

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

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Planning, V. Wayne Cilimberg, and Clerk, Ella W. Jordan.

Agenda Item No. 1. The meeting was called to order at 9:05 a.m., by the Chairman, Mr. Slutzky.

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

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Agenda Item No. 4. Recognitions:

Item 4a. Proclamation recognizing October, 2009 as Domestic Violence Awareness Month.

Mr. Slutzky read the following proclamation into the record:

#### **PROCLAMATION**

**WHEREAS**, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

**WHEREAS**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

**WHEREAS**, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

**WHEREAS**, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 30<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, that I, David Slutzky, Chairman of the Albemarle County Board of Supervisors, do hereby proclaim the month of **October 2009** as **DOMESTIC VIOLENCE AWARENESS MONTH**, and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

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Item 4b. 2009 Digital Government Award.

Mr. Slutzky said for the seventh year in a row, Albemarle County was named among the top ten most technologically advanced, cutting edge county governments of its size in the U. S. by the Center for Digital Government and the National Association of Counties (NACo) in their 2009 Digital Counties Survey. Albemarle County ranks sixth in the nation, up from ninth place last year, in utilizing information technology (IT) to deliver high quality service to its customers and citizens based on a population category of 150,000 or less. Albemarle is among only six Virginia jurisdictions ranked in the top ten for the four population categories. All counties in the United States were invited to participate in the survey.

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

Mr. Slutzky said this honor reflects the hard work of the County's Web Team which is comprised of Webmaster, Ms. Elaine Pack, Web Content Manager, Ms. Lisa Gilliam, and the Departmental Web editors who are critical to keeping the website accurate and up-to-date. It also is a strong testament to the IT staff, which continues to keep the County on the leading edge of technology innovations. He then asked the members of the web team and the IT department to stand and be recognized.

Ms. Thomas said that last year she was present during presentation of these awards and she heard the competition. She was worried that the County might not be able to keep up with the others, so it is an amazing feat to have risen in standing this year.

Mr. Slutzky said the County actually has a remarkable website in terms of the amount of information available and its ease of accessibility. Mr. Tucker said staff will be presenting an update for the new website a little later in this meeting.

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

Mr. Slutzky mentioned that most Board members went to the VDOT presentation of the Route 29 Corridor Study last week. There were many issues of grave concern to the locality and these concerns were expressed to the VDOT representatives. One had to do with the so-called Eastern Bypass route going through farms that are in conservation easements on the eastside of Albemarle County. He had the opportunity to be at the train station with the Governor the next day when the new Amtrak route was initialized, and he mentioned that VDOT had made a mistake, that the study was ill conceived, and there was no community input at all. It is a disastrous idea and will have a chilling effect on any opportunity to get more conservation easements in that portion of the County. The Governor indicated that he had already sent an e-mail to the Secretary of Transportation addressing this issue. It seems the Governor understands that there was a mistake and there will be an adjustment. He said the Board members know this was a misjudgment and they will continue to do what is necessary to get it off of the map as quickly as possible.

Mr. Rooker said the County Executive's Office has prepared, based on his comments, a resolution concerning that report. The deadline for giving comments is October 16. He said the resolution can be considered later today during discussion of Transportation Matters. His suggestion is that if there is an Eastern Bypass it should generally follow along Route 15 and/or parts of the railroad track and avoid the historic districts entirely. He thinks they have suggested that a bypass be studied, but the e-mails he has received are from people who think the road is ready to be built. He said that about 10 years ago, Orange County, the town of Orange, Louisa County, and Fluvanna County all passed resolutions requesting that Route 15 be upgraded to a four-lane facility. He thinks the idea the consultants are looking at is that with 55 stoplights between Charlottesville and Warrenton, if there is any desire to have anything that approximates a center-state interstate, they need to look for some corridor. That is how that idea got into the study – it is not a specific recommendation for a road to be built.

Mr. Boyd said he has not had time to respond due to his busy schedule, and partly because a number of his constituents are very concerned with the idea. He is vehemently opposed to that "eastern dotted line" which he did not know was going to be on the map. It was done without any input from this Board. He will be glad to join in opposition to the idea.

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Ms. Thomas said she had recently taken a trip to Italy. Sometimes she wore her Board of Supervisors' hat particularly when meeting with the Mayor of Poggio a Caiano and with a representative from the County's Sister City, Prato. She gave a little speech, in Italian, which made her very nervous. She told them that this relationship is like the little creek Poggio (it is assumed it was actually named by Flippio Mazzei) and it flows symbolically between Monticello and Mazzei's home of Colley. It is a modest creek and goes dry from time-to-time, but when it is flowing it adds to the ocean. The Mayor was so taken with that metaphor that he gave an impromptu speech, but since it was in Italian, she was not sure what he said, but thinks it was that this was a good metaphor, but they should work to keep the stream flowing. She has the longest history with this relationship; it started back in the 1980s when there was a student exchange she hopes the Board members will treasure this relationship dating back to Thomas Jefferson's time, and they will remember the Italians.

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Mr. Boyd said he sat in on a meeting at the Airport this week. He left that meeting with the idea that there is a great lack of hangar space for general aviation. He said that millions of dollars of planes are being housed at other airports and they could be at the Charlottesville-Albemarle Airport generating tax revenues. He encouraged the Airport Commission to consider expansion which would probably have to take place on the west side of the Airport; that is in their master plan. He thinks there are private enterprises ready to step in and build the hangars and make them available to others.

Mr. Rooker said the Airport has in its master plan the expansion of the FBO facilities, and if they

have private companies that want to do it, what is holding them up?

Mr. Boyd said there is a difficult procurement process that must be used, and being able to comply with that may be holding up some of the investors. One thing that concerned him was that there must be engineering work, and approval must be sought from the court to move a cemetery so they can install a road. All of that work must be done upfront, and then when they have done that and spent all of that money, they are subject to taking that design work and money and putting it out for an RFP - somebody else could just step in and bid lower and take it away from them. He met with one company that is not opposed to that process but they think the Airport should create an RFP first. That makes sense to him, but he does not know if that is possible because there are unusual FAA rules the Airport must follow.

Ms. Mallek asked if Mr. Boyd met with the company or with Airport officials.

Mr. Boyd said it was with both.

Ms. Mallek said the Airport Authority does not want to get ahead of themselves and have something that is beneficial to an investor that ends up being detrimental to their long-range master plan.

Mr. Boyd said he thinks that if they express an interest in having someone bid on it, and it fits their plan, they deal with that in the conditions of the RFP.

Mr. Slutzky said it sounds as though the Airport Authority could chose to put out an RFP.

Mr. Boyd said he thinks that is where they are now; they are going to study this idea and decide whether to put out an RFP.

Mr. Tucker said the process being considered now is to use a committee of the Airport Commission members, and have the Commission work with Airport staff in putting out an RFP and reviewing it.

Mr. Slutzky said it sounds as though this is an opportunity for the Board members to communicate their feelings about this matter. He noted that a member of the Airport Commission was present at the meeting, and he asked him to comment.

Mr. Bill Schrader said he is a member of the Airport Commission. They had a meeting yesterday based on the discussion at last week's meeting. They have appointed several members of the Commission to meet with the group that Mr. Boyd mentioned, and they also discussed the need to move forward with the RFP. They offered some dates to meet with the people Mr. Boyd brought to the meeting last week so they can see the final proposal.

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Ms. Thomas said she received a call from a friend about a party that was held in a house about 400 feet from her house; the party was so noisy that it shook her house. The Police were called and they asked them to keep it quiet. The noise started again in 30 minutes and they called the police again. This went on until 2:00 a.m. – noise that was so intense that it shook her house. Others in the neighborhood called also. There is nothing the Police can do at this time except to ask them to turn down the noise. She asked how staff is moving along with the noise ordinance.

Mr. Davis said the public hearing on the ordinance was held in July. After some discussion, the Board deferred the ordinance until the Local Government Attorneys group could put together a model ordinance and in order to see how other jurisdictions are reacting to the Supreme Court's decision which took away the "reasonable person" standard. Within the last couple of weeks that model ordinance was released. County staff is planning to bring a proposed ordinance to the Board in November or December to address the issue. The ordinance will be based on distance and audible sounds, which is not the ideal, but is the approach everyone concludes is the only one now legal in Virginia.

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Ms. Thomas said that same person has a dog and if someone stands in her driveway, the dog will bark until they leave. She has been visited by the Animal Control people saying she has a barking dog. That is a problem. If you can stand in a driveway and make a dog bark, you can claim that the dog has barked continuously for as long as someone is willing to stand there and disturb the dog.

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Mr. Rooker said on a related issue, he lives three and a half miles away from Scott Stadium but he could hear the recent U-2 concert.

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Ms. Mallek noted that there is a new brochure from the Workforce Network aimed at business services. This has been a focus of the Workforce Investment Board and the Council of Mayors and Chairs. She has been this Board's representative on the Workforce Board and she said they have a new focus on business services as well as employee-client services and workforce training.

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Ms. Mallek said the Crozet Park Board is beginning a fundraising effort to raise money to put a bubble over the swimming pool. It hopes that sometime in the future the County will be able to partner with them.

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Ms. Mallek said that as of October 1 many different trash disposal companies will begin to offer recycling pickup at homes, including all seven brands of plastic, cardboard, glass, etc. Apparently the recycling rate would approach 80 percent if materials were taken to a single-stream facility. That is greater than what was being obtained by having the citizens bring their recycling to the McIntire Center

Mr. Rooker added that about half of his garbage is being recycled, and he is not paying any additional cost.

Ms. Thomas said there is not an ordinance against that, but it is contrary to the Three-Party Agreement that established the Rivanna Solid Waste Authority.

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Ms. Mallek noted that the Crozet Music Festival was held this past weekend; they had beautiful weather and a great turnout. She was there on Family Day and there were lots of people listening to the music and being served by a large array of Albemarle County vendors, food growers, wineries, and beer makers. She was pleased at how it turned out, and she thanked the Board members for helping to get that process approved.

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Mr. Dorrier updated the Board on the progress of the Hatton Ferry Committee. The Committee has met with Mr. Butch Davies of the CTB; they have raised about \$18,000 for the Hatton Ferry Fund, and they are starting a fund drive they hope will bring in another \$15,000 to \$20,000. He said that Mr. Bob Crickenberger from the Parks and Recreation Department was present at the meeting and Mr. Davies mentioned that they could apply for an enhancement grant for next year. He asked Mr. Tucker if the P&R Department could help with that process. He also said that the Lewis and Clark Exploratory Committee, which is going to eventually build a building at Darden Towe Park, were successful in getting an enhancement grant. He said the Lewis and Clark Committee raised about \$1.0 million in grants. Some progress has been obtaining funds - among the people who have sent money the largest contribution was about \$500, the smallest \$1.00. He mentioned that The Today Show did a segment on the Hatton Ferry. After that they began to get contributions from around the country. They hope to parlay that into some successful fundraising.

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Mr. Slutzky said he has been working with the new State stormwater regulations; he has been to Richmond several times. There was a lot of input from the developer community, the environmental community and from County staff. DCR had promulgated regulations that would have been potentially potent in protecting the Chesapeake Bay, but people had concerns about the underlying science and the allocation of the responsibility disproportionate to new development activities. There was a lot of resistance and it was recognized that the regulations in their original form were likely to cause stale zoning and increase sprawl. He said this State agency engaged the public and the stakeholders and took thousands of public comments. They went through numerous iterations to be sure they were being responsive; the net result is a version of the regulations that substantially address a lot of the concerns brought forward. Everybody is a little unhappy with the outcome which is probably about where it should be.

Mr. Slutzky said the State Water Control Board approved, by nearly a unanimous vote, the last version of those regulations. He talked with Mr. Mark Graham who thinks they are regulations the County can live with. He heard that also from people on the environmental side, and a number of people in the development community. At this point, the regulations have been suspended to allow for an additional 30-day public comment period since substantial changes were made to the form of the regulations. The regulations are likely to be approved again after that comment period at a special meeting in December. He thinks the Governor will sign the regulations, and then it will be up to the General Assembly to leave them alone, or go back and start from scratch.

Mr. Slutzky said if the General Assembly decides to gut the regulations he thinks the EPA will step in. He does not think there will be many people in the development community who will agree with that outcome. He hopes the regulations in their current form will persist. They will have significant implications for the County locally and there will be some opportunities for the County to opt into certain things for offsite credits, etc. It is possible for the regulations to take effect July 1, 2010, and soon after, the County will want to adopt revisions to County ordinances in a timely fashion.

Mr. Boyd asked if staff has put out an analysis of this latest version of the regulations and the impact they will have on the County. Mr. Tucker said it has not been done yet. Staff will do that when final information is received from DCR.

Mr. Slutzky said staff should wait until after the 30-day comment period in case there are further changes; he is not expecting that there will be any.

Ms. Thomas asked if during that 30-day period the Board should issue a statement of support.

Mr. Slutzky said that is an excellent point. He asked Mr. Tucker to have staff give a summary description of the regulations, and he asked the Board members to acknowledge their support of the regulations.

Ms. Thomas suggested it be done at next week's meeting.

Mr. Slutzky said he thinks that would be useful because some localities have had issues with these regulations.

Ms. Thomas said she has been told that this puts Virginia in the forefront of this kind of program in the whole nation.

Mr. Rooker said he received an e-mail which contained numerous links to other information, and it looks like these regulations contain a very long "grandfather" period on developments that have been approved but not built. It was not clear to him exactly where, if at all, there existed an exemption for offsite stormwater treatment basin facilities. He knows the standards for development areas were lowered, but it still seemed to apply those standards on a parcel basis as opposed to allowing runoff to be treated in a regional facility – that preserves more of the development area and might result in better treatment.

Mr. Slutzky explained that the original regulations dropped the phosphorous runoff standard from .45 pounds per acre per year to .28, which is a dramatic reduction. Originally, all of that had to be done onsite which would have resulted in a significant increase in open space, de-densification and stale zoning. Those were the environmental problems. The approved, but suspended, regulations include a grandfathering provision - in the case of a landowner with an already approved rezoning, it would have been grandfathered for five years. That was extended to 2019 in event there was an approved rezoning or some other significant local government action, and if the permit was maintained for the entire period there would be an additional five years of grandfathering. The reason behind that was to mitigate the risk of stale zoning. If someone had made the economic commitment of proffers based on a certain economic algorithm and then the amount of density and the cost of compliance changed significantly, it could make some developments unbuildable. They wanted to avoid that at least through 2019. It was a measure of grandfathering that seemed to be broadly accepted.

Mr. Slutzky said the responsibility for doing a significant reduction onsite has been shifted - now as much as possible is supposed to be done on site with best management practices, but it is possible to go off site a number of different ways. These include purchasing agricultural credits; participating with localities in offsite programs; and, if the price of a locality's offsite credits exceeded a certain dollar amount (which was \$23,900 per pound), the developer could contribute to a state fund controlled by DCR which they would use to buy credits based on optimizing the use of those funds. It is a more logical, reasonable set of regulations than before. It still maintains the fairly aggressive 2.8 standards in all of the parts of the Commonwealth that impact the Bay directly.

Mr. Rooker asked if the 2.8 standard is suspended by buying in.

Mr. Slutzky said the equivalent of 2.8 would be achieved by best management practices and contributing a price per pound to get to the 2.8. Instead of getting the 2.8 onsite, you would be paying money so the equivalent reductions could be achieved elsewhere.

Mr. Rooker said that theoretically the money would be spent to achieve reductions elsewhere.

Mr. Slutzky said it has to be spent that way by DCR on shovel-ready opportunities or redevelopment projects that would be built within a year. There are restrictive controls on how those dollars can be spent or EPA would not be satisfied with the regulations.

Ms. Mallek said the money can also go to the regional basin in the County as opposed to going to Richmond.

Mr. Slutzky said the money that would go to Richmond under certain circumstances, would come back in part to Albemarle, but most of the offset credit options are still within the local waters.

Mr. Rooker said where there are credits to regional stormwater basins, it may affect the quantity of that payment, but the arrangement will still be available.

Mr. Slutzky said it would actually have the effect of increasing the opportunity for the localities to collect more money because the price per pound typically throughout the Commonwealth now is much lower than the bar the regulations set. You will see localities creeping up toward that bar. He thinks an increase in phosphorous reduction within local waters will be seen as a result of these regulations and yet there is a safety value of certainty for the business community that beyond a certain point they know they can cap their costs and can achieve as much as possible onsite through best management practices.

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

Ms. Denise Lunsford, Albemarle Commonwealth's Attorney, was present to request additional funding for her office from the County for FY 2009-10 in the amount of approximately \$32,000 – to offset reductions in that amount by the State Compensation Board. She cannot say this will be the last time her funding is cut in this fiscal year. She had sent information to the Board members about this matter, and

the ways she might be able to decrease her budget is included in that packet. She said that she would have to decrease services – such as eliminating the prosecution of some, if not all, misdemeanor cases. The Noise Ordinance that the Board has talked about passing normally provides that a violation of that ordinance is a Class I misdemeanor. The person would be arrested and summoned to court, but there would be no one there to prosecute, so it would be a meaningless ordinance. She said the Board declared this month to be Domestic Violence Prevention Month and a domestic assault is a Class I misdemeanor unless it is a third offense. Her office might not be able to prosecute those cases. That is the situation that exists now if funding is not increased.

Ms. Lunsford reported that Albemarle County has five attorneys including her, compared to nine in Hanover County. She stated that Hanover has 238 sworn officers, compared to 123 in Albemarle. In 2008 there were 2,890 arrests in Albemarle with Hanover having 930 fewer arrests in that same timeframe. She said Albemarle attorneys have a caseload of approximately 578 arrests per year, and in Hanover they have a caseload of 217 arrests per year. She said Albemarle's caseload is 60 percent misdemeanors and her office does not have to prosecute those cases. She is statutorily obligated to prosecute felony cases and she will continue to do so, but it might be at the expense of other cases, like DUIs, domestic assaults, noise ordinance violations, under age possession of alcohol, etc. That is the reason she is asking that funding be increased now, and if there are other shortfalls forthcoming that the Board increase funding at that time also. She thinks it is a public safety issue.

Mr. Rooker said he read the long e-mail that he received and he thought it was well done and set forth the case. This is another area where the State cuts expenses and then drops it down to the locality. People need to understand that when the state makes cuts, services will be cut. They need to call their legislators and say they need to do something about it.

Ms. Lunsford said she understands Mr. Rooker's point, but unfortunately the services which will be cut are the misdemeanor services that she is not required to prosecute but is able to prosecute because of the additional funding the Board provides. She does not have to prosecute DUIs, but is statutorily obligated to prosecute murders, robberies and rapes. Efforts have been made to decrease expenses in her office, but this is a local issue. It is the increased funding from the County that allows her to provide the services to the citizens that otherwise she is not obligated to provide.

Mr. Dorrier asked if it would be possible to have a group of people look at fines that might be placed on DUIs to help increase her funding. Ms. Lunsford said she did not know if that could be done statutorily, but there are other local ordinances that might be increased.

Mr. Davis explained that there is no statutory authority for any local enhanced fines for DUIs, but there are some enhanced speeding fines allowed based on certain criteria that have been looked at in the past, but nothing that would generate significant revenue.

Mr. Rooker emphasized that Commonwealth's Attorney offices are actually State offices and are supposed to be funded by the State. The County is at a point where it is funding more than half the cost of the local office. One of Albemarle's delegates prides himself on his stand on crime and law and order. He said the Board might talk to him about what he is going to do to eliminate the funding problem that is affecting Commonwealth's Attorney offices all over the state. He does not know where the Board would find the money.

Ms. Lunsford said \$32,000 will allow her office to continue to prosecute crimes that it does not have to prosecute. The State Constitution and State statutes do not provide that they be prosecuted.

Mr. Tucker said this cannot be solved today so he would suggest that his staff work with Ms. Lunsford to see if there is any way to address this as a broader issue which affects all constitutional officers.

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Mr. Harrison Taylor said he is present to discuss the Route 29 Corridor Study, specifically the "red slash" on the map that VDOT introduced as some sort of an eastern roadway. Many Keswick residents are opposed to the roadway, as there is confusion about whether it is an eastern bypass or a multi-use road that cuts through thousands of acres of land that are in conservation easements or of historic significance. It would not accomplish much more than connecting Culpeper with Interstate Route 64. If it is a bypass, why spend hundreds of millions of dollars to provide a solution for the 10 to 15 percent of traffic on Route 29 that is through traffic.

Mr. Taylor said the alignment along the railroad tracks is a "slap in the face" to the landowners who put their property into easements. Running a four-lane roadway along the border of all of those properties that are in easement and of historical significance diminishes the value of what these people have done to preserve this rural historic district. These property owners have already given up something of value only to have this plan further diminish the value of what is left. Finally, in the consultant's estimate for the Route 29 Corridor Study, this roadway would not be built for 30 to 40 years and the transportation needs at that time are unknown.

Mr. Taylor said he thinks it would make more sense to spend a fraction of the amount that VDOT would spend on this road to alleviate the choked points on Route 29. Presumably the merchants on Route 29 want the through traffic because it provides them with business, and he understands bypasses tend to suck traffic away from local businesses. He drives to and from work each day from Keswick and he knows there are transportation issues, but this plan does not seem to make much sense and it is hard

to understand how it has anything to do with the Route 29 corridor study. He then asked those present in the audience who shared his view on the eastern bypass to stand (eight people stood).

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Mr. Tony Vanderwalker said he is Chair of the Piedmont Environmental Council. He is present today because they see a distressing line on a map and with their 35 years of working in the Piedmont, when there is a line on a map you need to pay attention because they generally signal something happening under the surface that is not immediately apparent. He said when the proposed Western Bypass was finally "killed," an eastern bypass magically appears in the same study. These are called "vampire" roads because they "put a stake through the heart" of one road and kill it, and then mysteriously it pops up elsewhere.

Mr. Vanderwalker asked that the Board not take the line on the map lightly, but to put a stake in the heart of it. He said the neighbors will talk about the deleterious effect of a road like this on conservation easements and the character of the community, but his main concern is distracting from the main goal of making Route 29 work for both through traffic and local traffic. There is an imaginative, thoughtful, sensible plan. If people say there is no need to put a lot of money into Route 29 because there may be an eastern corridor built in 40 years that detracts from the main goal. That main goal should be for the next 20 to 25 years to make Route 29 work. He said he would appreciate a strong point-of-view being sent to the CTB and VDOT asking that they take that line off of the map.

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Mr. Robert Weary said he came to speak about the proposed eastern bypass. He has one of the farms where the line goes through their property. He lives in Keswick off of Black Cat Road. He and his wife operate Roundabout Farm which has 65-acres where they grow vegetables and flowers; this is their fourth year of operations. They have invested about \$150,000 in equipment. They do a CSA community supported agriculture program with about 50 members. They sell at the Farmer's Market in Charlottesville, do wholesale sales to JABA, the Darden School, Whole Foods, and a number of restaurants and grocery stores. They do a lot of school educational activities as well.

Mr. Weary said they put a conservation easement on their property this past year with the Albemarle County Public Recreational Facilities Authority. They have six and one-half acres of federally listed wetlands on the property. Their property is located where the CSX tracks curve, and the eastern bypass is shown connecting to the Keswick exit on I-64. His neighbor also has 95 acres which he just put under easement with the County. Looking at where the line goes, it would impact as much as 80 acres of their properties. They are concerned about that. He hopes the County will be forceful in responding to this and protecting its interest in the easements donated to the County.

Mr. Rooker asked Mr. Weary how he would feel about double-tracking the railroad track through that area. Mr. Weary responded that it would not bother him. It would not impact his operations; he hears trains already and adding 10 feet of track is much more desirable than building a four-lane highway.

Mr. Rooker said there has been discussion about trying to create an enhanced north-south rail corridor. One of the ways of taking some of the through truck traffic off the road is to get more of it on rail. That would require double-tracking a good amount of the track.

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Mr. Morgan Butler of the Southern Environmental Law Center said their initial analysis of the 29 Corridor Study preliminary recommendations is that they are a "mixed bag." On the one hand, many of the broader corridor-ride recommendations advance the same smart strategy as the 29H-250 study and Places29. Those recommendations include using parallel roads to disperse local traffic, replacing the busiest intersections with grade-separated interchanges, strengthening rail and transit, and better access management. He said VDOT deserves credit for endorsing these strategies and the SELC supports looking at the best ways to implement them throughout the corridor.

Mr. Butler said some of the more specific road projects VDOT is recommending for the area raise serious questions; they are versions of projects that have previously been studied and dismissed. For example, VDOT has recommended extending Leonard Sandridge Road along one of three possible alignments. These alignments face major environmental obstacles and each would be extremely expensive and unlikely to qualify for Federal funds. VDOT did not conduct new traffic modeling to show how any of those routes would shorten travel times, and VDOT's consultants acknowledged at last week's meeting that the road would do little to reduce congestion on Route 29. The study doesn't explain how the project would fit alongside the 29H250 projects that the County and the City are already moving forward with.

Mr. Butler said the second project that raises serious questions is a combination of different routes for the Eastern Connector that were recently studied and passed over. The route VDOT has drawn would slice through the middle of two local parks. A third troubling recommendation is a future corridor that would begin at I-64 in eastern Albemarle County and run through rural and historic areas on its long path to Culpeper. As with the Sandridge extension, VDOT has offered no concrete data on benefits to these roads that could outweigh their huge costs. Worse yet, because of the fast track schedule this study is on, it does not appear that anymore detailed information will be presented before these recommendations are finalized and sent to the CTB next month.

Mr. Butler said SELC's concern is heightened even further by VDOT's proposal to use this study as the basis for forming a corridor implementation plan that locality's would be required by law to incorporate into their comprehensive plans. It's a waste of taxpayer dollars to advance damaging projects

with no demonstrated benefits, and these proposals could siphon off funds from more effective and efficient projects that have been modeled and endorsed locally.

Mr. Butler said SELC urges the Board to pass one more resolution and communicate to the Governor, to VDOT, and the General Assembly and CTB members three items: 1) that the County objects to these proposed new projects as well as any effort to require that they be adopted in the absence of studies clearly demonstrating their benefits; 2) the County will oppose legislation that will require these or other specific road projects to be incorporated into local plans before the County or the MPO has separately approved them; and, 3) that the County requests an extension of the comment period so the public can get a better handle on what is being proposed and why.

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Mr. Jeff Werner of the Piedmont Environmental Council said many of the corridor-wide themes proposed – access management, linking land use and transportation, expanding transit, etc. – are what the community has been pursuing for years. They applaud VDOT for acknowledging those important concepts. Unfortunately VDOT has proposed projects that have been studied and dismissed by this community, even by VDOT in their own conclusions on the Places29 study. VDOT has also proposed a new highway in eastern Albemarle that threatens a protected and historic landscape. PEC asks that the Board join the residents of eastern Albemarle in telling VDOT that a bypass through the Southwest Mountains Historic District and across properties protected by conservation easements is unacceptable as a solution to congestion on Route 29. He said VDOT has presented no modeling or data to support these recommendations. This lack of information makes it impossible for the community to assess this study.

Mr. Werner said the deadline to make comments is October 16. Then, according to VDOT, this study goes to the CTB for a vote in early November, and after that VDOT has stated “this plan would become the primary mechanism for approving the design and funding of all future improvements and access in the Route 29 Corridor.” He said the PEC urges the Board to take a detailed look at how this study, including proposed changes to the State Code, would impact the entire County. He handed out copies of three maps that VDOT submitted for southern Albemarle, Northern Albemarle and eastern Albemarle. He also inserted the Places29 route. Looking carefully you will find that VDOT left off lines that are on Places29.

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Mr. Jeff Werner reported that every year the PEC recognizes individuals who have contributed to the success of its core mission. At their annual meeting two weeks ago, PEC recognized Ms. Trish Crow who is the president of the Blue Ridge Foothills Conservancy, Ms. Katherine Kilpatrick, who since 2001 has been director of the Virginia Department of Historic Resources, and Mr. Nick Cotts who is a Pulitzer Prize winning author who helped establish a large historic district in the northern Piedmont. This year PEC also recognized someone who could not attend because she was on a trip to Italy – Ms. Sally Thomas.

Mr. Werner read a few sentences from what was said about Ms. Thomas during her tenure on this Board of Supervisors – “she influenced the Board and the whole community to enact greater protection for natural resources. She prioritized protection of Albemarle’s rural area and would often challenge her colleagues not to vote with your fingers crossed behind your back. That is, don’t vote for a policy you have no intention of implementing. Her unwavering commitment bore results. Albemarle is a leader in stream protection, preserving farmland and promoting smart growth.”

Mr. Werner said he would like to add a personal note. He has known Ms. Thomas since 1996 when he was in graduate school. He learned from her that good ideas are one thing, but putting them into motion is what really matters. As a mentor, as a voice of reason, as a knowledgeable resource, and sometimes as a stern teacher, her influence has contributed greatly to his accomplishments at PEC. He said the Conservation Leadership Award is for people who make great contributions toward PEC’s goals. Both for Ms. Thomas’ direct action as a member of the County’s Supervisors and her indirect actions as an advocate for and mentor to so many individuals and organizations with which she has been involved, he can think of few people as deserving of this award as Sally Thomas.

Ms. Thomas said one reason this award means so much to her is that one of her proudest achievements was tricking Ms. Charlotte Humphris into coming to an Annual Meeting of the PEC to receive this same award. “It adds to my delight and thank you very much.” She said it always takes four votes to get anything done on the Board of Supervisors so a lot of credit spills over to a lot of other people as well as to the Board’s staff.

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Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Ms. Thomas, to approve Items 7.1 (as read) through 7.5 on the consent agenda and to accept the remaining items as information. (**Discussions** are included with individual agenda items.) Roll was called and the motion carried by the following recorded vote:

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

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Item 7.1. Approval of Minutes: July 2, 2008 and July 1, 2009.

Mr. Slutzky had read his minutes of July 2, 2008, (pages 1-37) and found them to be in order.

Mr. Boyd said he had not read his minutes of July 2, 2008, (pages 38 – end) so they should be removed from this agenda.

Ms. Mallek had read her minutes of July 1, 2009, [pages 1-25 (end at Item #13)] and found them to be in order with the exception of some typographical errors.

Mr. Dorrier had read her minutes of July 1, 2009, [pages 25 (begin at Item #13)] and found them to be in order.

**By the above-recorded vote, the Board approved the minutes read. Unread minutes were moved to the next Board meeting.**

Item 7.2. FY 2010-11 Operating and Capital Budget Calendar.

It was noted in the Executive Summary that the process of developing the County's Operating Budget for FY 2010-11 and the Capital Improvements Program (CIP) for FY2011-15 is underway. The proposed calendar is provided to the Board to establish firm dates for Board meetings and public hearings on the budget and CIP, and to provide the public with as much notice as possible for planned community meetings, public hearings and work sessions related to the budget and CIP.

There are several dates in the budget presentation and approval process that are driven by Virginia Code requirements and are reflected in the calendars attached to this executive summary. The first is the requirement that the tax rate be adopted by April 15 for localities with a first-half tax year collection in June. In addition, the Virginia Code requires that there be seven days between the advertisement of the budget public hearings and the actual hearing dates, and seven days between the public hearing and the adoption of the budget. During the 2007 session of the General Assembly, legislation was enacted requiring localities to provide 30 days minimum notice of the tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's tax levies. In addition to these requirements, the School Board has requested that the second public hearing be scheduled so that it does not coincide with the school's Spring Break.

Attachment "A" (on file) provides a preliminary budget calendar for the FY 2010-11 budget process that conforms to Virginia Code requirements and meets the School Board's request. This calendar can be used if real estate tax levies caused by the reassessment are less than 101 percent of the prior year's tax levies, as current projections indicate. If real estate tax levies caused by the reassessment exceed 101 percent of the prior year's tax levies, adjustments will be made to the calendar.

Because it is unlikely that the 2010 reassessment will require the 30-day notice for the tax rate public hearing, staff recommends that the Board adopt the preliminary budget calendar set forth in Attachment "A".

(Discussion: Mr. Boyd asked Mr. Tucker if hours could be associated with the operating and capital budgets – there is no indication in the list as to whether they are day or night meetings. Mr. Tucker said staff will try to set some times.)

**By the above-recorded vote, the Board adopted the preliminary budget calendar as set forth below:**

#### **FY 2010-11 BUDGET CALENDAR**

##### August 2009

- 7 CIP project requests due to OMB
- 28 Community agency applications distributed

##### September 2009

- 9 Operating budget manual and instructions available for departments

##### October 2009

- 7 Joint Compensation meeting with BOS and School Board
- 16 Complete budget request packet due to OMB
- 16 Board Retreat

##### November 2009

- 3 CIP project information to Oversight Committee
- 4 BOS Work Session – Five-Year Financial Plan
- 9 CIP Oversight Committee meeting #1
- 11 10:00 a.m. – 12:00 Noon - BOS Work Session – Five-Year Financial Plan
- 13 Community agency applications due to OMB
- 16 CIP Oversight Committee meeting #2
- 23 CIP Oversight Committee meeting #3 (if needed)

December 2009

- 2 Final BOS Work Session – Adoption of Five-Year Financial Plan
- 2 4:00 p.m. - Joint CIP meeting with BOS and School Board

January 2010

- 26 General Fund and special revenue funds balanced

February 2010

- 26 Budget document published

March 2010

- 3 6:00 p.m. - Public Hearing on County Executive's Recommended Budget
- 8 9:00 a.m. – 12:00 Noon - BOS Work Session
- 10 9:00 a.m. – 12:00 Noon - BOS Work Session – School Division
- 15 9:00 a.m. – 12:00 Noon - BOS Work Session – CIP
- 17 9:00 a.m. – 12:00 Noon - BOS Work Session (if needed)
- 31 6:00 p.m. - Public Hearing on Board's Proposed Budget
- 31 6:00 p.m. - Public Hearing on the 2010 calendar year tax rate

April 2010

- 7 BOS sets the 2010 calendar year tax rate
- 7 BOS adopts FY 10/11 budget

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Item 7.3. FY '09 End-of-Year Preliminary Financial Report.

The Executive Summary for the Preliminary Financial Report provides information on the County's General Fund operations and Fund Balance as of June 30, 2009. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year (on file).

(\$ in Millions)

**A. Attachment A: General Fund Financial Report:**  
**a. Revenues:**

Revenues, excluding Transfers and Fund Balance appropriations, are estimated to total \$214.475 million; \$8.196 million (3.7 percent) less than revised appropriations (hereinafter "Budget"). Combined with the use of \$1.366 million in transfers from other funds and \$1.816 million in Fund Balance, Revenues, Transfers and Use of Fund Balance total \$217.658 million; \$8.309 million (3.7 percent) less than Budget.

Most national indicators suggest the recession is nearing an end, with some analysts suggesting the economy may have already hit bottom. However, once the recession ends, the recovery is expected to be very slow by historical standards, particularly in the labor market. Nationally, the August unemployment rate rose to 9.7 percent from 9.4 percent. In Virginia, the unemployment rate fell from 6.9 percent to 6.5 percent. In Albemarle, the unemployment rate fell from 5.4 percent to 4.9 percent, which is considered full employment. Leading indicators, consumer confidence, and manufacturing benchmarks demonstrate improvement. Inflation and the Federal funds target rate remain very low.

Following is a brief revenue analysis for the FY '09 fiscal year:

- Real Estate Tax revenues total \$113.265 million; \$0.851 million (0.8 percent) more than Budget. The increase is primarily due to the 3.2 cent effective residential equalization increase in the 2009 real estate tax rate which offset the negative 2009 reassessment rate.
- Personal Property Tax revenues total \$20.946 million; \$2.054 million (8.9 percent) less than Budget. Assessments have significantly dropped due to market conditions; particularly for large vehicles. Additionally, businesses reduced their capital expenditures in the last half of 2007 and 2008, resulting in decreased business property assessments.
- Delinquent Property Taxes total \$1.293 million; \$0.437 million (51.1 percent) more than Budget. Delinquent fees implemented in FY '08 and FY '09 improved delinquent tax collections.
- Sales Tax revenues total \$11.974 million; \$2.066 million (14.7 percent) less than Budget. This is an actual decrease of \$1.170 million (8.9 percent) from FY '08. Taxpayers continue to minimize discretionary spending due to economic uncertainty.
- Business License (BPOL) revenues total \$9.608 million; \$0.988 million (9.3 percent) less than Budget. BPOL revenues are dependent upon economic activity.
- Utility Tax revenues total \$8.939 million; \$0.646 million (6.7 percent) less than Budget. The decrease is primarily due to decreased industrial and commercial activity combined with moderate weather and environmental fluctuations.

- Food and Beverage Tax revenues total \$5.447 million; \$0.353 million (6.1 percent) less than Budget. People appear to be eating more at home and frequenting restaurants less as they minimize flexible spending.
- Other Local Tax revenues total \$10.885 million; \$1.366 million (11.1 percent) less than Budget. Increased delinquent tax collection fees were offset by decreased public service tax, vehicle license fees, and recordation fees due to current economic conditions.
- Other Local Revenues total \$4.392 million; \$1.918 million (30.4 percent) less than Budget. The decrease is primarily due to reduced interest earnings, development fees, agency leases, and other Clerk fees.
- Use of Other Funds total \$1.366 million; \$0.113 million (7.6 percent) less than Budget. The decrease is primarily due to reduced Section 8 Administration and CIP transfers.
- Categories with variances of less than \$0.100 million have not been analyzed for this report.

b. Expenditures:

Total expenditures, including transfers, total \$215.546 million; a \$10.421 million (4.6 percent) savings from Budget. Reappropriation requests for FY '09 outstanding purchase orders of \$0.266 million and uncompleted projects of \$0.702 million are in process, which will reduce departmental savings listed below:

- i. Departmental expenditures total \$79.403 million; a 4.9 percent savings of \$4.089 million from Budget:
  - Administration expenditures total \$10.957 million; a 3.3 savings of \$0.379 million.
  - Judicial expenditures total \$3.630 million; a 6.5 percent savings of \$0.254 million.
  - Public Safety expenditures total \$28.254 million; a 4.1 percent savings of \$1.204 million.
  - Public Works expenditures total \$4.926 million, a 6.8 percent savings of \$0.360 million.
  - Human Services expenditures total \$17.952 million; a 4.8 percent savings of \$0.909 million.
  - Parks, Rec. and Culture expenditures total \$6.196 million; a 3.0 percent savings of \$0.191 million.
  - Community Development expenditures total \$7.488 million; a 9.6 percent savings of \$0.792 million.
- ii. Non-Department expenditures consisting of the Revenue-Sharing payment, reserves, and refunds total \$13.850 million; a 14.1 percent savings of \$2.282 million from Budget. The lockbox release to fund Local Government operations generated \$1.614 million.
- iii. Transfers total \$122.293 million; a 3.2 percent savings of \$4.050 million from Budget:
  - Transfers to the School Division total \$97.546 million, a 3.6 percent savings of \$3.679 million.
  - Transfers to the Capital and Debt funds total \$24.747 million; a 1.5 percent savings of \$0.371 million.

c. Revenues less Expenditures:

This report indicates that FY 2009 will end with \$2.112 million of revenues in excess of expenditures:

- Revenues and transfers are projected to experience an \$8.309 million shortfall which should be offset by \$10.421 million in expenditure savings.

**B. Attachment B: General Fund Budget Comparison Report:**

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

Revenues:

- Real Estate Tax and Personal Property Tax show positive growth over FY '08.
- Sales Tax, Business Licenses, Utility Taxes, Food and Beverage Tax, Other Local Taxes, Other Local Revenue, State Revenues, Federal Revenues, Transfers, and Use of Fund Balance show decreases from FY '08.

Expenditures:

- Administration, Public Works, Human Services, Parks & Culture, Non-Departmental, and Education show increases over FY '08.
- Judicial, Public Safety, Community Development, and Non-School Transfers show decreases from FY '08.

**C. Attachment C: Fund Balance Report:**

The report indicates that the County:

- Had an Audited FY '08 Fund Balance of \$20.426 million as of June 30, 2008,
- Appropriated \$1.817 million for FY '09 projects,
- Appropriated \$0.146 million for Budgeted FY '10 Initiatives,
- Resulting in a remaining June 30, 2008, Fund Balance of \$18.463 million,
- Estimates Preliminary Revenues in excess of Expenditures of \$2.112 million,
- Resulting in a Preliminary June 30, 2009, Fund Balance of \$20.575 million,
- Has Proposed Reappropriations of \$0.968 million, and
- Has Projected Unobligated Funds of \$19.607 million as of October 7, 2009.

**D. Budget Impact:**

This Financial Report is based on audited FY '08 financial data and 12 months of unaudited financial data for FY '09. The Board will be presented with the audited figures for FY'09 in February, 2010.

Staff recommends approval of the Preliminary June 30, 2009, End-of-Year Financial Report.

**By the above-recorded vote, the Board approved the Preliminary June 30, 2009, End-of-Year Financial Report as presented.**

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Item 7.4. Resolution of Intent - Farm Stands Zoning Text Amendment.

It was noted in the Executive Summary that the County's zoning regulations pertaining to the sale of farm products in the Rural Areas was brought to the Board's attention as a result of a recent zoning complaint regarding the off-site sale of farm products at the intersection of Garth Road and Free Union Road.

For the most part, the current regulations pertaining to the sale of farm products in the Rural Areas pre-date the adoption of the Rural Areas Plan in 2005. Two of the guiding elements of the County's vision for rural Albemarle County, as expressed in the Rural Areas Plan, are: "A strong agricultural and forestal economy, with large unfragmented parcels of land on which to produce their goods, opportunities to gain value from processing their own produce, and access to local markets" and "Plans, policies and decision-making that consider and protect rural economies and ecological processes." One of the guiding principles of the Rural Areas Plan is to "Provide support to local and agricultural and forestal economies and connect local producers and consumers of local rural products."

Staff recommends that the Zoning Ordinance's regulations pertaining to the sale of farm products in the Rural Areas be studied and amended as necessary to fulfill the vision and principles of the Rural Areas Plan. Current regulations pertaining to wayside stands (Zoning Ordinance §§ 5.1.19 and 10.2.1(5)) and farm sales (Zoning Ordinance §§ 5.1.35 and 10.2.2(45)) require that the sales take place on the farm. Thus, one key goal of the proposed regulations would be to expand the locations at which farm products may be sold in the Rural Areas. Though allowed by right in the Rural Areas district, wayside stands are allowed only with approval of a preliminary site plan. Farm sales are allowed only by special use permit. Accordingly, another key goal of the proposed regulations will be to implement reasonable processes that assure that public health and safety considerations are addressed but which are economical and expeditious given the proposed use. As part of this process, staff would hold a community roundtable with interested parties to receive input about the proposed regulations.

Staff is not aware of any budget impacts that would be caused by the adoption of this proposed ordinance. Approval of a particular farm stand, as with other zoning applications, would involve a review fee to cover staff costs. Staff recommends that the Board adopt a Resolution of Intent to Amend the Zoning Ordinance.

**(Discussion:** Mr. Boyd said he knows this resolution of intent for the farm stand zoning text amendment came about because of a zoning violation. He said the Board wants to promote agri-business, so he wondered what ever happened to the request to have staff sit down with the winery people, which is an area he thinks the Board needs to promote.

Mr. Cilimberg responded that in August staff held a roundtable with people from the winery industry and other interests on the concept of an ordinance. Their representatives actually requested that no meetings regarding this be held until after their busy season was over. He has worked with a Wine Council representative and they agreed to hold a work session with the Planning Commission in November.

Mr. Boyd asked if it would be advantageous to combine these two efforts. Mr. Cilimberg said a resolution of intent has already been adopted by the Planning Commission and staff is in the process of drafting the appropriate language re: wineries. If staff gets good input at the November work session, an ordinance could be ready for the Planning Commission by the end of the year.

Ms. Mallek said the impact of the little farm-stands versus the big winery events are so diverse that she is glad they are being done separately.)

**By the above-recorded vote, the Board adopted the following Resolution of Intent to amend the Zoning Ordinance:**

#### **RESOLUTION OF INTENT**

**WHEREAS**, two of the guiding elements of the County's vision for rural Albemarle County, as expressed in the Comprehensive Plan's Rural Areas Plan, are: "A strong agricultural and forestal economy, with large unfragmented parcels of land on which to produce their goods, opportunities to gain value from processing their own produce, and access to local markets" and "Plans, policies and decision making that consider and protect rural economies and ecological processes"; and

**WHEREAS**, one of the guiding principles of the Comprehensive Plan's Rural Areas Plan is to "Provide support to local and agricultural and forestal economies and connect local producers and consumers of local rural products"; and

**WHEREAS**, it is desired to amend the Albemarle County Zoning Ordinance to expand the opportunities for the sale of local farm products.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Board of Supervisors hereby adopts a resolution of intent to amend Zoning Ordinance §§ 4, 5 and 10 and any other sections of the Zoning Ordinance determined to be appropriate 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 by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

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Item 7.5. Resolution to Amend Personnel Policy P-80, Absences.

It was noted in the Executive Summary that as part of the preparation by the County for a pandemic flu outbreak or other emergency that would adversely affect the County's ability to operate, Human Resources and the County Attorney's Office have reviewed the County's Personnel Policy Manual. Currently, the County's personnel policies do not authorize the County Executive to issue emergency regulations regarding work hours, absences and leave usage to address the critical needs of the County to effectively operate during an emergency.

Given the potential for a H1N1 flu pandemic this fall, Human Resources and the County Attorney's Office have revised Personnel Policy P-80, Absences, to grant the County Executive clear authority to issue emergency regulations regarding employee work hours, absences and leave usage. A parallel revision to School Board personnel policies will be considered by the School Board on October 8, 2009.

Revised Personnel Policy P-80, Absences, would authorize the County Executive to issue emergency regulations regarding employee work hours, absences and leave usage. This authority could be used only in the event of a declared emergency, pandemic, or other crisis affecting the County's ability to operate under normal policies and procedures. This amendment is proposed as part of the on-going preparations by the County to be ready to address a possible H1N1 flu pandemic or similar emergency situation.

Staff recommends that the Board adopt a Resolution to amend Personnel Policy P-80 Absences.

**By the above-recorded vote, the Board adopted the following Resolution to amend Personnel Policy P-80, Absences:**

#### **RESOLUTION**

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

**WHEREAS**, an amendment is proposed to authorize the County Executive to issue emergency regulations regarding employee work hours, absences and leave usage in the event of a declared state of emergency, pandemic, or other crisis affecting the County's ability to operate under normal policies and procedures; and

**WHEREAS**, the Board of Supervisors finds the proposed amendment to the Personnel Policy promotes the efficient operation of the County.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby amends the following section of the County of Albemarle Personnel Policy Manual:

#### **Section P-80 ABSENCES**

The Board strives to keep attendance of employees at a maximum and absences at a minimum. The Board recognizes, however, that absences are unavoidable and allows certain absences and

absence payments. The Board will establish policies that are meant to maintain the highest possible efficiency. Allowance will be made to permit bona fide absences, and prevent employees who have been ill from becoming a hazard to other employees by returning to work too soon.

A. Procedure for Compliance for Absences

It will remain the right of the department head/designee and the County Executive or designee to:

1. Authorize, or refuse to authorize in exceptional cases, the advance request of an employee for permission to be absent.
2. Investigate absences.
3. Deny leave payment for absences in violation of any Board policy.
4. Impose reasonable disciplinary penalties upon employees who have abused their leave privileges and who violate the provisions of the "Responsibilities of Employees" section of this policy.

B. Responsibilities of Employees

Every employee of the County has the following obligations and responsibilities concerning absence:

1. Request for Leave – When the need for being absent from work is known in advance, the employee must notify his immediate supervisor as far in advance as possible on the Leave Form provided by the Department of Human Resources.
2. Notice of Unexpected Absence – When an employee who has not given advance notice finds that he cannot report to work, the employee must notify his supervisor prior to starting time or within thirty (30) minutes of the regular starting time unless the department has established other guidelines for notification. Employees should be aware of the notification requirements of their departments. Upon returning to work, the employee must complete a Leave Form as a record of absence.
3. Failure to Give Notice – Failure to give the notice required shall constitute cause for a reasonable disciplinary penalty including cause for denial of absence pay allowance. Unless an absence has been authorized in advance or an absence is unavoidable, every employee shall be expected to be present and on time for his scheduled work.

C. Employees Returning to Work After Illness

Before an employee returns to work after an absence due to illness, the employee may be requested to submit a medical release certifying the illness and that he is well enough to return to work. This medical release shall be from the employee's physician or, if required by the department head, a physician designated by the Human Resources Department. In all instances, the employee will be advised of the requirement prior to the employee being authorized to return to work.

D. Absences for Personal Business, Bereavement, or Illnesses

Absences for urgent personal business, bereavement, or illness will be granted at the discretion of the immediate supervisor and in compliance with Board policy. Sick Leave may be used for bereavement leave for immediate family members. (See also Sick Leave, P-85) Bereavement leave for non-immediate family members shall be covered by compensatory time, Annual Leave or Unpaid Leave. (See also Annual Leave, P-84 and Unpaid Leave, P-82)

E. Jury Duty

The Board recognizes the duty of every citizen to serve on a jury when requested and will allow payment from the court for serving on jury duty. Employees serving jury duty will receive full salary as well as retain compensation received from the court. Employees are expected to give notice of jury duty and to report to work when jury is not in session. Employees who are subpoenaed to appear as witnesses in legal proceedings in their capacity as County employees will be entitled to treat time spent in such proceedings as compensable working time. However, employees who initiate or are otherwise involved in private legal actions of any kind (excluding employee grievance proceedings), whether such actions involve the County or not, will not be permitted to treat time spent during working hours in connection with such actions as compensable working time. Such employees will be required to use accrued compensatory time, Annual Leave or Unpaid Leave for all hours spent in connection with such actions that occur during working hours.

F. Military Leave

Military leave of absence will be granted by the Board in accordance with existing state and federal statutes. (See also Military Leave, P-83)

G. Breaks

There is no formal break time provided by Albemarle County. However, reasonable time shall be provided for personal care and refreshments during the workday.

- H. Lunch Time  
A lunch period of at least thirty (30) minutes shall be provided to each fulltime employee and, unless prior supervisory approval is received, employees may not forego the lunch period in order to shorten the workday. (See also Overtime/Compensatory Time, P-61/62)
- I. Acceptable Attendance  
Acceptable attendance is a minimum expectation of all County employees. Department Heads are responsible for monitoring attendance within their departments. Except as noted, when an employee's absenteeism exceeds four percent (4 percent) of available work time for Sick Leave, Unpaid Leave, and/or unplanned use of compensatory time or Annual Leave, his department head is responsible for investigating the absenteeism and taking appropriate action as necessary. Leave taken under FMLA and/or Workers' Compensation shall not be considered when determining acceptable attendance. However, nothing shall prohibit the County from determining an employee's eligibility to return to employment once FMLA has been exhausted.
- J. Emergency Regulations  
The County Executive may issue emergency regulations regarding employee work hours, absences, and leave usage in the event of a declared state of emergency, pandemic, or other crisis affecting the County's ability to operate under normal policies and procedures.

Amended: August 4, 1993, April 20, 2005, September 3, 2008, October 7, 2009

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Item 7.6. Athletic Field Allocation Policy.

It was noted in the Executive Summary that currently, there are 109 school and park athletic fields in the County and City which are used on a regular basis by various organized youth and adult sports groups. Of these fields, 68 are provided by the County, 31 are provided by the City and 10 are jointly provided. The County as well as City Parks and Recreation Departments have the primary responsibility for scheduling community use of the vast majority of these athletic fields and collectively meet the field space needs of 32 different organizations serving over 10,000 participants.

While there is currently no formal written field allocation policy, there is a procedure that has been followed by both the City and County for many years which has worked well. In mid-January each year, all previous users and any newly identified users are asked to submit requests for the spring/summer season (March - July). This process is repeated in mid-July each year for the fall/winter season (September - November). Fields have traditionally been allocated to organizations based on historical use and demonstrated need. All remaining requests are approved if field space is available and on an as needed basis determined by the number of participants. With the continuing trend toward year-round seasons for specific sports, the emergence of new organizations, an increasing number of higher level competitive travel teams, and an increased interest by "for profit" organizations in the use of public field space, the directors of both the County and City Parks and Recreation Departments agree that there is a need to develop a formal written field allocation policy. This policy will be developed through a public process involving all field user groups and, when completed, will establish priorities and serve as a guide to staff in making field allocation decisions. The athletic field allocation policy study process steps and associated timelines are outlined in the attached memorandum (on file in the Clerk's Office) from the County and City Parks and Recreation Directors to the Albemarle County Board of Supervisors and Charlottesville City Council. This information is provided for the Board's information. No action is necessary.

**This report was received for information.**

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Item 7.7. Crozet Crossings Housing Trust Fund Annual Report.

It was noted in the Executive Summary that the Crozet Crossings Housing Trust Fund was established in 1994 by an agreement between the County of Albemarle, the Charlottesville Housing Foundation (CHF), and the Albemarle Housing Improvement Program (AHIP) to hold notes and deeds of trust on houses in Crozet Crossings and to collect and distribute funds upon the resale of houses. The Trust Fund is responsible for using repaid funds for housing projects that benefit low- and moderate-income households and meet the requirements set forth by the Virginia Department of Housing and Community Development under the provisions of the Community Development Block Grant (CDBG) Program. The Fund is managed by five trustees, two representing the County, and staffed by the County's Chief of Housing. The Trustees are to submit an annual report to the Board on the Trust Fund activities and finances.

The Trustees of the Crozet Crossings Housing Trust Fund met on September 10, 2009, to review the financial status of the Fund and to approve a funding request from Piedmont Housing Alliance (PHA) and Jordan Development Corporation (JDC) for the Crozet Meadows Expansion Project. The Fund is in good financial condition with cash on hand of \$440,332.84 of which \$430,800 is committed to two loans not yet disbursed. The first commitment of \$134,400 was approved for the Crozet Meadows Expansion (JDC) in January, 2008. A second commitment of \$252,000 was made to AHIP at that time for the Treesdale Park development. The Trustees approved a revision to the commitment to AHIP in February 2009, reducing the second commitment to \$246,400. These two developments are moving forward after

receiving Federal low-income housing tax credits. Land clearing and installation of infrastructure have begun at Crozet Meadows.

The Trustees received a request from PHA and JDC on August 31, 2009, for an additional \$50,000 commitment to Crozet Meadows. The Trustees approved the request on September 10, 2009, with the funds specifically earmarked for energy-efficiency improvements in the development. The funds are also matched by a \$50,000 private foundation grant for the same purpose.

In addition, the County has potential receivables of \$453,393, representing the original subsidy amount and the current estimated equity share for outstanding loans (not including one loan in bankruptcy). These loans may be partially or totally forgiven if the homeowner(s)/borrower(s) continue in their homes for a sufficient time without either selling or refinancing. The actual amount of shared equity is based on the sales price or assessed value at the time that either a sale or refinancing triggers repayment.

There is no budget impact as these funds come from a restricted account. This report is for the Board's information. No action is required.

**This report was received for information.**

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Item 7.8. Crozet Meadows Expansion Project Quarterly Update.

It was noted in the Executive Summary that in July 2008, the County was awarded a \$700,000 Community Development Block Grant (CDBG) for land and infrastructure development for The Meadows in Crozet. The Meadows consists of 28 affordable rental units for seniors situated in seven quads owned by Jordan Development Corporation (JDC). JDC and Piedmont Housing Alliance (PHA) entered into an agreement in March, 2006 to renovate the existing units and build 38 additional units on the site. Subsequently, JDC and PHA agreed to form a new ownership entity known as Crozet Meadows Associates, LLC. The new ownership applied for and received Federal low-income housing tax credits in the summer of 2008.

At the request of JDC and PHA, the County submitted an application for CDBG funding in the spring of 2008 and after receiving the award began contract negotiations with the Department of Housing and Community Development (DHCD) and the owners. In February 2009, a Project Management Team held its first meeting to develop a Project Management Plan. The plan set forth a timeline for undertaking and completing both administrative and development activities. The County published an Invitation to Bid for the project on May 3, 2009, with bid submissions due on May 28. Eight proposals were received, with the low bid from LINCO, Inc. from Waynesboro. LINCO's approved contract after post-bid modifications was \$720,326.00. A Notice to Proceed was issued on August 26, 2009, and substantial completion of the project is scheduled for April 10, 2010.

As of September 15, 2009, much of the main sewer has been installed and connected to the public system. Building pads were on grade for the first phase of unit construction and surveying has begun for the next phase of units. The owners are still awaiting the approval of the site plan so that they can apply for building permits to begin laying out foundations and pouring slabs, though these activities are not a part of the CDBG-funded land and infrastructure activities.

Some potential conflicts with existing power and phone lines have been identified and the County's Project Manager, Ron Lilley, is following up. If lines have to be relocated, it will be at the owner's expense, but could be covered in part by any unused CDBG funds with DHCD's approval. According to the contractor, nothing has been identified that cannot be handled with adjustments to phasing, and the substantial completion date can still be met.

There is no impact on the County's budget as all funding committed to this project is dedicated non-general funds. This report is for the Board's information. No action is required.

**This report was received for information.**

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Item 7.9. Copy of 2009 Statement of Assessed Values for Local Tax Purposes for Railroads and Interstate Pipeline Transmission Companies as prepared by the Department of Taxation, **was received for information.**

**(Discussion:** Mr. Rooker said that under the informational items on utility property (7.9, 7.10 and 7.11), the Board receives these reports on property, rolling stock, etc. on property owned by utilities. He thinks it would be helpful to have some indication as to the revenue resulting from these, and how these values might differ from a prior year. He said that in one of the reports there is an indication of how it differs from a prior year, and in the others it does not. The information is rather meaningless to the Board because it does not put it into any kind of context as to how it impacts revenues.

Mr. Robert Walters from the Finance Department was present. He said these reports come from the Department of Taxation and the State Corporation Commission. He has not calculated the revenue impact, but he will say that the telecommunication companies, and electric and power companies have increased their assessment an average of 3.75 percent, the railroads and gas lines have increased their assessments by about five percent. That is divided between property that is assessed with the real

estate tax rate, and some with the vehicle tax rate. He does not have an impact yet, but it is in the right direction.

Mr. Rooker said there should be a slight increase from the reassessment. Mr. Walter said it will be slight. There is a couple of years delay when they use the Public Service ratio.

Ms. Mallek asked how the local ratio is achieved. Mr. Walters said the sales ratio is calculated by the State Department of Taxation. They look at the actual real estate sales ratio, and use some other factors. Once they calculate that ratio they give it to the State Corporation Commission. Albemarle actually has no input into that at all.

Ms. Mallek asked if it is based on Albemarle's assessment percentage of market value. Mr. Walters said the sales ratio itself looks primarily at the change in the sales ratio for real estate. There is no real change in the way the Public Service ratio was calculated this year.)

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Item 7.10. Copy of 2009 Certified Statements of Assessed Value for the electric, gas, telecommunications, and water companies, including listing of Motor Vehicle Carrier companies subject to annual Rolling Stock Tax administered by the State Corporation Commission on vehicles for 2009 Tax Year for Albemarle County, **was received for information.**

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Item 7.11. Copy of taxable values of Public Service Corporations for Tax Year 2009 as prepared by the State Corporation Commission, **was received for information.**

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Agenda Item No. 8. Draft TJPDC Legislative Program, David Blount.

Mr. David Blount, Legislative Liaison, said the Board is requested to approve the Draft TJPDC Legislative Program for the region for 2010. It looks familiar both in its content and its format. It contains a short list of high priority action items followed by a section of ongoing policy statements and positions (that section is composed mostly of items requested by individual counties). The action items are general statements and have been the regional priorities for a number of years. They have been slightly revised due to what is anticipated to be a very defensive General Assembly Session this coming year.

Mr. Blount said that instead of summarizing each of these statements, he will point out the items included in Albemarle's legislative priority paper approved by the Board last month, or which had a consensus of the members that day. The first has to do with a letter on Virginia Outdoors Foundation funding that Ms. Mallek requested; it is contained in the "Land Use and Growth Management" priority item. There was also discussion about funding for transit and transportation projects. Last year there was a two-part position related to the enabling authority for a regional transit authority as well as a funding mechanism to fund transit and transportation projects. He kept the funding piece in the transportation funding position as well as the Board's position statement on unpaved roads funding.

Mr. Blount said in the ongoing concerns section under Health & Human Services, there was a position statement related to administrative costs for Social Services departments. He said Ms. Kathy Ralston assisted in rewriting the entire bullet to eliminate language that was outdated, and to reflect new language that meets the needs of her request. Finally, at the end of the draft on page 11, there is a position statement related to donations to certain entities for energy-efficiency services. He then invited suggestions for additional changes or comments about the program, and he asked for the Board's approval.

Mr. Blount mentioned that the TJPDC Legislative Luncheon date has been moved to Monday, November 16. When looking for a date, they found that the School Board wanted to get the County's representatives to an event the same day, so he has been working with them to plan a joint event where they would have people come in for their portion of the meeting, then there would be a shared lunch, and the Board would continue with the Local Government side of the meeting.

Mr. Boyd referred to language reading: "Finally, we request legislative support for enabling authority to establish mechanisms for funding transit and non-transit projects in the region, and we support Code changes to allow unpaved secondary road funds to be allocated for other secondary projects without penalizing the locality by reducing the amount of such funds in future years." He asked if that is new language this year based on the resolution passed by a majority of this Board earlier. Mr. Blount said that is actually carryover language that was coupled with the enabling legislation request for the regional transit authority last year. He did not want to tie that to the RTA since it was intended to be a separate fund.

Mr. Boyd asked if it was in this document last year. Mr. Blount said it was.

At the Chairman's request, Ms. Thomas **moved** to approve the TJPDC Legislative Program for 2010. The motion was **seconded** by Ms. Mallek.

Mr. Boyd said he would vote against this because of this one sentence. It is something he has been adamant about – he is not in favor of any indication of raising taxes at this time.

Mr. Slutzky said he would ask for a clarification. If Mr. Boyd is against paying for it, how does he plan on paying for the entire transportation infrastructure needed? He does not understand why he would say he is against asking the voters if they want to raise their own taxes.

Mr. Boyd said he is not saying he is against asking the voters to do that.

Mr. Slutzky said that is all this asks for.

Mr. Boyd said he will not argue the point. He has stated this before; it is his position on it.

Mr. Slutzky said the Board is asking the Legislature for permission to ask the voters if they want to raise their own taxes and Mr. Boyd is saying he is against that. He just wants to be sure Mr. Boyd is clear to the public as to why he would object.

Mr. Boyd said he is against anything that even implies taxes might be raised now.

Mr. Rooker asked what if the public decided it wanted to raise taxes to pay for transportation.

Mr. Slutzky asked if Mr. Boyd is against asking them.

Mr. Boyd said absolutely not. "You guys" are always trying to put words in my mouth.

Mr. Slutzky said the words are in the draft. They ask for permission to have a referendum to ask the voters if they want to raise their own taxes to pay for the transportation infrastructure. That is what the Board asked for last year.

Ms. Mallek said it asks for "enabling authority to establish mechanisms for funding transit" all of which would have to be approved by referendum statutorily.

Mr. Boyd said he was opposed to this before.

Ms. Thomas asked if words were added saying the Board is in favor of establishing mechanisms for referendum-driven funding mechanisms, would those words make enough of a difference so Mr. Boyd would approve this legislative program.

Mr. Boyd responded that it would not; those words were in the last time this was discussed. He said the separate motion the Board had asking for enabling authority included those words, and he voted against that motion, and he is just being consistent in his vote.

Mr. Rooker said he would like to point out that it says the Board is requesting legislative support for enabling authority to establish mechanisms for funding transit and non-transit projects in the region. That could be statewide or local; it is being left open. This just says that the legislature needs to put in some mechanism to fund transit and transportation. He thinks it got watered down from the initial request.

Mr. Boyd said it did get watered down. He has thought about this at length and "troubled over" these words, and he just wants to be consistent in his vote against taxes.

Mr. Slutzky said the record duly notes that Mr. Boyd objects to language that calls for a mechanism to enable the funding of transportation infrastructure in the Commonwealth. He asked for a roll call on the motion.

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

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

NAYS: Mr. Boyd.

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Mr. Boyd said he would like to make one final comment. He said Mr. Slutzky keeps trying to put words in his mouth. He is saying that what Mr. Boyd is voting against is not what he is voting against.

Mr. Slutzky said what the words say is pretty straightforward. What does Mr. Boyd think the words say that he objects to?

Mr. Boyd said he thinks it is a hint that the Board might raise taxes on people, and he is opposed to that, period, no matter how it is done.

Mr. Slutzky said since Mr. Boyd is persistent in this, he would like to ask how Mr. Boyd proposes to fund transportation or infrastructure.

Mr. Boyd responded that he would cut spending.

Mr. Slutzky asked what spending should be cut.

Mr. Boyd said that is up to the Legislature to do.

Mr. Slutzky asked if he wants the General Assembly to take care of the problem.

Mr. Boyd said there are programs that have done it without raising taxes that have already been proposed by the General Assembly – they can't get through, but there are proposals.

Mr. Slutzky said Mr. Boyd must have something in mind and he thinks it would be interesting to have him share those thoughts with the Board members at a future meeting.

Mr. Boyd said he thinks this is an issue for the state to deal with, not one to deal with it on a local basis.

Mr. Rooker said in the Board's request, it says mechanisms generally, any kind of mechanism.

Mr. Slutzky said he would prefer that the General Assembly step up to its responsibility and fund transportation; he and Mr. Boyd are in agreement on that.

**2010  
Thomas Jefferson Planning  
District Legislative  
Program**

**Representing the Local Governments of:**

**Albemarle County  
City of Charlottesville  
Fluvanna County  
Greene County  
Louisa County  
Nelson County**

**FIRST DRAFT  
September 2009**

Carl Schmitt, Chairman  
Steve Williams, Executive Director  
David Blount, Legislative Liaison

**ACTION ITEMS**

**LOCAL and STATE FUNDING OBLIGATIONS**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the governor and legislature to honor their funding obligations to services provided in cities and counties by their local government partners, and to resist shifting costs or expanding requirements for these programs to localities.**

Revisions to the state general fund budget for FY09/FY10 approved by the 2009 General Assembly produced a \$2.8 billion reduction over the previous version of the plan. A continuing decline in state revenue collections has driven the gap in the current fiscal year to an estimated \$1.35 billion, and it could go higher. FY10 state general fund revenues likely will be \$750 million below FY06 state general fund revenues. The gloomy budget outlook likely will extend into 2011 and 2012 as well, as projections call for only modest revenue growth over the period. All this spells bad news for state aid to localities. There will be additional reductions in state aid at the same time cost pressures continue to build. This causes great concern for local governments, especially in the areas of public education, public safety and health/human services. We believe reduction or elimination of state funding for state-required services/programs should be accompanied by relaxation or suspension of the state requirement or flexibility for the locality to meet the requirement.

Local governments, which are overly dependent on the real estate tax that continues to produce less revenue due to the sluggish housing market, cannot continue to pick up the slack when the state retreats from its obligations. Unfunded and underfunded state mandates/commitments and "cost shifting" by the state reduce the ability, especially in our rural localities, to meet local needs, and often force our citizens to bear local tax and fee increases to pay for programs and services. Service cuts will have a direct and harmful effect on the lives and well-being of our citizens who expect, rely and need programs in critical areas such as education, safety and human services. In addition, increased demand for services primarily funded at the local level present unique challenges to rural, urban and fast-growing localities alike (all present in our region).

We believe that any changes to Virginia's tax code should not reduce local government revenues or restrict local taxing authority. The legislature should broaden the revenue sources available to local governments, rather than capping, removing or restricting them. The state should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy, if governing bodies are to provide cost-effective services. This includes the processes for setting real estate tax rates and developing and approving budgets, which are integrated processes that are effective in involving the public and ensuring efficient tax administration.

## PUBLIC EDUCATION FUNDING

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the legislature to fully fund the state share of the realistic costs of rebenchmarking the Standards of Quality (SOQ) without making formula changes that shift the funding burden to localities.**

The state spends roughly \$6 billion/year on public education, about one-third of its general fund budget. This funding was reduced by more than \$600 million (from \$6.3 billion to \$5.7 billion) during the past legislative session, and despite increased cost pressures, public education funding is a prime target for cutting again. Stimulus dollars that helped offset some education reductions this past session again will be plugged into the FY11 budget, but will not be available in FY12. Meanwhile, local governments boost education funding by spending \$3 billion more per year than required by the state.

The state should resist changes during the upcoming rebenchmarking of education costs that would require localities to fund a greater share of those costs. The state should not continue the cap on state funding for education support personnel that was enacted for FY10, and should defeat proposals that would recalculate personnel salaries by recognizing only state (and not also local) costs, that increase the federal revenue deduction (which saves the state money increases required local costs), and that reduce the current 55% state share of SOQ costs. State funding should be realistic and recognize actual educational needs, practices and costs; otherwise, more of the education funding burden will fall on local real estate taxes. We also support establishment of a mechanism for local appeal of the calculated Local Composite Index (LCI) to the state; changes to the LCI that negatively impact a locality also drive up local taxes.

The state budgeted teacher salary figure (on which it bases its share of teacher costs) trails the statewide and national averages. Teacher pay comprises the majority of K-12 expenditures, and local market conditions dictate the level of pay required to recruit and retain quality teachers. Accordingly, localities in our region should be included in the "Cost of Competing Adjustment" now available only to various localities primarily in Northern Virginia. This would help our localities to reach and maintain competitive compensation. Likewise, to help recruit, develop and retain a highly qualified and diverse teacher workforce, the state also should not eliminate or decrease state funding for benefits for school employees.

Regarding school capital needs, we continue to urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs. The state should resist its customary seizing of dollars from the Literary Fund to pay state costs for teacher retirement. We also support an increase in the maximum amount of Literary Fund loans from the current \$7.5 million.

## LAND USE and GROWTH MANAGEMENT

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.**

Recent years have seen an increase in both mandated and optional land use provisions applicable to local governments to address growth issues. Still, current land use authority often is inadequate to allow local governments to provide for balanced, sustainable growth in a manner that protects and improves quality of life.

The Joint Subcommittee Studying Development and Land Use Tools has renewed discussion of two issues that garnered great attention the past several years. The group is taking another stab at crafting legislation to replace cash proffers with impact fees for roads, schools and public safety facilities. Two years ago, amidst opposition from local governments, the General Assembly defeated a measure to repeal local authority to accept voluntary cash proffers from new residential projects, while revising existing impact fee authority and capping the amount of impact fees a locality could impose. The group also has debated revising the existing urban development area (UDA) provisions adopted two years ago

as part of the 2007 Transportation Act, proposing to establish separate tiers, by population, of UDA requirements.

We support efforts to have impact fee and proffer systems that are workable and meaningful for various parties, but we oppose attempts to weaken our current proffer authority. Rather, the road impact fee authority adopted in 2007 should be revised to include additional localities and to provide: 1) a fair allocation of the costs of new growth on public facilities; 2) facility costs that include various transportation modes, schools, public safety, libraries and parks; 3) effective implementation and reasonable administrative requirements; and 4) no caps or limits on locality impact fee updates.

Further, to enhance our ability to pay for infrastructure costs and to support services associated with new developments, we endorse the following:

- Authority for local ordinances for determining whether public facilities are adequate (“adequate public facility,” or APF ordinances)
- Optional cluster development as a land use tool for local governments.

We support 1) dedicated funding through both the Virginia Outdoors and Virginia Land Conservation Foundations for acquiring, preserving and maintaining open space, 2) full authority to generate local dollars for such efforts, and 3) additional incentives for citizens to create conservation easements. We request the state, on a local option basis, increase from five years, 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 10 most recent complete tax years. Finally, we support authority for localities to enact scenic protection and tourist enhancement districts.

## TRANSPORTATION FUNDING

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the state to establish separate, dedicated and permanent state revenue streams for our transportation infrastructure. The state also should not shift road maintenance and construction responsibilities to localities.**

The need to fund a declining transportation infrastructure is dire and state dollars remain inadequate. Local governments need sustainable, dedicated, non-general funds from the state to support our transportation network. Absent such an investment, Virginia faces a congestion and mobility crisis that will stifle economic growth and negatively affect the quality of life of our residents.

This past summer, the Commonwealth Transportation Board approved a six-year improvement program for FY10-15 that includes \$5.5 billion for highway construction and \$2 billion for rail and public transportation, for a total package of \$7.5 billion. Compared to the program adopted two years ago (the FY08-13 plan), the highway construction budget for FY10-15 is \$3.1 billion or 36% less. State formula distributions for unpaved roads and primary/urban/secondary construction have been eliminated. Hundreds of millions of dollars continue to be transferred from construction to maintenance to cover the maintenance shortfall, a figure that will grow as revenues coming into the state’s transportation coffers continue to slow. Uncertainty about federal transportation revenue and the federal transportation reauthorization; declining state revenues; and the ability of the state to match federal funds and to float bonds for road projects loom as big question marks for the future.

The state should direct its funding efforts at all transportation modes both statewide and regionally, targeting investments toward solutions that put money to work on new ideas and in tandem with leveraging private investment. It should account for urban area needs where public transportation is important, the increasing traffic demands placed on fast-growing localities and ongoing improvements necessary on rural, secondary roads. These improvements are vital to our region’s ability to respond to local and regional congestion and economic development issues.

We support ongoing state and local efforts to coordinate transportation and land use planning, without eroding local land use authority, and state incentives for localities that do so. We urge VDOT to be mindful of local comprehensive, land use and trail/bicycle plans, as well as regional transportation plans, when planning transportation systems within a locality. Finally, we request legislative support for enabling authority to establish mechanisms for funding transit and non-transit projects in the region, and we support Code changes to allow unpaved secondary road funds to be allocated for other secondary projects without penalizing the locality by reducing the amount of such funds in future years.

## COMPREHENSIVE SERVICES ACT

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District localities urge the state to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government.**

Since the inception of the Comprehensive Services Act in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs. State and local costs of residential and non-residential mandated services continued to increase; from 2007 to 2008, CSA pool expenditures for state and local governments rose 11% (from \$342 million to \$380 million). Costs also have been difficult to forecast because of factors beyond state and local control (number of mandated children in a community, severity of problems, service rates, and availability of alternative funding). In addition, localities pay the overwhelming majority (90%) of costs to administer CSA, as the state has increased administrative responsibilities, but not administrative funding dollars to localities.

We support the following: 1) full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need; 2) a state cap on local expenditures in order to combat higher local costs for serving mandated children, costs which often are driven by unanticipated placements in a locality; and 3) increased state funding for CSA administrative costs. We believe that the categories of populations mandated for services should not be expanded unless the state pays all the costs. We also urge the state to be proactive in making residential facilities and service providers available, especially in rural areas.

In a further effort to help contain costs and provide some relief to local governments, we recommend that the state establish contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs. We encourage the state to consider penalties for individuals who have had children removed from their care due to abuse or neglect. We also support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

Local governments remained concerned about possible fiscal impacts of changes in match rates for certain services funded through CSA. The FY09/FY10 budget modified the local share of funding for community and residential services on a "phased-in" basis, by lowering the local share for community-based services as an incentive to serve children who can be appropriately cared for in the community, and increasing the local share for residential services. Approved definitions did not include some services provided in the community, and therefore they will not qualify for a lower local match.

## AREAS OF CONTINUING CONCERN

### ECONOMIC and WORKFORCE DEVELOPMENT

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We also support increased state funding for workforce development programs.

- We support the governor's Economic and Workforce Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and emphasizes regional cooperation in economic, workforce and tourism development. ~~includes new tools for local governments to use in attracting economic development opportunities.~~
- We support enhanced funding for the Regional Competitiveness Act to continue meaningful opportunities for regional projects. We also support enhanced state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- We encourage the state and local governments to work with other entities to identify and promote local, regional and state agricultural products.
- We appreciate and encourage continuing state incentives and support for expanding expediting deployment and reducing the cost of broadband technology, particularly in underserved areas.

## ENVIRONMENTAL QUALITY

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

We believe the following:

- The state should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The legislature should provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state's impaired waterways, while ensuring that system design standards remain compatible with any new state requirements. The state also should explore alternative means of preventing and remediating water pollution.
- The state should not enact legislation mandating expansion of the area covered by the Chesapeake Bay Preservation Act. Instead, the state should 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.
- We support legislative and regulatory action to ensure that alternative on-site sewage systems (AOSS) will be operated and maintained in a manner that protects public health and the environment.
- The state should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects. Also, the state's water supply planning efforts should continue to involve local governments.
- The state should expand the list of localities that may, by ordinance, require conservation of trees during the development process.
- We support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).

## HEALTH and HUMAN SERVICES

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Funding reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.

- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services.
- The state should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has produced a nearly 50% drop in Department of Juvenile Justice commitments since 1998. Further, the state should maintain a formula-driven allocation process for VJCCCA funding.
- The state should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry. We support state action to increase investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services. We also oppose any shifting of Medicaid matching requirements from the state to localities.
- We support funding for mental health and substance abuse services at juvenile detention centers.
- We oppose new state or federal entitlement programs that require additional local funding.
- ~~We support sufficient state funding for local social services facilities and for local departments to maintain adequate office space to deliver services. We also request that the state provide funds for staffing local social services departments to 1) determine eligibility for residents seeking social services such as Medicaid, food stamps and Temporary Assistance to Needy Families (TANF), and 2) meet child and family services review goals. We also support state assistance for providing pre-admission screening services for nursing homes and for prompt investigation and services in cases involving~~

abuse, neglect or exploitation of the elderly or disabled. We support the provision of sufficient state funding to match all available federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.

- We support continued state funding for local Disability Services Boards, as well as restored state dollars for the Rehabilitative Services Incentive Fund.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs (and renewal of CSA Trust Fund dollars to support them), including school-based prevention programs which can make a difference in children's lives. This would include the state's program for at-risk four-year-olds, the Child Health Partnership and Healthy Families programs.
- The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient. We oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs.

## HOUSING

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The state and local governments should work toward expanding and preserving the supply and improving the quality of affordable housing for the elderly, the disabled and low- and moderate-income households. Regional housing solutions and planning should be implemented whenever possible.

- We support changes to the Code to allow 1) local flexibility in the operation of affordable housing programs, 2) for creation of a state housing trust fund, 3) establishment of affordable dwelling unit ordinances, 4) the award of grants and loans to low- or moderate-income persons to aid in purchasing dwellings, and 5) the provision of other funding to encourage affordable housing initiatives.
- We support enabling legislation that allows property tax relief for community land trusts that hold land for the purpose of providing affordable homeownership.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of, and request state incentives for using environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality and sustainability of the region.

## PUBLIC SAFETY

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

- We urge the state to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation, as local governments have continued to provide much supplemental funding for constitutional officer budgets.
- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions), drug courts and the Pre-Release and Post-Incarceration Services (PAPIS), Community Corrections and Pretrial Services Acts.
- The state should continue to allow exemptions from the federal prisoner offset and maintain the per diem payment to localities for housing state-responsible prisoners.
- We urge state funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program and other incentives that would help recruit and retain emergency service providers. Further, the state should improve access to and support for training for volunteer and paid providers.
- We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.
- We urge local involvement in planning processes for homeland security measures.
- We support state funding to develop supervised visitation centers to protect children during visitation with non-custodial parents, when ordered by a court.

**LOCAL GOVERNMENT STRUCTURE and LAWS**

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

- We support legislation to enhance the ability of local governments to provide services required by citizens and to meet their responsibilities in state/local partnerships. Accordingly, we support a requirement for state agencies to notify localities of planned construction projects that may affect the locality's comprehensive plan.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records. We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.
- We support local requests to the state for enabling legislation to increase the income and financial worth limitations for real property tax exemption or deferral programs.
- We encourage clarification of Code provisions that stipulate law enforcement responsibilities when transporting persons for whom a temporary detention order has been issued for emergency medical treatment or evaluation.
- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.
- The legislature should adopt legislation to clarify that local government entities are not obligated under the Underground Utility Damage Prevention Act to mark private water, sewer and other lines on private property or lines it does not own or operate.
- ~~We support legislative changes to enable the manufacture and sale of products from Eades Distillery in Nelson County.~~
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support increased state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.
- We support authorization for localities to make donations to nonprofit entities engaged in providing energy efficiency services or promoting energy efficiency.

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Agenda Item No. 9. Strategic Plan Report.

Ms. Lori Allshouse, Manager of Strategic Planning and Performance, gave an update of the County's Strategic Plan. She said the Strategic Plan's time period is FY '07 to FY '10. With the exception of three objectives that were moved forward, the plan is in its last year of implementation. Today she will give some background information on the Strategic Plan process; it is time to embark on a new plan for the County. She will give some highlights from the annual progress report, then Mr. Steve Allshouse will give information regarding the economic picture and then she will explain the next step in the process. She said information is given to the Board prior to its Annual Retreat which includes the complete annual report, the 2009 update to the Community Profile which is part of the environmental scan for the County, the agenda for the Retreat, as well as a copy of this presentation.

Ms. Allshouse said she will first review the Strategic Planning process for those who were not members of the Board during its development period. It is based on priorities identified in 2005 during a period of growth in the County and prior to the recession of today. The priorities were set based on the 2004 Citizens' Survey results, the environmental scan of data and trends, and challenges and opportunities identified by staff. Citizens and employees alike voiced concern during those times about growth, about putting infrastructure and plans in place before growth occurred, protecting natural resources and scenic beauty, and a general recognition that the County was transitioning from a predominantly rural county to more vibrant areas and the unique challenges that this presented.

Ms. Allshouse mentioned that work sessions were held in 2006 to carefully craft statements on each of the priorities. These were measurable objectives – ones that were challenging and ones that would provide clear direction to staff and its partners. In July 2007, after a public review period, the Board adopted this plan and set up a management and measurement system. Unique to the planning process in Albemarle was that it is flexible. In the summer of 2008 the Board added a Public Safety objective and at last year's Retreat the Board adjusted resources and moved some completion dates forward for three areas based on the challenges in the County's economic situation.

Ms. Allshouse said that each year the County's progress is reviewed. One consideration in the measuring system is the performance indicators. These are data pieces – there are 41 data performance indicators in this report. Also, accomplishments that occurred during the last year are noted and

celebrated. One way to measure the Plan's success is whether it affects the organization in the right way; for example, is the plan connected to the County's budgeting processes, does the plan provoke thought, creativity, and internal review, and does the plan guide staff's efforts?

Ms. Allshouse said the Plan has a vision, mission and values, but today she will talk about the Board's five goals and its ten objectives. The first goal is to enhance the quality of life (there are four parts to this goal), the second goal is to protect natural resources (water and conservation easements), the third goal is to develop policies and infrastructures to meet growing needs (concentrating on the area of transportation), the fourth goal is to effectively manage growth and development (work on key rural area strategies and completion of master plans), and, the fifth goal is to fund the future (the objective was to develop a comprehensive funding strategy or a system to fund the future).

Ms. Allshouse reported that each year leaders in the organization give the Strategic Plan a report card. Those objectives shown in blue in the report have been completed as the Strategic Objective Statement is worded – but are not complete on all of those categories – they will be continued, there will always be challenges, and work will continue on them. She said as the objectives are crafted, they are set up in a way so they can show noticeable progress, and some can be shown as complete. Those shown in green are on target and on their way to completion. Those shown in yellow are objectives in which the County is making progress, but where there are challenges. The ones shown in red are the objectives that face significant challenges which she will explain later.

Ms. Allshouse said last year it was noted that three objectives were nearly complete. Now, they have been moved into the completed category. First was the collaboration with the Schools to assist them in being recognized as a World-Class organization. This objective had a completion date of FY '09, and it was done in coordination with the Schools in their Strategic Plan. She said since this objective was put in the plan the Board of Supervisors and the School Board have been collaborating more – there was a retreat, and the two bodies meet more often, and the employees of both divisions are working together more often. A highlight of this collaboration is the recent receipt of the \$6.0 million Healthy, Safe Students grant.

Ms. Allshouse said in relation to the Rural Areas strategies, it was decided to work on the key strategies identified in the Rural Areas Plan that was completed just before this Strategic Plan was put into place. Staff completed all the work on the key strategies. The Board passed many ordinances and did a lot of work to help protect the rural areas. Staff's work is completed on this item. She said the third goal completed was developing a funding strategy to help plan for the future - the Board adopted its first Five-Year Financial Plan in January, 2008. The long-range planning process for funding will continue.

Ms. Allshouse said two objectives are moving along fairly well. One is increasing affordable housing opportunities for people who live or work in the County. The County contributions put toward this objective leveraged \$7.6 million in affordable housing initiatives. The County received a \$700,000 CDBG grant for Crozet Meadows which will fund construction of 38 new units and rehabilitate 28 existing units for elderly, low-income residents. Participation in the Homebuyer Education Program increased from 78 to 139 over the last year which was one of the key performance indicators.

Ms. Allshouse said the deadline for completing all master planning of the development areas was not being met, so the Board moved the goal forward to FY 2012. Two of these master plans are complete, there are two underway with one in its five-year review, and one update scheduled for FY 2011. Staff knows implementation of these plans will be a challenge, as well as to continue the five-year updates of all the master plans. Staff believes that by 2012 all development areas will have a master plan.

Ms. Allshouse said she will now mention some goals that are in the yellow category. A new objective put into the Strategic Plan in FY '08 had to do with Public Safety – the objective reads: "To improve emergency response times and to increase prevention activities and services." This objective is unique since it is not just Police, Fire/Rescue, and ECC, but the Department of Social Services. She said some of the good performance indicators are: the ECC is exceeding its response-time goals in all areas; Social Services is continuing their three prevention programs - Bright Stars, Family Support and Foster Care Prevention; and, the County received a \$400,000 grant for the Hollymead fire engine. There are challenges in this area such as a delay in construction of the Ivy and Pantops fire stations.

Ms. Allshouse said the Police Service goal in the Comprehensive Plan is to have 1.5 officers per 1,000 of population, but the County is now short of that goal by 18 positions. The Police and Fire/Rescue departments are challenged to meet the County's response-time goals outlined in the Community Facilities Plan. She then gave some data from those departments related to this goal. She presented a chart showing the percentage of times the Police meet response-time goals for emergency "Priority-1" calls in the urban area. The target is to have a response within five minutes 85 percent of the time. The chart shows that the current response is about 60 percent of the time.

Mr. Rooker asked if a private alarm system goes off, is that considered an emergency response. Ms. Allshouse said the ECC does an analysis of the call, and then decides if it is considered Priority-1.

Mr. Rooker said Mr. Bryan Elliott (Assistant County Executive) shook his head "yes."

Ms. Mallek said that causes two officers to go to that site. Mr. Elliott said staff is working on a false alarm ordinance for presentation to the Board later this fall. False alarms are considered an emergency call because the kind of response needed is unknown. Typically that call requires two officers to answer the call; that is throughout the entire County.

Mr. Slutzky asked if Mr. Elliott was saying those calls should be in the Priority-1 category. Mr. Elliott said "yes."

Mr. Rooker said police response to private alarm systems is one of the biggest government subsidies to private business in the world. The amount of money spent by police departments doing it is immense. He thinks there should be some payment required by the alarm companies or by the people who have those private alarms when there is a police response. It costs the public money to subsidize this activity.

Ms. Mallek said she has had constituents object to the \$35 fee they must pay when there are repeated false alarms. She said that fee is an incentive to try and get people to fix their alarms, but it is not big enough to cover the cost of the service. Mr. Elliott said there is an incentive in the proposed ordinance not to have repeat calls. Ultimately, it could result in there being no response at all.

Ms. Mallek said the Police Department has been sending a letter with the bill; they are doing it on their own since there is no ordinance in place at this time. She has received many calls and basically told them to pay the bill and get their alarm fixed.

Mr. Slutzky said if the goal is to have 1.5 officers per 1,000 people, and the County is short 18 officers, there is a correlation between the reduction in the number of officers and the opportunity to respond in a timely fashion. When the Board discusses this during the Retreat, it would be helpful if staff provided data showing the anticipated correlation between fully funding the 1.5 officers and the expected reductions in response times. At the same time staff should provide additional information with respect to the underlying basis for the 1.5 officer number currently being used by the County. As he has done research lately, he has been stunned to learn how low that ratio is relative to what is expected for effective police work in communities like Albemarle's based on FBI and Department of Justice research.

Ms. Allshouse said this whole section of the Comprehensive Plan will be revisited and there will be study as to whether these response-time goals are appropriate for the County, as well as the officer standards. The Community Development Department is beginning that process. Mr. Tucker said that is response times for all emergency service providers, not just the police.

Mr. Rooker asked for data as to how many emergency calls are for false alarms for home security systems.

Ms. Allshouse said the response times of the Police Department for the rural areas are different from the response times in the development areas. In the rural areas, the goal is to respond within 10 minutes or less and the current time is about 13 minutes. The average number of calls per month is about 20. She stated that for Fire Stations the response-time goal for the rural areas is 13 minutes or less, and it is actually between 10.5 and 11 minutes. She said the fire station goals for the development areas are five minutes or less. This goal isn't being met because response times are averaging about six minutes; it was 5.43 minutes the last quarter.

Ms. Allshouse reported that a Board goal is to increase the quality, supply and protection of water resources – working in cooperation with the RWSA and others – by 2010. There has been some progress in the stormwater area. The County received a grant of \$113,000 to help with the downtown Crozet Stormwater Wetlands Project. The Woodbrook Lagoons Enhancement Project will begin this year. The County had a grant for the Riparian Buffer Restoration Program and that funding was fully utilized.

Ms. Allshouse noted that the Rivanna Water & Sewer Authority (RWSA) received their Federal expansion permit (that was a KPI built into the strategic planning measuring system). They are constructing a \$40.3 million wastewater treatment improvement project as well as working on a mitigation plan to protect the riparian buffers in the Buck Mountain Creek watershed. She said StreamWatch monitors streams and the stream monitor indicates that only 23 percent of local streams meet the Virginia Aquatic Life Water Quality Standards. That is true for most streams throughout the state of Virginia, but it is one of the KPI measurement indicators being looked at. She mentioned that the Community Water Supply Plan is not yet under construction, although it was hoped it would be under construction now as part of the planning in this particular Strategic Plan.

Ms. Allshouse then showed a map outlining conservation easements throughout the County. The Board had a very specific goal (By 2010 increase acreage in conservation easements and qualifying parkland by 30,000 additional acres.). The baseline was 60,000 so the goal was to try and get to 90,000. She noted that the goal has been met by about 87 percent – 78,000+- acres or 16 percent of the County's land is preserved either as parkland or under conservation easements.

Mr. Rooker said there was a slide earlier that showed there were 90,000 acres or 20 percent of the County in parkland or under consideration easements. Ms. Allshouse said if the Shenandoah National Park area is included it gets to 20 percent. The parkland and conservation easements counted for this objective is less.

Ms. Allshouse said funding for ACE has been reduced and that money funded a percentage of this. The goal was to get 7,500 acres a year, but last year only 3,227 acres were placed in conservation easements or qualifying parkland. The good news is that staff has 20 applications for voluntary conservation easements that will be processed by December; she is not sure of the acreage involved.

Ms. Allshouse said two strategic planning objectives are facing some significant challenges, with the first being transportation. The goal is written specifically, but the whole area of transportation is

seeing significant challenges. The goal was by June 30 to expand regional transit opportunities and accelerate the completion of the Meadow Creek Parkway in two local and two regional projects. It was decided to focus and get a couple of the projects done – many schedules did slide backward. There is good news on the transit side - there was \$1.5 million in Federal Stimulus Transit Capital funding provided to the MPO; JAUNT completed FY 2009 with a nine-percent increase in ridership; CTS surpassed two-million passenger boardings for FY 2009 which was an 18 percent increase; and, Amtrak started its new route to Washington this month.

Mr. Slutzky said he would add that in the last General Assembly Session enabling authority to form the regional transit authority was adopted.

Ms. Allshouse said the County's portion of the Meadow Creek Parkway was started in March, 2009 with completion expected by December, 2011; right-of-way acquisition has begun for Jarmans Gap road with advertising for the project to take place in 2011; and, the scope of the Georgetown Road project was reduced to sidewalk and drainage improvements, right-of-way acquisition is scheduled to begin in 2010. This was one of the objectives on which the date was moved forward last year to 2012.

Mr. Rooker said the scope of the project was reduced substantially because funds are not available. It was reduced to something that could actually be done.

Ms. Allshouse said there are some other transportation efforts underway. In the design phase is the Crozet north sidewalk project, the Eastern Avenue concept alignment study was completed, and the right-of-way easement phase for the Crozet streetscape Phase II and Main Street projects; those ready for build for fall and winter of '09 are the Route 250 East Westminster sidewalk and the South Pantops State Farm Boulevard sidewalks; and in the construction phase are the Sunridge Road Phase II road extension and drainage improvements, and Hillsdale Drive safety improvements. She said the Facilities Department is marching ahead in many areas.

Ms. Allshouse said there are significant challenges also. According to the Community Development Department, State VDOT funding to the County has been reduced by about 75 percent since 2004. VDOT's ability to complete projects in a timely manner has been dramatically impacted due to their resource reduction and layoffs. There have also been significant reductions in local transportation funding in the CIP due to the economic downturn. Transportation funding is reduced by approximately \$11.0 million over the next five years for the CIP.

Mr. Rooker said the MPO had a slide presentation from Mr. Homer Pierce indicating that there will be no secondary road funds in two years.

Mr. Slutzky said there will be no funds to qualify for Federal matches either.

Ms. Mallek said it is no longer expected that the money will come back in 2017.

Mr. Slutzky said that will depend on whether the General Assembly "wakes up."

Ms. Allshouse said the last strategic objective has to do with the economic vitality area. This was put in place back in 2005 – it is to maintain the County's strong economy. There was a low unemployment rate and very strong job growth at that time. Also, it was to increase the vitality of the County's development areas and increase the self-sufficiency of those living in low-income households. This objective is facing very significant challenges. At this time, Mr. Steve Allshouse will present some economic data from the Community Profile.

Mr. Allshouse said that during the last year the economy has been disrupted at the global, national and state levels. As alluded to several times this morning there has been an impact locally, not only on the County's budget, but on the budgets of its residents. As an organization, without knowing where the economy is today and where it is likely to go in the current business cycle, the County can't make informed, thoughtful decisions about the budget. That is why the information he will present this morning is important. Although he will be talking about general economic indicators, there is an impact on Albemarle County's ability to function as an organization and as a community.

Mr. Allshouse said he will talk about three variables which represent only a small portion of the entire data in the 2009 Community Profile. He will start by talking about the jobs base. Then he will talk about the unemployment rate, and finish by talking about taxable sales which are a good proxy for local economic activity. He presented a chart showing the County's job base for the last few years starting with 1998 and going through 2008. It shows the total number of jobs both full-time and part-time in the County. He said there has been fairly strong job growth during this period.

Mr. Allshouse said between 2003 and 2008, the County experienced a net increase of about 7,400 jobs. It went from about 42,500 in 2003 to just over 49,900 jobs in 2008 a gain of just under 18 percent; on an annualized growth rate that would be about 3.25 percent per year. During this five-year period the private sector added about 6,300 jobs and the public sector added only about 1,200. This means that during this time period, the private sector accounted for about 84 percent of the net job creation. The recession began in December, 2007 at the national level and that has had an effect on the County's job base. Between 2007 and 2008 about 500 jobs were lost; the private sector lost about 800 jobs, but the public sector grew by 300 positions both full-time and part-time.

Mr. Rooker noted that NGIC and the University both would be public sector jobs.

Mr. Allshouse said that a year ago he told the Board the County's unemployment rate was doing worrisome things. Specifically, from July, 2007 to July, 2008 the rate rose from 2.5 percent to 3.4 percent which was the highest percent he found since the early 1990s. He showed a chart which depicted the County's unemployment rate from August, 2008 to August, 2009 – it rose from 3.4 percent to 4.9 percent, but in June, 2009 it was as high as 5.9 percent. He said within two months the County's unemployment rate came down one percentage point. The question is how much of that might be due to a seasonal variation and how much might be due to some improvement in local economic conditions. He looked at 20 years of historical data and based on that it appears the County is making progress in bringing down the rate – it is not just a seasonal variation.

Mr. Boyd said that nationally these figures do not capture the people who have stopped looking for work. He asked if that is true of the local numbers too. Mr. Allshouse said he does not know – that clearly would not show up in the figures. He said there are certain quirks with the methodology. Also, the unemployment rate is based on VEC's survey so there are survey issues that could come into play.

Mr. Slutzky said the other significant variable of underemployed is not captured in these figures. What is useful about this is that relatively speaking there is encouraging news.

Mr. Rooker asked if Mr. Allshouse also had job numbers. Mr. Allshouse said in looking through the 2009 Community Profile, job growth is addressed by sector, and he made some comments which he asked the Board members to read.

Mr. Rooker wondered if the numbers of jobs from June to August that are shown as improving are shown on that same monthly basis. Mr. Allshouse said they are not included in the Community Profile.

Mr. Rooker said he would like to see the jobs number for that period, if possible. Mr. Allshouse said the VEC unemployment rate is up-to-date based on employed residents in Albemarle County. The total jobs figures are a separate category and VEC is far behind calculating those.

Mr. Allshouse said he would like for the Board to look at the long-term picture in terms of unemployment. He referred again to the chart and said it shows the monthly unemployment rate in the County and the State of Virginia and the U.S. rate between 1900 and 2009. He will point out three things about this information. 1) The County's unemployment rate tends to move in lockstep with the State and U.S. rates. The County tends to think of itself as being insulated from the macro-economy and to a certain extent it is; the County's unemployment rate is the lowest of the three. Also, historically the County's unemployment rate has tended to peak after the officially designated end of the recession. He mentioned that in the 1990-1991 recession, the U.S., State and Federal levels tended to increase after the recession was over. The same was true after the 2001 recession.

Mr. Allshouse said no one knows when the officially designated end of the current recession will be made. If it turns out that the recession ended during the previous quarter, the County may be at the peak of the unemployment rate, or it may have passed the peak. If on the other hand, the recession is deemed not to be over, the unemployment rate may rise further. He said Mr. Bernanke of the Federal Reserve System has said he thinks the recession ended earlier this year. A number of economists agree with that assessment, but he will have to wait to see what the NBER says.

Mr. Dorrier asked for a definition of recession. Mr. Allshouse said he wants to make a distinction about that at the end of his presentation. One final thing he wanted to point out about the chart, and one thing which speaks to how the County is not insulated from macro-economic conditions is that in looking at the chart, it shows that in the early 1990s there was a fairly sizeable gap between Albemarle's rate of unemployment and the State's rate, and the U.S. rate. Over time, he is seeing a narrowing between the State rate and Albemarle's rate, and a narrowing between Albemarle's rate and the U.S. rate. He has asked people within the organization about why they think this is the case – one person thought the private sector might be taking a larger share of job space, and the private sector is more prone to lay-off people when there is a recession. He does not think that is the case.

Mr. Allshouse said in looking at private sector jobs as a percentage of the total number of jobs in Albemarle County between 1990 and 2008, the private sector jobs have a relatively flat trend-line, so any narrowing is probably occurring because of other factors. He stated that his theories about this are too long to explain at this meeting. He then offered to answer those questions for any interested Board members via e-mail.

Mr. Rooker said the gap now is about as big as it has ever been. Mr. Allshouse said during the recession, the County has a certain amount of insulation. During the most recent recession the gap between the U.S. rate and Albemarle's rate has been widening. That has not always been the case. He referred Board members to his "Data Book" for more details on this matter.

Mr. Slutzky said in the interest of time, it would be helpful if Mr. Allshouse would share his detailed explanation by e-mail. He asked if it is tied to the contractor tail where the Federal Government in difficult times sheds jobs to the private sector, and Albemarle is the recipient of that. Mr. Allshouse said he is not familiar with that particular point, but that could be the reason.

Mr. Allshouse said he would like to talk about taxable sales which are a telling variable. At the national level, consumption accounts for roughly two-thirds to 70 percent of the economy, and it is assumed this is also true at the local level although he does not know that to be a fact. Between 1998 and 2008 in Albemarle, there was an upward trend in taxable sales and in economic activity – except for a drop in 2001. Also, between 2007 and 2008 there was a drop of about five percent in taxable sales,

which compares to a drop of about one-half of one percent during the 2001 recession. His point is that the current recession is much worse from that perspective than it was in 2001.

Mr. Boyd asked if the drop in sales is due to a decrease in all of large items such as automobiles, etc. Mr. Allshouse said he would have to go back and confirm that it includes all capital goods, but that would clearly play a part in taxable sales dropping off.

Mr. Allshouse said in summary, the County's job base has "taken a hit" during the recession. Between 2007 and 2008, there was a drop in the jobs base by about one percent. During 2009 it got worse, and is probably at two percent now. The County's unemployment rate is currently at its highest since at least January, 1990. Fortunately it is below the County's peer group and the State and the U.S. figures. Taxable sales have dropped more sharply in this recession than they did in 2001.

Mr. Allshouse said he wanted to make a point about what Mr. Dorrier alluded to earlier. He will talk about recovery. As he mentioned, some Federal officials have said the recession is over, but there is a distinction to be made between bottoming out, a recovery and a full recovery. He said Albemarle's economy is subject to so many macro-economic forces that when the economy will recover and to what extent will depend on what goes on at higher levels. The distinction he wants to make is that when Mr. Bernanke and others say the recession is over, that means things have bottomed out, things are not getting worse. Talking about a recovery means things are getting better and a full recovery means things are back to where they were before the recession began. Most economists are not predicting a full recovery for several years. Yesterday, an analyst at J.P. Morgan Chase and Co. said he does not expect the employment base to recover to its pre-recession levels until 2013. This recovery process will be very long.

Mr. Boyd asked how Mr. Allshouse is factoring in the devaluation of the dollar and the hyperinflation the country is headed toward. Mr. Allshouse said it is a supposition that the country is headed for hyperinflation. Looking at the price of gold, there is nervousness in the market that the country is headed toward an inflationary period. If you believe that, you have to believe the Federal Reserve System is not going to draw liquidity out of the system fast enough so when economic activity picks up there will not be some inflationary impact. It is anybody's guess. At this time, he is not factoring that into his analysis.

Mr. Boyd said it will need to be considered when the Board does its financial planning.

Mr. Rooker said in looking at the supply of money as it affects inflation, you have to consider the velocity of money, the number of times it turns over, and what happens when there is an incredible contraction in the velocity of money – that started about a year ago. After the Lehman Bros. incident, the velocity of money slowed to a trickle. There was a huge volume of money flooded into the system to basically keep the countries in the world from going into a significant deflation because that was the real concern because once in a deflationary spiral, it is difficult to get out. When the velocity starts picking up and private lenders start lending again the question is whether the Feds reasonably balance the withdrawal of liquidity with the increase in velocity and private lending activity to avoid significant inflation. That prediction of whether or not they can tread that fine line is anybody's guess.

Ms. Allshouse said she would wrap up this report now. She said the economy is in a very unusual place and it is definitely reflected in the County's budget. Departmental expenditures have been reduced by \$2.04 million, the Local Government workforce has been reduced by eight percent, operating expenditures have been decreased by ten percent, there was a \$100.0 million reduction in the Capital Improvement Program, and, there were no increases to the majority of community and human service agencies. As everyone knows, there is a lot more to do. She reminded the Board members that its Strategic Planning Retreat is scheduled for October 16 at the Virginia Forestry Department in Fontaine Research Park from 9:00 a.m. to 1:00 p.m. This discussion will be continued then, and further into the fall.

Mr. Dorrier asked if the eight percent reduction in Local Government workforce means that "x" number of people have been lost. Mr. Tucker said "yes."

Mr. Slutzky said 55 positions have been frozen, so through attrition that is a reduction in the workforce. It might get worse.

**(Note:** The Board recessed at 11:09 a.m. and reconvened at 11:18 a.m.)

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#### Agenda Item No. 10. FY 2010 Budget Update.

Mr. Richard Wiggins, Director of Finance, said he will discuss today the expected revenue shortfall for the FY '10 budget and staff's recommendations on how to address that shortfall. Also, he will provide a brief look at the FY '11 budget in preparation for the Board's joint meeting with the School Board later today to discuss compensation for that budget.

Mr. Wiggins said staff is projecting a revenue shortfall in FY '10 of approximately \$4.74 million. Based on the Board's policy for distribution of revenues, this results in a revenue reduction for the Schools of approximately \$2.67 million, for Local Government \$1.77 million, and for the Capital and Debt Service Funds approximately \$300,000. He showed a slide on the screen which gave a perspective on where the shortfall is occurring. It is throughout the major revenue streams; all are down except for slight increases in anticipated Federal revenue and other revenues. A major shortfall occurs in real estate tax revenues; the shortfall there is because staff is now projecting a 3.25 percent decline in reassessment

values for January, 2010 which will affect that revenue stream in the second half of the fiscal year. Personal property tax revenue will be down about \$1.4 million because of lower assessments on vehicles.

Mr. Slutzky asked how many pennies on the tax rate the \$4.784 million represents. Mr. Wiggins said each penny on the tax rate is approximately \$1.5 million.

Mr. Wiggins said he would focus first on the Local Government shortfall of \$1.77 million. Staff has some recommendations to address this shortfall. In the formulation of the FY '10 budget, the Board set aside \$1.35 million as a revenue shortfall contingency and staff is recommending that it be used. This results in about \$540,000 for Local Government and about \$810,000 for Schools and Capital. Secondly, there is about \$100,000 budgeted in a salary contingency reserve for reclassification studies that occur during the year. Human Resources looks at positions and makes determinations based on job activities that salary should be increased for certain positions. Staff is recommending that those reclassification studies not occur this year. Third, at this time the Board has a contingency reserve of approximately \$80,000. It was budgeted at a little less than \$100,000, but there are a couple of items that will be discussed later that will reduce that by \$19,000. Staff is recommending that this contingency not be tapped for the remainder of the fiscal year.

Mr. Wiggins said that fourth, there is a revenue figure in the budget of about \$75,000 from the EMS Recovery Program, and staff is assuming the County would begin this program in January, 2010 for the two County fire stations and generate this amount. The fifth item has to do with salary savings. Staff is recommending that an additional 10 positions be frozen as they become available – that is above the 55 positions which are already frozen. He said they are recommending that 65 positions be frozen, and this would be achieved sometime during FY '11. With attrition taking place during the next 12 to 18 months, approximately \$376,000 in savings above and beyond what was budgeted would be generated. The sixth item is reduced funding for the Housing Downpayment Assistance Program in the amount of \$130,000 in the FY '10 budget; this would leave \$80,000 for that program. The next item on the agenda pertains to reappropriations, and in that executive summary there is a recommendation to reappropriate \$204,000 from last year to fund this program – combining the \$204,000 with the remaining \$80,000 the total funding would be the same funding available in FY '09.

Mr. Slutzky said there are some proffer dollars for that fund and then there is the County's contribution. He asked if those funds are being utilized this year at the same rate that was anticipated when the Board set aside that much budget, or is there room for eroding the County contribution knowing there is still a reserve balance from the private sector's proffer contributions. Mr. Bryan Elliott said it is more a function of production – or lack thereof. In FY '09 there were 18 loans issued for 2008, and 28 loans for a drop of 10 just in that year. Staff does not see that turning around anytime soon, so staff's recommendation was to hold that level of funding consistent with last year. He said the fund includes proffers that were previously approved by the Board. There is some money trickling in from the proffers, but a lot of those proffer dollars are out in future years versus more immediate.

Mr. Slutzky asked if there is a reserve from existing proffer dollars received. Mr. Elliott said those dollars are included in that reappropriation.

Ms. Thomas said those dollars must be used for what they were proffered for. Mr. Elliott said that is correct.

Mr. Slutzky said he thinks Mr. Elliott is saying that if the Board reappropriates the full \$210,000 it flat lines available resources. The question is, does staff realistically expect the County to utilize all of those funds in 2010. Mr. Elliott said Mr. Ron White's preliminary analysis of the activity he is seeing in the current fiscal year makes him comfortable that the 18 should be repeated – there are enough requests in the pipeline to utilize those funds. Staff was trying to reach level funding with what was generated last year.

Mr. Wiggins said the final item is funding for the ACE Program. There was a total of \$950,000 in the FY '10 budget for ACE, including a transfer from the General Fund of \$600,000 and funding from the Tourism Fund of \$350,000. Reducing the General Fund contribution from \$600,000 to \$130,000, then combining the Tourism funds of \$250,000, there would still be total funding of \$480,000. Staff put together a brief analysis of that and found that based on applications currently in the pipeline, assuming that grant funds are received for some of these applications, this \$480,000 would potentially meet all existing applicants for the program. The deadline for applications is October 31.

Ms. Thomas asked how much staff is assuming will be received in grants. She wants the Board to talk about real dollars, and not hopeful dollars. Mr. Wiggins said \$280,000 is expected.

Ms. Mallek said the ACE Committee has not yet seen the rankings on these properties yet. Ms. Lee Catlin, Community Relations, responded that there are nine eligible properties in the pipeline now. A certain number of those are from last year so can be covered by last year's funding; the question is whether one of the eligible applicants will accept the grant funds because there are some associated restrictions. Several of the properties that would come into this year are eligible for the Tourism Funds so they could be covered under that money. The question is whether several of those properties still need to be assessed since the exact value dollar of those is not known. She said that potentially they could be covered if the grant funding is accepted by the eligible applicant, and if the assessments come in at that particular level. But, obviously, no new applicants could be accepted this year.

Mr. Slutzky asked if there is an erosion of the assessed value of the development rights surrendered in reflection of the current market. Ms. Catlin said she does not have an answer to that question at this time. Several properties in the current class were assessed several years ago, so staff thinks they need to be reassessed to reflect a lower value which is how they could be covered under this funding.

Mr. Rooker said this basically leaves the County with less than one-third of what the Board's policy was – going from \$1.5 million based on one-cent on the real estate tax rate down to less than \$500,000. It is a sign of the times, but this program is essentially being financially "gutted."

Mr. Boyd said he had a question about the first item mentioned by Mr. Wiggins about the revenue contingency fund. Based on the 60/40 split with the Schools, why is it only \$540,000? He understands the School System has its own fund balance and he asked if this needs to be done. There is nothing historically that says these funds have to be split on a 60/40 basis. Mr. Tucker said that has been the Board's policy; obviously it can do something different. Staff has talked to School staff and because of their significant fund balance, some staff members indicated they may not need that 60 percent of this contingency. That has not been heard directly from the School Board.

Mr. Slutzky asked if that will be brought up this afternoon when the Board meets with the School Board. Mr. Tucker said it can be discussed. While the current discussion has to do with staff's recommendation based on the revenue shortfall known today, staff does not assume this will be the end of shortfalls from the state or even staff's projections. Staff has tried to be sensitive to all of these programs and tried to be creative in continuing funding housing and the ACE program. After the Board finishes discussion of this particular item, he would ask for some type of authorization or agreement, or approval of these recommendations.

Mr. Slutzky said staff is giving the Board the portentous observation that it may well be reaching out for more reductions yet again in the not too distance future. Last year, by the first week in October, the Board had a certain projection in place with respect to revenue erosion. Later, in November, the Board had a deeper sense of that erosion. For comparison purposes, the Board ended up with the equivalent of a nickel on the tax rate by the end of November. Where was the Board in that process at this point last year? Mr. Wiggins said he believes it is equivalent to what it was last year.

Mr. Boyd said that is what concerns him about completely depleting the reserve funds, particularly if the School Board has some of its own reserve funds. He said before making a decision he would like to know how much the School System has from last year's budget. Mr. Wiggins said the preliminary close of FY '09 showed them at approximately \$6.0 million.

Mr. Dorrier said he had a question about the EMS Revenue Recovery program. He said the Board talked about meeting with the volunteers and coming up with some plan of action dealing with the program. He asked if this assumes the volunteers will "buy into this." Mr. Tucker responded that the amount shown does not reflect the volunteers becoming a part of the program. It is hoped that can be done, but this figure is based on just the County stations initiating the recovery program - Monticello and Hollymead.

Mr. Rooker said the Board received an e-mail from Scottsville that they will participate in the EMS Revenue Recovery Program. He said they are trying to get a meeting set up in the next two weeks with CARS and Western.

Mr. Dorrier said he thinks everybody needs "to be onboard" before "leaving the station."

Mr. Slutzky said if Mr. Dorrier wants to meet with each of them and encourage them to participate that would be helpful.

Mr. Rooker said the County is going forward with the revenue recovery program but cannot force the volunteer units to participate. Scottsville has indicated they would participate, and the others have that opportunity.

Mr. Slutzky asked how much would be left in the Board of Supervisors' Contingency Reserve after the \$80,000 is taken out. Mr. Rooker said it will be zero.

Mr. Slutzky said Ms. Lunsford came before the Board earlier today and said she will have to stop prosecuting some or all of the misdemeanor cases if the Board does not replace the \$32,000 cut from the State. There will not be the luxury to even consider her request if it goes forward.

Mr. Rooker said the Board could not use the contingency, it would have to cut somewhere else or she could call Delegate Rob Bell and he could turn it around for her.

Mr. Slutzky said she could, but he does not think Delegate Bell can act alone.

Mr. Rooker said the County is having this stuff pushed down to it. He thinks the Sheriff and the Commonwealth's Attorney need to meet with the State Legislators, not just come to the Board because that is where the cuts are taking place.

Ms. Thomas said she has a question along those lines. At this time, is staff certain about the amount of State funding the County will get the rest of this year? Has it taken into account what is happening with these shortfalls? Mr. Wiggins said staff is anticipating about a \$450,000 reduction overall

in State funding. Whether that is where it ends up is not known. That is staff's best assumption at this time.

Ms. Thomas said she hates to drop the ACE Program down to one-third of its funding right when the County is getting more for the dollar. It is like what happened to Capital projects where the County would have been getting the most for its dollar at this time. She said these things hurt.

Mr. Slutzky asked how staff is finding the bid environment relative to how it was running as a percentage. He said it is not costing 100 percent of what capital projects were running two years ago. He asked how much money the County is not saving that it might have saved if the Board had kept those three pennies in the CIP. Mr. Tom Foley, Assistant County Executive, said staff has reflected some of those savings – the County borrowed \$2.0 million less in its last financing from VSPA as a result of bids coming in well under estimates. Unfortunately cuts in the CIP have been so dramatic those savings haven't been seen because they were needed anyway.

Mr. Slutzky said his question is slightly different. Roughly, how much cheaper are projects now which informs the question of whether the Board did the right thing by the taxpayers to cut the CIP by \$100.0 million when the bid environment is, presumably, so much more favorable. The County has lost the opportunity to build out those \$100.0 million of projects at a discount. Mr. Tucker said Mr. Bill Letteri, Facilities Management, is here and can speak to this matter.

Mr. Letteri said through a survey of municipalities and schools around the state, reductions of as much as 25 percent over actual budget estimates are being seen. It is obviously a very favorable bidding environment.

Mr. Slutzky said it is disfavorable because the County does not have the money for the CIP. It is frustrating.

Mr. Rooker said the reason the bid climate is good is the same reason the County does not have the money to go forward with projects, everybody "is in the same boat" unfortunately.

Ms. Thomas said she was talking to a major contractor a few days ago. She said the University's projects are probably helping the construction industry, but he said there used to be four major large firms who would respond, but now there are nine or ten because there are out-of-state firms coming in to grab whatever business is available.

Mr. Boyd asked if that has been taken into consideration with the inflationary numbers used to increase the CIP every year. Mr. Wiggins said it has not been adjusted. It was left at five percent inflation each year.

Mr. Boyd asked if that is still a legitimate number. Mr. Letteri said if the County was able to bid projects this year, that factor would be substantially less. Staff does not know what will happen next year and in the future – he has heard that hyperinflation may well be on the horizon. Staff feels the conservative and prudent approach is to continue to show inflation.

Mr. Boyd said he does not disagree with that. He was just curious as to what staff is doing.

Mr. Slutzky said the five percent figure may not be realistic.

Mr. Tucker said if staff's recommendations are acceptable to the Board, staff would like to have some directions so it can move forward.

Mr. Slutzky said he appreciates the robust effort to try and come up with the smart way "to squeeze more blood out of this turnip." He is concerned about the complete disappearance of the contingency fund. If the Board is going to tackle the Commonwealth's Attorney problem and several others like it as the State continues to walk away from a litany of services, other than raiding the School's Reserve Fund, are there any other options. Mr. Tucker replied that staff is focusing on recurring funds with what the Board is seeing today. Once most of these funds are eliminated, they would look at non-recurring funds which would be going back to capital and items that are not necessarily recurring. That will not help in the next year. If the Board is able to maintain the shortfall contingency, that would be the next step.

Mr. Slutzky said the Board will need to talk to the School Board about that this afternoon.

Ms. Thomas said she thought there was already money in the budget for the EMS Revenue Recovery Program. She asked if that was taken out when the budget was passed. Mr. Tucker said there was nothing scheduled in the budget for this fiscal year; however, here is money shown in the Five-Year Financial Plan. He said it is only \$75,000, not the amount that would be recovered if everybody joined in the program – this is a conservative figure. Even if the Program starts in January or February, there would be a delay in collections.

Mr. Dorrier said he had two questions. Has the Board looked for duplications in the budget – he is thinking about consolidation of some departments or something similar. Secondly, has the Board considered all of the recommendations made by the consultants? Mr. Tucker said staff has gone through all of those recommendations and is furnishing the Board with a quarterly report on them. Some of those recommendations actually recommended increasing staff in certain areas, so the Board is obviously not moving forward with those recommendations. He said the Board is familiar with many of the items

presented today – those are probably the main items that can be tapped. He said the County is a service industry, and most of the County's money is in people – he is trying to show reductions in operations and that is why it is recommended that 10 additional positions be cut.

Mr. Slutzky said those ten people will significantly impact staff's ability to deliver services. Mr. Tucker said that is why people are being repositioned and there is no rehiring from outside; if filled at all, openings from attrition will be filled from within. He said his office staff has been reduced by 40 percent and other departments are doing the same.

Mr. Dorrier asked about the early retirement program. Mr. Tucker said that incentive was done this year and it was fairly successful. He said there were 10 in Local Government and the Schools had about 80 people take advantage of the early retirement incentive.

Mr. Boyd asked how many of those 80 positions the Schools hired back. Mr. Tucker said there was some increase in their enrollment, so they probably hired all of them but at lower salaries.

Mr. Slutzky said some of the positions where people were encouraged to retire are a loss of a lot of institutional knowledge and experience. Although there are lower salaries, there is less productivity, and higher learning curve costs. It is still worth doing, but is not a true solution. Mr. Tucker said that immediately upon hearing about this further State reduction, the Sheriff called him and said he might be able to find half of that cut in the budget; he asked if the County could pick up the other part. He said some localities have passed resolutions to send to the General Assembly saying they will not make up the difference in any State reductions.

Mr. Rooker said he thinks the Board should consider doing that. In order to maintain the revenue stream, the voters need to know where the decision is being made, and it is at the State level. If the County just continues to accept and pick up the State's cuts in all of these areas, it enables it. Mr. Tucker said if the Commonwealth's Attorney is going to reduce handling misdemeanors, the Board will get calls.

Mr. Rooker said he will have to say the Board did not cut funding to that office; it was done by the State.

Mr. Boyd suggested someone tell School staff that the Board wants to talk about this today so they will be prepared. Mr. Tucker said Mr. Wiggins will present some of this information at the joint meeting this afternoon.

Mr. Boyd said the Board has questions about the School's Reserve Fund; it is a significant amount of dollars – that is \$800,000 that could be left in the Board's Reserve at this time.

Mr. Rooker said the Board has a significant budget issue that can only be handled on the expense side. He said Mr. Tucker has presented a plan on how to solve a \$1.77 million problem that exists today. To him it looks like a reasonable and balanced approach to dealing with that issue and he supports it. He said that in talking with the Schools, the Board needs to find out whether some of the shortfall contingency will remain with General Government. Notwithstanding that, authorization to use part of it today is wise. He said the Board should authorize the County Executive to do that and he then **moved** to accept the plan as presented to address Local Government's shortfall of \$1.771 million, as follows:

Revenue Shortfall Contingency	\$0.540
Salary Contingency Shortfall	0.100
BOS Contingency Reserve	0.080
EMS Revenue Recovery	0.075
Salary Savings (add'l 10 positions)	0.376
Housing Downpayment Assistance	0.130
ACE Program	0.470
Total	\$1.171

Mr. Slutzky **seconded** the motion. He said he does not think the Board has much other choice; there is not much that it can do.

Mr. Boyd said he is fine with what is on the sheet given to the Board, but it is not approval to move the \$800,000 contingency fund over to the School System. That is not part of this motion.

Ms. Mallek said that will be a different discussion.

Mr. Boyd said it is not on the sheet, he just wants to make sure staff understood that.

Mr. Rooker said it is just the recommended items listed to address the revenue shortfall.

Mr. Slutzky said it is to address the government's portion of the \$1.771 million as described in the handout(see above). Mr. Tucker said the Board does not want staff to automatically transfer the other 60 percent over to the School System.

Mr. Boyd said that is right; until it is discussed with the Schools.

Mr. Dorrier said he will support the motion.

Mr. Slutzky asked that the roll be called. The motion passed by the following recorded vote:

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

NAYS: None.

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Mr. Tucker said Mr. Wiggins will now discuss the FY '2011 Preliminary Budget.

Mr. Wiggins said he would like to present some information about FY '2011 to assist the School Board and the Supervisors in this afternoon's meeting. He showed a slide with the following information: General Fund revenues for FY '11 are estimated at this time at \$215.7 million, a \$1.4 million increase above FY '10 estimates, and \$3.3 million less than what was budgeted for the current fiscal year. He said that of the \$1.4 million increase, about \$400,000 will come from increases in revenues that are not shared with the Schools. This amount is primarily the full year impact of the EMS Recovery fees, which leaves about \$1.0 million in increased revenues. The increase in the Revenue-Sharing payment to the City must be taken off the top and that is \$400,000. Based on the formula for the Capital Debt Transfer that amount will increase by \$200,000 leaving \$400,000 in new revenues above the current year estimates. Looking at the 60/40 split of local revenues, \$240,000 will go to the Schools with \$160,000 going to Local Government.

Mr. Slutzky said with revalidation, there will be a number of people who must drop out of the Land Use Taxation Program. He asked if there is any estimate of the number of people who will leave that program. Mr. Wiggins said staff made an estimate of what is expected to come in from the revalidation. December 2 is the deadline for filing and it is not known how many people will not submit their revalidation form. Thus far there has been more compliance in form submission than anticipated. This is over 90 percent submissions to date, and the deadline is still two months away.

Mr. Slutzky said more applications are coming – he has been calling people who had been traveling and had somehow missed the notice about the revalidation. His question is whether some dollar amount reflective of the anticipated reduction was anticipated in the revenue streams. Mr. Wiggins said staff anticipated a small amount in two sources – 1) the \$125 fee for being late and 2) a small amount of revenue from properties that were in land use that are now out of the program that will be taxed at full market value. A bigger dollar amount will come through the rollback tax on the property owners who drop out of the program. This will be discussed further with the Board during the retreat. Staff is not recommending that those funds be used in the ongoing revenue stream but as a way to prop up the fund balance for the General Fund. Staff did not want to put those one-time funds into the revenue stream.

Ms. Thomas said that since they are one-time funds, it would be good to put them into the ACE Program.

Mr. Slutzky said those revenues could also be put into the CIP budget. Staff will not have an accurate estimate on that program until after December 5, so probably by January there will be a good estimate.

Mr. Wiggins said he wanted to mention what the impact on the School Transfer would be based on the FY '11 projections. He said that amount is increased by \$200,000 from the current year estimate and is \$2.5 million less than what was budgeted in FY '10. There are major revenue assumptions for FY '11 - for the January, 2010 assessment staff is anticipating a decline of about 3.25 percent in real estate values. They are predicting that will be the bottom, with no recovery in January, 2011 in terms of values. The real estate tax rate will remain at 74.2 cents for the computation of revenues for FY '11.

Mr. Rooker asked if this is an assumption. Mr. Tucker said it is an assumption. This will be discussed during the retreat. Staff will be putting forward an effective tax rate at a minimum to try to shore up the anticipated shortfall.

Mr. Slutzky said the State gets about one-quarter of its revenues from sales taxes, how can staff assume there will be a decline in the County's share, but that the State's share will stay flat? Mr. Wiggins said this was the latest information from the State as to what they were anticipating in terms of a sales tax projection for FY '11; they are actually projecting a decline in their own sales tax.

Mr. Slutzky said in Item 3 there is a number, .8, that supposedly reflects what the State has counseled, but the sales tax revenue from which the locality portion spins off also feeds the State budget. Since the decline in state revenues is constant he is suggesting that if the state is saying .8, there should be at least .2 in Item 4 to be the reciprocal. Mr. Wiggins said that is a good point. Because it is such a question at this time, staff kept the State revenue figure flat for FY '11.

Ms. Mallek said when the Board talked about the reduction in residential assessments last year, they seemed to be balanced by a stability in the commercial rate which is now gone. It seems that the drop in commercial values occurred after the assessments were done. Is that reflected in the 3.25 percent reduction, or is it greater when taking commercial into account. Mr. Wiggins said at this time, commercial is tending to be lower, maybe a four to five percent decline in commercial values. Staff will continue to monitor the 3.25 percent figure because real estate staff is now heavy into reassessments. By the time the work sessions begin in November on the Five-Year Financial Plan, staff will have a better figure, and it could be less.

Mr. Boyd asked if staff had taken into consideration that the cap rate might change. He is hearing that due to occupancy rates, that might happen. Mr. Wiggins said that commercial assessments, because of income levels, are going down significantly.

Mr. Slutzky said there is lower access to capital for the commercial side and that will make the likelihood of further erosion on the capital side. Staff might want to be robust in anticipating those erosions.

Mr. Rooker asked what percentage of real estate property owners send in their income statements. Mr. Wiggins said he does not have that figure.

Mr. Rooker said there are a number that do not, and if they don't you can't rely on the cap rate argument to lower the value.

Ms. Thomas said the foreclosures that have occurred and the forced sales of foreclosed properties does not reduce the value of all the houses in the neighborhoods. Mr. Wiggins said staff takes that into consideration.

Mr. Dorrier asked how much money is obtained from tax liens and tax sales. Mr. Wiggins said it is not a large amount of money. He does not have that number today.

Mr. Slutzky asked Ms. Thomas if he was correct that if the houses are not for sale it does not impact that property, but the price impacts nearby properties.

Ms. Thomas said not if it is considered a forced sale. Mr. Davis said if it is not an "arms-length sale", it has no affect or assessed value.

Mr. Slutzky said if a person is purchasing a home that is not being sold off as an REO, the buyer is still paying a depressed price because they had a purchase choice available to them of the depressed price or the forced sale even though that forced sale itself is not directly reflected in the assessment. He said it is indirectly affected and it will have a depressing impact on regular transactions. If there is a significant increase in the number of forced sales it will have a predictable negative impact on the aggregate property values based on market factors, and that has to be taken into account. It will have an impact on surrounding properties because even though the assessors do not consider that sale, the market will.

Ms. Thomas said not just in that neighborhood, but on properties anywhere in the County.

Mr. Wiggins said he had one final slide. Obviously this conversation is not complete, there is this afternoon's work session with the School Board, and there is the Strategic Planning Retreat on October 16. In November and December there are several opportunities for work sessions on the Five-Year Financial Plan.

Mr. Rooker asked how much discussion staff has had with other localities with respect to their revenue predictions for the coming year. Mr. Wiggins responded that he and Mr. Foley had met with Davenport & Associates yesterday and they said that all of their clients in the Commonwealth, plus Maryland and North Carolina are experiencing similar situations – if not worse.

Mr. Boyd said he had a question about the upcoming meetings. He appreciates having the Strategic Planning session from 9:00 a.m. to 1:00 p.m. as opposed to other hours. He asked if the Board members would prefer that staff consider those hours when working on the schedule for work sessions.

Mr. Slutzky and Mr. Dorrier said they prefer those hours, as did Mr. Boyd. Mr. Tucker said staff will take that into consideration.

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Agenda Item No. 11. Website Update.

Mr. Slutzky said this is an extension of an earlier discussion about the County's website and the IT Department's remarkable achievement.

Ms. Lee Catlin, Community Relations, said the County's website is a tool for wringing every bit of efficiency and productivity out of all areas of the organization. She said it is staff's goal that the website save time, save money for citizens and government, and provide increased accessibility and convenience by serving customers online instead of in line. She stated that according to the last citizens' survey, it is estimated that 88 percent of people have access to the internet. There has been an increase in average daily visits to the County's website as well as an increase in the number of file downloads over the last three years.

Mr. Slutzky asked if Ms. Catlin knows what percentage of downloads are by staff as intranet downloads. Ms. Catlin said it is not a large number, but it is still a productivity tool even if it is County staff.

Mr. Slutzky asked if Ms. Catlin was saying that most of the usage is by citizens. Ms. Catlin said that is true; staff has very detailed statistics on which files are being downloaded.

Ms. Catlin said it is not just tracking numbers. It is looking at the County's return on investment in the website. What does the website do for the County in terms of saving money? She will mention productivity measures. There is online tax-bill payment; in the last year there have been 5,100 financial transactions for personal property and real estate tax payments. Crime reporting for the Police Department was recently put online and in the last two months 73 reports were filed online. That is a huge savings in officer time and a convenience for citizens. The County View program provides people with the ability to check on items such as applications and plans, etc., and in August alone there were 624 visits to that site.

Ms. Catlin said the GIS web is probably the site most visited; in August alone there were 26,000 visits. From April to June, 2009, there were 13,209 downloads of podcasts of Board meetings – either particular items or entire meetings. In August there were 700 views of either Board or Planning Commission agendas. She said the Board of Supervisors page was the second most popular in August, barely beating out the Walnut Creek trail maps. She said the Board just heard at the beginning of this meeting that the County was the Number Six website in the country, so staff does not want to change anything that does not need to be changed. Staff wants to keep driving those productivity gains. In this environment, if you do not move forward in innovating, you are not only staying steady, but actually losing ground. The idea was to take the best of what is already effective on the website, and tweak and change those things that were not working as well so the numbers will keep moving forward.

Ms. Catlin said she will show today where staff is with a redesign of the website. It is in the final stages of the redesign moving into development. This is the Board's chance to look at some of the key features. She asked that comments be sent to her in a timely manner. Staff will be building the site soon on a server and at that point, Board members can be given access to it.

Ms. Catlin said there are some elements about the design that will be fixed in place, and once the decision is made, the site is built that way. There are some things that cannot be rebuilt easily, so that is why she wanted the Board to see what has been done to date. As the site moves through development, there is a chance to make some changes. She said the site is arranged in a similar way to the present way; staff did not want to shock people with something that looked completely different. Staff did not base its decisions about the changes on just making changes because it sounded like a good idea. They did surveys of employees and users, they studied website best practices, usability guidelines, and data to see how people enter the site, and how they move around within the site.

Mr. Rooker said the labels at the top of the website are "residents", "businesses" and "visitors." He said the City of Charlottesville has that on their website and he finds it to be very confusing. It makes it sound like there is a distinction between what each is looking for. Should a visitor get a different dropdown menu than a resident? Ms. Catlin said that is a good point. Some older sites required the user to make that choice before entering into any part of the site. Staff has changed the site so it can be entered in a lot of different ways because they do not want people to have to make that choice.

Ms. Catlin said she would explain a few features and if the Board members think staff has not addressed that question adequately, she would like to have those comments. Staff heard three dominant themes from people that the site needed to have easier navigation, it should be a user-centered experience, and have interactivity/self-service capabilities. One of the new dropdown boxes is called "I Want To" which is where people can pick paying a bill, creating a map, reporting a crime, etc.

Ms. Catlin said another new box is titled "Online Services" which will put into one place all the things people can do online. Citizens will not have to search through a number of places to find what they want to do. There are also four tabs which will allow people to get to places quickly without having to think through County government structure. The top 10 tabs are for services, publications, pages and departments. If someone wants a copy of the Comprehensive Plan, Strategic Plan, Design Guidelines, etc., do not have to go through the Community Development's webpage to get to that item.

Ms. Thomas asked the definition of "page." Ms. Catlin said a page would be something like the Board of Supervisor's agenda page. If that is not clear to people by that title, staff will have to think through it again.

Mr. Slutzky said he has the same question.

Mr. Rooker said it would not be clear to him.

Ms. Catlin thanked the Board members for their comments. Next, she will address the "hot topics" section. Those will be things which are timely, such as the revalidation process. She said that section would change frequently depending on the most important issues of the day.

Mr. Slutzky asked if the change would be based on the number of "hits." Ms. Catlin said it would be based on what staff knew about deadlines, etc. that it would call hot topics.

Mr. Rooker asked if the top ten would get the most "hits." Ms. Catlin said there are three or four pages that get a lot of hits, so staff might group some things together, but it definitely would be considering the hit count. She noted that on the left-hand side of the website is a highlight section that provides several modular boxes that can be pulled in and out that are visual. If there were a specific item such as the beginning of the farmer's market, or swimming beaches open, it would give a visual way to communicate activities, programs and services. That would change on a fairly frequent basis.

Ms. Catlin said the last navigation oriented feature will be what is called "breadcrumbs." As one clicks through several pages they would get a trail of the previous pages viewed so they can easily go back to a previous page. Those are the navigation-user center focused major changes made – they are to help people get around, help people get directly to things, and show things so the average citizen does not have to think like or understand the government's chart, etc.

Ms. Catlin said she will point out a couple of features about the interactivity communication piece. On the webpage under the calendar and jobs listing, there is a poll question. It is not a scientific survey, but it is an opportunity for the County to get a quick feel about the issue of the day, so people can be engaged in looking at the website as a tool for feedback.

Mr. Dorrier said there is no reference to the Comprehensive Plan. He asked if that is intentional. Ms. Catlin said it is in the tab for one of the top ten most requested publications. It will show up in other places also.

Mr. Tucker said due to time constraints, before the County gets a beta site, the Board members need to let Ms. Catlin know of any concerns or suggestions.

Mr. Slutzky said the Board members do not have anything to reference now. He asked that staff send an electronic version of what staff is working on.

Ms. Catlin said she had two other things to mention. There is a "Stay Connected" tab and part of watching the new website will be looking at Albemarle County's Facebook Fan Page, looking at a Twitter, looking at those kinds of social media that staff thinks are meaningful and will be productive. Staff is looking carefully at which of those technologies will really help the County and not get engaged in ones that are "hits of the month" and take up a lot of time. Places like the podcast, and putting RSS feeds on pages would be in that "stay connected" area.

Ms. Thomas asked if it will be something other than symbols for those who are "Internet challenged." Ms. Catlin said "yes." She said there will also be a slide show – it gives the ordinary citizen the ability to move through several pictorial images and highlights about the County that people can see and be grabbed by visually.

Ms. Mallek asked if they will scroll by themselves. Ms. Catlin said they will scroll automatically, or the person can scroll them at their own pace. Lastly, there will be the ability to adjust the text size of the page. There will be the ability to e-mail pages to others, and there will be a print friendly option.

Mr. Slutzky said these are impressive enhancements to what was already an impressive web universe.

Ms. Catlin said that concludes her presentation. She will send to each of the Board members this version so they can make comments. Staff will be communicating the Board members as it builds out the BETA site. At this time they are in the process of building the templates and migrating the content. The goal is to go live by the end of next month.

Ms. Mallek asked if this work has been done in-house, or was somebody hired to help. Ms. Catlin said an RFP was issued, and someone has been hired; however, a vast majority of the work is being done in-house by the County's IT staff. They have done some of the design work, and some of the integrating the design with the existing content management system.

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(Note: Mr. Slutzky said the Board is way behind schedule, so he would like to reverse the order of the next two items since there have been people waiting for one of them for quite a long time.)

Agenda Item No. 13. **Public Hearing:** To consider the adoption of an ordinance to amend Section 4-200, Running at Large Prohibited, of Chapter 4, Animals and Fowl, Article II, Dogs, of the Albemarle County Code to designate the Montvue Subdivision as an additional area of the County where dogs are prohibited from running at large in the rural areas district. (*Advertised in the Daily Progress on September 21 and September 28, 2009.*)

Mr. Tucker summarized the executive summary provided to Board members. Virginia Code Section 3.2-6538 authorizes governing bodies of counties to prohibit dogs from running at large. The property owners of 18 of the 36 lots in Montvue Subdivision who signed a petition requesting that the Board designate Montvue Subdivision as an area where it is unlawful for the owner of any dog to permit such dog to run at large. Also, the owners of TMP 60-69C (2802 Magnolia Drive) also signed the petition, although that parcel is technically not part of Montvue Subdivision. (From the Executive Summary - The president of the Montvue Citizens' Association submitted the petition and a color-coded plat indicating the property owners' positions to the Clerk of the Board as required. The owners of 10 lots were opposed or could not be contacted. The Virginia Department of Transportation owns eight lots and was not contacted. The Association's request states that VDOT owns seven lots, however, TMP 60B-0A-6A was subdivided, and VDOT acquired TMP 60B-0A-6A1, a small parcel acquired as part of the right-of-way acquisitions by VDOT. Seven of the VDOT lots have rental housing located on them. A copy of the most recent subdivision plat, which was recorded in the Albemarle County Circuit Court in 1956, as well as two subsequent plats adding three additional lots to the subdivision is on file in the Clerk's Office.)

Mr. Tucker said that after holding the public hearing, if the Board wishes to designate Montvue Subdivision, including TMP 60-69C, as an area where dogs are prohibited from running at large, it should adopt the advertised ordinance.

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

**Motion** was offered by Mr. Rooker to adopt Ordinance No. 09-4(2), An Ordinance to amend Section 4-200, Running at Large Prohibited, of Chapter 4, Animals and Fowl, Article II, Dogs, of the Albemarle County Code to designate the Montvue Subdivision as an additional area of the County where dogs are prohibited from running at large in the rural areas district. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(Note: The ordinance, as adopted, is set out in full below.)

#### **ORDINANCE NO. 09-4(2)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, DOGS, DIVISION 1, IN GENERAL, 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 4, Dogs and fowl, Article II, Dogs, Division 1, In General, is hereby amended and reordained as follows:

#### **By Amending:**

Sec. 4-200 Running at large prohibited

#### **ARTICLE II. DOGS**

**State law reference**--Va. Code §§ 3.2-6500 et.seq.

#### **DIVISION 1. IN GENERAL**

#### **4-200 Running at large prohibited.**

A. Dogs shall not run at large in the county except in those areas zoned Rural Areas District; however, running at large in areas zoned Rural Areas District is prohibited in the following designated areas:

(1) University of Virginia grounds lying within the county. (7-19-73)

(2) Crozet areas:

(a) Crozet areas, beginning at the point of intersection of Buck Road, State Route 789 and Railroad Avenue, State Route 788; thence, in a northwesterly direction along the southern boundary of Tax Map 55, Parcel 51; thence, in a northeasterly direction along the western boundary of Tax Map 55, Parcels 51 and 51A, to the point of intersection with Tax Map 55, Parcel 50; thence, in a northwesterly direction along the southern boundary of Tax Map 55, Parcel 50 to the point of intersection with Tax Map 55, Parcel 49; thence, in a northeasterly direction along the western boundary of Tax Map 55, Parcel 49 to the point of intersection with Tax Map 56, Parcel 1; thence, in a northwesterly direction along the western boundaries of Tax Map 56, Parcel 1 and Tax Map 55, Parcel 47, and following the boundary of Tax Map 55, Parcel 47 in a northeasterly direction to the point of intersection with Tax Map 55, Parcel 48; thence, in a northwesterly direction along the southern boundary of Tax Map 55, Parcel 48 and then following the western boundary of Tax Map 55, Parcel 48 in a northeasterly direction and continuing in a northeasterly direction along the western boundaries of Tax Map 56, Parcels 1B, 3 and 5E, to the point of intersection with the Sunrise Acres subdivision (Tax Map 40A), thence, with Sunrise Acres in a clockwise direction to the intersection with the centerline of White Hall Road, State Route 810; thence, in a southwesterly and southeasterly direction with State Route 810 to the intersection with Buck Road, State Route 789 and continuing along Buck Road, State Route 789 to the point of beginning.

(b) The real property commonly known as Claudius Crozet Park, comprised of the following tax map, sections and parcel numbers: Tax Map 56A2, Section 1, Parcel 72; Tax Map 56A2, Section 1, Parcel 72A; and Tax Map 56A2, Section 4, Parcel A4.

(c) Sunrise Acres Subdivision, as platted and recorded in the office of the clerk of the circuit court for the county, in Deed Book 367, page 312, and in Plat Book 367, pages 315 and 316.

(3) Country Green Apartments as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 453, page 553. (12-7-77)

(4) Waverly Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 697, page 382, and Deed Book 781, pages 267 to 271. (12-16-87)

(5) Whipporwill Hollow as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 643, pages 285 to 292, Deed Book 644, pages 269 and 270, Deed Book 646, pages 220 and 221, Deed Book 657, pages 789 and 790, Deed Book 659, pages 561 to 565, Deed Book 694, pages 544 and 545, and Deed Book 867, page 253. (12-16-87)

(6) Key West/Cedar Hills Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 353, pages 193 to 197, Deed Book 365, page 202, Deed Book 371, page 474, Deed Book 388, page 514, Deed Book 393, page 417, Deed Book 410, page 577, Deed Book 420, page 259, Deed Book 505, page 607, Deed Book 530, page 351, Deed Book 543, page 114, Deed Book 661, page 44, Deed Book 692, page 453, and Deed Book 809, page 623. (9-7-88)

(7) North Pines Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 703, pages 742 to 744. (1-17-90)

(8) The Meadows in Crozet as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 651, page 149. (8-8-90)

(9) Milton Heights Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 343, page 64. (8-17-94)

(10) Shadwell Estates Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 339, page 458. (8-17-94)

(11) Thurston Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 637, page 456. (12-7-94)

(12) Lexington Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 564, page 088. (3-12-97)

(13) Bedford Hills Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 365, page 212. (12-2-98)

(14) Westmont Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 1513, page 201, and Deed Book 1617, page 510. (5-3-00)

(15) Blue Springs Farm Subdivision as platted and recorded in the office of the clerk of the circuit court of the county, in Deed Book 1341, page 121.

(16) Farmington Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 203, page 53, Deed Book 203, page 233, Deed Book 205, page 504, Deed Book 206, page 44, Deed Book 207, page 370, Deed Book 207, page 483, Deed Book 208, page 130, Deed Book 209, page 195, Deed Book 213, page 296, Deed Book 216, page 44, Deed Book 223, page 146, Deed Book 240, page 203, Deed Book 246, page 183, Deed Book 247, page 315, Deed Book 247, page 355, Deed Book 290, page 214, Deed Book 292, page 485, Deed Book 296, page 205, Deed Book 325, page 225, Deed Book 357, page 527, Deed Book 394, page 63, and Deed Book 463, page 72, together with all streets and roads abutting the lots depicted on the said plats.

(17) Section One of Corville Farm Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 474, page 003.

(18) Montvue Subdivision as platted and recorded in the office of the clerk of the circuit court of the county in Deed Book 328, pages 86 to 88, Deed Book 343, page 204, and Deed Book 359, page 585, and including Tax Map 60 Parcel 69C.

B. For the purposes of this section, a dog shall be deemed to "run at large" while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner.

C. Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section.

D. Any dog observed or captured while unlawfully running at large shall be impounded in accordance with Article III, Impoundment, of this chapter.

(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord. of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-

98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; Ord. 05-4(1), 12-7-05; Ord. 06-4(1), 12-6-06, § 4-213; Ord. 09-4(1), 7-8-09; Ord. 09-4(2), 10-7-09)

~~State law reference--~~Va. Code § 3.2-6538.

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Agenda Item No. 14. Crozet Master Plan Revision Update.

Ms. Elaine Echols, Principal Planner, said it is time for the Crozet Master Plan update process to get started. The process will be based on the guiding principles adopted for that master plan. About 10 months ago the Board endorsed a strategy for developing the list of focus areas and the public participation plan; the Planning Commission has endorsed the focus areas and the schedule.

Ms. Echols said before seeing any recommendations, a series of forums and meetings will take place in Crozet with the Crozet Community Advisory Council (CCAC), local residents, businesses and staff. There are three critical areas to study: the population issue, the downtown boundaries, and businesses and industry in Crozet, specifically on Route 250 including the Yancey Mills area. One of the guiding principles for Crozet was to obtain greater economic sufficiency; that is a key issue that must be looked at.

Ms. Echols said some areas are not as critical and are more about strategies and whether the strategies and goals in the Comprehensive Plan need strengthening. The goal of "preserving Crozet as a small town" was a key feature that came out of a questionnaire sent to the community. The questionnaire was put together by County staff and the CCAC; it received a lot of public response. She said people are here today who want to speak to the Board about that item. The quality of life as a small town was the overwhelming comment received.

Ms. Echols mentioned that the transportation strategies for review will be to assure adequacy for new development; looking at sidewalks, bike paths, trails, greenway paths, and the interconnections shown on the plan; and getting cross-sections for three major roads – those were not in the last plan for Three Notch'd Road and Crozet Avenue. With regard to the environment and community facilities they want to add to the plan priority areas that strengthen the statements dealing with environmental issues, growing greener, recycling, water and sewer capacity and community schools.

Ms. Echols reported that there is a public participation plan that includes a series of forums built around CCAC meeting times and dates using the old Crozet Elementary School as the location. The CCAC will have an opportunity for specific input at key points in the process before recommendations go to the Planning Commission, hopefully in April. The Board was given a copy of the tentative schedule. Plenty of notice will be given if there are any shifts in the schedule. The staff, the CCAC, and the Commission all recommend approval of the list of focus areas, the public participation plan, and the schedule. She offered to answer any questions the Board members may have.

Mr. Boyd said there was a request from a citizen contemplating a request in the Yancey Mills area. He asked if there is any plan to deal with that request so the applicant can move forward, or will that plan have to wait until the whole process is completed next July. Ms. Echols said it is expected that the Board will be providing guidance through its study of the Light Industrial areas in the County. Then, after study of the light industrial areas, if the Board believes there should be more light industrial designated land in Crozet, the Board will need to provide that direction.

Mr. Boyd said he knew there was a discussion about light industrial in general in November.

Mr. Slutzky said there is a work session scheduled in November or December.

Mr. Boyd asked if Ms. Echols was saying the issue about light industrial at Yancey Mills could be decided at that time. Ms. Echols said it would come after that, but she cannot say it will be at the end of this year.

Mr. Boyd asked if after the Board goes through the process with the light industrial it is decided that more light industrial is needed, will that particular project have to wait until July, 2010 before any decision can be made.

Mr. Slutzky said the Board could give directions to staff that it is interested in moving forward subject to input from the master planning update process. It seems that there are several members of the Board who would like to have that issue resolved quickly one way or the other. Maybe the Board should warn staff that when the work session on the topic of light industrial is held it would like that option included in those discussions. If direction is appropriate for the update of the Crozet Master Plan then the Board will want to have that reacted too quickly even if it is not a final document.

Mr. David Benish, Chief of Planning, said he would like to explain. The intent was for staff to go to the Planning Commission in December with the Board getting the analysis of the industrial lands study in January or February. That study will look countywide to identify overall needs, and then there will be a locational analysis where there are gaps in land use. Based on the findings there could be indicators about what to do within certain sub-areas of the County and recommendations on how to address the issue countywide. The Board would give staff directions on the overall needs for industrial land; that information feeds the decision-making in the Crozet process.

Mr. Slutzky said if possible, the Board could have the light industrial work session in November, and if not, no later than December. Mr. Benish said based on the Planning Commission's schedule, and staff's ability to pull that work together, it is scheduled for the Commission in December and the Board in January or February.

Ms. Mallek said that inventory is not finished yet; she thinks that needs to be done first.

Mr. Boyd asked how that inventory is being made. Mr. Benish said there is an assessment of total acreage, the Comprehensive Plan designation, and the quality of that acreage. Staff had done a broader assessment, and now is doing a more detailed study of its quality and its disbursement throughout the County. Certain areas have a disproportionate amount of industrial land, and certain areas have none. Staff needs direction on the level of balance the Board wants to see in the development areas. Those directions will direct staff in the allocation of additional land if the Board agrees additional land is needed. The inventory will not have exact, precise recommendations about exact properties. He said that allows the local planning process to have some involvement in that decision-making.

Ms. Mallek said another important part of this was discussed by the Board back in July, 2008 and again in March, 2009. The uses that have caused the "bleeding out" of the light industrial district need to be clarified. She thinks it is important to take care of that definitional issue as part of the whole process. Before the Board even thinks about changing any boundaries that should be assessed, otherwise there is no point in adding light industrial land if it is all going to flow out into office use. Mr. Benish responded that it's assumed that will be a step in the implementation process; legal ramifications and implementation complexities must also be addressed. The intent is to create a zoning district or establish some controls over the existing zoning that protect that land for that purpose. Addressing existing zoning is tantamount to a downzoning and there are certain complications with doing that. It is not a quick fix, but it is assumed that is part of the process of protecting the current inventory. Staff has always assumed that protecting the existing inventory will be addressed in some way.

Mr. Slutzky said he would like for that discussion to take place when the Board has its work session. That issue needs to be tackled, and if it is the will of the Board to constrain the LI category in a way that it actually functions as LI, there might be a series of process steps that would flow from that decision. That forward thinking decision needs to be made as soon as possible so the process unfolds concomitant with the Crozet update. Mr. Benish said that is assumed as part of the recommended tools for the Board to implement.

Mr. Slutzky asked if that information will get to the Board by January.

Mr. Rooker said there are two possibilities. One is to create a new zoning district and any light industrial zoning created after that date is actually rezoned into a different category than the current LI which has a multitude of potential uses. The other way would be to change the definition of what is allowed in LI zoning throughout the County, past and future. That has more potential implications. It is a huge issue because 10 years ago there was plenty of LI zoning, but it has all been converted, rezoned, or built out as office space. Mr. Benish said staff would anticipate bringing to the Board a resolution of intent for that to move forward and the best guess as to the time to implement it.

Mr. Boyd said the schedule presented to the Board today showing November and December work sessions with the Planning Commission and the Board is not valid. Ms. Echols said when the schedule was first set up, that was staff's best guess. They told the CCAC and the Planning Commission it might shift depending on when the Commission and Board complete their independent work sessions.

Mr. Benish said it will be when staff can get the work done and scheduled with the Planning Commission and the Board. There will be one work session with the Commission that will provide the Commission's input to the Board. The Board would then provide directions to staff to move forward and create the implementation steps to make the amendments to the Comprehensive Plan, zoning text or maps as necessary.

Mr. Slutzky said the recommendations will in part be dependent on what the current assessment of the quality of the inventory reveals, and the scheduling implications and the availability of sufficient LI property. He said it sounds like all of that will be part of staff's recommendation.

Ms. Mallek said the process by the County would be the same whichever approach is chosen.

Mr. Rooker said the processes are the same, but are much more participatory. The Board will need to hold more work sessions. Mr. Benish said staff will also need directions on priorities for the ZTAs. There are already a number of ZTAs moving forward, so staff will need to know which to pursue first with the manpower available in the department. He said going back to the schedule for completing the Crozet Master Plan, the intent is that what staff presents to the Board in the way of the industrial inventory will feed the schedule presented today.

Mr. Boyd asked if when staff gives its report it will be able to say whether the owners of any LI property are planning to develop it as LI or are they just holding the property for the time-being. Mr. Benish said that would be hard to do. Staff has looked at size of parcels and the number of properties in areas which have been designed; that is an indicator of the developability of property.

Mr. Slutzky asked if staff is looking at both the supply-side and the demand-side. For example, is staff doing an analysis of the potential impact on light industrial lands associated with the energy retrofit

program where there might be a significant increase in the demand for LI in the near future? Mr. Benish said staff has done employment projections based on job sectors focusing on industrial categories and especially those that the County wants to capture in the Economic Development Policy and Plan, along with future trends seen in the economy.

Mr. Slutzky encouraged staff to pay particular and separate attention to the implications of the grant for the energy retrofit program received. The Department of Labor and the EPA have made projections about the likelihood of a certain number of jobs being generated and what types of jobs they might be. They are substantially in the LI realm so staff may want to make sure that is incorporated into the sector projections. Mr. Benish said staff made some very basic assumptions using a land use plan approach to identify employment growth and in which sectors. Flexibility factors are needed in the market to make sure there is enough land on the market to meet those needs.

Mr. Slutzky said the lowest projection from those analyses was 937 new jobs – a significant subset of those being Light Industrial jobs. He asked that staff look at that carefully.

Ms. Echols said the question Mr. Rooker asked had to do with the action letter which was intended to be the endorsement.

Mr. Rooker said the Board did not get a copy of that letter.

Ms. Mallek agreed.

Mr. Slutzky said this is not a public hearing, but the Board had invited a representative of the CCAC to be present today.

Mr. Mike Marshall, Chairman of the Crozet Community Advisory Council, a 15-member council appointed by this Board to be representatives of the town. He said the number one thought in the minds of Crozet citizens has been to get the text and the maps in the Crozet Master Plan “to jive” with what they understood was intended by the master plan. There is the question of population which has been in their minds since about 2005 with the Old Trail rezoning. The plan uses a figure of about 12,500 as the build-out population. The major rezoning of Old Trail “blew it” because there was an implied slack in the plan and all of that slack was used by the added density given to Old Trail. When Crozet citizens asked (in about 2002) that Crozet be the first master planned locality, there were several large farms in the growth area that suddenly came into the possession of builders. The community wanted those projects to be reconciled with each other so they would not operate independently.

Mr. Marshall said at that time the 12,500 would have been achieved only if all the zoning created in 1980 for the growth area was used. There was some slack in the plan, but with the rezonings there was an implied population of 24,500 which would make Crozet larger than the city of Waynesboro. He said in looking at the map you will see the areas with higher densities. Four major centers have developed since the master plan was created: downtown, Old Trail, Clover Lawn and Con-Agra. There are another four or five spots on the map which are implied to grow, and CCAC thinks there were mistakes in predictions. They would like to see those map colors reduced to basically residential densities. There is also text in the plan which says that if a particular parcel or color were rezoned, it might be eligible for “x” amount or an additional “y” amount. The citizens want to see the “x” and “y” hypotheticals reduced to numbers that are more consistent with the 12,500 goal.

Mr. Marshall said there is also a question about the way densities along the edges of the growth area are being interpreted. The citizens thought a “red” spot on the map implied that is where the residential density would be most intense. The “yellow” areas close to the boundaries should be less dense residential areas, but that is not explicit in the plan. The citizens would like the plan to express explicitly that density has particular locations, and it is not located just anywhere in the growth area.

Mr. Marshall said there is the third item dealing with a request for industrial land designation in Yancey Mills. He said the Board put that item on the CCAC’s agenda, and they don’t particularly want it on their agenda.

Mr. Marshall said there is a section in the staff report which said the questionnaire was not scientific. He said there were 700 responses over a period of a month. About 25 of those were a paper version the County created that were filled out at the Crozet library. The Gazette published a version of the questionnaire and about 50 of those were cut out and mailed into the library, and another 600 to 625 were filled out online. The survey was not considered scientific because you cannot tell if one person filled out more than one survey. CCAC looked at the IP addresses of computers that submitted electronic responses. They found that more than one response had come in from the same computer (the Library has a public access computer). One computer submitted more than 20 forms, but all had different results and were filled out at different times.

Mr. Marshall said in a scientific survey you would aim for certain demographics, but because they received such a large number of responses and the survey asked questions about the person filling out the form, a scientific survey was created by accident. They regard the survey results as scientifically defensible and a sincere/honest statement from the community. There were 1,782 comments filled in on the comment box on the survey, so there was a tremendous response. He said that the population of Crozet is between 5,300 and 5,500 (this has doubled since the plan was created); adding up the households, there were about 1,750 citizens who presented themselves in the survey. He said CCAC is ready to go ahead and they like the idea that their meetings will be forums and five are scheduled over

the next few months. The first one will focus on the “red blotches” on the map. The CCAC will try to come out of every meeting with a consensus on the particular question on the agenda at that meeting.

Mr. Rooker said he thinks the CCAC has done a tremendous job on this plan. The issue of population is about “implied population.” If you went back to the original Comprehensive Plan before any master planning was done, or before the intervening Crozet Land Use Plan was done, if every parcel were developed to its maximum density, with rezonings that would be contemplated based upon the designations in the Master Plan at that time, there could have been about 25,000 in population. When the population issue came up, the same assumption was made. The assumption was that if every parcel developed out to its maximum density, there could be 25,000 in population.

Mr. Rooker said that there is a significant area in Old Trail that was not rezoned; it was developed as an RA parcel. That took all the density that could have gone in that whole area out; it was gone. His point is that there is a difference between “target” population and “maximum potential” population if every parcel is rezoned and developed to its highest density and then builds to that density. He said the approach being taken is for a “target population” approach based on an assumption about the percentage of parcels that will develop out to full density. He said what people had in mind was a target density and not some number arrived at by saying that every piece of land would develop to its maximum. In the history of the County, that has never happened. There are many developments that developed at only one-third of their allowed density – Forest Lakes is an example.

Mr. Marshall said he thinks the Crozet residents would be delighted if everything built out at its by-right density. Right now that would give a population of 15,500 because of decisions made since the plan was adopted. What comes through most clearly is that people feel they “made a deal” with the County. The Crozet Master Plan was developed with citizen goodwill and in cooperation with the County and adoption by the Board represented a deal with the people of Crozet about how things were supposed to come about. The way the plan is being interpreted has given the citizens the impression that the “deal isn’t necessarily being honored” so they want the document to basically constrain some of the hypothetical values it now contains about the build-out. He said his own land is currently zoned R-6, but in the plan it is eligible to be R-18. He does not think that is realistic unless any development on the property went up six or seven stories. The CCAC doesn’t like that hypothetical being in there because it creates an arguing point for rezonings.

Mr. Marshall said other than the issue of population, Crozet wants to retain its identity as a small town. He acknowledged that 12,500 is not really a small town, but they think they can still be the town they are now, add many people and make them love the town and belong. He said if there are 15,000 or 20,000 in the town, maybe they should apply to the state courts to become a city.

Ms. Thomas mentioned that during the master planning process many people had good thoughts about how they wanted the community to look like (they did not even want to use the word town). There was agreement that there should be easy access from one neighborhood to another, walkability, and maybe someday there might be public transportation into Charlottesville, things that reflect the “splotches on the map.” A certain density is usually required to get some of those side effects that people wanted. She thinks there is a “creative tension” that will not be solved by putting absolute numbers of a build-out on the map. She does not think it will go away in this iteration of the master plan. That kind of creative tension will always be there between what you would like to see in some areas and what you would like to see in other aspects of your life and your neighborhood.

Mr. Slutzky said Mr. Marshall said earlier that the citizens would be happy to see Crozet built out by right. He said they probably would not want that because there would be no proffers and no infrastructure to go with all the people who would be moving in. There is a delicate balance between the objective of having a livable community and the needed infrastructure which will be tied to the enrichment of density in some cases. Balancing all of those variables is a part of this update of the plan. He hopes that all of that is taken into consideration in the recommendation that will be made to the County.

Mr. Marshall said no one is more familiar with the development issues in Crozet than the members of the CCAC. He said the citizens of Crozet are not hostile to the plan. They basically like the plan made, but they want to make sure how it is interpreted by the Board is a little more explicit in the plan.

Ms. Mallek said some of the things Mr. Marshall referred to as housekeeping measures will really clarify things in the plan, such as defining the edge, the taper-down of density, and some of those high density areas in the center which County staff has said are not feasible, should come out.

Mr. Rooker said predicting the potential population in an area is more of an art than a science.

Mr. Marshall said the CCAC is arguing for the town it has now; they don’t want to see it submerged under something. The nice thing about the plan is that Crozet want to skip through the sprawl phase. They are trying to get a traditional town and not lose Crozet in some “episode of growth.” That is what the plan does; it codifies that outcome.

Ms. Thomas said she will comment on the questionnaire issue. She said the South Fork Rivanna River Task Force had a survey which was filled out by a lot of people, but it could not be called scientific and the lack of calling it scientific caused people to think they were “dissing” the survey. She appreciated the description of the work CCAC has done to analyze where the comments came from.

Mr. Marshall said he appreciates that Ms. Thomas understands. People came forward and some made many thoughtful comments. They did not want the people in Crozet to hear that the survey is not being respected.

Mr. Slutzky said Mr. Marshall's explanation of how it turned out was helpful. It made it clear to Mr. Slutzky that it is not just useful information, but a substantial reflection of the community's will.

Ms. Thomas said when she was in Crozet recently she noticed the amount of commercial development, and that people are moving out their businesses and their banks from the downtown area. She thought back to many years ago when the Planning District Commission did some planning for Greene County. They told them they would need to put emphasis on Stanardsville or Ruckersville would "run away" with everything. They were also told they should not do the kind of rezoning of Ruckersville that they ultimately did. She does not want to see a Ruckersville on Route 250 West.

Ms. Mallek commented that the integrity of Route 250 as a functioning artery will essentially be over unless this is done right.

Mr. Marshall said the main points of the Master Plan are to give downtown the density and to keep it off of the road, making Route 250 function as much as possible as a bypass around where the growth ends up happening.

Mr. Slutzky asked if there were an action item required of the Board today.

Mr. Rooker said the Board needs to reapprove the list of focus areas, the public participation plan, and the schedule as presented today by staff.

Ms. Mallek **moved** to approve the list of Focus Areas for revision and update of the Crozet Master Plan, the general public process and the schedule for developing strategies to address the Focus Areas as recommended by staff. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

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Agenda Item No. 12. **Public Hearing:** FY 2010 Budget Amendment. (*Advertised in the Daily Progress on September 27, 2009.*)

Mr. Richard Wiggins said this budget amendment is in the amount of \$22,088,773.88. The budget amendment is comprised of 2 separate appropriations as follows:

- No. 2010-025 and No. 2010-034 totaling \$38,979.81 for various education programs and grants;
- No. 2010-026 totaling \$371,623.20 reappropriating grant and seized asset funds;
- No. 2010-027 totaling \$84,000.00 reappropriating ECC projects;
- No. 2010-028 totaling \$702,743.42 reappropriating uncompleted local government projects from FY '09;
- No. 2010-029 totaling \$16,000.00 from the Board's contingency to adjust the overtime budget for fire/rescue;
- No. 2010-030 totaling \$14,080,067.81 reappropriating General Government capital projects;
- No. 2010-031 totaling \$5,219,110.71 reappropriating school capital projects;
- No. 2010-032 totaling \$895,037.32 reappropriating stormwater capital projects;
- No. 2010-033 totaling \$266,411.61 reappropriating outstanding purchase orders from FY '09;
- No. 2010-035 moving \$3,000.00 from the Board's contingency to General Services for enforcement of the Uncontrolled Vegetation Ordinance; and
- No. 2010-036 to distribute \$430,800.00 from the Crozet Crossing Trust Fund to Crozet Meadows and Treesdale Park.

(**Note:** A detailed description of these requests follows:)

Appropriation No. 2010-025, \$5,325.00. Revenue Source: Local Revenue \$5,325.00.

Meriwether Lewis Elementary School received a donation in the amount of \$5,000.00 from the William H. Donner Foundation. The donor requested that this contribution be used for general support. Meriwether Lewis will be using this money for instructional computer equipment.

Albemarle High School received two donations totaling \$325.00. John and Alison Davison donated \$300.00 and Martha Spano donated \$25.00. The donors requested that their contribution be used to help facilitate the installation of a synthetic turf field at Albemarle High School.

Appropriation No. 2010-026, \$371,623.20. Revenue Source: State Revenue \$50,834.95; Federal Revenue \$230,016.78; Fund Balance \$90,771.47. The following grants and seized asset accounts had not expended all funding as of June 30, 2008, and will require reappropriation. No additional local funding is required.

- Seized asset monies were received from the Department of Criminal Justice Services for the Police Department (\$53,417.11) and Commonwealth's Attorney (\$15,121.33). These monies will be used to purchase evidence equipment and traffic enforcement items for the Police Department and office supplies, furniture, and training/conferences for the Commonwealth's Attorney's office.

- The Riparian Buffer Restoration Grant provides funds to match local expenditures to restore riparian stream buffers. Under this grant, landowners can request 50 percent reimbursement for the labor and material of adding new buffer plantings on their property. The Virginia Department of Conservation and Recreation has granted an extension on this grant to December 31, 2009, to accommodate plantings in the fall planting season. The balance to be carried forward is \$50,975.14.
- In FY 06/07, the Department of Justice awarded the Albemarle County Sheriff's Department a grant in the amount of \$29,617.00 with a local match of \$166.54 for a total grant award of \$29,783.54. The purpose of this grant was to purchase automated external defibrillators, Alzheimer tracking bands, and digital video equipment and cameras. The balance to bring forward for FY 09/10 is \$2,079.38.
- Beginning in FY 08/09, the Department of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$42,000.00 with an "in-kind" local match of \$8,400.00. The purpose of this grant is to assist in overtime expenses, training, and equipment for traffic safety. The traffic safety activities include: Operation Safe Holiday, Impaired Driver Enforcement Campaigns (3), Click it or Ticket enforcement, and quarterly speed enforcement projects. The amount to carry forward to FY 09/10 is \$11,339.00
- In FY 08/09, the Department of Homeland Security awarded the Fire/Rescue Department a grant in the amount of \$392,000.00 to assist in the marketing and advertising components of volunteer recruitment. The funds will be used for advertising and supplies including but not limited to radio, TV, pamphlets, door hangers, banners, etc. The grant is funded over a four-year span. The amount to be brought forward to FY 09/10 is \$68,226.00; in addition to the second year amount of \$92,000.00.
- In FY 07/08, the Department of Justice awarded Bedford County a grant in the amount of \$95,000.00 to assist in the investigations of internet crimes against children. Bedford designated Albemarle County as being an area district in the fight against internet crime and is providing Albemarle County with \$19,000.00. The amount to be brought forward for FY 09/10 is \$1,801.00.
- In FY 08/09 the Commonwealth of Virginia – DMV awarded the Albemarle County Sheriff's Office a grant in the amount of \$15,140.00 with a local match of \$4,689.20 for a total grant of \$19,829.20. This grant assists in the purchase of radar units, breath testing units, as well as funding overtime hours for DUI checkpoints and speed enforcement. The amount to bring forward for FY 09/10 is \$5,222.59.
- In FY 07/08, the U.S. Department of Justice awarded the Albemarle County Police Department a grant in the amount of \$23,557.00. The purpose of this grant is to assist in funding overtime hours by current officers in support of reducing crime and improvement of public safety for more "Community Policing". There is no local match. The amount to bring forward for FY 09/10 is \$22,812.71.
- In FY 07/08, the Department of Homeland Security awarded the Fire/Rescue Department a grant in the amount of \$309,168.00 with a local match of \$77,292.00 for a total grant in the amount of \$386,460.00. This grant will assist in the purchase of safe and compliant personal protective equipment. The amount to bring forward to FY 09/10 is \$8,010.22.
- The County has received renewed funds from the Federal Government in the form of the Child Care Quality Initiative. These funds will be used in conjunction with the City of Charlottesville DSS to create a position that will be housed at Albemarle DSS that will serve both departments under the grant. The revenues from this grant are 100 percent federal with no local match. The balance to bring forward for FY 09/10 is \$25,127.00
- Albemarle County received a Federal grant for the AmeriCorps Program. The AmeriCorps worker serves the Adult Division of Albemarle County Department of Social Services (ACDSS) to help achieve the following strategic goal of the agency: develop and implement strategies focused on prevention and early intervention and ensure that all services meet the need of the changing demographics of the community. The revenue from this grant is 80 percent Federal with a 20 percent local match. The local match will be taken from existing ACDSS funds. The amount to bring forward for FY 09/10 is \$3,068.04.
- In FY 07/08, the Department of Criminal Justice Services awarded the Commission on Children & Families a grant in the amount of \$5,000.00 in Federal funds, \$5,000.00 in state funds, and a local match of \$1,667.00. The total grant award of \$11,667.00 is to provide 200 service-learning sessions for 48 weeks for youth who are at-risk of gang involvement. The local match will be funded by the Community Attention Agency. The amount to be brought forward to FY 09/10 is \$1,667.00.
- In FY 07/08, the Albemarle County Fire/Rescue Department received \$12,000.00 from the J&E Berkley Foundation. These monies are to enable the continuation of a free smoke detector program to bring single-family residences into compliance with the National Fire Protection Association (NFPA) recommendations. This program targets groups that are at risk and usually cannot afford smoke detectors. The amount to bring forward for FY 09/10 is \$9,447.19.
- There is a \$2,000.00 balance in the Sheriff Reserve Programs Fund. This money is from contributions that have been made in support of the volunteer reserve programs. This money is vital to support the many programs that our volunteer reserves are involved with, such as Project Lifesaver, child fingerprinting, etc. These contributions allow the volunteers to perform many services without it impacting the regular budget.

Appropriation No. 2010-027., \$84,000.00. Revenue Source: Fund Balance \$84,000.00. The Emergency Communications Center had the following uncompleted projects at the end of FY 08/09 that will need to be reappropriated into FY 09/10: APCO Emergency Medical Dispatch Program – \$14,000.00; Computer Aided Dispatch and Records System Review – \$50,000.00; and, Replacement of Carpeting in the Communications Center – \$20,000.00.

Appropriation No. 2010-028, \$702,743.42. Revenue Source: Local Revenue \$702.00; General Fund Balance \$702,041.42. The following departments had FY 08/09 funds for specific projects that were uncompleted at June 30, 2009, and will require appropriation for use in FY 09/10:

- Clerk of Circuit Court: Part-time and overtime wages – \$15,322.00
- Sheriff: Reserve programs – \$2,017.45
- Fire Rescue: Operating supplies and repairs to vehicles and the training burn building – \$29,311.57, and funds related to Volunteer Recruitment and Retention initiatives and advertising – \$172,475.40
- General Services: Contract services for stormwater management and building maintenance – \$29,300.00
- Community Development: Historic Preservation Committee grant – \$702.00
- Office of Housing: Community Development Loan Fund – \$203,615.00
- Job Opportunity Fund – \$250,000.00.

Appropriation No. 2010-029, \$16,000.00. Revenue Source: Board Contingency \$16,000.00. During the FY 09/10 budget development process, \$16,000.00 in overtime wages was erroneously omitted from Fire/Rescue's budget. This appropriation restores that funding.

Appropriation No. 2010-030, \$14,080,067.81. Revenue Source: Federal Revenue \$330,062.00; Loan Proceeds \$11,243,278.54; General Government CIP Fund Balance \$2,506,727.27. This request reappropriates a portion of the remaining balances of active General Government Capital Improvement projects that were uncompleted as of June 30, 2009. Among the projects included in this request are several fire department requests, the Crozet Library, Crozet Streetscape and Juvenile Court Building renovations. The remaining project reappropriations are under additional review and will be presented to the Board in November for consideration.

Appropriation No. 2010-031, \$5,219,110.71. Revenue Source: School CIP Fund Balance \$5,219,110.71. This request reappropriates a portion of the remaining balances of active School Capital Improvement projects that were uncompleted as of June 30, 2009. Among the projects included in this request are construction projects at the Vehicle Maintenance Facility, Brownsville Elementary, Greer Elementary and Albemarle High Schools. The remaining project reappropriations are under additional review and will be presented to the Board in November for consideration.

Appropriation No. 2010-032, \$895,037.32. Revenue Source: Federal Revenue \$53,200.00; Stormwater CIP Fund Balance \$841,837.32. This request reappropriates a portion of the remaining balances of Stormwater Management projects that were uncompleted as of June 30, 2009. Among the projects included in this request are Downtown Crozet and Woodbrook. The remaining project reappropriations are under additional review and will be presented to the Board in November for consideration.

Appropriation No. 2010-033, \$266,411.61. Revenue Source: Fund Balance \$266,411.61. Several departments had funding for projects approved in FY 08/09 that had not been completed as of June 30, 2009. This request reappropriates the remaining balances for the uncompleted projects for which purchase orders were outstanding as of June 30, 2009.

Appropriation No. 2010-034, \$33,654.81. Revenue Source: Local Revenue \$5,300.00; Federal Revenue \$28,354.81. At its June 25, 2009, meeting, the School Board discussed the request of Whitehouse Mariah, LLC that the School Board execute a quitclaim deed conveying an unidentified half-acre parcel owned previously by the White Hall School District Trustees to Zoe Enterprises, LLC. Following discussions with staff, Whitehouse Mariah agreed to compensate the Board in the amount of \$5,000.00 for the quitclaim conveyance. The check from Whitehouse LLC has been received and the Board has requested that these funds be deposited into the School Board Reserve.

Albemarle High School received a donation in the amount of \$300.00 from Michael and Carol Atchison. The donors requested that their contribution be used to help facilitate the installation of a synthetic turf field at Albemarle High School. The current balance for the AHS Synthetic Turf Project is \$1,100.00 including this donation. The high school needs to raise \$325,000.00 in order to receive matching funds from an anonymous donor. The balance required to consider construction is \$650,000.00 leaving Albemarle High School with a balance of \$323,900.00 to garner matching funds.

Greer Elementary School has been awarded a USDA Fresh Fruit and Vegetable Program grant in the amount of \$28,354.81. These funds will be used to provide students with nutrition education and a fresh fruit or vegetable snack twice a week.

Appropriation No. 2010-035, \$3,000.00. Revenue Source: Board Contingency \$3,000.00. At the September 2, 2009, Board of Supervisors' meeting, the Board approved adoption of an ordinance limiting height of uncontrolled vegetation in the development areas. Implementation of this program is estimated to cost \$3,000.00 in recurring funds to pay for mowing services. This appropriation will not increase the total budget.

Appropriation No. 2010-036, \$430,800.00. Revenue Source: Crozet Crossings Fund \$430,800.00. On January 30, 2008, the Trustees of the Crozet Crossings Housing Trust Fund approved the commitment of \$184,400.00 to the expansion of Crozet Meadows and \$246,400.00 for the development of Treesdale Park.

The Treesdale Park commitment was revised and recommitted on May 7, 2009. Combined, these developments will add 126 new affordable housing rental units to the County's housing stock and rehabilitate 28 existing units.

Staff recommends approval of the FY 2010 Budget Amendment in the amount of \$22,088,773.88 after the public hearing, and then approval of Appropriations No. 2010-025, No. 2010-026, No. 2010-027, No. 2010-028, No. 2010-029, No. 2010-030, No. 2010-031, No. 2010-032, No. 2010-033, No. 2010-034, No. 2010-035 and No. 2010-036 to provide funds for various local government and school projects.

Mr. Slutzky asked if any Board member had a question for staff.

Ms. Thomas said she was very disappointed that the Volunteer Recruitment and Retention initiative money was not spent last year. She hopes they will be spent soon.

Ms. Mallek said it was planned that the money would not be spent until January, 2010.

Ms. Thomas said this is last year's money.

Mr. Rooker said it would be helpful to get an explanation of why it has not gone forward. Mr. Tucker said one explanation is that the employee who had that position left the County and it was not replaced. He will ask Mr. Eggleston to give a report on what can be done with current staff.

Ms. Mallek said some of the fire stations have done their own spots. There has been another struggle in getting an RFP out get programming made. She had a question about the \$16,000 overtime. Mr. Elliott said there is a certain amount of funding allocated to public safety departments for overtime and this \$16,000 was left of the request last year. With the \$16,000, it would track historic usage of overtime (a firefighter held over by running an incident, training, covering for an employee who is sick or out for a reason).

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

**Motion** was offered by Mr. Rooker to approve the FY 2010 Budget Amendment in the amount of \$22,088,773.88, and approval of Appropriations No. 2010-025, No. 2010-026, No. 2010-027, No. 2010-028, No. 2010-029, No. 2010-030, No. 2010-031, No. 2010-032, No. 2010-033, No. 2010-034, No. 2010-035 and No. 2010-036 to provide funds for various local government and school projects.

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

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

COUNTY OF ALBEMARLE							APP #	2010-025	
APPROPRIATION							DATE	10-07-09	
EXPLANATION:		Education Programs - School Board Meeting: 08/27/2009							
				SUB LEDGER			GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18000	181109	Donation	J 2	5,000.00			
1	2206	61101	800700	Data Processing Equip-New	J 1	5,000.00			
	2000		0501	Est. Revenue			5,000.00		
			0701	Appropriation				5,000.00	
2	9001	18100	181107	AHS Donations-Turf Project	J 2	325.00			
2	9001	60301	950245	AHS Synthetic Turf Field	J 1	325.00			
	9001		0501	Est. Revenue			325.00		
			0701	Appropriation				325.00	
<b>TOTAL</b>						10,650.00	5,325.00	5,325.00	

COUNTY OF ALBEMARLE							APP #	2010-026	
APPROPRIATION							DATE	10-07-09	
EXPLANATION:		Reappropriation of Grants. Seized Asset Accounts, and Contribution Funds							
				SUB LEDGER			GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	1234	51000	510100	Approp - Fund Balance	J 2	15,121.33			
2	1235	51000	510100	Approp - Fund Balance	J 2	1,852.69			
2	1236	51000	510100	Approp- Fund Balance	J 2	51,564.42			
1	1234	22010	320000	Temp Help - Service Fee	J 1	1,121.33			
1	1234	22010	550100	Travel/Training/Education	J 1	8,000.00			
1	1234	22010	600100	Office Supplies	J 1	1,000.00		2010-026	
1	1234	22010	800200	Furniture/Fixtures	J 1	1,000.00		(Continued)	
1	1234	22010	800700	ADP Equipment	J 1	4,000.00			

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1	1235	39000	580905	State Drug Asset Seizures	J	1	1,852.69		
1	1236	39000	580905	State Drug Asset Seizures	J	1	51,564.42		
	1234		0501	Est. Revenue				15,121.33	
			0701	Appropriation					15,121.33
	1235		0501	Est. Revenue				1,852.69	
			0701	Appropriation					1,852.69
	1236		0501	Est. Revenue				51,564.42	
			0701	Appropriation					51,564.42
2	1410	24000	240207	VA Dept. of Conservation	J	2	50,834.95		
2	1410	51000	510100	Approp- Fund Balance	J	2	140.19		
1	1410	82050	580419	Riparian Buffer Reimb.	J	1	50,975.14		
			0501	Est. Revenue				50,975.14	
			0701	Appropriation					50,975.14
2	1513	33000	330001	Grant Revenue-Federal	J	2	2,079.38		
1	1513	21070	800100	Machinery & Equipment	J	1	1,969.04		
1	1513	21070	800700	ADP Equipment	J	1	110.34		
	1513		0501	Est. Revenue				2,079.38	
			0701	Appropriation					2,079.38
2	1522	33000	330001	Federal Revenue	J	2	11,339.00		
1	1522	31013	120000	Overtime	J	1	9,548.07		
1	1522	31013	210000	FICA	J	1	790.93		
1	1522	31013	550100	Training	J	1	1,000.00		
	1522		0501	Est. Revenue				11,339.00	
			0701	Appropriation					11,339.00
2	1525	33000	330214	Federal Revenue	J	2	160,226.00		
1	1525	31092	600000	Materials & Supplies	J	1	160,226.00		
	1525		0501	Est. Revenue				160,226.00	
			0701	Appropriation					160,226.00
2	1528	33000	330033	DOJ Pass-thru Bedford Co	J	2	1,801.00		
1	1528	31013	550403	Training	J	1	1,801.00		
	1528		0501	Est. Revenue				1,801.00	
			0701	Appropriation					1,801.00
2	1530	33000	330011	Federal DMV Grants	J	2	4,254.16		
2	1530	51000	510100	Approp- Fund Balance	J	2	968.43		
1	1530	21070	110000	Salaries - Regular	J	1	126.91		
1	1530	21070	120000	Overtime	J	1	2,231.64		
1	1530	21070	210000	FICA	J	1	206.66		
1	1530	21070	580000	Miscellaneous Expense	J	1	192.83		
1	1530	21070	600800	Vehicle - Fuel	J	1	2,262.55		
1	1530	21070	600900	Vehicle - Maint/Repair	J	1	60.00		
1	1530	21070	800100	Machinery & Equipment	J	1	142.00		
	1530		0501	Est. Revenue				5,222.59	
			0701	Appropriation					5,222.59
2	1538	33000	300001	Federal Revenue	J	2	22,812.71		
1	1538	31013	120000	Overtime	J	1	21,067.54		
1	1538	31013	210000	FICA	J	1	1,745.17		
	1538		0501	Est. Revenue				22,812.71	
			0701	Appropriation					22,812.71
2	1540	51000	510100	Approp - Fund Balance	J	2	8,010.22		
1	1540	32015	800100	Machinery & Equipment	J	1	8,010.22		
	1540		0501	Est. Revenue				8,010.22	
			0701	Appropriation					8,010.22
2	1561	33000	330001	Grant Revenue - Federal	J	2	25,127.00		
1	1561	53115	301210	Contract Services	J	1	25,127.00		
	1561		0501	Est. Revenue				25,127.00	
			0701	Appropriation					25,127.00
2	1566	33000	330001	Grant Revenue - Federal	J	2	2,377.53		
2	1566	51000	512004	Transfer from Gen. Fund	J	2	690.51		
1	1566	53156	110000	Regular Salaries	J	1	2,850.00		
1	1566	53156	210000	FICA	J	1	218.04		
1	1000	53013	570600	Aid to D.C. - Foster Care	J	1	(690.51)		
1	1000	53013	939999	Transfer to Other Funds	J	1	690.51		
	1566		0501	Est. Revenue				3,068.04	
			0701	Appropriation					3,068.04

2	1573	51000	510100	Approp - Fund Balance	J	2	1,667.00			
1	1573	53160	312105	Consulting Services	J	1	1,667.00			
	1573		0501	Est. Revenue				1,667.00		
			0701	Appropriation					1,667.00	
2	1576	51000	510100	Approp - Fund Balance	J	2	9,447.19			
1	1576	31092	800100	Machinery & Equipment	J	1	9,447.19			
	1576		0501	Est. Revenue				9,447.19		
			0701	Appropriation					9,447.19	
2	8408	51000	510100	Approp - Fund Balance	J	2	2,000.00			
1	8408	93010	930009	Tr. To General Fund	J	1	2,000.00			
2	1000	51000	512020	Trns. Sheriff Contribution	J	2	2,000.00			
1	1000	21070	301230	Reserve Programs	J	1	2,000.00			
	8408		0501	Est. Revenue				2,000.00		
			0701	Appropriation					2,000.00	
	1000		0501	Est. Revenue				2,000.00		
			0701	Appropriation					2,000.00	
TOTAL								748,627.42	374,313.71	374,313.71

COUNTY OF ALBEMARLE							APP #	2010-027	
APPROPRIATION							DATE	10-07-09	
EXPLANATION:		Reappropriation of ECC funds							
							SUB LEDGER		
							GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	4100	51000	510100	Approp - Fund Balance	J	2	84,000.00		
1	4100	31041	312210	Contract Services	J	1	14,000.00		
1	4100	31046	312210	Contract Services	J	1	50,000.00		
1	4100	31041	331800	R&M Buildings	J	1	20,000.00		
	4100		0501	Est. Revenue			84,000.00		
			0701	Appropriation				84,000.00	
TOTAL							168,000.00	84,000.00	84,000.00

COUNTY OF ALBEMARLE							APP #	2010-028	
APPROPRIATION							DATE	10/7/2009	
EXPLANATION:		Reappropriation of Uncompleted Projects							
							SUB LEDGER		
							GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
1	1000	21060	120000	Clerk of Court: OT Wages	J	1	6,000.00		
1	1000	21060	130000	Clerk of Court: PT Wages	J	1	9,322.00		
1	1000	21070	301230	Sheriff: Reserve Programs	J	1	2,017.45		
1	1000	32019	601100	Fire Res: Unfms & Apparel	J	1	977.50		
1	1000	32015	601400	Fire Res: Other Op Supplies	J	1	406.55		
1	1000	32012	600900	Fire Res: Veh & Equip Rprs	J	1	5,312.39		
1	1000	32015	600900	Fire Res: Veh & Equip Rprs	J	1	12,615.13		
1	1000	32012	900913	Fire Res: Burn Bldg Repairs	J	1	10,000.00		
1	1000	32016	999998	Fire Res: Strategic Initiatives	J	1	157,000.00		
1	1000	32016	360000	Fire Rescue: Advertising	J	1	15,475.40		
1	1000	43005	301210	Stormwater Mgt Ctract Svs	J	1	24,800.00		
1	1000	43003	332200	Gen Svs Maint Ctract-Bldgs	J	1	4,500.00		
1	1000	81022	310008	Historic Pres Committee	J	1	702.00		
1	1000	81030	563150	Community Dev Loan Fund	J	1	203,615.00		
1	1000	95000	999987	Job Opportunity Fund	J	1	250,000.00		
2	1000	18120	181227	Historic Pres Committee	J	2	702.00		
2	1000	51000	510100	Appropriation - Fd Balance	J	2	702,041.42		
	1000		0501	Est. Revenue			702,743.42		
			0701	Appropriation				702,743.42	
TOTAL							1,405,486.84	702,743.42	702,743.42

COUNTY OF ALBEMARLE							APP #	2010-029
APPROPRIATION							DATE	10/7/2009
EXPLANATION:		Budget Adjustment - Fire Rescue						

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	32013	120000	Overtime Wages	J	1	8,000.00		
1	1000	32013	120300	OT Wages - On Call	J	1	8,000.00		
1	1000	95000	999990	BOS Contingency	J	1	(16,000.00)		
TOTAL							0.00	0.00	0.00

COUNTY OF ALBEMARLE							APP #	2010-030
APPROPRIATION							DATE	10-07-09
EXPLANATION: Reappropriation of projects and programs from FY '09 General Government CIP								
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9010	12200	800700	I/T ADP Equipment	J	1	121,250.18	
1	9010	12200	800714	I/T Cths Phone Swch	J	1	39,582.65	
1	9010	12210	312105	AA-Consulting Svs	J	1	157,750.93	
1	9010	12210	332115	AA-Maint Ctrct Sftwr	J	1	230,830.00	
1	9010	12210	800700	AA-ADP Equipment	J	1	150,000.00	
1	9010	12210	800710	AA-Data Ps Software	J	1	200,000.00	
1	9010	21000	331000	Court Fac-Rp/Maint	J	1	8,788.63	
1	9010	21050	800901	Juv Court-Bldg Renv	J	1	1,813,082.87	
1	9010	31010	800714	Pol Dept Tec Upgd	J	1	760,147.00	
1	9010	31010	800733	Pol Dept Video Equip	J	1	28,801.15	
1	9010	32017	999999	Hollymead FS - Cntg	J	1	87,800.16	
1	9010	32018	312350	Pantops FS	J	1	250,000.00	
1	9010	32020	810099	VFD Contingency	J	1	35,662.50	
1	9010	32020	810304	VFD N Gdn Comnd	J	1	61,000.00	
1	9010	32020	810404	VFD Erlsylvle-Eng 41	J	1	643,568.08	
1	9010	32020	810504	VFD Crozt Brush 53	J	1	149,481.96	
1	9010	32020	810506	VFD Crozt Ldr Trk	J	1	1,079,833.59	
1	9010	32020	810610	VFD St/Pt Fac upgde	J	1	8,100.53	
1	9010	32020	810801	VFD Smnl Dsn/Study	J	1	12,032.92	
1	9010	32020	810804	VFD Smnl Cmnd 89	J	1	24,562.38	
1	9010	32030	815101	VR CARS Amb/Eqp	J	1	260,108.85	
1	9010	32030	815102	VRCARS Squad 133	J	1	300,000.00	
1	9010	32030	815502	VR WARS Amb 501	J	1	178,000.00	
1	9010	32030	950355	VR CARS-Amb #3	J	1	182,000.00	
1	9010	32030	950356	VR CARS -Amb #4	J	1	182,000.00	
1	9010	32030	950357	V R WARS Cmd 506	J	1	58,000.00	
1	9010	41023	312347	Crozet Stscp Block	J	1	470.72	
1	9010	41023	312350	Czet Stscp Eng/Plan	J	1	15,540.78	
1	9010	41023	800605	Czet Stscp Const	J	1	2,113,108.63	
1	9010	41023	999999	Czet Stscp Contg	J	1	303,867.61	
1	9010	41350	950510	Sdwk-South Pantops	J	1	474,509.00	
1	9010	41350	950514	Sdwk-Crozet Ave N.	J	1	75,549.86	
1	9010	41350	950516	Sdwk-Rt 250/Wstmst	J	1	2,650.40	
1	9010	43100	800666	Pb Wk-Fac Mntn	J	1	388,375.66	
1	9010	43100	950128	Pb Wks-COB Entry	J	1	15,329.19	
1	9010	43100	950174	Pb Wks-Hlsdl Sdwk	J	1	106,642.03	
1	9010	43100	950222	Pb Wks-Health Dept	J	1	35,000.00	
1	9010	43101	580000	COB MC Rn PII-Misc	J	1	2,805.51	
1	9010	43101	800200	COB MC Rn PII-F&F	J	1	43,287.01	
1	9010	43101	800605	COB MC Rn PII-Cns	J	1	122,143.83	
1	9010	43101	999999	COB MC Rn P II-Ctg	J	1	131,763.65	
1	9010	51020	800673	Health Dept - HVAC	J	1	42,869.67	
1	9010	71000	800949	Pks & Rec- Mnt Pjts	J	1	185,595.03	
1	9010	72030	950026	Tourism-Gnwy Pgm	J	1	107,828.97	
1	9010	72030	950177	Tourism-Byrom Frst	J	1	498,996.95	
1	9010	72030	950233	Tourism-Predy Crk	J	1	313,974.85	
1	9010	72030	950520	Tourism-Riv Fr Bdge	J	1	6,949.13	
1	9010	73020	800989	Libraries - Maint Pjts	J	1	421,239.72	
1	9010	73020	950114	Libraries - Crozet	J	1	1,617,823.08	
1	9010	73020	312348	Lib Feas St Nrthsde	J	1	14,955.15	
1	9010	81001	950178	PI-City View Project	J	1	16,407.00	
2	9010	33000	330062	TEA Grant	J	2	330,062.00	
2	9010	41000	410500	Loan Proceeds	J	2	11,243,278.54	
2	9010	51000	510100	Appropriation - F/B	J	2	2,491,727.27	
2	9010	51000	512060	Trs-HTC Area D Prof	J	2	15,000.00	
	9010		0501	Est. Revenue				14,080,067.81
			0701	Appropriation				14,080,067.81
1	8528	93010	930010	HTC Ar D-Tsf to CIP			15,000.00	
2	8528	51000	510100	HTC Area D-App F/B			15,000.00	

	8528		0501	Est. Revenue				15,000.00	
			0701	Appropriation					15,000.00
	TOTAL						28,190,135.62	14,095,067.81	14,095,067.81

COUNTY OF ALBEMARLE							APP #	2010-031	
APPROPRIATION							DATE	10-07-09	
EXPLANATION:			Reappropriation of uncompleted FY '09 School Capital Projects						
				SUB LEDGER			GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
1	9000	60202	800200	Brownsville Furn/Fix	J 1	381,162.50			
1	9000	60202	800650	Brownsville Constr	J 1	739,792.13			
1	9000	60202	999999	Brownsville Ctg	J 1	405,284.62			
1	9000	60204	312350	Greer -Eng./Plng	J 1	129,984.47			
1	9000	60204	800605	Greer - Construction	J 1	371,331.29			
1	9000	60204	999999	Greer -Contingency	J 1	53,616.61			
1	9000	60301	800200	Albemarle- Furn&Fix	J 1	264,528.40			
1	9000	60301	800605	Albemarle - Constr	J 1	292,073.87			
1	9000	60301	999999	Albemarle - Cntgy	J 1	258,554.30			
1	9000	60510	800200	VMF-Furn & Fix	J 1	6,000.00			
1	9000	60510	800605	VMF - Construction	J 1	1,007,000.00			
1	9000	60510	800901	VMF - Bldg Renov	J 1	385,579.02			
1	9000	60510	999999	VMF Contingency	J 1	132,060.00			
1	9000	61101	800700	Class/Instr-ADP Eqp	J 1	25,854.35			
1	9000	61101	800707	Class/Instr-Tech Gr	J 1	2,675.09			
1	9000	62420	800665	F/M-ADA Structl Chg	J 1	17,985.24			
1	9000	62420	800949	F/M-Maint Projects	J 1	76,898.36			
1	9000	62420	950184	F/M-Light Upgrades	J 1	70,094.38			
1	9000	62420	950195	F/M-Eny Consr Pgm	J 1	13,558.08			
1	9000	62420	950229	F/MWAHS Gl Lk Rm	J 1	6,057.25			
2	9000	51000	510100	Appropriation - F/B	J 2	4,640,089.96			
	9000		0501	Est. Revenue			4,640,089.96		
			0701	Appropriation				4,640,089.96	
1	9001	60301	950245	AHS Synth Turf field	J 1	4,476.66			
2	9001	51000	510100	Appropriation - F/B	J 2	4,476.66			
	9001		0501	Est. Revenue			4,476.66		
			0701	Appropriation				4,476.66	
1	9002	60302	950245	WAHS Synth Turf Fd	J 1	16,771.66			
2	9002	51000	510100	Appropriation - F/B	J 2	16,771.66			
	9002		0501	Est. Revenue			16,771.66		
			0701	Appropriation				16,771.66	
1	9003	60303	950245	MHS Synth Turf Fd	J 1	557,772.43			
2	9003	51000	510100	Appropriation - F/B	J 2	557,772.43			
	9003		0501	Est. Revenue			557,772.43		
			0701	Appropriation				557,772.43	
TOTAL						10,438,221.42	5,219,110.71	5,219,110.71	

COUNTY OF ALBEMARLE							APP #	2010-032	
APPROPRIATION							DATE	10-07-09	
EXPLANATION:			Reappropriation uncompleted FY '09 Stormwater Capital Projects						
				SUB LEDGER			GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
1	9100	41059	312400	Woodbrook-Pf Srv Eng	J 1	88,449.84			
1	9100	41059	800605	Woodbrook - Constr	J 1	188,967.06			
1	9100	41063	800605	Dntwn Crozet - Constr	J 1	262,376.42			
1	9100	41063	800692	Dntwn Crozet - Buf Enh	J 1	50,000.00			
1	9100	41063	800750	Dntwn Crozet - Pch- Ppt	J 1	199,844.00			
1	9100	41064	800975	Cob Parking Biofilters	J 1	105,400.00			
2	9100	51000	510100	Appropriation - F/B	J 2	841,837.32			
2	9100	33000	330034	Fish/Wildlife Fd -Federal	J 2	53,200.00			
	9100		0501	Est. Revenue			895,037.32		
			0701	Appropriation				895,037.32	
TOTAL						1,790,074.64	895,037.32	895,037.32	

COUNTY OF ALBEMARLE							APP #	2010-033			
APPROPRIATION							DATE				
EXPLANATION:			Reappropriation Outstanding Purchase Orders								
			SUB LEDGER				GENERAL LEDGER				
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT			
1	1000	11010	312210	BOS-Contr Svcs	J 1	7,289.05					
1	1000	11010	312346	BOS-Res Mgmt	J 1	4,000.00					
1	1000	12013	301200	ComRel-Wb Rdsig	J 1	28,887.52					
1	1000	12142	317000	Fin-Other Prof Svs	J 1	3,647.16					
1	1000	13020	331607	Regis-R&M Vt Mch	J 1	11,900.00					
1	1000	21060	800201	Clerk of Ct-Furn	J 1	9,842.00					
1	1000	31013	800300	Police-Comm Eqp	J 1	3,015.00					
1	1000	32015	601400	F/R - Op Supplies	J 1	2,809.53					
1	1000	32020	561300	Seminole Trail	J 1	3,798.97					
1	1000	32020	601104	F/R Turnout Gear	J 1	11,280.59					
1	1000	32030	565000	CARS	J 1	3,798.97					
1	1000	42040	390001	Keene Landfill	J 1	28,592.47					
1	1000	43002	331200	Gen Svc R/M Bldgs	J 1	611.65					
1	1000	43002	332200	GSvc Mn Con Bldg	J 1	21,153.77					
1	1000	43005	301210	Stmwtr Cont Svcs	J 1	43,537.00					
1	1000	43006	301211	Grd Mnt.-Med Mwg	J 1	10,075.00					
1	1000	43006	301221	Grnd Mnt Lascpg	J 1	19,906.50					
1	1000	43006	312373	Grd Mnt.-Art in Plac	J 1	360.00					
1	1000	43006	332300	Gr Mnt.-Rpl/Inst Strt	J 1	3,813.88					
1	1000	71012	540000	Pks-Lease/Rentals	J 1	1,979.17					
1	1000	71013	320100	Smr Swim-Security	J 1	3,531.00					
1	1000	71013	540000	Smr Swim-Ls/Rntal	J 1	692.40					
1	1000	81021	317000	CmDv Oth Prf Svs	J 1	4,500.00					
1	1000	81022	312342	Pl-Dev. Area Study	J 1	28,532.00					
1	1000	81024	312700	Zng-Prof Services	J 1	1,275.00					
1	1000	89000	562501	TJPDC-Trnst Ath Pl	J 1	7,582.98					
2	1000	51000	510100	Approp - Fd Bal	J 2	266,411.61					
	1000		0501	Est. Revenue			266,411.61				
			0701	Appropriation				266,411.61			
TOTAL						532,823.22	266,411.61	266,411.61			

COUNTY OF ALBEMARLE							APP #	2010-034			
APPROPRIATION							DATE	10-07-09			
EXPLANATION:			Education Programs - School Board Meeting: 09-10-2009								
			SUB LEDGER				GENERAL LEDGER				
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT			
2	2000	18000	189900	Misc Revenue	J 2	5,000.00					
1	2410	60100	999981	Sch Board Reserve	J 1	5,000.00					
	2000		0501	Est. Revenue			5,000.00				
			0701	Appropriation				5,000.00			
2	3010	33000	330001	USDA-FFVP Grant	J 2	28,354.81					
1	3010	60204	129300	OT/Wg-Fd Services	J 1	2,040.00					
1	3010	60204	210000	FICA	J 1	160.00					
1	3010	60204	600200	Food Supplies	J 1	17,414.81					
1	3010	60204	600220	Stud Snacks/Meals	J 1	6,240.00					
1	3010	60204	800100	Mch/Equip - Addl	J 1	2,500.00					
	3010		0501	Est. Revenue			28,354.81				
			0701	Appropriation				28,354.81			
2	9001	18100	181107	AHS Dntn-Turf Pjt	J 2	300.00					
1	9001	60301	950245	AHS Syn Turf Field	J 1	300.00					
	9001		0501	Est. Revenue			300.00				
			0701	Appropriation				300.00			
TOTAL						67,309.62	33,654.81	33,654.81			

COUNTY OF ALBEMARLE							APP #	2010-035			
APPROPRIATION							DATE	10-07-09			
EXPLANATION:			Funding for Uncontrolled Vegetation Ordinance Enforcement								
			SUB LEDGER				GENERAL LEDGER				
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT			

1	1000	43006	301215	Overgrowth Ord Compl	J	1	3,000.00		
1	1000	95000	999990	Board Reserve	J	1	(3,000.00)		
TOTAL							0.00	0.00	0.00

COUNTY OF ALBEMARLE							APP #	2010-036		
APPROPRIATION							DATE	10-07-09		
EXPLANATION:			Disburse funds from the Crozet Crossings Trust Fund to the expansion of Crozet Meadows and the development of Treesdale Park							
							SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT		
1	8515	93010	930216	Trns - Crzt Meadows	J 1	184,400.00				
1	8515	93010	930217	Trns - Tresdale Park	J 1	246,400.00				
2	8515	51000	510100	App - Fund Balance	J 2	430,800.00				
	8515		0501	Est. Revenue			430,800.00			
			0701	Appropriation				430,800.00		
1	1223	81030	950164	Crzt Mdws Hsg Rhab	J 1	184,400.00				
2	1223	51000	510310	Trs - Czt Csings Trst	J 2	184,400.00				
	1223		0501	Est. Revenue			184,400.00			
			0701	Appropriation				184,400.00		
1	1220	81030	950165	Treesdale Park	J 1	246,400.00				
2	1220	51000	510310	Trs - Czt Crsings Trst	J 2	246,400.00				
	1220		0501	Est. Revenue			246,400.00			
			0701	Appropriation				246,400.00		
TOTAL						1,723,200.00	861,600.00	861,600.00		

Agenda Item No. 15. Closed Meeting.

At 1:16 p.m., **motion** was offered by Ms. Thomas that the Board adjourn into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; and, under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to the negotiation of a contract for services provided by the SPCA; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to the negotiation of a lease agreement for a library.

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

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

Agenda Item No. 16. Certify Closed Meeting. At 2:22 p.m. the Board reconvened into open session.

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

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

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

Agenda Item No. 17a. Boards and Commissions: Vacancies/Appointments.

There were none.

Agenda Item No. 18a. Transportation Matters: VDOT Monthly Report.

Mr. Allan Sumpter, Residency Administrator, said he would summarize the monthly report. A lot of the items listed are pedestrian issues which VDOT continues to work on. There have been some problems which have caused a delay in work; they are not financial problems.

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Mr. Sumpter said that earlier today he and Mr. Bill Parman, Area Traffic Engineer, met with School representatives and citizens who are concerned about the pedestrian crossing at Albemarle High School. Because VDOT must order materials it may be a month before getting to the work, but in the meantime VDOT will install countdown equipment. He said that when a pedestrian hits the flash sign and the walk symbol comes on, that signifies it is safe to enter the intersection and start walking. After about eight seconds, the hand starts flashing which means the pedestrian should not enter the intersection. Some of the children are confused and when they see the hand they think it is no longer safe and they have to back up. By putting in a meter which counts down from 25 down to 1 it will help the children better understand the symbol. At the corner of Georgetown and Hydraulic Roads there are presently signs saying vehicles making right turns must yield to pedestrians. That same type of sign will be placed on both sides of Hydraulic Road for vehicles making a right turn and for vehicles coming out of Whitewood Road. If other problems are encountered later, they will make adjustments.

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Mr. Sumpter said VDOT was asked to evaluate the intersection of Ashwood Boulevard and Powell Creek Drive as a four-way stop. It didn't meet the warrants for a four-way stop. VDOT will install pedestrian signs on both sides of that intersection and possibly a stop bar. VDOT has communicated to the president of the Homeowners' Association that if a way can be found to add a defined traversable trail along the side of Thornridge Way, VDOT can consider putting in a crosswalk that is marked on the pavement; that work would need to be done before VDOT could do it.

Mr. Boyd asked the reaction of the Homeowners' Association. Mr. Sumpter said he has not received any reply at that time.

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Mr. Sumpter said that at the corner of Rio Road and Berkmar Drive a structural problem was found with the mast arm. It will require replacement before completion of the pedestrian crossing signals at that point.

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Mr. Sumpter said a pedestrian crossing has been installed at Hydraulic Road/Commonwealth Drive, but has not yet been activated.

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Mr. Sumpter said there has been a lot of conversation at recent Board meetings about pedestrian issues. With the funding issues being seen, VDOT is not where it needs to be, but they did target several of these intersections in order to provide some help. He feels some sense of accomplishment seeing some of these safety improvements being done.

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Mr. Slutzky asked the status of safety improvements on Hillsdale Drive including the pedestrian crosswalk at the intersection of Hillsdale Drive and Rio Road.

Mr. Joel DeNunzio responded that there is a contract for the work. VDOT has just permitted the work to be done to the County. He thinks the work will begin in the next couple of weeks. VDOT has not yet received the construction schedule from the contractor. He thinks construction time on that will be from two to three months.

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Mr. Sumpter said VDOT is proceeding with plans to replace the bridge structure on Sugar Hollow Road off of Route 810 in the White Hall area. The Bridge Superintendent sent out a notice to all agencies saying the bridge will be closed on October 19; it will be closed from a month to five weeks because they have to cut the pier caps down to set the steel on.

Ms. Thomas asked if this is one of the bridges the Board fought hard to keep as a wooden bridge. Mr. Sumpter said it will still be a timber deck bridge, but it will now be a legal load bridge.

Ms. Mallek said they are putting the new steel underneath. The detour will be Sugar Ridge all the way around which is quite a distance. She asked if a temporary sign will be installed in the center of White Hall so people will know to make the detour. Mr. Sumpter said there will be some signs placed well in advance of getting to the road.

Ms. Mallek also asked that detour signage be installed at Piedmont Store.

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Mr. Slutzky said he recently had a brief conversation with Mr. Jim Utterback regarding the engineering analysis that needs to be done to determine the span of a Berkmar Drive Bridge over the Rivanna River. He indicated he would determine if there were any funds available for the preliminary soil

borings. He asked Mr. Sumpter if he could check on that and have Mr. Utterback call him with the results of that search.

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Ms. Mallek asked if there is a timetable for the installation of rumble strips on Reas Ford Road at Earlysville. Mr. Sumpter said he had asked that the project be put on the marking schedule as an urgent need. He hopes the strips can be installed this month.

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Ms. Thomas said she had a question. She said people have asked why they are told there is no money for anything and then VDOT paves roads which do not have potholes, etc. Route 250 West and Route 29 South have been criticized for this. She asked Mr. Sumpter to explain how VDOT decides to pave roads.

Mr. Sumpter responded that the money for what VDOT has been doing is stimulus money. He said people have also asked about VDOT's regular paving schedule. The system VDOT uses to evaluate pavements does detailed imagery and takes readings that measure skid resistance, etc. VDOT uses a "combined condition index" which has a threshold score of 60. If a pavement falls below that threshold it is considered to be a candidate for paving; they also do a visual check of the road. All of the roads they have been paving using stimulus money are at the threshold or below. He said one of the longer sections of Route 29 South from Red Hill School down actually scored a 43; those pavements were below that threshold according to the mechanical equipment they use to measure. He said a lot of things are not visible to the eye. Some of those roads were paved between 1996 and 2000. For a high volume road like Route 29 paving life is between eight and ten years.

Ms. Thomas asked for an explanation of "skid resistance." Mr. Sumpter said it is the coarseness of the aggregates on the surface of the road to hold the tire on the road, and keep traction.

Mr. Rooker said everyone saw the complaint that Virginia was not using its stimulus funds fast enough. He said the State made a conscious decision to put money into paving because it could be done quickly. A huge percentage of stimulus funds went directly into paving projects and the funds needed to be used on Federal highways. Mr. Sumpter said that goes along with a statement made earlier that under the funding reductions VDOT will be making, they would be managing from the centerline out preserving assets, etc. and obviously the pavement is the most important asset.

Ms. Thomas said she knows that Route 250 West has been made slightly better for bicycles because each time it was paved in the past it was widened somewhat and then striped so there could be a paved shoulder. She asked if that is still a policy, or can the Board make it a policy? Mr. Sumpter said each road has to be looked at individually because there are certain aspects with the shoulders and maintenance of ditch widths. VDOT has been trying to do what they are calling "trench widening" which is not an official bike lane, but gets a couple of feet for a shared use with bikes on the pavement. They have been able to do in a couple of places this year – a section on Route 250 coming out of the city and on Route 53 headed toward Michie Tavern. He said it has to be looked at on a case-by-case basis.

Ms. Mallek said that when a road is redone, that has been mandatory in the long-range plan for this area since 2002.

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Ms. Mallek said she had a question about Jarmans Gap Road. She asked if the change from a slip lane to a taper lane is already taken care of for Orchard Road. Mr. Sumpter responded that the plans are in the redrawing process.

Mr. Rooker asked the schedule for that road project. Mr. Sumpter responded that its schedule has been maintained for February, 2011.

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Ms. Thomas thanked Mr. Sumpter for noticing that a safety study has been requested for Owensville Road. Part of that request is to see if the speed limit can be lowered. Mr. Sumpter confirmed that lowering the speed limit is a part of each safety study.

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Mr. Dorrier said Ms. Doris Jones of Scottsville has told him several times about the narrowness of Route 726 (James River Road) and the big drop-off near the water treatment plant. This causes trucks to stop and actually back up when they meet another vehicle in this area. He knows signs have been placed on the road, but maybe something else will have to be done. Mr. Sumpter said this is an area where a pipe goes under the road. On a lot of the country roads, they narrow close to location of a pipe. It would be a significant undertaking to replace everything in order to get the width, but VDOT will do some additional review.

Mr. Dorrier suggested possibly installing signage saying trucks of a certain size should use a different route.

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Mr. David Benish, Chief of Planning, said he would like to mention an item that is on the VDOT list – Lego Drive traffic calming. He said VDOT recently received a request from the Ashcroft Homeowners' Association asking that the "Child at Play" signs be taken down since the traffic calming measures are now completed. They feel there is no longer any need for the signs. He said staff does not

see any problem with deleting those signs, and he asked if the Board wanted additional information about the request.

Mr. Slutzky said once the signs are installed it costs nothing to leave them up until they need to be replaced, so is there an affirmative reason to remove them.

Ms. Thomas said she feels there is. When it was decided years ago that the Board would be involved in putting up the signs, she said there was no way to take them down. In her district there was one family that wanted a sign and their children were always visible, but she is sure those children are old enough to be driving themselves now. She thinks it misleads the public if such signs are posted and there are no children in the area or any reason to slow down. Mr. Benish said there is a proliferation of signs in the area which a driver has to read. Since traffic-calming measures are in place, staff felt the signs could be removed.

Mr. Slutzky asked if staff wants the Board to direct them to remove those signs. Mr. Davis said VDOT had a policy that before installation of child-at-play signs the Board had to adopt a resolution concurring. The question is whether VDOT requires a formal decision to remove them.

Mr. Slutzky said in the event a resolution is required he will **move** to authorize the removal of the child-at-play signs in Ashcroft at the request of the homeowners' association. Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

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Mr. Boyd said an application has been filed by a Proffit Road group for a child-at-play sign. He asked if that request will be on the agenda soon. Mr. Benish said he believes it is in process.

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Agenda Item No. 18b. Transportation Matters: Discussion of an Amendment to the FY 2009-10 through 2014-15 Six-Year Secondary System Construction Program.

The executive summary forwarded to Board members state that at it's September 5, 2009 meeting, the Board directed staff to proceed with an amendment to the approved VDOT Six Year Secondary System Construction Program (the "Program") in order to transfer unpaved secondary road funds from the Dickerson Road Paving Project to the Broomley Road Railroad Bridge Improvement Project.

The estimated cost for the Dickerson Road Paving Project and related bridge improvements is \$11,600,000, of which VDOT has allocated approximately \$1.6 million in unpaved road funds to date. The County is not scheduled to receive any additional paving funds over the next five years; therefore, the Dickerson Road Paving Project could not move forward to construction in the foreseeable future.

The existing Broomley Road bridge structure has a weight limit of eight tons and cannot be used by large emergency vehicles. Replacing the bridge is the only means of providing a structure adequate to carry all emergency vehicles.

In order to amend the approved Program, the locality must hold a public hearing on the proposed Program amendment, the Board must adopt a Resolution to approve the Program amendment, and staff must request that VDOT amend the Program. The public hearing has been set for October 14, 2009. A draft resolution is attached for the Board's review prior to the public hearing (Attachment A).

*The Amendment to the VDOT Program:*

The actual amendment to the VDOT Program would remove the Dickerson Road Project from the Program and would transfer the \$1.6 million in funds allocated for road paving from that Project to the Broomley Road Bridge Improvement Project.

*Consistency with County Priority List of Road Improvements:*

The proposed amendment to the VDOT Program is consistent with the County's Priority List of Secondary Improvements and no amendment to the Priority List is necessary at this time. The County's Priority List was approved on May 13, 2009. It identifies the Dickerson Road Project (including road paving and bridge improvements) as priority #23 and is considered the highest priority road paving project due to its location within the Hollymead Development Area. However, without additional unpaved road fund allocations, any future planned road paving projects are unlikely to be completed in the near future.

The County's Priority List also includes a priority list for bridge improvements. There are three bridge projects listed ahead of the Broomley Road Bridge Improvement Project. The status of the three projects is:

- Route 743, Advance Mills- under construction
- Route 708, Dry Bridge Road- In VDOT's Program to be constructed in FY13 with Federal Bridge funds
- Route 616, Black Cat Road- In VDOT's Program to be constructed in FY15 with Federal Bridge funds

The estimated cost of the Broomley Road Bridge Improvement Project, including roadway approaches, is \$4 million to \$5 million. VDOT staff has indicated that additional work is needed to provide a more accurate estimate. VDOT's process is to establish a more detailed cost estimate during the project scoping that occurs after a project is placed in the Program. If approved, the \$1.6 million will only allow the Broomley Road Bridge Improvement Project to enter the preliminary engineering phase. Federal bridge funds are estimated to be available to fund the construction of this project in FY 2017.

Use of Road Paving Funds on Other Projects:

The Board of Supervisors has been informed that, pursuant to Virginia Code § 33.1-23.1:1, reallocation of road paving funds to a non-paving project would result in an adjustment in future secondary fund allocations for unpaved roads (See Attachment B). For each \$250,000 or portion thereof removed from road paving projects and applied to secondary construction projects under this provision, VDOT has indicated that the amount of the County's nonsurface treated roads used to distribute funds under this section in subsequent years will be reduced by one mile or proportional part of one mile. The \$1.6 million that is proposed to be reallocated represents approximately six miles that would be reduced in subsequent years from the funding formula used by VDOT. VDOT requires that any Board resolution supporting the proposed amendment must indicate that the Board/County fully understands that this adjustment will occur (the attached draft resolution includes such language).

The monetary impact of reallocating the \$1.6 million is impossible to determine at this time, since the amount of future allocations is unknown. However, VDOT estimates that the County could expect to receive about \$150,000 less per six year period if funding were restored to previous funding levels. In current dollars, this would amount to the reduction of about one average rural rustic project over the six year period.

There will be no budget impact other than a potential reduction in future VDOT unpaved secondary road funds.

This is a work session to review and discuss the proposal/information provided prior to the public hearing scheduled for October 14, 2009. No action is required at this time.

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Mr. Benish said this item was included on the agenda today in the event Board members had questions before the public hearing on this change which is scheduled for next week. He will not make a presentation, but is available to answer questions.

Mr. Boyd asked if this change will result in six miles of road at some future time being reduced from Albemarle's Unpaved Road funds.

Mr. Slutzky said absent any affirmative action by the General Assembly. Mr. Benish said there could be the reinstatement of that money.

Ms. Thomas said it is not enough money.

Mr. Rooker said it would put it in a position that within five years it could be done if the County accrued the rest of the funds. The other thing is that he has asked VDOT to look at alternative crossings of the railroad track further west between Route 250 and Old Ballard Road, a place where they could at least create an emergency crossing. That would be less expensive than increasing the weight limit on the bridge. They would have to get approval of the railroad company in order to do it, and VDOT has already started a preliminary look at that. He knows there is difficult terrain there, so he is not sure it is an alternative.

Mr. Slutzky said either way, having that money sitting on Dickerson road is completely pointless.

Mr. DeNunzio said that earlier this week VDOT started looking about 600 feet to the west of the bridge crossing on Old Ballard Road; there is one area that might be a potential at-grade railroad crossing although it is steep. There are a lot of engineering challenges there, so he is not sure it is feasible. It would be much cheaper than replacing the bridge, but because of the grade change in this area, it could be difficult.

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Agenda Item No. 18c. Transportation Matters not listed on the Agenda.

Ms. Mallek said the Board discussed enhancement grants at an earlier meeting and she has heard that there will be no such grants for 2010. Mr. Cilimberg said the State is looking at how to prioritize enhancement grants and have asked localities for input. They are focused on getting some enhancement projects done which have been lingering. They want to put emphasis on true transportation projects, rather than sidewalks, bikeways, etc.

Ms. Thomas asked about the Hatton Ferry. Mr. Cilimberg said he does not know how that would fit into what VDOT considers to be transportation-oriented projects.

Mr. Slutzky said the Board should suggest that inter-jurisdictional conduits be set as a priority.

Mr. Rooker said Mr. Butch Davies has said they should pursue grants that are more in-line with DCR type grants as opposed to transportation grants. Mr. Rooker asked Mr. Dorrier if he had mentioned that in the meeting he had with Mr. Davies about the Hatton Ferry.

Mr. Dorrier said Mr. Davies had only mentioned the highway enhancement grants.

Mr. Rooker said he talked with Mr. Davies later and he had said DCR type grants should also be pursued because operation of the Hatton Ferry may be more in-line with recreational issues. He said that transportation enhancement grants are likely going to be very difficult to get in the next five years, so there may be grants in other areas that will fit that project.

Mr. Dorrier said the Ferry includes history, transportation, tourism, etc. That is why he wanted the County's Parks & Recreation Department to look at the operation from a different angle.

Ms. Thomas asked if the James River is a scenic river at Hatton. Scenic rivers are celebrating their 40<sup>th</sup> anniversary next year and DCR is planning many different ways to celebrate scenic river status. They want creative ways to celebrate the scenic rivers.

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Mr. Rooker said a draft resolution concerning the Route 29 Corridor study released about a week and a half ago has been passed around to all the Board members. The report was first released at a meeting of the MPO and then the next week there was a public meeting. He spoke at that meeting and he thinks most of the Board members also attended. The Board has until October 16 to make comments about the study. The CTB is going to vote in November on the study. Legislative action may take place on the study in the next General Assembly session.

Mr. Rooker said there are specific recommendations in the report about legislative action, one of which would seem to require that localities include the transportation projects and the recommendations in the report in their comprehensive plans. To him, the general recommendations in the report are pretty much in line with the County's Comprehensive Plan and its Long-Range Transportation Plan. This resolution recognizes that there are a number of things in the report concerning access management, etc. that are consistent with the County's Comprehensive Plan, the 29H-250 Study, Places29, etc. It also expresses strong opposition to the Leonard Sandridge Road extensions for the reasons which are set forth in the resolution. He copied the Board on a letter he sent in response to the report, representing the Jack Jouett District.

Mr. Rooker said there were about 150 people at the meeting who were exercised about the inclusion of these extensions. From a practical standpoint, they were talking about using some of the existing right-of-way of the (western) bypass route for one of three potential roads. If they used the bypass route, these roads would still be cutting through Stillhouse Mountain Road and there would have to be an interchange on the 250 Bypass, and an interchange at the connection point; such a project would likely exceed \$100.0 million. Most importantly, none of these roads would probably qualify for Federal funding. These roads would dump out onto small collector or neighborhood type roads. There has never been a traffic study showing they would do anything to improve traffic in the area. This exercise would put lines on a map that could never be built into a road. Even if road funds were restored to what they were five years ago, there would not be enough funds to build these roads. Under any scenario of transportation funding, \$50.0 million or \$100.0 million of secondary road projects could not be built.

Mr. Rooker said there is already a parallel road system on the west side of Route 29 – you can go from Barracks Road out beyond the Airport and never get on Route 29. He thinks a lot of people today do that. There would be lines on a map that would impact the lives of people in Canterbury Hills, Colthurst, Montvue, Georgetown Road, Hessian Hills, Old Forge, Terrell, Georgetown Green, Lambs Road, Ivy Ridge Road, Roslyn Heights, and Roslyn Ridge. The people in those areas would be living under the effect of having "lines on a map" for roads that could never be constructed. It could impair their property values and their ability to sell their homes for an indefinite period of time. He asked that the Board take action to request that these lines be removed from the report.

Mr. Rooker said the resolution commends the consultants for their work on the project, it requests that the Hillsdale Drive connector, the additional lane on Route 29 South from Hydraulic Road to the Route 250 Bypass with the additional ramp lane, the additional lanes on Route 29 between Polo Grounds Road and Hollymead be specifically included in the report. Those have been the County's highest priority projects to move traffic in the Route 29 corridor. They have all been traffic-modeled, they have reasonable cost estimates, and more importantly, the bulk of those projects would qualify for Federal funds, and Hillsdale Drive is the City's highest priority. If the Board adopts this resolution it also recommends that the Eastern Bypass Study Corridor generally follow Route 15 and/or the railroad tracks, and avoid the Southwest Mountains and Keswick Historic District areas.

Mr. Slutzky mentioned that the reference to railroad tracks might be misleading, but it is referring to the railroad tracks east of Keswick. He wondered if there is a way to make that clearer so the people in Keswick don't suffer continued, unintended damage from the language.

Mr. Rooker responded that it's fine to take out the reference to railroad tracks because some time ago the City of Orange, Orange County, Louisa County, and Fluvanna County all passed resolutions requesting that Route 15 be upgraded to a four-lane facility. If a center-state corridor is wanted that bypasses the 55 stoplights between Charlottesville and Warrenton, VDOT should upgrade an existing road.

Ms. Thomas asked if everyone received a copy of the staff written bullet points along the same lines of the resolution. She likes the way they put the issue – "Recommendation to establish a multi-modal corridor along Route 22, the CSX railroad corridor in eastern Albemarle County, will be difficult to

achieve due to the existence of the Southwest Mountains national and state historic district and other associated historic properties and sites in numerous conservation easements. There may be merit to consider the establishment of a new multi-modal corridor to augment and complement 29. Other locations, particularly those that utilize existing highway corridors should be considered.”

Mr. Rooker said he was trying to make the resolution short enough that it would be read. He said what Ms. Thomas read is a more thorough explanation of the reasons behind the Board’s position.

Mr. Slutzky said he thinks staff’s language which Ms. Thomas just read is more descriptive, but if the last line in the resolution “Resolved that the eastern bypass study corridor generally follow Route 15 and avoid the Southwest Mountains in Keswick’s historic district”, is an abbreviated version of that same language. He suggested deleting “and/or the railroad tracks.”

Ms. Thomas said she was “taken aback” by the suggestion about Route 29 south and then realized it was from Route 29 southward from Hydraulic Road to the Route 250 Bypass. She suggesting saying in the Further Resolved paragraph “the additional southbound lane on Route 29.”

Ms. Mallek said it was interesting that VDOT was planning on improving Route 29 South all the way down the southern part of the County.

Ms. Thomas said it is pretty minor, but she is watching it nervously. At this time, it seems to be following what the 29 Corridor Study that Mr. Wayne Cilimberg and she participated in about four years ago recommended. They wanted it to be a parkway and not an interstate-like highway. There were to be no grade-separated interchanges.

Mr. Rooker said there would be intersection improvements, but no GSIs.

Mr. Slutzky said he would like to clarify why he supports this resolution. At different times he has expressed interest from a planning perspective in exploring ways of getting an alternative to Georgetown Road. A problem with the corridor study was the lack of effective community input. The consultants tried to engage stakeholders, but they did not do a good job in engaging impacted neighborhoods. Once someone took a piece of paper and drew lines on it, the visceral reaction from different communities was interesting.

Mr. Slutzky said what may or may not make sense from a planning perspective shouldn’t define lines on a map when the lines drawn on that map might depress individual property values for 30+ years and therefore disrupt people’s lives. In this case, there were no studies to document whether any of these routes would have an impact on the transportation challenges that the whole corridor study was supposed to look at. It is clear that the lines drawn on the maps would adversely impact a large number of individual property owners for an extremely long period of time. For those reasons, it is actually bad practice and bad policy for VDOT to try and do a corridor study where they actually put lines on the map that are purely hypothetical and have no opportunity of being built any time soon, if at all.

Mr. Slutzky said he thinks it is important to get this resolution to VDOT during the comment period, and he will personally continue to follow up on some of these things with people in positions of decision-making authority. He thinks this is bad policy. It was done in a hurry, and the outcome is a potential disaster. He thinks that with the minor tweaks mentioned, this is a good resolution.

Mr. Boyd said he is “torn” about this. He is absolutely opposed to what is being referred to as the eastern bypass line through Keswick and the Southwest Mountains and the historic areas there. He will not vote for this resolution, but he will send his own personal note. He does not know if the lines drawn on the map would “play out” after traffic modeling were done, but he has been opposed for a long time to turning 29 in its existing form into an expressway, which is where the County is headed with Places29. He agrees that lines drawn on a map will degrade property values. However, these are not new lines; they are talking about using existing right-of-way.

Mr. Rooker disagreed, stating that Georgetown Green and Canterbury Hills were not previously affected. He said the lines on the map only follow the right-of-way of the (western) bypass at the beginning.

Mr. Boyd said he does not want to argue. He strongly believes there’s a need for that route on the western side whether it is called a parallel road, a parkway, or a bypass. He thinks there is a need and he recognizes that the road is too close in, but it could be the beginning of something. He is not willing to say to take that western bypass property that has already been purchased off of the map. He thinks that is what this resolution implies.

Mr. Rooker asked if Mr. Boyd supports opening up the eastern route. There is already a parallel road that goes out to the Airport and beyond on the west side of Route 29. On the east side there is nothing beyond the river

Mr. Boyd said he is in favor of Hillsdale Drive and the Meadow Creek Parkway. He asked what Polo Grounds Road is.

Mr. Slutzky said it is the Free State Parkway route that connects Meadow Creek Parkway up through Belvedere, crosses the river, goes up along the eastern edge of Forest Lakes and Hollymead and eventually connects up north.

Mr. Boyd asked if that is the old second half of the Meadow Creek Parkway that was taken off the map years ago.

Mr. Slutzky asked why it was taken off of the maps if it was a good planning hypothetical?

Mr. Boyd said he did not say it was a good planning hypothetical. He wants to make his point. He thinks this resolution would leave the County with an expressway on Route 29 and he is not in favor of that. He will not vote for this particular resolution the way it is written.

Ms. Mallek said it's a "big leap" to say 29 would go straight to an expressway when something with a 45-mph speed limit is being looked for with better functioning at certain intervals and cross-streets.

Mr. Rooker said he understands Mr. Boyd's position. He then **moved** for approval of the resolution with the change suggested by Ms. Thomas. Mr. Slutzky said that in the "Further Resolved paragraph the word "southbound" would be added after the word "additional" and in the final "Resolved That" the words "and/or the rail tracks" would be deleted. Ms. Mallek **seconded** the motion.

Ms. Mallek asked if there is anything in the resolution about the corridor plan overriding all local decisions. Somebody mentioned that to her and she remembers seeing it mentioned somewhere.

Mr. Rooker pointed out that it's in his letter, not in the resolution itself.

Ms. Mallek said that is really important. Federal funds are based upon "bottom up" highway planning, not "top down" planning.

Mr. Rooker said his letter contained language that did not get into the resolution. It can be said "Resolved that local governments should only be required to include transportation projects in their comprehensive plan which are approved by those local governments."

Mr. Slutzky said the final resolution could include that sentence.

Ms. Mallek said if it is in the local long-range plan, then it could get into the corridor blueprint because that is the way everything works.

Mr. Rooker said they worded it to require localities to include their report in the localities' comprehensive plan. He thinks the Board can say "Resolved that local governments in the corridor only be required to include in their comprehensive plan those specific transportation projects in the report that they have approved."

Mr. Dorrier asked if this resolution basically follows the guidelines that were developed by Charlotte Humphris in a resolution ten years ago.

Mr. Slutzky said this resolution is basically responsive to the corridor study.

Mr. Rooker said in that regard, "yes."

Mr. Dorrier said this is basically just affirming what has already been done.

Ms. Thomas said she would like to put it in the positive, by saying "Local government's locally approved comprehensive plans should guide decisions regarding major facilities." Is there some way to say what the Board wants?

Mr. Slutzky said the suggestion was to have the General Assembly trump local prerogatives by forcing them to incorporate into their comprehensive plans their decisions. The Board needs to react to what they are proactively seeking by saying it objects to the General Assembly giving them that power.

Ms. Mallek suggested saying "only locally approved."

Mr. Rooker said he thinks it was worded better in his letter. It would read "Resolved that localities should not be required to include specific transportation projects in their comprehensive plans that are not approved by the locality and/or by the applicable MPO."

Ms. Mallek said she liked that language.

Mr. Slutzky said that "Resolved" will be added to what the Board already has.

Mr. Rooker then **amended his motion** to include the language he just read.

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

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

(**Note:** The resolution, as adopted, is set out in full below.)

## RESOLUTION – Route 29

**Whereas**, the Route 29 Corridor is a major north-south link for through and local traffic. The Virginia Department of Transportation, in association with the Virginia Department of Rail and Public Transportation, the Commonwealth Transportation Board and various state and local elected officials, have initiated the Route 29 Corridor Study which covers approximately 219 miles of roadway between the North Carolina border and I-66 in Gainesville; and

**Whereas**, the goal of the study is to develop a Blueprint for the Route 29 Corridor that will guide future transportation improvements. The study is supposed to determine the transportation needs and identify recommendations to meet those needs while building on the commonalities of citizen concerns along the corridor. All recommendations should be context sensitive and sensitive to all environmental concerns, including historical and cultural resources; and

**Whereas**, the Albemarle County Board of Supervisors is in agreement with many of the concepts in the Corridor-Wide Recommendations, such as controlling access on Route 29, integration of land use and transportation planning, and enhanced transit, as reflected in its Comprehensive Plan, Long Range Transportation Plan, participation in the 29H250 Study, and commitment to integration of land use and transportation planning as reflected in Places 29 and other growth area adopted master plans; and

**Whereas**, the Board of Supervisors strongly opposes any of the extensions of Leonard Sandridge Road in the final Route 29 Corridor Report for the following reasons:

- the Southern interchange would still need to be built, an interchange or major intersection with Hydraulic Rd. would be required, and the cut through Stillhouse Mountain would still be necessary, so the cost would exceed \$100.0 million; and
- none of the proposed routes would likely qualify for federal funding and there is no possibility that any of these routes could be funded from the County's modest Secondary Road allocations; and
- the result of leaving these routes on the map in the final report would be to diminish property values and interfere with the lives of a number of citizens for an indefinite period of years to perpetuate lines on a map that will never become actual transportation projects. This would include residents living in the Canterbury Hills, Colthurst, Montvue, Georgetown Road, Hessian Hills, Old Forge, Terrell, Georgetown Green, Lambs Road, Ivy Ridge Road, Roslyn Heights, and Roslyn Ridge neighborhoods; and
- Route 1C would also impact two churches and take substantial acreage from the four school complex on Hydraulic Road; and
- the current best parallel road system we have to Route 29 is Georgetown Road to Hydraulic Road to Berkmar Drive. What is being suggested is to spend more than \$100.0 million to build a parallel road to the parallel road system that is functioning reasonably well; and
- there is no traffic study that even suggests that any of these proposed roads would take any substantial vehicle trips off of Route 29 or that they would even shorten travel time for people presently using Georgetown and Hydraulic Roads. There would be a significant wait to get the traffic onto Hydraulic Road; and
- for the cost of constructing any of the proposed extension roads, we could complete the widening of Route 29 from Hydraulic to the Route 250 Bypass, add the additional ramp at Best Buy onto the Route 250 Bypass, widen Route 29 from Polo Grounds Road to Hollymead and possibly have funds to build a grade separated interchange at Rio Road and Route 29. If the bypass right of way were sold, we would also have enough funds to build the Hillsdale Drive connector, which traffic studies show will take 8,000 to 10,000 vehicle trips per day off of Route 29 at its most congested point. These improvements have been traffic modeled, are included in the area's Long Range Transportation Plan and will significantly improve the flow of traffic in the Route 29 Corridor; and
- the aforesaid projects can be done as funds are available; the "southern bypass" project is all or nothing. It can't be built incrementally; and
- a recommendation to "study" this issue would result in more money being diverted to a study that will go nowhere at a time that we have little or no transportation funds for actual projects; and
- the MPO removed the study of the "southern bypass" from the area's Long Range Transportation Plan, demonstrating that it has no local support. This vote was unanimous and included the VDOT representative on the MPO.

**Now, Therefore, Be It Resolved that**, the Albemarle County Board of Supervisors commends the consultants and VDOT for their work on the Route 29 Corridor Study; and

**Further Resolved that**, the Hillsdale Drive connector, the additional southbound lane on Route 29 from Hydraulic Road to the Route 250 Bypass (with the additional ramp lane) and the additional lanes on Route 29 between Polo Grounds Road and Hollymead be included in the report, as they are in the area's long range and six year transportation plans and have been demonstrated through traffic modeling to be cost effective ways of improving traffic flow and safety in the corridor; and

**Resolved that**, the Eastern Bypass Study Corridor generally follow Route 15 and avoid the Southwest Mountains and Keswick historic district areas; and

**Resolved that**, localities should not be required to include specific transportation projects in their comprehensive plans that are not approved by the locality and/or by the applicable MPO.

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Agenda Item No. 19. Quarterly Updates:

Item 19a. Albemarle County Service Authority Update, Gary Fern.

Mr. Gary Fern, Executive Director, reported that the North Fork Regional Pump Station project is in the design phase. This project is to remove the Camelot Wastewater Treatment Plant in order to get it out of service, and will allow the ACSA to handle the growth anticipated in this area. The ACSA Board of Directors have proposed creation of a special rate district for a "north rate zone" and a "south rate zone" with the river dividing it. It was expected that major developers would contribute to the project but when the economy took a downward turn all but one developer said they could not upfront the money for the project. It was decided that the ACSA would float bonds for the project, so it has to come up with the money to pay for it. They are considering creation of this special rate district and having special connection fees for the people who will be developing within the special rate district.

Mr. Rooker said projects are not going forward due to the current economy, so what assurance is there that those projects will go forward and generate connection fees to amortize the bonds? Mr. Fern said that at some point there will be development in this area because the County has planned for such growth. The ACSA thinks the rate district might last for 20 years and it is the intent to have those connection fees pay for the project over that period of time.

Mr. Rooker asked what would happen if the ACSA floats the bonds and there is no significant revenue received for 10 years. The ACSA would be paying interest on the bonds and also amortizing the principal during that period of time. Mr. Fern said in that case the ACSA would be looking at its volume charges to make up that revenue.

Mr. Rooker asked if they had thought through the "what ifs" on this. Mr. Fern said they have. He said it is imperative that the Camelot Treatment Plant be removed from service.

Ms. Thomas said she does not think everybody realizes that there is an implied threat hanging over the RWSA. They either have to start planning right now for replacing that treatment plant or they have to have a plan like this. Rivanna thanks the ACSA because they will not have to do an expensive replacement of that plant which is being condemned, etc. It's an either/or; there are no third and fourth alternatives. Mr. Fern said the Board members may not be aware that the permit for the Camelot Treatment Plant has come into question. DEQ was looking at putting even more stringent effluent limits on that plant should it be in use beyond April, 2013. In its current configuration the Camelot Treatment Plant could not meet those limits and if the RWSA was going to move forward with a new treatment plant it would have to be designed right now in order to have it constructed and fully operational by 2013.

Mr. Rooker asked if the effluent would have to be moved to the Moores Creek Sewage Treatment Plant to be treated in the new plant that meets standards. Mr. Fern said that is correct.

Mr. Boyd asked if there is sufficient capacity at the Moores Creek plant to do that. Mr. Fern said "yes."

Mr. Fern said in reference to the new connection charges, there is a north rate zone and a south rate zone. The development that happens in the north rate zone will pay for the facilities needed to get the wastewater from the north side of the River to the south side of the River. They will also pay for their fair share of the facilities needed on the south side of the River to get the effluent to the collection system further to the south.

Mr. Rooker asked if the collection fees on the north side will be higher. Mr. Fern said they will be slightly higher than those on the south side.

Ms. Thomas asked if connection fees only apply to new hookups. Mr. Fern said they are only for new connections.

Mr. Rooker said that is why he was asking what would happen if there is not a significant volume of new hookups for an extended period of time. He said Mr. Fern had said they thought about that possibility and have other ways of generating revenues.

Ms. Mallek asked if volume means the ratepayers using the system in general. Mr. Fern said volume means all existing ratepayers.

Ms. Mallek said that in that area, it will be set out to be paid for by everybody in the system, instead of the developers. She does not think that is exactly an equal division of the costs.

Mr. Slutzky said the point is that the current plant needs to be replaced. The current users had infrastructure provided to them that's past its useful life, so in their ongoing use of those facilities they need to pay for the replacement. The idea of adding the fees from the developers for new entrances is a way to divert some of that burden away from the existing ratepayers; it is not unreasonable to expect the current ratepayers to absorb the gap if there is not enough development and fees generated to pick up a lot of the "tab."

Mr. Rooker said the point is that all of the need for this is not being generated by new development.

Ms. Mallek said that is the clarification that is essential. She asked that Mr. Fern point out the growth area boundary on the map. Mr. Fern did so, and confirmed that the boundary follows on the north side of the river.

Ms. Mallek asked if everything that will be served by this plant is already in the growth area. Mr. Fern said that is correct. They have been talking with the Planning Department and before the end of this calendar year they will make sure that the "jurisdictional line" area and the growth area boundaries are one and the same. He said this is scheduled to go back to the ACSA Board at the end of the year to have more finalized costs for construction, engineering, land acquisition and financing costs so all of that can be incorporated into the connection fees.

Mr. Slutzky asked if this is being presented to the Board today just to let the members know what is going on. Mr. Fern said that is correct.

Mr. Fern said he was going to show a few slides. ACSA has been working with the RWSA and the City of Charlottesville's Department of Public Works on a "Fats, Soils & Grease" program. These slides will show there are some sewers within the system that have grease and fats creating what could potentially be sewer backups and sewer overflows. A lot of work needs to be done to clear those lines. They are developing the program and have put together rules and regulations that will be presented to the ACSA Board at its meeting next week. This program will start educating people about the problems that occur when there are these fats, oils and greases. If this is happening in the main sewer system, the sewer laterals from homes to the mains are in even worse shape. If their lines become clogged, clearing that line is at the customer's cost, not the ACSA. They want to make sure customers are aware of that and educate them on the proper operation of those sewer laterals. These problems cannot be solved using Drano, but there are special rods and cleaning mechanisms that can be sent through to clean out those lines. Customers are asked not to dump chemicals into their systems to clean out the lines. They have been working closely with all of the businesses in the ACSA areas, restaurants in particular who may not have grease interceptors or traps.

Ms. Thomas asked if the ACSA will want the Board to adopt an ordinance. Mr. Fern said that after the rules and regulations are in place they will have to ask the Board for an ordinance.

Ms. Thomas asked if other communities have done this. Mr. Fern said many have.

Mr. Fern said that last Thursday, the ACSA Board had a special work session to talk about a mandatory connection policy; this has been talked about in the past. At that meeting the ACSA Board agreed not to bring forth a request for a mandatory connection policy to the Board of Supervisors. They will be looking into such things as: 1) An authority-wide program to look at interest-free loans, 2) subsidizing sewer lateral construction, and, 3) if they can incorporate in some way Article 7 of the County Code as it applies to elderly and disabled persons, with possible financing for connection fees or construction of sewer laterals.

Mr. Slutzky said he is enthusiastic about what he has heard from some members of the ACSA Board. In Northfields there are a lot of elderly residents living on fixed incomes who can't afford to tie into the sewer lines the ACSA built there. It seems the ACSA is developing a strategy to mitigate that problem so those folks would be able to tie in and if they are wealthy enough, they would still be able to pay it out over a period of time. If they qualified by the same standards used for the relief for elderly on property taxes, they might potentially not have to pay the connection fees. If the ACSA "goes down that path" he will be appreciative and a lot of his constituents will be as well and they will sign up and become users.

Ms. Thomas asked about the search for a CDBG grant for at least one neighborhood that was in this situation. Mr. Fern said that was last year for the Oak Hill Subdivision. It is the intention of the ACSA to pursue that again this year. They will be starting the housing surveys this month.

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Item 19b. Rivanna Water and Sewer Authority Update, Tom Frederick.

Mr. Tom Frederick, Executive Director, said the RWSA is out to bid on the Meadow Creek Interceptor project. There were 30 people in attendance at the pre-bid conference yesterday – including 10 contractors. From a market standpoint, interest is strong and timing is good. Bid opening is October 20. RWSA staff is working with the consultant on an addendum. If the bid opening goes well, the RWSA will be in a position to present to the Board of Directors the opportunity to award a bid on October 27. While easement acquisitions are going well, it is not unusual that despite vigorous efforts to settle with all

property owners, there may be a few that will not settle with any degree of reason. There may be a few properties where quick-take authorizations may be requested of the ACSA Board. He said the City of Charlottesville has not yet granted easements for this project on City property which represents close to one-third of the total length of the project.

Ms. Thomas asked if the City is aware that it's their pipes that have the infill and inflow infiltration that is causing the sizing of this pipeline. Mr. Frederick responded that the RWSA works closely with City staff. He said Ms. Hildebrand has an enormous task to address the inflow and infiltration problem and she is working hard on the issue.

Mr. Boyd asked the nature of the hold up. Mr. Frederick said he does not have an answer to that question. He said City Council has to act; the City Manager is not authorized to make this decision. The RWSA was prepared several months ago to bring the issues forward on whatever timetable fit Council's calendar, but City staff wanted to see progress with easement acquisitions first. The RWSA brought documents forward in September and there have been some delays on Council's agendas since then; he has not received a full explanation for the delays. He understands that the earliest it can come before City Council is mid-November which puts it close to their anticipated notice to proceed date around December 1. He pointed out that if RWSA issues a notice to proceed to a contractor, but has to restrict what properties a contractor can enter, it can result in some pretty nasty claims' - that is claims for money and claims for lost time. He doesn't think that is a good idea.

Mr. Rooker said it's unfortunate that these things get pushed to the utmost deadline which puts Mr. Frederick's staff in an uncomfortable position. There is no reason these issues have not been worked out since this has been known for ages. He does not understand the brinksmanship when there is going to be a significant increase in cost to the public if this project is delayed again. The kind of pressure put on Mr. Frederick and his staff is unfair.

Mr. Slutzky said there is a consistent pattern here, and let it be known that the Board of Supervisors greatly appreciates the efforts of Mr. Frederick and his staff. He knows they have been put in some not ideal predicaments lately with some of the political back and forth that has been going on. Some of the statements made by so-called activists with respect to the water supply plan are not just irresponsible and caustic to a meaningful public dialogue, but have to be unpleasant to Mr. Frederick and his staff. He said those voices are not a cacophony in this community. There are a lot of people who hold a great deal of respect for what Mr. Frederick and his staff have been doing to try and solve the significant infrastructure needs for sewer and water in the community.

Mr. Rooker said that is well said and he would join in that statement. It is easy for people to criticize. The people who benefit from the work and the decisions being made don't say anything. It needs to be said from time-to-time that the Board has confidence in what RWSA is doing. He said RWSA staff always responds in a very thorough way and in deference to the public's interest, and in the direction the public has requested RWSA go in.

Mr. Frederick thanked them for those comments and said he will share them with his staff, adding that they have had a significant increase in workload. They have been working in trying circumstances and have been asked to do more and more. Some of the things they are being asked to do related to studies were not even in their one-year work plan. They are doing them because through the public process they were asked for additional studies.

Mr. Frederick said he had sent the Board an update on the water supply. The four-boards process resulted in additional studies and progress is being made on each of those now. He said the dredging feasibility study issue is waiting funding, particularly for the City to say how much they will pay. The ACSA has already taken a position on the amount of their contribution. City Council was asked Monday night by City staff to look at the options presented by the consultants, HDR Consulting Firm, which was chosen by a selection committee comprised of both City and County individuals. He said Council did make a decision to fund a smaller study than the study in the original scope of work which had been approved by City Council before proposals were received. He expressed publicly for himself, based on his professional experience, some concern with the need to scale back the study considerably. He said decisions in the community need to be based on data and facts, but when experts are relied on for information there comes a point where there is enough information and a decision needs to be made. Just continuing to collect data can become very costly to the public. This process is trying to build bridges and answer questions that were not answered in a less detailed study done earlier. With all the publicity and interest he expressed the concern Monday night that taking shortcuts could lead to an inability to reach the decision points that are the basis of the study. He expresses that as a potential concern.

Mr. Frederick said there was also a decision in the debate to eliminate from the study any work by the consultant on beneficial use of the sediment that is removed.

Ms. Thomas said she listened to the tape of the meeting, and asked if No. 8 was the item eliminated. She said Mr. Fern was indicating "yes."

Ms. Mallek asked if that was the forebay study.

Ms. Thomas said "no" that is a separate issue.

Mr. Frederick said he does not think the forebay analysis is necessary to determine dredging feasibility. He said the beneficial use of sediment was taken out of the study. He talked with the

proposed project manager for HDR yesterday and asked about the implications of that decision. He said in looking at alternatives for disposal of the material, they look for a property owner who is willing to allow the sediment to be placed on their property with no questions asked (if the material is not hazardous). If that owner will take all of the risks associated with beneficial use, that alternative can be costed out. For dewatering and disposal alternatives, a property owner might agree to use of his land for a certain period of time, and then the sediment would need to be removed. Mr. Birch (from the consultant's office) made it clear that he could not complete cost estimate for that option if he does not have a beneficial use of sediment study. The RWSA is being put on notice that the consultant may not be possible to complete the study (depending on the alternatives looked at). The consultants may say they cannot put themselves in a position of offering a completed cost estimate.

Mr. Slutzky said he and Mayor Dave Norris made a fact-finding trip to Richmond a couple of months ago to get a better sense of what would happen by using "Plan B", the shorter structure at Ragged Mountain and some effort at dredging. One issue discussed had to do with dewatering. They were told that if dewatering material were put into the quarry and it had significant fracture zones which communicated with an aquifer below (the bottom of the quarry is rock that has been pounded on for decades), there might be difficulty obtaining a permit because of the risk of contaminating that aquifer. He asked Mr. Frederick if that issue is even being considered in the dredging analyses that are moving forward at this time.

Mr. Frederick said he is aware that if material is to be put on land where regulatory officials are concerned that what leeches from that material could violate groundwater standards, and there are permeable fractures that make connection to the groundwater, an impermeable barrier would have to be placed before the site could be used. There are tests that can be run on sediment to determine if the leachate could be a concern to groundwater standards. That will be determined in the sediment analysis part of the dredging feasibility study. He will say that in taking the smaller dollar route, HDR did qualify in their options that they would only evaluate in detail two potential alternatives for dewatering and disposal of sediment.

Mr. Rooker asked if they would only evaluate two locations. Mr. Frederick said that is correct. He thinks HDR will look at the alternatives desktop, and decide which are the most lucrative. That is his assumption. He is already aware from phone calls and past correspondence of four interests so that means the consultants would be in the position of having to eliminate two without looking at the site in order to meet the budget.

Ms. Thomas said when the SFRR Task Force was working they talked with someone who likes to do what they call "opportunistic dredging." They talked about a dewatering site so no waste would be accumulated near the spoils near the reservoir. They would need a site to do the dewatering and then they would haul away the relatively dry spoils on a seasonal basis when there was a market for the materials. That is not actually a disposal site, but is a dewatering site. Will that be included in the study? Mr. Frederick said Ms. Thomas is referring to one of four options brought to the RWSA that are of interest to some people; the quarry is one of the four. With the smaller dollar study, the consultants have qualified that if the standard assessment is selected they would only look at two options in detail; since he is aware of four where an interest has been expressed, that puts the consultant in the position of having to weed two of those out based on a desktop preliminary analysis.

Mr. Rooker said since they are not looking at the beneficial use of sediment there wouldn't be a valid cost estimate of dredging. The most variable component is what to do with the material. If the material can be sold, costs are reduced, but if not, there is a big cost to deal with. Mr. Frederick said there will be a cost for an alternative where a property owner is willing to take the risk on beneficial use. He understands there would not be a completed cost estimate. He asked the consultant if they could give a range of costs, and was told it might be possible to cast it in a range depending on assumptions of beneficial use. He said that is what Gannett Fleming did when they did their analysis. There have been people in the community who criticized that analysis for not being detailed enough. If this study s back to looking at that path again, while it is a path toward feasibility, it may not get as far as the people in the community expect it to go.

Mr. Slutzky said he wonders if that is being considered in this dredging study. Dredging as an element of an alternative plan for a water supply is only legitimate as an option if the in-stream flow hurdle at Ragged Mountain can be overcome. The regulators said that process-wise, in order for there to be an alternative plan, the RWSA would need to request DEQ to modify the existing approved plan for the dam structure there. If that request was made along with a request to build an addition on the existing structure, at whatever that cost would be, DEQ wouldn't give permission to modify the existing permit if it was concluded that the requirements of the Endangered Species Act could not be met.

Mr. Slutzky said he understands the "Plan B" approach would end up with a smaller bowl of water at Ragged Mountain so there needs to be modeling 1) to determine if in the case of a severe drought there would be a requirement to provide enough water for the demand, and 2) in addition there would have to be enough water for release downstream to support the endangered mussels that are downstream. If that modeling were done pursuant to a formal request for modification of the permit, depending on the results of the modeling studies and other factors, they could decide not to approve "Plan B."

Mr. Slutzky said he and Mr. Norris asked if DEQ could run the models in a preliminary way to get a sense of whether this is even possible. They are running those models now. He understands they need input from the RWSA to help with the modeling effort in the hope they can give a good guess of the result "down the road." He knows DEQ will not issue an opinion in advance of an application for

modification of the permit, but he and Mr. Norris asked them a much narrower question - would there be sufficient in-stream flows available with the smaller structure at Ragged Mountain?

Mr. Slutzky said his question is whether RWSA staff has furnished the information needed to complete their modeling effort. Is the dredging study going to move forward before an answer is received to that question? Mr. Frederick said they have received a request and his engineering staff is going back through the files to get the information. He expressed concern about the complexity of the modeling – Gannett Fleming had a model and Hydrologics also had a model (they were hired by The Nature Conservancy). He had many conversations with TNC a few years ago about how to come up with the best in-stream flow-monitoring plan. It took an intense amount of work on the part of the modelers to get valid assumptions and all the criteria correct. He has not said this before publicly, but he has some concerns that if somebody else is running a model without being aware of the same assumptions/details, the answer may not be an apples-to-apples answer.

Mr. Slutzky said he understands DEQ is going to run its own model, but they will look at and review the existing pre-suppositions that were the underpinnings of existing modeling efforts done. They wanted that kind of information from RWSA. Mr. Frederick said he does not think there is any way to get the assumptions correct without significant detailed conversations between the technical people. In this case that would be the RWSA, or somebody hiring Hydrologics, and perhaps hiring Gannett Fleming to bring their modelers to a meeting and hash things out in detail. He is concerned that if there are not face-to-face meetings with the technical people, because of the many assumptions that go into modeling, the chances are somebody will make an assumption at DEQ that is not the same assumption made by Gannett Fleming and Hydrologics and there will be an apples-to-oranges answer.

Mr. Slutzky said the relevant answer will be the one that will satisfy DEQ when they are confronted with the choice of approving, or disapproving, the request for modification. DEQ needs access to all available insight to make sure their modeling exercise is fully informed. He will have a conversation with them to be sure they are approaching it that way. Mr. Frederick said if what is necessary to make all of this happen is for him to hire back the modelers and get them to work with DEQ, that will cost a little money, but if that is what is needed they can make sure it happens.

Mr. Rooker said Mr. Slutzky's point is extremely important. They would be spending in excess of \$300,000 for a study and the results might be irrelevant if a plan that included dredging as a major component of the water supply plan could not be approved because it would be unlikely to meet downstream flow requirements for other reasons.

Ms. Thomas said RWSA has already gotten that answer. She does not understand why it has to be run again because Hydrologics already knows and went through the details of saying what the capacity is if the SFRR is thoroughly dredged once, or if thoroughly dredged a couple of times, and what that would do to the height of the dam. That has already been done, so Mr. Slutzky has set DEQ onto a task of verifying something that has already been done at apparently some risk to us because we won't know if they are using the same assumptions.

Mr. Slutzky said he takes issue with saying he has set DEQ to do something that puts us at risk. He went with Dave Norris and asked DEQ what it would take for this Plan B, which some folks in the City have been promoting, to be approved. They were told that process-wise there would need to be an application for modification of the existing permit. DEQ would have to take into account many variables to determine the outcome of that application, the principal variable of the application would be the in-stream flow calculations. They have done in-stream modeling and would refine that model for this purpose and run the model to their satisfaction because it is their answer that matters. If Hydrologics is convinced there is not enough in-stream flow it would be helpful to know that, but Hydrologics does not make the decision, DEQ does. DEQ is running the models now.

Ms. Thomas asked why they didn't ask DEQ to look at the studies that had already been done.

Mr. Slutzky said DEQ was familiar with those studies. The degree to which they chose to rely on them, modify them, absorb their assumptions, etc. is ultimately at their discretion because they are the ones who make the decision. DEQ, process-wise, decides whether or not the existing water supply plan can be varied permanently. If it can't be varied, he and Mr. Norris asked them to say that now and so we can quit wasting taxpayer money and community time. Hopefully, in the not too distance future, DEQ will satisfy their own internal modeling requirements and give a read on whether or not this "will fly."

Ms. Thomas said she will point out that the dredging study is failing in two aspects – one is the forebay. Both the ACSA which was willing to pay for a portion of the forebay study and the City agreed not to put the forebay study in because it is not needed for a dredging study and she agrees with that, but it was going to be something that some people had expressed an interest in. She thought that would be a useful side effect of a wasteful, to her mind, study. The other thing she thought might happen was a sediment analysis that would be useful in finding where the sediment is coming from. It is something that staff has thought for years would be useful, but very expensive. She thought it might come about with that kind of analysis because it talks about sediment analysis. She thinks the County is concerned about what is being done in the watershed that is shortening the life of that body of water, and would really like to know if it is coming from the sides of the streams, or over land. It affects the kind of BMPs used. Those two things are not being done, and she had thought there might be some side bits of knowledge coming out of this study.

Mr. Rooker said when the City and County had the joint meeting that gave rise to the creation of the Stewardship Committee, it was the understanding that a study would be done if recommended by that

committee. He said they recommended a certain kind of study that included forebays and more limited opportunistic dredging. What is seen now is a study that will do neither of those two things. It will study dredging for water supply purposes and even if you get an answer that some people might consider with respect to doing dredging, it would not be able to be done because there would be no way to satisfy downstream flow requirements, according to numbers that are already in the data produced by Hydrologics and Gannett Fleming.

Mr. Rooker said it is ironic that the other day the same group which castigated Gannett Fleming (he thinks they liable them on a number of occasions by insinuating that they were criminals) called for Gannett Fleming to be called back because they did not like the answer they got with respect to the comparison between the cost of repairing the existing dam and building a new one. He said there have been representations in the community by people who could string together any collection of cans and create a water supply plan as long as the cans held enough water. It is more complicated than that. Unfortunately, RWSA has been in a position continuously of having to chase after things and spend time and money on them and they don't have a realistic return.

Mr. Slutzky said it is now after four o'clock and the Board has a meeting with the School Board so he will ask Mr. Frederick to go through the remaining items as swiftly as he can.

Mr. Frederick said in the interest of time he will not talk about the wastewater treatment plant unless there are questions. There being now, he moved to discussion of the Rivanna Solid Water Authority issue. He said the RSWA Board had a lengthy discussion last month about a proposal from Grechner, Brickner and Bratton to do a business plan for a transfer station concept at a cost of about \$36,000. There was a consensus that it might not be the wisest expenditure of funds given current conditions. Staff was asked to put together a RFP that may allow private companies to submit bids to operate a transfer station at the Ivy site. Staff has begun work on it, but there are a number of issues going on in the community right now with respect to possible future business practices. It is fair to say some very hard decisions are coming up in the future, particularly pertaining to the free public services that RSWA has offered for many years.

Mr. Frederick said the most popular is the McIntire Recycling Center. When this comes to the Board for a decision, there will be difficult decisions about what the County wants to fund. He said there has been "some noise" in at least two media sources because the RSWA Board at its last meeting, in the interest of getting options out on the table and because it is a public board they need to discuss things publicly, they mentioned a variety of things including a flow-control ordinance. He did not perceive that he was directed to do anything specific with respect to such an ordinance, but two media sources in the community are saying he is working on such an ordinance; that is not true and it needs to be clarified.

Mr. Boyd said the RSWA can't do anything about that - that would require action by City Council and the Board of Supervisors. Mr. Frederick said the RSWA does not have ordinance powers even if it wanted to adopt an ordinance. There is considerable misunderstanding and misrepresentation in the community about that issue.

Mr. Slutzky said he appreciates Mr. Frederick clarifying that for the record. He hopes the journalists that have mischaracterized things will correct the record for the sake of the public's proper understanding of what is actually on the table and what is not.

Ms. Thomas asked about a sentence in the written report which says a RPF is going out to determine the extent to which responsible private interests may be interested in developing a new transfer station in the Ivy area. She had thought it was part of the thought process that a private enterprise might operate a transfer station which would be different from developing a transfer station which would mean doing all the construction and having a long-term lease, etc. versus RSWA developing it and having a private firm operate it. Mr. Frederick said the choice of words in that sentence were not ideal. Among the things they are looking at is an option that a private company would have the right to build and operate, even at risk, a facility on the site which would put the authority in the position of being a landlord.

Ms. Thomas asked if the RFP will be for a private enterprise to both build and operate. Mr. Frederick said the RSWA Board still has both options in mind. It has not made a final decision. If a facility is built to modern standards and efficiencies, he thinks Mr. Brownlee and his team can operate a facility. He understands that in the larger context of what is being discussed there are limitations on both the County and the City having a public authority owning and setting a tipping fee and collecting revenue. Even with efficient operations that has risks. If the local governments do not think those are risks that can be absorbed in current times, that leans toward the option of having a private company operate and take the risks - that means they would own and operate, set tipping fees, set businesses practices, and do their own marketing. That is one of the options they are looking at.

Mr. Rooker asked if without a flow control ordinance they were likely to get people interested. Mr. Frederick said he believes the concept he just mentioned will attract interest; a couple of companies have already said they would be interested in submitting a proposal.

Mr. Boyd said with the present cost of fuel, the location of something like that with nothing around it could make it attractive. Mr. Frederick said if there is a private company performing and setting its own fees and charges and business marketing practices, the tough decision for local government is what to do about the services the public is enjoying now that are being provided at no cost, like the household hazardous waste special collections, the paint exchange programs, the convenience centers, the McIntire Recycling Center, etc. Those are not services that you generally see in the private marketplace for a fee.

Mr. Slutzky asked if those things can be incorporated into the RFP. Mr. Frederick replied that they can, but they may find that the companies who would provide those options want to be paid to provide them. That comes back to a budget decision.

Mr. Boyd said his thought at this time would be for the County to establish an ordinance that would require people who are going to haul trash in this County, to pick up single-stream recycling. They are doing it now so if it could be made a requirement the possibility of closing the McIntire Center could be considered. Mr. Frederick said that is not much of an issue for the City, but would be an issue for the County. It would be for those folks in rural areas where there is no roadside pick-up.

Ms. Thomas said there are a lot of people who compost their garbage and take their recyclables to McIntire. Mr. Frederick said there is no reason not to have a convenience center for people who take their trash to Ivy and have no other place to go because the bigger private transfer stations don't accept the little pickup trucks or recyclables in the trunk of a car. It could be set up to have a convenience center at the same location, or accept commingled recycling at the same center where trash is also received. He said if a private business is picked, will they be willing to take on the risks and what will they want to be paid.

Mr. Slutzky thanked Mr. Frederick for his hard work.

**(Note:** The Board recessed at 4:12 p.m. and reconvened at 4:17 p.m. in Room 241.)

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

There were none.

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Agenda Item No. 21. Joint Meeting with School Board.

Mr. Slutzky called the Board's meeting back to order at 4:17 p.m.

Mr. Brian Wheeler, Chairman, called the School Board's meeting to order at the same time.

SCHOOL BOARD MEMBERS PRESENT: Mr. Stephen Koleszar, Ms. Barbara Massie Mouly, Ms. Pamela Moynihan, Mr. Ron Price, Mr. Jon Stokes and Mr. Brian Wheeler.

SCHOOL BOARD MEMBER ABSENT: Ms. Diantha McKeel.

SCHOOL BOARD STAFF PRESENT: Dr. Pam Moran, Superintendent, Dr. Bruce Benson, Assistant Superintendent for Planning and Operations, and Mr. Jackson Zimmerman, Executive Director of Fiscal Services.

OTHER STAFF MEMBERS PRESENT: Mr. Tom Foley, Assistant County Executive, Mr. Richard Wiggans, Director of Finance, and Ms. Kimberly Suyes, Director of Human Resources.

Before discussing items on the agenda, Mr. Slutzky said he had an announcement to read. The County's Human Resources Department was awarded the Senate Productivity and Quality Award in May – a certificate for commitment to performance excellence – which is awarded to organizations that “have demonstrated through their commitment and implementation of effective management principles notable for progress in building sound processes.” He said the award goes onto state that these organizations “have documented a solid approach and are implementing plans and procedures.” The SPQA performance criteria and core values are adopted from the Malcolm Baldrige National Quality Award and are used by many top public and private institutions as a proven business model. This award is the result of a rigorous department self-assessment undertaken by Human Resources to gather information, review strategic goals, and assess progress, identify strengths and discuss opportunities for improvement that culminated in a 53-page application for the SPQA award.

Mr. Slutzky commented that this is an impressive accomplishment for the Human Resources Department and speaks well of their continuing commitment to the very highest level of service to their customers. This prestigious recognition of the County's performance excellence efforts relies on the dedication and motivation of employees. He said he would like to offer special appreciation to the entire Human Resources staff led by Director Kimberley Suyes, and for their outstanding efforts. He would also like to give special recognition to Mr. John McQuilkin who led the Human Resources team in this effort.

Mr. Koleszar noted that last year there were some very heated discussions with Human Resources staff about what they expected the market to do. He will have to confess that he was wrong and with their expertise, they were totally right. He thinks it is right that a year later he admit that he was wrong.

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Agenda Item No. 22. Overview of the FY 2011 Projected Revenues, Discussion of.

Mr. Richard Wiggans, County Director of Finance, said he will make a brief PowerPoint presentation to start this discussion about the FY 2010 budget shortfall and to provide a brief look at FY 2011 revenue projections.

Mr. Wiggins said that currently staff is estimating a revenue shortfall of approximately \$4.74 million for FY 2010. Based on the current policy for revenue distribution, this will result in a reduction for Schools of approximately \$2.67 million and for Local Government a reduction of \$1.77 million as well as \$300,000 for Capital and Debt Service funds.

Mr. Wiggins presented a slide showing details of the major revenue sources and where the County is experiencing the shortfalls. With the exception of Federal revenue and other revenue which are up slightly, all other revenue estimates are down from the current budget estimates. Two of the biggest decreases are in real estate tax revenues (\$1.0 million shortfall) and personal property tax revenues (\$1.4 million shortfall).

Mr. Rooker asked what percentage of that shortfall is for cars. Mr. Wiggins said he does not have an exact figure, but it is a significant part.

Mr. Wiggins said the next slide shows ways of addressing the shortfall on the Local Government side; this was discussed with the Supervisors this morning. He wants to look at projected revenues for FY 2011. General Fund revenues are expected to be down in FY '10 by \$4.7 million from the \$219.0 million estimate; that will leave \$214.7 million. As of now, staff is only projecting a \$1.4 million revenue increase for FY 2011. Of that \$1.4 million increase, approximately \$400,000 will be in revenues that are not shared between Schools and Local Government – primarily revenue recovery fees from the EMS service which will be implemented in January, 2010. Of the remaining \$1.0 million there is an increase in the amount provided to the City under the Revenue Sharing Agreement of about \$400,000. Based on the formula there is an increase in the Capital and Debt Service transfer of about \$200,000 bringing the total increase in projected revenue to be split between Schools and Local Government above and beyond the current year's estimate of \$400,000. Schools will get \$240,000 above the current year's estimate and Local Government will get \$160,000 above current estimates.

Mr. Wiggins said the next slide provides detailed information about what these revenues mean for the transfer to Schools. The budget for the School Transfer for the current fiscal year was \$102.0 million; based on the revenue shortfall projected currently, the estimate is down by \$2.7 million to \$97.5 million for FY 2010. He said as shown on the previous slide, there is approximately a \$200,000 increase in that revenue for FY 2011 which takes it from the \$97.5 million to \$97.7 million. The projection of \$97.7 million is still \$2.5 million less than what was budgeted in the current year for the School transfer.

Mr. Wiggins said the next slide reviews some of the major assumptions. First, the reassessment rate for real estate is showing a decline of 3.25 percent. This means that the value of real estate on the tax rolls at January, 2009 will decrease by that number in January, 2010. He thinks that number may be optimistic based on what has been seen recently by the real estate office; it may be one-half of a percent higher than that. Staff is projecting that values will stay flat at January, 2011; these values need to be estimated as part of predicting revenues for FY 2011 based on the tax bills that are mailed in the spring. He said staff did not project any change in the real estate tax rate - it would remain at the current rate of 74.2 cents. Staff is projecting a slight decline in sales tax revenues of 0.8 percent based on State projections. Finally, for State revenue, staff is not projecting any change from the estimate in the current year. In the current year, there is a \$400,000+ estimated decrease in State revenue from budget. That same decline is being retained in FY 2011.

Mr. Rooker asked if both Schools and Local Government are considered in State revenues. Mr. Wiggins said it is only Local Government.

Mr. Rooker said the County is getting some stimulus money for the Schools. He asked how that is factored in. Mr. Wiggins responded that it doesn't factor in here.

Mr. Wheeler said the Governor has said that the second year of those stimulus funds may be in jeopardy.

Mr. Rooker asked for an explanation. Mr. Tucker said the State is considering maintaining those funds for themselves. It is probably funds that are considered to be discretionary funds.

Mr. Rooker said he doesn't see how that would qualify under the Federal guidelines.

Mr. Boyd said he thought about \$3.0 million of those funds had already been allocated. He asked if that was the first year of the funds, and not the second year. Dr. Moran said she was not sure.

Mr. Rooker said that amount was for two years.

Mr. Wiggins said the final slide is for the Supervisors' information. It gives future dates when staff will be discussing information about the Five-Year Financial Plan – staff will be doing this at the retreat on October 16. Going back to the Local Government shortfall slide, it shows staff's recommendation for how to handle the \$1.77 million current year shortfall. Staff recommended looking at the revenue shortfall contingency fund - there was \$1.35 million budgeted in FY 2010 as a contingency in the event of a revenue shortfall. The \$450,000 is the 40 percent share of the \$1.35 million revenue contingency. The School portion of that at the current 60/40 split policy would be approximately \$810,000. He said there is built-in a Local Government salary contingency reserve for reclassifications of about \$100,000 which staff is recommending not take place.

Mr. Wiggins said the Supervisors have a contingency reserve of about \$80,000 for unanticipated expenditures and staff is recommending that it be eliminated so those funds can be used. He said staff anticipates beginning the EMS Revenue Recovery Program in January, 2010 for County Rescue stations.

This program would generate approximately \$75,000 in revenues in FY 2010. Local Government is anticipating freezing an additional 10 positions over the next several months through attrition – that is above the 55 already frozen or eliminated positions and will generate an additional savings of about \$376,000.

Mr. Wiggins said staff recommends a reduction in the housing down-payment assistance program of about \$130,000. With a reappropriation of funds from 2009 and the amount remaining in the budget the same level of funding will be maintained in FY 2010 as there was in FY 2009. Finally, staff is recommending a reduction in funding for the ACE Program of \$470,000. This will result in a reduction for that program from \$950,000 to \$480,000. The total of these reductions matches the projected shortfall of \$1.77 million.

Mr. Rooker said that program had already been reduced from \$.15 million before this reduction, so it is actually less than one-third of what it had been in prior years.

Mr. Slutzky said for the benefit of the School Board members he will mention an example of how it is worse than this. This morning the Board heard a plea from the Commonwealth's Attorney pointing out that the State had "gutted" her budget mid-year by another \$32,000 and unless the Board "backfills" that, she will have to scale back her operations which will have the impact of either reducing or eliminating the prosecution of misdemeanors. She is required by law constitutionally to prosecute felonies, so not prosecuting misdemeanors is her only option if there is any reduction in staff. In addition to the cuts just outlined by Mr. Wiggins, the Board will have other people facing the same thing come before it in the course of this year.

Mr. Rooker said the Sheriff's Department has a similar situation.

Mr. Wiggins said that concludes his presentation. He was just sitting the stage for discussion of compensation with a brief look at what is projected for revenues in FY 2011.

Mr. Boyd said he wanted to mention something that came up during the meeting this morning. That has to do with the Revenue Shortfall Contingency Fund of \$540,000. He said that is 40 percent of what was set aside. There was an assumption in the past that 60 percent of that would have gone to the School Board. However, the Supervisors know the Schools have a reserve fund of its own and Local Government wants to hold onto that \$800,000 - the Supervisors think there are things that have not shown up yet, and it has no more reserves to use. He wants to know how the School Board felt about that.

Mr. Wheeler commented that it's a problem for both bodies.

Mr. Boyd said he did not know if the School Board had enough in their Fund Balance from last year to cover whatever shortfalls may occur.

Mr. Wheeler said he could not give an answer to that question today.

Mr. Rooker said the Schools had a reserve of about \$6.0 million.

Mr. Wheeler said the Fund Balance has an unaudited number. He asked if there is any final number. Dr. Moran said that it could shift after audited.

Mr. Koleszar said a lot of that money has already been committed so part of it is already in the budget for this year. Even though it is in the Fund Balance, it is already encumbered because it is a cumulative fund balance total.

Mr. Boyd said the Supervisors have not voted on allocating those funds to the School Board at this time.

Mr. Wheeler said School staff talked with County staff last year about that split. If the Supervisors want to discuss fund balances, it should happen in an atmosphere fully understanding the Supervisors side of the fund balance situation.

Mr. Boyd suggested the School Board do a similar report for the Supervisors as to where it is.

Mr. Wheeler said this School Board has not been presented that fund balance number yet.

Mr. Boyd asked if the Schools are doing the same kind of projections for its budget.

Mr. Wheeler said he thinks their staff is doing that. He is just saying they have not seen the end-of-the-year projections.

Mr. Rooker said what was presented is what the Supervisors see as its shortfall and how they intend to approach it. He asked if the Schools have recomputed their budget based on the amount spent year-to-date and how they will go forward based on potential reduced revenues.

Dr. Moran said School staff has been looking at it because they anticipate that by the time the State makes its cuts there could be another significant reduction on top of the \$2.7 million. Also, some of that fund balance is committed for one-time purchases in this year's budget. She emphasized that they have frozen positions and have a 10 percent holdback in place. Normally that would be 7.5 percent. They are looking at further departmental reductions. The reality is that 82+ percent of the Schools budget is tied up in personnel where there is not much flexibility to address.

Mr. Koleszar mentioned that they also budgeted for 200 more students.

Mr. Rooker said excluding this analysis which deals with Local Revenues, as far as State and Federal revenues, where do the Schools stand on the revenue side. Dr. Moran said there will be little additional revenue received for those 200 students based on the composite index. They have heard that the Governor may take back funds in terms of reduced State revenues but some stimulus money allocated to the Schools could be taken back out of this year's budget, and not just next year's budget.

Mr. Slutzky asked if Dr. Moran was saying that if the Supervisors try to reach into the Schools pocket, there may not be a pocket. Dr. Moran said they do not know what flexibility they may have. She did not anticipate this as part of the discussion today or would have been prepared to discuss it.

Mr. Slutzky said in terms of timing, when might it be realistic for the Supervisors to get an updated status on what has just been talked through? Dr. Moran said she will have to talk to her staff about the breakout on State funding. It is difficult to ascertain what the Governor is doing particularly in the area of the stimulus money.

Mr. Slutzky said it would be helpful to know how much of the Schools Fund Balance is committed.

Ms. Thomas said the Supervisors did not get this information until mid-morning, and they immediately suggested that the School Board be alerted that this would be discussed.

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Agenda Item No. 23. FY 2011 Compensation, Discussion of.

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Agenda Item No. 24. Discussion: Review of VERIP Program.

Ms. Kimberly Suyes, Director of Human Services, said the department was asked by both boards to look at total compensation for Local Government and School classified employees and for teachers. It is HR's job to give a projection for next year based on available information. She will also discuss the VERIP program which has two parts, the medical benefit and the stipend.

Ms. Suyes said the two boards have a discussion about compensation every year. To remind everybody, there is a target for classified employees of 100 percent of the median of the adopted market, and the top quartile for teachers. She explained that the County started last year at .35 percent below market. The market did not change, there was zero percent change. Last year WorldatWork said there would be a 3.3 percent increase; it was decided that because of the uncertainty in the market it would be kept at zero. So, for classified employees, the County is still .35 percent below market.

Ms. Suyes explained that Albemarle is in the top quartile for teachers, except for two steps (20 and 25) which are just slightly below. She said the department just finished the market analysis, and what will be presented today are market figures. They needed data on where they were hiring people; they do their recruitment based on the people attracted and with how many years of service. Between one and ten years of service is where most of the recruitment comes from; these are not inexperienced teachers.

Mr. Dorrier asked if most of these people are local. Ms. Suyes said "no."

Ms. Suyes said the strategy of the boards is to stay at the median of market for classified, and that strategy is close to being met. She presented a chart showing that the market for teachers did not move much last year; the top quartile did not move. She said WorldatWork is projecting a 2.25 percent increase for this year, so staff is saying there should be a 2.6 percent increase for classified employees.

Ms. Suyes said HR considers three things. One is increase, two is scale, and then the teachers. Scale affects employees coming in. Last year, the County was .76 percent below. WorldatWork is saying there will be a 1.5 percent scale adjustment, but because of the compression issue the County would not add the two but would look at how that looks like reasonably. They believe a one percent scale adjustment for classified employees would meet the adopted strategy.

Ms. Suyes said for teachers WorldatWork is saying 2.25 percent. Based on the total increase obtained from them that would be what is projected to maintain the strategy. That is the salary piece of this conversation and she will come back to it at the end of her presentation.

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Ms. Suyes said she will now discuss the medical benefits piece of total compensation. She said the medical benefit product is a great benefit to employees. Last year the contribution of the boards increased by six percent. The County has been fortunate over the past few years to have consistently low increases; many organizations have experienced high increases in medical costs. The County's Wellness Program has been a good initiative. This year, HR believes the increase will look be from eight to ten-percent. Later, she will be requesting authorization from the two boards to use the Medical Reserve. Because there have been some good years, it is felt that some of that reserve can be used to offset some of the expense that will be incurred for medical benefits. Last year at this time, the consultant's estimated an increase of 12 percent. There was only two months of claims data on which to base that estimate, and it ended up being six percent. At this time, HR believes some of the increase can be offset with the balance in the Medical Reserve, and there are also adjustments to the plan design that will keep the increase at eight to 10 percent.

Mr. Boyd asked how many dollars are involved in this recommendation. Ms. Suyes said she did not have an answer to that question at this time.

Mr. Rooker said it would be helpful to have the total dollar impact of that recommendation. To him, this is just an example of what is being seen in the medical area. Last year, the CPI declined over 12 months by over a percent. But medical is going up by six or more percent. He thinks that eventually employers will stop providing medical insurance just as they stopped providing pensions.

Mr. Slutzky said along those lines, nobody knows what Congress will or won't do, but there are some bills pending. He asked if HR staff has looked at the impact on the County's benefits formula based on those major bills that seem to be "percolating through." Ms. Suyes said what she has read seems to indicate that the products they are discussing are pretty much voluntary. She doesn't see Albemarle employees making a switch

Mr. Boyd said he has not seen any projections having to do with self-insured plans like the County's plans. Mr. Suyes said HR is keeping up with those bills. She said over the seven years that she has worked for Albemarle the increases in medical benefits have consistently been on the lower end of most organizations. An exceptional job has been done keeping claims down. The County does have control over employee wellness, and that is being impacted. She said projections are higher than the eight to ten percent she mentioned, but she thinks it can be offset by plan design changes and by using some of the Medical Reserve and still maintain a 20 percent balance.

Ms. Thomas said plan design changes are easy words to say, but they can have a terrible impact on employees. Ms. Suyes replied that the department does design change every year. Usually, the changes are minimal. There is a considerable cost savings, but the impact to employees is minimal. Plan changes have to be made every year in order to stay competitive. HR looks at what the market is doing, what other organizations are doing and then try to make changes that do not impact the employees.

Mr. Rooker asked what the County pays the insurance company per year as a percentage of the total premium to handle the administrative funds. Ms. Suyes said she would have to get that information; she does not have an answer today.

Mr. Boyd said it would be interesting to know the cost to administer the program and for the cost of reinsurance because the rest of it is all paid out of reserve funds.

Ms. Thomas said the work force is aging, so that does tend to impact costs. Ms. Suyes said the employees taking early retirement stay on the medical plan, so that does not necessarily make for a savings. When the annual report is presented in January you will see a bubble (large number) that keeps moving out. She said the economy is driving people to keep working.

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Ms. Suyes asked Ms. Lorna Gerome, Assistant Director, Human Resources, to make the presentation on the VERIP (Voluntary Early Retirement Incentive Program) Program.

Ms. Gerome said there are two pieces to VERIP – one is the stipend and the other is the amount that is equivalent to the Boards contribution for medical, about \$7,000+ annually. To be eligible an employee must be at least age 50 and have worked for the County for 10 years. Last year preliminary market value showed that this benefit might be a little "rich" but no conclusions were drawn based on that information.

Ms. Gerome said at the direction of the boards, staff put together a committee comprised of Local Government employees, School employees, and the AEA. They collected newer more specific market data. They found that the VERIP stipend is one that is not seen in the market. There were 40 responses from the County's adopted market, and of those, 11 offer a benefit like VERIP, and of those eight have a service requirement to get the supplemental retirement stipend, the employee has to work.

Ms. Gerome said the medical benefit part was not quite as clear. It seems that it might be "rich" also, but the data just was not clear. The team focused on the VERIP stipend benefit. It did not want to "yank" a benefit from employees that were close to retirement. The group came up with a model after looking at a variety of things such as: changing the years of eligibility and shortening the years of VERIP. The model the group felt would ease the benefit out, make the County market competitive, allow the County to use its resources appropriately yet honor the commitments which have made to employees that are close to retirement, is a phase-out model. Under this model, for the next two years nothing would happen, but in FY 2012-13 the benefit would be gradually reduced – the stipend amount would be reduced to 80 percent of the current amount. The employee would get the stipend for five years. In FY 2013-14 the stipend amount would be reduced to 50 percent of the current amount. In FY 2014-15, it would go to 40 percent, in FY 2015-16 it would go to 20 percent, and in FY 2016-17 the stipend would no longer be offered. She then offered to answer questions.

Mr. Rooker said he is concerned that there is an underfunded State pension plan that at some point will create significant increased costs for local governments.

Mr. Koleszar said he was at a VEA conference last Friday and a VRS representative spoke who does not think the locality's will see anything in the next few years. This man said there is a long-term shortfall, but in the short-term there is not. The reason is that the market went down and a lot of their funds are in fixed investments that yield a certain percentage. The cash comes in from those investments even though the market value is temporarily down.

Mr. Rooker said VRS is underfunded according to their own actuarial numbers, as are all states.

Mr. Koleszar said the VRS representative said Virginia is not in as bad a shape as a lot of other states. The other thing he said is that at the state level they are considering in the future having the employees pick up their share of VRS as a way to reduce the cost and ensure the soundness of the plan. Mr. Tucker said that in the next General Assembly there will probably be some bills related to that change.

Mr. Boyd said the Board made a decision long ago to pay the employee part. He asked if that is a reversible decision. Mr. Tucker said the bill would allow employers not to pay the total contribution.

Mr. Stokes asked if the change in the VERIP program would encourage people to retire quicker, and how would that affect the budget. Ms. Suyes said it is hard to project who may retire. She can say that the people being attracted to County employment are coming with between three and ten years experience. More experienced teachers are applying; the majority of new hires are teachers. She said some of this is guessing because in this current environment people are not interested in leaving. She said people hold tightly to the VERIP product and if they see it going away there will be people interested in leaving.

Mr. Rooker asked per individual, what is the average amount paid to the employee under VERIP. Ms. Gerome responded that the program pays on an average about \$4,000 per year.

Mr. Boyd asked if staff was making any recommendation for the medical part of VERIP. Ms. Gerome said that part would remain the same. In the Board report, staff is asking that the boards look at the eligibility required to remain on the County's medical and dental (this has nothing to do with VERIP). At this time an employee must have four years of service to remain on the County's plan with the employee paying the full premium. HR would like to change that policy to reflect eligibility for VRS (which would add another year). It would also be more consistent with other language in the policies.

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Ms. Suyes said to sum this up, for consideration to stay at market the compensation projection is 2.60 for classified and 2.25 for teachers. That is all based on available revenues. She is surprised at the WorldatWork expectation that it would be a 2.25 percent considering what is happening in the market. She is not sure that figure is accurate. She said HR is looking at phasing out the VERIP - there are two pieces to that program - the medical piece which they are not talking about, and the stipend piece which would be phased out according to the ladder just shown to the boards.

Ms. Suyes said in the recommendations, they would like to use a portion of the Medical Reserve to offset medical expense claims - she is comfortable with that as long as 20 percent is retained (a reserve of 20 percent of expected claims). She explained that what Ms. Gerome just explained was revising the service requirements for retirees to remain on the group medical and dental. At this time it is at four years, so it should be five years to be consistent with VRS language. HR would also like to develop recommendations regarding the health contribution piece. They want to reconvene the committee to look at the medical piece to see if any adjustment is needed.

Mr. Slutzky said a member of the press told him the executive summary said the Schools were asking for a 2.5 percent increase, and he asked Ms. Suyes to clarify the difference between WorldatWork projections and where the County is in its own budget process. Ms. Suyes said the total compensation strategy is to stay at market. HR looks at what the market has done and where the County is, and then decides if the County is at-market, if it is leading market, or lagging market. Then they project forward a year to consider what will happen so a decision can be made about the next year so the County does not fall behind market. The County uses WorldatWork which came up with the 2.25 percent figure - they were consistent until last year. That data is used to help staff make a projection. Other things that may impact that number have to also be taken into consideration. Last year WorldatWork said 3.3 percent but the market did zero. This year WorldatWork is saying 2.25 percent. If that 2.25 percent figure were used that would have to be looked at going forward based on the County's consistent methodology for teachers. For classified they would take the 2.25 percent, add the .35 percent the County is below the market and come up with the 2.60 percent. That projection is based on what has happened in the past, but the market is not what it has been in the past so they have to make some guesses about what they think will happen, and lastly they have to know what funds are available.

Mr. Slutzky said at this time HR is not projecting any specific outcome. This is just information for the boards and the media about some of the data elements that will be informing the decision later.

Mr. Rooker said there is a recommendation for a one-percent increase for the classified scale, a 2.6 percent merit increase for classified staff, and teacher increases of 2.25 percent. Ms. Suyes said both boards wanted a recommendation based on their adopted methodology. Personally, she does believe the market is going to move at 2.25 percent. Mr. Tucker said HR is putting this forward for consideration by the two boards based on the percentages Ms. Suyes just mentioned.

Mr. Rooker said he would also like for HR to do what it did last year - inquire in the market. He said Loudoun County is running a \$100.0 million deficit, and in order to recover that deficit, they are going to have to raise taxes by possibly 15 cents. Fairfax County is running a \$700.0 million deficit, etc. He said the Albemarle Supervisors are looking at a revenue budget that shows virtually no increase in revenues next year. The unemployment rate in this area is about the lowest in the state - half of the national average. Sales tax receipts here are not down nearly as much as they are in a lot of places. He said the CPI actually declined last year. Ms. Suyes said last year she did not think anybody was going to

move based on what was happening in the market. This year she is not that certain. She was surprised to see the 2.25 percent given the unemployment rate across the southeast which is the County's market.

Mr. Boyd asked if staff wants the boards to give information today on which to build budgets. Is this just an informational meeting? Mr. Tucker said getting directions from the boards is the reason for this meeting every year.

Mr. Wheeler said there are a couple of other meetings coming up. First the Supervisors have a retreat and the School Board has a meeting on the budget in mid-November. At that time the School Board will give more specific directions to the Superintendent.

Mr. Slutzky said that last year at this time staff cautioned the boards that there would "a hole" in the budget. By the end of November that hole had nearly doubled in size. This year there is a big gap in the budget, and the boards have talked about how that might be filled. When this is discussed again in November, it is possible that despite efforts to make estimates, there may be further erosion; there is evidence of that around. In terms of giving directions, is staff asking for a "thumbs up" on the one percent increase as a working exercise?

Mr. Rooker said he thinks these things need to be quantified in terms of total dollars. If there were a one-percent increase in the classified scale, what would that mean? What is a 2.6 percent merit in terms of total dollars? There is a limited amount of money coming in, and if the Supervisors did a tax equalization rate that would increase revenues by about \$3.0 million, so if a plan were adopted, would that cover it? Mr. Tucker asked Ms. Gerome what a one-percent increase in salaries for Local Government would be; she replied that it would be \$380,000. Mr. Tucker said he does not know what it would mean for the Schools.

Mr. Rooker asked about the 2.6 percent figure. Ms. Suyes said for scale it would not be the \$380,000; for scale it would be very minimal. She said Mr. Rooker is talking about a salary increase. Mr. Tucker said Mr. Wiggins had handed him information that he prepared for FY 2011 – for one percent for Local Government it would be \$380,000, and that has nothing to do with scale – that is basically a merit increase. He said that one percent of the 2.6 would be \$380,000. It would be \$1.0 million for the 2.6. He does not know what it is for the Schools. Ms. Suyes said as a layman, she doesn't see how the boards can move forward with this at this point with no money. She, personally, doesn't see the market moving much.

Mr. Wheeler said that at this meeting last year it was recommended that for the classified, merit and salary scale, there not be an increase. Then, for teacher salaries, it was said the School Board would look into those separately. He will suggest that the same thing be done this year.

Mr. Boyd said with the information before the boards now, and with the forecast, there is no choice other than to do that.

Mr. Rooker said he would like to know what the eight to 10 percent increase in medical benefits means in total dollars to the County. Also, what the percent of increase for teachers would cost the County? He thinks the boards want to meet the targets and pay employees in the category that has been adopted as policy. They also have to be sensitive to the fact that the revenue picture is bleak. He said these things need to be looked at. What total dollars would have to be allocated to compensation increases, how would they get those dollars, and how would the goals be met?

Mr. Dorrier said the Supervisors will be looking at the Strategic Plan next Friday, and he does not think they should say anything until that Plan is updated. Mr. Tom Foley said that is what makes this conversation difficult. Staff just showed revenue projections, but it was not able to talk about the whole picture. He said the Supervisors will have to make significant decisions on reductions without considering raises. According to the strategy which is to keep up with market, Ms. Suyes has said she does not think the market is going to move. What the Supervisors will hear next Friday is that this issue will seem very distant compared to the other decisions it will have to make not just on one-time reductions, but how over the five years (for example) the ACE Program can be continued. As to the question Mr. Rooker asked about health care costs, staff thinks the Medical Reserve is strong enough that the eight to 10 percent can be covered without it impacting the operating budget because the money is in a separate, self-care insurance fund.

Mr. Rooker said he does not think that is right. He said Ms. Suyes had said it can be kept at eight to ten percent if that Medical Reserve can be invaded for anything over that amount. He understands Ms. Suyes was talking about an increase in premiums of eight to ten percent to cover claims this coming year. Ms. Suyes said every year the projection is high because there is only one month's worth of data to use; currently, the insurer is actually projecting 14 percent. She knows that will not happen, but has to look at that recommendation. She believes that some amount can be offset out of the Medical Reserve and with some plan design changes that would leave eight to 10 percent for budgeting. She thinks it will actually be only four percent. Mr. Tucker said eight to 10 percent would be from \$350,000 to \$400,000 on the Local Government side.

Ms. Thomas said eight to 10 percent might be \$1.4 million for both Schools and Local Government. The Supervisors need to know that.

Mr. Foley said the main purpose for the discussion today was to give the two boards the revenue picture, Ms. Suyes' thoughts on the market moving, and the WorldatWork data. Also for consideration is whether the two boards should plan for a pay increase for classified staff which is the commonality issue.

The teacher decision is one the School Board usually makes. The revenue picture and other things the Supervisors are not aware of will be talked about in a couple of weeks. He will say that it is going to be nearly impossible to increase salaries without doing other significant things.

Mr. Boyd said the boards "can beat this horse" all day long, but he thinks they should move forward with what they know at this time which is to plan for no increases in compensation for classified employees.

Mr. Koleszar said he would like some clarification on the WorldatWork data. Last year their prediction was off because they made their predications before the crash and they did not revise them after the crash. He would like to ask if the WorldatWork data is for public employees, or all employees. Ms. Gerome said the two sectors HR uses are education and local government.

Mr. Koleszar said that last year Ms. Suyes predicted the market would not move, and it did not move. Now, she is saying she does not know what it is going to do. Given that, if the market doesn't move the County is still three-tenths of a percent below market. He does not see how there can be any adherence to the strategy and not at least do that. If Ms. Suyes and the boards both say the market will stay flat, the County is still below market and should make an adjustment for the .3 percent.

Mr. Slutzky said it would have to be considered against other real competing entities.

Mr. Koleszar said it is one thing to say the County does not have the money so will not meet its strategy, but don't "fudge" the number of the strategy to meet revenue. "Be honest and say we just don't have the revenue to meet our strategy."

Mr. Slutzky said that in talking with people, the estimate is that it will not increase, but is anybody talking about cutting pay across-the-board as an alternative to furloughs. Ms. Suyes pointed out that HR did significant research on furloughs because a lot of people were talking about them. They actually create a low savings. Albemarle's local government side has taken some significant steps to cut which is seen in the freezing of 55 positions, and cutting even more – that is a huge chunk of the workforce. There is a lot of talk, but surveys show that not many people are actually cutting pay. Most are just looking at cuts in general, not furloughs.

Mr. Slutzky asked if any localities are talking about reducing salaries across-the-board. Ms. Suyes said HR looked at layoffs, and 50 percent had implemented layoffs in local government and schools, but none were doing pay cuts.

Mr. Koleszar said the written report states that eight percent of schools and no percent of local governments are doing pay cuts. Ms. Suyes said HR heard a lot about furloughs, so it decided to research that because it was being heard constantly in the media. She said they did not find many people doing it, and those that were did not realize significant savings. The recommendation from HR to Mr. Tucker and Mr. Foley is that it not a good move for many reasons.

Mr. Slutzky said he understands the surveys, but wanted to know that HR was actually talking to people and they were not recommending pay cuts. He said zero is probably a good bet. Ms. Suyes said nobody is cutting pay.

Mr. Rooker said there are service industries where they have gone to four-day workweeks, rotating employee schedules and having employees take different days off.

Ms. Thomas asked if that is the meaning of "service reductions?" Ms. Suyes said "yes."

Mr. Rooker said in certain businesses it works very well. Ms. Suyes agreed but said that in talking about fire, rescue and police, it does not work well. The County is a service industry and those services have to be provided; "we're not producing a product."

Mr. Wheeler asked if there are funds available to support the model. He noted that the projections for FY 2011 show only \$160,000 in new funds coming to the County and only \$240,000 coming to the Schools. The answer then is that there are not the funds needed to fund the Compensation Model.

Mr. Rooker said that was based on the current tax rate, and there was a projection for a 3.5 percent reduction in real property tax values, so if an equalization rate were used it would provide about \$4.0 million of additional revenue.

Mr. Koleszar said it's a strategic decision to make whether it is that there is not the revenue needed to provide increases or not. He is just saying that the boards need to be honest and say they strategically decided they could not afford the tax rate, could not afford raises, and not manipulate the numbers and the projections to meet the revenue.

Mr. Slutzky said a lot of people are talking about zero-based budgets. He thinks Mr. Koleszar is suggesting that if the commitment is to maintain a certain quartile, that informs a zero-based budget and it would require that the real estate rate be increased to cover the difference in that category.

Mr. Koleszar said he thinks the County has a really good compensation strategy and it has served this county well. He wants to affirm the integrity of that process.

Mr. Rooker said he agrees.

Mr. Koleszar said to keep the integrity of that process say that "we should do this, but we can only afford that." He said there should always be that gap. If the gap grows because you say zero and the market goes up one percent, the County is 1.3 percent behind and will start having trouble hiring.

Ms. Moynihan agreed. She said promises were made over the years and the School Board has tried hard to keep them. She said they were making headway, and when we are just about there, we have to be transparent with our staff and let them know we are trying to get there. At this time, we are in a quandary. She also agrees that if we continue along this path, we are going to start dropping behind, and then we will have that same problem again that we had five or six years ago.

Ms. Suyes agreed. She said the strategy is good, the pay-for-performance model, particularly for classified employees, is good, and if increases are not being given, both of those are in jeopardy. That must be recognized. It is not something the County will be able to continue. She can't imagine recommending it past this year. She pulled some numbers from teachers because a number of them were just hired for the new school year. She said that when she began work with the County eight years ago, HR got about 200 applications for 150 positions. This year, 1,000 applications were received for 100 positions. She said the County does not want to lose ground, but she recognizes the difficulty now. Thought must be put into how this will be managed long-term. The County will not be able to recoup if it does not stay on top of this. Being down .35 percent is not really being down, it is pretty much at market, but market competitiveness must be maintained. She is guessing that the market will not move.

Mr. Koleszar said at this meeting last year the boards gave Ms. Suyes directions to resurvey the data. The boards were not sure it was zero until December when the boards had a second meeting. He said the market picture will become clearer in the next couple of months.

Mr. Wheeler suggested the School Board members look at the staff report where it says staff recommends approval of the following:

- 1) That a portion of the excess Health Care Reserve fund be applied to offset some of the increase in medical plan costs. The projected increase in medical is eight to 10 percent.
- 2) That the service requirement for retirees to be eligible to remain on group medical and dental coverage be revised to require that employees must be 55 with a minimum of five years of service to be eligible, consistent with VRS benefits.
- 3) That the workgroup previously established to review the VERIP stipend benefit develop recommendations regarding the VERIP health contribution benefit.

Mr. Wheeler asked if somebody wanted to add a fourth bullet reflecting a compensation assumption for now, the School Board could move forward with that understanding.

Mr. Rooker asked if Mr. Wheeler is suggesting the 2.6 percent increase for now.

Mr. Koleszar **moved** to approve the recommendation for the three bullets set out above. Ms. Moynihan **seconded** the motion, which passed with by a voice vote (5 ayes), with **Mr. Price abstaining**, and one member absent.

Ms. Thomas then offered the same **motion** for the Supervisors. Mr. Slutzky **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

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

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Mr. Koleszar said he feels the Supervisors need to hold the Strategic Planning meeting before going to another step. He does not feel comfortable making a recommendation at this meeting because it is about revenue as much as it is about strategy.

Mr. Wheeler asked if the School Board members agree that compensation is on hold for now.

Ms. Thomas asked if staff is "being left hanging" if the boards do not give them any directions on compensation. Mr. Tucker said that even for next week, it is helpful for staff to know the direction the boards are contemplating. Staff will be making projections based on whatever compensation the boards may suggest be it zero, or half a percent, or whatever. Staff can make better projections if it gets that number, but if there is no guidance, staff will probably not put anything in.

Mr. Rooker said in light of the additional sobering information brought to the table by Mr. Foley, he would like to have the strategic plan conversation before the Supervisors weigh in specifically on the other components of this recommendation.

Mr. Koleszar said when the numbers are run, he would suggest that they be run both ways, one with the strategy and one with something else to see the difference.

Mr. Boyd asked when the two boards will meet again to discuss the commonality issue. Mr. Tucker said the next joint meeting is December 2. He said the last item concerns the phase-out of the VERIP stipend. He asked if the boards wanted to react to that today.

Ms. Thomas said she thought the consensus was to stick with the strategy, except that “we can’t this year.”

Mr. Slutzky said that is an important distinction.

Ms. Thomas said it is. It probably does not make much difference to an employee who is getting no raise to have the boards say “we appreciate what you are doing and would give money if we could” but she thinks the strategy has proven to be very successful over the years. Because no compensation increase can be offered this year is not meant to be a rejection of that strategy.

Mr. Slutzky said the County is .35 percent below the top quartile.

Mr. Koleszar said the teachers are at the top quartile; classified staff is at the median.

Mr. Price said he thinks the boards should have the dollar figure on the health care reserve, and how it would be impacted. What he is seeing in the field is that employers are really starting to pass some of those costs to employees. The County can’t keep “a finger in the dyke” and hope the dam does not break. The dam on health care has already broken, and there are either increases in co-pays or premiums. He does not know the criteria for using that reserve, or whether this recommendation fits the criteria.

Mr. Wheeler said on the VERIP phase-out, he did not hear any School Board member say it should not be done. He expects there to be a specific proposal and then public comment can be taken. Mr. Tucker said there would need to be an amendment to the Personnel Policies if the proposal is adopted. If this is a direction, staff will bring back a specific proposal.

Mr. Wheeler said that item should be put on the School Board’s agenda so it can make comments at a meeting. Ms. Suyes said it’s important that there be a wealth of communication to the employees. She said HR was directed by the boards to take on the VERIP piece, but they have not had a chance to communicate anything to the employees. It affects them so that needs to happen so they know what’s going on and what might lie ahead.

At 5:40 p.m., the School Board adjourned its meeting.

Agenda Item No. 25. Adjourn. With no further business to come before the Board, the meeting was adjourned at 5:41 p.m.

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Chairman

Approved by the Board of County Supervisors
Date: 02/03/2010
Initials: EWJ