides his property, but continues to operate under land use. Until they sell a piece as he understands it, they continue to qualify for land use even though they subdivided the property and they're actually selling lots.

Mr. Willingham responded that they would need to meet the minimum acreage, and as they continue the qualifying use, do new applications to keep the new parcels in. In addition they would also have to certify a statement that they want to continue the qualifying use. Subdivision does trigger rollback, unless the owner attests that he is going to continue the qualifying use. Sale does not trigger land use taxes roll back.

Mr. Davis added that when the subdivision event occurs, that requires them to re-qualify. They have to reapply for land use and if they can continue to qualify, they can be in land use. But, anytime you subdivide property, the entire property has to reapply for land use.

Mr. Willingham added that the owner has to attest that the lots created by the subdivision will continue to qualify for land use.

Mr. Rooker said that the reason he brings this up is he has seen landowners over the years who have taken advantage of the program, holding property for development, subdividing it, etc., so it is important to be cautious when discussing possible changes to its requirements. He thinks the Board should make certain that the County's program – to the extent feasible – is incenting the kind of activity that is the purpose.

Ms. Thomas said she has never gotten so upset at the land that is potentially going to be a subdivision that is still being farmed. Every year that it is being farmed is to the good.

Ms. Thomas suggested that when groups are meeting at JABA or the Senior Center about this topic, Mr. Willingham should include someone who can help seniors with their land – not just their land use taxation. JABA or the Senior Center should be told to get someone there from the Farm Bureau or a forester who can actually help people with their land.

Mr. Willingham responded that he would follow up and pursue that.

Mr. Tucker asked about following up on utility easements and firebreaks that are on property.

Mr. Willingham said that firebreaks as part of a forest management plan would qualify, as long it is to promote forest growth for harvest; for land under easements – depending on their size – the standard says that land not being used does not qualify unless they qualify for open space.

Ms. Mallek asked if there is forestry expertise in the County that is used for the site visits.

Mr. Willingham responded that his plan is to work with the Forestry Department for training and education so that when they go out they can apply good common sense decisions, but if a major question arises he will go back to the Forestry Department for advice.

Mr. Slutzky commented that this information has been very helpful and the Board appreciates all the hard work staff is doing.

Agenda Item No. 5. Closed Meeting.

At 12:07 p.m., **motion** was offered by Ms. Thomas, that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to

boards, committees, and commissions; and under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to a boundary line adjustment.

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

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

Agenda Item No. 6. Certify Closed Meeting.

At 1:05 p.m., the Board reconvened into open meeting. **Motion** was offered by Ms. Thomas to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. The motion was **seconded** by Mr. Rooker. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 10. Boards and Commissions: Vacancies/Appointments.

Motion was then offered by Ms. Mallek to make the following appointments:

appoint Craig Evans to the Fiscal Impact Advisory Committee with said term to expire July 8, 2011.

appoint Jay Fennell to the Public Recreational Facilities Authority with said term to expire December 13, 2010.

reappoint Robert Michael Burke to the Community Mobility Committee with said term to expire September 2, 2011.

reappoint Michael Erwin and Rochelle Garwood to the Natural Heritage Committee with said terms to expire September 30, 2013.

reappoint Christopher Dumler to the Region Ten Community Services Board with said term to expire June 30, 2012.

reappoint Barbara Franko, Bonnie Samuel, Robert Bakalian, and Martin Schulman to the Route 250 West Task Force, with said terms to expire September 5, 2012.

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

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

Agenda Item No. 7. From the Board: Matters Not Listed on the Agenda.

Ms. Thomas said that she has a resolution that she would like the Board to pass. She explained that the County has a Sister City relationship with a little town in Italy. It was the hometown of Filippo Mazzei, who joined Thomas Jefferson here and helped with this country's Revolutionary War efforts. They are having a festival later in September, which she will be attending, at her own expense. She has a resolution that requests that in recognition of the long-standing twin-ship, the week of September 13-21 be named "Prato's Week." Prato is the name of our county and it is a city that is our community in Tuscany, Italy.

Ms. Thomas then **moved** to adopt the proposed resolution. Ms. Mallek **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

RESOLUTION FOR PRATO AND POGGIO A CAIANO

WHEREAS, *Thomas Jefferson was born in Albemarle County on April 13, 1743, and, across the ocean, Filippo Mazzei was born on Christmas Day, 1730, in Poggio a Caiano; and*

WHEREAS, *Filippo Mazzei became an Albemarle County resident, neighbor and friend of Thomas Jefferson in 1773; and*

WHEREAS, *Filippo Mazzei also became deeply involved in helping our country pursue its desire for freedom in the Revolutionary War; and*

WHEREAS, *eventually Filippo Mazzei returned to Europe, but his vineyard, a creek named "Poggio," the descendents of his farm workers and the close associations with Tuscany were not forgotten; and*

WHEREAS, *during our nation's bi-centennial celebration, leaders in the communes of Poggio a Caiano and Prato suggested to Charlottesville and Albemarle that we mutually establish a permanent twin-community relationship "for the purpose of cultural association and exchange of international goodwill;" and*

WHEREAS, *many times in the subsequent years, we have shared our students, artists, musicians, politicians, businesspeople, soccer players and tourists, welcomed and assisted on both sides of the ocean; and*

WHEREAS, *one of our Board members will carry our good wishes to Prato and Poggio a Caiano this September, 2009;*

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia, that we do hereby express our continued friendship and appreciation to our twin communities; and

BE IT FURTHER RESOLVED, that we do hereby proclaim **September 14 to 21, 2009, to be PRATO and POGGIO A CAIANO WEEK,** to commemorate the Mazzei-Jefferson Friendship that began over 200 years ago and our twin-community relationship of the last 33 years. May it continue for another 200 years!

Mr. Boyd said he has a committee report on Access Albemarle, but he will wait and do that when the Board and School Board meets.

Ms. Mallek said that she has distributed a list of the winners of the Edgar and Eleanor Shannon Foundation teacher grants. There is a long list of Albemarle County teachers who have extended themselves to do extra projects to benefit the curriculum. She did attend the awards ceremony a couple of weeks ago.

Ms. Mallek said Mr. Joseph Corea, of the County's Finance Department, has prepared a letter that very clearly explains the Real Estate Tax Relief for the Elderly and Disabled, and its effects on estates to make sure that people understand that this is a waiver and not something they are encumbering their heirs to pay back the taxes. This letter is a result of concerns from some elderly people in Crozet, who qualified for the program, but did not want to participate because they were concerned about what would happen when they pass away. The letter is available and she finds it to be very helpful to give to people who are concerned. She will email the letter to Board members.

Mr. Slutzky suggested including a copy with the Board's agenda packet.

Ms. Thomas suggested forwarding a copy to JABA and The Senior Center to include in their publications.

Ms. Mallek said that she would be attending a green infrastructure workshop hosted by the Agriculture Department, to be held in Culpeper, Virginia, on September 17th.

Ms. Mallek said the City and County Fire Chiefs and Police Departments are working together to create a ceremony for September 11th at 5:00 p.m. with music, presentations, and speeches to commemorate that day. Board members will be invited and if they want to be involved in any other way, let her know.

Ms. Mallek mentioned that during the last couple of weeks a complaint was made to the Zoning Department regarding Nathan Yoder's farm stand at the corner of Free Union Road and Garth Road. Zoning has investigated and this issue will likely lead to a resolution of intent as something that can be done correctly for the entire County. She added that if we are successful in our local food movement and in encouraging new faces of agriculture, she is hopeful that there will be many more opportunities for local consumers to buy directly from farmers. She wants the Board to think about this in a thoughtful way and make decisions that are broad based rather than trying to focus on one particular area. She explained that if Mr. Yoder or the landowner chooses to, they can appeal the Zoning enforcement which will take a while to process and will give them an opportunity to work toward compliance. During the winter, hopefully County staff will be able to begin a discussion about how to address this on a county-wide basis.

Mr. Slutzky said that he appreciates Ms. Mallek's hard work in trying to address this issue. The Board does not want to be politicizing the Zoning Administrator's role. It is the Zoning Administrator's job to enforce the rules that the Board makes. He appreciates Ms. McCulley handling this as objectively as she has. He added that it is incumbent upon the Board to change the rules and he encouraged Ms.

McCulley her to expedite the matter so they can move forward with amendments in time for next spring should the Board want to make a change.

Mr. Rooker asked if the farmer's market goes through a licensing process.

Ms. McCulley responded that if the sale takes place on the farm that's permitted with minimal zoning requirement; if it's taking place on commercial property that's also allowed under zoning as a commercial activity. She said that for residential and rural areas that are not a farm "that is where the gap exists."

Mr. Rooker emphasized the need to look at this in a comprehensive way.

Mr. Cilimberg mentioned that the County has received quite a number of ag/forestal district applications for addition and two completely new districts. He added that they also have about 20 conservation easements to process with the Recreational Facilities Authority, and thus have had to "back-burner" the zoning text amendments for churches and home occupations. Mr. Cilimberg stated that he and Ms. McCulley would work as quickly as possible and hope to have something for the Board by next spring. He also mentioned that their work on the winery regulation issues should be ready for the Planning Commission in November.

Ms. Thomas commented that it does matter that County staff has been cut by ten percent or more.

Mr. Rooker mentioned that a petition for a dogs running at large ordinance for Montvue has been received, and asked when it would come forward to the Board.

Mr. Davis responded that it could probably be ready for the October meeting cycle.

Mr. Slutzky reported that he was invited by the Department of Conservation and Recreation to participate in discussions regarding the new proposed storm water regulations. He said that he has attended one meeting and there is another scheduled; one major issue was the impact of volumetric requirements on local projects. Mr. Slutzky stated that DCR seems to be making reasonable adjustments and the outcome of the process will likely be regulations that will be even more protective of the Bay, than originally proposed, but more fair and balanced and less likely to create the unintended consequences of sprawl that might have been inherent in some of the original requirements.

Ms. Thomas said that she would like him to bring up changing the rules about ordinary use of fertilizer, as new regulations would likely require enabling legislation.

Mr. Slutzky replied that he doesn't know if DCR would include it in their agenda, but it would indeed require General Assembly action.

Mr. Rooker asked if they are going to abandon the requirement that everything be treated onsite.

Mr. Slutzky responded that he is not certain and neither is DCR, but their current state of thinking is that they would allow as much as possible onsite but at the discretion of the developer there would be the opportunity to go offsite by purchasing credits from the agricultural sector, etc. He said that the credits would go to localities unless the locality chooses to allow for the money to go into a state-controlled fund, and it would be applied to appropriate redevelopment projects, agricultural projects, or point-source projects as DCR sees fit that most benefit the Bay and local water sources. He thinks DCR has made some major adjustments that are going to be good.

Mr. Rooker noted that the federal legislation made no provision for offsite treatment at all and it creates "a ridiculous dichotomy" when trying to establish urban development areas. He added that Mr. Slutzky's letter was excellent.

Ms. Thomas encouraged Board members to go to Brownsville School to see how taxpayer money was spent to bring the old parts of the school up to standard with the newer parts.

Ms. Thomas said that 16 years ago she was faced with a household with contaminated water in the Red Hill School District. On September 19th at 11:00 a.m., they are going to get fresh new water from a well beyond the plume. Ms. Thomas added that the family has been using carbon filters for their water but DEQ would never promise to provide those permanently.

Agenda Item No. 8. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Robert Rash said he lives in the White Hall area. He asked why is it such a problem for Mr. Yoder at his location. Mr. Yoder has been at his location for many years. He asked if all the farmer's markets in Albemarle County are in violation of the ordinance as it currently exists – and if they are is it because of the tents they put over their tables to protect their wares from the weather, or just because they are there at all. If the tent or canopy is in question and is not attached to the ground, is it a structure? Can the farmer's market exist if they do not put up the tent? Is it no longer a structure if all they have is a

table with the produce on it? It has been suggested that they go to a church parking lot or other commercial lots and they would not then be in violation and could have the farmer's markets. The ordinance states that if they erect a structure that was not in existence at the time the ordinance was enacted, they would probably be in violation. Mr. Rash asked how can they effectively have a farmer's market without violating the law and are all farmers in violation if they sell off their property? Most farmers sell off their property because their farms are in rural areas where there is very little pedestrian or vehicle traffic. He asked if other farmers can join with another farmer who has produce to sell and his farm is on a road where he feels there is sufficient traffic to generate the business they need. He asked if it would be possible to get a special use permit to make this possible and how much would it cost. He asked if a special use permit would be required every week or year. He added that there are a lot of "gray areas" in the ordinance regarding this. It seems to be the Board's intent to support agricultural work, farms and produce in the County, and he asks that consideration be given to them regarding this matter.

Mr. Slutzky responded that prior to next spring staff would be bringing back to the Board information regarding ordinance provisions for farmer's markets. Staff will be looking at all the relevant issues.

Mr. Rooker pointed out that Albemarle has a complaint-driven Zoning Ordinance, so the Zoning Department only investigates if someone makes a complaint – which happened here. He said that once a complaint is made it is incumbent upon the Department to visit the site and make a determination as to the violation.

Mr. Neil Williamson, of the Free Enterprise Forum, said that the Forum and the Chamber of Commerce would be hosting a luncheon on September 24, 2009, with a focus on agricultural enterprises. The presenting panel will include the Director of the Virginia Department of Agriculture and Consumer Services – Todd Haymore, Chad Zakaib from Jefferson Vineyards, and Frank Levering, an author who has written a book about the conflicts between residences and agricultural enterprises in the country. The luncheon will be held at Farmington Country Club and will begin at 11:30 a.m. He invited Board members to attend.

Agenda Item No. 9. Consent Agenda. **Motion** was offered by Ms. Thomas, **seconded** by Ms. Mallek, to approve Items 9.1 (as read) through 9.7, and to accept the remaining items as information. (Discussions on individual items are included with those items.) Roll was called and the motion carried by the following recorded vote:

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

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

Item No. 9.1. Approval of Minutes: April 1, May 6, June 3 and July 8, 2009.

Ms. Thomas stated that she needed to pull her minutes.

Ms. Mallek had read the minutes of April 1, 2009 and found them to be in order with the exception of some typographical errors.

Mr. Boyd had read the minutes of May 6, 2009, pages 1 – 37 (end at Item #9) and found them to be in order.

Mr. Dorrier had read the minutes of June 3, 2009, pages 1 – 28 (end at Item #13), and found them to be in order.

Mr. Rooker had read the minutes of June 3, 2009, pages 28 (begin with Item #13) – end, and found them to be in order with the exception of a typographical error. – Mr. Rooker

Ms. Mallek had read the minutes of July 8, 2009, pages 1 - 22 (end at Ordinance), and found them to be in order with the exception of some typographical errors.

By the above-recorded vote, the Board approved the minutes as read. All minutes not read were carried to the next meeting.

Item No. 9.2. FY 2009 Appropriations

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

The total of this requested FY 2009 appropriation is \$28,902.45. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget.

This request involves the approval of one (1) new FY 2009 appropriations as follows:

- One (1) appropriation (#2009068) totaling \$28,902.45 for various school programs.

Staff recommends approval of the budget amendment in the amount of \$28,902.45 and the approval of Appropriation #2009068.

* * * * *

Appropriation #2009068		\$ 28,902.45
Revenue Source:	Local Revenue	\$ 24,652.45
	State Revenue	4,250.00

At its meeting on August 13, 2009, the School Board approved the following appropriations:

Beginning in FY 08/09, the state legislature required schools to appropriate funds into a newly created technology category. Because this requirement did not go into effect until after the Board of Supervisors passed the FY 08/09 appropriation ordinance, technology expenses were allocated to the categories that were in place prior to FY 08/09. This action will shift \$1,714,847 in spending authority from administration, attendance and health as well as \$1,415,547 in spending authority from instruction to the technology category. In FY 2009/2010 the School Board has already approved a similar amount and placed the spending authority in the technology category. There will be no impact on the total County budget as a result of this appropriation.

The Teaching American History Grant is based on a partnership of five public school systems in central Virginia (Charlottesville City, Albemarle, Madison, Orange and Greene Counties). The City of Charlottesville is the fiscal agent and Albemarle County Schools will seek reimbursement for salary and compensation expenses incurred. The purpose of this grant is to create a sustainable, long-term project that will become a model to share both teaching strategies and content-based activities as well as inform future historical projects. Expenditures have exceeded appropriations for FY 08/09 due to an increase in funding. This item requests appropriation of additional funds in the amount of \$7,700 to cover these increases and to balance this fund.

Through various fundraisers over the 2008-2009 school year and a matching donation from the PATSO, Henley Middle School has raised a total of \$11,452.45 to be used towards the installation costs of solar panels at the school. These monies along with the \$7,500.00 grant awarded by the Dominion Educational Partnership (included in the FY 09/10 Appropriation) will be retained in this fund until the goal of \$42,000.00 is met and the implementation of the project can begin.

Stony Point Elementary School has been awarded a Sam's Club Foundation Community Grant in the amount of \$1,000.00. These funds will be used to supplement field trip costs incurred during the 2008-2009 school year. The funds will be received and disbursed as attached.

Henley Middle School has been awarded a grant in the amount of \$1,000.00 from the Wal-Mart Foundation. These funds will be used to purchase educational supplies and equipment that will enhance the current Health curriculum.

Crozet Elementary School has been awarded a grant in the amount of \$3,500.00 from The Williams Foundation. These funds will be used for the purchase of a Senteo Response System. The units will be used during introduction of new material and as an assessment tool to determine mastery of content.

The Virginia Commission for the Arts has made grant awards to several elementary schools. Artists in Residency Grants were made to Agnor-Hurt in the amount of \$200.00, Broadus Wood in the amount of \$300.00 and Brownsville in the amount of \$3,750.00. These funds will assist with funding performances at each school. The funds will be received and disbursed as attached.

By the above-recorded vote, the Board approved the budget amendment in the amount of \$28,902.45 and approved Appropriation #2009068.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009068
DATE _____
BATCH# _____

EXPLANATION: Education Donations and Programs - School Board Meeting - 08/13/2009

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	3158	18000	181273	TEACHING AMERICAN HISTORY GRT	J 2	7,700.00		
1	3158	61101	112100	SALARIES-TEACHER	J 1	2,785.04		
1	3158	61101	160100	STIPENDS-CAREER INCENTIVE	J 1	4,021.00		
1	3158	61101	210000	FICA	J 1	520.67		
1	3158	61101	221000	VRS EMPLOYER CONTRIBUTION	J 1	373.29		
	3158		0501	EST. REVENUE			7,700.00	

			0701	APPROPRIATION					7,700.00
2	3104	18100	181153	HENLEY SOLAR PANELS PROJECT	J	2	11,452.45		
2	3104	18000	189900	MISC GRANT REVENUE	J	2	1,000.00		
2	3104	18000	181323	MISC GRTS-WALMART FOUNDATION	J	2	1,000.00		
2	3104	18000	189900	MISCELLANEOUS REVENUE	J	2	3,500.00		
2	3104	24000	240369	TOURING GRANT-BROADUS WOOD	J	2	300.00		
2	3104	24000	240295	VCA-TOURING GRANTS	J	2	3,950.00		
1	3104	62421	800621	SOLAR PANELS-HENLEY	J	1	11,452.45		
1	3104	60211	137100	PT/WAGES BUS DRIVERS	J	1	581.25		
1	3104	60211	210000	FICA	J	1	44.46		
1	3104	60211	420100	FIELD TRIPS	J	1	374.29		
1	3104	60252	601300	ED & REC SUPPLIES	J	1	1,000.00		
1	3104	60203	800100	MACHINERY/EQUIPMENT-ADDL	J	1	3,500.00		
1	3104	60201	312500	PROF SERVICES-INSTRUCTIONAL	J	1	300.00		
1	3104	60202	312500	PROF SERVICES-INSTRUCTIONAL	J	1	3,750.00		
1	3104	60215	312500	PROF SERVICES-INSTRUCTIONAL	J	1	200.00		
	3104		0501	EST. REVENUE				21,202.45	
			0701	APPROPRIATION					21,202.45
1	2115	62190	111400	SALARY-OTHER MANAGEMENT	J	1	(94,487.00)		
1	2115	62190	114300	SALARY-ASST SUPERINTENDENT	J	1	(1,036,759.00)		
1	2115	62190	123500	OVERTIME-SYS ANALYST/PROG	J	1	(21,645.00)		
1	2115	62190	210000	FICA	J	1	(88,193.00)		
1	2115	62190	221000	VRS EMPLOYER CONTRIBUTION	J	1	(163,956.00)		
1	2115	62190	231000	HEALTH INSURANCE	J	1	(139,545.00)		
1	2115	62190	232000	DENTAL INSURANCE	J	1	(5,061.00)		
1	2115	62190	241000	GROUP LIFE	J	1	(10,068.00)		
1	2115	62190	320000	TEMP SERVICES	J	1	(200.00)		
1	2115	62190	331600	REPAIR & MAINTENANCE	J	1	(1,100.00)		
1	2115	62190	332100	MAINTENANCE	J	1	(54,000.00)		
1	2115	62190	520100	POSTAL SERVICES	J	1	(750.00)		
1	2115	62190	520300	TELECOMMUNICATIONS	J	1	(14,400.00)		
1	2115	62190	550100	TRAVEL-MILEAGE	J	1	(30,683.00)		
1	2115	62190	550400	TRAVEL-EDUCATION	J	1	(2,500.00)		
1	2115	62190	580000	MISCELLANEOUS EXPENSES	J	1	(6,000.00)		
1	2115	62190	580100	DUES & MEMBERSHIP	J	1	(500.00)		
1	2115	62190	580500	STAFF DEVELOPMENT	J	1	(20,000.00)		
1	2115	62190	600100	OFFICE SUPPLIES	J	1	(6,000.00)		
1	2115	62190	601200	BOOKS & SUBSCRIPTIONS	J	1	(750.00)		
1	2115	62190	601700	COPY SUPPLIES	J	1	(250.00)		
1	2115	62190	800700	DATA PROCESSING EQUIP-NEW	J	1	(15,000.00)		
1	2115	62190	800710	DATA PROCESSING EQUIP-REPL	J	1	(3,000.00)		
1	2100	61750	112100	SALARY-TEACHER	J	1	(150,819.00)		
1	2100	61750	114100	SALARY-TEACHER AIDE	J	1	(24,847.00)		
1	2100	61750	160110	STIPENDS-ACADEMIC LEADER	J	1	(9,000.00)		
1	2100	61750	210000	FICA	J	1	(14,130.00)		
1	2100	61750	221000	VRS EMPLOYER CONTRIBUTION	J	1	(27,498.00)		
1	2100	61750	222100	RETIREMENT ANNUITY-PT	J	1	(6,321.00)		
1	2100	61750	231000	HEALTH INSURANCE	J	1	(28,108.00)		
1	2100	61750	232000	DENTAL INSURANCE	J	1	(1,020.00)		
1	2100	61750	241000	GROUP LIFE-EMPLOYER CONTR	J	1	(1,643.00)		
1	2100	61750	242000	GROUP LIFE INSURANCE-PT	J	1	(428.00)		
1	2100	61650	112100	SALARY-TEACHER	J	1	(205,456.00)		
1	2100	61650	160110	STIPENDS-ACADEMIC LEADER	J	1	(10,250.00)		
1	2100	61650	210000	FICA	J	1	(16,502.00)		
1	2100	61650	221000	VRS EMPLOYER CONTRIBUTION	J	1	(27,862.00)		
1	2100	61650	231000	HEALTH INSURANCE	J	1	(22,525.00)		
1	2100	61650	232000	DENTAL INSURANCE	J	1	(755.00)		
1	2100	61650	241000	GROUP LIFE-EMPLOYER CONTR	J	1	(1,666.00)		
1	2100	61650	242000	GROUP LIFE INSURANCE-PT	J	1	(263.00)		
1	2100	61550	112100	SALARY-TEACHER	J	1	(390,358.00)		
1	2100	61550	114100	SALARY-TEACHER AIDE	J	1	(60,050.00)		
1	2100	61550	160110	STIPENDS-ACADEMIC LEADER	J	1	(27,500.00)		
1	2100	61550	210000	FICA	J	1	(36,561.00)		
1	2100	61550	221000	VRS EMPLOYER CONTRIBUTION	J	1	(58,874.00)		
1	2100	61550	222100	RETIREMENT ANNUITY-PT	J	1	(2,324.00)		
1	2100	61550	231000	HEALTH INSURANCE	J	1	(55,019.00)		
1	2100	61550	232000	DENTAL INSURANCE	J	1	(1,620.00)		
1	2100	61550	241000	GROUP LIFE-EMPLOYER CONTR	J	1	(3,520.00)		
1	2100	61550	242000	GROUP LIFE INSURANCE-PT	J	1	(375.00)		
1	2115	61320	160300	STIPENDS-INSTRUCTIONAL	J	1	(500.00)		
1	2115	61320	210000	FICA	J	1	(38.00)		
1	2115	61320	312505	PROFESSIONAL SERVICES-UVA	J	1	(10,000.00)		
1	2115	61320	312710	COMPUTER SUPPORT	J	1	(500.00)		
1	2115	61320	312712	TECHNOLOGY TRAINING	J	1	(750.00)		
1	2115	61320	332104	MAINT. OF DATA PROCESSING EQUIP	J	1	(8,000.00)		
1	2115	61320	332111	MAINT. OF A/V EQUIPMENT	J	1	(1,000.00)		
1	2115	61320	540301	LEASE/RENT-SOFTWARE	J	1	(134,965.00)		
1	2115	61320	600705	MAINTENANCE & MATERIALS-AV	J	1	(10,500.00)		
1	2115	61320	600710	PARTS & MAINTENANCE-DP	J	1	(54,000.00)		

1	2115	61320	800700	DATA PROCESSING EQUIP-NEW	J	1	(10,000.00)		
1	2115	66200	111400	SALARY-OTHER MANAGEMENT	J	1	94,487.00		
1	2115	66200	114300	SALARY-ASST SUPERINTENDENT	J	1	1,036,759.00		
1	2115	66200	123500	OVERTIME-SYS ANALYST/PROG	J	1	21,645.00		
1	2115	66200	210000	FICA	J	1	88,193.00		
1	2115	66200	221000	VRS EMPLOYER CONTRIBUTION	J	1	163,956.00		
1	2115	66200	231000	HEALTH INSURANCE	J	1	139,545.00		
1	2115	66200	232000	DENTAL INSURANCE	J	1	5,061.00		
1	2115	66200	241000	GROUP LIFE	J	1	10,068.00		
1	2115	66200	320000	TEMP SERVICES	J	1	200.00		
1	2115	66200	331600	REPAIR & MAINTENANCE	J	1	1,100.00		
1	2115	66200	332100	MAINTENANCE	J	1	54,000.00		
1	2115	66200	520100	POSTAL SERVICES	J	1	750.00		
1	2115	66200	520300	TELECOMMUNICATIONS	J	1	14,400.00		
1	2115	66200	550100	TRAVEL-MILEAGE	J	1	30,683.00		
1	2115	66200	550400	TRAVEL-EDUCATION	J	1	2,500.00		
1	2115	66200	580000	MISCELLANEOUS EXPENSES	J	1	6,000.00		
1	2115	66200	580100	DUES & MEMBERSHIP	J	1	500.00		
1	2115	66200	580500	STAFF DEVELOPMENT	J	1	20,000.00		
1	2115	66200	600100	OFFICE SUPPLIES	J	1	6,000.00		
1	2115	66200	601200	BOOKS & SUBSCRIPTIONS	J	1	750.00		
1	2115	66200	601700	COPY SUPPLIES	J	1	250.00		
1	2115	66200	800700	DATA PROCESSING EQUIP-NEW	J	1	15,000.00		
1	2115	66200	800710	DATA PROCESSING EQUIP-REPL	J	1	3,000.00		
1	2100	66170	112100	SALARY-TEACHER	J	1	150,819.00		
1	2100	66170	114100	SALARY-TEACHER AIDE	J	1	24,847.00		
1	2100	66170	160110	STIPENDS-ACADEMIC LEADER	J	1	9,000.00		
1	2100	66170	210000	FICA	J	1	14,130.00		
1	2100	66170	221000	VRS EMPLOYER CONTRIBUTION	J	1	27,498.00		
1	2100	66170	222100	RETIREMENT ANNUITY-PT	J	1	6,321.00		
1	2100	66170	231000	HEALTH INSURANCE	J	1	28,108.00		
1	2100	66170	232000	DENTAL INSURANCE	J	1	1,020.00		
1	2100	66170	241000	GROUP LIFE-EMPLOYER CONTR	J	1	1,643.00		
1	2100	66170	242000	GROUP LIFE INSURANCE-PT	J	1	428.00		
1	2100	66160	112100	SALARY-TEACHER	J	1	205,456.00		
1	2100	66160	160110	STIPENDS-ACADEMIC LEADER	J	1	10,250.00		
1	2100	66160	210000	FICA	J	1	16,502.00		
1	2100	66160	221000	VRS EMPLOYER CONTRIBUTION	J	1	27,862.00		
1	2100	66160	231000	HEALTH INSURANCE	J	1	22,525.00		
1	2100	66160	232000	DENTAL INSURANCE	J	1	755.00		
1	2100	66160	241000	GROUP LIFE-EMPLOYER CONTR	J	1	1,666.00		
1	2100	66160	242000	GROUP LIFE INSURANCE-PT	J	1	263.00		
1	2100	66150	112100	SALARY-TEACHER	J	1	390,358.00		
1	2100	66150	114100	SALARY-TEACHER AIDE	J	1	60,050.00		
1	2100	66150	160110	STIPENDS-ACADEMIC LEADER	J	1	27,500.00		
1	2100	66150	210000	FICA	J	1	36,561.00		
1	2100	66150	221000	VRS EMPLOYER CONTRIBUTION	J	1	58,874.00		
1	2100	66150	222100	RETIREMENT ANNUITY-PT	J	1	2,324.00		
1	2100	66150	231000	HEALTH INSURANCE	J	1	55,019.00		
1	2100	66150	232000	DENTAL INSURANCE	J	1	1,620.00		
1	2100	66150	241000	GROUP LIFE-EMPLOYER CONTR	J	1	3,520.00		
1	2100	66150	242000	GROUP LIFE INSURANCE-PT	J	1	375.00		
1	2115	66300	160300	STIPENDS-INSTRUCTIONAL	J	1	500.00		
1	2115	66300	210000	FICA	J	1	38.00		
1	2115	66300	312505	PROFESSIONAL SERVICES-UVA	J	1	10,000.00		
1	2115	66300	312710	COMPUTER SUPPORT	J	1	500.00		
1	2115	66300	312712	TECHNOLOGY TRAINING	J	1	750.00		
1	2115	66300	332104	MAINT. OF DATA PROCESSING EQUIP	J	1	8,000.00		
1	2115	66300	332111	MAINT. OF A/V EQUIPMENT	J	1	1,000.00		
1	2115	66300	540301	LEASE/RENT-SOFTWARE	J	1	134,965.00		
1	2115	66300	600705	MAINTENANCE & MATERIALS-AV	J	1	10,500.00		
1	2115	66300	600710	PARTS & MAINTENANCE-DP	J	1	54,000.00		
1	2115	66300	800700	DATA PROCESSING EQUIP-NEW	J	1	10,000.00		
TOTAL							57,804.90	28,902.45	28,902.45

Item No. 9.3. FY 2010 Appropriations.

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

The total of this requested FY 2010 appropriation is \$2,535,924.19. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget.

This request involves the approval of five (5) new FY 2010 appropriations as follows:

- One (1) appropriation (#2010018) transferring \$91,000.00 for road and drainage improvements to Sun Ridge Road;
- One (1) appropriation (#2010019) totaling \$113,138.00 for a Community Policing grant;

- One (1) appropriation (#2010020) totaling \$55,870.00 for grants to replace equipment at the Emergency Communications Center;
- One (1) appropriation (#2010021) totaling \$831,453.00 to change the way the Office of Facilities Development is funded; and
- One (1) appropriation (#2010022) totaling \$1,535,463.19 for various school programs and grants.

Staff recommends approval of the budget amendment in the amount of \$2,535,924.19 and the approval of Appropriations #2010018, #2010019, #2010020, #2010021, and #2010022.

* * * * *

Appropriation #2010018		\$ 91,000.00
Revenue Source:	Local Revenue	\$ 91,000.00

At its March 7, 2007 meeting, the Board of Supervisors directed staff to implement on Sun Ridge Road a partial public street extension with drainage improvements to support the road and resolve downstream flooding and erosion issues. This appropriation will fund these improvements as designed per the Board's direction. The source of the funding is the "Transportation – Local" and "Stormwater Control Improvements" funds from the Capital Improvement Program. There will be no impact on the total County budget as a result of this appropriation.

Appropriation #2010019		\$113,138.00
Revenue Source:	Federal Revenue	\$ 113,138.00

The Department of Justice has awarded the Albemarle County Police Department a grant in the amount of \$113,138.00. The purpose of this grant is to assist in overtime expenses and equipment to support more Community Policing in problem solving, crime prevention, and safety enhancement through working directly with citizens. There is no local match.

Appropriation #2010020		\$55,870.00
Revenue Source:	State Revenue	\$ 55,870.00

The Emergency Communication Center was awarded two non-matching grants from the State 911 Wireless Board for the purchase of replacement equipment in the Emergency Communications Center. The first grant is in the amount of \$26,440.00 and is to be used for replacing the instant call check recorders at the dispatch consoles. The second grant is for \$29,430 and is to be used for replacing the hardware for the 911 telephone system including the CPE units and touch screen monitors for all 14 dispatcher and call taking positions.

Appropriation #2010021		\$831,453.00
Revenue Source:	CIP Fund Balance	\$ 831,453.00

At the August 5, 2009 Board of Supervisors meeting, the Board approved a recommendation from the Office of Facilities Development that included the following:

- Authorize OFD to charge direct costs associated with Project Management services, including the Capital Program Manager position, to the Capital Fund (\$545,466);
- Convert two contracted employees to permanent FTEs (\$195,506); and
- Transfer 50% of salaries of three project inspectors from Community Development to OFD (\$90,481).

Since current capital budgets do not include a project management fee, it is necessary to utilize savings from current projects to fund project management costs in FY 09/10. Beginning in FY 10/11, project management costs will be included in all CIP budgets.

Appropriation #2010022		\$1,535,463.19
Revenue Source:	Local Revenue	\$ 22,475.00
	Federal Revenue	\$1,512,988.19

The following appropriations were approved by the School Board at their August 13, 2009 meeting:

The Albemarle Resource Center (ARC) has taken over the administration of the following programs that were once managed in Human Resources:

- Grow Your Own program for classified staff pursuing teacher licensure. This program was developed to offer financial assistance to classified employees pursuing a career in teaching. Candidates are eligible to receive up to \$1,000 in course reimbursements per fiscal year for completed classes which are taken for initial licensure or licensure renewal.
- National Board Certification. This program was developed to support and encourage professional development for accomplished teachers by providing financial assistance for them to pursue the National Board Certification. A one-time \$1,000 reimbursement is given to each candidate upon completion of the National Board Certification process.

This appropriation has no impact on the total County budget.

Better Living, Inc. has awarded seven Albemarle County Public School teachers staff development stipends in the amount of \$1,000.00 each under the Golden Apple Award. Recipients include Analisa Herring, Brownsville; Leslie Anderson, Hollymead; Janelle Catlett, Woodbrook; Peter Arquette, Jouett Middle; Leslie Desimini, Sutherland Middle; Elizabeth Lassiter, Monticello High and Scovie Martin, Western Albemarle High.

	9010		0501	Est. Revenue				40,000.00	
			0701	Appropriation					40,000.00
TOTAL							80,000.00	40,000.00	40,000.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2010019
 DATE _____
 BATCH# _____

EXPLANATION: Community Policing Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1543	33000	330001	Revenue-Federal	J	2	113,138.00		
1	1543	31013	120000	Overtime	J	1	100,351.00		
1	1543	31013	210000	FICA	J	1	7,677.00		
1	1543	31013	800100	Machinery & Equipment	J	1	5,110.00		
	1543		0501	Est. Revenue				113,138.00	
			0701	Appropriation					113,138.00
TOTAL							226,276.00	113,138.00	113,138.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2010020
 DATE 9/2/2009
 BATCH# _____

EXPLANATION: ECC - Equipment Replacement Grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	4100	31041	800700	ADP Equipment	J	1	55,870.00		
2	4100	24000	240550	E911 PSAP Grant	J	2	55,870.00		
	4100		0501	Est. Revenue				55,870.00	
			0701	Appropriation					55,870.00
TOTAL							111,740.00	55,870.00	55,870.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2010021
 DATE _____
 BATCH# _____

EXPLANATION: Change the methodology for funding the Office of Facilities Development

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1000	51000		Tr. Fr CIP - Proj. Mgmt.	J	2	831,453.00		
1	1000	41110	110000	Regular Salaries	J	1	210,635.00		
1	1000	41110	210000	FICA	J	1	16,114.00		
1	1000	41110	221000	Virginia Retirement Sys.	J	1	28,520.00		
1	1000	41110	231000	Health Insurance	J	1	24,430.00		
1	1000	41110	232000	Dental Insurance	J	1	875.00		
1	1000	41110	241000	Group Life Insurance	J	1	2,106.00		
1	1000	41110	270000	Worker's Compensation	J	1	3,307.00		
1	1000	34050	110000	Regular Salaries	J	1	(64,347.00)		
1	1000	34050	210000	FICA	J	1	(4,923.00)		
1	1000	34050	221000	Virginia Retirement Sys.	J	1	(8,713.00)		
1	1000	34050	231000	Health Insurance	J	1	(10,470.00)		
1	1000	34050	232000	Dental Insurance	J	1	(375.00)		
1	1000	34050	241000	Group Life Insurance	J	1	(643.00)		
1	1000	34050	270000	Worker's Compensation	J	1	(1,010.00)		
1	1000	95000	999975	Frozen Position Savings	J	1	635,947.00		
	1000		0501	Est. Revenue				831,453.00	
			0701	Appropriation					831,453.00
2	9010	51000	510100	Appropriation - Fund Balance	J	2	831,453.00		
1	9010	93010		Tr. To Gen. Fund - Proj. Mgmt.	J	1	831,453.00		
	9010		0501	Est. Revenue				831,453.00	
			0701	Appropriation					831,453.00
TOTAL							2,494,359.00	1,662,996.00	1,662,906.00

COUNTY OF ALBEMARLE
 APPROPRIATION

APP # 2010022
 DATE _____
 BATCH# _____

EXPLANATION: Education Programs
 School Board Meeting: 08/13/2009

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3104	18000	181258	GOLDEN APPLE AWARD	J	2	7,000.00	
2	3104	18000	189900	MISCELLANEOUS REVENUE	J	2	15,000.00	
1	3104	61311	580500	STAFF DEVELOPMENT	J	1	7,000.00	
1	3104	61101	132100	PT/WAGES-TEACHERS	J	1	10,000.00	
1	3104	61101	210000	FICA	J	1	765.00	
1	3104	61101	601300	ED & REC SUPPLIES	J	1	4,235.00	
	3104		0501	Est. Revenue				22,000.00
			0701	Appropriation				22,000.00
2	3173	33000	330073	MIGRANT CONSORTIUM INCENT GRT	J	2	9,108.19	
1	3173	61101	132100	P/T WAGES TEACHER	J	1	8,460.93	
1	3173	61101	210000	FICA	J	1	647.26	
	3173		0501	Est. Revenue				9,108.19
			0701	Appropriation				9,108.19
2	9001	18100	181107	DONATION	J	2	475.00	
1	9001	60301	950245	AHS SYN. TURF FIELD	J	1	475.00	
	9001		0501	Est. Revenue				475.00
			0701	Appropriation				475.00
2	3162	33000	330136	ARRA-EQUIP ASSISTANCE GRANT	J	2	15,940.00	
2	3162	33000	330137	ARRA-HOMELESS GRANT	J	2	31,562.00	
1	3162	61176	800100	MACHINERY/EQUIPMENT -ADDL	J	1	15,940.00	
1	3162	61177	132100	PT/WAGES-TEACHERS	J	1	29,319.10	
1	3162	61177	210000	FICA	J	1	2,242.90	
	3162		0501	Est. Revenue				47,502.00
			0701	Appropriation				47,502.00
2	3316	33600	330601	SAFE SCHOOLS GRANT	J	2	736,490.00	
1	3316	61210	111400	SALARIES-OTHER MANAGEMENT	J	1	117,585.50	
1	3316	61210	113400	SALARIES-SOCIAL WORKER	J	1	234,585.50	
1	3316	61210	115000	SALARIES-OFFICE CLERICAL	J	1	15,000.00	
1	3316	61210	210000	FICA	J	1	30,830.00	
1	3316	61210	221000	VRS EMPLOYER CONTRIBUTION	J	1	38,497.50	
1	3316	61210	231000	HEALTH INSURANCE	J	1	63,030.50	
1	3316	61210	232000	DENTAL INSURANCE	J	1	1,836.00	
1	3316	61210	241000	VRS GROUP LIFE	J	1	2,086.00	
1	3316	61210	280000	OTHER BENEFITS	J	1	761.00	
1	3316	61210	312700	PROF. SERVICE CONSULTANTS	J	1	72,600.00	
1	3316	61210	360000	ADVERTISING	J	1	2,000.00	
1	3316	61210	400000	INTERNAL SERVICES	J	1	10,000.00	
1	3316	61210	520300	TELECOMMUNICATIONS	J	1	6,828.00	
1	3316	61210	540000	LEASES & RENTALS	J	1	4,050.00	
1	3316	61210	550100	TRAVEL-MILEAGE	J	1	6,800.00	
1	3316	61210	550400	TRAVEL-EDUCATION	J	1	20,000.00	
1	3316	61210	600100	OFFICE SUPPLIES	J	1	2,000.00	
1	3316	61210	601300	ED & REC SUPPLIES	J	1	16,300.00	
1	3316	61210	601700	COPY SUPPLIES	J	1	1,500.00	
1	3316	61210	800100	MACHINERY/EQUIPMENT -ADDL	J	1	18,200.00	
1	3316	61210	800200	FURNITURE/FIXTURES-ADDL	J	1	7,000.00	
1	3316	61210	800700	ADP EQUIPMENT-COMPUTERS	J	1	50,000.00	
1	3316	61210	800710	DATA PROCESSING SOFTWARE	J	1	15,000.00	
			0501	Est. Revenue				736,490.00
			0701	Appropriation				736,490.00
2	3317	33600	330602	HEALTHY STUDENTS	J	2	719,888.00	
1	3317	61108	112100	SALARIES-TEACHER	J	1	50,414.00	
1	3317	61108	114100	SALARIES-TEACHERS AIDE	J	1	20,166.00	
1	3317	61108	210000	FICA	J	1	30,176.58	
1	3317	61108	221000	VRS	J	1	10,000.00	

**BY LAWS OF THE ECONOMIC DEVELOPMENT
AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**

ARTICLE I

Name and Location

Section 1. The name of the Authority shall be "Economic Development Authority of Albemarle County, Virginia".

Section 2. Its principal office shall be located in the City of Charlottesville, Virginia, in the County Office Building.

ARTICLE II

Rules and Regulations, General

Section 1. The Authority shall be governed by, and exercise the powers granted by, the provisions of the "Industrial Development and Revenue Bond Act", Title 15.2 of the Code of Virginia, as amended and as may hereafter be amended, subject to the provisions of that certain Ordinance creating the Authority adopted by the Board of Supervisors of Albemarle County, Virginia, on May 12, 1976, and as such Ordinance may hereafter be amended, such Ordinance being appended hereto and made a part hereof.

Section 2. The Authority may engage legal counsel, bond counsel, financial advisors, trustees and other experts as it deems necessary to assist it in the conduct of its business.

ARTICLE III

Membership

Section 1. The governing body of the Authority shall be the Board of Directors appointed by the Board of Supervisors of Albemarle County.

ARTICLE IV

Officers and Committees

Section 1. The officers of the Authority shall be a Chairman, a Vice-Chairman, a Secretary-Treasurer, all elected by the Directors annually from their membership, and an Assistant Secretary-Treasurer from outside of their membership. The officers shall hold office for terms of one year, or until the next annual meeting and until their successors shall have been duly elected and shall have qualified.

Section 2. The Chairman, or in his absence, the Vice-Chairman, shall preside over all meetings of the Authority. In the absence of both, a temporary presiding officer shall be elected from among the members present.

The Chairman shall exercise general supervision over all of the affairs of the Authority. The Chairman shall appoint all Committees.

Section 3. The Secretary-Treasurer shall keep the minutes of all proceeding and shall keep records of all correspondence and business transactions of the Authority. Minutes of proceedings shall be open to public inspection at all reasonable times. He shall keep the corporate books and have charge of the seal. He shall send notices of meetings by mail or otherwise to members of the Authority as the same may be required, and to others as required by Section 2 of Article V. He shall keep a roll of the members. He shall perform all other duties usually appertaining to the office of a secretary.

Section 4. The Secretary-Treasurer shall be responsible of the keeping of suitable records of all financial transactions of the Authority. Such records shall be audited annually and a copy of each such audit shall be furnished to the Board of Supervisors of Albemarle County and shall be open to public inspection. Subject to the provisions of the Industrial Development and Revenue Bond Act and all agreements, contracts, and other instruments, including any trust indenture securing bonds of the Authority, made and entered into pursuant thereto, he shall have charge and custody of all funds an be responsible for their investment and deposit in the name of the Authority as authorized by the Authority. In general, he shall perform all the duties incident to office the treasurer and such other duties as from time to time may be assigned by the Authority. The Secretary-Treasurer shall give bond in such sum as may be fixed by the Authority, payable to the Authority, with corporate surety authorized to act as such in the State of Virginia, the premium. On which bond shall be paid as an expense of the Authority. The Secretary-Treasurer shall make disbursement of funds of the Authority under the direction and approval of the Directors, and all checks drawn on deposits of the Authority shall bear his signature as Treasurer, and checks of over \$1,000.00 shall also bear the signature of the Chairman or Vice-Chairman. In his absence or incapacity, his power to sign checks may, at a duly constituted meeting, be delegated by the Directors, to the Assistant Secretary-Treasurer, or to one of the Directors other than the Chairman or Vice-Chairman. Certain of the functions of the Secretary-Treasurer may, at a duly constituted meeting, be delegated by the Directors to the Assistant Secretary-Treasurer.

The Clerk of the Board of Supervisors shall serve as Assistant Secretary-Treasurer, and shall perform such duties of the Secretary-Treasurer set forth herein as are delegated to the Clerk by the Secretary-Treasurer.

Section 5. Contracts, bonds, notes, deeds, conveyances and other formal documents as authorized by the Board of Directors shall be signed on behalf of the Authority by the Chairman and the Secretary-Treasurer or in their absence by two directors who shall be designated officers and approved by the Directors.

Section 6. The Secretary-Treasurer shall arrange for the books and records of the Authority to be kept in appropriate offices and/or vaults of the County Office Building.

ARTICLE V

Meetings of the Directors and Fiscal Year

Section 1. The annual meeting of the Board of Directors shall be the first meeting of the calendar year to be held no later than June 30 of the year, at the County Office Building.

Section 2. Other meetings of the Authority may be called at any time by the Chairman, or in his absence, by the Vice-Chairman or Secretary-Treasurer, or on written request made to the Secretary-Treasurer by a majority of the members of the Board of Directors. Written notice stating the place, date, hour and purpose of each meeting shall be given not less than three days, nor more than ten days, before the date of the meeting, either by mail or by telephone confirmed by mail, to each Director entitled to vote at such meeting and copies of such notice shall be sent to the Chairman of the Board of Supervisors of Albemarle County, the County Executive, and also to any member of the general public, including news media, requesting same. In cases of bona fide emergency, special meetings may be called and the foregoing notice waived by the Directors. A resolution by the Board of Directors that a bona fide emergency exists shall be conclusive proof thereof.

Section 3. Any business of the Authority may be acted upon at any meeting at which a quorum is present, subject to Section 4 of this Article V.

Section 4. Four members of the Board of Directors shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes; except that no facilities owned by the Authority shall be leased or disposed of in any manner without a majority vote of the members of the Board of Directors.

Section 5. All meetings shall be open to the public.

Section 6. The fiscal year of the Authority shall begin on July 1 and end on June 30 of the succeeding year.

ARTICLE VI

Order of Business

At any meeting of the Authority the following shall be the order of business.

1. Roll Call.
2. Minutes of previous meeting read and action thereon.
3. Report of the Chairman.
4. Unfinished business.
5. New business.

ARTICLE VII

Voting

Section 1. All Directors appointed to the Board of Directors pursuant to statutory authority are entitled to one (1) vote, and, except as provided in Section 4 of Article V of these by-laws, and Title 15.2 of the Code of Virginia, a simple majority of those present and voting shall be required to adopt any measure.

ARTICLE VIII

Amendments

Section 1. These by-laws may be amended, but no amendment to these by-laws shall be valid unless approved by a majority vote of the Board of Supervisors of Albemarle County, Virginia, present in their respective meetings to which said amendment is presented, and provided further that notice of the proposed amendment is given in the notices of said meetings.

ARTICLE IX

Seal

Section 1. There shall be a seal of the Authority which shall have the words "Economic Development Authority of Albemarle County, Virginia"

ARTICLE X

Miscellaneous

Section 1. All terms referring to gender herein shall be interpreted in a neutral fashion.

Adopted this 2nd day of September, 2009.

* * * * *

ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA

RULES AND PROCEDURES

ARTICLE I

PURPOSE AND SCOPE

Section 1.1 Purpose. These Rules shall govern the submission of Applications to the Authority, application and administrative fees, consideration of matters to be brought to the attention of the Authority relating to the authorization, issuance and sale of its Bonds, the adoption of Financing Documents, reports to be submitted to the Authority, and such other matters as are contained herein.

Section 1.2 Scope. These Rules supplement the Act. In the event of any conflict between the Act and these Rules, the provisions of the Act shall prevail.

ARTICLE II

DEFINITIONS

Section 2.1 Definitions. As used in these Rules and Procedures, the following terms shall have the meaning as set forth herein, unless the context clearly requires otherwise:

"Act" shall mean the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended.

"Applicant" shall mean any individual, person, firm, corporation, partnership or other entity applying for industrial development revenue bond financing, or for whose benefit the Authority has issued its Bonds, or who requests the Authority to take any action.

"Application" shall mean the Authority's application for industrial development revenue bond financing as in effect from time to time.

"Authority" shall mean the Economic Development Authority of the County of Albemarle, Virginia, a political subdivision of the Commonwealth of Virginia.

"Bonds" shall mean any notes, bonds and other obligations authorized to be issued by the Authority pursuant to the Act.

"Code" shall mean the Code of Virginia of 1950, as amended.

"Financing Documents" shall mean any resolutions, instruments, documents, papers, elections, certificates or financing statements required to be adopted or authorized, executed and delivered by the Authority in connection with the authorization, issuance and sale of its Bonds.

"IRC" shall mean the Internal Revenue Code of 1954, as amended.

"Project" shall mean any land, improvements, machinery, equipment or property financed by the issuance and sale of the Authority's Bonds.

"Rules" shall mean these Rules and Procedures of the Authority, as may be in effect from time to time.

ARTICLE III

GENERAL

Section 3.1 Copies to be Provided Applicants. A copy of these Rules and Procedures shall be furnished by the Authority's administrative agent, the County of Albemarle, by the Clerk of the Board of Supervisors, to each prospective Applicant.

Section 3.2 Compliance with Rules and Procedures. Each Applicant shall comply with these Rules and Procedures in the submission of its Application or any Financing Documents to the Authority and in requesting that the Authority take any action, including the adoption of Financing Documents. Failure to comply with these Rules and Procedures shall constitute sufficient reason for the Authority to refuse to consider any Application, Financing Documents, or any other matter to be brought before the Authority by or on behalf of any Applicant.

Section 3.3 Amendments. These Rules and Procedures may be changed from time to time by the Authority by the vote of a majority of its Directors present at any meeting of the Authority, provided notice of such change shall have been given to each Director before such meeting. These Rules and Procedures may, notwithstanding the foregoing, be amended without prior notice upon the affirmative vote of all Directors of the Authority.

Section 3.4 Preparation and Distribution of Agenda and Minutes.

(a) A preliminary agenda for the Authority's regular meeting shall be prepared and distributed by the Authority's Secretary to Authority members and the Authority's attorney before the Authority's regularly scheduled meeting date. In the case of special meetings of the Authority, the agenda shall be included in the call issued for such meeting. When action is to be taken with reference to a Project or the issuance of Bonds, the agenda shall contain a description of the type, nature and location of the Project, the name of the Applicant and the nature of the action to be taken by the Authority. The agenda for regular meetings of the Authority shall state that it is a preliminary agenda subject to change at or before the Authority's meeting.

(b) Preliminary drafts of the minutes of the Authority's meeting shall, as soon as practicable following the meeting, be mailed or delivered to each officer and Director of the Authority and the Authority's counsel. Each preliminary copy of the minutes so distributed shall be marked to indicate that it is a preliminary draft subject to additions or corrections at the Authority's next meeting. The date of approval of the Authority's minutes shall appear at the foot of the last page of the minutes which shall, when approved, be signed by the Assistant Secretary-Treasurer of the Authority.

ARTICLE IV

APPLICATION PROCEDURES, FEES AND REQUIREMENTS

Section 4.1 Applications. Each Applicant shall submit nine (9) fully and accurately completed Applications to the Clerk of the Board of Supervisors of Albemarle County at least ten (10) days before the Authority's meeting at which the Application is to be considered. Each Application shall include all requested exhibits. In the event all requested exhibits are not available or not to be made part of the public record, a statement of explanation will be attached to the Application.

Section 4.2 Application Fee. The Authority charges an Application fee of Five Hundred Dollars (\$500.00), payable to the County of Albemarle. The Application fee shall be paid to the Authority's administrative agent, the County of Albemarle, prior to consideration of the inducement resolution to be adopted on behalf of the Applicant. Application fees, upon acceptance by the Authority, are non-refundable. No interest shall be paid on Application fees.

Section 4.3 Administrative Fees.

(a) The Authority reserves the right in the future to charge an annual administrative fee for all projects financed by the Authority.

(b) The Authority requires reimbursement of its costs and expenses incurred in connection with the issuance and sale of its Bonds and by virtue of its Bonds being outstanding. (See Section 5.2).

Section 4.4 Transcripts of Proceedings. Each Applicant receiving Bond financing through the Authority shall furnish to the Authority upon the sale and delivery of the Bonds, two (2) complete transcripts of the Financing Documents relating to such Bonds. Bond transcripts shall be hardback bound in library standard quality binders at the cost and expense of the Applicant.

Section 4.5 Bond Validation Proceedings. The Authority may require that before issuance, its Bonds be validated by the Circuit Court of the County of Albemarle, Virginia, pursuant to the requirements of Article 6, Chapter 26, Title 15.2 of the Code. The costs, expenses and fees incurred in connection with any bond validation proceeding required by the Authority, including attorneys' fees, shall be paid by the Applicant.

Section 4.6 Additional Information Required of Applicants.

(a) The Authority may adopt an inducement resolution conditioned upon the subsequent furnishing of certain information satisfactory to the Authority. All required information shall be promptly furnished to the Authority and failure of any Applicant to furnish such information shall constitute a ground for rescission of any inducement resolution adopted pursuant to such conditions.

(b) The Authority may, at its option, require the furnishing of appraisals, evaluations or reports respecting the Project or any portion thereof. The Authority may retain advisors and consultants to advise it regarding any Project or other action which it is requested to undertake by any Applicant. All costs, fees and expenses of such appraisals, reports, consultants and advisors incurred by the Authority after prior notification to the Applicant shall be paid by the Applicant.

(c) Since the Authority usually acts based upon information furnished to it solely by the Applicant, the Authority reserves the right to require at any time the furnishing of additional information concerning the Applicant, its financial statements, and any other information deemed relevant by the Authority. In instances where the Applicant has undergone changes in form or management or where the security to be given for payment of the Bonds has changed, the Applicant shall report such changes promptly to the Authority.

ARTICLE V

PROVISIONS TO BE INCORPORATED INTO RESOLUTIONS AND FINANCING DOCUMENTS

Section 5.1 Inducement Resolutions. Each inducement resolution adopted by the Authority shall provide that it shall continue in full force and effect for a period of two (2) years unless specifically extended by the Authority or the Bonds contemplated by the resolution are issued.

Section 5.2 Payment of Authority Expenses. The Financing Documents adopted by the Authority for the benefit of any Applicant shall provide that the Applicant agrees to pay all costs, fees, and expenses incurred by the Authority (including attorneys' fees) in connection with:

- (a) the authorization, issuance and sale of the Authority's Bonds;
- (b) the ownership, occupation, operation or use of the Project being financed, whether owned by the Authority or the Applicant;
- (c) prepayment or redemption of the Authority's Bonds;
- (d) administrative costs and expenses of the Authority, including the fees of attorneys, accountants, engineers, appraisers, or consultants, paid or incurred by the Authority by reason of the Bonds being outstanding or pursuant to requirements of the Financing Documents; and
- (e) such other fees and expenses of the Authority, not directly related to the Project being financed for the Applicant, but attributable to the Authority's financing of industrial or commercial Projects, including without limitation, a share of costs of the Authority's annual audit as required by Title 15.2 of the Code of Virginia, determined as follows:

(1) All costs and fees relating to any annual audit and directly attributable to a particular Applicant or Project, shall be charged to such Applicant; and

(2) Any costs and fees of such audit not directly attributable to any Applicant or Project shall be allocated among all Applicants having Bonds outstanding, pro rata, as the amount of Bonds originally issued for such Applicant bears to the total face amount of Bonds issued by the Authority of which any portion of any issue remains outstanding and unpaid.

Section 5.3 Indemnification of the Authority. Each Applicant shall agree to indemnify and save harmless the Authority and its officers, directors, employees and agents (hereinafter the "Indemnitees") from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses (hereinafter referred to as "Damages"), including without limitation:

(a) all amounts paid in settlement of any litigation commenced or threatened against the Indemnitees, if such settlement is effected with the written consent of the Applicant;

(b) all expenses reasonably incurred in the investigation of, preparation for or defense of any litigation, proceeding or investigation of any nature whatsoever, commenced or threatened against the Applicant, the Project or the Indemnitees;

(c) any judgments, penalties, fines, damages, assessments, indemnities or contributions; and

(d) the reasonable fees of attorneys, auditors, and consultants; provided that the Damages arise out of:

(i) failure by the Applicant, or its officers, employees, or agents, to comply with the terms of the Financing Documents and any agreements, covenants, obligations, or prohibitions set forth therein;

(ii) any action, suit, claim or demand contesting or affecting the title of the Project;

(iii) any breach of any representation or warranty set forth in the Financing Documents or any certificate delivered pursuant thereto, and any claim that any representation or warranty of the Applicant contains or contained any untrue or misleading statement of fact or omits or omitted to state any material facts necessary to make the statements made therein not misleading in light of the circumstances under which they were made;

(iv) any action, suit, claim, proceeding or investigation of a judicial, legislative, administrative or regulatory nature arising from or in connection with the construction, acquisition, ownership, operation, occupation or use of the Project; or

(v) any suit, action, administrative proceeding, enforcement action, or governmental or private action of any kind whatsoever commenced against the Applicant, the Project or the Indemnitees which

might adversely affect the validity or enforceability of the Bonds, the Financing Documents, or the performance by the Applicant or any Indemnitee of any of their respective obligations thereunder.

Section 5.4 Bond Counsel Opinion Required. Before issuing and delivering any of its Bonds, the Authority shall receive an unqualified approving opinion of recognized bond counsel, licensed to practice law in Virginia and approved by the Authority, stating, among other things, that the Bonds have been duly authorized, executed, issued and delivered, that the interest thereon is exempt from Federal income taxation under IRC § 103 (or other applicable provision of law) and taxation by the Commonwealth of Virginia, and that the Bonds are exempt from registration requirements under applicable State and Federal securities laws.

Section 5.5 Covenants to Preserve Tax Exempt Status of Bonds. All Financing Documents presented for approval by the Authority shall contain appropriate covenants of the Applicant designed to insure compliance with the requirements of IRC § 103 to preserve the tax exempt status of interest on the Bonds, including without limitation, "arbitrage" requirements, capital expenditure limitations and reporting requirements.

Section 5.6 Payments in Lieu of Taxes. In event title to the Project is held by any person or entity not subject to real or personal property taxes, the Applicant and any user of the Project, unless specifically exempted by the Authority, shall enter into an agreement to pay all taxes, levies, assessments, charges or other impositions which may be levied by any taxing authority on the Project as if such Applicant or user held title to the Project or any portion thereof.

ARTICLE VI

REPORTS

Section 6.1 Interim Reports by Applicants. Each Applicant shall file with the Authority a written report describing the status of its proposed financing no later than the last day of the second month after the adoption of an inducement resolution for the Applicant and every three (3) months thereafter until the adoption of any Financing Documents by the Authority. Such written report shall include the proposed purchaser of the Bonds, the proposed terms of the Bonds, the status of Financing Documents, and the current status of the Project. Each Applicant shall promptly notify the Authority of any significant or material changes to any information previously furnished by the Applicant to the Authority.

Section 6.2 Annual Reports of Applicants. Each Applicant, after the issuance and sale of the Authority's Bonds for the benefit of such Applicant, shall annually report to the Authority no later than June 30 the status of the Project, which shall include the outstanding and unpaid balance of Bonds issued for the Project, whether any event of default has occurred under the Financing Documents, and other information relating to the financing of the Project and benefits to the County of Albemarle.

Section 6.3 Reports by Authority Chairman, Directors, etc. At each regular meeting of the Authority, the Chairman, each Director, the Secretary-Treasurer and the Authority's counsel shall report any action taken on behalf of the Authority since the last regular meeting, including as may be applicable, receipt of reports required under Section 4.6. No later than September 1 of each year, the Chairman of the Authority may also report to the Authority on the status, as of the end of the Authority's fiscal year, of each active and outstanding inducement resolution of the Authority and the status of each issue of the Authority's Bonds.

ARTICLE VII

ENFORCEMENT

Section 7.1 Enforcement of Provisions. The Authority may refuse to consider or adopt any inducement resolutions, Financing Documents or any other matters presented for its consideration if the Applicant has failed to comply with the requirements of these Rules.

Section 7.2 Repeal of Actions Previously Taken. The Authority may rescind or repeal any inducement resolution previously adopted by it or any other action taken by the Authority because of failure of the Applicant to comply with the provisions of these Rules or because of substantial changes in the management, ownership, Project plan or financial circumstances of the Applicant; provided, however, no inducement resolution or action taken by the Authority shall be repealed or rescinded unless prior written notice of such proposed action shall have been mailed to the Applicant at least three (3) weeks before the date upon which such action is proposed to be taken. Notwithstanding the foregoing, no such action shall be taken by the Authority which will impair or adversely affect the interests of the holders of the Authority's Bonds.

ARTICLE VIII

STATEMENTS OF POLICY

Section 8.1 Construction, Operation and Effect of Rules. These Rules are intended as guidelines to promote and insure the orderly and consistent consideration of Applications, Financing Documents, and other matters brought before the Authority. For good cause, application of these Rules may be modified and waived upon a case-by-case basis upon the consent of the Authority. Any action taken by the Authority not in conformity with these Rules shall, nevertheless, be fully effective as if taken in compliance with these Rules. It is, however, the policy of the Authority that each Applicant comply fully and completely with these Rules, and failure to comply with these Rules may constitute grounds for refusal by the Authority to take any action requested.

Section 8.2 Approval of Inducement Resolution Not to Constitute an Endorsement of Applicant. The purpose of the Authority, as set forth in the Act, is to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth of Virginia. Pursuant to the Act, the Authority's powers shall be exercised for the benefit of the inhabitants of Virginia through the promotion of their safety, health, welfare, convenience or prosperity. Accordingly, the Authority's decision to adopt an inducement resolution or take other action will be based largely upon these factors. Further, the Act prohibits the Authority from operating any enterprise or Project. Since the Authority is a conduit for providing tax-exempt financing to promote the commerce and industry of the Commonwealth of Virginia and the County of Albemarle, and given the express prohibition against operating enterprises or Projects, the Authority believes it is improper for it to inquire into matters relating to the business judgment of the management of any Applicant not relevant to the foregoing factors. The Authority may, however, examine the business decisions and other aspects of management of the Applicant should it deem such matters relevant to the authorization, issuance and sale of its Bonds.

In view of the foregoing limitations, the adoption of an inducement resolution or any other action taken by the Authority is not to be used by any Applicant in any manner whatsoever as an endorsement or approval of the Applicant, its policies or its management.

Section 8.3 Security for Payment of Bonds. The Authority will require a showing that any issue of its Bonds is fully and adequately secured. If the Bonds are secured by a lien upon or security interest in the Project financed with the proceeds of such Bonds, the Authority may require an appraisal of the Project showing that it is valued in an amount sufficient to pay the outstanding principal amount of the Bonds issued to finance such Project.

Section 8.4 Compliance with Rules. These Rules were adopted by the Authority to assist in the orderly and expeditious conduct of its business. As stated in Section 3.2 of these Rules, the Authority has reserved the right to require that any Applicant strictly conform to the requirements of the Rules. Among other things, the Rules require that each Applicant inform the Authority of any new developments or material changes in information which has been submitted to the Authority, either orally or in writing. Matters concerning the structure of the financing, the prospective purchasers of the Bonds, and the security for payment of the Bonds are items of particular interest to the Authority; however, the Authority expects to be kept informed of all material changes to information submitted to it.

By submitting an Application to the Authority, the Applicant agrees to abide by these Rules. Thus, the burden is placed upon the Applicant to review and to comply with these Rules. The principal sanction which may be applied by the Authority against any Applicant for failure to comply with the Rules would be a refusal to take any action requested by the Applicant. Such a refusal might result in embarrassment to or considerable financial expense on the part of the Applicant. To avoid such embarrassment or expense, the Authority urges each Applicant to keep the Authority fully informed of any new developments or material changes to information previously submitted to the Authority, including in particular, changes in the contemplated financing structure or the proposed security for the Bonds. As noted above, the burden is upon the Applicant to convey this information to the Authority in a timely manner. What constitutes "timely" depends upon the circumstances of each case; however, each Applicant is urged to provide all such information before considerable time and expense is incurred upon matters which may prove unacceptable to the Authority. Any such communications should be made directly to the Authority's officers, directors, and counsel.

Notes to Application

1. Applicants are referred to the Authority's Rules and Procedures for provisions governing the submission of the application to the Authority.

2. Applications and all exhibits should be submitted to:

**Clerk of the Board of Supervisors of Albemarle County,
4th Floor, County Office Building, 401 McIntire Road,
Charlottesville, Virginia 22902-4596,**

at least ten (10) days before the meeting at which the application is to be considered.

3. A \$500.00 application fee, made payable to the County of Albemarle, should be submitted to the Authority's administrative agency, the County of Albemarle, with the application or at the time the application is considered.

4. Questions concerning the qualification of a project or certain expenses of economic development revenue bond financing or other legal questions relating to the issuance of bonds should be directed to the Authority's counsel or to recognized bond counsel.

Item No. 9.5. Fiscal Year 2010 Community Services Performance Contract.

The executive summary states that each year, the Virginia Department of Behavioral Health & Developmental Services (DBHDS) requires Community Service Boards (CSBs) to enter into Community Services Performance Contracts for the delivery of certain services in their respective communities. Although Region Ten, as the designated CSB for Albemarle County, is the representative party to this Contract, federal and state regulations require that the local governing bodies that have established a CSB approve the contract in order for the CSB to be eligible to receive state-controlled funding.

Annual Community Services Performance Contracts between the DBHDS and CSBs delineate the responsibilities of the Commonwealth and the CSBs for the delivery of mental health, mental retardation and substance abuse services in their respective service areas. These contracts describe sources of funding for the CSB, stipulate requirements for compliance with federal regulations and establish performance measures. Even though the County is not a party to this Contract, Virginia Code § 37.2-508(D) requires that the local governing bodies that have established a CSB approve the Contract in order for the CSB to be eligible to receive state-controlled funds for identified services. Staff has reviewed the proposed Contract and found no terms adverse to the County.

The County's FY10 appropriation for Region Ten totals \$569,531. Of this amount, \$450,627 is identified as "comprehensive services," including outpatient, case management, emergency, day support, residential, prevention and early intervention services for mental health, mental retardation, and substance use disorders and prevention. The balance of funding (\$118,904) represents the County's share of local programs funded by the City and County such as the Mohr Center, jail services, children services, and early intervention grants for children.

Staff recommends that the Board approve the Fiscal Year 2010 Community Services Performance Contract.

(Discussion: Ms. Thomas asked if the process of providing funds for nonprofit agencies by going through a review process also applied to Region Ten. She added that a building that is close to the County Office Building is being closed and everybody is being forced to go out to an area that is a several block walk away from a bus stop for services. There could be a role for asking some questions from people outside the mental health system.

Mr. Tucker replied that Region Ten is a multi-jurisdictional entity and the City and County are the largest contributors and thus make some review of it.

Ms. Mallek noted that the performance contract for Region Ten is available for review in the Clerk's office.

Mr. Bryan Elliott, Assistant County Executive, said that one recommendation that emerged from the Resource Management Study was development of performance outcome measures for community agencies. The County has begun discussions with the Commission on Children and Families to ask them to evaluate what other communities have been doing relative to agencies like Region Ten and other Community Service Boards. They have also partnered with the City in gathering other community partners together to begin working on measures and outcomes. He stated that the specific measures in the State contract are not necessarily outcome measures, and one important benchmark is the amount of turnaround time that an emergency case may have – and Region Ten does track and report that to the State.

Ms. Mallek commented that she hopes they include not just the number of people in the programs, but how successful the programs are.

Mr. Elliott mentioned that Region Ten has been involved in a strategic planning process and has developed some measures and goals that the County would be following up on. He added that their application for funding comes directly to the Office of Management and Budget – not through CCF.

Mr. Rooker asked if it might be wise to have CCF do the review process, as they do with other agencies. Region Ten has a budget of over \$20.0 million.

Mr. Elliott responded that he met with Commission staff this morning to ask them to work with the County, and with Region Ten.

Mr. Slutzky said the Board touched on this subject during its recent budget discussions and recognized that in spite of the level of funding requested, they knew that the people mostly likely hurting in these economic times are the people who need services from Region Ten.

Mr. Rooker noted that the County now contributes about \$500,000 a year to Region Ten, and the upcoming State budget indicates their budget will be cut. The County cannot assume the gap that will be created. If Region Ten gets a ten percent cut, that is \$2.0 million in their budget. He does not know the extent to which the County has the resources to start plugging the State hole.

Ms. Mallek said the County does not have the resources, but it does appoint a share of the Region Ten Board and she hopes to encourage those members to look at the seriousness of their success.

Mr. Tucker commented that maybe instead of "throwing money at it," the Region Ten Board should consider an efficiency study similar to what the County just did.

Ms. Mallek said that it's more of a professional evaluation that needs to be done, not just numbers.

Mr. Slutzky said he agrees with Mr. Tucker; there is value in having them evaluate the resource utilization within that body, and maybe it should be funded proportionately based on all the localities that participate.

Mr. Elliott said that about seven pages of the 40-page performance contract are related to state-required performance measures, but the County review of that data would not give you a clear picture of their effectiveness. He stated that there have also been cuts in Medicaid for Region Ten as well as State cuts. In addition, the organization has made some significant staff cuts and they are trying to shrink and become a more efficient organization.

Mr. Rooker added that with a State agency, he's not certain how much the County can overlay its own performance measures.

Ms. Thomas suggested that Region Ten's Director come before the Board and at least "have a conversation" each year, similar to what PVCC does.)

By the above-recorded vote, the Board approved the Fiscal Year 2010 Community Services Performance Contract.

Item No. 9.6. Authorize County Executive to Sign Open Space Agreements.

The executive summary states that on October 1, 2008, the Board adopted an ordinance to require biennial revalidation of properties in the Use Value Tax Program. On May 29, 2009, revalidation forms were mailed to the 4,927 owners of property currently in the County's Use Value Tax Program. While working with these property owners, staff has learned that a number of property owners are interested in changing the qualifying use of their property from Agriculture or Forestry to Open-Space.

To qualify for the Open-Space category, the property must:

- 1) meet one of the seven uses under the "open-space" definition in *Virginia Code* § 58.1-3230;
- 2) meet the minimum acreage (20 acres) required by *County Code* § 15-804(2); and
- 3) be subject to one of the three mechanisms outlined in *Virginia Code* § 58.1-3233(3):
 - a) a permanent conservation easement held by a public body;
 - b) an Agricultural/Forestral District of statewide significance; or
 - c) an Open-Space Use Agreement with the County.

Open-Space Use Agreements place substantial restrictions on the property. (Attachment B) These restrictions preclude any subdivision of the property and prohibit the building of any structure not related to the open-space use during the term of the Agreement. The term of the Agreement can be from four to ten years.

To date, the County has entered into only one Open-Space Use Agreement and currently there is no formal procedure for the consideration of these Agreements. The County has significant discretion whether to enter into these Agreements. However, other than the length of the term of the Agreements, the substantive requirements are mandated by State law and cannot be negotiated. Due to the increase in public awareness and the pending revalidation deadlines, staff anticipates an increase in the number of these Agreements proposed by property owners desiring to qualify their property for open-space land use taxation. For tax year 2010, an Open-Space Use Agreement must be in place by December 31, 2009 for a property owner to use it for a basis to qualify for open-space land use tax valuation.

The minimum amount of land that must be in open-space use to qualify for open-space land use taxation is twenty acres as required by the County Code. State law allows for the minimum to be as little as five acres unless a greater acreage is required by local ordinance.

Staff recommends that the Board establish a process to efficiently consider and accept Open-Space Use Agreements. In order to efficiently process requests for these Agreements and to meet the timelines for the Land Use Tax Program, it is recommended that:

1. The Board authorize the County Executive to enter into Open-Space Use Agreements on its behalf. Given the number of proposed Agreements expected in coming months, staff would propose a process by which the County Executive would be authorized to execute such Agreements after reviews by the County Assessor, Department of Community Development, and the County Attorney. (See Attachment C)
2. The Board fix a term for Open-Space Use Agreements. Though the contents of Agreements are largely fixed by state law, Agreements may have a term of four to ten years. The Board has similar discretion in setting the length of Agricultural and Forestral Districts (AFD's), but generally has chosen to give all AFD's a uniform duration of ten years. The Board could set a similar policy by accepting Open-Space Use Agreements only for a term of ten years, or could instead choose to accept any Agreement of four to ten years.
3. Give guidance on whether the Board wishes to accept Agreements on partial properties. Owners may wish to offer Agreements on only a portion of certain parcels. While legally allowable, the dividing of parcels poses administrative and enforcement challenges. Community Development, in particular, will have to determine what property is restricted by the Agreement to be able to enforce the subdivision and development restrictions. This would likely require a survey plat to depict the boundaries of the property subject to the Agreement. Notwithstanding the administrative difficulties, staff does not want to rule out entering into an Agreement over a sizable parcel where only a very small portion is

proposed to be excluded. Staff recommends that the Board authorize the County Executive to execute Agreements for only whole parcels, but that proposed Agreements for only partial parcels be considered on a case-by-case basis by the Board.

Authorizing the County Executive to enter into Open-Space Use Agreements would streamline the process and minimize the administrative burden that would otherwise be required to schedule the authorization for a Board meeting, prepare an executive summary, and then have the Board act on the authorization.

Staff recommends that the Board adopt the attached Resolution to authorize the County Executive to enter into Open-Space Use Agreements on behalf of the County, provided that the Agreements are approved as to form and content by the County Attorney and apply to the whole parcel. Staff also requests the Board to provide direction regarding the period of time it wishes to require to be the term of Open-Space Use Agreements.

By the above-recorded vote, the Board adopted the following Resolution to authorize the County Executive to enter into Open-Space Use Agreements on behalf of the County, provided that the Agreements are approved as to form and content by the County Attorney and apply to the whole parcel.

RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE TO ENTER INTO OPEN SPACE USE AGREEMENTS WITH LANDOWNERS

WHEREAS, Albemarle County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to *Virginia Code* § 58.1-3233; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use agreement between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources as set forth in the Manual of the State Land Evaluation Advisory Council; and

WHEREAS, certain landowners have requested that the Board of Supervisors enter into Open Space Use Agreements for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the County Executive, on behalf of the County, to execute Open Space Use Agreements with landowners whose land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing the landowner not to change the use of the land to a nonqualifying use for a time period of 4-10 years, provided that such Agreements apply to an entire parcel and are approved as to form and content by the County Attorney.

* * * * *

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

Tax Map and Parcel Number(s): _____

This instrument is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and Clerk's fees under *Virginia Code* §17.1-266.

OPEN-SPACE USE AGREEMENT

This Agreement, made this _____ day of _____, 20____ between _____, hereafter called the Owner, and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter called the County, recites and provides as follows:

RECITALS

1. The Owner is the owner of certain real estate, described below, hereinafter called the Property; and
2. The County is the local governing body having real estate tax jurisdiction over the Property; and
3. The County has determined:
 - A. That it is in the public interest that the Property should be provided or preserved for

- B. That the Property meets the applicable criteria for real estate devoted to open-space use as prescribed in Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the *Code of Virginia*, and the standards for classifying such real estate prescribed by the Director of the Virginia Department of Conservation and Recreation; and
 - C. That the provisions of this agreement meet the requirements and standards prescribed under § 58.1-3233 of the *Code of Virginia* for recorded commitments by landowners not to change an open-space use to a nonqualifying use; and
4. The Owner is willing to make a written recorded commitment to preserve and protect the open-space uses of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment and the Owner has submitted an application for such taxation to the assessing officer of the County pursuant to § 58.1-3234 of the *Code of Virginia* and Article VIII, Chapter 15 of the *Albemarle County Code*; and
5. The County is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Owner's commitment to preserve and protect the open-space uses of the property, and on the condition that the Owner's application is satisfactory and that all other requirements of Article 4, Chapter 32, Title 58.1 of the *Code of Virginia* and Article VIII, Chapter 15 of the *Albemarle County Code* are complied with.

NOW THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained the parties hereby covenant and agree as follows:

1. This agreement shall apply to all of the following described real estate:
-
2. The Owner agrees that during the term of this agreement:
- A. There shall be no change in the use or uses of the Property that exist as of the date of this agreement to any use that would not qualify as an open-space use.
 - B. There shall be no display of billboards, signs or other advertisements on the property, except to (i) state solely the name of the Owner and the address of the Property; (ii) advertise the sale or lease of the Property; (iii) advertise the sale of goods or services produced pursuant to the permitted use of the Property; or (iv) provide warnings. No sign shall exceed four feet by four feet.
 - C. There shall be no construction, placement or maintenance of any structure on the Property unless such structure is either:
 - (1) on the Property as of the date of this agreement; or
 - (2) related to and compatible with the open-space uses of the Property which this agreement is intended to protect or provide for.
 - D. There shall be no accumulations of trash, garbage, ashes, waste, junk, abandoned property or other unsightly or offensive material on the Property.
 - E. There shall be no filling, excavating, mining, drilling, removal of topsoil, sand, gravel, rock, minerals or other materials which alters the topography of the Property, except as required in the construction of permissible buildings, structures and features under this agreement.
 - F. There shall be no construction or placement of fences, screens, hedges, walls or other similar barriers which materially obstruct the public's view of scenic areas of the Property.
 - G. There shall be no removal or destruction of trees, shrubs, plants and other vegetation, except that the Owner may:
 - (1) engage in agricultural, horticultural or silvicultural activities, provided that there shall be no cutting of trees, other than selective cutting and salvage of dead or dying trees, within 100 feet of a scenic river, a scenic highway, a Virginia Byway or public property listed in the approved State Comprehensive Outdoor Recreation Plan (Virginia Outdoors Plan); and
 - (2) remove vegetation which constitutes a safety, a health or an ecological hazard.
 - H. There shall be no alteration or manipulation of natural water courses, shores, marshes, swamps, wetlands or other water bodies, nor any activities or uses which adversely affect water quality, level or flow. [*Required only for properties which are to be provided or preserved for natural areas left in undeveloped states, including floodways*]
 - I. On areas of the Property that are being provided or preserved for conservation of land, floodways or other natural resources, or that are to be left in a relatively natural or underdeveloped state, there shall be no operation of dune buggies, all-terrain vehicles, motorcycles, motorbikes, snowmobiles or other motor vehicles, except to the extent

necessary to inspect, protect or preserve the area. [Required only for properties which are to be provided or preserved for natural areas left in undeveloped states, including floodways]

- J. There shall be no industrial or commercial activities conducted on the Property, except for the continuation of agricultural, horticultural or silvicultural activities; or activities that are conducted in a residence or an associated outbuilding such as a garage, smokehouse, small shop or similar structure which is permitted on the property.
 - K. There shall be no separation or split-off of lots, pieces or parcels from the Property. The Property may be sold or transferred during the term of this agreement only as the same entire parcel that is the subject of this agreement; provided, however, that the Owner may grant to a public body or bodies open-space, conservation or historic preservation easements which apply to all or part of the Property.
3. This agreement shall be effective upon acceptance by the County; provided, however, that the real estate tax for the Property shall not be extended on the basis of its use value until the next succeeding tax year following timely application by the Owner for use assessment and taxation in accordance with Article VIII, Chapter 15 of the *Albemarle County Code*. Thereafter, this agreement shall remain in effect for a term of _____ [Insert a period of not less than 4 nor more than 10] consecutive tax years.
 4. Nothing contained herein shall be construed as giving to the public a right to enter upon or to use the Property or any portion thereof, except as the Owner may otherwise allow, consistent with the provisions of this agreement.
 5. The County shall have the right at all reasonable times to enter the Property to determine whether the Owner is complying with the provisions of this agreement.
 6. Nothing in this agreement shall be construed to create in the public or any member thereof a right to maintain a suit for any damages against the Owner for any violation of this agreement.
 7. Nothing in this agreement shall be construed to permit the Owner to conduct any activity or to build or maintain any improvement which is otherwise prohibited by law.
 8. If any provision of this agreement is determined to be invalid by a court of competent jurisdiction, the remainder of the agreement shall not be affected thereby.
 9. The provisions of this agreement shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.
 10. Words of one gender used herein shall include the other gender, and words in the singular shall include words in the plural, whenever the sense requires.
 11. This agreement may be terminated in the manner provided in § 15.2-4314 of the *Code of Virginia* for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.
 12. Upon termination of this agreement, the Property shall thereafter be assessed and taxed at its fair market value, regardless of its actual use, unless the County determines otherwise in accordance with applicable law.
 13. Upon execution of this agreement, it shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, at the Owner's expense.
 14. NOTICE: WHEN THE OPEN-SPACE USE OR USES BY WHICH THE PROPERTY QUALIFIED FOR ASSESSMENT AND TAXATION ON THE BASIS OF USE CHANGES TO A NONQUALIFYING USE OR USES, OR WHEN THE ZONING FOR THE PROPERTY CHANGES TO A MORE INTENSIVE USE AT THE REQUEST OF THE OWNER, THE PROPERTY, OR SUCH PORTION OF THE PROPERTY WHICH NO LONGER QUALIFIES, SHALL BE SUBJECT TO ROLL-BACK TAXES IN ACCORDANCE WITH § 58.1-3237 OF THE *CODE OF VIRGINIA*. THE OWNER SHALL BE SUBJECT TO ALL OF THE OBLIGATIONS AND LIABILITIES OF SAID CODE SECTION.

Item No. 9.7. Resolution of Intent to amend Zoning Ordinance Fees.

The executive summary states that on August 5, 2009 the Board held a work session to discuss the approach to amending Zoning Ordinance Fees. At that meeting the Board directed staff to prepare a resolution of intent to initiate the process to amend the Zoning Ordinance fees.

At its August 5, 2009 work session, the Board discussed and supported staff's fee recommendations as stated in Attachment C of the August 5th executive summary. In summary, the ordinance would adopt the fee structure recommended in the Fee Study with five key differences briefly noted below:

1. Special Use Permits (SPs) – The fee structure would be simplified into two groups for major and minor SPs, with a base fee and a separate fee for complex applications requiring multiple resubmissions.

2. Zoning Map Amendments (ZMAs) – Staff recommended a similar approach for ZMAs as that for SPs, and fees would be based on a per review basis.
3. Appeals – Staff recommended a much lower fee recovery than proposed in the Fee Study, and the fees would be based only on the administrative cost of processing the application.
4. Notices and Advertisements – Staff recommended new fees for both required notifications and advertisements. The recommended fee for notifications is identical to that recently adopted in the Subdivision Ordinance. For required legal advertisements, staff is recommending the County recover the actual cost of advertising the application.
5. Architectural Review Board - Staff's recommended fee is a compilation of several fees in the Fee Study, but lower than the Study's recommendation. The staff-recommended fee reflects staff's assessment of costs for these reviews and recently proposed changes that staff believes will lower review costs.

Adoption of the resolution of intent will allow the ordinance amendment process to continue towards adoption.

The County currently collects approximately \$182,000 from zoning fees in an average year. Staff anticipates the County would collect approximately \$521,000 in an average year from the zoning fees recommended by staff, resulting in a \$339,000 increase in revenue in an average year. Assuming the recommended fees were implemented by January 2010 and the number of applications is one-half of average, staff estimates a revenue increase of \$85,000 for the remainder of FY 09-10 and \$170,000 for FY 10-11.

Staff recommends that the Board adopt the resolution of intent (Attachment A) to amend the Zoning Ordinance fees.

(Discussion: Ms. Thomas noted that the Architectural Review Board fees in the Zoning Ordinance, and asked if notifying neighboring properties would affect the fee charge.

Mr. Cilimberg pointed out that there has been a proposal in the fee structure to cover the notification costs, and it could certainly be incorporated in what comes forward.)

By the above-recorded vote, the Board adopted the following resolution of intent to amend the Zoning Ordinance fees:

RESOLUTION OF INTENT

WHEREAS, Section 35, Fees, of the Zoning Ordinance (Chapter 18 of the Albemarle County Code) establishes a schedule of fees for various zoning related applications and approvals under the Zoning Ordinance; and

WHEREAS, the fees imposed are inadequate to cover the reasonable cost of the services provided by the County in the implementation and administration of the Zoning Ordinance; and

WHEREAS, the County has conducted an extensive fee study to determine the cost of services provided by the County under the Zoning Ordinance; and

WHEREAS, it is desired to amend Section 35 of the Zoning Ordinance in order to establish a schedule of fees that is adequate to cover the reasonable cost of the services provided.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend Section 35 of the Zoning Ordinance to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

Item No. 9.8. 2009 Second Quarter Building Report as prepared by the Community Development Department, **was received for information.**

The report states that during the second quarter of 2009, 97 building permits were issued for 97 dwelling units. There were three permits issued for mobile homes in existing parks, at an exchange rate of \$2,500 for a total of \$7,500. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 9.9. 2009 Second Quarter Certificate of Occupancy Report as prepared by the Community Development Department, **was received for information.**

The report states that during the second quarter of 2009, 82 certificates of occupancy were issued for 84 dwelling units. There were seven certificates of occupancy issued for mobile homes in existing parks, at an exchange rate of \$2,500 for a total of \$17,500. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

Item No. 9.10 Copy of letter dated August 3, 2009 to Harvey J. and Leslie L. Wilcox, from Ronald L. Higgins, Chief of Zoning, Department of Community Development, **re: Official Determination of Development Rights – Tax Map 58, Parcel 64E4 (property of Harvey J. & Leslie L. Wilcox) – Samuel Miller District, was received for information.**

Item No. 9.11 Proffer Management FY09 Fourth Quarter Cash and Non-Cash Proffer Report, **was received for information.**

The executive summary states that this report includes cash proffer activity for the months of April through June of 2009 (4th quarter of FY 09). At the Board's directive, this report also includes an update of certain non-cash proffer activity by category. Staff presently tracks 44 different proffer categories; many of these are used to alert staff of proffer requirements during the review of a plan or permit and do not involve public improvements (see Attachment A). Staff has identified six (6) major non-cash proffer categories that do involve direct public improvements or land dedications. These categories are: (A) Affordable Housing, (B) Parks, Recreation and Open Space, (C) Fire, Rescue and Public Safety, (D) Roads or other Transportation Improvements, (E) Schools and (F) Land Dedications (in general). Additionally, this report contains an update of all future obligations within the aforementioned categories. These categories, as well as many others have recently been updated from 1990 to the present. Although this initial enhanced report contains historical data regarding non-cash proffers spanning the past 20 years, future reports will provide updates specific to the reporting quarter.

CASH PROFFERS

- A. Proffered:** No rezonings were approved this quarter.
- B. Total Obligated Cash Proffers:** Since no rezonings were approved this quarter, the total obligated cash proffer amount remains the same as the prior three quarters \$56,758,832.
- C. Revenue:** The County received \$1,000 in cash proffers from Belvedere (ZMA 2004-7). The money is designated for affordable housing.
- D. Total Interest Earnings:** The total interest earned from collected proffers is \$314,729.
- E. Expenditures:** During the third quarter, \$7,000 collected from the Westhall rezoning was allocated to the Crozet Block Master Plan.
- F. Current Available Funds:** As of June, there is \$989,549 available in collected cash proffers (see Attachment B).

NON-CASH PROFFERS

The categories and corresponding data represented below DO NOT include improvements and programs made through the use of cash proffers. For example, this non-cash proffer report would not identify the fact that \$300,000 received from a North Pointe proffer was used to provide an average of \$13,350 in down payment assistance for twenty-three eligible homebuyers. Additionally, proffered road improvements do not include what the County would normally require as part of any by-right subdivision plat or site plan.

NON-CASH PROFFERS BY CATEGORY	PROFFERED TO-DATE	RECEIVED (FROM 1990-PRESENT)
A. Affordable Housing	Over 1600 dwelling units*	16 dwelling units
B. Parks, Recreation & Open Space	32 greenways 4 park sites	15 greenways totaling 5.9 acres
C. Fire, Rescue & Public Safety	2 fire station sites	2 fire station sites totaling 11 acres
D. Roads and Other Transportation Improvements	38 Intersection Improvements 16 Mass Transit Improvements 76 Road Widening/New Roads	19 Intersection Improvements 5 Mass Transit Improvements 28 Road Widening/New Roads
E. Schools	2 schools sites**	
F. Other Land Dedications	1 library site 1 site for public facilities	1 site for public facilities totaling 5 acres

* Based on maximum build-out.

**The North Point school site can also be used as a park.

Both cash and non-cash proffers continue to provide a positive impact to the budget.

In addition to the standard quarterly update of cash proffers, this report now provides information (in six major categories) about non-cash proffers from 1990 to the present. Future reports will provide cash and non-cash updates based on the reporting quarter.

Agenda Item No. 11. Pantops Community Advisory Council Update.

The executive summary provided to Board members stated that Board of Supervisors created the Pantops Community Advisory Council (PCAC) in June of 2007 and appointed 11 members in anticipation of a fall approval of the Pantops Master Plan. At the public hearing on the proposed plan held on September 12, 2007, the Board directed staff to further study and evaluate several community issues. The Pantops Master Plan was adopted on March 12, 2008, officially beginning the duties of the Pantops Community Advisory Council. An additional three members were appointed between May and July of 2008. In accordance with the Pantops Master Plan, the PCAC is charged with the following duties:

The Pantops Community Advisory Council (PCAC) is an advisory committee that provides assistance to County staff and the Board of Supervisors on civic/community issues related to implementation of the Pantops Master Plan in accordance with established county procedures. Members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, businesspersons and representatives of active community groups a chance to be engaged and be heard in a constructive and meaningful way.

As outlined in the PCAC guidelines, the group is to provide periodic reports to the Board of Supervisors on the status of the Master Plan implementation and PCAC activities in the County, with those reports consisting of updates of the PCAC's progress on identified action items and on community issues related to the Master Plan implementation. This update is the first such periodic report.

The PCAC has been meeting monthly since its initial orientation session in June of 2008. The first several meetings consisted of education and familiarization with County policies and processes, and orientation of PCAC members to Albemarle County's planning and development philosophies. Following the orientation sessions, the PCAC spent several meetings learning about the projects on the Master Plan implementation list; including the priorities, funding and projected timelines for the projects. Additionally, with Pantops area transportation/traffic issues as one of its major concerns, the PCAC has worked with County staff to learn about the ways in which transportation projects are prioritized and funded.

Short-Term Implementation Projects

The PCAC has sought information about short-term Master Plan implementation projects that will address some of the community challenges brought about by the heavy traffic in the area and the difficulty of pedestrian crossings along 250. Plans are underway for new sidewalks from Westminster-Canterbury to Rolkin Road and along State Farm Boulevard from 250 to S. Pantops Drive and along S. Pantops Drive to an existing sidewalk. Crosswalk studies for two major intersections, Rolkin Road and Highway 250 (the entrance to the Rivanna Ridge Shopping Center) and Highways 20 and 250, are listed as priorities in the Master Plan with funding already allocated. Work is continuing on a trail system to connect the Pantops community to Darden Towe Park, with a major trail section being donated by State Farm earlier this year. The PCAC fully supports these projects as critical to improving the safety and quality-of-life for residents, employees and visitors to the area, and bringing the Neighborhood Model principles to life on Pantops.

Work Product: PCAC Community-Led Initiatives

Based on the major themes in the Pantops Master Plan Implementation Table, the PCAC worked with County staff to develop and prioritize a list of community-led initiatives under the categories below. These categories address items that the community can spearhead and move forward—other major issues such as roads and other capital projects are not included here. These priority categories will provide the focus for the PCAC's work over the next year:

1. Neighborhood Communications
2. Sidewalks and Pedestrian Connections
3. Parks and Open Space/Greenways
4. Rideshare, Carpooling, Park & Ride, Transit and Bicycling

Work Product: Discussions with Chamber to Create Pantops Business Group

Supervisor Ken Boyd and PCAC member Peggy Echols held a lunch meeting for business leaders in the Pantops area, with the goal of working with the Chamber of Commerce to develop a Pantops Business Group. Discussions with the Chamber are in progress, with strong support from Pantops businesses.

Work Product: PCAC Community Open House 5-18-09

As part of its role to *communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan*, the PCAC planned and hosted a community open house to accomplish the following goals:

- Start to create a sense of community in the Pantops area;
- Introduce the community to the PCAC;
- Solicit feedback from residents and businesses on the PCAC's initiatives and learn about other concerns; and
- Update the community on the Pantops Master Plan and provide time for people to ask questions about the Plan.

PCAC/Community Concern for Traffic on Pantops

Please note that the exclusion of transportation/traffic in the list of community-led initiatives is not meant to imply that the PCAC sees these issues as unimportant. To the contrary, the PCAC sees traffic as one of the most critical issues facing Pantops now and in the future, and of the highest concern to those who live, work and play in the area. Although the PCAC recognizes that there is currently no funding for major transportation projects in the area, as the Board-appointed advisory council, it feels that it would be remiss in its responsibilities to the Board and to the community if it did not keep this issue at the forefront.

PCAC/Community Support for Pantops Fire-Rescue

PCAC members have expressed their concerns and the concerns of their neighbors about the ability of fire-rescue and ambulance service to reach Pantops residents in a timely manner, particularly during peak traffic times. The PCAC appreciates the Board's continued support for the construction of the Pantops Fire-Rescue station as a critical community facility for the development area.

Next Steps

Over the next year, the PCAC will be working to identify a few key initiatives to move forward and bring about community involvement in those initiatives. The PCAC will also continue to reach out to the residents and businesses in Pantops and work to build a sense of community and connection in the area.

There are no budget impacts. This item is for information only.

Mr. Boyd commented that it has been very gratifying to work with a group of citizens who care so much about the community. He reported that based on June 2009 estimates, there are about 1,628 housing units in the Pantops Master Plan area – representing about 3,107 people – with an additional 1,229 residences approved. Mr. Boyd stated that Pantops is also an employment center, with 4,546 employees in the area – with State Farm having about 1,450 employees and Westminster Canterbury employing about 300 people. He noted that there are about 150 other smaller employers that include corporate headquarters, high-tech defense contractors, and medical offices – and Martha Jefferson will add another 1,600 jobs. This is a vibrant and growing community.

Ms. Rita Krenz and other Council members introduced themselves: Casey Beeghly (Ashcroft Subdivision), Richard Jennings (Westminster Canterbury), and Cal Morris (County Planning Commission). Ms. Krenz thanked County staff, Britton Miller, for all of her help and guidance, as well as Rebecca Ragsdale, Lee Catlin, Mr. Boyd, Cal Morris, and Professor Jennings.

Ms. Krenz reported that one of the first things the Council did was set some goals for themselves – communication; sidewalks and pedestrian connections; green spaces and parks; ridesharing, carpooling, park and ride; and in the long term, traffic congestion. She explained that the group came up with the theme of the “good, bad, and the ugly,” and emphasized that the people who live in the Pantops area like living and working there, adding that the Council would like to protect and preserve it with the Board's assistance.

Communication – Ms. Krenz reported that the Council would like to improve communication and partnership between the residents, the businesses, and County staff regarding the issues faced in the Pantops area. Open communication is the cornerstone of doing what the Council would like to do and hopefully in its ability to report back to the Board. She added that the Council needs to know what the residents and businesses want, what they feel they need, what's missing, and what they feel could be done better. Ms. Krenz explained that the strategy for doing that is to determine level of interest, accomplished in ways such as a survey with State Farm employees. She said that they would also like to improve communications with homeowners associations in the area, and there are a number of large associations that are not represented on the Council. Ms. Krenz stated that the Council would like to encourage more town hall meetings, as they have had one which was quite successful. She mentioned that the professional business members of the group have already instituted an informal lunch group and they would like to make that a more formal process, as well as building a database of contacts for future use. Ms. Krenz noted that the first open house was held May 18th at Broaddus Wood Baptist Church, and there was a fair amount of community turnout.

Greenspace – She presented some pictures of Pantops, noting the green space in the area and describing the many possible activities that could take place there. Ms. Krenz emphasized that the Council would like to enlist the Board in helping to protect the little bit of green space left, and would like to poll the community to provide input on what they feel is needed and what they would like to see. She said that one suggestion has been to use the area behind State Farm, where there is already parking, on nights and weekends to access the trail behind there. Ms. Krenz mentioned that the Council would like to see partnerships with groups that already exist – including the Rivanna Trail Foundation, the Sierra Club, and the homeowners associations in that area. She then presented a map of the area, and noted the location of the green space and its proximity to the River as well as State Farm and other developed parcels. Ms. Krenz noted that State Farm has recently made a large land donation, and the Hospital has committed to maintaining green space around its facility. She pointed out the location of several trailheads in reference to their proximity from residential areas, and said that the Council would like very much to see the existing green space protected in some way. They would like to create an interconnected greenspace which links the Rivanna Trail, the land recently given by State Farm, the land behind Martha Jefferson, the land near Carriage Hill and ideally the land between Overlook Condos and Winterhaven.

Mr. Rooker asked if the Council was considering the lots along State Farm Boulevard, not yet built on, in green space.

Mr. Cilimberg pointed out that a lot of that property shown is owned by Virginia Land Company.

Ms. Krenz mentioned that the Council would like to investigate what the residents and business owners of that area might like to see, as there has been a lot of conversation regarding opportunities for employees in the area to “walk someplace naturally pleasing.” She said that the group would like to explore further what residents want for that green space.

Sidewalk and Pedestrian Connections – Ms. Krenz reported that the first thing the Council noticed was the lack of sidewalks, and is now aware that they are going out to bid very shortly. She mentioned that there is a section of South Pantops Drive from State Farm Boulevard to Overlook Condominiums where the sidewalk stops, and that will connect eventually to Carriage Hill. Ms. Krenz noted that the sidewalk along State Farm Boulevard would also go out to bid before the end of the year as well. She mentioned that the curb cut along South Pantops Drive across from Advance Auto now makes it possible to get from Carriage Hill to the Food Lion in a wheelchair. Ms. Krenz noted that the Council still sees the need for additional sidewalk – such as near Applebee’s heading east and at the Rite Aid accessing either Giant or Westminster. She said that the Council would like to ask for a means to connect businesses to residences and vice versa.

Traffic – Ms. Krenz reported that traffic is a big concern for everyone, and the Council would like to see businesses encourage more rideshare and carpooling, and making those options more visible and available. She said that the Council encourages more public transportation – both in the inter-Pantops area and outside to surrounding City and County areas. Ms. Krenz mentioned that standard rush-hour traffic on Route 250 is very congested and additional development (the Pavillions, Fontana, Gaezebo Place, Cascadia) will only exacerbate the issue.

Ms. Krenz stated that the Council will be formally inviting the Board to participate in an upcoming meeting and provide input. She thanked the Board for their time and attention.

Mr. Rooker commented that the photography in this presentation was excellent. He noted that he had an office on Pantops for 25 years. He said that the Hospital is planning to have a public park in the center of its grounds and wondered if there had been discussion about connecting the existing trail areas into that park.

Mr. Cilimberg responded that the site plan that has been through the County process has connections from external locations into there.

Ms. Thomas said that people in Woolen Mills have been very interested in what goes on across the River in Pantops, suggesting that the Council invite those residents to a meeting.

Noting the citizens survey recently circulated in Crozet, Ms. Mallek stated that getting a lot of people involved makes it a more challenging process, but it is really worth it in the end to get them all to the table.

Mr. Boyd mentioned that there were several different stations set up at the Council’s open house, and they received a lot of feedback in that process. He commended County staff for their role in making this successful.

Mr. Slutzky asked if the Council has examined the question of how the infrastructure the Council desires for Pantops would be funded.

Mr. Morris commented that they were trying to “catch the low-hanging fruit” as they are aware that the funds are not available at this time. He said that many of the sidewalks are already funded and the County is moving forward on that. Mr. Morris acknowledged that the big question remains how to cross Route 250 and most of the people on the north side and the businesses are on the other side, and that cannot be done solely by the Pantops Council of course. They are looking at ways of making it more pedestrian and bike friendly.

Mr. Slutzky asked if the Pantops Council was requesting that the Board shift resources from somewhere else in the County budget, or are they just saying that this is a wish list or something that could be privately funding by the Pantops area.

Mr. Morris explained that at the Council level, these discussions have taken place, but they clearly understand these items are set out in the Pantops Master Plan. They were identified two to three years ago, so they are there. He acknowledged that the Council is aware of competing needs with Crozet and Places 29, but Pantops is simply suggesting that these are the needs and encourage the Board to consider those.

Mr. Slutzky said that until the Board hears from the Council as to a willingness to help come up with funding for these items, the Council needs to understand that this is just a wish list. If the Advisory Council were to reach the conclusion that it was important enough for them to get some of this infrastructure funded in the not way-out future, then it might be helpful for our Board to hear them explain how they would like us to provide for that.

Mr. Boyd indicated that the Council simply wants “fair treatment” for any kind of capital improvement dollars that are spent, and they have reached out to the business community to see about public-private partnerships. He thinks the Council also recognizes the reality of the economic times that the County is going through. He has not heard from anyone the suggestion to raise taxes to do any of

these things. He mentioned that the biggest infrastructure need is Route 250, and that's a State problem – not a local one.

Mr. Rooker asked Mr. Morris if there has been discussion with State Farm and the other property owners that own the property that the Council would like to see remain in green space. Mr. Morris replied "yes", with State Farm.

Mr. Boyd mentioned that State Farm just donated 11 acres along the River.

Mr. Rooker noted that there are some other areas of sidewalk that have missing links, and asked if those are in the Pantops Master Plan.

Ms. Krenz replied that there are some additional sidewalks in the Plan but they are not funded; the two she pointed out are planned and funded.

Mr. David Benish, Chief of Planning, confirmed this, noting that in the CIP there is a General Fund for sidewalk improvements and there is a priority list that helps balance how those projects are implemented – it does include several projects in the Pantops area, as well as several in the Route 250 West corridor area, the Places 29 area, and the Crozet area. He commented that the one from the Rite Aid to Westminster Canterbury is under design as well, and is approaching full funding. Mr. Benish mentioned that there are some proffer funds left over from other projects that the County is trying to prioritize a study of the pedestrian crossings on Route 250.

Mr. Boyd emphasized the importance of establishing safe pedestrian crossings.

Mr. Rooker stated that when Route 29 had pedestrian studies done, it was recommended to install pedestrian crossovers and asked if it would be helpful for the Council to examine this possibility.

Mr. Morris said that during the planning process about four years ago that was something they addressed at almost every public meeting.

Mr. Rooker mentioned that the crossings are not always particularly attractive.

Ms. Mallek noted that the one at the University isn't bad.

Mr. Slutzky suggested that the Council work with the U.Va. School of Architecture to come up with some renderings that might take this a step further.

Ms. Thomas said that it would be helpful to determine where all the noontime traffic is going, adding that perhaps a shuttle service would alleviate some of this. It might be helpful to have an origin and destination study done.

Mr. Boyd mentioned that at the business luncheon he suggested a shuttle service but there wasn't much interest in it because the largest employer – State Farm – indicated that their lunch hour was too short for employees to leave the premises.

Mr. Slutzky replied that there may be other employers and neighborhood associations that might be willing to provide such a service to help alleviate traffic problems.

Mr. Morris stated that communication is the top priority, and they are just beginning in this effort.

Mr. Slutzky thanked the Council for a thoughtful presentation.

Agenda Item No. 12. Proposed 2010 Legislative Priorities, David Blount.

The executive summary forwarded to Board members state that each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC) and Virginia Association of Counties (VACo). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. For example, last November the Board adopted a resolution to seek enabling legislation to establish a Regional Transit Authority, and this priority was subsequently included in the Board's and TJPDC's legislative program. This executive summary will provide a review of the Board's 2009 Legislative Priorities and request the Board to review and approve the 2010 Legislative Priorities.

A review of the County's 2009 Legislative Priorities is provided in the attached "2009 Legislative Priorities Report" (Attachment A). The report details any action taken on the priorities, an assessment of what priorities should be continued in the future and links to the final legislative reports of the TJPDC, VACo and Virginia Municipal League (VML).

Many of the proposed 2010 Legislative Priorities are continuations of the 2009 Legislative Priorities (Attachment B). Three new priorities have been identified for the 2010 Legislative Priorities:

Growth Management, Land Use and Transportation

- Amend Virginia Code § 33.1-23.1:1(C) (Attachment C) to allow for the allocation of unpaved secondary road funds for other secondary road projects without penalizing the locality by reducing the amount of the unpaved secondary road funds in future years.

Health and Human Services

- Request the legislature increase funding for Local Department of Social Services (LDSS) to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

Local Government Administration and Finance

- Amend Virginia Code § 15.2-953 (Attachment D) to authorize localities to make donations to nonprofit organizations, associations, or agencies which are engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

After the Board's input and approval, staff will submit the Board's 2010 Legislative Priorities to the TJPDC and VACo for consideration into their respective legislative programs. The 2010 TJPDC Legislative Program will return to the Board in the fall for additional input and approval.

The County's legislative priorities seek to ensure the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. Should the state provide additional funding for the County's "Child Care for Low Income Working Families" priority, a local match of ten percent (10%) will be required. Beyond that priority, there are no specific, identifiable budget impacts.

Staff recommends that the Board approve the proposed 2010 Legislative Priorities (Attachment B), and any additions it feels are appropriate, for submission to the TJPDC and VACo.

Mr. Davis reported that his staff has been working with David Blount and his staff on these priorities. The list looks similar to those from previous years; Attachment A reviews how those priorities were dealt with in past General Assembly sessions – with mixed success. He said that successful items include saving some funding for conservation easements, the non-surface treated highway bill was passed that lowered speed limits on unpaved roads, Drug Court funding was saved, the Regional Transit Authority legislation was adopted, and Scenic River designation expansion was adopted. There were a number of other issues batted around in the General Assembly, some not as favorable to local governments. Mr. Davis stated that both his and Mr. Blount's staff recommend that those legislative priorities from 2009 be repeated in 2010 with the elimination of those things that have already been successful.

He added that three new items are recommended for inclusion as 2010 priorities: legislation for unpaved secondary road funds, which VDOT has indicated they will not support; legislation for sufficient matching State funds to match federal funding; and enabling authority for how donations can be made to certain nonprofit and charitable organizations. Mr. Davis pointed out that current law bill does not seem to cover County contributions to nonprofits that simply "promote energy efficiency or provide energy-efficiency services," and for purposes of future possibilities for the County to promote energy efficiency, staff believes it would be appropriate to ask for specific enabling legislation so that could be addressed in this General Assembly session.

Mr. Slutzky indicated that it is not clear if there is sufficient enabling authority for the County to accept the recent \$500,000 SEEA Grant and donate it to a nonprofit entity.

Mr. David Blount, TJPDC Legislative Liaison, said that the two new items concerning the unpaved roads and energy efficiency would be incorporated into the regional program as well, and the Social Services issue would also be addressed through amendment of the regional program language. He reported that what's included in the legislative priorities are "reasonable requests" that can be moved forward.

Mr. Slutzky noted that the RTA enabling authority was granted last session, but the legislature shut down the way they would fund transportation needs locally – in part because a local sales tax was suggested. He said that it may be worthwhile to put a placeholder in for that now.

Ms. Thomas emphasized that it was for a referendum for local sales tax, and it is worth it to continue to ask for it.

Mr. Slutzky said it may be worth tweaking it so that referendum would not be on a matter that the local Chamber of Commerce opposes, which is a local sales tax increase, but rather an increase in local taxes that they may be willing to support.

Mr. Davis stated that this is not something he and Mr. Blount have made a recommendation on, because they thought it was something the MPO would want to weigh in on through the committee addressing the transit authority. He mentioned that there would be an opportunity for that to be added later on after more consideration.

Mr. Rooker said that there is not a mechanism in place right now to allocate a local gas tax back to localities; the State cannot even say what they're getting from each locality.

Ms. Thomas asked about the AFEE Committee working on land use, and whether they are considering changing the urban development area definition.

Mr. Blount responded that they were revisiting the proffer impact fee discussion, but that has very little traction at this time, and they are continuing to look at tiered UDA criteria. He stated that a work group of the joint subcommittee met several weeks ago but it raised more questions than answers.

Ms. Thomas said one rumor is that there may be legislation that targets sewer and water authorities hook on fees.

Mr. Blount indicated that overall there may be some sympathy toward the building industry with legislation if the market does not pull itself up to some degree.

Mr. Davis stated that he has heard that there is a bill in the works to require VDOT to allow home sale signs to be placed in the right of way.

Mr. Rooker asked if any additional houses have been sold because of a sign in the right of way, as this does not change the overall demand for housing. All they do is trade aesthetics for a feel-good piece of legislation that accomplishes nothing in terms of overall housing demand.

Mr. Davis said that that would be a good example of one bill to be considered by the General Assembly.

Ms. Thomas commented that the onsite sewage treatment alternative bill is working its way through the administration.

Mr. Blount replied that VACo has a task force that's been working on that issue and has a number of proposals they are intending to put forward.

Ms. Mallek said that at a recent agricultural meeting there were many discussions about this, and this has completely violated several Zoning laws in other localities such as Matthews County.

Ms. Thomas said that she has a copy of VACo's recommendations on onsite sewage systems if anyone would like to see them.

Ms. Mallek asked if the conservation easement section of this would be the appropriate place to encourage funding of the Virginia Outdoors Foundation, noting that she has distributed a sample statement from Fauquier County supporting this.

Mr. Blount said that he hasn't seen that statement yet. Ms. Mallek said she would provide a copy.

Mr. Boyd asked about the land use taxation item and said that he has some real reservations about the rollback tax provisions especially in the case of extenuating circumstances.

Mr. Davis reported that this item was added last year, and there has been some unsuccessful legislation in the past but not last year. It is still on the agenda; if it is something the Board does not support, it can be removed.

Mr. Slutzky said he wants it to remain.

Ms. Thomas commented that she would like it to be a local option, if it's included.

Mr. Blount stated that there was specific language included to make it a local option.

Mr. Boyd added that there need to be hardship clauses included here.

Mr. Davis explained that the philosophy is this is a deferral of taxes, so hardship doesn't really play into the legislation.

Mr. Boyd agreed, but said that there is a ten percent per year penalty.

Mr. Rooker said that he supports the request as it is being made.

Mr. Davis suggested adding the language "a five-year additional local option."

Ms. Mallek said that perhaps a rollback could be reduced based on the number of years a property is held.

Mr. Slutzky responded that he would not support that change.

Mr. Dorrier stated that the more they change land-use tax, the more public input would be delivered.

Mr. Boyd said that not everyone uses land use for speculation, and people who own large tracts of family property are being penalized here.

Mr. Rooker emphasized that the program is a deferral program, not a waiver of taxes. He also said that many localities have no such program at all, and Albemarle's program provides \$19 million of tax deferral per year.

Mr. Boyd commented that the provision seems to have some unintended consequences.

Mr. Rooker said if the use of the property is not changed, it does not matter if it is passed on.

Mr. Slutzky said that he would support adding to the legislative packet the request to allow the rollback for the fifth through the tenth year at the discretion of the locality.

Mr. Davis pointed out that in the last 35 years, the General Assembly has very rarely made any changes to this legislation.

Ms. Thomas added that if the General Assembly does start to play around with the land use taxation legislation, she asked that someone let the Board know because one of the things codified in that legislation is an old fashion view of what a forest is.

Mr. Slutzky thanked Mr. Blount for his work each year on the legislative agenda.

Mr. Rooker then **moved** to adopt the 2010 Legislative Priorities with the change to the land use item.

Ms. Mallek asked about funding for the Virginia Outdoors Foundation.

Mr. Rooker commented that the letter does not mention any specific source of revenue for the Virginia Outdoors Foundation. He suggested sending the letter to the legislators, but not be included in the packet at this time.

Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Albemarle County 2010 Legislative Priorities

Growth Management, Land Use and Transportation

- **Local Authority:** Request that the legislature 1) strengthen localities' authority by enabling them to utilize adequate public facilities ordinances; and 2) not pass legislation that preempts or circumvents existing local authority to regulate land use.
- **Impact Fee Authority:** Request that the legislature support impact fee legislation that allows for 1) a fair allocation of costs representing a "pro-rata" off-set of new growth on public facilities; 2) impact fees for facility costs related to transportation, schools, fire, police, emergency medical services, libraries, stormwater management, open space and parks/recreation lands; 3) effective implementation through simple locally-based formulae and reasonable administrative requirements; 4) does not cap or limit localities' impact fee updates; and 5) does not diminish the existing proffer system.
- **Conservation Easements:** Request the legislature support and augment local efforts in natural resource protection through 1) Continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) Retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 3) Increase incentives for citizens to create conservation easements.
- **Scenic Protection and Tourist Enhancement:** Request enabling legislation for an Albemarle County to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state makes land use decisions in designated areas.
- **Transportation Funding:** Request the legislature 1) Establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) Direct funding efforts at all transportation modes; 3) Coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) Not shift transportation responsibilities, including maintenance, to localities.
- **Unpaved Road Program:** Request the legislature to amend Virginia Code § 33.1-23.1:1(C) to allow for the allocation of unpaved secondary road funds for other secondary road transportation projects without penalizing the locality by reducing the amount of the unpaved secondary road funds in future years.*

Health and Human Services

- **Comprehensive Services Act (CSA):** Request the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) Fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) Enhancing state funding for grants to localities to create community-based

alternatives for children served in CSA; 3) Establishing state contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) Encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

- **Child Care for Low Income Working Families:** Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.
- **Local Department of Social Services (LDSS):** Request the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.*

Local Government Administration and Finance

- **Full Funding of State Mandates:** Request the state provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.
- **Local Control of Local Revenues:** Request the legislature take no action to restrict or limit the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.
- **Drug Court Funding:** Request the legislature fully fund the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.
- **Cost to Compete Pay Differential:** Due to the documented high cost of living in Albemarle County, request the legislature include Albemarle County Schools in the "Cost to Compete Pay Differential" so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.
- **Land Use Taxation:** Request the legislature to amend Virginia Code § 58.1-3237 to increase the roll-back taxes assessed against property under land use taxation that changes to a non-qualifying use to an amount equal to the sum of the deferred tax for each of the ten most recent complete tax years. Currently the roll-back tax applies only to the deferred taxes relating to the five most recent tax years.
- **Donations to nonprofit organizations:** Request the legislature to amend Virginia Code § 15.2-953 to authorize localities to make donations to nonprofit organizations, associations, or agencies which are engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.*

Mr. Slutzky asked about the status of removal of illegal signage. Mr. Tucker responded that the signs are being picked up.

Agenda Item No. 13a. VDOT Monthly Report.

Mr. Allan Sumpter, Resident Engineer, said that this time of year there are lots of calls from parents regarding school bus stops and school crossings; some related to Forest Lakes at the intersection of Ashwood Boulevard and Powell Drive. At the request of the homeowners association, VDOT is considering a multi-way stop there, and is currently in the process of data collection to take into account the school traffic. They are trying to determine the walking route that most of the students are taking. Mr. Sumpter said that when the crosswalks are considered there are ADA requirements for landings and such. He added that VDOT hopes to have something prepared for the Board by October. VDOT has been dealing with a couple of other school crossing requests; there is also one in the Red Hill School area.

Mr. Sumpter reported that VDOT has been focusing a lot of attention on traffic operations and signaling issues. They have had a number of calls about the traffic signal sequencing at Route 29/Route 20. VDOT has made adjustments to several locations on Route 29 and Route 250 for timing at different points in the day – which has helped with the heavier volumes. He noted that some of these locations are very challenging because of the road capacities. VDOT has been able to work successfully with the City to get the timing of the Pantops signal mentioned earlier in the meeting matched up so that it flows well with the signal at High Street.

Mr. Rooker asked about completing the coordination of Route 29 with Emmet Street in the City. Mr. Sumpter responded that VDOT indicates they are close to completing that as well, but up to now the signal equipment has not been matching to allow that be done. His understanding is that the equipment is now in place and it is a matter of some tweaking. Mr. Rooker commented that the synchronization breaks down when it gets to Hydraulic Road and that adds to the congestion problem.

Mr. Sumpter said that they are in the early stages of pursuing federal safety grant funding for crosswalks at Routes 20 and 250, but it is going to be challenging at that location, but it is not just a simple pedestrian walk-across. Mr. Sumpter emphasized that putting a crosswalk there would affect the traffic patterns along those roads, and may actually increase vehicular travel times.

Mr. Sumpter said VDOT recently completed the upgrade of the signal changes at Farmington and they are working to coordinate the lights with those at Ednam Forest. He noted that some of the heavier traffic this summer is likely related to work being done in I-64 – paving, bridge repairs, etc. – with traffic filtering onto Route 250 to avoid those delays.

Mr. Rooker emphasized that what is happening now is the front end of a wave of a situation that is going to overtake this area in terms of traffic congestion because we do not have the resources from the state and now it appears the federal government. He said that this area is going to continue to grow – at about 1,000 people per year with an average of one car per person. We are looking more like Northern Virginia did 15 or 20 years ago than we want to.

Mr. Sumpter commented that VDOT has been getting a lot of requests for speed studies for areas including Old Brook, Westmoreland, Northfields, and traffic calming measures have been requested in the areas. He explained that VDOT reviews those to see if those measures are warranted, but hesitates to make great drastic adjustments on these roads because they essentially serve as collector roads. Mr. Sumpter added that the cost of those speed studies and traffic calming measures comes out of the budget allocation in the Six Year Plan for traffic engineering, but his ability to replenish that is now gone. At some point in the future the cost for funding these items is going to have to be addressed.

Mr. Slutzky said that at some point VDOT is going to have to inform the public that there is no money for speed studies. Mr. Sumpter responded that VDOT may do some initial analysis first to determine whether a full study is warranted or not.

Agenda Item No. 13b. Transportation Matters not Listed on the Agenda.

Ms. Thomas mentioned that in Michigan, they put the rumble strips on the edge and down the middle of two-lane roads, not just on the edges. She asked if it is allowed in Virginia.

Mr. Boyd said he has received a request from residents who live on Stony Point Pass to post a speed limit sign. It is currently a semi-gravel, semi-paved road.

Mr. Sumpter reported that the recent gravel road legislation enabled that all gravel roads in the County are now 35 mph, and some of those roads with higher traffic volumes may need signs. He will look at that road and make a determination. The decision will be based on traffic volume.

Ms. Mallek asked about the status of the Buck Mountain Road request for right-of-way, as the landowner there has given verbal permission. She also asked about getting the camera from Lynchburg to look in the pipe to see what the obstruction was.

Mr. Sumpter explained that VDOT has attempted follow-up contacts with the gentleman, but he hasn't returned the calls.

Ms. Mallek thanked VDOT for the striping on Garth Road.

Ms. Mallek said that there have been numerous loose pieces on the bridge at Jacobs Run which she believes is a safety hazard.

Mr. Sumpter responded that VDOT is hoping to get that deck on the list for a major rehab.

Ms. Mallek mentioned that the speed on Walnut Level has drastically increased since the rural rustic paving, and part of that plan was to have some safety measures.

Mr. Sumpter replied that there is some traffic calming at the end of Innisfree and VDOT is expecting to get those installed sometime next week.

Mr. Rooker commented that the VDOT office is doing a "superb job" as it continues to provide services to citizens with reduced funding, and thanked Mr. Sumpter for that.

Mr. Rooker said that he circulated an email regarding a shift in funding from Dickerson Road to the Broomley Bridge project. This had to do with an email from VDOT that they did not think they would support the legislative change being asked. He asked the Board to bring back a proposed change, at the next available meeting, to the Secondary Road Plan to include shifting these funds. In the email, the

VDOT person responded that they would not support it, but since the County was not getting any unpaved road funds anyway, it also would not be penalized for this. In his opinion there is a couple million dollars losing value allocated to a project that will likely not be funded anytime soon, and if Dickerson Road were funded that \$2 million would be worth far less by the time it's built. If the legislation passes, that would be fine; it would eliminate any future penalty the County might suffer if unpaved road funds are restored. Mr. Rooker commented that it would be worth it to take the VDOT penalty for the shift. He asked if the Board would consider at its next meeting a specific proposal.

Mr. Boyd said he has no problem with that, but would like to know if there is a statute of limitations on those penalties.

Mr. Sumpter explained that the Code states that for every \$250,000 moved, there is one mile of road deducted from the total amount of unpaved roads eligible to be used in the formula for calculation of what the County would receive. As it is now, it is a lasting penalty.

Ms. Thomas said when this is discussed, she would like a comparison of Dry Bridge Road with Broomley Road. For many years Dry Bridge was ahead of Broomley Road in the plans.

Mr. Rooker commented that Dry Bridge already has funding.

Mr. Sumpter said VDOT can prepare some information to emphasize the funding. He will also need to get verification, but in order to make a change in the Plan, the Board will need to have another public hearing for the purpose of revising the Plan.

Mr. Rooker said he has no problem with putting that item on an agenda for a public hearing.

Mr. Slutzky said he thinks relocating this money from the Rio District to the Jack Jouett District is a prudent and appropriate allocation.

Mr. Sumpter said VDOT will work with County staff to get all the steps clarified.

Mr. Tucker suggested just moving the item forward to public hearing rather than bringing it back to the Board for discussion first.

Mr. Davis suggested that the Board identify what they want to go to public hearing on, before moving the item ahead.

Mr. Rooker said the last time this issue was discussed, there seemed to be a general consensus by the Board, but for dealing with the penalty.

Mr. Sumpter said that before setting the public hearing he would like the opportunity to discuss with VDOT Bridge Engineer David Pearce the current status of County bridges so that the Board has a well-informed report. He thinks he can have this available by the October meeting.

Mr. Rooker suggested scheduling this for public hearing at the Board's October 14, 2009 meeting. The discussion can occur at the October 7, 2009 meeting.

Mr. Dorrier asked if VDOT has been involved with the Glenmore traffic signal.

Mr. Sumpter replied that VDOT have reviewed the plans for the signal. It is a proffered signal and VDOT has approved a set of signal plans; now they are waiting for the developer to apply for a land use permit so they can install the signal.

Mr. Dorrier asked what can be done to move it forward.

Mr. Graham stated that it is a proffer issue, and the County has asked Glenmore for a schedule for completion of the project.

Mr. Slutzky said he would like an update from staff within the next week on the Hillsdale Drive safety improvement project schedule. He would like to know the schedule and possibly having a kick-off meeting in the community to inform the residents of what is happening.

Mr. Slutzky also asked for an update on the Sunridge Road completion to include a schedule that he can share with the neighbors.

Mr. Slutzky asked for clarification on maintenance responsibility for the end of Penn Park Lane – ownership of which has been questioned. It seems to be in the County, but the City may have some responsibility. Mayor Norris has assured him that if it is the City's responsibility, they will fix it. He doesn't want it to just sit there and as they go into the winter have ice hazards as happened last year.

Agenda Item No. 14. **Public Hearing: Uncontrolled Vegetation Ordinance.** Proposed ordinance to amend Chapter 7, Health and Safety, of the Albemarle County Code by adding a new Article V. Uncontrolled Vegetation. The proposed ordinance would establish provisions prohibiting grass, weeds, brush or other uncontrolled vegetation in excess of 12 inches in height on any vacant developed property, or on that portion of any vacant undeveloped property within seventy-five (75) feet of any public right-of-way or of developed property under separate ownership (except in the Town of Scottsville, the Monticello Historic District and the Rural Areas District, and under certain other circumstances), as well as provisions for the removal of such vegetation and penalties for any violations. (*Advertised in the Daily Progress on August 19 and August 26, 2009.*)

The executive summary provided to Board members stated that at its June 3 work session, the Board discussed issues related to a proposed ordinance to regulate uncontrolled vegetation, and directed staff to prepare an ordinance for the Board's consideration. Specifically, the Board directed staff to prepare an ordinance to:

- a. apply to most properties **except** those in the Rural Areas zoning district;
- b. apply to a **perimeter** of undeveloped properties adjacent to roads and other properties;
- c. include an **exemption** for "natural landscaping;"
- d. limit the maximum height of uncontrolled vegetation to **twelve (12) inches**; and
- e. provide a **responsive** rather than proactive **enforcement program**.

In considering areas where an uncontrolled vegetation ordinance is either not enabled or not advisable, staff developed a proposed list of exceptions to the ordinance beyond just the Rural Areas District. Most of these more general exemptions (such as for public park land, open space and the like) were found to be consistent with those found in other localities' ordinances. The following are proposed for ordinance exemptions:

- a) the corporate limits of the Town of Scottsville;
- b) the Monticello Historic District;
- c) the Rural Areas District;
- d) areas used for pastures, under cultivation, forested, or subject to utility transmission easements;
- e) areas where the vegetative growth is regulated under state or federal laws or programs;
- f) any stream buffer required by County ordinance or protected under permanent conservation easement;
- g) areas under an approved plan of natural landscaping;
- h) property designated through an approved zoning or subdivision plat as open space, green space, conservation or preservation area and that is intended to remain in its natural state;
- i) public park lands; or
- j) stormwater management facilities such as detention ponds.

Zoning and General Services staff has established mowing procedures for when an owner fails to control the vegetation on his own property and County action is required to mow the vegetation. The ordinance provides for recovery of the County's cost associated with such mowing. Because the County may use the mowing contractor already under contract with General Services, the enforcement program is proposed to be funded through General Services. The proposed ordinance also allows for the imposition of civil penalties for violation of the ordinance as a further deterrent.

Implementation of this program is estimated to require \$3,000 in recurring funding for the General Services Department to pay for mowing services. After implementation of the ordinance, the amount of annual funding will need to be reviewed based on actual costs of the program. The initial funding is proposed to be appropriated from the Board's contingency.

After the public hearing, staff recommends that the Board adopt the attached ordinance.

Mr. Rob Heide, Manager of Zoning Enforcement, reported that this presentation came out of the Board's June 3rd work session on uncontrolled vegetation. He explained that this ordinance would apply to all properties except in the RA district and would include a 75-foot perimeter adjacent to roads and other properties on undeveloped lots with a maximum height of 12 inches of the uncontrolled vegetation, and this will be a "responsive rather than proactive approach." He noted that this would enhance the quality of life for all citizens and the work process includes a multi-departmental work plan to facilitate enforcement of the ordinance and involves Community Development, General Services, and Finance.

Mr. Heide stated that there is a natural landscaping exemption, and exemptions for parkland, open space, pastures, cultivated/forested land, utility easements, stream buffers, conservation easements, and storm water management facilities. He said that a \$3,000 recurring fund in the General Services budget is recommended to pay the contractor in those cases where grass needs to be cut; unused balance would be rolled over to the next fiscal year and the cost of mowing with administrative fees would be charged back to the property owner in those circumstances.

Mr. Heide said staff recommends adoption of the proposed ordinance and approval of annual funding.

Ms. Mallek said she is hopeful that the presence of this ordinance in name will be meaningful when they go to their constituents who allow this to happen and ask them to take care of their property.

Mr. Davis stated that this ordinance is modeled after those in other localities – Chesterfield, James City, Henrico, etc. – and staff’s opinion is that it does not need more definitions, even though that has been suggested. There is not a great deal of distinction made between the types of grasses or uncontrolled vegetation because if it gets a certain height, it needs to get cut. He said that to address the Natural Heritage Committee’s concerns, an exception has been added to include areas that have a natural landscape plan. Ms. McCulley, the Zoning Administrator, has indicated that her department would compile a set of standard operating procedures to provide guidance as to how the landscaping plan would be approved.

At this time the Chairman opened the public hearing.

Mr. Neil Williamson, of the Free Enterprise Forum, said they oppose the “Albemarle Lawn Ranger Ordinance,” as it represents an unnecessary growth of government. They also believe the Natural Heritage Commission has raised some issues that would be addressed with a landscaping plan, and if the County let the vegetation go.

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

Mr. Slutzky said he appreciates the comments from the Natural Heritage Committee, but he believes it is imperative that this be done because there are several properties in his district along Rio Road with abandoned buildings and horribly overgrown lawns. He has received numerous complaints from neighbors. Fortunately in conversations with some of the property owners, some of the buildings have been demolished and the lawns have been maintained. He things the Board needs to move forward with approval of the proposed ordinance.

Mr. Boyd asked how this would impact undeveloped properties such as Biscuit Run and North Pointe.

Mr. Davis replied that that’s been addressed in the ordinance – if it’s undeveloped property then the restriction is only for the perimeter buffer as defined in the ordinance.

Mr. Rooker said he received a call from one large neighborhood that received a copy of the ordinance and they were pleased that the County is finally doing something about the issue.

Mr. Rooker then offered **motion** to adopt the proposed ordinance as presented today. Ms. Mallek **seconded** the motion.

Ms. Thomas mentioned that she was initially opposed to the ordinance, but she recalled a place where a motel burned down on Route 250 West and it was “allowed to remain ugly” for about 15 years, so even if the development community is opposed to this it may have some good value.

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

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

NAYS: None.

ORDINANCE NO. 09-07(2)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 7, Health and Safety, is hereby amended and reordained as follows:

By Adding:

Article V	Uncontrolled Vegetation
Sec. 7-501	Definitions
Sec. 7-502	Grass, Weeds, Brush and Other Uncontrolled Vegetation
Sec. 7-503	Exemptions
Sec. 7-504	Enforcement
Sec. 7-505	Lien Against Property
Sec. 7-506	Civil Penalty
Sec. 7-507	Criminal Penalty

CHAPTER 7. HEALTH AND SAFETY

ARTICLE V. UNCONTROLLED VEGETATION

Sec. 7-501. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Developed*. The term “developed” means any real property where improvements have been made to change it from its natural state.

(2) *Improvements*. The term "improvements" means permanent changes or additions to real property that enhance its value or utility or adapt it for new or further purposes.

(3) *Natural landscaping*. The term "natural landscaping" means a managed area specifically set aside by a land owner for conservation purposes, using native plants, which aims to blend residential or commercial property into the natural surroundings. Natural landscaping shall:

(i) not encroach within a minimum of five (5) feet from any developed areas, roads, or buildings;

(ii) include a plan to identify and manage native plant material as well as a plan to manage and eliminate noxious weeds; and

(iii) include and maintain at least eighty percent (80%) native plants (by area coverage).

(4) *Owner*. The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

(5) *Undeveloped*. The term "undeveloped" means any real property that remains unimproved.

(6) *Vacant*. The term "vacant" means any real property, with or without improvements, that is not occupied.

(Ord. 09-7(2), 9-2-09)

Sec. 7-502. Grass, Weeds, Brush and Other Uncontrolled Vegetation.

A. Except as provided in section 7-503, no owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of twelve (12) inches in height where such vegetation is located:

(i) on any vacant developed property, or

(ii) on that portion of any undeveloped property that is within seventy-five (75) feet of any public right-of-way or developed property under separate ownership.

B. Upon remedying any such unlawful condition, the owner shall dispose of such vegetation in a lawful manner that eliminates any potential fire hazard.

State law reference--Va. Code § 15.2-901(A)(3).

(Ord. 09-7(2), 9-2-09)

Sec. 7-503. Exemptions.

Notwithstanding section 7-502, this article shall not have any force and effect within

a) the corporate limits of the Town of Scottsville;

b) the Monticello Historic District;

c) the Rural Areas District;

d) areas used for pastures, under cultivation, forested, or subject to utility transmission easements;

e) areas where the vegetative growth is regulated under state or federal laws or programs;

f) any stream buffer required by County ordinance or protected under permanent conservation easement;

g) areas under an approved plan of natural landscaping;

h) property designated through an approved zoning or subdivision plat as open space, green space, conservation or preservation area and that is intended to remain in its natural state;

i) public park lands; or

j) stormwater management facilities such as detention ponds.

(Ord. 09-7(2), 9-2-09)

Sec. 7-504. Enforcement.

A. Whenever the County Executive or his designee has determined by reports, inspections or otherwise, that any such unlawful condition exists, he shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within such reasonable time as is specified in the notice. Such notice shall be in writing, shall be delivered by hand or mailed to the last known address of the owner and shall be complied with by the owner.

B. If such grass, weeds, brush or other uncontrolled vegetation is not cut within the required time, the County Executive or his designee may cause them to be cut and the costs and expenses thereof, including an administrative handling charge of one hundred dollars (\$100.00), shall be billed to the property owner, and if not paid, shall be added to and collected in the same manner as the real estate tax on such property. The County Executive or his designee shall certify the costs and expenses to the Director of Finance of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of sixty (60) days, then the Director of Finance shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses in the records of the clerk's office.

(Ord. 09-7(2), 9-2-09)

Sec. 7-505. Lien Against Property.

Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia. The County may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

State law reference--Va. Code § 15.2-901(B).

(Ord. 09-7(2), 9-2-09)

Sec. 7-506. Civil Penalty.

Violations of this section shall be subject to a civil penalty of fifty dollars (\$50) for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be two hundred dollars (\$200). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000) in a twelve (12) month period.

State law reference--Va. Code § 15.2-901(C).

(Ord. 09-7(2), 9-2-09)

Sec. 7-507. Criminal Penalty.

In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period, such violations shall be a Class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

State law reference--Va. Code § 15.2-901(D).

(Ord. 09-7(2), 9-2-09)

Agenda Item No. 15. **Public Hearing: AFD-2009-001. Ordinance to amend Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code.** The proposed ordinance would amend Section 3-209, **Buck Mountain Agricultural and Forestal District**, to continue the district for all parcels identified in the ordinance and set the next district review deadline date of September 2, 2019. It would also identify TMPs 17-26C1, 17-26C2 and 17-26C3 as being in the district (these parcels were created from parcels already in the district), would show only part of TMP 17-31 as being in the district (.91 acres of non-agricultural/forestal property was added to this parcel in a boundary line adjustment) and would remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. *(Advertised in the Daily Progress on August 19 and August 26, 2009.)*

Mr. Cilimberg reported that this is the 10-year review point for Buck Mountain and there are no parcels in this review that have asked to be removed so the district would remain as-is – 11 parcels, 504 acres, with five dwellings, for the next ten years. Mr. Cilimberg said staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission, all recommend approval for ten years.

Ms. Thomas said Board members have been hearing about a lot of properties being added to agricultural/forestal districts, but these two requests, pre-date the “rush to add”.

Mr. Cilimberg confirmed that there are additional parcels that would be coming forward for addition at a later date.

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

Mr. Rooker **moved** for approval of the proposed ordinance provided to the Board dated August 7, 2009. Mr. Dorrier **seconded** the motion.

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

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

ORDINANCE NO. 09-3(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

By Amending:

Sec. 3-209 Buck Mountain Agricultural and Forestal District

Chapter 3. Agricultural and Forestal Districts

Article II. Districts of Statewide Significance

Division 2. Districts

Sec. 3-209 Buck Mountain Agricultural and Forestal District.

The district known as the "Buck Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 8, parcels 16A, 16C, 17E, 17F; tax map 17, parcels 26B, 26C, 26C1, 26C2, 26C3, 31 (part), 32. This district, created on January 4, 1989 for not more than 10 years and last reviewed on September 2, 2009, shall next be reviewed prior to September 2, 2019.

(4-12-95; Code 1988, § 2.1-4(o); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99; Ord. 99-3(5), 10-6-99; Ord. 09-3(2), 9-2-09)

Agenda Item No. 16. **Public Hearing: AFD-2009-002. Ordinance to amend Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code.** The proposed ordinance would amend Section 3-228, **Yellow Mountain Agricultural and Forestal District**, to continue the district for all parcels identified in the ordinance and set the next district review deadline date of September 2, 2019. It would also identify TMPs 54-71B, 70-37B1(part), 70-37D(part) and 71-2B as being in the district (these parcels were created from parcels already in the district) and would remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance. (*Advertised in the Daily Progress on August 19 and August 26, 2009.*)

Mr. Cilimberg reported that this is the 10-year review point for Yellow Mountain and there are no parcels in this review that have asked to be removed so the district would remain as-is – 18 parcels, 657 acres, with 23 dwellings, for the next 10 years. Mr. Cilimberg said staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission, all recommend approval for ten years.

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

Mr. Rooker **moved** for approval of the proposed ordinance dated August 7, 2009. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ORDINANCE NO. 09-3(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

By Amending:

Sec. 3-228 Yellow Mountain Agricultural and Forestal District

Chapter 3. Agricultural and Forestal Districts

Article II. Districts of Statewide Significance

Division 2. Districts

Sec. 3-228 Yellow Mountain Agricultural and Forestal District.

The district known as the "Yellow Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 54, parcel 71B; Tax map 55, parcel 15; tax map 70, parcels 15, 15A, 15D, 15E, 29, 37B, 37B1 (part), 37D (part), 37K, 37L; tax map 71, parcels 2B, 22, 22A, 22B, 64,

64A. This district, created on March 8, 1989 for not more than 10 years and last reviewed on September 2, 2009, shall next be reviewed prior to September 2, 2019.

(Code 1988, § 2.1-4(p); Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99; Ord. 99-3(4), 5-12-99; Ord. 09-3(3), 9-2-09)

Agenda Item No. 17. From the Board: Matters Not Listed on the Agenda.

Due to the time, Mr. Slutzky suggested moving this item until after the joint meeting with the School Board.

(Note: At 3:34 the Board recessed and then reconvened in Room 241.)

Agenda Item No. 18. Call to Order:

Mr. Slutzky called the Board's meeting back to order in Room 241 at 3:43 p.m. Mr. Brian Wheeler, Chair of the School Board, called the Albemarle County School Board's meeting to order.

SCHOOL BOARD MEMBERS PRESENT: Mr. Steve Koleszar, Ms. Diantha McKeel, Ms. Pamela Moynihan, Mr. Ronnie Price, Sr., Mr. Jon Stokes and Mr. Brian Wheeler.

ABSENT: Ms. Barbara Massie Mouly.

STAFF PRESENT: Assistant County Executive, Mr. Tom Foley, Superintendent of Schools, Dr. Pam Moran, Assistant Superintendent for Operations and Systems Planning, Mr. Bruce Benson, Director of Facilities Management, Mr. Bill Letteri, Assistant Superintendent for Student Learning, Mr. Billy Haun, Chief Information Officer, Mr. Luvelle Brown, and School Board Clerk, Ms. Jennifer Johnston.

Agenda Item No. 19. Discussion: CIP Oversight Committee Process.

Mr. Wheeler said he would like to begin with a quick announcement. He has handed to all of the Board members an invitation to the Grand Opening of the new math, engineering and science academy housed in Albemarle High School on September 23.

Mr. Bill Letteri, Director, Facilities Management, said he would be making a PowerPoint presentation of the Capital Improvement Program (CIP) review process which is done once each year. That process changes each year in response to finding a better way to conduct the process. He said the Capital program is changing and becoming more complex – there are many more projects to think about and issues of balance between the needs of all departments.

Mr. Letteri said that last year, after hearing the reports and recommendations of staff and the committees, the Supervisors recommended that areas which address objectivity and the extent to which reviews are aligned with various objects of the Boards be reviewed. Over the past few months they have looked at that process and today will offer some recommendations. He said the County Executive's Office was engaged in arriving at these solutions, as well as Dr. Benson with the Schools. Staff still thinks the suggestions could be refined further.

Mr. Letteri explained that each phase of this process has an important function, and that's important to consider when making changes. He said there are three different approaches for making improvements – the development of the guiding principles that overlay the entire process; development of a rigorous set of ranking criteria; and, modifications to the charters which may foster an environment of collaboration. He said a lot of detail was contained in the materials distributed to the Boards for this meeting. Today he hopes to get general guidance as to whether this review is headed in the right direction, and whether there are major areas the Boards would like to move toward.

Mr. Letteri said that in an ideal world every project requested should be supported by some type of study – sometimes as a master plan, as space or census studies for the schools, as court studies, and facilities condition assessments. It is general policy that all projects be supported by some level of master planning or study.

Mr. Letteri said requests for all projects are submitted for consideration beginning in July. Departments file forms to articulate the reasons for their project requests, alternatives to the project, phasing for the project, a project budget, etc. Last year, a process was introduced that involved review by the Office of Facilities Development. The goal of this review is so departments and agencies which are not used to the development process can interface with professionals to help ensure that all parts of a project are covered, such as reasonable estimates, complete budgets, reasonable timetables, etc. This will insure that what is forwarded to the CIP Technical Review Team (TRT) is as complete, reasonable and accurate as it can be.

Mr. Rooker asked when review takes place after the July filing date. Mr. Letteri said the review by the Office of Facilities Development happens in August and September, with the TRT spending the month of October performing its function which is the next step. Formerly the function of the TRT was to rank the

projects in some order after completion of its review process. An abbreviated ranking system was used in the past; staff has looked at that system and tried to embellish it. Once the projects are ranked to present to the CIP Oversight Committee, there are one or more scenarios for meeting capital needs. He said the TRT is really charged with presenting a balanced plan.

Mr. Koleszar asked if the School Division gets involved in the CIP process when it reviews what its staff has prepared to send to the OFD. Mr. Letteri said as it works out now, that would happen in advance of the actual submittal.

Mr. Letteri said the recommendations of the TRT go to the CIP Oversight Committee and it has been intended that the Oversight Committee's function is to look broadly at the recommendations of the TRT to see if the project are in line with County priorities; it ends with a formal recommendation to the County Executive's Office and other review processes. He said staff has focused on the role of the Oversight Committee. He will suggest a couple of changes that might help with the Committee's work.

Mr. Boyd said he was a member of that committee and one thing he saw as a problem was that when the TRT's recommendations reached the Oversight Committee, the program was not balanced to revenues. That is something he thinks the TRT Committee should do. What the Oversight Committee received this past year was not balanced to projected revenues at all. It was way out of balance in terms of both operational balances, as well as money available to stay within the County's financial guidelines.

Mr. Letteri said he thinks Mr. Boyd is right in general. He thinks the function of the TRT was to determine available resources for the CIP, and what could be reasonably funded. Knowing that changing the timing of a project could change whether the program was balanced or not, they presented a scenario which would get the County to the point where the reserve balances at each of the years in the plan were reasonable. He said it allows for some flexibility. It's not a fixed balanced plan, because that would depend on a number of issues.

Mr. Boyd said "balanced" may not be the correct word. What the Committee tried to do was present something that stayed within the financial parameters of the Supervisors. That is not necessarily something that is balanced to the penny.

Mr. Rooker asked if Mr. Boyd meant "financially restrained."

Mr. Boyd said "yes." There are parameters regarding income percentages in the financial plan. Mr. Letteri said there are also debt levels. All of those things are to be taken into account at the TRT level.

Mr. Boyd asked if it should be passed on with a notation saying "this is what we can afford" and here is a list of things being left out of the plan. He said the Supervisors go through that same thing with the operating budget. Mr. Letteri said he is going to present that information to the Supervisors this year. He does not think they want to see just what is in the plan, but also what the departments and agencies feel are the real needs of the County and what can be funded, and what cannot be funded.

Mr. Letteri said he will not spend a lot of time on the next three categories. These are formal processes in which the Planning Commission reviews the Comprehensive Plan to insure the CIP is in keeping with that plan. The Commission also serves in an advisory role for the Board; the County Executive's Office then takes into account all of the comments and suggestions from the various committees and the County Executive puts together his final recommendation to the Supervisors which is presented in the early part of the year with final approval in the spring.

Mr. Letteri said staff was asked to address a number of issues. First was the adequacy of the review. Several members of those reviewing the plan asked what exactly they are supposed to look at in detail; is there a rigorous review. Another issue had to do with objectivity. Is there a way to know that all of the reviewers look at this matter in the same way? As the scoring is done, the tools used need to provide guidance to the Board's overall objectives. He said the tools to use to be sure that happens are the guiding principles and the ranking proposal itself. Last, a collaborative process is needed so everyone feels they are working toward a common goal.

Ms. Thomas said there are two boards involved – is Mr. Letteri talking about aligning board goals. She said the School Board has goals, as do the Board of Supervisors. Mr. Letteri said as the guiding principles are developed, it is hoped that they would be embraced by both boards.

Mr. Wheeler said that came to his attention in the guiding principles listed on the screen. The first sentence only mentions the Board of Supervisors. He suggested the documents be scanned and be sure they reflect that both boards are involved.

Mr. Boyd said he has a "chicken and the eggs" question. This past year the Supervisors made certain CIP decisions somewhere between the time the TRT met and the time their recommendations went to the Oversight Committee. The Supervisors decided they would not fund certain parts of the CIP this year and would shift things around – it changed the game plan. He does not know how that fits into the flowchart shown on the screen. He said the Supervisors made some parameter changes early in the process – is that to be done prior to the plan going to the TRT or prior to the Oversight Committee – where will that fit in this year? He said this is discussed when the Supervisors do their strategic planning which will occur soon.

Mr. Foley said that will happen when taking up the Five-Year Financial Plan process – that occurs during the Supervisors' strategic planning retreat. Staff will present updated revenues at that time so a

decision can be made as to how much money can be transferred to capital projects. That will impact what comes to the Supervisors from the Oversight Committee.

Mr. Boyd asked if that will impact what goes to the TRT or will that process already be completed at that time. Mr. Foley said the TRT is really just staff doing the work that feeds into financial planning so they can put together a balanced plan for the Supervisors with some adjustments to the requests. Some parameters will be established when the Supervisors look at financial conditions and that will feed into what ultimately gets in front of the Oversight Committee.

Mr. Letteri emphasized that this set of guiding principles is just a suggestion. He said public safety is a priority of the Supervisors, so that has been indicated as being one of the first principles. The second is the issue of education and the use of technology to enhance education and learning. In looking at surveys around the County, this one rises to the top of the priority list. Whether it is a school or an educational opportunity in a library or an adult center, those things need to be enhanced and improved.

Mr. Rooker asked why regulatory compliance is not at the top of the list. If the County is required to do something under State and Federal laws, he thinks that would preempt everything else. Mr. Letteri said he will address that issue later in the presentation.

Mr. Slutzky noted that the ten items on the list are not ranked. They are equally weighted. Mr. Letteri said these are guiding principles. They are just general ideas that should guide the whole process.

Mr. Rooker said they get fewer points, so to speak, than some of the other things. Mr. Foley said the principles are not prioritized.

Mr. Letteri said the next principle deal with quality of life. As money is put into the Capital Plan, it should be used for projects that improve the quality of life - there are various examples of what that means - it could be arts education, outdoor recreation, social opportunities, etc. As investments are, particularly in buildings, it must be recognized that these are public facilities and the County wants to achieve some longevity from those investments as opposed to doing "patch" jobs.

Ms. Thomas commented that one thing missing from this report has to do with a recent conversation about a capital improvement project that was desirable because in the long-term it would have cost less money; in fact, there was not enough money to do it at the present time so it will be more expensive in the long-term. She thinks one of the guiding principles should be to consider both the long-term and the short-term impact of a project. Mr. Letteri said one of these principles will address the whole issue of financial prudence. One of the ranking criteria gets at the issue of timing and location - that is where the issue of whether it makes sense to do a project sooner rather than later will be addressed. He will discuss that when he gets to discussion of criteria.

Mr. Letteri said the issue of sustainability has been a priority of the Supervisors and others. It is indicated in the report that building sustainability and building toward energy efficiency makes good sense.

Mr. Boyd asked if there is any interest among the members of adding to that "if financially feasible."

Mr. Slutzky asked if being financially feasible is not true for everything on the list. How is that different for this category? Should that not be added to each of the categories? Mr. Letteri said when the conversation gets to discussion of criteria, it will be seen that in the category of sustainability and energy efficiency, there is the ability to look at the degree to which it makes sense. He said if a project was sustainable, but had little pay back, it might score as high.

Mr. Boyd said in the detail it says "meets LEED standards", meets SILVER standards", meets GOLD standards", and that might not be practical in some cases.

Mr. Slutzky said that is true for everything on the list. In the way of public safety the Supervisors want enough policemen to protect the citizens, but there may not be enough money. The clear issue here is taking a litany of public needs and deciding how to prioritize the County's limited resources across those needs. The optimization of those resources is inherent in the entire process. He does not know why just one isolated topic would be cited as having to be cost effective and the others maybe not so much.

Mr. Boyd said if something is to be done to make something more environmentally sound there should be some payback involved.

Mr. Slutzky said that is true with public safety also and infrastructure. The point is that it applies to all of them.

Mr. Boyd said if the County is going to do things that are environmentally sound, they should be because there is a payback, whether it takes five, ten or more years.

Mr. Slutzky asked a reason for that.

Mr. Boyd said he does not know how to quantify payback on police services.

Mr. Slutzky said some social costs are avoided. First there is not the cost of incarceration. Mr. Letteri said these questions can probably be addressed during the next part of the presentation.

Mr. Rooker pointed out that when the policy was adopted to build using LEED standards, the Supervisors instructed staff to look at the cost of the investment and the payback. He thinks that information is being provided as these projects come along. There is a public good from reducing carbon emissions just like investing in a police officer creates a public good. Perhaps, investing in the environment creates some public benefit beyond the payback. Mr. Letteri said there is presently a policy as to the extent the County invests in LEED; the County does not want to exceed that standard. In every case it needs to make financial sense. Also, staff is in the process of developing a more in-depth guideline for LEED certification projects which will be brought before the Supervisors soon.

Mr. Slutzky said to a large extent LEED is for new construction. A lot of the conversation about this topic has related to retrofitting existing buildings. A major component of that will yield savings. He does not know why Mr. Boyd has taken on Number 6 as if it had to be treated differently.

Mr. Boyd said he is not saying it has to be treated differently only that there needs to be payback on it.

Ms. Moynihan asked if these principles were arrived at through a joint effort between School Division staff and County staff. Mr. Letteri said the principles were shared with Dr. Benson's office. It was staff's best initial effort at identifying what they thought were good guiding principles based upon its evaluation of other communities around the state and elsewhere. It's being presented as a starting point.

Ms. Moynihan noted the 10 principles shown on the screen and asked if all of them will be applied to School Division projects. Mr. Letteri said they will be applied.

Ms. Moynihan said if the CIP is going to be looked at jointly, she hopes there would be School Division input into the guiding principles. She would not want it to be an 80/20 discussion.

Mr. Rooker said these guiding principles are not in final form. He thinks there are few of these that wouldn't apply to any kind of facility in the County – an education facility may have a safety component to it that might make it more important than some other education investment.

Mr. Slutzky said to be fair, Ms. Moynihan is not saying these principles would not apply, but if there are to be 10 guiding principles derived by a consensus process, half of the participation should come from the Schools. He said Mr. Letteri indicated that this is a "strawman" to which a response is needed. He said it has to be clear that this is a strawman and there will be a lot of input and there may be a shift after that input has been extracted.

Mr. Foley said he would like to clarify that a draft was put together by Mr. Letteri based on research from other localities that had joint operations as well as separate operations. Staff then met with Dr. Benson and provided the documents to him. Dr. Benson made revisions, even added things emphasizing education, and suggested that the descriptions in the paragraphs of all the criteria seem to be limited to Local Government needs so they needed to be broadened. The language was changed to say that all of them could apply across-the-board. Certainly some Local Government projects for public safety will not get any score on education, and some education projects will not get a score on public safety necessarily, although they may. He said the process was jointly done and staff feels there was a good staff cooperative process. Staff is ready to revise them based on input from the boards, but it was done together.

Mr. Slutzky said this is not then a first "volley" it is just the first time the boards are seeing it. Mr. Foley said that is correct.

Ms. Moynihan said that was her concern. She just wanted to be sure the School Division had an adequate chance for input and to look it over before it was presented.

Ms. Mallek said it seems the goal is to have equal participation from both Local Government and the Schools; maybe that needs to be amplified in some way. Mr. Letteri said that inter-governmental operations are referenced.

Ms. Thomas said she did not see that listed as much as she would like. She said that several years ago after a visit to Portland where she saw a library that had affordable housing above it and the whole thing was a public project, she became interested in buildings having a multiple purpose. She said "we pretty much agreed" that would be considered whenever it made sense. She thinks that looking for multiple uses should be either a principle or a point of projects.

Ms. McKeel said she had drafted what she calls the eleventh guiding principle. It seemed to her that what Ms. Thomas mentioned was missing and her principle is: "Pursuing opportunities for collaboration between Local Government and Schools working together to advance opportunities for generations to come together in any publicly financed facility." She also drafted a number twelve which reads: "Support working together with communities, nonprofits, especially those receiving County funds, to find opportunities to share space to benefit all County residents." She applauds the recognitions of education in this document, but she would like to see education and the schools more woven into all of the County documents. She said there is an absence of schools and education in the County's Economic Development Policy which is 47 pages in length and the word "school" is only listed one time. She said there is probably not anything the County does in the way of Economic Development that the Schools could not help more with than schools and education since it is a nationally recognized school division. Right now, they could be helping the Supervisors with this, but there needs to be a way to weave education and schools into some of these documents.

Mr. Rooker said that is a very good point.

Mr. Slutzky said one way businesses have been attracted to the Commonwealth was by specifically pointing to educational achievement as compared to other states.

Ms. McKeel said Albemarle is becoming a nationally recognized school division. If the Supervisors are interested in Economic Development the School Board could be a partner, but she thinks there is a disconnect. Mr. Letteri said staff has both of those comments so it can draft some language to address them.

Mr. Slutzky said staff might look at how the Economic Development Policy could be modified to address what is an inadvertent omission.

Mr. Boyd said if a search was done on workforce education and training, he is sure there would be more hits.

Ms. McKeel said the Supervisors talk a lot about workforce development but it is not connected to the Schools. Nowhere in these materials is CATEC or the workforce development done by the Schools mentioned, or how it connects to the County, or how the School Board and Supervisors would collaborate together. She thinks this is a good time to look at it and try to get it connected.

Mr. Slutzky said just having a good K-12 system will attract employers.

Mr. Dorrier said it's also important to look at the use of school facilities after the students leave and make them multi-purpose buildings.

Mr. Letteri said Item 7 relates to using technology and innovation to satisfy special needs to the extent possible, rather than just throwing square footage at a problem. He said this is where it gets to the issue of possibly using a fire station for a community center, etc. There could be multiple use of flex-space; staff has looked at the notion of partnerships. He said private entities and the University have donated property to the County so they can jointly do projects. Staff has developed a grants program and is more rigorously pursuing grants around the state and through the Federal government.

Mr. Dorrier asked what public-private partnerships exist now. Mr. Letteri said as an example the County has an agreement with Worrell Enterprises whereby they are donating land and the County is locating a fire-rescue facility on that property (Pantops area). It has a mutual benefit for them in their complex, but yet serves the area.

Mr. Dorrier said there are not many of these arrangements. Mr. Letteri said this is something staff continues to look at; this principle provides that sort of guidance to staff. These things are encouraged by the boards.

Mr. Rooker said the Ivy fire and rescue station is another example of where the County is getting the use of the land for free.

Mr. Koleszar said another one that happened inadvertently was renting Monticello High School during the summer to CFA Institute.

Ms. McKeel said the use of Monticello High School addresses Mr. Boyd's concern. When it was being built and it was being made green and environmental concerns were being addressed, it was not being done because it would save money. However, in the long run that actually happened because those green portions in the building helped with renting the facility to the Institute. That green space has been paying big dividends summer after summer. She said you can't always see the connect, but lots of times it does pay off.

Mr. Letteri commented that Item 9 has to do with the need to maintain existing facilities and to assist departments in their operational budgets to be sure there are adequate funds to maintain the facilities.

Ms. Thomas said she is impressed at how crumbling infrastructure is an "all-American activity at this point." She was puzzled by the "assist departments in" and wondered why there wasn't a guiding principle of "Preserve and maintain the County's investments in buildings, land infrastructure and equipment." She asked for a reason to talk her out of that suggestion. Mr. Letteri said that is a good suggestion. It is intended to be a broader statement having to do with the overall view of this principle.

Mr. Letteri said that Item 10 touches on ensuring there is an appropriate ranking system and to the extent possible look at outside funding sources. In some ways this might be folded into the innovative approach principle, but if the boards think it needs to stand-alone that's fine.

Mr. Rooker stated that part of what the committee does is a cost-benefit analysis of projects, and that's not necessarily implicit in these guiding principles. He emphasized that the analysis should determine how to do the most public good with limited resources. Mr. Letteri responded that year to year there might be a collection of projects that seem to be the only ones that address the greatest amount of public need, but that is not a well-balanced approach to the use of capital funds.

Mr. Dorrier noted that timing and leverage seem to be missing from this principle as leverage can occur when jobs are done during periods of lower construction costs. He also mentioned the delay in the swimming program from the spring to the fall. He thinks timing is very important.

Mr. Slutzky said there is guidance in these principles with respect to what matters of substance have value to the respective boards. He said those speak to the intent of the boards, but then there are process issues having to do with topics such as optimization of resources, cost-benefit analyses, etc. He suggested that some thought be given to having these guiding principles reflect both of those realms comparably. He said a couple of process pieces are mentioned, but they are commingled; it might be useful to recast those in a way that specifically guides the members of the committee. Mr. Letteri emphasized that these guiding principles are intended to overlay everything. They are to provide a high-level guide so everyone can agree to how money will be spent on capital projects. The second tool, the ranking criteria, is where the more detailed questions will be answered. In that way, the principles can be applied.

Mr. Boyd said the projects are ranked according to their importance to all projects. But one project is not ranked as being more important than another project. He does not know how that number would come out.

Mr. Slutzky said of the last three principles, the one regarding 20 percent of the proposed weighting speaks to that. The rest just identify areas of substance that are priorities. He said the first seven are in competition with each other, but Items 8, 9 and 10 have more to do with what Mr. Boyd is referring to which is how to compare projects. What is the basis for weighing one project against another? Mr. Letteri said staff was trying to create a ranking system that would enable a given project.

Mr. Dorrier said this process is a little like fixing the secondary roads. Some projects are ahead of other because of emergency situations.

Mr. Letteri suggested that he be allowed to finish the presentation of the principles which were intended to provide overall guidance. He said staff identified 10 areas and made suggestions as to how they would be weighted in terms of importance. He said Health and Safety is number one. He referred the boards to the detailed document in the packet entitled "CIP ranking Criteria." It contains more verbiage and definitions concerning this item so the people doing the actual ranking can have something to refer to. He said Health and Safety refers to fire stations, police stations, ECC issues, public health, flood control, and anything that would directly impact the health and safety of citizens. Work done in a school to improve safety would also include and be applicable to this category. The details of that project would be looked at to see how it impacts life safety or public safety and it would get a score of one to four based on a specific rubric staff had created.

Mr. Boyd said he is having a dilemma mentally – there are two proposed fire stations that fall in the health and safety category. If only one could be build this year and the other in an out year, how would it be ranked by the TRT? He said any project could be identified as needed, and on the public safety side there are a lot of people saying the County's standards are too high. Maybe the standards should be lowered – that could mean the stations are not needed. Mr. Letteri said the notion that it impacts directly the issue of public health and safety is only one of ten attributes being scored. One fire station may address that issue – one fire station could have an affect on a large number of people and be deemed more critical but it could be that other things did not score well, such as it not being a sustainable project, its location, the timing of the project, and the impact of a fire station on the operational budget.

Ms. Thomas said "risk" would be a good addition to the list. It is a useful thought process to take the urgency and the importance of the project into account. Mr. Letteri said the urgency question will be dealt with separately.

Mr. Rooker said as long as it is part of an urgent safety need it would get a higher ranking. Mr. Letteri said that is a part of timing, a part of special conditions or circumstances. It could meet all of those needs, score high and rise to the top. He will explain those in a minute.

Mr. Rooker said he would recommend that the weightings be deleted. They are kind of meaningless. If there is something that is required by state and federal governments to be done, it doesn't matter. To say that someone is not being served by a fire station at all, and timing only gets five percent, so everything has to be viewed in the light of its overall cost-benefit analysis which takes into consideration the public good to be achieved. It doesn't necessarily fit neatly into an "x" percentage allocation.

Mr. Boyd said he is missing a matrix with these principles. He was looking at each of them independently to determine which category is appropriate. He now understands Mr. Letteri to be saying a project could get points in many of these categories. Mr. Letteri said he had not expected the boards to get to this level of detail this afternoon, but he does have some examples. These are complex things to score and go through.

Mr. Boyd said he agrees with Mr. Rooker about the percentage rankings – that they all be put on the same level.

Mr. Rooker said there should be some level of points for each category.

Mr. Slutzky suggested that Mr. Letteri finish his presentation with the understanding that the boards will not focus on the allocation of percentiles. He thinks Mr. Rooker made a good point. The boards need to superimpose on this the process for utilization of these as priorities. He said Mr. Letteri is

giving the boards 10 things in substantive text to help define what each means – it is important for the boards to understand that these are the things staff is recommending be considered – these are the criteria – but beyond identifying the appropriate criteria, there is the unanswered question of the process that the members of the TRT would use to apply these criteria to the decision-making. It is that process piece that has not been resolved yet. Mr. Letteri said he is prepared today to give an example of how that would happen and a rubric that would apply these very principles.

Mr. Slutzky said that out of deference to time, the boards should give Mr. Letteri an opportunity to finish presentation of the principles. When the process component is introduced, the boards will have a chance to speak.

Mr. Dorrier said Ms. White used to have a process that she used for every application for funding made to the County.

Mr. Letteri said he will finish the items on the list because some of those questions relate to issues that will be addressed later. He said Education is about the whole category of education and learning generally in the community. Regulatory Compliance is about mandates - this category addresses things that must be done, but not necessarily immediately (an example would be to address ADA regulations within the next five years). Quality of Life is a broad issue intended to look at the question of whether it boosts the overall quality of life in some meaningful way. The Infrastructure piece is about the core buildings, facilities and utilities this County needs to have in place to operate. It is not about enhancements, but about doing those things which are essential to operations.

Ms. Thomas said she would suggest that the last question be “Does the project extend service for growth?” She does not know about “desired” growth, but there will be growth and projects and infrastructure will be needed to respond to that growth.

Mr. Rooker said he would be in favor of taking infrastructure out of that question because this whole conversation is about infrastructure. He does not see it as being in a sub-category which gets point rankings, and he does not know how it could be measured. How is the infrastructure of a library different from the infrastructure of a school building or the infrastructure of a social services building? Mr. Letteri said the intent was to get away from the issue of effectiveness or the issue of whether it is desirable. It is the core question of whether it is essential to operations.

Mr. Rooker said he thinks it is a superfluous category because he does not think anyone trying to weigh these criteria could attach any kind of meaning to it.

Ms. Thomas said the Supervisors do not have to deal with stormwater pipes very often, but would those pipes fit in this category.

Mr. Slutzky responded that it would fit into Health and Safety, Quality of Life, and Regulatory Compliance. The additional text not shown on the screen, in other words, the more detailed bullets in support of Item 5 are arguably important, but applicable across categories. They are more related to process, so he thinks Mr. Rooker may be right that as a value item, it probably is not discreet, it is probably embedded in most of the rest of those items.

Mr. Tucker said the review teams wanted some guidance. The Supervisors directed staff to draft guidance for the Oversight Committee next year, so if everybody agrees with Mr. Rooker, it can be deleted, and this meeting can move on.

Mr. Slutzky asked if there is agreement that that item should be reconfigured and out.

Mr. Wheeler said he is specifically curious as to why staff included it at all. Was it done to help elevate master planning?

Mr. Letteri said you don't want the result to be that core projects don't make their way up high in the categories when the rubrics are applied. That is why you have to be careful as to how this is done and what weight is assigned.

Mr. Slutzky said the process may need to acknowledge those elements that would make it rise to the top. Being generated by a master plan might be given more weight in the rubric to elevate those projects – that is a way to address that concern.

Mr. Dorrier said the County might be able to get Federal stimulus money based on infrastructure needs. Mr. Letteri said that would score elsewhere. He said it is an inexact science but one staff is trying to get to; it may be found that in the next years things would need to be further refined.

Ms. Moynihan asked if the questions being discussed here are asked in any other categories. Particularly the question “Does the project relate to the results of the Citizens' Survey, Board of Supervisor policy or appointed committee or board?” Mr. Letteri confirmed that the questions do occur elsewhere.

Ms. Moynihan said if that question is addressed elsewhere it can be “thrown out.” If the question “Is there a facility being replaced that has exceeded its useful life and to what extent?” is asked in other categories it could be “thrown out.” If you look at all of these questions and determine whether or not they can be placed in a different category, then you don't need that category.

Mr. Slutzky responded that the questions relate to the process of applying these categories.

Ms. Mallek commented that they tried to make them consistent.

Mr. Boyd said in reading these, he does not find anything that should not be applied to all other categories.

Ms. Moynihan said if that is the case, the question should be put in all the other categories so it would be addressed.

Mr. Slutzky suggested the boards hear the remaining questions and the rubric, which may answer Ms. Moynihan's question.

Mr. Letteri referred to the category of Sustainability and Energy Efficiency. He said some of those questions are aimed at not just doing something because it is sustainable or LEED certified, but to do it in a way that is responsible and has good paybacks – these things would help with the overall score of those items.

Mr. Rooker said one way to look at these would be to say “all other things being equal” is that an important attribute to put weight on? If that is done, it makes these things easier to look at. If all things are equal, the more energy sustainable project should be done first. That adds something in the rankings. Mr. Letteri said that is critical in the scoring aspect. To be sure there are consistent scores every one of these categories has to be seen independently.

Ms. Moynihan asked if every project nowadays should be sustainable and energy efficient.

Ms. Thomas said “no.”

Ms. Mallek said “yes.”

Ms. Slutzky said bridges are not necessarily energy efficient. He would not want a bridge project to lose points since it would be needed just the same.

Ms. Moynihan said she does not know anything about bridges, but she is sure there are certain methods and components that are used today in building bridges that might be more energy efficient, or sustainable, than the way bridges were built 40 years ago.

Mr. Slutzky said if the gas emissions associated with the manufacture of a heavy metal bridge were considered, that might cause the County to stop building bridges.

Ms. Moynihan said that was her point; if a project is going to be done, these things will be looked at across-the-board anyway, so if it was to a choice between building a school and a fire station it doesn't seem one would be chosen over another because it was more energy efficient. The question is which is more important at that point in time.

Mr. Slutzky said there could be a HVAC retrofitting project in a school and significant cost savings could be derived from that project and it also contributed to the climate plan the County has committed to in principle. It might have intrinsic value that would make it more relevant.

Ms. Moynihan said that would be part of making that particular school more energy efficient.

Mr. Rooker said that personally he likes it being on the list. There might be different projects and one would reduce more carbon emissions than the other. It should get some benefit for that. Mr. Letteri said that is the intent.

Ms. Moynihan said she is not saying it is not important, but she thinks that in any project considered these days they will look for some of these things. Mr. Letteri said that is where the guiding principle comes in. They tried to articulate that with all projects they will endeavor to make them energy efficient. This category is about applying that principle and then deciding to what extent it makes that happen.

Mr. Letteri said that Economic and Development is a broad category having to do with leveraging the urban area of the community and building the kind of infrastructure that fosters economic development, and also looks at the various growth areas to make sure they happen.

Ms. Thomas mentioned the Baker-Butler School and said that at the time that school was being considered, the Supervisors were determined that any new school would be built in an area served by public water and sewer. She asked where that would fit into this principle.

Mr. Rooker suggested changing “infrastructure” to “consistency with the Comprehensive Plan.”

Mr. Slutzky asked if that goes back to the process rubric where that would be an element. Mr. Letteri said the degree to which a project is part of a master or some other plan is a question asked in many of these categories.

Mr. Tucker noted that the question is in every principle.

Ms. Thomas noted that the wording should be “in conformance with the Comprehensive Plan.”

Mr. Slutzky said the values being weighted are considered in the criteria, and then there are process questions. Two different lenses are being created. Mr. Letteri said the important thing to consider is that this set of questions and this set of criteria are matched up with the guiding principles.

Mr. Letteri said Special Considerations is a category he struggled with because it about those things requiring immediate action, such as a judge ordering a new court building. He said there will be certain projects "that rise to the top" and have to be done. There may be other projects that are not that urgent, but need points. That is the intent of this category.

Mr. Slutzky commented that another scenario would be if a huge match were coming from some public/private partnership, the Board might choose to accelerate the allocation of a small part of the CIP to take advantage of the leverage. Those are the kinds of considerations being talked about. Mr. Letteri stated that as the Oversight Committee gets these recommendations and scoring from the TRT, the Board would be looking at all items that scored high under Special Considerations.

Mr. Letteri said Impact to Operational Budgets is one of the things that if there is low impact will probably garner a high score. A high impact would give it a negative score.

Mr. Rooker asked why "cost of the project and impact on operational budgets" would not be added in. Nowhere in the criteria is there any ranking based on the cost of the project. There could be a project with an astronomical cost going through an analysis, and a project with a much lower cost and they were ranked equally.

Mr. Slutzky said he thinks the scale is what is being looked for in this instance. If one project is going to equal 100 percent of the available CIP and each of the others represents five percent, that scale problem is the weighting factor.

Ms. Thomas asked if it impacts long-range fiscal policies. The Supervisors do not want too much debt because they have a policy that sets the maximum amount.

Mr. Rooker suggesting saying "... impact on CIP and operational budgets." He said it has a dual impact and if one project takes 75 percent of the CIP, it should rank high in all these categories. He suggested adding "CIP" in front of "operational" and make the word "budget" plural.

Mr. Boyd agreed. He said debt service is included in the CIP so that is obviously something that has an impact on what the Supervisors do.

Mr. Dorrier said he thought the committees were supposed to be looking out ten years, in five-year increments.

Mr. Letteri said the last category is Timing and Location, and as the name implies it has to do with whether a project needs to be done in conjunction with another project or if its proximity is related to something else being doing and if it makes sense to move it up on the chart. In summary, these are broad principles and a way of applying those principles in a meaningful way.

Ms. Mallek said she knows it's hard to attribute these percentages but there has to be some way to distinguish between projects or they all may be the same. She would like to see a trial year of using the percentages and she thinks all understand there may be some reason why they are ignored, but having them might give some useful information like the ACE criteria which is more cumulative.

Mr. Rooker said he, personally, is not in favor of the percentages. He would prefer having 12 to 10 points in each category that could be awarded as projects are ranked.

Mr. Dorrier agreed with Mr. Rooker's suggestion.

Mr. Slutzky suggested taking the factors into account and allowing for some subjectivity in the relative rankings. He asked if the guidance being given is that each needs to be considered. Mr. Letteri said more importance can probably be placed on the language going into the rubric.

Mr. Boyd asked if Mr. Rooker was saying that none of these categories should be ranked higher than others – the rating in one category should not be ranked higher than another.

Mr. Rooker said if that has to be done, how does it fit into the rubric?

Mr. Boyd said you might not agree with how they allocated those percentages, but does it make any sense to have some percentage.

Mr. Rooker said it makes sense to him to have a certain number of points that could be awarded in each category for discussion purposes. That would show how members of the committee had individually weighted projects in terms of their importance based on the criteria the Supervisors had adopted.

Mr. Stokes said if Quality of Life is ranked a one in a project that is also equal to a one in Special Considerations.

Mr. Slutzky asked if anyone is uncomfortable with saying there are ten criteria and not weight them.

Ms. Thomas suggested that the Board let Mr. Letteri go through the criteria once and see if there is value in it or not.

Mr. Rooker said he is not suggesting that it be the final determinant.

Mr. Stokes said if that is done they are all equal and each of the points in each category would be worth the same. He did not know if the boards as a group, for example, would decide that Quality of Life was more important than the impact on the budget or timing or location.

Mr. Wheeler emphasized that weighting the criteria takes out some judgment. He thinks staff is recommending the rubric and percentages because the joint boards had said decisions seemed arbitrary and projects were not being value-ranked. They want to put priorities on different guidelines so it helps put value judgments into a system.

Mr. Letteri said staff is trying to make this a consistent, appropriately applied process. He said these criteria are in the development stages. Staff thinks four levels are appropriate for any given category – in the case of Health and Safety, for example, the project would have little or no impact on Health and Safety or the project would have a negative impact on and get a score of one. If the project were a fire station it would be scored all the way down the line; “minor” health and safety improvements, “broader” improvements or is a project that would have a “major” impact on a lot of people, etc. Staff wants these to be meaningful with respect to what has been defined. He said that all TRT members would take each and every project and rank them individually.

Mr. Boyd this is where Ms. McKeel’s suggestion could go. You might ask if the fire station had an educational value and there might be some if part of the facility were used for teaching purposes.

Ms. McKeel said no matter what is settled on, she would like this process to go forward as a pilot program because after the process is used it will likely need to be adjusted. Some of this will not be known until it is used.

Mr. Foley said this was developed based on research of other localities. The weighting is the best way to determine what is most important to the boards. He said “you can’t look at pieces of this and pull it all apart because there is a system” but it does need to be tried out and tweaked. It will get the boards to a more objective analysis than was being used before. When the next CIP is presented to the boards for review, they will know there had been a rigorous evaluation. Staff encourages the boards to let this happen. Staff has received good feedback today.

Mr. Rooker said he would take Infrastructure out and put that 10 percent on Cost Impact on the CIP and Operational Budgets. Mr. Foley said staff discussed the same questions on infrastructure. He and Mr. Letteri agreed there is a difference between a core essential item and one that is a “nice thing to have.” He said they probably should have used the term “core infrastructure” instead of just “infrastructure”. It should have been more descriptive. If the boards feel strongly about this, it can be pulled out, but it may give more points to something that is super essential.

Ms. McKeel said she wants to try it as a pilot.

Mr. Dorrier said leverage should also be included. Mr. Foley responded that if a project leverages other funds, it would get a higher point on the rubric.

Mr. Koleszar said he feels uncomfortable treating all of these roughly as equal because there could be a public safety project that would save some lives, but because it doesn’t meet other criteria it would fall below many projects. If for some reason a new school had to be built immediately, under the other categories it could come out lower than other projects. He is uncomfortable that there is no flexibility to deal with crisis situations.

Mr. Slutzky agreed, but said that under the term “Special Considerations” he might choose to weight a project more heavily. He realizes that these projects need to be weighted but he bets everyone in this room has a slightly different view of how they should be weighted. That is okay because each person comes to their board with a different set of ideas. It might be a useful exercise to ask each of the respective board members to weight the projects as they see fit and then have staff aggregate them, and that average blended weight would be the weight used in the first year of this experience.

Mr. Rooker said he does not have a problem with that suggestion. At the end of the day it’s people that make these decisions. A computer can’t make them based on the criteria set out and point rankings, etc. There will always be things to consider such as those Mr. Koleszar just mentioned where something has to leap up above other projects because it has demands that can’t be articulated in point totals broken down among 10 different categories. This is just a way to let the committees be more effective.

Mr. Letteri replied that with the sheer volume of projects and the amount of review and ranking that has to happen, this kind of tool is needed to make sense of it all. Staff needs to be sure it’s in keeping with what the boards see as priorities.

Mr. Boyd said he is beginning to like what staff has presented because they are the rankings for the TRT which will rank the projects and provide reasons for that ranking. That will also greatly help the Oversight Committee in its considerations.

Ms. McKeel said it is more objective and she likes it.

Ms. Mallek asked where a new field to be used by Parks & Recreation and also by the Schools would fit into the criteria.

Ms. McKeel said it would fit into the guiding principle that she recommended earlier.

Ms. Mallek said it may be implied in the ranking criteria, but where would it fit. Mr. Letteri said it could get points in four or five different categories.

Mr. Letteri said staff will try to incorporate the suggestions received today, and this will be viewed as a pilot program this year. He said he would like to make a couple of comments about the CIP Oversight Committee before this meeting ends. One of the things discussed by staff was that there be a clear reference to the adopted guiding principles of the boards, and a specific function be included so the Oversight Committee would review the ranking of the TRT to make sure it has been properly and appropriately applied. Each year the Oversight Committee will consider how the process has worked and whether there needs to be additional improvements. Lastly, staff discussed the composition of the TRT. They think two members from the Board of Supervisors, two members of the School Board, a Planning Commission member, and an at-large citizen member who can represent business would be the core committee, with staff serving in a support capacity. The staff members involved would include the two Assistant County Executives, two Assistant School Superintendents, and Mr. Letteri as facilitator.

Mr. Wheeler asked if there are big changes in the charter. Mr. Letteri said the changes are limited. There is language in the top paragraph which introduces the guiding principles. There are two bullets under that paragraph saying they will evaluate the ranking proposed, and they will review the project mix to make sure it matches with both the guiding principles and board objectives. The last change has to do with the composition of the TRT and that staff serves in a supportive role.

Mr. Boyd said something not addressed in the charter is whether there has to be a consensus opinion or a voted majority opinion. Mr. Letteri said staff discussed that, but kept getting stuck on the point that this is an advisory committee. It is not a committee with any real authority. As such it is not clear that a vote would mean anything other than to reflect the general thinking of the committee.

Mr. Boyd said he was thinking about how to resolve differences of opinion.

Mr. Rooker said he thinks it would be helpful to the Supervisors to have that information in cases where there was not a consensus. Mr. Letteri said the boards charge to this committee is to reach consensus on any recommendation to go forward with a capital project. That is the charge.

Mr. Boyd said the biggest problem comes in the bullet where it says "the CIP conforms to the approved financial policies." If that is going to be an important aspect to the Supervisors, it is a self-limiting factor.

Mr. Price said it's how the CIP conforms to those financial policies. If the issue comes up they can't just say there was a split of the members on that project. The projects will be ranked so a consensus is needed to do that ranking.

Mr. Boyd said he understands that, but the last time the Oversight Committee passed its recommendations to the Supervisors, it didn't conform to the financial policies because in the fifth year of the plan they were outside of the financial parameters. Mr. Letteri said the Committee didn't achieve a \$2.0 million reserve.

Mr. Boyd said the policy established by the Supervisors requires that reserve.

Mr. Foley emphasized that these are general guidelines and are not a part of the County's financial policies. The plan that was put forward did comply with the financial policies. He said the reason there was difficulty during the last review was because it was a subjective evaluation process. The difference with this new process is that there will be a debate about how something is scored. It will make a difference as to what gets in front of the Supervisors for a decision. It doesn't mean there will not be disagreement on some things. This process will serve the Supervisors better when making a budget. That is another reason staff thought voting was not necessary. He said these principles and criteria are different, and they will move the process along knowing nothing is ever going to be 100 percent perfect.

Mr. Boyd said if saying "to ensure that the County CIP conforms to approved financial resources" is one of the charges to the committee that is fine. Mr. Foley said the recommendations will come to the County Executive's Office, and staff will have to put something together that conforms to policies with the revenues available.

Mr. Boyd asked about placeholders in the CIP. He said there are things contained in the CIP now that are purely placeholders. How are those to be dealt with? Mr. Letteri said those need to be reviewed and ranked again.

Mr. Price said he thinks they would score low since their impact is not known.

Mr. Rooker said he did not think there are any placeholders in the five-year plan.

Mr. Boyd said there are such things as school sites.

Mr. Rooker said if it were listed as “a site for a southern school” that is a defined project. It is just that the exact piece of property has not been identified. Mr. Letteri said as a technical matter, any project beyond the first year is just a plan.

Mr. Boyd said some are, but some are multiple year plans. Mr. Letteri said that is one of the criteria. If it is a multi-year project that is part of a pre-approved project already underway, it is put back in the mix.

Mr. Rooker asked how projects which are a collection of separate items would be reviewed and ranked – such as fire and rescue capital items. In the last review there was an item of things lumped together for a total of \$2.0 million. He had questions as to whether all of the items in that group were necessary. There wasn't really a good mechanism for making that determination. He said the Schools might have maintenance items lumped together that had an equally high total. He thinks the TRT should look at some of the discrete components of those items to be sure the pieces within are reasonable and meet some of the criteria.

Mr. Tucker said the CIP-Technical Committee would be looking at those items. He said this discussion has been helpful for staff. Unless the boards have some substantive suggestions staff would like to move forward with this plan and this approach, recognizing that the process may need to be tweaked along the way.

Mr. Wheeler commented that it was unclear to him in the TRT memo which titles are School staff and which are Local Government staff members. Mr. Letteri said the Director of General Services is George Shadman, the Chief of Planning is David Benish, the Director of Building Services is Joe Letteri, the Senior Project staff person is Montie Breeden, the Management Analyst is Steve Allshouse, the Budget Analyst is Lindsay Harris and the Capital Program Manager who will chair the committee, and these are all Local Government employees. The Executive Director of Fiscal Services is Jackson Zimmerman who is with the Schools.

Mr. Foley said that he and Dr. Bruce Benson will work on balancing the composition of the TRT between Local Government and the Schools, but emphasized that some of these employees serve both the Schools and Local Government. Mr. Letteri said the intent here is to get professionals on the committee who can make judgments and apply the criteria meaningfully.

Mr. Koleszar said that it would help to have the positions described in more detail within the charter.

Mr. Wheeler said he thinks Ms. McKeel's suggestions are worth considering.

Ms. McKeel agreed to circulate the language regarding reference to Schools in the CIP.

Not Docketed: Access Albemarle Update

Mr. Boyd said it has been decided to use a phased approach for implementation of Access Albemarle rather than doing it all at once. He said the Supervisors will use the new Access Albemarle software for the budget process this coming year. The School System will not be doing that. He said the category “fixed assets” has been under the new system for some time; previously it was a manual system. The next phase will include the general ledger, procurement, accounts payable management, grant management, miscellaneous buildings and receivables. Hopefully, those will go on the system before the end of this fiscal year. The final part will be Human Resources, payroll, taxes and revenues.

Ms. McKeel asked about when the Schools would switch. Mr. Boyd said they will not be switching to Access Albemarle. Mr. Foley said there are some legitimate complicated issues involved, such as Federal reporting requirements, so they will try to have it ready for the next year.

At 5:24 p.m., Mr. Price **moved** to adjourn the School Board meeting; Ms. McKeel **seconded** the motion, which passed by an unanimous voice vote.

(Note: At this time the Board went back to Agenda Item No. 17)

Agenda Item No. 17. From the Board: Matters Not Listed on the Agenda.

Ms. Thomas said she attends the meetings of the Chesapeake Bay Committee. A nutrient diet for all County streams will soon be distributed either by the State or the EPA. The State will then have two months to create implementation plans for all watersheds. She said since the State has not been able to do it over the years, it seems like an impossibility.

Ms. Thomas stated that her role in all of these discussions has been to say “don't forget local governments.” She has no idea where local governments will fit into this. There are the questions of further upgrading the sewer treatment plant, whether agricultural BMPs will be emphasized, and will there be stronger rules for developers than the State is proposing? Local government will have to figure out ways to reduce phosphorus and nitrogen and sediment into streams. She said implementation plans will be very policy intense kinds of decisions and the Board may be involved or it may not. She has confidence that staff could speak up quickly and well, but it may be something that will call for some decisions by the Board. If they follow their schedule, it will happen in November.

Mr. Rooker said that without amendments to current statutes achieving that is going to be impossible anyway.

Ms. Thomas said the State is supposed to tell the EPA if it has the resources necessary. No one has said local governments will be able to say whether they have the resources necessary. She has her suspicions where the State will find the necessary resources.

Ms. Mallek said she brought some information on the land use tax and she reminded the Board members to pick up a copy.

Mr. Slutzky mentioned that the new train will begin running through Charlottesville on October 1; there will be an inaugural event on October 30.

Mr. Slutzky said Norfolk Southern Railway is planning to put a 192-foot structure in his district on Gasoline Alley off of Rio Road to improve their communications network. He and staff are encouraging them to collocate on other options. Staff has done a good job of identifying other options.

Mr. Rooker said that engineering firms can do studies for a reasonable fee to determine other locations and heights – a combination of power and height that would give them the signal distances they want.

Ms. Thomas asked if railroads are subject to the provisions of the County's Cell Tower Ordinance.

Mr. Slutzky responded that railroads can do whatever they want. That is the simple answer he has gotten.

Mr. Rooker added that State law is incredibly favorable to them. Mr. Davis indicated that railroads are not subject to regulations in the case of things needed for their operations.

Mr. Slutzky said he would personally pay for the Board's table at the NAACP dinner on September 25 at the Doubletree Hotel. Board members can repay him later.

Mr. Boyd mentioned that the Rivanna Solid Waste Authority (RSWA) is considering putting together a business plan for expanding the Ivy transfer station. A key element is whether the Board would consider coordinating that with some ordinance changes such as requiring people who are hauling trash in the County to also single-stream recyclables with their curbside service. He asked the Board members to think about this idea because it would require expanding the amount of material that goes through that facility.

Ms. Thomas said the County promised the people in the Ivy area that it would not expand the Ivy operation beyond its present size. But if you look at the good of the County as a whole, that does not make any sense. It's a good place to have a transfer station – it's on a road that was improved with industrial access money and it is near an interstate highway. But, it will be a test of how well RSWA's directors have handled things in Ivy. As far as the cleanup of the industrial pollution, they've done a good job and neighbors feel confident and comfortable with the consulting firm that has been working there and making presentations about what they are doing with the "crummy stuff" that is underground. As for this idea, she does not know what the neighborhood reaction will be, so informing them that the idea is being studied would be a good idea.

Mr. Boyd said he appreciates that kind of feedback because this would increase traffic in that area. However, RSWA is faced with dilapidated equipment that is breaking down and is expensive to maintain. Shutting down the transfer station is an option, also expanding it and putting new facilities on the site is another option.

Ms. Mallek asked why the recycling is being dumped at the Ivy site at all when it is then transported to a private processor.

Mr. Boyd said driving this are the very expensive modifications that would need to be made to that facility in order for it to stay open.

Ms. Mallek asked when the report that the Board was promised two and a half years ago will be available.

Mr. Boyd said he has a copy of the draft report and he can distribute it. It has not been released because it was not finished. He said the RSWA directors are now discussing putting together a business plan to see if it would be feasible to operate a transfer station there. He does not want to create something that will cost money to operate. There must be enough materials of all types brought there to make it cost-justified. He said the Executive Director thinks it could save the County money. It is a complicated question to answer and that is why the RSWA Board has asked staff to put together a business plan. He personally is in favor of turning that facility over to someone else to operate.

Ms. Thomas said the County has a 35-year responsibility for the cleanup of that site.

Mr. Slutzky said the County has a permanent responsibility for the cleanup, but has 35 years in which it is responsible for anything that comes out of the site during that period.

Mr. Boyd said the RSWA Board has heard that the cleanup will not take that long, but the County is responsible for making sure that nothing else happens during that period of time.

Mr. Tucker emphasized that the County should be doing this in partnership with the City, not independently.

Mr. Boyd stated that the agreement between the two entities expires in 2010. He also said that if the County were providing curbside recycling service, it might eliminate the need for the McIntire Recycling Center. His proposal would be for a private facility to take over the Ivy facility and lease it as a transfer station.

Mr. Rooker commented that he does not really want to see a business plan as to how to expand County participation in the waste business.

Mr. Boyd said if the Ivy Transfer Station were closed, theoretically trash haulers would have to raise their prices because they would have to haul to other localities and people might just dump their trash on the side of the road.

Board members agreed to discuss this subject further in the near future.

Ms. Thomas mentioned that the Historic Preservation Committee met with the Crozet fire people and have an agreement that a letter would be sent to anyone who wants to have their house or barn burned down. The letter would say the Committee is interested in this kind of structure and would like to come out and do major drawings of it, and asked permission of the property owner. The Committee would like for the letter to come from the Board of Supervisors as opposed to just the Committee. She said if there is no objection, she will circulate a copy of the letter to the Board members.

Mr. Slutzky said he would support doing that. He suggested that any application for a burn permit trigger a call to someone on the Committee who would in turn call the owner to discuss the request.

Ms. Thomas said she thinks it would need to be done by a Committee member because the Committee's staff also works for the ARB. She said they learned a lot by meeting with the fire company. They learned that some elements could be removed from the house before the burn, but stairs could not be removed because they would be used by firemen when in the building. These burnings are used for training purposes and people come from all over the state to participate.

Mr. Rooker asked if the communication would be limited to houses that have been previously identified as having historical significance.

Ms. Thomas said "no." It could apply to any burn permit. She said Albemarle has more identified historic structures than any other county in the state, but they aren't a part of the GIS system. How can 5,000 structures be put on the GIS maps? The Committee has looked at getting unpaid interns to do the work, and PEC has offered to do some of the work.

Agenda Item No. 20. Adjourn.

There being no further business, the Board meeting was adjourned at 5:50 p.m.

Chairman

Approved by the
Board of County
Supervisors

Date: 11/04/2009

Initials: EWJ