

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 4, 2009, at 9:00 a.m., Lane Auditorium, County Office Building on 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, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

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

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

Agenda Item No. 4a. Recognition: Richard Kast for service on the Route 250 West Task Force.

On behalf of the Board, Mr. Slutzky recognized Mr. Richard Kast for his service on the Route 250 West Task Force for the past six years, noting that he has served tirelessly, with near perfect attendance despite his hectic schedule. He added that Mr. Kast provided valuable input on some very critical topics, such as the effort to establish Route 250 West as a scenic corridor. He then presented Mr. Kast with a Certificate of Appreciation.

Agenda Item No. 4b. Recognition: VDEQ Virginia Environmental Excellence Program (VEEP) Award, Larry Simmons, Deputy Director Valley Regional Office, Department of Environmental Quality.

Mr. Simmons said he represents the DEQ office in this special ceremony today. This will be his last ceremony as he will be retiring January 1, but his last day in the office will be November 16. He said his career parallels the environmental movement from the legislation of the early 70s. When he arrived at the Valley Office in 1973 the area was faced with many environmental issues. He was employed by the State Water Control Board; Virginia was one of the few states to attempt regulating discharges through permits. Most permit recipients failed to conduct testing necessary to gauge performance, and performance was bad.

Mr. Simmons reported that the South River in Waynesboro was known for changing color consistent with what a local textile plant was using on any particular day. Small streams like Moores Creek and Meadow Creek in Charlottesville were burdened by the overflows of overcommitted wastewater treatment facilities rendering them grossly impaired. That was then; legislation and prescriptive regulation have done much to eliminate those situations not only in the waters but in the air and on the land. But, environmental regulation goes only so far and is not meant to micromanage or be a burden on all aspects of activity. That is why in the late 90s those involved with the State's environment preservation began to think globally, beyond the treatment facilities and manufacturing concerns and more to the footprint left by human activities that fall outside of environmental law.

Mr. Simmons said the Virginia Environmental Excellence Program (VEEP) is DEQ's program to promote the use of environmental management systems and pollution prevention as a means to achieve greater environmental quality and improved organizational performance. The program is based on the principles of ISO-14001, the international standard for environmental management systems which originated in Europe in the early 90s. He said the VEEP program began about eight years ago and currently almost 450 facilities that have been accepted into the program, with less than one-fifth of these at the E-3 or E-4 level.

Mr. Simmons said Albemarle County Schools moved from the E-2 to the E-3 level and is the only locality to do an EMS for all of its schools and school support facilities – 32 buildings total. He mentioned that Augusta and Prince William each have high schools in the program – five and one respectively. He said VEEP is DEQ's voluntary recognition and incentive program. Facilities in the program have committed not only to be in compliance with environmental rules but to also strive for continuous environmental improvement, which requires innovative thinking, leadership and partnerships.

Mr. Simmons said VEEP is now recognized nationally as a leading example of how a state can successfully provide incentives and recognition to high-performing facilities to achieve real environmental progress un-mandated. He said today Albemarle County is being recognized for movement to an E-3 designation for its entire school district. This level was achieved through a good compliance history and development of the comprehensive environmental management system – the blueprint for how the district will respond to including environmental protection into its decision-making process. Albemarle is achieving a program level which has been achieved by less than 20 percent of the current program participants. Of the school districts in the program, Albemarle's is the most ambitious accounting for 90 percent of the school buildings in the program.

Mr. Simmons said specifically for Albemarle he will note the following accomplishments already within the school district. Based on the EMS process, energy use in buildings was identified as one of the

most highly ranked, significant impacts – and an aggressive energy-conservation program has been implemented. A goal of reducing energy use by 30 percent by 2012 was established, and the schools have already achieved more than half of that goal. Additional environmental stewardship strategies resulting from the EMS include the district's efforts to conserve water, reduce paper use and improve recycling.

Mr. Simmons thanked the Board and extended congratulations to the Albemarle County Schools. He announced that Ms. Sharon Baxter, the agency's Program Coordinator, was present to assist with the presentation of the emblems of this achievement.

After the presentation, Mr. Rooker said the School System deserved a round of applause.

Ms. Mallek added that Mr. George Shadman and his General Services staff also deserve recognition since the award is really aimed at their work.

(Note: It was noted later in the meeting that this recognition was for local government, not the School Division.)

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

Noting the results of the previous day's elections, Ms. Thomas thanked Mr. Slutzky for his intensive, deep-thinking, intelligent approach to the community's problems. She said although Mr. Duane Snow is not present, she thinks he will likely be joining the meeting later today and she hopes all will welcome him as the next Samuel Miller District representative.

Mr. Boyd said Ms. Thomas' comments were well said and he appreciated them.

Ms. Mallek stated that the Airport Authority, the Airport Commission and Airport management have been doing an excellent job working with the neighbors on all sides of the facility keeping them up-to-date about the work going on at the Airport.

Ms. Mallek said she was fortunate to sit in on the advisory council of the Small Business Development Center at the Partnership for Economic Development. It is encouraging to see the increases in participation and the number of classes being offered. She thinks the County is getting a good return for the investment in the partnership. It is another example of the kind of work that County staff is doing in economic development on an everyday basis for which they may not get enough recognition.

Ms. Mallek said that good news is coming next month from the General Services Department about a VACo award.

Ms. Mallek said a concern came to her today from a citizen, something which has been mentioned over the last several months. There is an outdoor furnace in Earlysville that is in a very densely populated neighborhood and is located right at the property line. It is creating an environmental disaster for the neighbors next door. It is a wood-burning boiler used to heat water even in the summertime when there are poor draft conditions. She does not have a solution to propose, but has some information that she will have copied and sent to all of the Board members. She has talked with Mr. Mark Graham about the permitting process this boiler required. Some very serious health problems have resulted for the neighbors.

Mr. Boyd said he has already dealt with that particular issue. There is no violation either from a fire standpoint or a zoning standpoint. He said the solution could be a higher smokestack if they would put one on, but they would have to do it voluntarily.

Ms. Thomas said she just learned about a similar furnace in her district. It is not next to anyone who is complaining, but she was asked if there are a lot of these furnaces in the County and she did not know.

Mr. Slutzky said the Board is limiting the height of wind turbines in a way that makes them completely unavailable to Albemarle residents, so is it possible for the Board to put in a height minimum for a chimneystack to address an issue like this. Mr. Davis said it is regulated by the State Building Code and it meets all the mechanical code requirements.

Mr. Slutzky asked if the County is allowed to modify the Building Code in any way. Mr. Davis said the Board has no authority in that manner. He said this facility does not violate the Fire Code, and DEQ has investigated it and found no violations. It's really a civil matter that this lady needs to explore, which she was advised to do several months ago when Mr. Boyd was involved in the issue.

Mr. Slutzky asked if nuisance actions are allowed in Virginia. Mr. Davis said "yes."

Mr. Rooker commented that he believes Mr. Slutzky has provided energetic, intelligent, articulate, sometimes provocative representation which has caused all the Board members to think about things that would not otherwise have been raised. Especially in the areas of protecting the environment and transit, Mr. Slutzky has done terrific work while on the Board. He thanked him for that work and said it has been a pleasure serving with him.

Mr. Dorrier said he will second what Ms. Thomas and Mr. Rooker have said. He thinks it is significant that Mr. Slutzky has reached out to the City to establish a bond and leadership for both the City and the County. He added that the County is at a critical crossroads when it comes to issues of business versus issues of the environment, but he believes there can be business while protecting the environment.

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

Mr. Jeff Greer said he is a City resident and chairs the Citizens Advisory Committee of the Rivanna Solid Waste Authority (RSWA). Many of the committee members have participated in public hearings on the Solid Waste Strategic Plan but nothing substantive has been achieved for two years. At present, work on the plan has been reduced to a debate on the future of the Ivy Transfer Station and no real consideration has been given to how to build an effective and sustainable program for recycling and solid waste in the face of continued growth. In addition, work of the committee is overshadowed by the impending expiration of the master agreement between the City, County and RSWA. Time is running out to set a clear path forward for City-County collaboration on solid waste collection and infrastructure.

Mr. Greer said despite the RSWA's suit against VDL Recycling it shows no sign of being resolved and the private sector has steadily built an operation in Zion Crossroads. In due time, Mr. Peter Van der Linde expects to receive a license to process municipal solid waste. Mr. Greer said he has organized two tours of the VDL facility and plans to organize a third when it receives its MSW license.

Mr. Greer asked the Board to tell the Committee three things: 1) how the Committee can help refocus the strategic plan debate so it can address how to build an effective and sustainable program for recycling and solid waste in the face of continued growth; 2) what are the Board's expectations of the Committee between now and June, 2010 when the master agreement expires; and, 3) how the continued legal action against VDL makes sense in light of the major positive role it could play in the regional solid waste strategy. This last question is especially critical in light of former City Council member Kevin Lynch's assertion that from its inception the service contribution fee is anti-competitive and unfair, and the fact that Mr. Tom Frederick has said many times that the fee is an unsustainable component of RSWA's business model.

Mr. Greer said the lawsuit creates the appearance that public officials are blocking a positive and viable private initiative in favor of vested interests in a system that is failing and costly to fix. He and the other members of the RSWA Citizens' Advisory Committee serve out of a deep concern about the future of waste management in the region. They believe that issues critical to a sustainable and cost-effective waste management strategy are currently being brushed aside by unproductive disputes and failure to set up a clear framework for City/County collaboration. The Committee would like to contribute to refocusing the debate on the critical issues and they are asking for the Board's guidance and assistance in making their efforts useful and effective.

Mr. Marshall Pryor said that with Mr. Dorrier's help there has been enough money raised to operate the Hatton Ferry next year – which will be the 140th anniversary of the ferry operation – but they need more participation from the community, the Board of Supervisors, and from other close-by municipalities. They have put together a band-aid situation to keep the ferry in operation next year, but this can't go on forever. He thinks it was shortsighted of the Commonwealth to forget the past for the present and forget the future. That is what they are doing for a very miniscule allocation of funds. The Charlottesville-Albemarle Historical Society has given the committee a lot of help and leadership for this effort. The NBC Today Show did a five-minute piece on the ferry and what it's meant to America. He said America was settled by crossing rivers on ferries and other such apparatus. It's perfectly fitting that the last pole-driven ferry in America operates on America's river – the James River, the home to the first permanent English settlement in America which describes some of the historical significant of this ferry. Once this ferry is no longer in operation, it is gone and will never come back. With a minor allocation of County resources, with the help of businesses and individuals, the committee thinks the ferry can be carried on for many years and if it is really worth it, it should be taken care of. This committee of citizens is working to take care of that and it hopes the Board will find a way to help them secure it for the future.

Mr. Steven Meeks said that last week word was received from VDOT about the permanent closure of the Hatton Ferry. He is here today on behalf of the Charlottesville-Albemarle Historical Society to reaffirm its commitment to support the ferry and work with the County on a long-term solution to see that it continues to operate. When VDOT made its announcement in June about the ferry there was a lot of media attention, both locally and nationally. Recently, the Historical Society has been overwhelmed by the response from citizens locally and even from abroad. Although the ferry did not operate after June 30th because of low water, he made several trips to the ferry on weekends to show people the ferry and to meet with the media. The number of people who came to see the ferry was amazing. He said the last weekend in October was supposed to be the last official date the ferry could operate and there was family from New York, one from Gloucester County, Fredericksburg, Richmond, and Newport News who had

seen the story on the Today Show and came by to see the ferry. There is tremendous interest in this ferry and the committee hopes they can continue to work with the Board to keep the ferry open for the long-term.

Mr. Charles Carter, a program manager from the Workforce Services Group at PVCC and a Board member of the Blue Ridge Homebuilders Association, spoke. He said both of these organizations stand to benefit from the establishment of a local energy alliance program and they have been working on initiative to bring one here. Later this morning the Board will hear from a group in the City about the Southeast Energy Alliance program that is trying to fund this initiative. He is asking for the Board's support to assist in bringing that program here. He said a local energy alliance program will bring energy efficiency to the existing (older) home stock. He has been involved with a lot of such programs through the Blue Ridge Homebuilders to bring new techniques to new homes being built. LEED homes and Earth Craft homes have done a great job of improving new home stock. Existing homes would benefit a lot from new efficiency techniques. The local energy alliance program aims to do that through outreach and education both from consumers and contractors. He hopes PVCC will be providing training for the new contractors, and he hopes the BRHA will see new jobs created.

Mr. Neil Williamson from the Free Enterprise Forum said he is speaking today with regard to the County's Quarterly Economic Indicator Report. The idea of focusing on economic indicators is great although it is a touch academic for the ordinary citizen. The data provided is solid but somewhat incomplete. He believes the report unintentionally perpetuates the island mentality of the County. This report needs at least two additional data sets in the majority of the data findings. 1) The County and this Board have consistently created a peer group of communities for evaluating human services, for evaluating the tax rate, for evaluating just about everything. It would be useful to have a composite of the economic experiences of that peer group over the previous quarter. In addition, it would be useful to have a composite of the neighboring localities. He said the last media release of the Chamber of Commerce showed the sales tax exodus from Albemarle County and Charlottesville is landing in neighboring localities, but the County's report doesn't track any of this exodus in regard to where it is landing. He thinks some of this information would inform some of the conclusions. In the summary and analysis it is suggested that this situation helped to contribute to a drop-in local consumption as evidenced by the decline in the County's sales tax revenue. He does not know that is necessarily correct because of the regulatory climate. Also, people living in outlying counties now have the ability to purchase things where they live which gives a better environmental impact, and that needs to be recognized in the report. Finally, on Page 3 of the report, with regard to housing data it indicated that data for FY '08 was not readily available. He was concerned by this statement. He knows the CEO of the CAAR and he asked why the data was not available, and was told that they could provide the data to the County on a quarterly basis, but they were not asked for the information. He thinks all of these things would make the report stronger.

Mr. Boyd said the Board and Council made a decision earlier this year to change the structure of both the Rivanna Solid Waste (RSWA) Authority Board of Directors and the Rivanna Water and Sewer (RWSA) Authority Board of Directors. A member of the Board of Supervisors and a City Councilor were named to serve on these boards due to some controversial issues facing them. As a member of the RSWA Board he will say they are working through issues. The lawsuit is a tricky thing that needs to be decided in the courts – not on talk radio or in the newspapers. They are working hard to get back to the plan, and he thinks positive things will be seen in the next few months. They are aware of the contract with the City even though it seems they are bogged down a little because they are trying to decide on direction; the Ivy Transfer Station is just a part of the overall process. It is a key issue that needs to be dealt with.

Mr. Boyd said in regard to Mr. Williamson's comments and the economic indicator report, this is a work in progress that has been taken on by the Fiscal Impact Committee and they will be working to improve it.

Ms. Thomas said she will add (she does not know how many times this has to be repeated for the press) for the RSWA that the lawsuit against Mr. Van der Linde has nothing to do with his recycling center in which he put \$16.0 million and he wants the RSWA to use it. That seems to be a possible thing, and is something the RSWA is checking to see what role privatization can play in the whole process. She said the service contribution fee is essentially a tipping fee and tipping fees are the way that solid waste authorities or local governments pay for their programs. It is not an unreasonable arrangement and the RSWA could have used facilities in other locations, but after discussions with local trash haulers and others, they decided to go with the system they have. In some things she has read, a service contribution fee has been characterized as "evil", but in fact it was the community's way of paying for things like the McIntire Recycling Center and the portions of the solid waste program that don't pay their own way.

Mr. Boyd said in reference to former City Councilor Lynch's comments he will add that the Virginia Supreme County has already decided that tipping fees are a legitimate way to recoup costs for things such as bulk waste collections, amnesty days, etc.

Mr. Rooker said if one customer doesn't pay the fee, others have to pick up that cost.

Ms. Thomas said she thinks the Hatton Ferry committee would probably like a response. She does not know what response that would be in terms of the County's money. The Board got an e-mail yesterday indicating there is even more bad news. Mr. Tucker said because this matter was initiated by VDOT, it is scheduled to be discussed during VDOT Transportation Matters this afternoon, but there are some people concerned about the ferry who might not be present at that time.

Ms. Thomas said she appreciates the work the Historical Society has done so far.

Mr. Dorrier said he would like to have the County look at a matching situation where there could be a public/private partnership for funding.

Mr. Slutzky asked Mr. Dorrier where he would like to cut the County budget in order to fund the ferry. He said there is a constant problem when people want to fund something, but they don't want to pay for it. If the Board is going to create the perception in the minds of folks in Scottsville that money will be added in order to have a match, then the Board needs to tell them what it will cut out of the current budget to cover that. Does Mr. Dorrier have a specific proposal?

Mr. Dorrier responded that it's a highway matter.

Mr. Slutzky asked if Mr. Dorrier wanted VDOT to fund it. He said they are not going to fund it.

Mr. Dorrier said he thinks the committee might be able to raise two dollars for every one dollar of public money.

Mr. Slutzky asked where the public money would come from. He said the General Assembly has VDOT's transportation budget in such a mess that in another year or two the State won't even be able to match Federal highway money which is an outrageous abdication of responsibility. Now, Mr. Dorrier is suggesting that the County put up a public match and what would he cut out of the budget to come up with the moneys to use for that match? He does not like to create the perception in the public's mind that the Board will do something it has no intention of doing. Unless Mr. Dorrier has something specific in mind to use for that purpose he does not think it should be proposed.

Mr. Dorrier said he would use the Film Festival as an analogy. The County spends \$10,000 each year for the film festival to come to Charlottesville, and that festival puts money into the area. By the same token, if the same amount were invested in the Hatton Ferry and there was a foundation or an organization running the ferry, a fee could be charged for using the ferry, and that fee could be used to fund the operation of the ferry. He thinks Albemarle County can, along with Buckingham and Scottsville, come up with \$10,000+ a year to run the ferry.

Mr. Slutzky asked where that \$10,000+ a year would come from. The County has a very tight budget, with a lot of limits on it.

Mr. Rooker said the Board does not even have a reserve fund at this time. The Board is trying to find \$4.5 million in the current year to fill a budget gap. He recalls that at the last meeting Mr. Dorrier said he did not think the Board could raise taxes even to the equalization level. He said they are talking about cutting another \$10.0 million out of the budget next year and there are 65 frozen positions on the Local Government side. The Board simply cannot find money for every good idea that comes in.

Mr. Slutzky asked Mr. Dorrier again where he plans to find money.

Mr. Dorrier said he thinks the Board could be creative and come up with a solution.

Mr. Slutzky said he agrees.

Mr. Dorrier responded that he would like to have a public-private partnership.

Mr. Slutzky said for the last three or four months he has been listening to the people who won last night on a platform of cutting fat from the County's budget rather than raise revenues by increasing fees or taxes. Obviously the Board will not be raising fees or taxes to pay for anything, so what does Mr. Dorrier want to cut out of the budget to pay for what is now a new expenditure for a public-private participation by the County.

Mr. Dorrier said the County contributes \$10,000 to the Film Festival.

Mr. Slutzky asked if Mr. Dorrier wants to cut money to the Film Festival.

Mr. Dorrier said he is not proposing that, but is saying that the Board funds the Film Festival to bring people to Charlottesville.

Mr. Slutzky said for the last several months he has heard people say the Board needs to come up with something, so he is suggesting that Mr. Dorrier come up with something.

Mr. Dorrier said a public-private partnership would collect funds from the people who use the ferry and see the ferry.

Mr. Boyd said this might be a better discussion for the Strategic Planning session this afternoon.

Mr. Slutzky said Mr. Dorrier had suggested that the County enter into some kind of public-private partnership and the Board invest \$10,000+ and he wants to know where that money would come from.

Mr. Boyd said he agrees with Mr. Dorrier that in a \$307.0 million budget the Board could find \$10,000.

Mr. Slutzky said he has heard for months that fat needs to be cut from the budget, and he would like to know where that fat is in the budget.

Mr. Boyd said staff should be challenged to find the funds.

Mr. Slutzky asked Mr. Boyd if is suggesting that, because he can't come up with anything, this be put on staff.

Mr. Boyd said he could come up with ideas.

Mr. Slutzky asked that he state those ideas.

Mr. Boyd said the money could be taken out of ACE. The ferry promotes the rural and historic nature of the community. It would be a good way to spend \$10,000 of the ACE money.

Mr. Slutzky asked how much money is in the budget this year for ACE from the Tourism Fund. Mr. Tucker said the Board has to set priorities for use of that money. Staff will have some suggestions for the Board on how to do that. It is not necessary for the County to take over operation of the ferry, and that is not staff's recommendation. The problem is that VDOT has a deadline of December 31 to either turn over operation of the ferry to someone else or take the ferry out of commission. Some decision needs to be made this afternoon when a VDOT representative will be at the meeting.

Mr. Rooker said that in order for the ferry to survive long-term it has to have an endowment-type fund which would involve significant contributions in order for the fund to build up. He said the Board funded the ferry on an emergency basis without complete information about its exact operation and its contribution to the community. The Film Festival draws many hundreds of people into the community each year, and he thinks the County gets back more than \$10,000 each year in terms of sales tax revenues and meals tax revenues. He would be interested in looking at the potential rate of return for investing in the Hatton Ferry. Mr. Tucker said his recommendation will be more from a logistical standpoint. From the logistic standpoint he does not think just Albemarle County should be dealing with this issue.

Mr. Dorrier said that Buckingham County and the town of Scottsville should contribute too. He does not think Albemarle County should foot the whole bill. If the County is creative, it can come up with solutions. The County needs to address the issue because it's a national issue not just a local one.

Ms. Mallek asked what response has been received from Buckingham and Scottsville since Mr. Dorrier raised this issue last summer.

Mr. Dorrier asked Mr. Pryor if this issue has been put on Buckingham County's agenda yet. Mr. Pryor responded that the group has not formally gone to any one governmental body to ask for sustaining grants for the ferry. The group has through minor ways raised \$20,000 privately, and they have commitments for an equal amount. In order to keep the ferry operating there will need to be some well-done fundraising. The money would need to be run through a foundation and have an allocation of funds to keep it going in perpetuity. They are going to use the NBC Today Show's piece in the fundraising, and they are going to guarantee there are enough funds to keep it operating next year. Beyond that, he does not know what they can do, but the idea is that they would raise from \$700,000 to \$800,000 to keep it going in perpetuity. They need an opportunity to do that, and they can't do it in a minute.

Mr. Rooker said the County put up some money for the emergency situation. Mr. Pryor responded that the money has not been spent because the ferry hasn't been running; no water, no run. At this time it takes \$20,000+ to keep it in operation. Looking at the maintenance situation, every now and then it would have to be taken out of the water and about \$100,000 spent, so that is why he gave the \$700,000+ figure. That would give a five percent return of \$35,000+ yearly which would then be used for operational costs. He said VDOT pulled it out last year and did \$70,000 worth of repairs. The cable system needs to be repaired in the next few years. The group is working to do something, or the money contributed so far will be returned to those who sent in the money.

Mr. Rooker stated that Mr. Butch Davies had said there are grant opportunities available for the ferry. Mr. Pryor responded that they are aware of that, and they are doing the best they can as an all-volunteer group. They just need to know that they are encouraged and supported in the fundraising effort. The State is going to turn the ferry over to some municipality, and the municipality can turn it over to some over entity, but the State won't turn it over directly to an entity.

Mr. Slutzky said the Board appreciates the efforts people are making to try and "keep this thing alive" but he does not want to mislead the public into thinking the Board is going to put another dime into it unless there is a specific plan for how to come up with that dime. Based on the results of the election yesterday, he does not think there is much interest in increasing expenditures in the budget.

Agenda Item No. 7. Consent Agenda.

Ms. Thomas **moved** for approval of the Consent Agenda Items 7.1, 7.2, 7.3 and 7.4, to pull Item 7.5, and to accept the remaining items for information (discussion of individual items will be set out at the end of those items before the vote). Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

Item 7.1. Approval of Minutes: September 2, 2009.

Ms. Thomas had read the minutes of September 2, 2009, pages 1 through 33 and found them to be in order as presented.

Mr. Rooker had read the minutes of September 2, 2009, pages 34 to the end and found them to be in order as presented.

By the recorded vote set out above, the Board approved the minutes read.

Item 7.2. Watch for Child Playing Signage for Proffit Road (Route 649).

It was noted in the Executive Summary that the residents of properties along Proffit Road near the one-lane bridge and one resident of property along Judge Lane near its intersection with Proffit Road submitted a request to install Watch for Child Playing signage on Proffit Road Drive. VDOT requires that the Board adopt a resolution approving the placement of a sign before it will install a sign.

The County developed criteria for reviewing a Watch for Child Playing sign installation request. Staff has evaluated this request against these criteria and the request meets three of the four criteria. There are no formal/central child activity attractions on the road. In addition, Proffit Road functions as a collector road and is not considered a subdivision or neighborhood type street. Typically, staff would discourage Watch for Child Playing signage on this type of road; however, given the presence of children in this area, the lack of sidewalks, the proximity of the homes/yards to the road, and the volume and speed of traffic in the area, staff is of the opinion that this request for the installation of a sign has merit in this location.

The cost to install a Watch for Child Playing sign is approximately \$125 per sign, and VDOT will determine how many signs are appropriate. Typically, VDOT has installed one or two signs for each designated area. This cost will be paid from the County's Six-Year County Road Maintenance Fund. Staff recommends that the Board adopt a resolution approving installation of Watch for Child Playing signage on Proffit Road (Route 649).

By the recorded vote set out above, the Board adopted the following resolution approving the request:

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN
ON PROFFIT ROAD (ROUTE 649)**

WHEREAS, the residents of Proffit Road (Rt. 649) are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the neighborhood; and

WHEREAS, many children live and play on Proffit Road and the residents believe that "Watch for Child Playing" signage would help alleviate some of the safety concerns; and

WHEREAS, the residents of Proffit Road have requested that the County take the necessary steps to have "Watch for Child Playing" signage installed;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the community's request for VDOT to install "Watch for Child Playing" signage on Proffit Road (Rt. 649).

Item No. 7.3. FY 2009 Appropriations.

It was noted in the Executive Summary that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The total of this requested FY 2008-09 appropriation is \$817,436.34. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted FY 08-09 budget. This

request involves the approval of one new FY 08-09 appropriation, No. 2009-069 for General Fund over-expenditures in the amount of \$817,436.34 (see Attachment A set out below). Staff recommends approval of this appropriation.

Attachment A

Appropriation No. 2009-069, \$817,436.34. Revenue Source: Fund Balance, \$817,436.34.

Several General Government departments and programs will require an additional appropriation to cover FY 08-09 expenditures. This request will appropriate \$817,436.34 from the General Fund Balance to the following departments:

Human Resources, Early Retirement	\$ 430,489.35
Circuit Court, Temporary Help	\$ 6,676.79
Magistrate	\$ 8,862.00
Forest Fire Extinguishment	\$ 4,405.10
City Fire Contract	\$ 52,220.54
Tax Relief for the Elderly & Disabled	\$ 268,048.62
Tax Refunds	\$ 46,733.94

(Discussion: Ms. Thomas said she would like to discuss this item since she does not understand the large amount for the Tax Relief for the Elderly and Disabled program. She asked if the program was more expensive than expected. Mr. Tucker said there was a very positive response to that program. Mr. Wiggins said the limits for the program were increased so more people could qualify. In FY 2009 approximately \$678,000 was budgeted and a credit was actually given for \$950,000. For FY 2010 staff budgeted \$1.0 million assuming that level of utilization would continue.

Ms. Thomas asked if more employees took advantage of the VERIP Program than had been anticipated. Mr. Wiggins responded that the program was changed in FY 2009 to incentivize early retirement for employees and a significant number took advantage of it. Mr. Tucker said there was also miscoding involved, and that is being reconciled now. Some of these employees were coded into the School System's VERIP, so those cases are being reconciled, and that is a reason the amount is higher.

Mr. Rooker asked about the City fire contract. Mr. Wiggins said the amount is based on the number of calls answered. He said a slightly higher amount was budgeted in FY 2010.

Mr. Boyd asked if all of these things had been taken into consideration in the shortfall Mr. Wiggins had explained earlier, or will this increase the shortfall. Mr. Wiggins said in the Preliminary Fourth Quarter Financial Report presented in October there were unaudited figures and all of these expenditures were included.)

By the recorded vote set out above, the Board approved an appropriation of \$817,436.34 for FY 2008-09, and approved Resolution of Appropriation No. 2009-069 in the amount of \$817,436.34 as set out below:

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2009-069
 DATE: 11-04-09
 EXPLANATION: FY09 General Fund Over-expenditures

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	12030	223000	HR-Early Retirement	J1	430,489.35		
1	1000	21010	320000	Temp Help Services Fee	J1	6,676.79		
1	1000	21030	700003	Magistrate's Office	J1	8,862.00		
1	1000	32040	560500	Forest Fire Extinguishment	J1	4,405.10		
1	1000	32050	560600	City Fire Contract	J1	52,220.54		
1	1000	59000	579100	Tax Relief for the Elderly	J1	268,048.62		
1	1000	92010	580301	Refunds	J1	46,733.94		
2	1000	51000	510100	Appropriation - F/B	J2	817,436.34		
			0501	Est. Revenue			817,436.34	
			0701	Appropriation				817,436.34
TOTAL						1,634,872.68	817,436.34	817,436.34

Item No. 7.4. Authorize County Executive to execute new Agreement with the Charlottesville/ Albemarle Society for the Prevention of Cruelty to Animals (SPCA) to provide pound services for the County of Albemarle and the City of Charlottesville.

It was noted in the Executive Summary that the Charlottesville/ Albemarle Society for the Prevention of Cruelty to Animals (CASPCA) owns and operates an animal shelter in the County which has served as the County's pound since 1956. The current Agreement was negotiated in 2003 and provides that CASPCA will be compensated \$100 per dog or cat brought to the animal shelter by Animal Control officers and \$100 per stray dog and \$50 per stray cat brought to the animal shelter by residents who are not the owners of the animals. Because this funding arrangement is no longer acceptable to CASPCA, it has notified the City and County that the 2003 Agreement will not be extended beyond December, 2009. In order for the County and City to have CASPCA continue to serve as the County and City pound, a new Agreement is required.

A new Agreement has been negotiated that sets forth the operating terms and conditions and the compensation the County and the City agree to pay the CASPCA for pound services and the care of the animals on an annual formula, rather than on a per-animal basis. This new Agreement was developed in

coordination with the County Executive's Office, the City Manager's Office, the City and County Animal Control officers, and the CASPCA. It has been reviewed and approved by the City and County Attorneys' Offices. The new Agreement provides a compensation formula based on the County's population (most recent U.S. Census projection) multiplied by a per capita amount (set at \$4 in FY '11 & \$5 in FY '12). For each year after FY '12, the rate will be set by utilizing the rate in effect for the immediately preceding year multiplied by the Consumer Price Index (CPI). The initial term of the Agreement is for three years; thereafter it renews automatically for additional one-year terms unless terminated by twelve months prior written notice.

The Agreement has been executed by the CASPCA and is subject to approval by the County and the City. City Council is scheduled to consider this Agreement at its November 2, 2009, meeting.

The funding formula in the new Agreement will have a significant budget impact starting in FY '11. The County's FY '10 contribution to the CASPCA is \$198,106 based on the current per-animal compensation formula; however, pursuant to the terms of the new Agreement, the County will make an additional \$50,000 capital improvement payment prior to December 31, 2009. The appropriation for this additional payment is included in the FY '10 Budget amendment item being considered by the Board at its November 4, 2009, meeting. Under the new Agreement, the County's payment to CASPCA in FY '10 will total \$248,106.

The impact on the County for FY '11 and FY '12, based on the new annual funding formula, is estimated to be as follows:

FY '11 Contribution: **\$369,248 (49% increase over FY '10)**
FY '12 Contribution: **\$471,560 (28% increase over FY '11)**

Staff recommends that the Board authorize the County Executive to execute the Agreement for the Provision of Pound Services between the City of Charlottesville, Albemarle County and CASPCA.

(Discussion: Ms. Thomas said since this is an item the Board was allowed to discuss in closed session, the public does not know the Board discussed it. She said the Board has worked hard with the SPCA trying to keep the figure as reasonable as possible. It exceeds what the SPCA requested for this year's budget, so it took the Board by surprise after the budget sessions were over. The Board also looked to see if this service could be done less expensively if it were done by the County, and the answer at this time is "no."

Mr. Slutzky said there have been concerns raised by members of the public because the budgets of all the social service agencies were flat-lined this year and they have some serious public value. People asked how the Board could zero out increases for all of those people at a time when the demand for social services will go up significantly due to the economic downturn. On the surface it looks like a bad move, but the public needs to understand the County is mandated by the State to have a dog pound. In order to properly, legally and functionally provide that service it would cost hundreds of thousands of dollars more than this increased expenditure for the pound. The Board really had no choice other than to increase the expenditure to the SPCA.)

By the recorded vote set out above the Board authorized the County Executive to execute the Agreement for the Provision of Pound Services between the City of Charlottesville, Albemarle County and CASPCA, as set out below:

AGREEMENT FOR THE PROVISION OF POUND SERVICES

This Agreement for the Provision of Pound Services (this "Agreement") is made as of this _____ day of _____, 2009, by and among the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals (the "SPCA"), the County of Albemarle, Virginia (the "County"), and the City of Charlottesville, Virginia (the "City") (the City and the County are hereinafter referred to, individually, as the "local governing body," and, collectively, as the "local governing bodies").

WHEREAS, the local governing bodies are required to maintain or cause to be maintained a pound and to provide certain pound services, pursuant to the guidelines established by the Virginia Department of Agriculture and Consumer Services, §3.2.6546 of the Code of Virginia, 1950, as amended (together with other applicable laws and regulations, including the local governing bodies' regulations of which the SPCA has received reasonable prior written notice, "applicable law"); and

WHEREAS, the SPCA operates a facility at 3355 Berkmar Drive, in Charlottesville, Virginia (the "Facility"); and

WHEREAS, the local governing bodies desire to have the SPCA provide Pound Services (as hereinafter defined) on their behalves, and the SPCA desires to provide Pound Services on behalf of the local governing bodies, in accordance with applicable law, and pursuant to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and subject to the terms and conditions herein set forth, the parties mutually covenant and agree as follows:

1. New Agreement: Term of Agreement. This Agreement replaces in its entirety the covenants and agreements among the County, the City and the SPCA, pursuant to that certain Agreement,

dated December 3, 2003, by and among the County, the City, and the SPCA. The initial term of this Agreement shall be for three (3) calendar years, commencing as of July 1, 2009 (the "Commencement Date). Thereafter, this Agreement shall be renewed, automatically, as of each successive anniversary of the Commencement Date, for additional one- (1-) year terms (each year of the initial term and any renewal term, an "Agreement Year"); provided, however, that (a) following the expiration of the initial three- (3-) year term, the SPCA may terminate its obligations under this Agreement to either or both of the local governing bodies, and either of the local governing bodies may terminate its obligations under this Agreement to the SPCA, by providing at least twelve (12) months' prior written notice to the other parties of its intention to terminate, and (b) the SPCA may terminate its obligations under this Agreement to either of the local governing bodies at any time for failure of such local governing body to appropriate its Annual Fee, as described in paragraph 13 hereof. Notwithstanding termination by one of the local governing bodies, or by the SPCA as to one of the local governing bodies, the obligations between the SPCA and the other local governing body shall continue until this Agreement has been terminated as to all of the parties.

2. Pound Services. The SPCA shall provide Pound Services for all Animals (as hereinafter defined) delivered to the Facility by the County's and City's respective animal control officers (the "ACOs"), including owned Animals surrendered to or impounded by the ACOs, and for all Animals delivered to the Facility by County and City residents who are not owners of such Animals. For purposes of this Agreement, "Pound Services" shall mean the impoundment and care of Animals delivered to the Facility, as more particularly described in EXHIBIT A, attached hereto and made a part hereof, and "Animals" shall mean dogs, cats, and other small animals that are customarily impounded. Except as otherwise expressly provided in this Agreement, or as required by applicable law, the manner in which Pound Services are provided, including, without limitation, the hours of operation and staffing of the Facility, and the decision whether and when to euthanize any Animal, shall be in the sole reasonable discretion of the SPCA.
3. Compensation for Pound Services. In consideration for the provision of Pound Services, as provided herein, the County and the City each shall pay to the SPCA the amounts set forth in the following subparagraphs of this paragraph.
 - (a) For the Agreement Year commencing on July 1, 2009, payments shall be made as follows:
 - i. The County shall pay to the SPCA: (A) the compensation (specifically, the amount of \$198,106) set forth in that certain letter, dated as of May 4, 2009, from the County to the SPCA (the "County Letter"), a copy of which is attached hereto as EXHIBIT B, to be paid in the installments and on the dates set forth in the County Letter, and (B) a capital contribution in the amount of \$50,000, to be paid on or before December 31, 2009.
 - ii. The City shall pay to the SPCA: (A) the compensation (specifically, the amount of \$46,650) set forth in that certain letter, dated as of May 4, 2009, from the City to the SPCA (the "City Letter"), a copy of which is attached hereto as EXHIBIT C, to be paid in the installments and on the dates set forth in the City Letter, and (B) an additional payment in the amount of \$39,350, currently held in reserve as set forth in the City Letter, to be paid on or before December 31, 2009.
 - (b) For the Agreement Year commencing on July 1, 2010, and for each subsequent Agreement Year, the County and the City shall pay to the SPCA their respective annual fees (each, an "Annual Fee"), as calculated in accordance with the following clauses of this subparagraph.
 - i. The Annual Fee shall mean an amount equal to the product of: (A) the Population (as hereinafter defined), and (B) the Per Capita Amount (as hereinafter defined).
 - ii. The term "Population" shall refer to the estimate of the respective populations of the County and the City, as published, from time to time, by the U.S. Census Bureau (the "USCB"). For purposes of calculating the Annual Fee, the Population shall mean the most recent estimate published by the USCB as of January 30th of the year in which the appropriation request is made.
 - iii. The phrase "Per Capita Amount" shall mean: (A) for the Agreement Year commencing on July 1, 2010, a rate of \$4.00; (B) for the Agreement Year commencing on July 1, 2011, a rate of \$5.00; and, (C) for the Agreement Year commencing on July 1, 2012, and for each Agreement Year thereafter, the rate in effect for the immediately preceding Agreement Year, multiplied by the CPI Amount. For purposes hereof, the "CPI Amount" shall mean the annual average change in the Department of Labor, Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers, U.S. City Average (CPI-U), as published by the Bureau of Labor Statistics (the "BLS"), for the year immediately preceding the Agreement Year for which the Annual Fee adjustment is being made. As of the date hereof, the relevant BLS table is published at <ftp://ftp.bls.gov/pub/special.requests/cpi/cpiat.txt>, and the annual average change is described for each year in the last column thereof, titled "Percent Change Avg. Avg."
 - iv. The Annual Fees shall be payable in equal quarterly installments, not later than the last day of July, October, January, and April of each year.
4. Responsibilities of the SPCA. The SPCA shall provide Pound Services, as described in EXHIBIT A, as the same may be amended or modified from time to time. In addition, the SPCA shall (a) establish and maintain books and records relating to the operations of the Facility, in accordance with generally accepted accounting principles; (b) prepare, and provide to the local governing bodies copies of, an annual audit and an annual budget; (c) cause its Executive Director or her

designee to meet with the local governing bodies at the end of each Agreement Year, or at such other date agreed to among the parties, to discuss the annual audit and the annual budget; (d) retain at all times copies of the books and records relating to this paragraph for the previous five (5) Agreement Years; and (e) at any reasonable time(s) and upon reasonable prior request, provide to the local governing bodies and their respective authorized agents, access to its books and records so that the local governing bodies may confirm that the SPCA is complying with the provisions of this Agreement.

5. Responsibilities of the Local Governing Bodies. The local governing bodies shall pay the Annual Fees, as provided herein. In addition, the local governing bodies covenant and agree to:
 - (a) deliver to the Facility, Animals confiscated for "running at large" in the County/City;
 - (b) designate a supervising County/City official to whom the SPCA may deliver routine communications, notifications and any other requests;
 - (c) require ACOs to comply with the SPCA's check-in procedures and all other written, reasonable rules and regulations of the SPCA, provided that any rules and regulations affecting the provision of Pound Services do not, in the reasonable judgment of the local governing bodies, impair the provision of Pound Services under this Agreement;
 - (d) require ACOs and all other County/City personnel to comply with applicable law in the handling and delivery of Animals to the Facility;
 - (e) in the case of owned Animals surrendered to an ACO for disposal, provide an admittance form complying with applicable law, with the owner's signature;
 - (f) in the case of any dead Animal, provide a written description of the location found and probable cause of death, and deliver such Animal to an area established by the SPCA for examination by SPCA staff prior to cremation;
 - (g) in the case of any biting Animal picked up by an ACO, provide, in writing, the owner's name (if known), contact information and any information known to the ACO regarding the circumstances of the bite, and notify the local office of the Virginia Department of Health;
 - (h) in the case of any Animal with aggressive behavior or any other serious behavioral issue known to or described to an ACO, provide such information, in writing, on the SPCA admission form;
 - (i) permit the SPCA control, to the extent permitted by law, over all Animals upon delivery by ACOs to the Facility, including decisions regarding euthanasia; provided, however that ACOs may suggest euthanasia by providing reasons for such marking, in writing, contemporaneously with delivery of such Animals;
 - (j) provide reasonable advance notice, when practicable, to the SPCA in cases of a large number of animals confiscated or impounded from one situation (a large number shall be greater than 10 Animals);
 - (k) handle stray and injured Animal calls in the County and the City, as applicable; and
 - (l) exercise best efforts to resolve any disagreement regarding the implementation of this Agreement by consulting with the Director of the SPCA.
6. Default. Failure by the County to pay any amount set forth in the County Letter, failure by the City to pay any amount set forth in the City Letter, and failure by either of the local governing bodies to pay any installment of the Annual Fees within fifteen (15) days following the date on which such payment is due, shall constitute a default hereunder as to the non-paying local governing body. Failure by the applicable local governing body to cure such payment default, or failure by either a local governing body or the SPCA to cure any other material breach of this Agreement, including any material breach of the audit provisions of paragraph 4 of this Agreement, within fifteen (15) days following receipt of written notice thereof may result in termination of this Agreement, as to the defaulting party or parties, at the election of the non-defaulting party.
7. Insurance. The SPCA shall maintain sufficient insurance to protect itself and the local governing bodies from any claims that may arise from the operation of the Facility pursuant to this Agreement. Such insurance shall meet or exceed the minimum coverage requirements established by the local governing bodies, and may be provided by commercial carriers or by self-insurance or by any combination of the two. A certificate from the insurance provider, naming the local governing bodies as additional insureds, shall be provided to the local governing bodies upon request.
8. Indemnification. The SPCA shall be responsible for, shall defend against and shall indemnify and hold the County Indemnitees and City Indemnitees (as hereinafter defined) harmless from and against, any and all lawsuits, claims, demands, losses or actions made or taken against any of the County and City Indemnitees based upon, arising from, or incident to the decisions and/or actions of the SPCA or any of its officers, directors, employees, agents or volunteers in the performance of the obligations of the SPCA pursuant to this Agreement. For purposes hereof, the "County Indemnitees" shall mean, collectively, the County and its Board of Supervisors, employees, representatives, officials and agents; the "City Indemnitees" shall mean the City and its Council, employees, representatives, officials and agents.
9. Assignment. No party shall assign or transfer all or any part of its right, title or interest in this Agreement, without the prior written consent of the other parties.
10. Governing Law. This Agreement shall be governed by the laws and regulations of the Commonwealth of Virginia.

11. Notices. All notices required to be given under this Agreement shall be delivered, by first-class registered mail, as follows:

To the SPCA:

Charlottesville-Albemarle SPCA
3355 Berkmar Drive
Charlottesville, Virginia 22901
Attn: Executive Director

To the County:

County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902
Attn: County Executive

To the City:

City of Charlottesville
605 East Main Street
Charlottesville, Virginia 22902
Attn: City Manager

12. Complete Agreement: Amendments. This Agreement constitutes the final expression of the parties and supersedes all previous agreements and understandings, written or oral, relating to the rights and responsibilities of the parties hereunder. This Agreement may not be altered, amended or modified except by written instrument executed by duly authorized representatives of the parties.
13. Non-appropriation. The local governing bodies' obligations to pay the Annual Fees shall be subject to annual appropriation of the necessary funds. Notwithstanding anything in this Agreement to the contrary, failure to obtain such appropriation shall result in the automatic termination of this Agreement, at the election of the SPCA, as to the non-appropriating local governing body, and the local governing body's obligation to pay any outstanding portion of the Annual Fee accrued through and including the date of termination, if applicable, shall survive such termination.

IN WITNESS WHEREOF, the parties do hereby set forth their signatures, and do hereby represent that the individuals who have executed this Agreement have been duly authorized to bind the local governing bodies and the SPCA, respectively, to the terms and conditions hereof.

CHARLOTTESVILLE-ALBEMARLE SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS ("SPCA")

By: _____
Susanne Kogut, Executive Director

COUNTY OF ALBEMARLE, VIRGINIA ("COUNTY")

By: _____
Robert W. Tucker, Jr., County Executive

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Gary O'Connell, City Manager

EXHIBIT A

The purpose of this EXHIBIT A is to more particularly describe the pound services ("Pound Services") which are the subject of that certain Agreement for the Provision of Pound Services (the "Agreement"), dated as of __, 2009, by and between the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals (the "SPCA"), the County of Albemarle, Virginia (the "County"), and the City of Charlottesville, Virginia (the "City") (the City and the County are hereinafter referred to, individually, as the "local governing body," and, collectively, as the "local governing bodies").

All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Agreement.

Except as otherwise specifically provided in the Agreement, or as required by applicable law, the manner in which Pound Services are provided, including, without limitation, the hours of operation and staffing of the Facility, and the decision whether and when to euthanize any Animal, shall be in the sole reasonable discretion of the SPCA.

Pursuant to the Agreement, the SPCA shall provide Pound Services as follows in accordance with, and to the extent permitted by, applicable state law, regulations and local ordinances:

1. Impound and care for all Animals delivered to the Facility by the ACOs.
2. Impound and care for Animals delivered to the Facility by County/City residents who are not the owners of such Animals.
3. Place, hold, euthanize, transfer, or otherwise dispose of impounded Animals.

4. Provide treatment and controlled drugs for euthanasia and other medical purposes.
5. Provide applicable license and documentation as required by applicable law.
6. Maintain and publicize appropriate hours of operation. Should the SPCA propose to reduce the hours of operation to an amount below that which is in effect at the time of commencement of this agreement, it shall notify the local governing bodies about the proposed reduction and the local governing bodies shall be entitled to a reduction in the Annual Fee equal to any actual annual increase in animal control costs resulting directly from the reduced hours of operation.
7. Maintain accurate written or computerized accounts of all Animals impounded (except where the ACOs are required to maintain such records, as provided in the Agreement).
8. Permit authorized representatives of the County/City to access SPCA impoundment records, upon reasonable prior notice.
9. Perform all procedures required by applicable law, including those relating to impounded Animals that have bitten a person.
10. Respond in a timely manner to any violations that are identified, in writing, as a result of annual State inspections of the Facility.
11. Allow the ACOs to have access to the Facility premises for the purpose of delivering Animals twenty-four (24) hours a day.
12. Properly dispose of euthanized animals.
13. Provide regular maintenance and cleaning of impoundment areas of the Facility, as required by applicable law.
14. Make dog and cat runs or cages available at all times for Animals delivered by the ACOs.
15. Provide reasonable and necessary veterinary treatment and vaccinations to impounded Animals.
16. Develop and practice an emergency evacuation plan and a plan for sheltering Animals abandoned or lost in the event of a natural disaster in the County/City.
17. Notify the local office of the Virginia Department of Health of biting Animals delivered by parties other than ACOs, confine such Animals in accordance with applicable law, and ensure that such Animals are available for inspection by the Virginia Department of Health at the end of the applicable confinement period.
18. Prevent the delivery of any Animal for adoption or return to its owner unless such Animal is properly licensed.
19. Use best efforts to transport small, wounded wild animals to any wildlife facility or licensed wild life rehabilitator, if reasonably possible.
20. Comply with all other requirements for Animal impoundment under applicable law.
21. Exercise best efforts to resolve any disagreement regarding the implementation of this Agreement by consulting with the chief of the police department(s).

EXHIBIT B

May 4, 2009

Ms. Susan Kogut, Executive Director
Charlottesville-Albemarle SPCA
3355 Berkmar Drive
Charlottesville VA 22901

Re: FY09/10 Funding Allocation

Dear Ms. Kogut,

This letter is to confirm that on April 8, 2009, the Albemarle County Board of Supervisors approved an appropriation of \$198,106 to the Charlottesville-Albemarle SPCA for FY 09/10. This amount includes \$2,400 in anticipated State revenue for the sterilization program.

As in prior years, if your funding allocation is over \$10,000, you will receive a quarterly payment at the beginning of each quarter, starting July 1. If your funding allocation is less than \$10,000, you will receive a one-time lump sum payment shortly after July 1.

If any of these funds allocated to your agency remain unused at the end of FY 09/10, the unspent balance should be returned to Albemarle County.

If you have any questions about your FY 09/10 budget allocation, please do not hesitate to contact me at 872-4516 or via e-mail at bneitz@albemarle.org.

Sincerely,
(Signed)
Brenda K. Neitz Budget Analyst

EXHIBIT C

May 4, 2009
Ms. Susanne Kogut
Exec. Director
SPCA, Inc.
3355 Berkmar Drive
Charlottesville, VA 22901

Dear Ms. Kogut:

The purpose of this letter is to inform you of the amount of funding for your agency in the City's Adopted Budget for Fiscal Year 2009-2010 (July 1, 2009 - June 30, 2010). The Adopted Budget contains a total of \$46,650 for the SPCA, Inc. in the upcoming fiscal year.

Payment will be made in the form of 4 payment(s) in the amount(s) of \$11,662.50 on the first of the month in July 2009, October 2009, January 2010, and April 2010.

There is also \$39,350 in reserve for the SPCA that will be released once the following conditions are met and reported out to City Council for their final approval:

- A revised contract agreement for pound services is reached, preferably between all current parties - the City, County and SPCA;
- Exploration of SPCA assume control of the Animal Control function; and
- A performance/financial audit of the SPCA as a whole.

I know we have a meeting in place for May 25th at which time I hope we can discuss in more detail the above conditions and a means of moving forward. I look forward to seeing you then.

If you have any questions in the meantime, please contact me at 970-3105 or via e-mail at beauregard@charlottesville.org

Sincerely,
(Signed)
Leslie Beauregard; Director
Budget and Performance Management

(Discussion: After the vote, Mr. Rooker said he had some comments to make. He said many issues were raised about the SPCA in e-mails earlier this year. He thinks that 99.9 percent of them pleaded with the Board to raise the fees paid to the SPCA. There was one suggesting the County find another way to do this cheaper. He said the Board spent a considerable amount of time visiting areas that operated their own pounds to determine manners of operation and costs since the contract with the SPCA was coming to an end. The SPCA had indicated they wouldn't continue with the contract without some kind of significant increase in payments from both the City and the County.

Mr. Slutzky said the SPCA made formal notice of their intention.

Mr. Rooker said that was correct. The Board had to find the best alternative to go forward and he thinks they have done that. He said one e-mail suggested the County contract with another party, and he asked Mr. Davis if it possible for the County to contract with any third party to build a pound and operate it as opposed to contracting with the SPCA. Is he aware of any third party pound operators that are unaffiliated with SPCA's or with municipal or county governments in the State?

Mr. Davis replied that he is not aware of any - there are a number of localities that have SPCA arrangements and a number also operate their own pounds. He said there is nothing that explicitly prohibits the County from contracting out that service, but typically the people interested in doing that are the nonprofit SPCAs.

Mr. Rooker asked if there are any third parties who are in that business. Mr. Davis said he is not aware of any. Mr. Tucker said of all the localities reviewed, none used a third party other than an SPCA.

Mr. Boyd said in response to a citizen who asked why the County did not get someone else to run the service, he asked him for a list of names of locations and he has received no response.

Mr. Rooker said if there were such an option, it would be worth looking at. The contract the Board is entering into will also have an expiration date. Any options available need to continue to be explored.

Ms. Mallek said a recent communication also said the fees for licensure should be raised to offset some of these costs. She asked if there is an allowable range of fees. Mr. Davis said the dog license fees are the only ones the County imposes and they are at the highest level allowed. The SPCA controls the fees they charge for adoption of animals and the services they provide. That is something that is at their discretion.)

Item No. 7.5. Resolution to request the discontinuance of a portion of Carters Mountain Road (Route 627).

It was noted in the Executive Summary that the Virginia Department of Transportation has identified a portion of Route 627 (Carters Mountain Road), as part of Project #0020-002-126,c501,b-608, is deemed to no longer serve public convenience warranting maintenance at public expense and needs to be discontinued. The request is to discontinue as part of the secondary system of state highways those portions of Route 627 (Carters Mountain Road), identified as from the intersection of Route 20 (Scottsville Road) to .01 of a mile north, at a distance of 0.01 miles, pursuant to Section 33.1-150, of the Code of Virginia.

(Discussion: Ms. Thomas said she would like to pull Item 7.5 unless someone can explain it to her. She said Carters Mountain Road does not go to Scottsville Road. This request came from VDOT so perhaps the Board might bring it up when Mr. Sumpter is present later.)

At Ms. Thomas' request, this item was removed from the Consent Agenda without any action being taken.

Item No. 7.6. Proffer Management FY 2010 First Quarter Cash and Non-Cash Proffer Report and 2009 Survey of Cash Proffers for State.

This report includes proffer activity (both cash and non-cash improvements) for the months of July through September of 2009 (FY2010 1st quarter). Also attached (Attachment B) is the annual state cash proffer report (the Commission on Local Government 2009 Survey of Cash Proffers Accepted by Local Governments). This information is mandated by the State which reports the amount of cash proffers collected, pledged and expended during each fiscal year for Virginia localities.

Cash Proffers July – September 2009 (1st Quarter Fiscal Year)

- A. Proffered:** No rezonings were approved this quarter.
- B. Total Obligated Cash Proffers:** Since no rezonings were approved this quarter, the total obligated cash proffer amount remains at \$56,758,832.
- C. Revenue:** The County received \$3,250 in cash proffers slated for Affordable Housing from Belvedere (ZMA 2004-7). In addition, the following funds were received for use by the Capital Improvement Plan: \$3,200 in cash proffers from Liberty Hall (ZMA 2007-14) and \$9,667 contributed by Wickham Pond (ZMA 2004-17).
- D. Total Interest Earnings:** The total interest earned from collected cash proffers is \$315,456.
- E. Expenditures:** No funds were expended during this quarter; however, the Board can expect to see several cash proffer appropriations within the next few months.
- F. Current Available Funds:** As of June, there is \$1,006,493 available in cash proffers (see Attachment A).

Non-Cash Proffers

As the Board may recall from the September 2, 2009 executive summary for the FY 09 4th quarter report, staff is reporting quarterly on certain non-cash proffers to include Affordable Housing, Parks, Fire Rescue, Schools and other Land Dedications. There is no activity to report on non-cash proffers for the 1st quarter of FY2010.

2009 Survey of Cash Proffers Accepted by Local Governments for the Commission on Local Government

During Fiscal Year 2009, the County collected \$441,747 in cash proffers and expended \$66,000. There were no cash proffers pledged during this year, as there were no rezonings approved (Attachment B). Despite current economic deficits, the County collected a significant amount of cash proffers (\$441,747). This is almost double the amount reported on the FY 2008 State Survey, indicating that development is still active within the County. The collected cash proffers are in the process of being allocated to CIP projects as will be noted on upcoming executive summaries to the Board. As the trend has been in prior years, most cash proffers collected are specified for use either in the category of Roads or other Transportation Improvements, or General CIP. Please see Attachment C for further comparisons.

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

This summary is provided for information on cash proffer activity and no action is required. Staff will be available to receive comments and answer questions from the Board.

Item No. 7.7. Quarterly Resource Management Review Update.

It was noted in the Executive Summary that on May 7, 2008, the Board directed staff to initiate an external assessment of the County's resource management in conjunction with the County's ongoing continuous improvement efforts. On July 2, 2008, the Board approved the County entering into an agreement with Virginia Commonwealth University's Commonwealth Educational Policy Institute (CEPI) to conduct this assessment. CEPI delivered its final report to the Board on February 11, 2009. On May 6 and July 1, 2009, the Board received information on staff's progress and planned actions in evaluating and implementing the recommendations of CEPI's assessment. This is an update to the information presented in July for the Board's information.

The Resource Management Review included 148 recommendations for Local Government departments and selected community agencies. In order to improve the clarity of the report's recommendations and allow for better management of and reporting on recommendations, staff has consolidated similar or related recommendations and categorized them as follows:

- Thirty-two recommendations are designated as "Underway" or in the process of being implemented.

- Eleven recommendations are designated as “Further Evaluation Needed” by staff before they can be considered for implementation. Staff will proceed with these evaluations as soon as possible recognizing that existing staffing levels in some departments and the scope of organizational change required by certain recommendations will determine their timing for implementation.
- Seven recommendations are designated as “Evaluate during Budget Process” or are related to providing additional resources. These will be reviewed in the context of the County’s annual Five-Year Financial Plan and budget processes.
- Thirty-five recommendations are designated as “Complete/Resolved – Implemented or Continue Current Process” or have been resolved either by implementation or continuing existing County processes or practices.

A list of the recommendations included in each category is available in Attachment A (on file). Staff will continue to provide quarterly updates to the Board on the status and results of the Resource Management Review’s recommendations. There is no budget impact in analyzing the report’s recommendations at this time. Recommendations that require additional resources to analyze or implement beyond the reallocation of existing resources will be brought to the Board later for discussion and action.

This update was presented for the Board’s information. No action was necessary.

(**Discussion:** Ms. Thomas said this is an item where the public doesn’t know the County is in an ongoing review of and implementation of. Because they don’t know, they often assume the County is not doing anything. She appreciates the report and the progress being made and also the recognition that some of the suggestions would cost additional money at a time when there is not more money to spend.

Mr. Boyd said the public should know the report is available online for them to review.)

Agenda Item No. 8. SDP-2009-009. Arden Place – Request acceptance of open space dedication.

Mr. Bill Fritz, Chief of Current Development, said the Board is requested today to review an open space dedication which is part of a site plan reviewed by the Planning Commission in September, 2009. The applicant proposes a 212-unit multi-family development on property located off of Rio Road near the Putt-Putt and the Woodbrook Subdivision. The northern portion of the property is proposed for development, the front portion is zoned commercial, and the rear portion is zoned Residential R-15. To the west is Albemarle Square. Access to the property would be through Putt-Putt Road with a right-in/right-out entrance on Rio Road.

Mr. Fritz said before the Board today is the open space dedication which the applicant proposes as a bonus factor for his development. Within the dedicated area the applicant would install a trail all the way from the Carmike Theatre parking lot through the development to the existing sidewalk on Rio Road. When this application came before the Planning Commission, staff recommended that the trail be extended all the way to the Woodbrook Lagoon project – but there was significant opposition from Woodbrook residents. In making its decision, the Commission was specific in saying that the trail should end at the Carmike parking area. In addition, the original proposal was for a 10-foot wide trail, but the Commission wanted it reduced to a five-foot trail along its entire length.

Mr. Fritz said when the Planning Commission reviewed this request, only a small area was to be dedicated all the way to the Woodbrook property. The Commission asked – and the applicant agreed – to increase the area of dedication to include a significant wooded area that makes a logical extension of the Woodbrook Lagoon project. Before the Board now is an area of dedication that would include a five-foot wide pedestrian trail running from the Carmike facility all the way to Rio Road, and the dedication of land including a significant wooded area adjacent to the Woodbrook Lagoon project which is to include construction of some parking spaces, a small path and some bike racks. The project is primarily for a stormwater facility and is not a park *per se*, but there is an educational component to the facility. He reiterated that the Commission was very specific in saying the trail should not connect through to that Woodbrook Lagoon project.

Mr. Rooker asked the total public expenditure with respect to the Woodbrook Lagoon. Mr. Greg Harper, County Engineer, was present and said property acquisition didn’t cost the County anything, but the design fees are approaching \$200,000 with actual construction costs expected to be less than \$400,000. The project is still in the preliminary phase, so there is not a solid construction cost estimate at this time.

Mr. Rooker asked if those costs include the bike racks and trails within the lagoon. Mr. Harper said the County is not proposing to construct any formal trails within the area. Trails exist just because people walk there; the parking spaces are just a concept at this point. Construction of parking spaces is only an idea at this time. There is on-street parking available and the County does not intend to make this area into a park, *per se*.

Ms. Thomas asked what the bike racks are for. Mr. Harper responded that staff anticipates that people, as they do today, would continue to use the area for passive recreation, and staff thought it might be nice to have some bike racks. Basically, that was included on the plans by the consultant without really talking about it.

Mr. Boyd asked if the lagoon (stormwater management pond) is already there or is it proposed to be put in. Mr. Harper said there is an abandoned sanitary lagoon there now that served the Woodbrook neighborhood years ago, but it was formally abandoned in the 1980s. The County owns the property and intended to build a regional stormwater management facility on the property. Staff has been working with a consultant to formalize that, so it intends to actually construct something different to treat the urban runoff coming down the Route 29 corridor through those streams.

Mr. Boyd asked if the project has been in the CIP as a stormwater management project. Mr. Harper said it was actually listed in the stormwater master plan incorporated into the Comprehensive Plan in 2005.

Mr. Boyd asked if it was moved up based on this Arden Place project. Are they contributing to this project at all? Mr. Harper said the County does not have a relationship with the Arden Place developers. This project has just been in the works for the last couple of years.

Ms. Mallek asked if future developments in this area could contribute to the cost of this facility. Mr. Harper said this is not intended as a system to serve future development. It is intended to help clean up the mess that exists in the area today.

Ms. Mallek asked if it is really for remediation. Mr. Harper said based on some new State rules, this project might be applied as a credit toward future TMDL requirements.

Mr. Boyd said this actually has nothing to do with the Arden Place development. Mr. Fritz said Arden Place is not relying on this project for any of its stormwater management.

Mr. Slutzky asked if the relevance is the connectivity between Arden Place, the Carmike property and the Woodbrook neighborhood. Mr. Fritz said that is correct.

Ms. Thomas said the relevance is that this is a public piece of land that is being used now, and will continue to be used, for passive recreation whether trails are designed around the lagoon or not, and whether there is a trail to it or not.

Mr. Slutzky said the Board is not being asked to approve or disapprove anything relating to the lagoon project. The question before the Board today has to do with the southern part of the Arden Place property. He asked that Mr. Fritz clarify how this lagoon relates to the Arden Place issue. Mr. Fritz said what is before the Board today is the acceptance of open space which will authorize additional units in Arden Place; there is a bonus factor allowing 25 extra units that goes along with the dedication. Acceptance of the open space with the trail system is before the Board today; the Woodbrook Lagoon project is a separate project. The Board could consider the presence of the Woodbrook Lagoon as part of acceptance of the open space deliberations; they are connected in that respect. The Board's action to accept, or not accept, the open space will not affect what goes forward with the Woodbrook Lagoon project.

Ms. Mallek asked if the Board had anything to say about the connection decision made by others. Mr. Fritz said the Board can say the open space does not serve a purpose unless it has a connection, or doesn't have a connection – the Board is under no obligation to accept the open space.

Mr. Dorrier said one of the primary goals of the Comprehensive Plan is to create walkable areas and neighborhoods. Does acceptance of this open space support that goal? Mr. Fritz said it does to the extent that as currently proposed a pedestrian could walk from Rio Road to the Carmike theatre and residents of the Arden Place development, as well as the existing development in that area, would have pedestrian access to the Carmike.

Mr. Dorrier asked the distance of the trail. Mr. Fritz said if one had to walk along Rio to Route 29 and then down to the Carmike it would be two-plus miles; the trail shortens that distance. It helps establish a walkable community.

Ms. Thomas said two issues come to her mind. One is the width of the path. The 10-foot width seemed like a small road to the neighbors and she can understand that. Five feet apparently fits the standards if it is only a pedestrian path, but if there will be also be bicycle traffic the standards are that it has to be eight feet wide at a minimum. She said eight feet would not look like a road and would make it possible to have bicycle use as well as pedestrian use and she would urge the Board to think about making it eight feet in width.

Mr. Rooker said that is a wise suggestion. If the goal is to create access for people to get from this area into commercial areas, it should not be a narrow sidewalk width. To be functional it needs to be wider than five feet.

Mr. Slutzky said the choice of widening the path from five to eight feet might be something for the applicant to speak to since they know now that it is an issue of interest for the Board.

Mr. Rooker said the applicant had offered to make the path ten feet in width.

Mr. Slutzky said the Woodbrook Community was emphatically against that offer.

Ms. Thomas said she thinks somebody will be sorry if the Board does not require this trail to be wide enough to make it useable.

Mr. Boyd asked if this is the only issue related to this development that will come before the Board. Mr. Fritz said "yes."

Mr. Rooker said the only issue before the Board is the open space dedication acceptance which then gives rise to increased density.

Ms. Mallek said she was reluctant to endorse a piece of County-owned property that is only available for use by one neighborhood. She thinks the trail should be connected to the lagoon because it is public property and there is a significant improvement being made by the County. If people will be able to walk into that property and it is left unconnected, she thinks that is a mistake.

Mr. Slutzky said one of the reasons the Woodbrook community seemed to react so strongly against the idea of that connection is that there are only the streets in Woodbrook for people to walk on - it has no sidewalks. If there were a connection that invited bicyclists and pedestrians to go from Arden Place into Woodbrook, they would all be dumped onto the streets in that subdivision. Woodbrook is a cul-de-sac community designed for a small number of pedestrians to walk in the middle of the street. The present residents are mindful of that, but they were concerned that adding an artery of connectivity would invite some dangers on the road. A lot of people said they might feel differently if the County invested in sidewalks throughout the community. He asked Mr. Fritz if the County invested in sidewalks at some future time, would there be the option to expand a connection to the lagoon. Mr. Fritz replied that it's the County's land, so the decision lies with the County.

Ms. Mallek asked if there is the opportunity to have the private sector do the work for the County now. Mr. Fritz said it is.

Ms. Mallek said this reminds her of the 10 or 15 years the County spent trying to reestablish a predesigned connection between Hollymead Subdivision and South Forest Lakes, and the same issues were raised. She does not think having those neighborhoods connected by a street has been a disaster. In this case, it is not even a street.

Mr. Rooker pointed out that Ms. Thomas had reminded him that the same issue arose with respect to Humphris Park and the connection that went to the public road. That road comes down Webland Drive and then a trail takes the walker by the stormwater project the County constructed and then the trail goes into the public park. That was fought by the neighborhoods which backup to the trail, but many of the residents now use that trail - he uses it frequently.

Mr. Rooker said that at one time the Woodbrook neighborhood was to connect to the Carrsbrook neighborhood; there is a road stub in place. Now, school busses have to go out onto Route 29 to get to Woodbrook School from Carrsbrook because there was a demand that the two subdivisions not be connected. When this originally started, the real fight was over a proposed road connection, not a path connection. He can understand the road connection, but cannot understand not allowing one area to access something the County is investing \$600,000 of public money in because one neighborhood does not want the neighbors on the other side to have access. He agrees with Ms. Thomas and Ms. Mallek that it should be an eight-foot path which is not a road, and there should be a connection to that publicly owned property.

Ms. Thomas said there wouldn't be any asphalt trails so it would not be a back way into Woodbrook because it will go to the lagoon area. She thinks this is a chance to actually have a new bike and pedestrian facility. She thinks everyone in the community will be appreciative of it eventually.

Mr. Slutzky said there are two pieces to this issue. There is the potential bike and/or pedestrian facility connecting the Carmike property to Rio Road. That is one issue and it is on the table today. If the proposal is to add to that an extension of the trail to the lagoon property and let it terminate there, he does not think a facility that accommodates the Woodbrook neighborhood has been added. The residents did not want it, and it will not connect through unless people walk their own path through the property. He is asking if Ms. Thomas is suggesting that the bike trail connect to Woodbrook through the lagoon property.

Ms. Thomas said "no", but she thinks the Board should facilitate access to a public open space area.

Mr. Slutzky asked if it would terminate at the entrance to the lagoon property.

Ms. Thomas said "however it works." She does not know the geography of the area.

Mr. Rooker said there is talk of droves of people coming in, but the path through Humphris Park through the stormwater facility out to Webland Drive is in a heavily populated area, and although he uses that route about four times a week he rarely sees more than two or three people. He does not think this will be a situation where there will be scores of people finding their way to the lagoon and then up to Woodbrook to walk down Woodbrook Drive.

Ms. Thomas referred to "Figure 2" in the staff report and said she had assumed that the small, blue crosshatched tail to the left is in fact where the proposed trail would be. She asked if that was correct. Mr. Fritz said that was correct.

Mr. Slutzky said in reply to Mr. Rooker's comment, there is the Mallside neighborhood with a lot of children and they go to Woodbrook Elementary School.

Mr. Rooker said a school bus picks up those children and takes them to school.

Mr. Slutzky said the concern expressed by the Woodbrook neighborhood at the Planning Commission's meeting was that they were worried about a lot of kids walking down the streets of Woodbrook where there are no sidewalks that would disgorge into the neighborhood streets and the school, and there would be a safety issue. He said that was a significant concern in the neighborhood.

Mr. Rooker said he views it as a way overblown concern.

Ms. Thomas said she read all of the Planning Commission's minutes and those concerns were well expressed, so she is aware of those concerns. She had heard these same concerns over the years, and then people are very pleased with connections and trails when they are built.

Mr. Rooker said their big objection in the beginning was a proposed road connection. That is gone; it is not part of the proposal now. He would not have supported that.

Ms. Mallek said she is sorry that the proposal did not include a bus route through there.

Mr. Rooker said for them to say they want to shut off pedestrians and keep children from walking to school, which is public property, is beyond the pale.

Mr. Slutzky said if there are no further issues to discuss, he will ask the applicant to speak.

Ms. Valerie Long said she is present to represent the applicant for the Arden Place development. They were aware that this might be an issue, and they will implement the ultimate decision of the Board. Originally they had agreed to build the 10-foot wide path connecting all the way to the lagoon project. They ask that the Board consider maintaining the current proposal recommended by the Planning Commission. The applicant worked closely with the Woodbrook residents throughout this process and tried to incorporate their suggestions when they felt it was appropriate and possible to do so. She said the Commission felt strongly about it, and they do not want to disrupt their consensus. They recognize some of the points the Board has made, and they will do whatever the Board decides is best.

Ms. Long said, since the County owns the land, there are opportunities in the future to connect the trail. They think that when Arden Place is developed, some of the Woodbrook residents will recognize that it is a lovely community, and this trail will be a wonderful amenity. Perhaps at that time the residents will appreciate the benefits of the trail and maybe having a connection made then. They want to be respectful of the Woodbrook residents, so are willing to do it either way. She said she did not hear any questions about the dedication itself, but if there, are she will address them.

Mr. Dorrier asked if the width of the path could be increased from five feet to 10 feet. Ms. Long replied that it could be if that was the Board's direction. That is how it was shown on the original plans that went to the Planning Commission.

Mr. Rooker said Ms. Thomas had suggested eight feet. Ms. Long said when the applicant appeared before the Planning Commission they were not certain they would have the connection to the Carmike complex in place. Although final easement agreements and other supporting documentation has not yet been signed, they are "at the finish line" with the Garden Shopping Center owners who have been exceptionally cooperative. The final site plan application, which they are submitting this week, will show that connection.

Mr. Slutzky said the connection to Carmike makes it possible for this project to go forward, but it is far from the optimal place for this property to connect. The best place to connect would be the southern end of the property heading west toward the Albemarle Square property connecting up just south of Circuit City. That would do a lot to make this whole redevelopment area make sense. It would make it possible for there to be a commercial stretch on Rio Road, but which is a separate project from Arden Place and which will be under separate ownership. That would make it possible to connect, not directly onto Rio Road, but rather at the light at Circuit City. Similarly, this project could dump its traffic there, not out onto Putt-Putt Lane without a light (which is what "we are stuck with here") but through Albemarle Square. Once the developer has approval and they successfully achieve signed documentation for the connection to Carmike, their negotiation position with their neighbors will be changed. If they were successful at some point negotiating that much preferred access point to the south, his question is what that would do to this configuration. Would it meaningfully alter it or would it just become an extension of the bike/pedestrian path across that corridor? Could it also jut out on that easement/right-of-way as an additional point of connectivity?

Ms. Long said she cannot say what would happen. They have been unsuccessful in negotiating with the Albemarle Square Shopping Center owners. Frankly, they are not optimistic that they will even come back to the table once they have the Carmike connection approved on the final site plan. Those owners are aware they are pursuing the Carmike connection. If they agreed they would build the connection through Albemarle Square to the side of the Circuit City parking lot which is the preferred location for a second connection. They would still want this as a trail connection and a bike connection so the Arden Place residents could walk to the Carmike Theatre and all the other stores and services in and nearby that center.

Ms. Long said that in addition to opening opportunities to walk to the Garden Shopping Center and the theatre, it would get bike and pedestrian access to Route 29 and then connect to sidewalks up and down Route 29. It opens up a wide array of opportunities for pedestrian and bicycle access. They have been working with the Carmike folks and it is a complicated legal transaction to get through all of the documents and work with all the lenders, but they have been cooperative, so at this point they are pursuing that Albemarle Square connection.

Mr. Slutzky said the way this plan is laid out now (this is an excellent use of this site), he would prefer this to go forward as a high-end rental property. There is a dearth of available product at that end of the growth area, and in light of the Rivanna Station (NGIC) expansion, this will be a successful project. If it becomes problematic from a traffic flow standpoint in the future that might make it more challenging for the developer to be able to achieve that kind of use of the property. Even though he believes the County needs to accommodate affordable housing wherever possible, he would not like to see a large tax credit end up in this location – he believes there is too much of a concentration of low-income housing in one very small area and it would not be healthy for the economic vitality of what is the County's main intersection at the corner of Route 29 and Rio Road. There are a lot of complexities involved. The plan now shows traffic going out the Carmike property, for pedestrians only.

Ms. Mallek asked if she is correct that there is enough right-of-way available between the buildings that it could become a street at some point, even if for busses only. Ms. Long said the Carmike connection will be a vehicular connection, but only for Arden Place residents and it will be gated so it cannot be used as a cut-through for people coming from Rio Road to cut off the corner and continue onto Route 29. It will be sort of a back-door entrance for Arden Place residents and for emergency vehicles.

Mr. Slutzky said Arden Place residents will get in and out of Arden Place as presently proposed by two ways. One will be to use the private road that is Putt-Putt Lane. Two will be to go straight through the commercial property that will be built there someday that will dump onto Rio Road. There will be intersections that are not currently scheduled for traffic lights. There is proffer money available to provide a traffic light at Putt-Putt Lane – the owner of Putt-Putt lane would like to have a traffic light there. It would make sense to accommodate the use of that area and it would be a benefit for the people in Mallside Apartments to have a traffic light at that intersection.

Mr. Slutzky said it is VDOT's position that certain warrants have to be met before a traffic light can be installed. At this time they do not want to slow down traffic between construction of the Meadow Creek Parkway and Route 29. He said Arden Place will be forced to dump its traffic through this private road, with a private commercial permit, to Rio road. He thinks VDOT may end up further constraining the flow of traffic. He said the Board should move forward and approve this project; this is the best possible use for this site and it enriches the community in a positive way. Then, the Board needs to push VDOT to get a light at Putt-Putt Lane to solve a whole bunch of problems with the traffic flow in the area.

Ms. Mallek said there was an accident at that location about six weeks; she went with the rescue people to watch them clean up and it was exactly at that location.

Ms. Long said the applicant understands that once the commercial portion of this parcel – the portion that fronts directly on Rio Road - is developed, it will trigger the signal warrants necessary for the installation of a light at Putt-Putt Lane. They are optimistic that once that commercial development moves forward, the Albemarle Square Shopping Center owners may change their mind and be more cooperative. Once the commercial development is there, it would make more sense to have that connection.

Mr. Slutzky said the applicant will not have a limiting easement through there, so cooperation will still be needed from the owners of that property. He said they are locking up the flow of traffic the way they have handled this, and it is frustrating. He said a light at Putt-Putt Lane would do a lot to relieve the pressure in the near term.

Mr. Rooker said there is no plan for the property to have its own entrance onto Rio Road at any time, even after the commercial is built. Ms. Long said she needs to correct one thing. Mr. Fritz had said there would be a right-in/right-out onto Rio Road. That was on their plan at the first Planning Commission review, but the Commission said specifically they did not want that right-in/right-out so it will not be shown on the final site plan. VDOT did not want it as well.

Mr. Slutzky said that was a terrible idea.

Mr. Rooker said development of the commercial part of that property would not change the non-entry directly onto Rio Road. Ms. Long said it is her understanding that there would be a connection from the commercial portion of the land to Putt-Putt so the commercial traffic would also use Putt-Putt Lane - the traffic counts would then be high enough to meet the signal warrant requirements for installation of a light.

Ms. Mallek asked if there would be an entrance from Rio Road into the commercial section. Ms. Long said she does not believe there will be. In the interest of full disclosure, the applicant is not involved in any proposed commercial projects on that piece of property, so she does not know what might be proposed in the future.

Ms. Thomas said it is shown on some of the agenda materials. Ms. Long said that is wrong. When they went before the Planning Commission the second time that right-in/right-out onto Rio Road

was shown because at the first meeting the Commission specifically requested that entrance. The applicant did not show it originally because it did not make sense from a traffic perspective. VDOT did not like it because there were too many points of access too close to Putt-Putt Lane and it did not help facilitate traffic flow.

Ms. Long said at that time, the applicant had not progressed far enough with the Carmike Shopping Center owners to feel comfortable showing it as their only second access - they must have a second point of access because there are more than 50 units. The applicant was trying to meet the Commission's request, the requirements of the ordinance and have a second connection. Since that time a great deal of progress has been made with the Carmike owners, so they feel confident it will ultimately come together. Since the Commission said to remove the right-in/right-out directly onto Rio Road, that will not be shown on the final site plan.

Ms. Long said they think that ultimately this project will be great, and as Mr. Slutzky has indicated, if they see some movement with the owners of Albemarle Square Shopping Center, they will have other decisions to make in trying to get the best solution, but they think this will work well at this time. Their traffic modeling shows that having this second entrance will work well. Hopefully, a lot of these residents will work at the Rivanna Station so to go north they will go through the shopping center to get onto Route 29.

Mr. Slutzky asked if any Board member had another issue to discuss. He asked the thinking on the eight-foot versus the five-foot width of the trail.

Ms. Mallek said she would like to know what the other Board members think about the question.

Mr. Boyd said he doesn't have a problem with a five-foot trail versus an eight-foot trail. He thinks that is probably appropriate and it should be widened. He does have a problem with extending it to the lagoon property. To change that after it was such a hard fought battle by the people in that neighborhood, and to do it without having a public hearing so they could have a chance to comment on it again is something he would not support.

Mr. Slutzky said he won't represent those folks much longer, but he thinks it would be unfair to not allow them the opportunity to weigh in on an issue that is important to that community.

Ms. Thomas said the Board does not have to approve this proposal at all.

Mr. Slutzky said that is true, but he thinks there is a lot of value to the community as a whole.

Ms. Thomas said she has to weigh how much value there is to the community in a trail that is certainly an amenity to the proposed 200+ units. The Board is supposed to make its decision based on the public benefit and not on the private benefit. The benefit of having a trail that goes to a public open space (lagoon) is much greater than having just a trail that will be used by the Arden Place residents; she thinks that is the major distinction between the two.

Mr. Slutzky said he completely disagrees with Ms. Thomas' interpretation of how it will be used. He will use the trail but only as far as the Carmike. He can ride his bike through this trail to get to Carmike so he doesn't have to ride through the parking lot of the shopping center. This will be a much better amenity for the community as a whole. The likelihood that he would ever go beyond that point to the stub end at the lagoon is small.

Ms. Thomas said that is exactly her point. She does not think it will be widely used - it will not become a through pathway and will not dump people and bikes onto the roads of Woodbrook because it will be awkward to get there from the lagoon.

Mr. Slutzky said that is the reason the people in the Woodbrook neighborhood weighed in against connecting it is because not many people will use it for that little stretch between the Carmike and the lagoon.

Ms. Thomas said it is because it is a public facility that has been used and will continue to be used for people just walking around and getting an education about the functions of the lagoon and the stormwater much like is being proposed in the Crozet area. It will be slightly used, but it is a chance for the County to get a trail that goes to it as opposed to the County building its own trail at some point in the future - she thinks there will be a worn path that needs to be made safer.

Ms. Mallek said this is a chance to have the trail be done properly as part of the project as it's being constructed.

Mr. Dorrier said there is a proposal to widen the trail and emphasize the importance of the trail. It is a pedestrian path and the County has been trying to create pedestrian paths to get people off the highways and onto bicycles.

Mr. Slutzky said there are two issues. One is widening the path and the other is connecting to the lagoon.

Mr. Dorrier said they are both important. He thinks that both things need to be done.

Ms. Thomas asked if Mr. Rooker wanted to make a motion.

Mr. Slutzky said the property is in his district.

Mr. Rooker said he thinks Ms. Thomas is going to propose an eight-foot path.

Mr. Slutzky said he is fine with an eight-foot path. He will not support it going all the way to the lagoon. He wants this development approved.

Mr. Rooker said there can be two motions.

Ms. Thomas said the motion has to deal with the full density bonus for the proposed dedicated open space and authorize the County Executive to accept the dedication of open space.

Mr. Davis said the motion would be to grant the density bonus conditioned upon the dedication of the property as outlined in the staff report modified with an eight-foot path.

Mr. Slutzky said he would like to offer **motion** that the Board grant the full the density bonus to Arden Place for the proposed dedicated open space as shown in Exhibit D of the staff report, and that the Board authorize the County Executive to accept the dedication of open space after the County Attorney has approved the deed of dedication plat as to form and substance, with the change that the path be widened to eight feet from five feet, terminating at the Carmike exit. He said if his motion does not pass, then the Board can vote on the issue of extending the path to the lagoon.

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

AYES: Mr. Slutzky and Mr. Boyd.

NAYS: Ms. Thomas, Mr. Dorrier, Ms. Mallek and Mr. Rooker.

Mr. Slutzky said since that motion failed, he would offer **motion** that the Board grant the full density bonus to Arden Place for the proposed dedicated open space as shown in Exhibit D of the staff report, and that the Board authorize the County Executive to accept the dedication of the open space after the County Attorney has approved the deed of dedication plat as to form and substance, with two modifications – one that the path be widened from five feet to eight feet, and, two that the path be extended and terminated at the beginning of the lagoon property.

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

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

NAYS: Mr. Boyd.

Ms. Thomas said she thinks Arden Place will be a fine addition to the housing stock, and she thinks Mr. Slutzky is right about it being a popular cost point for people working at the Rivanna Station. She thinks the Board has taken a brave, significant step forward in having the community be more pedestrian and bike-friendly.

Agenda Item No. 9. Southeast Energy Efficiency Alliance (SEEA) Grant Update and Memorandum of Understanding.

Ms. Sarah Temple, Environmental Compliance Manager, said she would first like to clarify that the Virginia Environment Excellent award presented this morning was for Local Government, not the School Division; the Schools have already received an EMS award.

Ms. Temple said she will provide a brief overview on the SEEA Grant, which the County and City were awarded on June 17. The RFP for that grant contemplated the creation of a new organization that would be separate from the government to carry out the purposes of the grant. The main purpose of the grant was to establish a community-based energy alliance that would act as an energy portal for the community and would coordinate and provide energy efficiency related services to residential and commercial property owners of all income levels.

Ms. Temple said the specific goals outlined in the RFP were to achieve a 30 to 50 percent market penetration, a 20 to 40 percent efficiency gain per structure, all within a five to seven-year performance period. Early in the process it was learned that the City and County do not have the enabling authority to create this organization, so in order to ensure that the goals are met, and to keep the process as simple as possible in order to move forward expediently, the staff of both localities and SEEA are recommending that these bodies enter into a memorandum of understanding that would establish that SEEA will redirect the grant funds to an organization that is qualified and meets the requirements outlined in the Memorandum of Understanding (MOU). Some of the requirements are that the organization have an overall purpose closely aligned with the goals in the RFP and also have a governance board that is broadly representative of the community.

Ms. Temple said since the grant was won, the City and County have continued to evaluate and work on various components of an energy alliance program, with significant input from and involvement with local stakeholders including UVA, PVCC, Dominion Power and SEEA. Some of this work has included the financial, IT, contractor training and marketing aspects of a local energy alliance program. Some of these stakeholders have been enthusiastic about this from the beginning and wrote letters of support for the proposal. They recently came together as an initial board of directors with the name "Local Energy Alliance Program" – or LEAP. This organization is in the process of filing articles of incorporation with the SEC. They had an initial meeting on November 6 to discuss expanding the board to include someone from the State Energy Office, City and County elected officials, and perhaps others.

Ms. Temple said LEAP has been in contact with SEEA to identify itself as a community-based organization that is dedicated to and focused on delivering energy-efficiency programs in this community. The members of the formative board are: Mr. Charlie Carter from PVCC, Mr. Paxton Marshall from UVA, Mr. Bob Burnett from Dominion Power, and Mr. Ben Tobe of SEEA. She mentioned that City Council and SEEA have both signed the MOU, which is before the Board today. She then offered to answer questions.

Mr. Boyd said he was curious that the MOU is dated October 12. Ms. Temple said that is when SEEA first signed the MOU.

Mr. Boyd said he would like to add a "whereas" to the MOU. He thinks the correct way to proceed would be to make it an independent, non-taxpayer funded organization, so he would like to have that made a part of the MOU - that it will not be funded with taxpayer money from Albemarle.

Mr. Slutzky said he does not support that idea and does not think any of the current Board members do. If Mr. Boyd wants to make a motion to add that language, he can do so.

Mr. Boyd asked if Mr. Slutzky is anticipating that there will be some cost to the County.

Mr. Slutzky said "no", but he does not want to burden this process. There is no way for this current Board to obligate a future board to do anything financially. To put that in the MOU is merely a nuisance to everybody involved. The MOA would have to go back to both SEEA and the City Council to be resigned when there are no obligations to obligate any funds to this purpose. He thinks that would be a waste of time and he would object to it.

Mr. Boyd said this is just a MOU, not a legal document obligating the County to anything. It is just a statement of objectives.

Mr. Mallek said it allows LEAP to go forward if it has this MOU.

Mr. Slutzky said it makes it possible.

Mr. Boyd said he was not in favor of this grant proposal to begin with because he did not want to invest taxpayer dollars. He does not think it is an appropriate place to invest taxpayer dollars. He said Mr. Slutzky just reiterated that taxpayer dollars will be invested in it.

Mr. Slutzky said that is not true. He will make what he said clearer since it obviously was not that clear. He said this in no way obligates the County to invest any taxpayer dollars in this excellent public purpose. He thinks it might be a good idea at some future date to do so, but, as he understands it, there is no current intention on the part of the current Board members to invest taxpayer dollars in this good public purpose. The whole idea here is to allow the grantor to enter into a Memorandum of Agreement with the City and the County to facilitate the creation of a not-for-profit entity, which will hopefully be effective and self-sustaining. If at some future date a board of supervisors decided to invest in it that would be a new conversation at that time.

Mr. Boyd said this is just another method of creating bigger government.

Mr. Slutzky said not to mischaracterize this; this is not an arm of government. This is a non-profit entity. He does not want to complicate the process with something he considers to be unnecessary.

Mr. Rooker suggested the Board go forward at this time. He then offered **motion** to approve the Memorandum of Understanding, in its current form, and to authorize the County Executive to sign the Memorandum of Understanding. He said this is not an undertaking to spend any dollars by Albemarle County. That would be a separate decision at a future time if in fact it ever came up. This motion will allow this large grant which was obtained competitively to be utilized in the community by a non-profit organization to whom that grant would be assigned. That is all it does. Ms. Mallek **seconded** the motion.

Ms. Thomas said the Board should celebrate the fact that it is setting in motion something committed to substantial reductions in non-renewable energy use as defined by 20 to 40 percent energy efficiency and 30 to 50 percent market penetration in five to seven years in this community.

Ms. Mallek pointed out that in terms of leveraging funds, this is \$500,000 coming into the community to improve residential facilities and help people have lower utility bills. It will provide tremendous benefits to the citizens.

Mr. Rooker noted that this also employs local people in the process.

Mr. Slutzky said he looks forward to supporting an initiative that brings a half million dollars of money into the community to help facilitate the creation of a program that will result in tremendous economic benefit to a large number of County residents by making it possible for them to reduce their energy costs on a monthly basis, beyond which it facilitates the County's unanimously adopted commitment to greenhouse gas emission reductions of 80 percent by the year 2050. He thinks this is a really good opportunity for the County to support a separate entity that is not drawing tax dollars currently.

Mr. Boyd said notwithstanding the fact that Mr. Slutzky did not want to add the language he recommended, he will vote in favor because he thinks it will be put in the right place which is the private, philanthropic sector, and not on the taxpayer's dollars.

Mr. Slutzky said the change of heart is welcomed and appreciated.

Mr. Dorrier said he thinks the greenhouse gas reduction is something the entire community should do.

Roll was called at this time, and the motion **passed** by the following recorded vote:

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

NAYS: None.

DRAFT Memorandum of Understanding (MOU) between
Southeast Energy Efficiency Alliance,
the City of Charlottesville and the County of Albemarle

This Memorandum of Understanding ("MOU") is made this 12th of October 2009, by and among the Southeast Energy Efficiency Alliance, a 501(c)(3) incorporated in the state of Georgia, the City of Charlottesville, Virginia, and the County of Albemarle, Virginia.

WHEREAS, addressing energy efficiency and climate change is in the public's best interests as it promotes a cleaner environment, a more prosperous economy, a healthier populace, and a higher quality of life;

WHEREAS, the City of Charlottesville and the County of Albemarle (the "Localities") are committed to promoting energy efficiency and climate change mitigation programs within the City and County (the "Community") and have signed greenhouse gas reduction agreements;

WHEREAS, the Localities desire to work together and collaborate with community stakeholders on programs to facilitate energy efficiency and renewable energy and create a comprehensive energy efficiency program for the Community;

WHEREAS, in furtherance of such objectives, the Localities have applied for a grant from the Southeast Energy Efficiency Alliance ("SEEA") to create a Local Energy Alliance;

WHEREAS, the SEEA award announcement identified the City of Charlottesville and the County of Albemarle as the grant recipients;

WHEREAS the grant has not yet been formally awarded or accepted;

WHEREAS, the SEEA RFP contemplated the possible creation of a new charitable entity to act as the operating company to carry out the grant's purposes;

WHEREAS, in preparing the grant proposal to SEEA, the Localities concluded that an independent community-based charitable organization which can deliver the programs and services outlined therein, would most efficiently be able to provide such energy efficiency services as detailed in the proposal submitted by the Localities to SEEA.;

WHEREAS, the Localities have not identified any existing organizations in the community with a sufficiently broad mandate and scope to deliver all of the programs and services outlined in the grant proposal; and

WHEREAS, the Localities anticipate that a local operating company will be formed as a nonprofit, charitable community-based organization specifically to carry out a broad range of energy efficiency, conservation and renewable energy programs and activities serving the Community, including those services specified in the grant proposal;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the parties agree to the terms and conditions of this MOU as set forth below:

1. The Localities hereby request that SEEA redirect the grant to a local operating company, provided that SEEA determines, in its sole

discretion, that such local operating company meets the criteria outlined in Section 3 of this MOU.

2. SEEA agrees to perform all due diligence to ensure that the local operating company meets these criteria enumerated below, and if it is satisfied that the local operating company meets the described criteria, to award it grant funds to carry out the activities and objectives outlined in the Localities grant proposal.
3. Criteria for the local operating company:
 - a. The company must be a non-profit, charitable organization.
 - b. The company's purposes must encompass the activities contemplated by the SEEA grant.
 - c. The company's governing body must include individuals who are broadly representative of the local community.
 - d. The company must be capable of delivering the proposed efficiency and clean energy program as described in the Localities' SEEA grant proposal, including but not limited to the following:
 - Education and outreach to the Community on energy efficiency and renewable energy
 - Facilitation of energy conservation and renewable energy measures, including a financing component for said measures for the citizens, businesses and property owners in the Community
 - Commitment to substantial reductions in non-renewable energy use as defined by 20% - 40% efficiency gain and 30% - 50% market penetration in 5 — 7 years in the Community
 - Quality assurance, measurement, verification, and reporting of the results of the measures taken
 - e. The company must be willing to work intimately with the Localities on the delivery of energy efficiency and renewable programs for City and County residents and property owners, and enter into an MOU with the Localities describing the manner of such collaboration.

IN WITNESS WHEREOF, SEEA, the City of Charlottesville and the County of Albemarle have executed this MOU effective the last date written below.

SOUTHEAST ENERGY EFFICIENCY ALLIANCE

By: (Signed) Ben Taube
Title: Executive Director
Date: October 12, 2009

THE CITY OF CHARLOTTESVILLE

By: _____
Title: _____
Date: _____

THE COUNTY OF ALBEMARLE

By: _____
Title: _____
Date: _____

Agenda Item No. 10. JAUNT Annual Report.

Ms. Donna Shaughnessy, Executive Director of JAUNT, was present to make their annual report. She thanked the Board for the persons appointed to the JAUNT Board. Currently, Mr. Juan Wade is the Board president, Mr. Bobby Burke is the secretary, Mr. Ray East is the immediate past president and Mr. Cliff Buys is a staunch member of their financial committee. She thanked the Board for its support of their FY 2010 budget which was faced with a large increase because of some cost shifting due to the growth in Albemarle County.

Ms. Shaughnessy said information was mailed to the Board and she is also handing out today a brochure for Albemarle so they can see the range of services provided. Also, it gives a great deal of information for citizens looking for a ride, and that information is available on the website also.

Ms. Shaughnessy said she will begin by making a slide presentation of general information about JAUNT'S operation for the current year. Ridership hit almost 300,000 trips this year, but it has been "spiky". Public ridership includes social service agency customers - sometimes they have grant programs or more Medicaid transports than at other times. When looking at the ridership for each locality, Albemarle stands out, but its ridership has only doubled over the years, whereas that for Louisa County has tripled during the same time period. She showed a slide noting their on-time performance and safety record. There are Federal requirements concerning service to qualified ADA people – they cannot be turned down for service.

Ms. Shaughnessy said JAUNT finished the year under-budget, there were four new grant programs, and a new route was added in the past year. Next, she will show statistics which are Albemarle specific. She noted that their staff turnover is down, which is a good thing.

Ms. Mallek said she would like to interrupt for a minute. She went through the JAUNT safety training in order to be a licensed bus driver for her camp in the summer. She will say it is a fantastic program. Her daily interactions with JAUNT staff have always been good and the staff is very helpful. She knows the riders feel the same way.

Ms. Shaughnessy then showed information specific just to Albemarle. Medical transportation was up 20 percent over last year and miscellaneous ridership (people going to the grocery store, the bank, the senior center, church or PVCC) was up. Work transportation was basically flat. They think that was because not as many people travel to sheltered workshop programs because jobs are down. Public ridership in Albemarle increased eight percent this year compared to 10 percent increases in the previous two years.

Ms. Thomas asked for a definition of "public." Ms. Shaughnessy clarified that public riders are those who pay their own way, as opposed to those who ride under the Medicaid program, JABA, Region Ten, or other human service agencies.

Ms. Mallek asked if the eight percent was July to July. Ms. Shaughnessy said that is correct. Initially, looking at this year, the rate of growth has slowed a little more.

Mr. Rooker asked if JAUNT runs busses on Sundays. Ms. Shaughnessy said they do. They are obliged to run on Sunday because CTS runs on Sunday and when they do, JAUNT must run in the same territory at the same time. Also, a few years ago, the Board of Supervisors approved some services even to the rural areas on Sundays. It is limited to just people with disabilities as opposed to the rest of their services which are open to anybody, although the prices are vastly different.

Mr. Rooker asked if six-day a week services are not limited. Ms. Shaughnessy said that is true for most services.

Mr. Dorrier asked if most of the busses run full. Ms. Shaughnessy said "no." She said that sometimes there is a bus with no one on board – to get people in the rural areas they send the bus to the farthest location first. Also, their busses are out-based so they start their route in Crozet, or Keswick, or Scottsville and then pick up people on their way to town. They are buying larger vehicles because there is an increasing demand and they want as many people as possible on a bus. Sometimes that works against good service. Deviating from a route to pick up people at their door causes some people to be on the bus for two hours and that is unacceptable if someone only lives half an hour from town. They balance efficiency against effectiveness every day.

Ms. Shaughnessy said their demand response ridership rose seven percent versus route ridership. That is a good thing. If people can be put on a route, more people can be put on the bus and it is less expensive for the County. Demand response is where JAUNT goes to the rider's door and picks them up directly rather than when that person sets the time for pickup. Their pricing is structured to encourage people to ride routes rather than calling every day and giving a different pickup time. In some rural areas, such as Crozet where JAUNT if there every two hours, they do not provide demand response service. She said ridership increased in every age category – not just seniors, adults or children. On the smaller routes, such as Earlysville, Keswick and Esmont, ridership rose 28 percent, which is significant. That is where JAUNT is trying to draw more people onto the routes and away from demand response.

Ms. Shaughnessy said JAUNT has other services the County does not help to fund – two of them are routes that come in from Buckingham to Charlottesville every day. One of those busses runs seven days a week. One of them goes as far as NGIC, and the other goes to UVA and downtown. Albemarle residents are picking up that bus in Scottsville and Esmont, so that is a good thing. One of those routes is so popular that JAUNT had to buy the largest vehicles they have ever had (it holds 25 people). There is a grant-funded program that links southern Albemarle, southern Fluvanna and Buckingham – so riders are being transported to the Central Virginia Community Health Center as well as going on shopping trips. It is an enrichment activity for lots of the senior programs. That grant will be complete in about a month. There was no cost to Albemarle; they had some other donors.

Ms. Shaughnessy showed a chart on the screen and explained that the blue line on the chart is the urban demand response that they do. That is where the most significant increase has occurred.

Mr. Slutzky asked if that includes Crozet and the other growth areas. Ms. Shaughnessy said "no." There are a couple of implications here - one is that this service is the most expensive. For the rural areas, they have some Federal dollars which basically pay 50 percent of the costs. In the urban area, the amount of the match is much more limited, approximately 20 percent.

Mr. Dorrier asked if any of the JAUNT routes overlap with the City Transit routes. Ms. Shaughnessy said they try to never do that, and they encourage people to ride CTS if they are able to do so. People who are certified to use JAUNT in the urban area can ride CTS for free so there is a financial incentive to do so. She said many people with disabilities ride CTS – they do not have to call a day in advance and wait for JAUNT to pick them up and be locked into a schedule. Nevertheless, more people are riding JAUNT and they are doing their best to encourage people to ride CTS whenever possible.

Services do not overlap. If the two services have busses going down the same road it is because people on the JAUNT bus could not get on the CTS bus due to physical or mental limitations.

Ms. Shaughnessy said there is something else hiding in this chart – looking at the green line (rural demand response) versus the purple line (route), you will see that the green line is trending downward and the purple line is trending upward. That is a good thing to be happening since JAUNT is encouraging more and more people to ride on routes.

Ms. Shaughnessy said she will mention some of what is going on in 2010. Transportation for the refugee population has been a concern of some Board members, so JAUNT started a route back in July to take a group of refugees to work at the Wintergreen Resort. They need people to work at the resort and are having trouble recruiting. They are still working with the International Rescue Committee on other solutions which are affordable. That program is going on now Wednesdays through Sundays with eight riders currently and the likelihood of more during the ski season. They have tried to figure out a way to market that for people who want to go to Wintergreen for the day to ski, but it is hard to find a way to reach that market.

Ms. Shaughnessy said they have a Federal grant for at least two years for a Mobility Manager. This employee works with all human service agencies on their transportation needs, their resources, and how to make the whole transportation network more efficient and less expensive. He has been working with JABA and is now working with Region Ten and doing a needs-assessment in Buckingham County. The other piece of that effort is creation of bus shelters in rural areas and bus stops. Where there are concentrations of people getting on the bus they will hopefully be working with private property owners to allow for placement of shelters on their property – the shelters and installation of them will be paid for by JAUNT.

Ms. Shaughnessy said her board of directors asked her to talk with each of the local governments – not asking for money – but if in times of gas shortages they could make some arrangement to buy gas through the County. Recently, it has been hard to get gas and on one occasion a couple of years ago, they needed for emergency supplies to be able to tap into someone's gas supply. JAUNT would be paying for the gas, they just want to be sure that if there is a gas shortage in the future, they could still get clients to dialysis and to work, and to emergency services. She then offered to answer questions.

Ms. Thomas said yesterday was election day, and the person who won in the Samuel Miller District said in a statement that he would guarantee that everything in the County could be cut by 20 percent. For the Board's education, she asked what a 20 percent cut to JAUNT would involve. Ms. Shaughnessy said she can give a short answer at this time, but there is a longer one. She said the short answer is that service in the rural areas would have to be eliminated. The reason for that is, in an ideal world they would just raise all fares, but Federal law requires that for complimentary power transit (which is the service JAUNT provides in the urban area) the fee can't be more than twice the City CTS bus fare. She said the JAUNT fares are \$1.50, and CTS fares are \$0.75. They cannot raise the fare, nor can they cut service without risking the loss of funding for CTS, for the city and JAUNT as well. The only thing that can be cut and not risk "the long arm of the law coming down on us" would be to cut the rural service completely. For every dollar that JAUNT spends in the rural areas, they receive \$0.50 in Federal money, so it is really difficult. She experimented with cutting out things, or raising fares extraordinarily and none of them got JAUNT to the magic 20 percent. JAUNT would have to do a lot of thinking about it, but that is the easy answer.

Mr. Dorrier asked the cost of a ticket from Scottsville to Charlottesville. Ms. Shaughnessy confirmed that a ticket is \$3.00 each way.

Mr. Boyd asked if JAUNT tracks how much is subsidized in what is referred to as the "public" service. He asked what the \$3.00 paid by the person in Scottsville covers. Ms. Shaughnessy said the fare covers about 50 percent of the cost of the trip.

Mr. Boyd asked if that service is being subsidized by either the Federal government or the local government. Ms. Shaughnessy said there is also the State government.

Mr. Boyd said that subsidy is then about 50 percent throughout the ridership. Ms. Shaughnessy said that is a very rough estimate. It is much more heavily subsidized in the urban area than in the rural area – but it is also more heavily subsidized for demand response service than it is for route ridership.

Mr. Boyd said he understands transporting people who are disabled, but he is concentrating on the public option. He asked if a citizen can get a copy of JAUNT's detailed financial information. Ms. Shaughnessy said JAUNT is owned by Albemarle County and the other local governments, so absolutely it is always available to the public.

Mr. Slutzky thanked Ms. Shaughnessy for the report.

Agenda Item No. 11. Board-to-Board Presentation, School Board Chairman.

Mr. Brian Wheeler, Chairman, Albemarle County School Board, was present with Dr. Pam Moran, Division Superintendent. He thanked Ms. Thomas and Mr. Slutzky for their support of public education which has been valuable to the School Division and the School Board. They appreciate all the work they've done in that regard. He said that about ten years ago he was in a conference room on the Fourth Floor with Ms. Thomas, Dr. Kevin Castner, State Senator Emily Couric and Mr. Madison Cummings; it was his first exposure to what the Supervisors do and how they interact with public education. No one knew that 10 years later he would be standing here as Chairman of the School Board and it is "Sally's fault."

Mr. Wheeler said the Supervisors and School Board have a joint meeting scheduled for December 2. He thinks that agenda will expand beyond Capital Improvement items, but also talk about other budget issues. They would like to have questions from the Board today that will need to be addressed at that meeting so they will be prepared.

Mr. Wheeler said there is an annual Virginia School Boards Association convention coming up. He said the Schools got a VSBA Green Schools Challenge Award – which includes some prize money – the amount is unknown at this time. The Schools got a top prize by adopting energy and environmental policies, conducting a greenhouse gas emission inventory, performing energy audits, constructing school additions to obtain LEED certification, adopting anti-idling policies for busses, establishing recycling and environmental clubs in schools, establishing an environmental management system including innovative pest management, green cleaning, etc.

Mr. Wheeler said he will mention the one-time graduation rates. Dr. Luvel Brown is here today if the Supervisors have questions. The positive news is that 90 percent of the students who entered public high schools in the class of 2005 graduated, but that is not a number to be celebrated yet - the goal the School Board has set is 100 percent. They acknowledge that there is a lot of work to be done. One number that got discussion had to do with the number of African-American students graduating – not as many graduated on time as the School Board wanted. The information showed that 85 percent of the African-American students did not drop out, but having 15.2 percent drop out is a problem. The number in the headline in the newspaper said the dropout rate had tripled for that population and that is true, it went from seven students to 21 students. Although the end number is small, any number above one is seen as a problem. A lot of the initiatives put into place over the past five years during the time those children were in County schools, are starting to address that challenge. The achievement gap seems to be shrinking in many areas, but it requires continued financial support.

Mr. Wheeler said there are initiatives such as charter schools, innovative programs in the high schools to grab those students in both the middle schools and the high schools, a program called AVID which grabs those students who might otherwise "fall through the cracks" to make sure they are on a path toward graduation. Working with Local Government on programs like Bright Stars and starting intervention as early as possible in the careers of these students helps. He said the School Board feels it is confronting the data and in future years it will show these investments are paying off.

Dr. Moran said when there is news like that in the newspaper, most people think it is new news and that must be a surprise. The reality is that every year the Schools track what's going on with students in terms of leading data. Sometimes there is an issue when a student comes into the division as a tenth grader and brings with them only two credits; intense focus will be needed to get that child able to graduate on time if at all. There are counselors assigned to work with students so some of those situations can be turned around. This was not a good year. The division thinks some of those students will come back for credit recovery so they can eventually graduate. Students are sometimes brought back as fifth year seniors, even students who dropped out are coming back for night school classes or credit recovery classes after school in order to accrue credits so they can eventually graduate.

Ms. Mallek asked if these students have to pay tuition in that circumstance. Dr. Moran said that is part of the credit recovery plan. If they go into a GED program in the evenings they have to give up some things in order to be a part of that program. She said Dr. Brown can answer questions about every student in the dropout pool.

Ms. Mallek said a lot has changed since she graduated from Albemarle High School in 1967. There is diversity amongst all the programs, so a lot of progress has been made.

Mr. Dorrier asked what percentage of dropouts was special needs students. Dr. Brown responded that of the students who dropped out, about 10 percent were special needs children.

Mr. Wheeler said the School Board recently made its decision about the southern-pattern feeder schools. They want the Supervisors to be aware that they unanimously accepted Dr. Moran's recommendation to keep Red Hill, Scottsville and Yancey elementary schools open. He said the operational costs they expect to incur to keep the three small schools open instead of building one new consolidated school is \$708,316 annually.

Mr. Boyd said in some of the proposals discussed there was mention of the possibility of having one principal cover two schools. He asked if any of those kinds of ideas will be incorporated into keeping all three schools open. Dr. Moran said Dr. Bruce Benson will be working with the southern feeder pattern in a staff group as well as central staff to determine what efficiencies. She told the School Board there was no one-piece of compelling data in her decision; however, one critical decision point was when it was

found that a new school could not be built on the Walton site. They looked at things such as staffing these schools as one school since there are a number of employees who are part-time in that area, and efficiency's might be obtained doing that.

Mr. Wheeler said his last item has to do with the budget. He presented on a slide some updated information. The School Board is still concerned about the decline in the current year's local revenue; they expect that to be between \$2.7 and \$1.8 million. In an effort to revise the budget throughout this year, the Schools have instituted a 10 percent operational holdback in all departments and schools. There are currently 22 positions which they think they need, but which have not been filled at this time.

Mr. Rooker asked if these are classroom positions. Dr. Moran said they are not classroom teaching positions but could be teaching assistants, bus drivers, maintenance department staff, central office staff. They have been trying to determine if a position could be efficiently staffed without restoring it, but they need to go through a process to decide the critical need for a position.

Mr. Rooker pointed out that the Schools may receive \$6.0 to \$8.0 million in Federal Stimulus Act money over the next two years, and he asked how that money is factoring into the School's current budget circumstances. Dr. Moran said they will be getting stimulus money from two different places. The State used some stimulus money to supplant funding that typically comes from the state (things that operationally the State budget would have been supporting, but the Governor chose to use stimulus money to do in this cycle), and then there is some money that comes directly to the Schools. None of it is money that they can count on beyond this next year.

Mr. Rooker said the chart shows a decline of \$1.8 to \$2.7 million in local revenues. Will that basically be entirely replaced by the stimulus money to be received during the current year? Dr. Benson explained that the Schools purposely used the State stabilization money in a way that would not create a "funding cliff" at whatever point that money ceases to be available. They are not sure those funds will absolutely be available next year. So, in this current fiscal year they included about \$2.4 million, the bulk of which was put into capital purchases. Some short-term staff contracts are also included, mostly technical staff to help with the installation of that equipment. The contracts are such that when the money is no longer available, the positions will not be there. The other piece is tied to title moneys; for example, there are a number of intervention specialists who are funded in the Schools by short-term contracts, but those funds must be spent in accordance with Title I guidelines for special education.

Mr. Boyd asked if Dr. Benson is saying that things were added to the Schools budget in order to use this money as opposed to using it for existing programs. Dr. Benson replied that they replaced the \$550,000 in the CIP for capital purchases so those moneys would be available as part of the CIP program. They purchased out of the stabilization moneys.

Ms. Mallek asked if that was for technology improvements that needed to be done. Dr. Benson replied "yes." Ms. Mallek referred to a summary that was prepared by Mr. Jackson Zimmerman for a conference call last week, and said she thinks it would be very helpful to the Board members because it shows how the stimulus funds will be allocated.

Mr. Rooker said in the VACO and VML publications he read that because of the current budget downturn, the stimulus money is allowing counties to continue to employ teachers that they could not employ except for the stimulus money. He is wondering if that is the case in Albemarle County. Dr. Moran said if the Schools had not used that stimulus money to offset some operational costs in the current budget, the Schools would have had to increase class sizes which takes employees out of the schools.

Mr. Rooker said the explanations lost sight of that fact. Because the money is used in a way that is Federally approved, it enables schools to maintain class sizes, etc. Dr. Moran said if the money were put into teacher contracts, when those funds run out those teachers would have no contracts. The Albemarle School Board chose to direct the funds into operational costs instead of cutting teaching positions this year. They did not want to set up people for potential reductions in two years. Mr. Tucker asked if the State might withhold some of those funds. Dr. Benson said it is unclear at this point whether the second year of the stabilization funding will be available.

Mr. Wheeler noted that the information forwarded to the Board includes an update on the School's Fund Balance and the allocations expected in this year's budget. They also projected the funds which should be available as a result of some of the strategies he described. The information showed the unencumbered fund balance they expect to have available for next year's budget. At the last joint meeting the School Board got an understanding of Local Government's Fund Balance and why the Supervisors target eight percent, and the need to have a certain amount of money for payroll due to the way tax revenues are received. They also got information about the CIP Fund Balance. He put all of this information on one page to show what the School Board is thinking about. He then offered to answer questions, and said Board members might also send questions to him.

Ms. Mallek said that last year the School Board talked about making an analysis of bus routes. She would be interested in that because her constituents ask questions about busses often. Dr. Moran said Dr. Benson has been following the data being generated out of their new GPS system. They believe some efficiencies will be captured that might help pay for the system and also gain greater efficiencies.

Ms. Thomas said that would be useful information. She gets questions about why there are GPS systems on the busses. It is not well understood. Dr. Moran said she has spoken with business people

who run trucking routes or aspects of delivery services and they say that GPS systems are an important part of how they capture efficiencies. They have what are called "dead-head" miles where drivers are in busses moving to and from picking up kids, and they feel they will find efficiencies by looking at routes and determining more effective ways of building those routes.

Ms. Thomas said that was not understood by the people who spoke to her. They thought the Schools were trying to be sure they could find the next house. Dr. Moran said these are not the kind of navigation systems people have in their automobiles. That is not their purpose. Drivers know where they need to stop to pick up children.

Mr. Dorrier asked if the cost of repair and maintenance of schools for the next five years could be broken out into a separate figure. It was said that annual operating costs are estimated to be \$708,000 per year greater for the three smaller schools versus one big school. He asked what that figure entails.

Mr. Wheeler said staff convinced the School Board that the money invested in the GPS system would pay itself back within two years, so the return on investment was quick. They spend between \$1.0 and \$2.0 million each year just moving empty busses around the County. They think this technology will help to lower that number. It also helps with complaints. Recently, an e-mail was received from a constituent who felt a bus had been speeding; staff was able to access the system at the exact time and place the bus was on that road and look at the exact speed that bus was traveling. Not only is this system good financially, but it is also good safety wise. Dr. Moran said another data point being generated is that whenever that bus is stopped, it shows where it stopped and for how long. If a parent calls to say the bus did not stop to pick up their child, this data will show whether that is true or not. She said there are some unintended benefits from it beyond the efficiency piece that is being captured.

(Note: At the end of the presentation, Mr. Slutzky called for a brief recess. The Board recessed at 11:48 a.m. and reconvened at 11:54 a.m.)

Agenda Item No. 12. Economic Indicators Report for the First Quarter of FY 2010. **Due to the lateness of the hour, this item was skipped temporarily.**

Agenda Item No. 13. Defense Intelligence Agency (DIA) Rivanna Station Survey Results.

Ms. Lee Catlin, Community Relations, introduced Ms. Laura Donnelly from the DIA Public Affairs office, who will give an update on the status of the transition. After that, Ms. Catlin and Ms. Susan Stimart will discuss the survey results.

Ms. Donnelly said the authority for this move is the Federal Base Relocation and Closure (BRAC) Act of 1990. It is a congressionally authorized process and the Department of Defense uses it to achieve several goals. It eliminates infrastructure, reshapes the military, optimizes military readiness, and realizes significant savings in support of transforming itself. BRAC 2005 is the latest round in that process, and actions under it became a Federal statute in November 2005, with implementation to be completed by September 15, 2011. She said DIA also has two other BRAC actions in the 2005 round – they are moving about 30 adjudication positions to Fort Meade, Maryland, and about 750 counter-intelligence functions from the Northern Virginia area to the Marine Corps Base in Quantico.

Ms. Donnelly said the recommendation specific to Rivanna Station is Recommendation 167: To realign the Defense Intelligence Analysis Center at Bolling Air Force Base by relocating select DIA intelligence analysis functions to a new facility at Rivanna Station, Virginia. Those intelligence analysis functions were further defined as military forces analysis, counter-proliferation, and scientific and technical intelligence for collocation with like functions resident at the National Ground Intelligence Center already resident at Rivanna Station. There is a second portion to Recommendation 167 in that DIA will move its counter-narcotics analysis functions from leased facilities in Arlington, Virginia, to Bolling Air Force Base.

Ms. Donnelly said this is a critical time in the nation's history. In addition to the global economic crisis, the U.S. is involved in two wars and there are other nations and groups seeking advantage at the country's expense. The men and women of DIA who will relocate here will keep their eyes on those threats and risks; they represent core missions of DIA and provide unique and important intelligence to national decision-makers, military leadership and tactical forces deployed worldwide.

Ms. Donnelly said the DIA move to Rivanna Station involves five key offices. The Order of Battle and Military Forces Analysis office –all source analysts in this field assess air, ground, Navy, air defense, land-based offensive missile and electronic order battle forces and must provide vital information on foreign military force structure, unit locations and weapons, and identify critical infrastructure to support the full spectrum of the United States and coalition military planning operations. The Counter-Proliferation Analysis office, DIA's all source counter-proliferation analysts assess the threat posed by foreign weapons of mass destruction (WMD) programs, including the companies and individuals that support them.

Ms. Donnelly said proliferation of WMD and associated delivery systems to nations of concern and non-state terrorists constitute a serious threat and challenge to the U.S. and its allies. It also poses a distinct and serious threat to Department of Defense (DOD) personnel and missions and the ability to

safely execute worldwide combat and peacekeeping and humanitarian operations. She said that countering WMD threats is a top DIA priority.

Ms. Donnelly said that next is Strategic Warning Analysis. DIA's all source warning analysts provide strategic warning and defense and national security policymakers, defense planners and war-fighters to shape strategic outcomes and guide the development of defense policy objectives. Forensic Intelligence Collection experts specialize in using forensic technologies to collect intelligence on terrorists and insurgents in Iraq, Afghanistan, and other locations worldwide. These experts include both military and civilian employees with substantial educational degree concentrations in the sciences, and who also possess practical and professional experience in law enforcement. DIA's forensic intelligence collection work supports traditional partners throughout the intelligence community, along with new customers in the Department of Homeland Security and the Federal Bureau of Investigation.

Ms. Donnelly explained Technical Collection R&D. She said DIA's scientific and technical collectors develop new technical collection capabilities for use by operational collectors. They also work with partners throughout the Department of Defense and the intelligence community to identify and close gaps in the nation's ability to collect vital intelligence information. The move of this specialized capability to Charlottesville will enable closer partnerships with nearby colleges and UVA on research and S&T programs.

Ms. Donnelly said for every action there are many moving pieces and in this case there are multiple players. DIA is the DOD business manager – with the three agencies affected being DIA, NGIC and the National Geospatial Intelligence Agency. She said that there are about 45 NGA employees embedded in two of the five offices relocating to Rivanna Station. The installation host is U.S. Army Garrison, Fort Belvoir; the military construction agent is the U.S. Army Corps of Engineers, Norfolk District; and, the construction agent is Archer Western Contractors based in Chicago, IL.

Ms. Donnelly said there are 828 positions in the affected workforce. These encompass military, government/civilian, and full-time contractor personnel. The civilian population is about 500, the military population is about eighteen percent (162), and the rest are contractors. All are relocating from Bolling Air Force Base to Rivanna Station. All DIA positions require top-secret clearances. At the NGIC there are 218 positions also involving military, government and contractor personnel. They are relocating existing personnel already at the Rivanna Station into the new facility.

Ms. Thomas asked if the NGIC positions are people who are already here. Ms. Donnelly said "yes."

Ms. Donnelly said as to the timeline, the government facility is currently named the Joint Use Intelligence Analysis Facility. Construction began about a year ago, and they expect to start putting people in place about this time next year. The complete relocation implementation is expected to be done by January, 2011. They have also leased space adjacent to Rivanna Station and that is about 98 percent complete. She said that about 40 people are already in place at NGIC, and once their floor is completed, those 40 can be moved into those spaces and give NGIC the space they require. They already have people on the ground and they expect to be in advance of the BRAC guidance.

Ms. Thomas asked if the government facility is the same as the commercial building. Ms. Donnelly replied that the government facility is the Joint Use Intelligence Analysis Facility, and they are also leasing a floor of a commercial space adjacent to Rivanna Station to pre-position their personnel as they are inbound into the government facility.

Mr. Rooker asked if they would continue to use that facility after the JUIF building is finished. Ms. Donnelly responded that they expect to utilize that floor for a period of time.

Ms. Mallek asked if the commercial building is inside the security perimeter. Ms. Donnelly said it is not, and it will stay that way.

Ms. Donnelly referred to the last slide on the screen which outlines the benefits to the community. She said military intelligence is primarily an information business so it is a clean industry bringing in new jobs (828 direct) as a result of DIA's transfer of personnel. Indirect positions are estimated at 643 as a result of BRAC actions, those are primarily in service industries and retail.

Mr. Slutzky asked if the so-called contractors (people with large contracts with the Defense Department that support the department in various ways), are reflected in either of those two numbers. Ms. Donnelly replied that they are not.

Mr. Slutzky asked if anyone had an estimate of that number of people. Ms. Donnelly said "no." Also the DOD doesn't care to speculate on how a business will choose to expand an operation in a given area.

Mr. Dorrier asked what the service industry jobs entail. Ms. Donnelly explained that those jobs would be custodial services, retail, perhaps restaurants; that is a generic description.

Mr. Dorrier asked if they are all private industry. Ms. Donnelly said "yes."

Ms. Mallek said she presumed at the previous briefing that the 10:1 ratio of extra jobs was not a real number. It is a much smaller contractor group to go along with the 828 new jobs. Ms. Donnelly said

they expect that some of the contractor positions will be converted to government/civilian positions, so the number itself will remain the same.

Ms. Mallek asked if the 828 is the number, it is not 828 plus 1000 or something like that. Ms. Donnelly said that is correct.

Mr. Slutzky said to clarify, if contractor "x" has a contract to support the DIA separate from onsite staff, that is staff over and above this number. Ms. Donnelly said that is correct. She has no way of speculating as to what that number would be.

Ms. Slutzky said he just wanted to clarify for Ms. Mallek that the contractors Ms. Donnelly is talking about in this group are actually functioning like employees within the agency although they are contractors. That is different from when the agency farms work out to an outside contracting firm. They are still large contractors providing a lot of services to the benefit of the Defense Department, many of them residing currently in Northern Virginia, but some of their cohort will choose to be relocated here. He thinks Ms. Donnelly is saying that is no way to guess what that movement might be so she just has to say "we don't know." He thinks there will likely be a substantial number of people relocating here.

Ms. Donnelly said as to their involvement in the community, there are opportunities for new partnerships with colleges and universities. She discussed the S&T affiliation with one of the groups moving down to UVA and other colleges to do research. Also, DIA participated in the job fair last month. They collected about 250 resumes and of the managers participating in that job fair 30 were identified for definite follow up. She said those 250 resumes will be farmed out to other managers who are relocating.

Ms. Thomas asked for a further explanation of that information. She asked if the 828 transferring here are predominately in filled positions. Those are not job openings, so what was the job fair for? Ms. Donnelly said not all of those 828 positions are vacant. There is a distinction between positions and people for Federal positions. Positions are functions transferred under baseline closure, not people; a function of military forces transfers. Maybe only 80 percent of those positions that are military forces are encumbered by existing personnel.

Ms. Donnelly said they are fortunate to become a part of this community. This is a big deal for DIA and the men and women of DIA will be more than local Federal employees. They will be good neighbors and active members of the community. She thanked the Board for its time.

Ms. Catlin said she and Ms. Stimart will be presenting results of the relocation survey and she encouraged the Board members to read the entire report. She explained that the survey was commissioned by the Thomas Jefferson Planning District Commission and the Piedmont Workforce Network, with some funding support from the County. It was geared toward helping DIA and local organizations better understand how this move might affect agency employees and their families, and to provide guidance for all involved in this transition.

Ms. Catlin said the survey data was compiled and analyzed by the Center for Regional Economic Competitiveness, a nonprofit research organization affiliated with George Mason University. The survey was distributed in September, 2009 to 300 of the civilian employees in the five DIA divisions affected by the relocation. There were 140 returned surveys, about a 47 percent return rate. No military personnel participated in the survey, nor did any of the subcontractors. The survey looks at only a subset of the group coming, but it contains good information the County needs to be aware of.

Mr. Rooker said part of the 828 number is military personnel. Ms. Catlin said military personnel have less ability to decide whether they want to move so they are more of a transfer.

Ms. Thomas asked how the 828 breaks down between military and nonmilitary. Ms. Catlin said it was 500 civilian employees, about 162 military and 233 contractors.

Mr. Rooker said the vast majority of those people are civilian or private contractors. Ms. Catlin said that is true.

Ms. Catlin said that currently most of those people are in Northern Virginia. Nearly two-thirds of those who responded own a home now. Of households with children, about 50 percent of the respondents indicated that their family would have one or more children in 2010. Of that group, 35 would have one, 25 would have two, and 11 would have three.

Ms. Catlin said as to household income, nearly two-thirds of those who answered the survey fall in the \$100,000+ a year grouping for household income. The next question had to do with willingness to move to Rivanna Station. Of the 140 employees responding to the survey, 55 (39 percent) indicated they definitely plan to move to Rivanna Station, and 12 (9 percent) indicate that they would probably move. Combining those who are definitely moving, about half of the current DIA workers surveyed indicated they will definitely or probably be coming to the new location for their job. As personnel receive more information about the move, and the move date becomes more imminent, without alternative job options, those who were reluctant to move will probably be willing to accept the relocation possibility. Staff has been told that May, 2010 is the date by which they will be required to make a decision, and there should be more definitive information about the people who will definitely be moving to this community.

Mr. Slutzky said the military has gone through the BRAC process in other places. Sometimes they relocated different types of installations and in other instances they relocated similar types of installations.

He asked if there has been a correlation between what actually happened, and what the survey results revealed. That might give a better sense of how to interpret this data. Ms. Catlin said that question was asked and what they heard was getting to the 80/20 ratio would be a likely scenario for this type of relocation.

Ms. Mallek said at a previous briefing it was said that as the May date approaches the people who are currently working will be at the end of the time when they have the first shot and apparently the file is filling up quickly with applicants who will be graduating in May, 2010. There are engineers from all over who want those jobs if they open up. Ms. Catlin said they are expecting a significant shift into that "willing to move" category as the date gets closer.

Ms. Catlin said she would now present some information about the DIA workers who have expressed willingness to move. She said 67 (48 percent) are definitely, or probably, moving. The majority of those are from the division described as the General Military Analysis career group. A greater portion of workers in the supervisory and management group discipline are willing to move, with the least likely being those in the scientific and technical group. The researchers said that likely reflects the investment that managers or supervisors have made in their DIA career. They moved up through the ranks so are a little more invested, whereas some of the scientific and military workers may be looking at a plethora of alternative job opportunities in the D.C. area and they may want to stay more in those networks and are reluctant to commit to moving until they see whether another job is a possibility.

Ms. Catlin said the highest proportion of those willing to move are those with the least Federal experience, lowest educational attainment and household earnings. The individual gross pay does not appear to be a decisive factor in whether people were willing to move. People who have spouses with higher incomes are in that less likely to move category. For those planning to move at this time, most of them said Albemarle County would be their first choice, followed by Greene County and Charlottesville. Factors likely to include their housing choice included high school options, potential job opportunities for spouses, commuting distance to work, and general quality of life amenities. Two-thirds of the people planning to move expressed a desire to own their own single-family home. They compared the income level of willing movers and the DIA civilian personnel and except that there are a few more in the \$100,000 to \$200,000 household income, it is fairly consistent.

Mr. Slutzky noted that this meeting is running far behind schedule so he wondered if the presentation can be wrapped up quickly.

Ms. Catlin said she will summarize. Major concerns were relocation incentive packages offered by DIA, the affordability of housing, the locality pay scale changes they would encounter, and their future career development possibilities. She said that Ms. Stimart will now give some concluding remarks.

Ms. Stimart said the key recommendations from the consultants were to: 1) target personnel recruitment efforts to what are called "the persuade-ables", 2) develop core messages related to those group demographics, and, 3) provide more detailed information about the community. She said there have been two community-day programs, and perhaps there are more resources that can be accessed to help them understand the cost-of-living adjustment. Recommendation No. 4 was to engage UVA, which is a key player in this operation, to develop programs to help those relocating to continue their own personal career advancements with degree certifications and certificate programs geared to what the DIA opportunity affords. Recommendation No. 5 was to aid spouses with local employment opportunities to help them build professional and social networks. Lastly, Recommendation No. 6 was to continue the proactive efforts, helping them to maintain professional networks in the area.

Ms. Stimart said, if invited, County staff sees the next steps as, a School Board briefing about the DIA survey data, a PACC briefing on the DIA data with the UVA participating, and, in partnership with DIA staff, have another community group meeting to discuss the specific strategies she just mentioned, and, to liaison with members of the community. She said there are a lot of educational opportunities, briefings with the School Boards, CATEC and helping them understand pipeline opportunities for the local citizenry, and helping them to address current training needs among some of the DOD contractors. There was one program that was fairly successfully with the DOD contractors - computer program training at PVCC.

Ms. Thomas asked why we would go to extra effort to get these people to move here when there are about 10,500 County workers who commute out of the area every day, and the jobs that aren't filled by people coming into the area with this group might be open for local people to fill. Ms. Stimart said she thinks it is a national security issue first and foremost. They want to maintain their employment continuity to the extent possible and make sure everyone is as well informed as possible about what this move could mean for them.

Ms. Catlin said in the next year it would be difficult to bring many local people up-to-speed either technically or with the security clearances needed. Although there are some opportunities for that, people are looking more at building a pipeline so as those jobs turnover (staff has been told it happens on a fairly regular basis), local workers are ready to step in. The question is whether in the next several months a pool of candidates and talent can be created here; it could be a little challenging. To get security clearances takes quite a while, along with technical level language capability skills and other things required for some of these jobs. There is a job fair in December to start that recruitment process and to identify as many of those people as possible. From what staff has heard from DIA, they need to make sure they can do their core functions immediately after the move happens.

Ms. Thomas said she can see that as an issue for DIA, but she does not see it as an issue for this community because the community would like to seize this opportunity to open up jobs for people who live here. Ms. Catlin said that is the focus of what staff is trying to do. The issue may be the readiness of people to step in immediately versus “do we need to create the partnerships and make sure that the training and the pipeline are done so that the readiness will be developed over time.”

Ms. Mallek said she thinks the County needs to wait until May before expending a lot of energy on developing something, because more details are necessary about what will be needed immediately. Certainly all the players are in place to step up and fulfill that training need.

Mr. Rooker said he understands Ms. Thomas' point is whether it makes sense to spend County resources trying to convince people to move here as opposed to spending resources in other ways and let the job of trying to induce current employees to come here be borne by the Federal Government dealing with its employees. Ms. Stimart said that is how it has worked recently. The DIA was able to fund this last community program and the TJPED has maintained a website which is a relocation resource for them. In terms of out-of-pocket costs, it has been minimal for Albemarle County. Ms. Catlin said Ms. Thomas had a good point. The recommendations the Board is seeing today were shared with DIA since many of these responsibilities would fall in their area of interest rather than in the County's. Once people make a decision to move here, what does Albemarle have to be ready to anticipate in terms of impacts to be sure it is a smooth transition?

Mr. Dorrier said he thinks work is needed on workforce development to train local people and give them the opportunity to get these jobs without joining the military.

Mr. Slutzky thanked all for the presentation of this agenda item.

Agenda Item No. 12. Economic Indicators Report for the First Quarter of FY 2010.

Mr. Steve Allshouse, Coordinator of Research and Analysis, said his goal today is to focus on the context of the written report. He said an Economics Advisory Group, composed of staff members, had the mission of identifying emerging economic trends and structural changes in the economy that would impact the budget and County citizens in the near term. “Structural change” means something like as an employment shift if a number of manufacturing jobs were lost. That would need to be tracked since it could have an impact on finances and general economic conditions. Members of the group came from three different departments - the Director of Community Development, the Business Development Facilitator, the County Assessor and the Chief of Administration and Taxation from the Finance Department, along with members of the County Executive's staff.

Mr. Allshouse said this group developed a list of items to track. They think this will give a snapshot of where the economy is in any given quarter and where the economy might go in the next quarter. This list will be used to inform the budget process in the future. There are 13 things being tracked – including unemployment rates compared to State and U.S. rates (Mr. Neil Williamson said earlier today that he would like to see a comparison with Albemarle's peer group and outlying jurisdictions), total employment numbers, the number of businesses in the County, sales, food and hotel taxes, the housing market (including number of single-family dwellings for sale and the number of months supply of unsold housing and prices), the number and dollar value of building permits, the consumer price index, the IPD, U.S. GEP and U.S. consumer confidence and leading economic indicators.

Mr. Allshouse said one other thing he would like to include in the report is the vacancy rate of commercial properties (this information is hard to find). It is his understanding that this is one sector of the real estate market that will, or already is, experiencing difficulties. The County collects this data from commercial property owners, but he is not sure it has been compiled into a central database. He said that is where this report is now, and he would be happy to take any comments regarding the report, or ideas about how to improve the report, and make it more relevant.

Ms. Thomas said when she talks with what can be called the “main street businesses” in the community she often hears comments about the number of sales being lost to the internet. She asked if there is any way to capture that facet – does anyone know how many purchases are made on the internet? Mr. Allshouse said he does not know how to measure that. At one time, a developer indicated he had data regarding internet sales per capita, but he does not know if it would be available.

Mr. Slutzky said he thought a distinction was made in the BPOL tax report separating out internet sales.

Ms. Thomas said she was thinking about internet purchases. Mr. Tom Foley said Finance Department staff is trying to devise a way to track that data at this time.

Ms. Thomas said another issue is one that Mr. Mike Harvey mentioned to her. He is interested in tracking commuters; those commuting out of the MSL, not just from Albemarle into Charlottesville, but to outside of the area. She asked if there is any way to track those people. Mr. Allshouse said the Census Bureau publishes commuting data every ten years. Mr. Harvey actually spoke to this group in October, and he talked about the region and even included both the Charlottesville and Culpeper areas. The focus of the report today is focused on Albemarle County only. In terms of tracking commuter patterns, he was somewhat hamstrung because he only found data from the last census which is outdated. If there is another source, he would be happy to look at it.

Mr. Rooker said the Thomas Jefferson Planning District Commission has that data; it was seen by the MPO. He asked if it would be helpful to capture University movements in this information. When they get a large research grant, it brings money into the area. Mr. Allshouse agreed that it would be helpful to have that data in the Annual Report.

Mr. Rooker suggested getting information from UVA on a quarterly basis in terms of new construction contracts. There are three or more key things that could be included in the quarterly report that would be helpful. He does think this report was well done, but as it is further refined it will be more helpful.

Ms. Thomas said she was asking for more information, but the Board needs to be aware that you can search for more information forever. Maybe in a year or so the Board might decide which pieces are really valuable information as opposed to having staff do more and more work.

Agenda Item No. 14. Closed Meeting.

At 12:43 p.m., Ms. Thomas offered **motion** that the Board go into a closed meeting pursuant to Section 2.2-3.711.A of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; and, under Subsection (1) to evaluate the performance of a County department which requires the discussion of the performance of a specific individual. Mr. Rooker **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 15. Certify Closed Meeting. At 2:12 p.m. the Board reconvened into open session.

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

Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 16. Boards and Commissions: Vacancies/ Appointments.

Ms. Mallek offered **motion** to:

Appoint Ms. Constance Palmer to the Jefferson Area Board for Aging, with said term to expire March 31, 2011.

Reappoint Mr. Will Derrickson to the Joint Airport Commission, with said term to expire December 1, 2012.

Appoint Mr. Jason Dugas to the Pantops Advisory Council.

Reappoint Mr. Doug Lowe to the Board of Building Code Appeals, with said term to expire November 21, 2014.

Reappoint Mr. Fred Huckstep to the Fire Prevention Board of Appeals, with said term to expire November 21, 2014.

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

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

Agenda Item No. 17a. Transportation Matters: VDOT Monthly Report.

Mr. Joel DeNunzio, VDOT Staff Engineer, was present. He said work on the bridge on Route 616 (Black Cat Road) started today and should be completed this Friday. The bridge will still be posted at three tons until the structure can be reanalyzed to determine an appropriate weight limit. That could take a few weeks to a month, so it will remain posted at three tons. The bridge is scheduled for replacement using Federal Bridge funds. It is scheduled for advertisement in 2015 when the funds become available.

Mr. DeNunzio said the Georgetown Road and Jarmans Gap Road projects are still on schedule. Right-of-way is still being acquired for Jarmans Gap. He said Mr. Kenneth Shirley from the District Office is present today to talk about the Advance Mills Bridge project and the progress with that project. He asked if there were any questions about the report.

Ms. Mallek said the "stop ahead" sign on Reas Ford Road is proving to be very effective.

Mr. Kenneth Shirley of the District Office said the Advance Mills Bridge project was estimated to be a \$1.9 million contract; as of the last estimate a month ago, \$1.4 million had been expended. He said the substructure of the bridge has been put together, and the contractor is in the process of sitting the steel trusses in place. Then a bridge deck will be poured, finishing up with some roadway work. The completion date of the original contract was November 24. They encountered some sub-surface issues when placing the drill shafts so that has extended some of the production rates and delayed completion of the job to about December 23. The bridge should be opened to traffic by December 23. He asked if the Board had any questions.

Ms. Mallek said they have been working Saturdays to do the assembly. The steel was a month late being delivered in addition to the problems with the piers. She said the neighborhood is very pleased to see so much effort going on.

Ms. Thomas said some people asked her about recycling and whether any parts of the old bridge could be turned into scrap metal. She had heard about the lead-based paint problem, so she told them she did not know what could be done. Mr. Shirley said the majority of the structure was removed by the contractor for scrap, but there was lead-based paint throughout the structure. That minimized the ability to reuse that material, so the contractor took possession of it and hauled it away. They did retrieve, through an agreement with VDOT's Research Council, several of the bridge members. Because of the type of structure it was, several members were cut out, saved and taken to the Research Council to study the fracture critical members - it was a very interesting project in that sense.

Ms. Thomas asked if that was the I-beams. Mr. Shirley said "no" it was the loop bars. There were loop bars where the pins went through and you could see the crisscross bars – actually they were looped at the bottom. At the time they were made, there were a couple of methods used. Their researchers are looking at how they were welded together and formed and shaped and the impact of that long-term. They are researching to see what made them better than other pieces.

Ms. Mallek said there was a Hazmat process during the time the bridge was being taken apart. Mr. Shirley explained that they were actually removing the lead-based paint in order to torch cut the pieces to disassemble the structure. You can't cut through lead-based paint, so it had to be removed with needle guns and all the lead captured.

Item No. 17b. Transportation Matters not listed on the Agenda.

Mr. Slutzky said it is noted in VDOT's written report that installation of the pedestrian signal heads at the intersection of Rio Road/Berkmar Drive has been completed. He asked the status of the reciprocal project at Hillsdale/Northfields/Rio (Hillsdale safety improvement project). Mr. DeNunzio said the County has hired the contractor for that work. He thought construction was to start within the next couple of weeks. Mr. David Benish said he would check on the schedule and report to the Board by the end of the day.

Mr. DeNunzio said there is already a permit in place to do the work with VDOT. They have been approving the material submittals. The project is moving forward, it is just that the physical work has not begun yet.

Mr. Slutzky said there is an issue with the wooden Free State Road Bridge. He asked who owns it and if it will be maintained. Mr. DeNunzio replied that he, Mr. Sumpter and railroad officials are meeting next week to discuss the bridge, because the new construction in Belvedere subdivision connects back to Free State Road. Once that section of road in Belvedere becomes a State road, there might not be a need for that bridge connection anymore, so they are going to talk to railroad officials about options.

Mr. Slutzky said the folks in Belvedere want to have that road connectively to the contiguous neighborhood of Northfields. The people in Northfields have historically used that road to get to the Fairview Swim Club which is on the Belvedere side of the bridge. It is a dedicated state road so why would VDOT eliminate a state road that is an interconnecting road between two neighborhoods? Can VDOT do that without the County having some say over the matter? Mr. DeNunzio said it is a Secondary Road, so he is not sure the County would not have a say in the matter. He said available options will need to be discussed with Mr. Sumpter. At this point significant repair is needed to the bridge. He is not sure of its weight limit at this time.

Mr. Slutzky said it would be a shame if VDOT were to terminate the road. Recently, someone called him to point out the historic dimension to this particular bridge – the Free State neighborhood. Since he is leaving the Board, and this conversation is likely to go beyond December 31, he would personally ask this Board to make sure it pays attention to VDOT's conversation with the railroad. If a

resolution of this Board becomes appropriate asking VDOT to do what they need to do to continue this Secondary road connection between two neighborhoods that is valued by both neighborhoods, he would encourage the Board to do it.

Mr. Rooker said that bridge serves an important connection function and he would like for it to remain. The railroad is obligated to maintain the bridge, but the Board should make certain they live up to their obligation to maintain a connection there.

Ms. Mallek said she lives in Earlysville, but has used that connection to get to the Fairview Swim Club.

Ms. Slutzky asked staff to prepare a resolution to be placed on the consent agenda for the December meeting. He asked the other Board members if they agreed with that idea.

Mr. Rooker said if that connection disappears, all of the people using that connection will have to go out onto Rio Road and loop around a heavily trafficked area.

Mr. Slutzky said he lives in Northfields, and they went to Dunlora using that road now that there is a connection between Belvedere and Dunlora to stay off of Rio Road. It is interconnectivity between Dunlora and Belvedere and Northfields and Still Meadows and Carrsbrook. It is a significant connection link and it is the only one along that railroad pass.

Mr. Rooker said that today all the kids who live in that neighborhood can ride their bikes to the swimming pool. If they are forced out to Rio Road it becomes a trip that is more than a mile long.

Mr. Slutzky said there is no sidewalk on that side of Rio Road. He suggested that at VDOT's meeting with the railroad tomorrow it should be noted that the Board will likely be passing a resolution requesting that the road remain open.

Mr. Slutzky said at Rio Road and Putt-Putt lane the Board earlier today favorably supported the Arden Place project. They will be "dumping" their traffic onto Putt-Putt Lane which is a private road with a commercial permit. There is some proffered money available to fund a traffic light at Putt-Putt Lane. He asked that VDOT look closely at their justification for not allowing that light to go forward. He asked if Mr. DeNunzio could explain.

Mr. DeNunzio said in the beginning of the Arden Place project a traffic study was done. They looked at the traffic warrants needed for a signal at the intersection of Putt-Putt Lane and Rio Road; it did not meet any warrants even with the addition of the Arden Place traffic. At least one warrant must be met for VDOT to permit a signal at any intersection. That is consistent with the Manual Uniform Traffic Control Devices requirements.

Mr. Slutzky asked if a traffic death at that intersection would trigger the warrants. Mr. DeNunzio said there is a safety component involved. There are eight warrants – vehicle volume, safety, pedestrian – and so far none of them have been met.

Mr. Slutzky said there have been pedestrians killed within a number of feet of that intersection in the last few years. He asked that Mr. DeNunzio look at where someone was killed crossing Rio Road near that intersection and look at the warrants that might trigger the installation of that light. At next month's meeting he would like to get VDOT's rationale for not letting that light go in.

Mr. DeNunzio said there must be a documented safety issue – not necessarily accidents that cause fatalities or injuries. There must be a documented safety issue that can be associated with a signal correcting the situation. He said installing or not installing a signal can have negative effects on the safety of the roadway. Installing an unwarranted signal can increase other types of accidents, such as rear-end collisions. The severity of the accident has to be weighed against what might happen with a car pulling out and being hit in the side.

Mr. Slutzky said if VDOT says that even with the addition of Arden Place traffic the warrants are not sufficient, he would like to know what type of analysis was done to determine the number of people trying to cross Rio Road in that area. He does not think VDOT has anyway to count the number of pedestrians "taking their lives into their hands" to cross that nearby intersection. There's no crosswalk so there is no point at which to gather data, but it is a serious safety issue. He talked with someone at VDOT in the early stages of the Arden Place project and was told VDOT was concerned about increasing the amount of time it takes to get from the Meadow Creek Parkway to Route 29 by adding another light in that pathway.

Mr. DeNunzio said the warrant study was done independently by Arden Place and submitted to VDOT for review. VDOT reviewed the study but did not necessarily concur with its findings. The independent study from the Arden Place development did not recommend installation of the signal because it did not meet warrants. He asked for an opportunity to go back and look at safety and see if anything was missed in that study.

Mr. Rooker asked if there is a time limit on the proffers from Arden Place regarding contributions toward a stoplight.

Mr. Slutzky responded that there is proffer money from the bank that has been in place for years, and some money from Mr. L.F. Wood who owns Putt-Putt Lane. He has the private commercial entrance. Mr. DeNunzio said there is some misunderstanding about the money being held. The bank and Mr. Wood committed through proffers to pay for the signal installation. When they first started looking at this project, there was a misunderstanding that there was \$100,000 in bond money set aside for VDOT to use whenever it was needed. That money was released when Putt-Putt Lane was constructed – it was not associated with the traffic signal. The traffic signal is its own proffer and the money has to come from those two individuals at the time it should be installed. He is not aware of any time limit on it.

Mr. Rooker said he wanted to understand whether it makes a difference that the study was done before construction of the Arden Place property begins. Once the development is constructed, a study of the number of pedestrians will be entirely different than just imagining today what it is given current conditions. There may be some urgency if there is a proffer with two individuals or entities that may or may not be here in ten years. It may be wise to nail it down given the nature of some banks, etc.

Mr. Slutzky said Arden Place has a strong interest in having that light and a crosswalk since that is a profound amenity to the successful functioning of their project. They made it clear to the Planning Commission that they would be willing to fund that traffic light in addition to the existing proffers that are aren't covered by bonds. Mr. DeNunzio said he knows the developer is interested in putting that in. Their traffic engineers said it is not warranted and VDOT agreed. Without meeting warrants, the signal cannot be installed.

Mr. Slutzky asked that VDOT revisit this question from a safety prospective, take into account the instance of the fatality in the immediate area, and the degree to which lack of a crossing puts a lot of people at risk. Mr. DeNunzio agreed that VDOT could also look at the number of pedestrians in the area.

Ms. Mallek said the next phase of this project will be the commercial section and that traffic will also exit through Putt-Putt Lane. Mr. DeNunzio said the commercial section should trigger the warrants, but that wasn't part of the proposal. Also, it will depend on whether the commercial entrance has a right-in/right-out off of Rio Road which is what they wanted.

Ms. Thomas said the Planning Commission apparently removed that provision.

Mr. Slutzky said there are two different issues. There was a separate entrance onto Rio Road that would divide the commercial portion of that property, but that's no longer part of their site plan. Apparently, they have now achieved an alternative way in and out through the back by the Carmike Theatre as their second entrance point. The practical matter is that all of their traffic will flow out Putt-Putt Lane. Mr. DeNunzio said he thought when the commercial came in there would be another request for an additional entrance onto Rio Road.

Mr. Slutzky said given that this property is in the middle of growth area at a critical intersection, the likelihood of the commercial space being developed is high. Between now and when it is found that traffic light is needed, two things will happen. One, the cost of installing the light will go up, and, two, somebody will get hurt or killed on that road. He asked that VDOT look closely at all the possible rationalizations it can use to get that light in now rather than waiting for it to be installed in a couple of years.

Ms. Mallek said she asked Ms. Valerie Long earlier today if the commercial area would have its own exit, and she said "no." All traffic is to go to Putt-Putt Lane and out that way. Mr. DeNunzio said that is different than it was when VDOT talked to the Planning Commission. The commercial was to have enough spacing to have a right-in/right-out, and he had not heard otherwise. He said that will help with the signal warrants.

Mr. Rooker said there is nothing that prevents the applicant from submitting a revised site plan at the time the commercial comes in asking for an exit, but Ms. Long said they play no part in that.

Mr. Slutzky said this is a big struggle because there are a lot of people at this time walking Route 29 and crossing Rio Road at 29. If there were a controlled intersection crosswalk further down, he believes people would use it.

Mr. Rooker said some lines were put on Route 29 at its intersection with Hydraulic Road at the request of Mr. Carl Hull. Mr. DeNunzio said they are step lines. Mr. Rooker said that is true but they are apparently coming off of the road already. Mr. DeNunzio said someone had called VDOT on November 2 about that.

Mr. Rooker complimented VDOT for the work on the pedestrian signal crossing on Whitewood/Lambs/Hydraulic Road near Albemarle High School. He said an excellent job was done.

Mr. Rooker thanked VDOT for its work on the Broomley Road railroad bridge, the design work and the preliminary engineering work to demonstrate to the neighbors the extent of the work that will be required and the potential cost. Mr. DeNunzio said VDOT is currently looking at scoping that work to get a project together for the Six-Year Plan.

Ms. Thomas said there was a request for a resolution on the Consent Agenda which referred to Carters Mountain Road from the intersection of Route 20 to .01 miles north. She said that made no sense to her since Carters Mountain Road doesn't go to Scottsville Road. It came to the Board without any explanation and she asked that it be pulled. Mr. DeNunzio said he and Mr. David Benish spoke about this before the meeting. They think it is best to put off the request for a month. He assumes an error was made back when the project was built. The distance shows as .01 miles, which is a little over 50 feet. Typically, these resolutions have to come through for centerline mileage of the road, so if the road is shifted 50 feet or if the road is widened and it ends up being a full 50 feet wider, the centerline of another intersecting road reduces by 50 feet, so they have resolutions passed to have the centerline mileage of that road reduced. It doesn't mean that VDOT is discontinuing maintenance on any section of road. Essentially, VDOT's Central Office probably found an error, so they sent it in to have a resolution passed, but he will look into it.

Ms. Thomas said she has another matter which is far more serious. There have been several fatalities in the last month on Route 29 South. She talked to the Chief of Police and she knows that lack of seatbelt use was a contributing factor in all three fatalities – but they all happened in a cluster, The community is alarmed and wondering if there is something bad about their road. Ironically, it was described to the Board last month that it was repaved to help its anti-skid conditions, but skidding was in fact what happened with one of the fatalities. She said the Police Chief said he will be meeting with VDOT and others tomorrow. Mr. DeNunzio said he knows the Police contacted VDOT to get a meeting together to address the safety issues associated with these recent fatalities. He said Mr. Sumpter will be back tomorrow, and Mr. Chris Blank will also attend that meeting.

Mr. Blank said the meeting was called for by the Albemarle County Police. They want to focus on the three major components of road safety – engineering, enforcement and education. He said this task force will include Albemarle County Police, State Police, VDOT and the DMV. It will be a brainstorming session to develop ideas to increase safety. Those fatalities weren't necessarily related to any particular condition on Route 29 South other than a combination of nonuse of seatbelts and rainy conditions.

Mr. Tucker said he submitted some material to the Board on Monday concerning the Hatton Ferry. A letter was received from VDOT regarding transfer of the Hatton Ferry. He said Mr. Jim Utterback indicated that VDOT would either transfer or permanently close the Hatton Ferry by December 31, 2009. He indicated that State law prohibits VDOT from transferring the ferry to a private entity; however, it appears VDOT could transfer ownership to a political subdivision which could then transfer ownership to a private entity. VDOT is asking if Albemarle County is interested in accepting transfer of the ferry.

Mr. Tucker said that at this time, staff is concerned about transferring it to Albemarle County. One concern is the financial situation the County is facing. Also, staff in the Parks and Recreation Department is being reduced and they would be the most likely to main the ferry. Since their seasonal staff is being cut, their summer staff will be cut in half by next summer. Two major parks which probably be moved forward next year and the year after which will stress staffing further. If the ferry is to be transferred to a political entity, Scottsville would be more appropriate because of logistics. The Historical Society is working to raise money and Scottsville would benefit more from tourism than Albemarle County. He has not discussed this with anyone in the Town since he did not know if the Board would be amenable to the suggestion. He mentioned that Mr. Davis has researched this question and found that there is no legislative authority at the State level for a political entity to operate the ferry, but a private entity could. He said it may not make any difference who accepts the transfer if the ferry is going to a private entity anyway.

Mr. Slutzky said it does not make sense to transfer the ferry to the town of Scottsville if they cannot operate it either. Mr. Tucker said neither entity could, but it has to go to one or the other.

Mr. Davis said VDOT determined that they cannot make a donation of the ferry to any entity other than a governmental entity, such as Albemarle or Scottsville. His research seems to indicate that it is a fairly clear issue. There is a specific enabling statute in Title 33.1 that enables VDOT to operate a ferry, but there is not similar legal authority for a county to do so. There appears to be a Dillon Rule issue with a county operating a ferry. In addition, it is an inter-jurisdictional operation. Albemarle's jurisdiction only goes to the middle of the river, and it does not have the authority to operate a ferry in Buckingham County. He said if the County or the town accepted the ferry as a donation they would have the ability to transfer it to a proper not-for-profit corporation, either a historical events corporation or a charitable organization that provides services to citizens of the community.

Mr. Davis said as he understands the VDOT letter, they are willing to issue a permit to a qualifying entity to continue to operate the ferry. If they were to issue a permit to that not-for-profit, they would not be constrained by the Dillon Rule. They also would not be constrained by zoning because it would be a facility that is owned by VDOT in a VDOT right-of-way. They would not be constrained by Buckingham County because it would be a VDOT facility that would be operated by permit by this not-for-profit. If the ferry is to continue, the most expedient legal path is to get it into the hands of a not-for-profit that is willing to operate it. Since VDOT cannot give the ferry directly there has to be a middle governmental entity to pass it on to a not-for-profit to operate by permit from VDOT.

Mr. Slutzky said it sounds like the County or Scottsville needs to be the conduit. He said it doesn't matter in the end, it just complicates it another step.

Mr. Boyd said he interpreted the letter to say that VDOT is going to transfer it to somebody because they want it off of their hands. Mr. Tucker said they could also close it.

Mr. Rooker said he does not understand what they mean when they say they will close it - it is not running now. Would they actually take it out of the water and scrap the whole thing? Mr. Tucker said he thinks they would beach it.

Mr. Rooker asked what it means when they say they are going to close it - if they did not do it until March of next year, what difference would it make? Mr. DeNunzio said he thinks it would be declared surplus and would go to the Department of General Services as surplus material and probably scraped.

Mr. Slutzky said if it was made surplus material and its ownership transferred, have they basically given it to a nongovernment body. Mr. DeNunzio said DGS is a governmental body. He does not think they would necessarily sell it, but DGS is the department that must transfer it to a governmental agency.

Ms. Thomas said the letter says the ferry has a \$400 value as scrap.

Mr. Slutzky said if it is given to a private body as scrap it is a disposition of a State asset which they say they cannot make, yet it says they can.

Mr. Boyd said they can because the value is less than \$500.

Mr. Slutzky asked if they could call it scrap and give it to the next operator directly for \$500 worth of declared value. This seems like a lot of process for this amount of money. Mr. DeNunzio said it is his understanding that it has to be transferred.

Ms. Davis said VDOT would have to go through their disposition of surplus property process, which would probably mean selling it to someone if there was a market for it or scrapping it if there wasn't a market for it. The value of the ferry according to the letter is only \$423 more than the scrap value, which is why they can make a donation – it is less than \$500.

Mr. Slutzky said an entity has been created to receive donations and they already have \$20,000 with a promise of a possible similar amount. There is an existing not-for-profit entity to whom the County could potentially give it if it was received from VDOT. He asked if there is any reason the Board cannot do that. Mr. Davis said the Board has not heard any not-for-profit say they are able to operate it without governmental assistance. If a not-for-profit will take the ferry "no strings attached" and operate it, that is a solution. However, the Board is not hearing that; they said there is not a long-term financial plan and if the County is the middle person in this, there may be an expectation that the County will be there with deep pockets to keep it operating. The Board has to decide if it wants to create that expectation.

Ms. Thomas said the County would have "its hands washed of it" if it received the ferry and gave it to a nonprofit. It would then be their job to either develop an endowment or ask the Board for money two years from now, or scrap it. Mr. Davis said they would have to operate under a permit from VDOT to operate within the right-of-way of ferry operations. The letter indicates that VDOT is willing to do that.

Mr. DeNunzio said the permit the letter refers to is actually just a land-use permit for the approaches; the actual operation of the ferry doesn't need to be permitted. To physically take the ferry to the landing, it is still a State roadway and VDOT needs to issue a permit for that on both sides of the river.

Mr. Slutzky asked Mr. Stephen Meeks to speak.

Mr. Meeks said the Board of Directors of the Charlottesville/Albemarle Historical Society hasn't addressed this question yet. He has been pursuing options for the Society to take over management of the ferry; they are interested in possibly managing it. They have raised enough money to operate it next year based on past operating fees. The long-term financial situation is dependent upon the final disposition of the ferry. If the Society or any other entity would get the ferry, there would be something to build on and go forward with. They already have a land-use agreement with VDOT for maintenance of the ferrymen's hut and the kiosk. They have had a relationship with VDOT for at least 15 years.

Mr. Slutzky suggested that Mr. Meeks ask his Board to decide whether they would like Albemarle County, at its first in December, to do process-wise whatever is required. He asked if there are any notices required for disposition of an asset once it were received from VDOT that might create a problem. Could the Board receive it and dispatch it on the same day? Mr. Davis said he thinks the sooner it could be passed on the better it would be for the County from a liability standpoint; he does not think the County would want to deal with insurance and other issues on more than a minimal basis.

Mr. Slutzky said if there are no process impediments, this sounds like the path the Board should take. He thinks the Historical Society needs to take an action and inform the Board so it can be on the agenda for the first meeting in December. It sounds as though the Board is receptive to accommodating the transfer through the County to the Society of this valuable historic asset.

Mr. Boyd said he would like to pursue the town of Scottsville handling the transaction if possible.

Mr. Slutzky asked if legal counsel for the town could advise them on this matter. Mr. Davis said they can.

Mr. Rooker said the issue is whether the Historical Society is willing to take title. Mr. Davis said if VDOT passes the ferry to the County, he thinks the Board intends to pass it on immediately.

Mr. Slutzky asked if it would be sufficient to get a sense of the Board members subject to the facts and details being brought forward. Is it true that everybody is open-minded and receptive to the idea of facilitating the transfer of this asset from VDOT to the Historical Society if they want to take it, so the ferry can be saved, without any commitment of further funding from the County?

Mr. Meeks said that is fully understood.

Agenda Item No. 18. **Public Hearing:** Downtown Crozet Streetscape Enhancement Project – (TEA-21) Transportation Enhancement Program Grant. To consider applying for up to \$250,000 in funds under the Commonwealth of Virginia's Transportation Enhancement Program (TEA-21) for streetscape improvements to both sides of Crozet Avenue (Rt 240) between Tabor Street (Rt 691) and the Square. (Notice of this public hearing was advertised in the Daily Progress on October 19 and October 26, 2009.)

Mr. David Benish, Chief of Planning, said this is a public hearing to receive comments on the County's application for an enhancement program grant. The transportation enhancement program fosters choices in travel by providing funding for sidewalks, bike lanes and other enhancements to the transportation system. He said staff is preparing a \$250,000 grant proposal for the construction of the Crozet Streetscape Project which is now 95 percent complete in terms of design; the County previously received \$300,000 in TEA-21 grants for the streetscape projects which were awarded for Phases II and III.

Mr. Benish said the purpose of this grant is to apply for \$250,000 for the last phase (Phase III), and as part of the grant application process this public hearing is required. He said Mr. Jack Kelsey from the Office of Facilities Management is present this morning and will answer questions. That office is the lead on the project at this time. A description of the improvements is in the staff's report. To summarize, they are largely streetscape types of improvements, sidewalk, curb and gutter, and drainage improvements, and cross-section improvements and decorative lighting, fixtures and furniture. The grant requires a 20 percent match, and the County's portion of the investment in this project far exceeds that 20 percent. Although this grant application is for \$250,000, the vast majority of the \$2.5 million project is being funded by the County so the match is fully met. He said that after holding the public hearing, staff would recommend that the Board approve the required resolution supporting the application for the grant.

Mr. Boyd asked if this grant is just for the engineering, and is the \$2.5 million for the project already set aside. Mr. Benish said it is for construction of the project. Mr. Kelsey can better explain the exact use of the funding, but most of the design is complete. This money would be used for actual construction.

Mr. Boyd asked if the County has the rest of the money. Mr. Benish said "yes." He said a grant application was made many years ago in the first round of the application. The County asked for about \$1.0 million, and it was awarded approximately the amount requested but over three phases of the project. Initially the County was awarded \$150,000, and then another \$150,000. This application is for the last phase of the grant the County was initially awarded. The original request for was more money, but the grant was for less; the County then subsequently funded the rest of the project using its own funds.

Mr. Boyd asked if this is a \$2.5 million project for all of the phases. Mr. Benish said "yes."

Mr. Boyd wondered whether in the current budget situation this is an appropriate expenditure. There are two master plans and no one seems to remember there is absolutely no funding for Pantops, while at the same time throwing millions of dollars into Crozet. He did not remember that the Board had set aside \$2.5 million, given the current budget constraints, to do streetscaping in Crozet.

Mr. Slutzky said there are some proffers to fund some infrastructure needs in the Pantops area. Mr. Benish said some proffered funds are available for projects such as interchange improvements at Route 250 and there are two sidewalk projects in that area.

Mr. Rooker said there are sidewalks on State Farm Boulevard. Mr. Benish said there are also sidewalk projects on South Pantops Drive and extending sidewalks along Route 250 totaling about \$1.0 million.

Mr. Slutzky said when the County gets to Places29, there will be money needed for infrastructure there.

Mr. Boyd wondered if this needs to be rethought given the current financial situation.

Mr. Slutzky said the Board delayed \$100.0 million in the Capital budget this year so he thinks it has been rethinking some items.

Mr. Rooker said once a decision is made for a \$2.5 million project and grants are applied for, taken and utilized for that project, the project is committed.

Mr. Boyd said he can understand if the grant is tied to the project.

Mr. Benish said this project started a number of years ago during better financial times; a fair amount of investment has been made to move it forward. It is a key implementation measure for the downtown Crozet district which is a high priority recommendation for Crozet. A lot of money was invested in the project prior to the current budget constraints. Because of the allocations already made to the project over the past several years, and the match required, this particular grant application is already covered. From staff's perspective, the request is for \$250,000 and it is being matched with the 20 percent funding that has been in place for a number of years. Mr. Davis said there is a condition for these grants - if the project is not completed the County would have to reimburse the grant money of \$300,000 previously accepted.

Mr. Rooker said you can't accept a grant and then decide not to pursue the project.

Mr. Boyd said as part of the CIP Oversight Committee's review, he will ask that they look at the moneys previously approved for projects that have not moved forward, and whether those projects should remain on the list. If the money is tied to grants, he understands the projects have to go forward, but there is a lot of money in the CIP Fund Balance for previously approved projects that the Board might have to rethink.

Mr. Slutzky said that "kitty" could be raided, and there would be no infrastructure, but it would save some tax money on the operating budget the next several years.

Mr. Boyd said asked if ISTE (Intermodal Surface Transportation Efficiency Act) money could be pursued for some of the projects the Pantops Advisory Group would like to see done. Mr. Benish said several projects have been potentially targeted for next year's TEA-21 round, but the County might have to come up with a 20 percent match. Being on the Technical Review Team for the CIP, he knows there will not be a lot of excess funds to match grants in the future - to the extent a way can be found to do that with prior allocations the Team will move forward with a number of candidates for TEA-21 grant proposals. It is a competitive grant process. They coordinate these requests with the region and the City so they are not competing with each other and can put together the best grant applications possible to ensure funding is received. Selecting possible projects is still preliminary, but they are looking at a number of possible projects for next year.

Ms. Thomas asked if there will still be enhancement grants next year. Mr. Benish said staff is not sure.

Ms. Thomas asked if staff is sure there are enhancement grants available this year. Ms. Benish said there will be grants this year; this is Federal money that passed through and is managed by VDOT.

Mr. Slutzky said if there were no further questions, he would open the public hearing. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

Ms. Mallek immediately offered **motion** to adopt the following resolution for the downtown Crozet Streetscape Enhancement Project. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

RESOLUTION

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedure for a TEA-21 Enhancement Grant application, it is necessary that a request by resolution be received from the Board of Supervisors in order for the Virginia Department of Transportation to approve an enhancement project in the County of Albemarle;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County, Virginia, hereby requests the Commonwealth Transportation Board to fund the Historic Crozet Streetscape Enhancement Project; and

BE IT FURTHER, RESOLVED, that the Board of Supervisors hereby agrees to pay a minimum of twenty (20) percent of the total cost of this project, and that if the County of Albemarle subsequently elects to cancel this project, it agrees to reimburse the Virginia Department of Transportation for the total amount of the cost expended by the Department up to the date the Department is notified of such cancellation.

Agenda Item No. 19. **Public Hearing:** FY 2010 Budget Amendment. (Notice of this public hearing was published in the Daily Progress on October 25, 2009)

Mr. Richard Wiggins, Director of Finance, said this public hearing is for a FY 2010 budget amendment in the amount of \$18,676,310.43, and approval of Appropriation Nos. 2010-037 and 2010-039 through 2010-049. The amendment is comprised of 13 separate appropriations, one of which was approved at the Board's meeting on October 14 (\$171,000 for the emergency rescue notification system); the 12 new appropriations totaling \$18,505,311.74 are outlined on Attachment "A" set out below.

Attachment A

Appropriation No. 2001-037, \$113,508.00. Revenue Source: State Revenue \$6,885.00; Federal Revenue \$106,623.00. This request is for the following public safety grants:

- The Department of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$45,000.00 with a local match of \$2,429.70, and an in-kind local match of \$7,390.00 to assist in overtime expenses, training and equipment for traffic safety. The \$2,429.70 local match is from existing funds.
- The U.S. Department of Justice awarded the Albemarle County Police Department a grant in the amount of \$27,623.00 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 Department of Justice awarded Bedford County a grant in the amount of \$95,000.00 to assist in investigations of Internet Crimes against Children. Bedford has designated Albemarle County as a district area in the fight against internet crime and is providing Albemarle County \$19,000.00. This money will provide overtime, training and investigative equipment. There is no local match.
- The Commonwealth of Virginia, Office of Emergency Medical Services, awarded the Fire/Rescue Department a grant in the amount of \$4,860.00. This grant will allow the Department to purchase surgical masks to be used during a State declared pandemic (i.e. swine-origin influenza A [H1N1] virus infection). There is no local match.
- The Office of the Attorney General awarded the Albemarle County Sheriff's Department a grant in the amount of \$2,025.00 with a local match of \$225.00 for a total grant award of \$2,250.00. The purpose of this grant is to assist in educational programs and materials for seniors in the community. The local match will come from existing funds.
- The Commonwealth of Virginia Department of Motor Vehicles awarded the Albemarle County Sheriff's Office a grant in the amount of \$15,000.00 with a local match of \$3,000.00 for a total grant of \$18,000.00. This grant will assist in the purchase of two additional radar units as well as funding overtime hours for DUI checkpoints and speed enforcement. The local match will come from existing funds.

Appropriation No. 2010-0039, \$56,850.00. Revenue Source: State Revenue \$56,850.00.

The Virginia Office of EMS awarded Albemarle County Fire/Rescue a grant in the amount of \$56,850.00 with an equivalent local match of \$56,850.00. The local match will come from existing funds previously appropriated (FY '09 balance request). The purpose of this grant is to assist in the purchase of new radio pagers for volunteer fire and rescue personnel and their stations.

Appropriation No. 2010-040, \$579,710.00. Revenue Source: State Revenue \$266,210.00; ECC Fund Balance \$313,500.00.

This request appropriates a \$266,210.00 grant for the purchase of Emergency 911 Telephone System equipment that will be installed at the County's Fifth Street facility. This equipment will be a backup to strengthen the ability for quick recovery in the event of an evacuation or failure at the primary public safety answering point. The grant does not require a local match.

This request appropriates \$313,500.00 from the Emergency Communication Center's Fund Balance for capital improvement projects in FY '09-10. The Emergency Communications Center Management Board authorized the transfer of these funds on May 19, 2009. This appropriation includes the following projects.

- \$65,000.00 to replace equipment related to the ECC's backup power supply needed in the event of a complete power failure;
- \$15,000.00 to replace a server that provides records management for the area's three Police departments;
- \$60,000.00 to replace the Community Notification System used to notify large segments of the population in a short period of time during an emergency crisis;
- \$40,000.00 to replace batteries related to the ECC's backup power supply needed in the event of a complete power failure;
- \$43,000.00 to replace three aging servers in the ECC;
- \$20,000.00 to replace and upgrade portions of the HVAC system for the ECC;
- \$70,500.00 to purchase additional portable handheld radios and chargers to be used by the three jurisdictions for emergencies or planned events that exceed the current daily capabilities.

Appropriation No. 2010-041, \$59,440.00. Revenue Source: Local Revenue \$59,440.00. The County has authorized the Grant Project Director for Foothills Child Advocacy Center to

remain on the County payroll for FY '09-10. All salary and benefits will be reimbursed by Foothills on a quarterly basis.

Appropriation No. 2010-042, \$14,682,202.17. Revenue Sources: Local Revenue \$25,000.00; State Revenue \$77,446.44; Loan Proceeds \$250,000.00; General CIP Fund Balance \$14,329,755.73. This request reappropriates the remaining balances of active General Government Capital Improvement projects that were uncompleted as of June 30, 2009.

Appropriation No. 2010-043, \$509,683.76. Revenue Source: School CIP Fund Balance \$1,452,731.14. This request reappropriates the remaining balances of active School Capital Improvement projects that were uncompleted as of June 30, 2009.

Appropriation No. 2010-044, \$1,313,467.37. Revenue Source: Stormwater CIP Fund Balance \$1,313,467.37. This request reappropriates the remaining balances of active Stormwater Capital Improvement projects that were uncompleted as of June 30, 2009.

Appropriation No. 2010-045, \$2,200.00. Revenue Source: State Revenue \$2,200.00. The Department of Criminal Justice Services awarded the Commission on Children and Families a one-time grant in the amount of \$8,869.00 with a local match of \$986.00 for a total award of \$9,855.00. This grant will provide training moneys for presenters to continue education for staff. Local match moneys were provided by CASA. This grant was previously appropriated. Additional moneys in the amount of \$2,200.00 have been given by the Supreme Court of Virginia to assist in further training.

Appropriation No. 2010-046, \$165,755.00. Revenue Source: Local Revenue \$41,438.00; Federal Revenue \$124,317.00. The Department of Criminal Justice Services awarded the OAR/JACC a grant in the amount of \$124,317.00 with a local match of \$41,438.00 for a total award of \$165,755.00. This grant will assist in the training and education of police officers to improve their understanding and interactions with citizens having a mental illness including signs and symptoms. Albemarle County will serve as fiscal agent for this grant. Local match moneys will be comprised of several local agencies and boards.

Appropriation No. 2010-047, \$4,446.75. Revenue Source: Local Revenue \$4,446.75. Albemarle High School received donations totaling \$4,446.75. Mr. William J. Bargh donated \$2,000.00, Robert Bell donated \$25.00, Mr. and Mrs. John Davison donated \$300.00, Mr. and Mrs. Mark Mendelsohn donated \$100.00, Mr. and Mrs. Michael Tubridy donated \$1,900.00, and a cash donation was made at Albemarle High School in the amount of \$121.75. The donors have requested that their contributions be used toward the installation of a synthetic turf field at Albemarle High School. The current balance for the FY '09-10 AHS Synthetic Turf Project is \$5,546.75 including these donations. The balance from FY '08-09 was \$4,366.66 for a grand total of \$9,913.41. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor. The balance required to begin construction is \$650,000.00 leaving Albemarle High School with a balance of \$315,086.59 to garner matching funds.

Appropriation No. 2010-048, \$25,000.00. Revenue Source: Local Revenue \$25,000.00. The Human Resources Department is requesting an increase of \$25,000.00 in the current operational budget. This increase represents training expenses incurred for the training of School Division employees in which the School Division pays the cost. Funding is currently budgeted within the School Division for this training. This appropriation will transfer money from the Schools into Organizational Development to cover the costs associated with the training.

Appropriation No. 2010-049, \$50,000.00. Revenue Source: General Government's CIP Fund Balance \$50,000.00. The County is poised to execute the SPCA Agreement at the November 4, 2009, Board of Supervisors' meeting. If the Agreement is approved, the County will be responsible for payment of a capital contribution in the amount of \$50,000.00, to be paid on or before December 31, 2009.

Mr. Wiggins said that after holding the public hearing, staff recommends approval of the FY 2010 budget amendment in the amount of \$18,676,310.43, and approval of Appropriation Nos. 2010-037 and 2010-039 through 2010-049.

Ms. Thomas said there is a grant noted for the County Police Department to support Community Policing. She said the Police Department had to drop its Community Policing unit, and she wondered if this means the program might be reinstated. Mr. Brian Elliott, Assistant County Executive, explained that there are some elements of the community policing efforts still being implemented by the department, primarily the apartment coalition. These funds are going toward that effort, but as to community policing in terms of what was seen in the late 90s, that will not happen. There is still some outreach to neighborhood watch groups, and there is the apartment coalition, and then training of officers for contractual overtime in various communities.

Ms. Thomas said since the Board was accused during the recent campaign of having departments quickly spend all of their money at the end of each session, she wanted to point out that there is a reappropriation of remaining balances of General Government CIP projects, reappropriation of active School Capital Improvement projects and reappropriation of active Stormwater Capital Improvement projects, which is done each year. It is the Board's way to make sure there isn't stressful spending at the end of each session so people can realize their projects will be carried over.

Mr. Boyd said he knows the \$50,000.00 expenditure for the SPCA was unexpected. Also it was not known that people would donate money and that has to be appropriated, but is there anything else in this list of appropriations which was unexpected or is this just carry-over funds. Mr. Tucker said the expenditure for the SPCA was anticipated, but it cannot be expended until the Board approves the agreement.

Mr. Boyd said it was not budgeted as other things were. Mr. Tucker said that is correct.

Mr. Rooker said the ECC items are needed because the County acts as its fiscal manager. Mr. Tucker said that is correct.

Mr. Boyd said he would like to have a recap of ECC appropriations since it seems like millions of dollars. Mr. Tucker said it is one of the few programs where Federal funds are available.

Mr. Slutzky said if there were no further questions for staff, he would open the public hearing. With no one from the public rising to speak, the hearing was closed and the matter was placed before the Board.

Mr. Rooker immediately offered **motion** to approve the FY 2010 budget amendment in the amount of \$18,676,310.43 and to approve Resolutions of Appropriation Nos. 2010-037, and 2010-039 through 2010-049 (all as set out below).

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

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

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2010-037
 DATE: 11-04-09
 EXPLANATION: Public Safety Grants

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1534	33000	330011	Federal DMV Grants	J2	45,000.00		
2	1534	51000	512004	Transfer - General Fund	J2	2,429.70		
1	1534	31013	120000	Overtime	J1	31,705.00		
1	1534	31013	210000	FICA	J1	2,429.70		
1	1534	31013	550100	Training	J1	1,305.00		
1	1534	31013	800100	Machinery & Equipment	J	11,990.00		
1	1000	31013	210000	FICA	J1	(2,429.70)		
1	1000	31013	930210	Transfer-Misc Police Grants	J1	2,429.70		
	1534		0501	Est. Revenue			47,429.70	
			0701	Appropriation				47,429.70
2	1536	33000	300001	Federal Revenue	J2	27,623.00		
1	1536	31013	120000	Overtime	J1	25,509.84		
1	1536	31013	210000	FICA	J1	2,113.16		
	1536		0501	Est. Revenue			27,623.00	
			0701	Appropriation				27,623.00
2	1528	33000	330033	DOF Pass-thru: Bedford	J2	19,000.00		
1	1528	31013	120000	Overtime	J1	3,509.30		
1	1528	31013	210000	FICA	J1	290.70		
1	1528	31013	550403	Training	J1	4,000.00		
1	1528	31013	800100	Machinery & Equipment	J1	11,200.00		
	1528		0501	Est. Revenue			19,000.00	
			0701	Appropriation				19,000.00
2	1555	24000	240415	EMS Funds	J2	4,860.00		
1	1555	32015	600400	Medical & Lab Supplies	J1	4,860.00		
	1555		0501	Est. Revenue			4,860.00	
			0701	Appropriation				4,860.00
2	1213	24000	240443	OAG-Attorney General	J2	2,025.00		
2	1213	51000	512004	Transfer - General Fund	J2	225.00		
1	1213	21070	580000	Miscellaneous Expenses	J1	2,250.00		
	1213		0501	Est. Revenue			2,250.00	
			0701	Appropriation				2,250.00
2	1214	33000	330011	Federal DMV Grants	J2	15,000.00		
2	1214	51000	512004	Transfer - General Fund	J2	3,000.00		
1	1214	21070	120000	Overtime	J1	11,000.00		
1	1214	21070	210000	FICA	J1	841.50		
1	1214	21070	580000	Miscellaneous Expenses	J1	668.00		
1	1214	21070	600800	Vehicle - Fuel	J1	1,490.50		
1	1214	21070	800311	Radar Units - New	J1	4,000.00		
	1214		0501	Est. Revenue			18,000.00	
			0701	Appropriation				18,000.00
TOTAL						238,325.40	119,162.70	119,162.70

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2010-039
 DATE: 11-04-09
 EXPLANATION: Fire/Rescue Grant from the Dept. of Health, Office of Emergency Services

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9010	24000	240415	Emergency Medical Services	J2	56,850.00		
1	9010	32010	800313	EMG Radfio Notification System	J1	56,850.00		
	9010		0501	Est. Revenue			56,850.00	

0701	Appropriation			56,850.00
TOTAL			113,700.00	56,850.00 56,850.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2010-040
 DATE: 11-04-09
 EXPLANATION: ECC - VITA Grant and Project Appropriations

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	4100	31041	800700	ADP Equipment	J1	266,210.00		
1	4100	31041	800700	ADP Equipment	J1	65,000.00		
1	4100	31041	800700	ADP Equipment	J1	15,000.00		
1	4100	31041	800700	ADP Equipment	J1	60,000.00		
1	4100	31041	800700	ADP Equipment	J1	40,000.00		
1	4100	31041	800700	ADP Equipment	J1	43,000.00		
1	4100	31041	331800	R&M Buildings	J1	20,000.00		
1	4100	31041	800700	ADP Equipment	J1	70,500.00		
2	4100	24000	240551	VITA E911				
				PSAP OFFSITE GR	J2	266,210.00		
2	4100	5100	510100	ECC Fund Balance	J2	313,500.00		
			0501	Est. Revenue			579,710.00	
			0701	Appropriation				579,710.00
TOTAL						1,159,420.00	579,710.00	579,710.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2010-041
 DATE: 11-04-09
 EXPLANATION: Foothills Child Advocacy Center

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1569	19000	190248	Recovered Costs-Foothills	J2	59,440.00		
1	1569	53157	110000	Salaries - Regular	J1	43,000.00		
1	1569	53157	210000	FICA	J1	3,254.00		
1	1569	53157	221000	VRS	J1	5,822.00		
1	1569	53157	231000	Health Insurance	J1	6,780.00		
1	1569	53157	232000	Dental Insurance	J1	244.00		
1	1569	53157	241000	VRS Group Life	J1	340.00		
			0501	Est. Revenue			59,440.00	
			0701	Appropriation				59,440.00
TOTAL						118,880.00	59,440.00	59,440.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2010-042
 DATE: 11-04-09
 EXPLANATION: Reappropriation of projects and programs from FY09 General Government CIP

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9010	13020	800736	Voter Registrar - Voting Machine Replacement	J1	106,000.00		
1	9010	21000	950135	Court Facilities - Court Square Enhancements	J1	35,870.72		
1	9010	21000	950301	Court Facilities - Old Jail Facility Maintenance	J1	62,131.88		
1	9010	21050	331000	Juvenile Court - Repair & Maintenance	J1	81,399.52		
1	9010	21060	800708	Clerk of Circuit Court Document Imaging System	J1	77,446.44		
1	9010	31000	800305	Public Safety - Radio System	J1	20,865.19		
1	9010	32010	999999	Fire Dept-Contingency y	J1	93,779.24		
1	9010	32021	312350	East Ivy Station-A/E	J1	250,000.00		
1	9010	41000	800960	Engineering - Street Lights	J1	385,231.74		
1	9010	41000	950039	Engineering - Meadowcreek Pkwy	J1	28,125.74		
1	9010	41000	950061	Engineering - Meadowcreek Path	J1	20,000.00		
1	9010	41000	950110	Engineering - Records Management System	J1	554,000.00		
1	9010	41020	950081	St Improvements - Revenue Sharing Roads	J1	1,074,697.90		
1	9010	41020	950115	St Improvements - Airport Road Landscaping	J1	22,904.10		
1	9010	41020	950136	St Improvements - Transport PL/Const-Local	J1	3,703,833.82		
1	9010	41020	950220	St Improvements - Transport PL/Const-Regional	J1	205,005.36		
1	9010	41020	950223	St Improvements - Transport PL-RS-Supp	J1	1,000,000.00		
1	9010	41350	950511	Sidewalk Program - Avon St	J1	73,000.00		
1	9010	41350	950513	Sidewalk Program - Hilltop Tabor	J1	200,000.00		
1	9010	41350	950517	Sidewalk Program - Ivy Rd Sidewalk	J1	171,000.00		
1	9010	41350	950518	Sidewalk Program - Rte 250 West	J1	161,000.00		
1	9010	41350	950519	Sidewalk Program - Fontaine Ave	J1	90,000.00		
1	9010	41350	999999	Sidewalk Program - Contingency	J1	113,823.11		
1	9010	43100	950169	Public Works - Roadway Landscaping Program	J1	428,887.12		
1	9010	43100	950189	Public Works - COB Auditorium Renovations	J1	10,159.76		
1	9010	71000	800940	Parks & Rec - Park Enhancements	J1	71,783.21		

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1	9010	71000	950009	Parks & Rec – Scottsville Community Center	J1	14,461.58		
1	9010	71000	950044	Parks & Rec – Athletic Field Study/Development	J1	205,245.26		
1	9010	71000	950074	Parks & Rec – Recreation Facilities	J1	2,030,000.00		
1	9010	71000	950121	Parks & Rec – Simpson Park	J1	74,771.70		
1	9010	71000	950202	Parks & Rec – Crozet Greenways	J1	95,340.00		
1	9010	71000	950219	Parks & Rec – Western Park Master Plan	J1	3,652.91		
1	9010	71000	950232	Parks & Rec – Patricia Byrom Park	J1	48,658.92		
1	9010	72030	568901	Tourism - Visitor's Bureau – Maintenance	J1	50,000.00		
1	9010	72030	580416	Tourism – Conservation Easement	J1	46,960.83		
1	9010	72030	800632	Tourism - Parks Enhancements	J1	22,365.00		
1	9010	72030	950107	Tourism - River Access Improvements	J1	10,343.76		
1	9010	81010	580409	Planning – Conservation Easements	J1	1,651,932.36		
1	9010	81010	950147	Planning - GIS Project	J1	455,399.01		
1	9010	81010	950199	Planning-Main Street Crozet	J1	94,688.93		
1	9010	81110	950550	N/Plan - Places 29 Master Plan	J1	535,000.00		
1	9010	81110	950560	N/Plan -Pantops Master Plan	J1	198,731.45		
1	9010	81110	950565	N/Plan -Rivanna Master Plan	J1	50,000.00		
1	9010	81110	999999	N/Plan -Neighborhood Plan Contingency	J1	53,705.61		
2	9010	16000	160536	City - Visitor's Center	J2	25,000.00		
2	9010	24000	240800	Clerk's Technology Trust Fd	J2	77,446.44		
2	9010	41000	410500	Loan Proceeds	J2	250,000.00		
2	9010	51000	510100	Appropriation - F/B	J2	14,187,549.73		
2	9010	51000	512055	Trs. - Avon Park Proffer	J2	61,718.00		
2	9010	51000	512058	Trs. -Stillfried Ln Proffer	J2	80,488.00		
			0501	Est. Revenue			14,682,202.17	
			0701	Appropriation				14,682,202.17
1	8534	93010	930010	Avon Park - Trsf to CIP	J1	61,718.00		
2	8534	51000	510100	Avon Park - App F/B	J2	61,718.00		
	8534		0501	Est. Revenue			61,718.00	
			0701	Appropriation				61,718.00
1	8533	93010	930010	Stillfried Ln - Trsf to CIP		80,488.00		
2	8533	51000	510100	Stillfried Ln - App F/B		80,488.00		
	8533		0501	Est. Revenue			80,488.00	
			0701	Appropriation				80,488.00
TOTAL						29,648,816.34	14,824,408.17	14,824,408.17

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2010-043
DATE: 11-04-09
EXPLANATION: Reappropriation of uncompleted FY09 School Capital Projects

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9000	60100	800655	ADA Structural Changes	J1	13,090.39		
1	9000	60203	312350	Crozet - Eng/Planning	J1	45,000.00		
1	9000	60206	800673	Meriwether-HVAC Improv	J1	202,673.71		
1	9000	60216	800909	Murray - Athletic Track	J1	2,290.60		
1	9000	60410	800949	CATEC-Maintenance Proj	J1	243,720.86		
1	9000	62190	800700	Adm. Tech - ADP Equip.	J1	2,908.20		
1	9000	60202	999999	Brownsville ES - Contingency	J1	318,234.43		
1	9000	60204	800605	Greer ES - Construction	J1	198,896.71		
1	9000	60301	800605	Albemarle HS - Construction	J1	425,916.24		
2	9000	51000	510100	Appropriation - F/B	J2	1,452,731.14		
			0501	Est. Revenue			1,452,731.14	
			0701	Appropriation				1,452,731.14
TOTAL						2,905,462.28	1,452,731.14	1,452,731.14

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2010-044
DATE: 11-04-09
EXPLANATION: Reappropriation of uncompleted FY '09 Stormwater Capital Projects

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9100	41000	800975	Stormwater Control Imp	J1	1,259,967.37		
1	9100	41062	800975	Turtle Creek Stormwater	J1	53,500.00		
2	9100	51000	510100	Appropriation – F/B	J2	1,313,467.37		
			0501	Est. Revenue			1,313,467.37	
			0701	Appropriation				1,313,467.37
TOTAL						2,626,934.74	1,313,467.37	1,313,467.37

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2010-045
DATE: 11-04-09
EXPLANATION: DCJS Grant for CCF

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1582	24000	240009	Supreme Court of VA	J2	2,200.00		
1	1582	53161	550100	Travel/Training/Education	J1	2,200.00		
			0501	Est. Revenue			2,200.00	
			0701	Appropriation				2,200.00
TOTAL						4,400.00	2,200.00	2,200.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2010-046
DATE: 11-04-09
EXPLANATION: DCJS grant for OAR/JACC

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1519	33000	330400	Federal Revenue (DCJS)	J2	124,317.00		
2	1519	18110	181310	Community Crim Just Bd	J2	25,000.00		
2	1519	18110	181313	Alb. Co. Police Dept.	J2	2,500.00		
2	1519	18110	181314	AC Regional Jail	J2	2,500.00		
2	1519	18110	181315	Region Ten	J2	2,500.00		
2	1519	18110	181316	Char. Police Dept.	J2	2,500.00		
2	1519	18110	181317	UVA Police Dept.	J2	2,500.00		
2	1519	18110	181109	Miscellaneous Contributions	J2	1,438.00		
2	1519	18110	181321	Central VA Regional Jail	J2	2,500.00		
1	1519	29412	566122	Community Crim Just Bd	J1	165,755.00		
	1519		0501	Est. Revenue			165,755.00	
			0701	Appropriation				165,755.00
TOTAL						331,510.00	165,755.00	165,755.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2010-047
DATE: 11-04-09
EXPLANATION: Education Programs - School Board Meeting: 10-08-2009

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9001	18100	181107	AHS Donation - Turf Project	J2	4,446.75		
1	9001	60301	950245	AHS Syn Turf Field	J1	4,446.75		
	9001		0501	Est. Revenue			4,446.75	
			0701	Appropriation				4,446.75
TOTAL						8,893.50	4,446.75	4,446.75

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2010-048
DATE: 11-04-09
EXPLANATION: Organizational Development Training Fees

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	16000	160113	Training - Local Employees	J2	25,000.00		
1	1000	12031	312500	Professional Services Instr.	J1	20,000.00		
1	1000	12031	601108	Training Supplies	J1	5,000.00		
	1000		0501	Est. Revenue			25,000.00	
			0701	Appropriation				25,000.00
TOTAL						50,000.00	25,000.00	25,000.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2010-049
DATE: 11-04-09
EXPLANATION: SPCA Agreement

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9800	51000	510100	Visitor Center Fund Bal	J1	50,000.00		
1	9800	72050	930010	Trs to CIP	J1	50,000.00		
	9800		0501	Est. Revenue			50,000.00	
			0701	Appropriation				50,000.00
2	9010	51000	512062	Trs - Rt 20 Center Maint	J	50,000.00		
1	9010	35020	801500	SPCA Capital Contribution	J	50,000.00		
	9010		0501	Est. Revenue			50,000.00	
			0701	Appropriation				50,000.00
TOTAL						200,000.00	100,000.00	100,000.00

Agenda Item No. 20. **Public Hearing:** SP-2008-031, Old Dominion Equine Barn & Riding Ring (Signs 46 & 48).

Proposed: Relocation of barn and addition of riding ring for existing veterinary practice.
Zoning Category/General Usage: RA - Rural Areas: agricultural, forestal and fishery uses; residential density (0.5 unit/acre in development lots); EC Entrance Corridor Overlay - to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

Section: 10.2.2.18, veterinary services, animal hospital (reference 5.1.11 and subject to performance standards in 4.14).

Comprehensive Plan Land Use/Density: Rural Areas - preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/acre in development lots).

Entrance Corridor: Yes.

Location: 6539 Gordonsville Road (Route 231) at the intersection with St John Road (Route 640).

Tax Map/Parcel: Tax Map 50, Parcel 20D.

Magisterial District: Rivanna.

(Notice of this public hearing was advertised in the Daily Progress on October 19 and October 26, 2009.)

Mr. Cilimberg summarized the Staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this is a request to amend an existing special use permit so this veterinary practice can be relocated and the barn enlarged, the riding ring relocated, a covered pen added and a paddock laid. The property is located off of Gordonsville Road in an area of the Southwest Mountains Historic District close to conservation easements held by the Virginia Outdoors Foundation and in Agricultural/Forestal Districts of the County.

Mr. Cilimberg pointed out on a map the location of the property at the intersection of Route 231 and Route 640. He said there are old, small lots in the area where dwelling units have been built since this equine facility opened. He then showed the original special permit plan which showed the barn and riding ring in a different location. As proposed now, the barn will be moved and enlarged and put behind the parking area. He said all of the facilities are associated with the clinic – principally for examining and holding horses during their treatment period.

Mr. Cilimberg said staff identified favorable factors including the support of agriculture in the rural areas with no significant increase in impacts. Staff identified no unfavorable factors during its review. He said both staff and the Planning Commission recommended approval subject to two conditions - changes to the first special permit conditions are a reference to the new site concept plan and the other is the standard outdoor lighting condition for the rural area; other special permit conditions are no longer necessary since the use has been established.

Ms. Mallek asked if the site plan must be approved by the ARB. Mr. Cilimberg said the ARB still needs to review and approve any subsequent plan.

With no other questions for staff, the public hearing was opened. With no one coming forward to speak (the applicant was not present), the hearing was closed and the matter placed before the Board.

Mr. Boyd immediately **moved** to approve SP-2008-031 subject to the two conditions recommended by the Planning Commission. Ms. Mallek **seconded** the motion, which passed by the following recorded vote:

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

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

1. The site shall be developed in general accord with the conceptual plan titled "Tax Map 50 Parcel D Proposed Improvements", revised April 2, 2009, and prepared by Roudabush, Gale & Associates, Inc.; and
2. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.

Agenda Item No. 21. **Work Session:** Family Divisions/Private Streets.

Mr. Bill Fritz, Chief of Current Development, said that on August 5, 2009, the Board heard an appeal of a family subdivision denial for Mr. Timmy Wyant in which Mr. Wyant sought approval of a family division. The property was developed with two houses and was served by an access easement that was shared with several other parcels. In order for the subdivision to be approved, the entrance onto the public street had to receive VDOT approval. The existing entrance does not meet VDOT sight distance standards and the applicant does not control the land necessary to provide adequate sight distance to meet the requirements. Further, the access easement is not approved as a private street.

Mr. Fritz said approval of the family division requires private street approval. This would require the approval of all the properties that the access easement crosses between the property being divided and the public street. The applicant requested that the Board defer action on the appeal to allow staff and the applicant to identify possible solutions that would permit approval of the subdivision. The Board also requested that staff review the circumstances of the case to determine if any revisions to ordinances or policies would be appropriate to address the situation.

Mr. Fritz said staff has identified four options. Option No. 1 would be to revise the Subdivision and Zoning Ordinances to allow the creation of family division lots without street frontage. When an existing access easement serves a lot, the County has not required that all lots crossed by the easement agree to it being approved as a private street as a condition of family division approval. Recently, the County Attorney's Office has advised that this was an incorrect application of the ordinance because the lands being approved as a private street were included as part of the subdivision so the consent of the owners of all parcels crossed by the access easement was required, as provided by State law and the Subdivision Ordinance. Therefore, all subdivisions, including family divisions, will be required to receive approval from all parcels crossed by the easement prior to receiving County approval if a private street is required. Amending the Subdivision and Zoning Ordinances to allow the creation of family division lots without street frontage would allow family divisions to continue to be processed as they historically have been, and without the need for approval of a private street.

Ms. Mallek said there would then be no notification to other property owners between the current property and the roadway. Mr. Fritz showed a rendering of the Wyant property. It shows the parcel proposed to be divided, but as the ordinance is interpreted now, the owners of Parcels 26-19, 26-52, 26-21 and 26-41B would have to agree to allow Breakheart Road to be changed to a private street. If any property owner said "no", the private street designation could not occur and the family division could not occur. This first option is essentially saying Breakheart Road does not have to be a private street, it just has to be an access easement, and then the family division could occur.

Mr. Rooker asked how that affects the standard to which the easement would have to be improved. Mr. Fritz said at this time it would have to meet the driveway standard.

Mr. Rooker asked if that would be true for a private street or a private driveway. Mr. Fritz said that could be written into any legislation the Board might consider.

Ms. Mallek asked if the first recommendation is relevant whether the division has already happened or is proposed. Mr. Fritz said it would apply to any proposed family division from the date of adoption of the ordinance forward.

Ms. Mallek said it would then not help people who already have two houses on their property. Mr. Fritz said it would not matter whether there were houses on the property or not, if there was an existing access easement they could divide the property.

Mr. Boyd asked if that is the way staff has been operating. Mr. Fritz said that is the way they have been operating, and that was an error. Mr. Davis said one complicating factor might be if one of the other property owners disagreed that they had the right to use that easement and have further subdivisions; it would then be a civil litigation between property owners.

Mr. Fritz said Option No. 2 would be to revise the Zoning Ordinance so that only one dwelling per lot is permitted unless the lot has public street frontage. Provided that all density, development rights and other criteria are met, current regulations allow two or more dwellings to be located on a parcel. Revising the Zoning Ordinance so that only one dwelling per lot is permitted unless the lot has public street frontage would limit development in the Rural Areas and prevent multiple dwellings from being constructed on a parcel in a manner that may make future division difficult or impossible. This proposal may reduce the number of new dwellings constructed in the Rural Areas but is not intended to reduce the total number of potential dwellings. The same number of dwellings could be constructed but it would require that a subdivision plat be approved prior to construction of multiple dwellings. At this time, if three or more dwellings are requested, the applicant has to have a site plan or request a site plan waiver, but there is nothing about the second dwelling in the ordinance. Mr. Davis said that people who want to transfer property would first subdivide so they would know there was no barrier to them subsequently getting financing or being able to transfer the property. From a common sense approach, this would make a lot of sense.

Mr. Dorrier said if there were sufficient sight distance on the road, there would be no danger. Mr. Fritz said the applicant would have to go through all of the necessary steps to demonstrate that the property could be divided and then do the division. After the division was done they would not actually have to transfer the property to a third party, they could still own both parcels. That is a way to resolve getting into the situation Mr. Wyant currently finds himself.

Mr. Slutzky said this option does not address Mr. Wyant's circumstances. Mr. Fritz said that is true.

Mr. Fritz said Option No. 3 is to revise the Zoning Ordinance so that only one dwelling is permitted on a lot unless approval from VDOT is received. Currently, if a lot is served by an existing entrance, no additional VDOT approval is required for the construction of the second dwelling on the parcel. This can result in two dwellings being located on a parcel but not being able to subdivide due to an inability to obtain approval of either a new private or public street to serve the lot or because the entrance onto the state road is inadequate. Revising the Zoning Ordinance so that only one dwelling is permitted on a lot unless VDOT approval is obtained would limit development in the Rural Areas by preventing multiple dwellings from being constructed on a parcel. However, it also would prevent the creation of circumstances where future division is difficult or impossible and would prevent increased usage of entrances that are below minimum standards. This does not solve Mr. Wyant's issue.

Mr. Fritz said that Option No. 4 is to revise the Subdivision and Zoning Ordinances so that lots that have two dwellings as of a set date may be divided so that each lot is on a separate parcel without the need for private street or VDOT approval. What is being proposed is a two-step program. Where there were multiple dwellings as of (a date certain) they could be divided so that they are located on individual parcels. At the same time, the ordinance would be revised so that the owner could only get one dwelling per lot unless there was public street frontage. The logic is that if there is public street frontage, that owner controls the point of access. The driveway standard for one house is the same as it is for two houses; if there are three or more there is already ordinance language that takes care of that situation. In all cases where there is a situation like Mr. Wyant's those properties could be divided, but no more of those situations would be created.

Mr. Rooker asked if that would still utilize a division right. Mr. Fritz said it would. Mr. Davis said if someone in the future in Mr. Wyant's situation wanted to build a second house, they would have to subdivide the property before they could get a building permit for that second dwelling.

Ms. Thomas said there are buildings in the rural area which were built before 1980 existing and many properties have several dwelling units. She does not know if there are division rights for each of those units. She asked how this works in that situation. Mr. Fritz said staff recommends that those be treated the same way as if they were proposed to be divided today; they would first need a variance if they didn't have the right acreage, or they might need additional development rights. There have been cases where someone had more dwellings than development rights. Mr. Davis said they couldn't divide unless they had a development right; that is the basic requirement.

Ms. Mallek said they would also need to have the acreage required. Mr. Davis said that is correct; they would have to meet the lot area and other zoning requirements plus have a development right.

Ms. Thomas said they would not be stopped by their road situation. Mr. Fritz said this would set aside the land use impact, the road and the entrance. Staff does not envision it as a tool that would help any development to occur; it simply recognizes the development that is already there and at the same time prevents someone from getting into the same situation. It would allow the development to occur, but the applicant would have to go through a different mechanism and insure that the property can be divided.

Ms. Mallek said the Board needs to choose an option which will clarify the process so people will know from the beginning what their road will look like depending on their choices instead of it being a little nebulous and letting people proceed erroneously. Mr. Fritz said having language in the ordinance will emphasize that if you want multiple dwellings on your property, you have to go through this process to insure that there can be an actual subdivision unless you have public street frontage.

Ms. Mallek said Option No. 1 worries her. If she had an easement across her property, she would like to have a say if someone wanted to subdivide and use that easement. She likes Options 2, 3 and 4, but No. 1 worries her.

Mr. Rooker said staff actually recommended No. 2 and No. 4. To him, in combination, they make a lot of sense.

Mr. Slutzky said the Board needs to solve Mr. Wyant's problem. That is the reason this item is before the Board. He agrees with Mr. Rooker. Mr. Fritz said No. 4 solves the problem and No. 2 prevents it from occurring in the future.

Mr. Slutzky asked if there was a general consensus that staff has looked at this intelligently and Nos. 2 and 4 make sense, so the Board encourages them to move forward with these amendments.

Mr. Boyd asked if these provisions refer only to family subdivisions. Mr. Fritz replied that in Option No. 4 it would not matter whether it is a family division because the land use impact is the same whether two dwellings on a lot involve family members or not. There are people who have a main house and a rental house that they may now need to sell for some economic reason. The structures are already there, and no distinction is being made of why the structure is there, but only that it is there.

Mr. Rooker said it does use a division right, so it makes sense to him.

Mr. Boyd asked if this puts an additional financial burden on someone trying to subdivide for a family subdivision because of the additional process they have to go through. Mr. Davis said it just affects the timing of the subdivision. There are no additional requirements. If someone had a family subdivision today and they had a large parcel, they could do what Mr. Wyant did and build another house without subdividing. If at some point they wanted to do a family subdivision, they would have to subdivide. This provision emphasizes the need to subdivide first and then build the dwelling. The steps and the expense are the same, it is just the timing.

Mr. Boyd said that in essence additional expense is being created because they could build the other house without having to go through the subdivision process. Mr. Davis said if they never want to transfer it to a family member and they don't need financing that is true.

Mr. Rooker said they would be back where they are today, they can't finance it or sell it.

Mr. Boyd said he is not as opposed to Option No. 1 as the other Board members are. He wants to take care of the situation, but he does not want to open it up to anybody to do that. As long as it is a family subdivision, allowing only family members in the time limit there is for family subdivisions, it does not bother him as much.

Mr. Slutzky said there is the case of the family subdivision where the property is being divided, and there is the case of building another structure. He thinks staff thought it through well, and it solves Mr. Wyant's problem, so he is in favor of going forward with the amendment.

Mr. Rooker asked if there is any action required by the Board today. Mr. Davis said if there is consensus, staff will bring back a resolution of intent so the amendment will proceed to the Planning Commission for a public hearing early next year. He said staff can advise people who are coming in for building permits for multiple buildings that this is in the works and they may not have a guarantee of being able to subdivide unless they do the subdivision first.

(Note: At 3:40 p.m., the Board recessed, and reconvened at 3:48 p.m.)

Agenda Item No. 22. **Work Session:** Five Year Financial Plan.

Mr. Tom Foley, Assistant County Executive, said today he will present a revenue update for the current fiscal year. Then he will mention some further downturns in revenue estimates and the impact of those on Schools, Local Government and Capital. Then he will review the Five-Year Financial Plan. On October 16 staff gave the Board a preliminary review of the plan, and the Board gave staff some directions. He will show how that has been incorporated into a balanced plan, the assumptions used, and the most recent changes made to that plan. The significant part of this is the impact on the CIP as a result of the two years of continuous revenue downturn.

Mr. Foley said he mentioned at the Board's Retreat that the revenue coming into the CIP was just enough to cover debt service on the projects already done. After more analysis over the past few weeks, and completion of the CIP Technical Review Team's work (which will be submitted to the CIP Oversight Committee this week), staff has determined that paying debt service and meeting maintenance project requirements is all the County will be able to afford. That means that long planned fire stations, libraries, schools, and other things are in jeopardy. He said Mr. Bill Letteri will cover that in detail.

Mr. Foley said the main point he wanted to make is that given the CIP challenges the County is facing, and the impact of that on the Five-Year Financial Plan, staff is going to suggest that the Board delay its next work session until December 2 instead of next week because implications of what the Oversight Committee brings forward will be significant to the Five-Year Plan. He said for a number of years fire stations have been planned and those stations require firefighters to run them. That is a big item in years 3 through 5 of the Five-Year Plan. If the County is not able to move forward with libraries and fire stations, then the Five-Year Plan in the out years is significantly changed. That would create a surplus at the end of the plan and the Board would need to decide how to deal with that surplus. He said staff talked at the Retreat about repositioning the County, and this is another example of something that should ultimately be carried to the spring retreat.

Mr. Foley said the CIP Oversight Committee will be looking at the maintenance projects funded and whether they are justified. They will also be looking at previously approved projects and whether there should be a change in direction. That is the heart of what staff will be talking about today. It is important to look at these things in light of current financial conditions.

Mr. Richard Wiggins, Director of Finance, said he will present information as to the revised revenue picture for FY 2010 and then he will talk about the Five-Year Financial Plan as discussed at the Board's Strategic Retreat and talk about the assumptions used to balance that plan. He showed a slide on the screen denoting estimated revenues for the current fiscal year. He said the County is now looking at a shortfall of approximately \$5.7 million in FY '10, where the figures presented in October showed a shortfall of \$4.7 million. The real estate tax is down about \$400,000 - in October the reassessment rate in the January, 2010 roll was estimated at about 3.25 percent, but now that is estimated at 3.75 percent; new construction rates have been lowered from 1.0 percent to .08 percent. That affected the real estate tax revenues by about \$400,000. There is an additional \$400,000 drop projected in sales tax revenues and approximately a \$300,000 drop in consumer utility tax revenues. The bottom line is a \$5.7 million shortfall in revenues. He said revenues are split between Local Government, the Schools and Capital. For Schools this shortfall means they will be approximately \$3.42 million less than budget on the School Transfer - going from \$101.5 million to \$96.73 million, or a \$3.4 million shortfall.

Mr. Wiggins said that in October that number was about \$2.7 million, so there is an additional \$700,000 decrease in revenues to Schools. The Capital and Debt transfer is showing a \$1.5 million shortfall, going from \$19.7 million budgeted to \$18.2 million - this is not all attributable to decreased revenue. This estimate in Capital and Debt includes actions approved by the Board at its meeting on October 7 to reduce the transfer to Capital for the ACE Program and to restore the funding in the Contingency Reserve back to Local Government.

Mr. Wiggins said at the October 7 meeting staff outlined a series of actions to reduce at that time a \$1.7 million shortfall for Local Government; that shortfall is now less than \$2.0 million; another \$200,000 in additional deficit from what was previously presented. He will not restate the items discussed at the October meeting, but staff is analyzing ways to achieve the additional \$200,000 savings that is now needed to balance the budget. In December, staff will present the first quarter financial report and will give recommendations on ways to close the \$200,000 additional shortfall.

Mr. Slutzky said it has not been that long since the Board received the last estimates, and every revision has shown the picture getting worse. He is not picking on anybody, but there is a pattern of continuously not adjusting enough. It might be worth it for staff to revisit its projection process to see if the underlying assumptions could be revised to make for a dramatic prognosis. He said these are unprecedented circumstances, so that may be a reason for staff to look at their underlying assumptions.

Mr. Rooker said there is another way to look at that. The Board could recognize that staff is simply providing the best possible information at any given time, but that information is subject to outside forces. Because of that, the Board might need to build in more of a contingency taking that into consideration.

Mr. Foley said the Board had asked about the contingency it set aside of which \$540,000 is being used. The Schools have said how they are using their Fund Balance, and the question concerned the other \$800,000 and whether it could be used to offset a further downturn. On December 2 staff will

present some information about their Fund Balance and whether that is a way to fill the \$200,000 shortfall.

Mr. Wiggins said the FY 2010 budget was discussed on October 7, and the Board's Retreat on October 16. The Board provided directions to staff on assumptions for the Five-Year Plan. Staff took those directions, developed revenue and expenditure assumptions, and balanced the Plan based on the Board's feedback. That information is to be presented today. He said staff is looking for eventual Board review and approval of a balanced Five-Year Financial Plan. He said there will be a second discussion in December after the CIP Oversight Committee reviews the CIP and gets the final review of the Plan at that time.

Mr. Wiggins said he will summarize why the Board goes through this planning process. He reiterated that the Board is not adopting next year's budget, and this is not a five-year budget, but it is a snapshot of budgeting at the current time based on the best information available. The Board's input is critical on programs the Board wants in the five-year plan, and ideas it wants to establish. He said balancing the Plan is essential to establishing clear Board priorities. At this same time last year, staff and the Board talked about some of the goals of the Five-Year Plan. Those goals have not changed: they are to maintain essential health and public safety services, and to avoid layoffs by scaling back services and decreasing operating expenses while freezing vacancies. To the greatest extent possible, the County is trying to maintain its competitive position in terms of compensation, continue its commitment to core public safety improvements and fund all obligations and commitments, and to the extent possible shore up reserves and the undesignated General Fund Balance to ensure its continued strong financial position.

Mr. Wiggins showed a slide which outlined directions to staff at the Board's Retreat. Staff categorized those recommendations into four major groupings. The first group is where three or more Board members were strongly willing to consider the ideas and no members were strongly reluctant to consider them; there are a total of nine items that fit in this grouping. Some of those items have been incorporated into the Five-Year Plan – those items include suspension of the State's Revenue-Sharing Program for roads (\$1.5 million annually) and reallocating that money to Local Government; delay funding for recycling beyond the five years of the plan; reduce funding for the Affordable Housing Trust Fund; reduce funding for ACE to only the \$300,000 available from Tourism Funds (\$600,000 a year from the General Fund will be returned to Local Government); and, establishing a one-time revenue shortfall Contingency Fund (this has been done for FY 2011).

Mr. Wiggins said staff looked at other items in this group but they require more analysis and Board discussion before they can be incorporated. The first one is to reevaluate all Capital projects that increase operating costs (Mr. Letteri will talk about this one in a few minutes and the CIP Oversight Committee will be working on it over the next month); promoting the economy by working with the business community and evaluating the County's development processes; looking at the School Division's ability to contribute to reduction of CIP costs; and, looking at data and justifications for the Pantops and Ivy fire stations. All of those were discussed with the Board and are part of the first grouping, but at this time they are not included in the Five-Year Plan.

Mr. Wiggins said the second grouping contains four items, and those items are ones that had three members strongly willing to consider them, and one or two members strongly reluctant to consider them. He said the two that were not incorporated were recommendations to freeze or eliminate additional staff positions beyond the 65 already discussed for FY 2010 (no additional frozen positions were included beyond the 65) and reducing salary increases in years two through five of the Plan (that was not done either). Proposed salary increases are still proposed in years two through five. The two that were incorporated into the Plan are to establish an equalized tax rate for the first two years of the plan resulting in flat tax payments (staff is projecting a 3.75 percent reduction in real estate values in January, 2010 and what is in the Plan is a tax increase of about that same percentage - a three-cent tax increase which is the revenue neutral tax rate).

Mr. Rooker said the average property owner would pay the same amount as they previously paid. Mr. Wiggins said it would be revenue neutral for property owners.

Mr. Slutzky said he would be careful with terms – it is not revenue neutral, but is taxpayer neutral. Revenue neutral would be a rate that insured the same amount of money for the County to use, and that is a different number because there are other factors. It would be best to refer to it as taxpayer neutral. Mr. Tucker said that will be the same for both residential and commercial properties.

Mr. Wiggins said the maintenance of that tax rate is also being incorporated in the remaining three years of the Plan. He said staff is projecting slight increases in value in years three through five of the Plan. If the tax rate is kept at that same 77.2¢ there would be a slight effective tax rate increase those three years. Staff is maintaining that 77.2¢ tax rate for the five years of the plan.

Ms. Thomas said when staff makes public presentations to a wider audience, it is important to point out that it is projecting something like a 1.0 percent increase in real estate values. You can't blame people for fearing that description just made because they are so acquainted with the last 10 or 15 years when real estate values have been on "a roller-coaster." Mr. Wiggins said that in year three staff is projecting a 1.5 percent increase in values, in year four a 2.25 percent increase, and in year five a 3.0 percent increase.

Mr. Rooker said trying to predict today what value increases might be three years from now is trying to read a crystal ball. That tax decision is made every year, not on a five-year basis.

Mr. Slutzky said this is not a budget, and it is not a tax rate discussion. This is a five-year planning tool.

Mr. Wiggins reported that the third grouping of recommendations was where two members were strongly willing to consider them and two members were reluctant to consider them; only one item fit this category and that was to raise the tax rate beyond the equalized rate. That is not included in the Plan.

Mr. Wiggins said the fourth grouping had one or no members strongly willing to consider items and no members reluctant. This grouping included three items; reductions to nonprofits, reducing the size of the Crozet Library, and, looking at a functionally unified fire system. Those were not incorporated into the Plan.

Mr. Rooker pointed out for the public's edification that a study was already done for a unified fire system and it concluded that it would not save the County any money.

Mr. Wiggins said the next slide will give details about the results of these assumptions and what they mean in terms of revenue for the five years. Overall, the County is looking at a slight decrease in revenue in FY 2011 from what was budgeted in the current fiscal year, with a slow recovery in FY 2012 through FY 2015. In terms of real estate, staff is looking at reassessments declining in calendar years 2010 and 2011, followed by a modest recovery; looking at an equalized tax rate in 2010 and 2011, which would mean continuation of the 77.2 cent rate in future years, and a minimal effective increase in the out years. Other revenue sources look at reduced personal property and sales tax in year one, with a slow gradual increase afterwards with full institution of the EMS Revenue Recovery Program in FY 2011 even though implementation of that is recommended for FY 2010.

Mr. Boyd referred to the chart on the screen and asked if that is the 25 percent mentioned. Mr. Wiggins said that is correct.

Mr. Slutzky asked if the other figure is the rollback from the Land Use Program. He said the chart shows two jumps of 25 percent. Mr. Wiggins said one is a transfer, a decision made by the Board in the current year to reimburse from Capital expenses associated with Facilities Development the project managers. There will be a transfer to the General Fund from Capital for those expenses.

Mr. Slutzky said it is almost December 5. There is a reasonable expectation for some number of rollback dollars associated with the Land Use revalidation. He asked if those "windfall" dollars are reflected anywhere in these numbers. Mr. Wiggins said of the 4900 parcels, revalidation forms have been received from about 4500. They have until December 5 to turn those in, so staff is anticipating that more forms will be received by the deadline.

Mr. Wiggins said the assumptions he has mentioned so far are: the real estate tax rate would increase from the current 74.2¢ rate to a 77.2¢ rate and that rate would be maintained for the five years of the Plan. Staff itemized the reassessment rate of 3.75 percent for the January, 2010 roll which would have a full year impact on FY '11. There would be a slight decline in January, 2011 and then three modest increases in the reassessment that he has already mentioned. An increase of 0.8 percent in new construction is expected in the January, 2010 roll with slight increases in the new construction percentages in the out years. It is expected there will be a continued decline in sales tax revenue in FY 2011 of two percent with a modest recovery after that. Beginning in FY '11 staff incorporated a \$600,000 decrease in revenues from the State, and that amount is included in all five years. Finally, the EMS Revenue Recovery full year in FY '11 is expected to be about \$400,000.

Mr. Rooker said he understands that when there is new construction that is a one percent increase from the prior year. Mr. Wiggins said it is one percent of the total tax roll in overall value based on new houses.

Mr. Wiggins said the next slide shows the summary of expenditures. Overall, there is a slight decrease in expenditures in FY 2011, with moderate increases in the out years. Some of the major expenditure issues that have been discussed are the continued reduction of staffing levels – Local Government will have 65 positions less in funding than there was two years ago. There is creation of a revenue shortfall Reserve in the FY 2011 budget, as the decrease in transfers to the Schools and the CIP.

Mr. Wiggins then showed a detailed listing of expenditure assumptions. In terms of merit and market increases, there are no salary increases for employees proposed in FY 2011, followed by a 2.7 percent increase for market and merit in FY 2012 and a 3.7 percent increase in the years beyond that. It is proposed that the frozen positions be kept at 65 for the five years of the Plan. Right now, staff is assuming that the VRS rates will stay at the current rate, 13.54 percent of salaries, but staff has heard there is the potential of a one percent or higher increase in those rates beginning in the next fiscal year - each percent of increase equates to about \$315,000 in costs to Local Government only.

Mr. Boyd asked what the cost would be for Schools, because it has to be huge. Mr. Wiggins said it is probably over \$1.0 million. Mr. Boyd said that basically the County has to fund that expense also so it has to be taken into consideration.

Mr. Wiggins said staff is assuming there will be an eight percent increase in health insurance costs and a five percent increase in dental insurance costs. In terms of departmental operations (supplies and maintenance), there are no plans to increase those budgets in FY 2011, but there is a two percent increase for inflation in years two through five of the Plan. Funding to the Affordable Housing Trust Fund has been reduced by \$190,000 each year.

Ms. Thomas asked if that is \$100,000 more each year, or is it a \$190,000 cut and then it continues at that level. Mr. Wiggins said it would continue at the \$190,000 figure leaving \$60,000 in that program for each of those years. For the Regional Jail, based on historical figures, there will be an eight percent increase in costs next year, followed by annual increases of 12 percent in years two through five.

Ms. Thomas asked if the VRS is a level rate. Ms. Laura Vinzant said it is level because it is a percentage of salaries. The health and dental is a percentage increase of a premium.

Ms. Mallek said the VRS is an annual payment, so is it 13 percent every year of the salary total.

Ms. Thomas said it is not increasing 13 percent, and health insurance is not increasing a percentage each year. Ms. Vinzant said it is increasing every year. Mr. Foley clarified that the Schools are projecting an increase in the VRS rate in their budget; it will come out of the 60 percent transfer of local revenues. It does not mean they will not ask the Board for that money, but at the time they are trying to work it into their anticipated 60 percent.

Mr. Wiggins said based on the SPCA contract the Board approved earlier, the cost in FY 2011 will be \$4.00 per capita, increasing to \$5.00 per capita in FY 2012 and then it will increase based on the CPI in future years. Staff is recommending that for outside agencies the contribution will be the percentage match based on what is proposed for the merit and market increases.

Mr. Rooker said not only does the SPCA fee go up to \$5.00 per capita, but there will be an increase in population which is not reflected. Ms. Vinzant confirmed that staff has assumed a population growth of about two percent each year.

Ms. Thomas said the Board knows there will be an influx of NGIC personnel next year, but that is not indicative of that level of increase every year thereafter.

Mr. Slutzky said staff did not assume that increased demand would have a positive effect on the property tax revenues, or did it? Mr. Foley said staff is not quite that sophisticated in the way these assumptions were made. Also, a two percent population growth is higher than what has been experienced the last five years.

Mr. Slutzky said he agrees with both decisions, he thinks they are both prudent and conservative. On the other agencies (social service agencies are among these), zero is assumed when there is a dramatic increase for those services. He asked if the County will get in trouble with the Feds for not performing at a certain level even though they are not reimbursed by them for those expenditures. Mr. Tucker said staff will adjust if there is a mandated issue. At this time, mandates are being met.

Mr. Slutzky said the only consequence of flat lining for two years in a row is that the poor in the community will not get access to services as quickly. Mr. Bryan Elliott said human service agencies are funded through the ABRT process, as well as the OMB process. It ranges all the way from the Health Department to Computers4Kids, or Children, Youth and Family Services, so those nonprofits are recommended for level funding again for FY '11 and then the increases are shown in the out years.

Mr. Slutzky asked if it includes social service agencies. Mr. Tucker said it does not include the County's Social Services Department.

Mr. Wiggins said for the next slide, he will talk about the School Transfer and the Capital Transfer. The School Transfer is calculated by policy. The Capital Transfer has been reduced to suspend the State's Revenue-Sharing Program for highways and the ACE funding which will be reallocated to Local Government. On the slide he pointed to a line showing the dollars included in the five years based on the Board-adopted Capital Improvement Program. He said there is approximately \$48,000 built into FY 2011 and a slightly larger amount built into FY 2012 because of CIP projects which are complete. Beginning in FY 2013, 2014 and 2015, there are higher CIP operating impacts. This is when the Crozet Library and the Ivy and Pantops Fire Stations come on line, and there are operating costs associated with those facilities.

Mr. Slutzky asked if Virginia recently successfully renegotiated bond rates and if that will have the implications reflected in the chart. Mr. Wiggins said staff received notification on Monday that they have refinanced some outstanding VPSA debt and it results in savings to the County of a little over \$1.0 million. That will be received by a reduction in the amount of the July, 2010 principal payment. That will be discussed with the CIP Oversight Committee and the Board during the December workshop.

Mr. Rooker asked if that is an annual number. Mr. Wiggins said it is a one-time savings.

Mr. Wiggins said staff was able to fund in FY 2011 a Revenue Contingency of about \$1.5 million. It is only funded in that year. There is no contingency funded in years two through five. The last item is the contribution to the Fund Balance; this is from the one-time revalidation revenues. Staff is anticipating in FY 2011 approximately \$1.1 million from the people who have been eliminated from the Land Use

Program and have been charged with rollback taxes; an additional \$500,000 is assumed to come in for FY 2012. There is also an assumption of \$500,000 in revenues in FY 2010.

Ms. Mallek said this is one-time money. Mr. Wiggins said it is. Ms. Mallek asked the difference between the Revenue Contingency and this Contribution to the Fund Balance. Mr. Wiggins said there is General Fund's Fund Balance of approximately \$20.0 million. There is a financial policy which states that the Fund Balance will equate to eight percent of expenses. That is the financial policy the rating agencies look at. This is an opportunity to help increase that fund balance with one-time revenues which should not be used to fund operating expenses.

Mr. Wiggins said the next chart provides details about the School Transfer. He said that in FY 2011, there is a slight decrease from what was budgeted in FY 2010; it is an increase from what is now estimated for 2010 but a decrease from budget. Then there are modest increases ranging from 2.7 percent up to 5.4 percent in the out years. There is the same situation for Capital and Debt. There is a significantly larger decrease in the first year (percentage wise) than the School Transfer, and that is because the County will not be sending \$1.5 million to Capital for the State's Revenue-Sharing Program or \$600,000 for the ACE program. There will be a significant decrease in the transfer for FY '11. Balanced on the formula for how revenues are split, there will be slight increases in years two through five for Capital and Debt.

Mr. Wiggins next showed a chart of where the revenues over expenditures fall in the five years of the plan – it shows that in year one (FY '11) there is basically a balanced budget in this plan. That includes a \$1.5 million Revenue Shortfall Contingency. In year two that surplus goes up to about \$500,000, in year three there is basically a balanced budget, in year four a deficit of about \$200,000 is projected, and in year five it is projected to be a surplus of about \$250,000.

Ms. Mallek asked if the additional costs for a library will be in FY '14. Mr. Wiggins said the library project actually begins in FY '13 and those dollars are in the plan. Ms. Vinzant said the fire station projects actually begin in the third year of the plan for a partial year.

Mr. Wiggins said Mr. Letteri will now review the CIP.

Mr. Bill Letteri, Facilities Manager, said this five-year model contemplates a certain transfer into the Capital Fund. He will show a series of slides outlining the impact to the Capital Fund of that transfer, and some of the challenges in the next five years. He said the transfer will be insufficient to fund the CIP Program approved last year (that is the Program for FY 2011 through 2015). The fifth year, which was not part of that balanced plan, dramatically affects whether the plan will balance or not.

Mr. Letteri said the TRT process (CIP Review Team) has just begun. The TRT recommendations coming out of the first cycle are for approximately \$103.0 million in additional reductions to balance the CIP Plan. What the TRT does will be evaluated and reviewed by the CIP Oversight Committee in a few weeks and then will be brought to the Board in early December. He said the adopted Plan for FY '11-15, with the revenues projected for the next five years, would underfund the program by as much as \$14.0 million.

Mr. Letteri said transfers to the CIP as compared to the adopted plan are down by 15.0 percent. The impact of that 15.0 percent is far more than just the 15.0 percent reduction. He said that 92.0 to 94.0 percent of that transfer will actually go to payment of Debt Service so only a small increment is available for future new projects.

Mr. Rooker asked if over the five-year period, that is the percentage per year. Mr. Letteri said that is the total percentage over the five years.

Mr. Slutzky said when Mr. Letteri talked about the benefit to the County of renegotiation of the rate on the VPSA bonds, he did not understand why it was only a one-time reduction as opposed to a reduction in annual debt service. Mr. Letteri said that is the historical way the VPSA has allocated the savings to jurisdictions instead of making it a small amount for each of the years remaining in the debt.

Mr. Letteri said it is important to recognize which funds make up the funds used for capital. Essentially there are three components – one is net transfers (projections for the next five years show net transfers will be down almost 40.0 percent). The second basic component of available funds is other current revenues – these are made up of things like surpluses from prior years, proffers, interest earnings, and grant funds. They are projected to be down by as much as 56.0 percent. The third element of available funding is loan proceeds. When looking at available transfers and what the County can afford to pay in Debt Service, those transfers would need to be reduced by as much as 67.0 percent in order to stay balanced. Cumulatively, if looking at all of the components of available funds and reductions, this would mean that over the next five years the approved CIP from last year would have to be reduced by as much as 60 percent which is what the TRT is coming forward with – it amounts to about \$100.0 million.

Mr. Letteri showed a chart to illustrate how the CIP Fund works. It is a complex interplay of funding. He will be referring to the adopted plan for the FY 2011-15 years. Total transfers would have been \$112.0 million against Debt Service of \$103.0 million (about 92 percent going toward payment of debt), leaving a net transfer of about \$9.0 million. To that would be added rollover funds from prior years, and the current revenue figure he referred to before, plus surpluses, proffers, loan proceeds, etc. for projected total funds of \$153.0 million in the old plan.

Mr. Letteri said of the available \$153.0 million, in the fifth year there would be \$166.0 million in projects. Taking into account the \$2.0 million reserve, the plan is out of balance by almost \$14.0 million. The current situation, based on the revised projections, is that gross transfers will be \$95.0 million. The Debt Service structure that could be accommodated in this plan would be about \$90.0 million leaving about \$5.4 million in net transfers, or a 40 percent reduction. Current revenues are down almost 56.0 percent. The two largest components of that reduction are the elimination of surpluses from prior years. In the old plan there was as much as \$6.5 million and there are no surpluses shown for this next five-year period. Interest earnings and fund balances are much lower than previously. In order to make this plan work, loan proceeds will have to be reduced by as much as 67.0 percent to about \$40.0 million leaving only \$64.0 million available over the five-year period for projects.

Mr. Rooker asked when Mr. Letteri refers to reducing loan proceeds if that means to reduce borrowings in this five-year period. Mr. Letteri said that is correct. To achieve that project total requires another reduction of \$103.0+ million in projects.

Mr. Slutzky asked if when staff is making assumptions about the interest rate on newly instituted debt service for new projects they are projecting a relatively static interest rate climate. Mr. Letteri said they are. They are using a factor of ten which equates to about a four or five percent interest rate.

Mr. Slutzky said that might be an unduly optimistic view because it may be found that with the dramatic increase in Federal borrowing the pressure on rates goes up, the bond market might be more dramatic in the five-year period than staff is anticipating. If that is the case, staff might as well be conservative throughout the entire exercise. They are all difficult to predict, but sound logic needs to be used to arrive at assumptions. He submits that the assumption of a relatively low interest rate environment for the next five years is probably overly optimistic. It is just his suggestion.

Mr. Rooker asked the current rate being paid on debt. Mr. Letteri said debt was issued in the spring, and it came in at about 4.75 percent.

Mr. Slutzky asked if staff is projecting a lower rate. Mr. Letteri said they are projecting around five percent.

Mr. Rooker said short-term municipal money market funds are yielding about 0.1 percent. He asked if the County borrowed short-term in the present market, would it be borrowing at around 0.1 percent. He said money market funds are acquiring short-term municipal debt and they are flowing through at that rate to their customers with a fairly small expense factor involved, so who is getting all of this money that provides the interest payments to municipal money market debt holders?

Mr. Slutzky said that is short-term debt.

Mr. Rooker said that is correct, but there are times when it may be wise to borrow money short-term.

Mr. Boyd said the County is not doing the borrowing. It is being done by the State through the VPSA program.

Mr. Rooker said he understands that, but wonders if there is a way to do that. The question is whether there is some way the County could take advantage of the remarkably low rates now in short-term money. Mr. Letteri said he will have to check with the County's financial advisors on that question.

Ms. Thomas said the Board has heard that it could save twenty percent on the Crozet Library if it had the money today. However, the County does not have the money to start the process in any of these things.

Mr. Letteri said he will summarize by saying staff wanted to bring the Board up-to-date on what the reduced transfer would mean to the total program. Adjustments to the extent of \$103.0 million would mean that there would be maintenance only programs without the ability to fund many, if any, new or large projects. This information will come to the Board at the conclusion of the CIP Oversight Committee's work.

Ms. Thomas asked if the committee will be telling the Board what a five-year CIP containing \$62.0 million looks like. Mr. Foley said they will be evaluating what the TRT thought of which is basically to pay for Debt Service and maintenance projects. They don't expect to be able to make much of an adjustment to that, but they need to go through the process and bring a recommendation to the Board. When the Board gets that information, it will be better able to figure out the rest of the Five-Year Plan. If no significant adjustments can be made, the fire stations will not be in year five, or the cost of the firefighters, etc. For clarification that means the Board will have \$2.0 million in year five and \$600,000 in year three. Those funds will be freed up in the five-year plan, but that is because the County cannot afford to do the projects now, but the Board will still have to decide when or if to do them, or whether the moneys should go to other projects – those kinds of issues.

Mr. Rooker said projects with a small operating expense component might be funded. Mr. Tucker said mix-and-match things could be done with these funds. Operating funds might be used for only one of the capital projects, and if there were enough operational funds left over, it could be staffed. Mr. Foley said some of that savings could be transferred to capital to get something done, but not as much as had been planned. The reality is that on December 2 there is a meeting with the School Board and this will be

presented. Then they will talk about salaries for the year, and the Fund Balance, the Health Care Reserve, and then there will be a work session on the Five-Year Plan. There are a number of decisions necessary and he is not sure that finishing the Five-Year Plan at that time, since it is not in a deficit position, is realistic. Any comments the Board can give staff that would feed into the Strategic Planning session would be the best use of that time.

Ms. Thomas said the two members of the CIP Oversight Committee are the two who said they would not even consider keeping a tax bill neutral tax rate. Perhaps they should be presented with a CIP that is based not on the 77¢ rate, but on a 74¢ rate because it is hard to picture how people change from the time when they are candidates to when they are actually sitting at the Board table. As candidates, the two people elected have certainly said they want to drastically reduce expenditures. Mr. Tucker said the quick answer to that is there would not be sufficient funds to cover debt service payments.

Mr. Slutzky said those candidates said they would “cut the fat” so he thinks that Ms. Thomas is right – two Board members are leaving and people with different perspectives are coming on the Board. In doing a strategic exercise with the two new members, it would probably make sense for staff to sit down with them and anecdotally formally and casually get their perspective on a couple of these broad issues. He said staff might as well find out what it will have to operate within. Mr. Foley said staff has directions from this Board to use those other assumptions.

Mr. Rooker said he thinks staff needs to use the assumptions the Board directed them to use. This is a five-year plan, so by the time an actual tax rate is adopted, there will be new people on the Board and they will have plenty of time to weigh in. He thinks this needs to proceed based upon what appears to him to be reasonable assumptions.

Mr. Dorrier asked that staff go back to the slide showing projects to be reduced by more than 60 percent to balance the plan. He asked for a listing of those projects. Mr. Foley said it is every new project planned that is not a maintenance project – all libraries, all fire stations, all schools, everything. Mr. Tucker said this will go to the CIP Oversight Committee of which Mr. Dorrier is a member, so he will have to deal with it. Mr. Foley said the Oversight Committee will receive a notebook for its review process and it will be meeting each Monday for the next three weeks.

Mr. Slutzky asked if looking at the five-year vision for the County’s budget there will be anything at all for capital projects other than maintaining existing debt service – most of the capital projects that had been scheduled to begin over the five-years will have to be delayed until beyond the fifth year. Mr. Foley said that is correct.

Mr. Rooker said numbers on a screen are meaningless until they are attached to something concrete. What comes out of the TRT and the CIP Oversight Committee is the list of projects, and realistically, they are not projects that can be deferred that long without a significant negative impact. Mr. Foley said staff can provide the Board members immediately a one-sheet piece of paper from the TRT showing all the projects that can be funded with what Mr. Letteri showed.

Mr. Rooker said he thinks it would be helpful to get that information before December 2. Mr. Foley said staff will get that information out now. Usually, staff would not be talking to the Board about this now, but there are not a lot of options to get projects back in the plan.

Mr. Slutzky said he wants the media to understand what Mr. Foley is saying because the Board is talking about numbers on a sheet and sometimes it is easy to gloss over them and not think about the implications. The implications here are, while assuming on the revenue side that the tax rate will be raised to 77¢ and keeping it basically at that rate over the next five years, there will not be enough money to fund any infrastructure beyond what is already committed to funding. He asked if that is a snapshot of what the staff is telling the Board today. Mr. Foley said it is, and it needs to be said that the Local Government is operating with 65 frozen positions and all the dramatic cuts that have been made over the past couple of years.

Mr. Slutzky said that is assuming a 77¢ tax rate and there are two new Board members who have implied that will not be okay with them. He wants to make sure the public knows how dramatic this is. He said Board members are used to interpreting graphs and charts more than the average person, so he wants to have it boiled down to the pure essence of what is being said. Things are looking pretty grim. Mr. Foley said today’s meeting needs to be followed up with more communication to the public to clarify that. He does not know that the picture will be dramatically different on December 2. The County is in a five-year planning process, but it is just a plan. This matter is scheduled to end on December 2 and it should end because the circumstances are changing dramatically. It cannot all be solved and then a new Board comes into office, and there will be a strategic planning retreat to decide where the County is going in the future.

Mr. Slutzky said he agrees with that, but revenues might be further eroded by December 2. Mr. Foley said at that point the issue would be what maintenance projects could not be done so debt can be serviced.

Mr. Slutzky said it is that and also how many more positions will be frozen. He thinks the Board will be looking at both. Mr. Foley said there is still the issue of the Fund Balance and the Revenue Contingency which has not been fully utilized at this time.

Mr. Rooker said you can’t operate anything continually on the basis of “robbing Peter to pay Paul”, so a financial plan has to be developed that is somewhat self-sustaining in terms of reasonable

projections. Mr. Foley said that in the out-years without the capital projects there will be some extra money, but in the first two years there are challenges which must be resolved.

Mr. Slutzky said the Fund Balance isn't extra money but is just to maintain the AAA bond rating so that in a few years when the County may be able to borrow money again, it will be able to borrow at a favorable rate. Mr. Foley said the Fund Balance needs to get up to eight percent. It is not something the County dips into to do one-time items. The Revenue Contingency is actually within the budget and that is a very different thing; that is the place to go for a "rainy day" fund if needed.

Ms. Mallek asked if there will be time on December 2 to have a more amplified description of the CIP process, or could staff send the background material it will give the CIP Oversight Committee members so there is time to do some reading before that date.

Agenda Item No. 23. From the Board: Matters Not Listed on the Agenda.

Ms. Thomas said since she represents this Board on the Rivanna Water & Sewer Authority, she thought she would let the Board members know about an item and if anyone has contacts with City Council members they might talk to them. She said the County went to a lot of expense to make sure the Meadow Creek Parkway was designed by what is described as the nation's best parkway designer. The plan includes walking trails and appropriate stormwater facilities. At the same time that these are being built, the RWSA needs to put in a larger Meadow Creek sewer interceptor because of leaky pipes in the City and the addition of Albemarle Place. The interceptor has to be laid at a certain depth because unlike big water pipes sewage is not under pressure so has to be gravity feed so it has to have a good path to follow.

Ms. Thomas said RWSA discovered a long time ago that these two projects would literally cross – that is a piece of the walking trail and the stormwater facility. RWSA asked that these projects be timed so the walking trail would not have to be torn up to put the pipe underground. However, City Council is being slow and making it almost impossible to do these projects rationally. If City Council holds up longer, the County will end up with the trail being built and then dug up again to put the sewer line underneath it. She thinks RWSA will be blamed for this. It is being held up because City Council must allow some right-of-way on their property for this interceptor line. This matter will not even be on their agenda until their second meeting in November, with a second reading in December. If they don't handle it then, there will be a ridiculous public facilities operation with trails being dug up to put pipes underneath them later on.

Ms. Thomas suggested that Board members suggest to their City Council friends that they view this project favorably. Ideologically, they are opposed to the Meadow Creek Parkway, but this is a piece of it, and the sewer interceptor has to be done anyway. They can't get along without doing it.

Mr. Rooker said there are members of the media present, and it sounds to him like an interesting story.

Mr. Slutzky said Ms. Thomas had made a good point. He asked if there were a motion with respect to a closed session.

At 5:05 P.M., Ms. Thomas offered **moved** that the Board go into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to discuss with legal counsel and staff specific legal matters relating to a contract regarding solid waste. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

The Board reconvened into open session at 6:14 p.m. **Motion** was offered by Ms. Thomas, that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed or considered in the closed session.

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

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

Agenda Item No. 24. Adjourn to November 11, 2009, 10:00 a.m., Room 241.

At 6:15 p.m. **motion** was offered by Ms. Mallek, **seconded** by Mr. Boyd, to adjourn this meeting until November 16, 2009, at 12:00 noon, at COB-Fifth Street, to attend the TJPDC Annual Legislative Meeting.

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

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

NAYS: None.

Chairman

Approved by the Board of County Supervisors

Date: 02/10/2010

Initials: EWJ
