

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 6, 2010, at 9:00 a.m., in the Lane Auditorium of the County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, Deputy Clerk, Meagan Hoy, and Director of Community Development, Mark Graham.

Agenda Item No. 1. The meeting was called to order at 9:03 a.m., by the County Executive, Mr. Tucker.

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

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**Annual Meeting:**

Agenda Item No. 4. Election of Chairman.

Mr. Tucker said this is the first meeting (Annual Meeting) for the Board. He then opened the floor for nominations for Chairman of the Board for Calendar Year 2010.

Mr. Rooker **nominated** Ms. Ann Mallek as Chairman of the Board for 2010. Mr. Snow **seconded** the nomination. There were no other nominations.

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

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

Mr. Tucker turned the gavel over to Ms. Mallek.

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Agenda Item No. 5. Election of Vice-Chairman.

Ms. Mallek opened the floor for nominations for Vice-Chairman of the Board for Calendar Year 2010.

Mr. Boyd **nominated** Mr. Duane Snow as Vice-Chairman of the Board for 2010. Mr. Rooker **seconded** the nomination. There were no other nominations. Roll was called, and the motion passed by the following recorded vote:

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

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Agenda Item No. 6. Appointment of Clerk and Senior Deputy Clerk.

Mr. Rooker **nominated** Ms. Ella W. Jordan as Clerk, and Ms. Meagan Hoy as Senior Deputy Clerk for Calendar Year 2010. Mr. Boyd **seconded** the nomination. Roll was called, and the motion passed by the following recorded vote:

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

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Agenda Item No. 7. Set Meeting Times, Dates and Places for Calendar Year 2010.

Ms. Mallek asked if there were any comments about the proposed schedule. No comments were given, and the matter was placed before the Board.

Mr. Rooker **moved** to adopt the meeting schedule as set out in the agenda packet which is: the first Wednesday of the month at 9:00 a.m., the second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road; meeting dates for **January, 2011** will be January 5, 2011 at 9:00 a.m. and January 12, 2011 at 6:00 p.m.

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

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

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Agenda Item No. 8. Set Dates for Hearing Zoning Text Amendments Requested by Citizens.

Mr. Rooker **moved** to consider zoning text amendment requests from citizens on the dates listed in the Board packets - September 8 and December 8, 2010, and March 9 and June 8, 2011. Mr. Thomas **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

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Agenda Item No. 9. Rules of Procedure, Adoption of.

Ms. Mallek asked if there were any comments about the proposed schedule. No comments were given, and the matter was placed before the Board.

Mr. Thomas **moved** to adopt the Board's current Rules of Procedure as included in the agenda package. The motion was **seconded** by Mr. Boyd. Roll was called, and the motion passed by the following recorded vote:

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

(**Note:** The Rules of Procedure as adopted are set out in full below.)

RULES OF PROCEDURE  
ALBEMARLE BOARD OF COUNTY SUPERVISORS

A. Officers

1. Chairman. The Board at its annual meeting shall elect a Chairman who, if present, shall preside at such meeting and at all other meetings during the year for which elected. In addition to being presiding officer, the Chairman shall be the head official for all the Board's official functions and for ceremonial purposes. He shall have a vote but no veto. (Virginia Code Sections 15.2-1422 and 15.2-1423)
2. Vice-Chairman. The Board at its annual meeting shall also elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability. (Virginia Code Section 15.2-1422)
3. Term of Office. The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms. (Virginia Code Section 15.2-1422)
4. Absence of Chairman and Vice-Chairman. If the Chairman and Vice Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

B. Clerk and Deputy Clerks

The Board at its annual meeting shall designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board. The duties of the Clerk shall be those set forth in Virginia Code Section 15.2-1539 and such additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code Section 15.2-1416)

C. Meetings

1. Annual Meeting. The first meeting in January held after the newly elected members of the Board shall have qualified, and the first meeting held in January of each succeeding year, shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code Section 15.2-1416)
2. Regular Meetings. The Board shall meet in regular session on such day or days as has been established at the annual meeting. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect in accord with Virginia Code Section 15.2-1416. If any day established as a regular meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code Section 15.2-1416)

If the Chairman (or Vice Chairman, if the Chairman is unable to act) finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regular meeting, such meeting shall be continued to the next regular meeting date. Such finding shall be communicated to the members of the Board and to the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code Section 15.2-1416)

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code Section 15.2-1416)

3. Special Meetings. The Board may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code Section 15.2-1417)

A special meeting shall be held when called by the Chairman or requested by two or more members of the Board. The call or request shall be made to the Clerk of the Board and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk, after consultation with the Chairman, shall immediately notify each member of the Board, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business. The notice shall state the time and place of the meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at such meeting unless all members are present. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code Section 15.2-1418) The Clerk shall notify the general news media of the time and place of such special meeting and the matters to be considered.

D. Order of Business

The Clerk of the Board shall establish the agenda for all meetings in consultation with the Chairman. The first two items on the agenda for each regular meeting of the Board shall be the Pledge of Allegiance and a moment for silent meditation.

The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for "From the Public: Matters Not Listed for Public Hearing on the Agenda".

Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

It is the Board's preference that a public hearing should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes made in proffers at the public hearing resulting from comments received from the public or from Board members at the public hearing.

E. Quorum

A majority of the members of the Board shall constitute a quorum for any meeting of the Board. If during a meeting less than a majority of the Board remains present, no action can be taken except to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code Section 15.2-1415)

A majority of the members of the Board present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning such meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

F. Voting Procedures

1. Approval by Motion. Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. (Article VII, Section 7, Virginia Constitution)
2. Special Voting Requirements. A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code Section 15.2-1428)
3. Public Hearings. The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. Motion to Amend. A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. Previous Question. Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. Motion to Reconsider. Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. Motion to Rescind. Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use

permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. Amendment of Rules of Procedure

These Rules of Procedure may be amended by a majority vote of the Board at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

H. Suspension of Rules of Procedure

These Rules of Procedure may be suspended by the majority vote of the Board members present and voting. The motion to suspend a rule may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board. Provided, however, approval of a motion to suspend the rule shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

I. Necessary rules of procedure not covered by these Rules of Procedures shall be governed by Robert's Rules of Order's Procedure in Small Boards.

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010).

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Agenda Item No. 10. Boards and Commissions Policy, Adoption of.

Ms. Mallek asked if there were any comments regarding the Boards and Commissions Policy.

Mr. Rooker suggested that under Section B.1, the second sentence which says that "all magisterial positions will be advertised" should be changed to "all magisterial positions may be advertised, at the discretion of the Supervisor in the district" – as sometimes when magisterial positions come open, the Supervisor already has someone in mind, and it is really up to the Supervisor to appoint that person.

Mr. Rooker then **moved** to adopt the Boards and Commissions Policy as amended. Mr. Thomas **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

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Mr. Rooker then stated that in Section B.3, the word "will" in the sentence "notice of boards and commissions with appointed positions available will be published" should also be changed to "may." This would allow some flexibility for practical reasons.

Mr. Rooker then **moved** to change the word "will" to "may" in the second sentence in Section B3, and to readopt the Boards and Commissions Policy as amended. Mr. Thomas **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

(**Note:** The Board's Policy for Boards and Commissions is set out in full below.)

**ALBEMARLE COUNTY BOARD OF SUPERVISORS  
POLICY FOR BOARDS AND COMMISSIONS**

**A. CREATION OF NEW BOARDS AND COMMISSIONS**

1. On an annual basis the list of active boards and commissions will be purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.

2. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.

3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the

Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

## **B. APPOINTMENTS TO BOARDS AND COMMISSIONS**

1. All appointments to boards and commissions based upon magisterial district boundaries will be made by the members of the Board of Supervisors. At the discretion of the supervisor of that district, magisterial positions may be advertised and selected applicants may be interviewed for the position.

2. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.

3. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.

4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

5. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board of Supervisors prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.

6. From the pool of qualified candidates, the Board of Supervisors, at their discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting. For magisterial appointments, the decision to interview selected candidates will be determined by the supervisor of that district.

7. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board of Supervisors.

8. All vacancies will be filled as they occur.

9. All incumbents will be allowed to serve on a board or commission without his/her position being readvertised unless, based on attendance and performance, the chairman of the body or a member of the Board of Supervisors requests the Board of Supervisors to do otherwise.

10. As a condition to assuming office all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file such form annually on or before January 15.

11. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the chairman of the body may request the Board of Supervisors terminate the appointment and refill it during the next scheduled advertising period.

## **C. ADOPTION**

This policy shall be reviewed and readopted by the Board of Supervisors in January.

(Amended and/or Readopted 01-07-98; 02-12-2005; 01-04-2006; 01-03-2007; 01-09-2008; 01-07-2009; 01-06-2010)

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

Ms. Mallek welcomed the two newly elected Board members, Mr. Snow and Mr. Thomas to the Board.

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Mr. Dorrier commented that he thinks Albemarle has "rested on its laurels" as it relates to the low unemployment rate in the County. He noted that Mr. Hulbert, from the Chamber of Commerce, and Mr. Harvey, from TJPED, were present at today's meeting. He thinks the County needs to look at the issue of jobs and find out if it is attracting the industry needed for the County. He suggested meeting with the

Chamber and TJPED to determine whether there are sufficient jobs in the pipeline for Albemarle, noting the competition with surrounding counties. The most recent good news is that of NGIC coming and bringing 1,000 extra people to the County. He suggested the Board set this as an item for discussion on an agenda.

Mr. Dorrier said, secondly, he thinks there should be a County-wide energy audit. The County has done some good things in the field of energy but it needs to build on those things. He wants to move into the direction of energy preservation and look into alternative energy sources. He asked if Board members are in consensus with moving forward on these two items.

Mr. Rooker said that the County is a member of both TJPED and the Chamber and should take advantage of its membership in the organizations to make sure that its policies are consistent with the business activity that is hoped for in the County. In his opinion NGIC will be adding a large number of people in the community – which would add to the demands on schools and roads, etc. – which is an overall good thing because these are the kinds of jobs that provide stability to the economy. With the presence of the University of Virginia and the medical facilities, the County has a base to its economy that is extremely stable and continues to grow at a reasonable pace. The County is very fortunate and it is one of the reasons its unemployment rate is less than one-half of the national average and the second lowest in the State. Mr. Rooker said that NGIC's relocation will naturally result in contractors following to the area. In talking with Leonard Sandridge recently, he indicated that a number of those will be interested in the Research Park – such as Booz Hamilton. He emphasized that more of those types of companies would be coming in – providing good paying jobs with good benefits – and will fit into the Research Park, which has a lot of unused capacity. Those are the kinds of jobs that do not disappear. Mr. Rooker mentioned that businesses like Comdial and ConAgra relocated for cheaper labor, and the County needs to be careful how it pursues growth. He hopes the County focuses on the kind of employment-based growth that will be stable long-term in the community and that is consistent with the resources currently here. He added that the Patent Office is expanding its activities, and early-stage companies license their patents from U.Va. Those kinds of companies start and grow here because they want to be here and they want to take advantage of the intellectual capabilities in the community. He agrees with Mr. Dorrier but wants to make certain that we are not out pursuing the kind of employment that actually destabilizes an economy over the long term, because they get bought/sold and production moves elsewhere, and suddenly you look at 600 jobs moving from the community.

In terms of the energy audit, Mr. Rooker said the County wants to be a leader in its conservation efforts and environmentalism. He thinks the County has a superb program in place. Energy audits have been done on all the County buildings and Schools have done energy audits of their buildings. In addition the County received a first place award, tied with Arlington County, in the "Go Green Virginia" contest.

Mr. Snow said that he supports Mr. Dorrier in those suggestions; there are some needed changes that need to be focused on. He added that a lot of the existing ordinances need to be simplified for businesses who want to relocate here.

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Mr. Boyd said he appreciates the previous comments concerning jobs. He handed out to Board members a document outlining some things he has had on his mind for some time. He believes that the Board members are elected because of the ideas they put forward for their constituents. He wanted to formalize this with more than just discussions of the Board. He has provided Board members with a copy of an "action plan." He will make a motion on this plan because he thinks the Board needs to send clear direction to staff. He then read the following document:

"2010 Albemarle County Action Plan  
January 6, 2010

1. Increase Revenues through Economic Development –We need to increase the commercial tax base, restore fading sales taxes, and provide taxpayers relief from constant increases in the personal property and real estate taxes. Increasing economic development is now the top fiscal priority for Albemarle County. The best way to accomplish this is by reducing unnecessary and burdensome regulations and shortening approval times. Staff should work closely with the Partnership for Economic Development and the Chamber of Commerce to develop a plan in the first six months of 2010 to significantly increase non-personal tax revenues through economic growth and not increased taxes to our business community. We should update our five year strategic plan to reflect this priority and goal.
2. Zero based budgeting – This year we want to build the County budget from the ground up in all departments based on realistic revenue projections, and the current tax rate of \$0.742. The 2010-2011 budget should be developed under a zero based budget model with priority on core government services and separate categorical expenses for non-core services.
3. The Development Review Process – As part of the economic development priority all the outcomes from the Development Review Process that were designed to streamline the process should be implemented and/or improved within the year.
4. Yancy Mills and 250 East Corridor from I-64 to Shadwell Store – The report on available light industrial zoning should be expedited and a report on the possibility of expansion of this type of zoning in these areas should be brought back to the board in the first quarter of the year for discussion and possible action.

5. Berkmar Drive Extended – Identified as of critical importance to help alleviate traffic congestion on Rt. 29 North, staff should be directed to work expeditiously, in concert with the private sector on a public/private solution to getting some portion of this road developed.
6. Sign Ordinances – The sign ordinances need to be re-examined to ensure they do not overly restrict economic vitality of area businesses. Staff should work with local retailers to develop new ordinances that will help promote good business practices as well as maintaining quality aesthetic values.”

Mr. Boyd said this is the beginning a blueprint he would like to put forward for the Board to be working on next year. The main theme is that we need economic development and a higher percentage of tax revenues coming from a flourishing business community. He would like to see the Board work in that direction. He is making this in the form of a **motion** because he wants to give clear direction to staff, if it is the will of the Board.

Mr. Rooker stated that while he appreciates the thought put into this, he would not vote in favor of a motion encompassing all these things at once, as there are “many different ideas that have huge amounts of complexity and discussion that would need to go into them, to determine whether or not you supported the concept itself. As an example, with regard to zero based budgeting and the tax rate, the Board has no report yet that indicates how much the County is down in revenue from last year, and several new Supervisors said during their campaigns that funding would not be cut from schools – but schools have lost \$6 million based on the State’s allocation and another \$2 million in cuts is expected. With this tax rate, Schools could be down between another \$1 million and \$1.5 million. Mr. Rooker said the Board may decide to cut the School budget by that amount, but he would only do it after some lengthy discussion. Each one of these items is like that. Mr. Rooker asked Mr. Boyd if he had seen a traffic model that shows the impact of intensity of uses on the other side of the bridge, and if building Berkmar Extended would actually reduce traffic on Route 29. He emphasized that there is a process that is followed for transportation priorities. This road is in the Long Range Transportation Plan, but other roads have been given higher priority – such as widening Route 29 from Polo Grounds Road to Hollymead Town Center to take the “hourglass” out of the road there. There are also several other key places in the Six Year Road Plan. He is not comfortable pulling out this road and saying it is more important than another road for which the Board previously voted.

Mr. Rooker said not too long ago the Board re-established the sign ordinances with recommendations made by the Architectural Review Board, on which Mr. Snow served. There are one or two people who constantly complain about the County’s sign ordinance. He said that he represented a big sign company that does signs in the Southeast and has been on tours in communities where signs are not closely regulated – and the only people that benefit are the sign companies, not the businesses. If you let one guy put up a bigger sign, he may grab more of the hamburger sales than the guy who doesn’t have a big sign – so the guy without the big sign now has to put up a big sign to compete. Mr. Rooker added that there hasn’t been a single house sold because of a sign, and if signs go up everywhere people who violate the ordinance might gain a competitive advantage. He stated that when Mr. Slonaker raised first amendment issues about signs, the County went through a study of the sign ordinance at that time and some measures were redone and the Board acted on them. You’re talking about cutting expenses further, yet you’re talking about putting things forward here that will actually add substantially to staff’s burden dealing with things the Board has already dealt with.

Mr. Boyd said Mr. Rooker is misinterpreting him. There is nothing that says the Board will change the sign regulations. He thinks this is just laying out a plan of action for staff that is very important, and there may be enough people on the Board now that agree to move forward with it.

Mr. Dorrier said he would **second** Mr. Boyd’s motion.

Mr. Boyd stated that he wants to establish a zero-based budget now in order to give Mr. Tucker an opportunity to move forward.

Mr. Rooker said he would like to hear from Mr. Tucker before passing a motion to adopt a zero-based budget. The Board of Supervisors tried zero-based budgeting before, and it took up huge amounts to staff time, there were no benefits that derived from it, and it was decided not to pursue that route.

Mr. Boyd said he has not been through that process.

Mr. Rooker said he has seen the process adopted and then abandoned. He would guess there are only a few communities throughout the state that use this.

Mr. Thomas commented that Greene County uses zero-based, but their budget is only \$54 million.

Mr. Boyd reiterated that this is not a plan to approve anything, instead to direct staff to move in this direction.

Mr. Rooker stated that what Mr. Boyd is proposing is a vote to make a fundamental decision without a staff report or any other information other than what he’s presenting.

Mr. Snow said that he is in favor of zero-based budgeting, and the process is really just establishing primary needs, with all the other “wants” put on the back burner to see if there is enough



money. He knows there are programs and things the County is doing that does not need to be funded in the current economic climate.

Mr. Rooker emphasized that that is not true zero-based budgeting, and what Mr. Snow describes is what's being done now. He said that he would like Mr. Tucker to weigh in on this.

Mr. Thomas said he supports a zero-based budget. He runs his business with that type budget. He stated that a zero-based budget is done by establishing fixed costs, and then bringing it back up with things added in. He said that he is in favor of what Mr. Boyd proposes, and he would like the measures put into effect. He talked about all these things during his campaign for the Board. He would like to see a budget based on the \$0.742.

Mr. Rooker said that Mr. Boyd's motion includes a mandate that all of the outcomes from the Development Review Process that were designed to streamline the process be implemented and/or improved within a year. He asked if anyone knows what this is, other than Mr. Boyd.

Mr. Thomas replied that is the 106 steps required of an applicant for review and he would like to see those steps reduced so the timeframe be less.

Mr. Rooker stated that Mr. Boyd is talking about the Development Review Task Force Committee's recommendations. The Board spent many hours going over the recommendations of the Task Force. Some of the recommendations were adopted and some staff said could be done, but would cost more money. He is not prepared to vote on something that encompasses 15 things that the Board does not have in front of it.

Mr. Snow asked if voting for the motion obligates the Board in any way.

Mr. Rooker responded that there is a lot of depth to what Mr. Boyd suggests today. The list of Committee recommendations, for example, is not included here. It may be appropriate to put this on next week's agenda where the Board can set aside adequate time to go through the recommendations. He suggested reviewing them when the full information is presented, not in a five minute "Matters from the Board" dialogue. He does not think it is good public policy to do that, and he thinks the Board needs to deal in a more deliberate matter with the things that are extremely important – like the things on this list.

Mr. Boyd said that this is a direction, and he would be willing to modify the language to state that instead of "being implemented" it be brought back to the Board for further review. It's time to get started on these things. There is nothing here he is trying to "glass" over or propose to be done that has not had adequate study. We can come back next week and then we can delay it some more, and that's the policy and procedure that the Board has normally done here with a lot of ideas that come out of this Board. He is not willing to do that. He really wants to put this agenda on staff and have them create these priorities. He does not think Mr. Tucker can wait too long to get direction to build the budget. He does not think Mr. Tucker can wait another month while the Board debates going a zero-based budget or some other route.

Mr. Rooker noted that the Board voted on a 77-cent starting point for the budget, which was an equalization rate to keep people's taxes where they are now, at a strategic meeting where hours were spent discussing it. He is willing to talk about changing what the budget is built on, but he wants to do that with some numbers in front of him.

Mr. Boyd said it would be very challenging to ask staff to build two budgets.

Mr. Tucker stated that staff looked at zero-based budgeting back in the early 1990s at which time it directed three departments to develop a zero-based budget – but they started that process in September and October, and it came to the Board in February and March for review. He said that staff established that it wasn't worth going forward with, emphasizing that the County does not build its budget by adding on every year. We do not do that, we never have done that. Mr. Tucker stated that what they are doing now because of the reductions in state and local revenues is essentially modified zero-based budgeting – although that term may not mean the same thing to each Board member. If he asks each Board member what zero-based budgeting means, he would probably get six different answers. He said that they have been going through every program and service that every department provides. Mr. Tucker stated that he only has about two and one-half weeks to finalize the budget so they can balance. If the Board wants to theoretically do a zero-based budget in concert with staff, they would have to debate the value each member places on specific programs. They would have to go through each department and start at zero and then add back in each program. Mr. Tucker said staff's problem is that he cannot determine the value Board members place on each program. The process for a zero based budget should begin in September or October.

Mr. Snow asked why there was only two and one-half weeks.

Mr. Tucker replied that he must balance the budget, which includes the Schools' budget, so that it can go to print in time for the first public hearing. He cannot turn around a \$300 million budget in two days. Staff has to develop and write up each of these programs so that you understand what they mean and what the impacts are; it is not just numbers. The Schools are on a similar timetable. Mr. Tucker emphasized that the staff has been working on the budget since September. They have been doing program and service review, and he believes that when Board members sees what has been provided they will understand that it is the same basic principle as zero-based budgeting. He added that he cannot determine the value each Board member places on one of these things, that has to be done during the work sessions in March.

Mr. Boyd stated that he understands there may be several interpretations of zero-based budgets. It was not his intent to have it be only one way. He indicated that the Board should have the option to decide what is being spent on certain functions, rather than adding or subtracting to existing line items. He thinks that could be worked into Board work sessions with each department.

Mr. Tucker said that staff can talk to the Board next week about zero-based budgeting and provide Board members with some ideas of what staff is proposing. Mr. Boyd said he does not see that as being contrary to his proposals. He is open to staff suggestions.

Mr. Tucker added that what is happening at the state level and with County revenues is that the numbers are changing almost daily. Staff knows that the County has about \$400,000 additional loss in 599 funds for law enforcement, about \$500,000 short for all Constitutional Officers – which is falling on local governments to make up or not. Mr. Tucker stated that Governor-Elect McDonnell might have additional cuts as well. The County also won't have the \$400,000 in revenue from the Biscuit Run development. It is changing very rapidly, so staff knows the importance of looking at programs and services and whether or not the County will be able to continue to fund them. Board members are going to have some hard decisions to make.

Mr. Boyd responded and said that that's why it is important to put this back to the Board, instead of on staff.

Mr. Rooker explained that the process is in the hands of the Chief Executive Officer of the County, not the Board. This Board has a policy function; this Board makes land use decisions. The Board does not run the County on a day-to-day basis. You hire somebody to do that, just like a corporation – you've got a Board of Directors and you've got a Chief Executive Officer. Mr. Rooker emphasized that Mr. Tucker makes a recommended budget, and that budget is put out for public comment, this Board takes that public comment and then comes back eventually with our budget. That is the starting place for the budget.

Mr. Boyd said he wants some good solid background information that he thinks would be brought forward with a zero-based budget in order to make that decision. He agrees that it is Mr. Tucker's job to present a budget, but it is our job to understand all the intricacies of what's in that budget and make the final decisions about what we're going to fund and not fund.

Mr. Rooker stated that with zero-based budgeting, you get each department head to come in and justify their needs. He said that that may work well in a business with 10 employees, but not with a large-scale organization. Terms do have a meaning, and he does not want this Board to adopt a policy that is based upon something that is completely not realistic given where staff is in the budget process.

Mr. Tucker said that if the Board is not happy with the process as it is, the best course would be to have another strategic plan whereby the Board evaluate the current process and possible alternatives.

Mr. Boyd reiterated that he wants his motion to include zero-based budgeting, with the Interpretation left up to Mr. Tucker, and the 74.2 cents is important to act upon. He will, therefore, modify Item #3 to remove the words "implemented and/or improved within a year" to say "the process should be brought back to the Board within the year".

Ms. Mallek commented that the budget that has been prepared for the last several years has had three years of expenses and has had which parts of it are mandated by State and Federal requirements. There is a tremendous amount of detail in the budget and Board members have had every opportunity, in the two years that she has been here, to zero out any of the categories on the spot, if they chose. She does not want anyone to think that they have not been looking at the budget, line-by-line, program-by-program. She added that in her experience with zero-based budgeting with the Museum of Natural History, it does not seem to come out with a different result than the process they have been undergoing here in the County.

Ms. Mallek then said regarding Item 4, there is a report due to the Planning Commission on January 17<sup>th</sup> regarding the inventory assessment on Light Industrial, and there is a plan already in place to address the wording and definition for "light industrial."

Mr. Thomas commented that there is a list pertaining to Item #3, and he would like to see that.

Ms. Mallek said that the application packet does have the list of questions in it. The reason for the packet was so that the applicant would know the kinds of information they would be requested and be able to do their homework ahead of time.

Mr. Rooker noted that there was a time the checklist was not there, and it essentially puts in place the things that are required. He mentioned that the Development Review Task Force – on which both Mr. Boyd and Ms. Mallek served – had the charge of evaluating and streamlining the process. Nobody has the desire to have people jump through hoops for the sake of jumping through hoops, but there are reasons for some things – there are environmental reasons, there are State law requirement reasons for certain things, etc. He added that when development takes place and negatively impacts people around it, you have a lot of unhappy citizens. Mr. Rooker stated that Mr. Boyd had that experience with the Hollymead Town Center, and he (Mr. Boyd) supported additional regulations that have been put in place because of that problem. There are reasons why a lot of these things are there, and eliminating ordinances is certainly something to look at – but the Board needs to do it with public hearings and where people have a chance to comment, so that where we are going is well understood by the public.

Mr. Boyd said that all of this would flow back through the regular process, and he is simply trying to give staff some direction.

Mr. Snow then **seconded** the motion.

Ms. Mallek said her concern is that these are all topics that have been talked about for many months and years, and active decisions have been made about how to move along, especially with regard to the Development Review report.

Mr. Dorrier said that Mr. Boyd's motion includes having staff working with the Chamber and TJPED, but he also feels the Board should work with the Chamber and TJPED. Recognizing that Mr. Hulbert was in the audience, he asked if the Chamber has an active policy on dealing with job growth in the County.

Ms. Mallek commented that the Chamber would be making a statement later.

Mr. Boyd said that he was unaware the Chamber would be attending this meeting and he has not shared this statement with them. He added that it is an indication that the issue is on the minds of people in this community, and the elections also indicated that. He reiterated that this is a plan of action.

Mr. Rooker commented that one thing that is implied in Mr. Boyd's statement is that growth will lower taxes.

Mr. Thomas stated that it is not growth, it is economic development.

Mr. Rooker said that it depends on the kind of economic development you pursue. He emphasized that the communities with the highest balance of commercial to non-commercial have higher tax rates than Albemarle. Mr. Rooker cited Northern Virginia as an example of the area with the most growth in the state, emphasizing that they have had to raise their tax rates much more than any other part of the state.

Mr. Rooker stated that while he agrees with many things in the plan, he does not agree with the way some things are said. As an example, he asked if item 5 suggests to staff that the growth area be expanded. There's no value to extending [Berkmar Drive Extended] that road unless you have a bridge – no transportation value unless you're expanding the growth area. He added that this certainly seems to imply an intention to bring commercial development down to the River. He stated that the statements in this plan are much more sweeping than he is prepared to support.

Mr. Boyd asked to call for the question.

Ms. Mallek stated that because of the complexity of issues and trying to handle them all together, she would also be voting against it.

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

AYES: Mr. Boyd, Mr. Dorrier, Mr. Snow and Mr. Thomas.

NAYS: Ms. Mallek and Mr. Rooker.

2010 Albemarle County Action Plan  
January 6, 2010

1. Increase Revenues through Economic Development –We need to increase the commercial tax base, restore fading sales taxes, and provide taxpayers relief from constant increases in the personal property and real estate taxes. Increasing economic development is now the top fiscal priority for Albemarle County. The best way to accomplish this is by reducing unnecessary and burdensome regulations and shortening approval times. Staff should work closely with the Partnership for Economic Development and the Chamber of Commerce to develop a plan in the first six months of 2010 to significantly increase non-personal tax revenues through economic growth and not increased taxes to our business community. We should update our five year strategic plan to reflect this priority and goal.
2. Zero based budgeting – This year we want to build the County budget from the ground up in all departments based on realistic revenue projections, and the current tax rate of \$0.742. The 2010-2011 budget should be developed under a zero based budget model with priority on core government services and separate categorical expenses for non-core services.
3. The Development Review Process – As part of the economic development priority all the outcomes from the Development Review Process that were designed to streamline the process should be brought back to the board for consideration of implementation and/or improvement within the year.
4. Yancy Mills and 250 East Corridor from I-64 to Shadwell Store – The report on available light industrial zoning should be expedited and a report on the possibility of expansion of this type of zoning in these areas should be brought back to the board in the first quarter of the year for discussion and possible action.

5. Berkmar Drive Extended – Identified as of critical importance to help alleviate traffic congestion on Rt. 29 North, staff should be directed to work expeditiously, in concert with the private sector on a public/private solution to getting some portion of this road developed.
6. Sign Ordinances – The sign ordinances need to be re-examined to ensure they do not overly restrict economic vitality of area businesses. Staff should work with local retailers to develop new ordinances that will help promote good business practices as well as maintaining quality aesthetic values.

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Ms. Mallek read a statement saying that it is an honor to represent the citizens of the White Hall District, and to be elected Board Chair for this year. She said that she views the Chair's role as that of a facilitator for "open and effective government," where all speakers from all perspectives are equally respected and invited to participate. Ms. Mallek stated that there will be serious challenges in the coming year, and only through "concerted, cooperative effort" on everyone's part – Supervisors, citizens, and staff – will success be achieved. She commented that Albemarle residents want the Board to focus on their issues, and using all of their combined skills, they want local government to be proactive rather than reactive – planning ahead for efficient delivery of services. Ms. Mallek stated that everyone wants the same outcome – a county where citizens have an opportunity for success in their chosen endeavors, a county where quality of life is protected in all facets, and a healthy environment is maintained as residents have come to expect or have moved here to enjoy. She said that "we do want improved growth of our locally-owned business and job creation," and to capture those 10,000 residents who migrate out of the area to work every day. Ms. Mallek said that it's important to work with TJPED, the Piedmont Workforce Network, and the One-Stop Center for employee hiring and training. She noted that everyone wants agricultural and rural economies to thrive, as buyers will have easy access to local products and rural residents will have vital businesses. Ms. Mallek added that farms and forests provide scenic and environmental benefits for everyone. She mentioned the County is facing new state and federal regulations for storm water runoff. She believes the County should join with partner governments and nonprofits in the Rivanna Watershed to develop a local response watershed model for "our daily pollution diet" – or TMDL. Ms. Mallek mentioned that a meeting on this effort would be held on Friday, January 8<sup>th</sup> in Room 241 of the County Building.

Ms. Mallek reflected on the achievements over the last year – implementation of the revalidation process for participation in the Land Use Program, adoption of stormwater regulations which retain more sediment through replanting of graded sites, and adoption of more recommendations of the Development Review Task Force. She said that there have been increased efficiencies in local government operations, cross-training of employees, and recognizing staff – who have been flexible and willing to undertake new roles to deliver service to the citizens at reduced cost. Ms. Mallek called upon all residents to participate in government, to share their ideas and passion for particular issues, remind representatives of their concerns. She asked that when citizens write to the entire Board at [bos@albemarle.org](mailto:bos@albemarle.org) they include their district so that each Supervisor can better respond.

Ms. Mallek concluded by stating that we have much to do. She then thanked everyone.

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

Ms. Liz Nixon, Fundraising Coordinator for the Central Virginia Muscular Dystrophy Association, addressed the Board and thanked the Albemarle Fire and Rescue Local #4007 for their help with the "Fill the Boot" program this year. She recognized Chief Dan Eggleston, Kevin Boyer, Philip Burkett, and Ken Naccarato, noting that the firefighters raised \$11,333 this year – which will help fund local healthcare services, support groups, clinics, children summer camps, etc., and will help fund research for 43 neuromuscular diseases. Ms. Nixon said that this year marked the 55<sup>th</sup> year the IFF has partnered with the MDA. The IFF is its largest sponsor in terms of dollars raised and number of participants. She reported that since 1952 they have raised over \$400 million nationwide for MDA, and last year the firefighters came to the summer camp in Wakefield in June. Ms. Nixon then presented a plaque for Local 4007 to Philip Burkett.

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Mr. Eric McAllan said he is a resident of Earlysville and spends a lot of time on Buck Mountain Road (Route 743). He said that he is "extremely concerned" about the volume of traffic and excessive speeding along that stretch of road. He urged the Board to address the problem and do something about the excessive speed. He would like to see a uniform speed from Broaddus Woods to Earlysville General Store, with the additional \$200 fine. The fine may not necessarily stop people, but it will make them think twice before speeding.

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Ms. Susan Reed said that the Woodbrook community is "very upset" with the Board's November decision to overturn the Planning Commission's unanimous recommendation against a connecting road between Arden Place and Woodbrook. She said that citizens came out in droves to protest the connector at the first Planning Commission meeting, and the Commission unanimously agreed that this would be "disastrous." Ms. Reed also stated that the Planners unanimously agreed at their second meeting that a walkway should only be five feet wide and should end behind Carmike Theatre. The residents could not believe it when at a November Board meeting, with no notice given to the neighborhood, the plans were discussed and completely revised. She acknowledged that some of the letters from residents of Woodbrook had some technical inconsistencies, but that is because they have been "jerked around" in this process. It was also abundantly clear from some of the comments in the audio that some of the

Supervisors were not familiar with the area at all. Ms. Reed said that the “lagoon” mentioned is an old cesspool that is on a very steep grade and very swampy, and it makes no sense to build a sidewalk to it. She asked what makes Board members think droves of people at a time are going to be walking to a swamp. She commented that the only reason she could see for making it eight feet wide is so the County could turn it into a street later – which would be a complete disaster. The Commission listened to all the comments and spent countless hours working with the facts, figures and people. Their neighborhood followed the process and was praised for how they got involved. This is what makes people mistrust government. The lawyers for Arden Place worked with the residents. She asked the Board to reverse its prior decision and reinstate the Commission’s recommendation for the five foot wide walk to not go into the lagoon, or at the very least allow more public comments.

Ms. Mallek suggested that the item be brought back on a future Board agenda.

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Ms. Valerie Long, on behalf of the Chamber of Commerce as Vice-President of their Board of Directors for Economic Development, recognized the attendance of Chamber CEO Tim Hulbert, and TJPED Executive Director, Mike Harvey. She said that they are here today in the spirit of working with the County as a whole and the Board in particular to extend their offer to work with Albemarle on economic development issues. She stated that 2010 will be a very challenging year for the entire community. They are here to make sure the Board is aware of their services and their desire to work with the Board to address the Board’s economic goals.

Mr. Timothy Hulbert said he has been Chamber Director for nine years, and the Chamber itself has been here for 96 years. He said that The Chamber has a long relationship with the County, and Mr. Tucker currently serves on the Chamber Community Council and Mr. Boyd has been active on the Economic and Government Affairs Committee. Mr. Hulbert commented that the Chamber supports a lot of Mr. Boyd’s resolution, specifically Berkmar Drive Extended as they view it as an important component of Places29. He mentioned that seven years ago he attended a community meeting where there was near unanimity as to whether a lane could be constructed from US 29 South onto route 29/250 Bypass, and a report came back that indicated it would take about five years. Mr. Hulbert stated that things can be done quicker while also protecting things in an environmentally sensitive way, and the planning process can be streamlined. He encouraged approaching economic vitality as a plan rather than just a phrase. The Chamber shares a lot of commonality with the County, even when they are in disagreement.

Mr. Mike Harvey said that TJPED looks forward to working with the Board on economic development. Historically TJPED has been the site selection assistance organization for the region and they have retooled their program to focus on existing businesses. He stated that their Business First Program does outreach to hundreds of companies each year to determine what their key issues are. He stated that TJPED is also a sponsor of the Small Business Development Center, which helps entrepreneurs get off the ground. Eighty percent of what they do is focused on organic growth, helping the folks that are here already start and grow their businesses – and a key component of that, just last year, was bringing in the Area Six Workforce Investment Board under the Partnership’s umbrella. Now we can help job seekers and employers connect, and close that loop. Noting Ms. Mallek’s earlier comments, he said that this community loses thousands of people every day to other regions. They drive out of here to go to work every day. He would like to develop a strategy as to how to keep those people working here. As the Board think about moving forward with its economic development plan, they would like to work with the County on those specific issues to customize and tailor-make a plan for Albemarle, one that works for the County. He emphasized that keeping the tax base here should focus on attracting “high-value companies.” The University and local government provide a stable base, but they are tax-exempt entities.

Mr. Rooker said that several articles he’s read lately indicate that the main issue with the types of companies Albemarle would want is whether they can find the types of employees they need.

Mr. Harvey responded that there is a disconnect here between skills and opportunities, and TJPED needs to concentrate on closing that gap.

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Mr. Jeff Werner, of the Piedmont Environmental Council, said that the community might not understand why a resolution is needed in order to get results from a partnership between the County, The Chamber, and TJPED – as they have had a relationship for quite some time. Mr. Werner said that the PEC – without any money from the County – has been the primary organization that has implemented the County’s Rural Area policies, as the Board has chosen to do very little as a function of what was adopted in the Rural Area Plan. He stated that without the Biscuit Run development, the County would be looking at almost 3,000 acres under easement at the end of 2009 – one of the most exciting being Bessie Carter’s Redlands and about 1,000 adjacent acres – with the total in the County now at about 80,000 acres. Mr. Werner said that he is disappointed in the agenda statement offered, as the PEC feels very strongly that the Rural Area is a critical component of the County’s economic well-being. He emphasized that people come here because of what the area is and what it looks like, and it’s no accident that the Rural Area is what it is. Mr. Werner stated that people in the Keswick area are going to be very upset when there is a proposal to extend the growth area around Route 250 East. Mr. Werner said they will take that head on. He also added that there needs to be more of a statement in this economic plan about the importance of the local agricultural economy and tourism, noting that the new state park on the Biscuit Run site could be an economic opportunity. He again urged the Board to not short change the rural area which is what makes Albemarle a unique and special place.

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Mr. Thomas commented that he supports bringing the Woodbrook matter back to the Board.

Mr. Rooker said that he supports bringing it back and allowing public comment. He emphasized that the Board did not completely reverse the Commission. The Planning Commission dealt with a much larger site plan issue, and the Board dealt with just one small part of that. He stated that public comment should be permitted though, and it should be brought back on a future agenda for an evening meeting.

Mr. Thomas also mentioned that he met with the developer recently, and if he doesn't get the plan through the process and approved by March 1<sup>st</sup>, his water hook-up fees will quadruple. He asked what effect the public hearing might have on his application.

Mr. Davis clarified that the preliminary site plan has been approved, and part of the approval is based on a density bonus that is granted only upon the dedication of this property to the County; the motion approved by the Board in November was to accept that property with some conditions as to how it would be developed. He said that the dedication has not been made yet, but it would need to be before a final site plan is approved.

Mr. Rooker asked if they could go ahead and convey the property and amend the conditions in the future.

Mr. Davis responded that when the property is conveyed, it would be with an agreement with the developer to develop an eight-foot wide path and the developer would maintain the property. After the County accepts that property, it becomes County property – that agreement could be renegotiated with the developer, but they would not have to agree to further modification. After the property is accepted and the developer has gained the density bonus, the Board could do whatever it wanted with the property, but they may not have it with the agreement of the developer.

Mr. Rooker stated that the developer indicated they didn't care one way or another, and if the site plan is being held up by the conveyance, an agreement could be entered into with future amendment if necessary. The Board can allow the developer to move forward, and take another look at the path situation.

Mr. Davis said, to be clear, there is no change in the position of the Board at this time. Staff will go ahead and accept the property under the November 4<sup>th</sup> motion.

Mr. Rooker said the Board would go ahead and accept the property under those conditions and reserve the right to work with the developer to amend the agreement at a later time, if the Board changes its position on the path.

Speaking for the applicant, Ms. Long stated that the applicant would be willing to do whatever the Board decides. The applicant's primary focus was retaining the bonus density that was granted in exchange for the dedication of land to the public. Her understanding is that the Board has the authority to change the conditions of that acceptance and perhaps allow a shorter, narrower or path in other locations. She said that the public land would still be dedicated, and the width of the path and its boundaries could be fine-tuned later. She added that they are facing a March 1 deadline when the Albemarle County Service Authority's tap fees increase significantly, and the fees cannot be prepaid.

Mr. Davis clarified that there would be two parts – the deed of dedication of the property, and an agreement that sets forth the terms of how the developer would develop the property on behalf of the County. They will go forward with the agreement, and then the agreement can be modified after the Board's future consideration.

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Agenda Item No. 13. Consent Agenda. Mr. Boyd **moved** for approval of Items 13.1 through 13.4 on the Consent Agenda. Mr. Rooker **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

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Item No. 13.1. Cancel January 13, 2010 Regular Night Meeting.

**By the above-recorded vote, the Board cancelled the January 13, 2010 regular night meeting.**

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Item No. 13.2. Resolution to accept road(s) in Old Trail Subdivision into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution, at the request of the County Engineer:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6<sup>th</sup> day of January 2010, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Old Trail Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 6, 2010**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Subdivision**, as described on the attached Additions Form AM-4.3 dated **January 6, 2010**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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The road(s) described on Additions Form AM-4.3 is:

- 1) **Old Trail Drive (State Route 1815)** from 0.3 miles north of Route 1816 (Reas Creek Drive) to the intersection of Route 691 (Jarmans Gap Road), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2233, page 389, with a 35-foot variable right-of-way width, for a length of 0.84 miles.

Total Mileage – 0.84

Item No. 13.3. Set public hearing for the proposed renewal of the lease agreement between the County and the Field School of Charlottesville for part of the Old Crozet School.

In the executive summary it states that the Old Crozet Elementary School was built in 1924 and was used as a public school until 1990. From 1991 through 2007, the Charlottesville Waldorf School leased the facility. The Old Crozet Elementary School was then vacant until June 2009, when the County began leasing part of the facility to the Field School of Charlottesville. The County currently has two tenants leasing space in the Old Crozet School: the Field School of Charlottesville and the Old Crozet School Arts (OCSA). The two tenants together currently occupy approximately 15,165 square feet of the facility.

*Virginia Code* § 15.2-1800 requires that the Board advertise and hold a public hearing prior to leasing County-owned property.

Since occupying the facility, the Field School of Charlottesville has been an excellent tenant and has expressed an interest in continuing to lease the facility. For the most part, the proposed renewal would continue the same conditions as the current lease. However, the tenant would like to extend the lease term to four years from its current one year term, subject to annual renewals. Highlights of proposed changes to the current lease include:

- an initial term of 13 months to bring the lease in sync with the School's academic year, which ends in June each year
- automatic renewal of the lease for up to four additional 12-month terms thereafter, unless notice is given by the Landlord or the Tenant no later than 60 days prior to the expiration of any annual term
- the discontinuance of the tenant's allowance for pre-approved alterations, additions, or improvements during the initial term

Because the Consumer Price Index (CPI) for the last 12 months has been negative, the rent for the first term of the proposed lease renewal would remain \$42,710.10 per year (≈ \$3,559.18 per month). This rental rate includes both rent and a utility charge, based on projected use. At the end of September 2010, when a full year's utility data for the building with occupants is available, staff will evaluate utility consumption and adjust the utility cost component of the rent, if warranted.

The renewal of this lease would yield \$42,710.10 annual revenue initially.

Staff recommends that the Board schedule a public hearing on February 3, 2010 to receive public comment on the proposed lease renewal.

**By the above-recorded vote, the Board set the requested public hearing on the proposed lease for February 3, 2010.**

Item No. 13.4. FY 2010 Appropriations.

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

The total of the new requested FY 2010 appropriations, itemized below, is \$364,490.13. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget.

This request involves the approval of seven (7) FY 2010 appropriations as follows:

- One (1) appropriation (#2010053) totaling \$69,331.00 for the Safe Schools/Healthy Students grant;
- Two (2) appropriations (#2010054 and #2010059) totaling \$105,871.85 for various education programs;
- One (1) appropriation (#2010055) totaling \$4,730.65 for the Fugitive Apprehension Task Force;
- One (1) appropriation (#2010056) totaling \$144,556.63 for the Route 20 Visitors Center;
- One (1) appropriation (#2010057) recognizing \$ 8,316.80 in other revenue sources (proffers) in the Capital Improvements Fund and reducing the anticipated use of CIP fund balance by the same amount; and
- One (1) appropriation (#2010058) totaling \$40,000 for the Internet Crimes Against Children grant.

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$364,490.13 and the approval of Appropriations #2010053, #2010054 #2010055, #2010056, #2010057, #2010058, and #2010059.

Attachment A

<b>Appropriation #2010053</b>		<b>\$ 69,331.00</b>
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Revenue Source:	Federal Revenue	\$ 69,331.00
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Albemarle County Department of Social Services in partnership with the Commission on Children and Families will receive grant funds from the Safe Schools/Healthy Students federal grant. This is a four-year grant that will be used to provide a Preschool Family Coordinator position at Stony Point Elementary School and Red Hill Elementary School. The grant is 100% reimbursable.

<b>Appropriation #2010054</b>		<b>\$ 42,913.94</b>
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Revenue Source:	Local Revenue	\$ 12,354.88
	Fund Balance	\$ 30,559.06

Stone Robinson Elementary School received a donation in the amount of \$8,000.00 from the Stone Robinson PTO. The donor has requested that their contribution be available to all teachers to have supplemental funds to purchase supplies.

Broadus Wood Elementary School received a donation in the amount of \$1,000.00 from Mr. Jim McVay. The donor has requested that the contribution be used for instructional materials that promote the "I Love to Read" campaign at Broadus Wood.

The Project Graduation grant provides additional assistance during summer school for juniors and seniors needing to obtain verified credits in reading, writing, and algebra. There is a local fund balance of \$30,559.06 from FY 08/09 that may be used. This will reappropriate the fund balance into FY 09/10.

V.L. Murray Elementary School received a donation in the amount of \$2,854.88 from the Murray Elementary PTO. The donor has requested that their contribution be used to help fund the M3 classes for V.L. Murray students. These classes are offered in the fall, winter, and spring, with each class running for six weeks. These classes include Math Madness, Cooking and Crafts, Water Colors, Creative Crafts, Yoga, and Helping Hands.

Baker Butler Elementary School received a donation in the amount of \$500.00 from Lorri and Paul Haney. The donors have requested that their contribution be used to help purchase a Mimio Pad wireless tablet to be used in the 3<sup>rd</sup> grade classroom at Baker Butler Elementary School.

<b>Appropriation #2010055</b>		<b>\$ 4,730.65</b>
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Revenue Source:	Federal Revenue	\$ 4,730.65
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This funding is provided by the US Marshall Service for the Police Department's Fugitive Apprehension Task Force in order to provide materials and supplies used in the surveillance, tracking and apprehension of fugitives.



**Appropriation #2010056** **\$144,556.63**

Revenue Source: Other Fund Balance (Visitors Center Fund) \$ 144,556.63

Ownership of the Route 20 Visitors Center has been transferred from the County of Albemarle and City of Charlottesville to the Piedmont Virginia Community College. This appropriation provides funding for the final expenditures associated with the facility (e.g. insurance, repairs and maintenance) and the remaining balance of this fund will be allocated to the County and City on a 50%/50% basis. The County's share of this balance (\$44,978.66) will be transferred to its General Fund balance.

**Appropriation #2010057** **\$ 8,316.80**

Revenue Source: Local Revenue (Proffers) \$ 8,316.80

Since the original appropriation of the FY10 Capital Improvements budget, the following additional revenue sources have been identified which will reduce the planned use of \$8,316.80 from the CIP fund balance. The schedule below identifies the revenue source, amount, and project it is associated with:

Revenue Source Description	Capital Project	Amount (\$)
Avon Park Proffer	Avon Sidewalk Project	3,643.08
Stillfried Ln Proffer	Ivy Road Sidewalk Project	2,835.87
Old Trail Village Proffer	Crozet Park Athletic Field (Parks & Rec Maint)	1,837.85

**Appropriation #2010058** **\$40,000.00**

Revenue Source: Federal Revenue \$ 40,000.00

The Department of Justice awarded Bedford County a grant to assist in the investigations of Internet Crimes Against Children. Bedford has designated Albemarle County as being an area district in the fight against internet crime and is providing Albemarle County with \$40,000.00. This money will provide overtime, training, and investigative equipment, to the Police Department for this initiative.

**Appropriation #2010059** **\$62,957.91**

Revenue Source: Local Revenue \$ 19,031.91  
State Revenue \$ 43,926.00

Albemarle High School received \$136.00 in cash donations made at a football game. These donations were made with the anticipation that they be used towards the installation of a synthetic turf field at Albemarle High School. The current balance for FY 09/10 AHS Synthetic Turf Project is \$8,582.75 including this donation. The balance from FY 08/09 was \$4,366.66 for a grand total of \$12,949.41. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor. The balance required to consider construction is \$650,000.00 leaving Albemarle High School with a balance of \$312,050.59 to garner matching funds.

Henley Middle School received a donation in the amount of \$3,545.91 from the Henley Parent and Teacher Support Organization. The donor has requested that this contribution help fund the Enrichment Time before 9 program at Henley Middle School for the months of September and October.

Albemarle County Public Schools has been awarded an Artist Residency Program grant from the Virginia Commission for the Arts in the amount of \$6,426.00. This grant will assist with funding of the Kid Pan Alley Project at Brownsville Elementary and Murray Elementary School. Through this project the children will learn about songwriting.

Yancey Elementary School has been awarded a grant in the amount of \$300.00 from the Kids Care Clubs. These funds will be used to purchase materials for the Yancey Kids Care Club project titled "Microfinance for Kids." The students will learn about micro financing, hunger issues in America and worldwide, and our local food banks.

Scottsville Elementary School has been awarded a grant from the Child Obesity Task Force in the amount of \$1,000.00. These funds will be used for classroom visits from Triple C Camp counselors and field trips to the Triple C Camp Challenge Courses. These activities will challenge students to solve problems, set goals, and build community through physical activity individually and as a team.

State Farm Insurance Company has awarded Agnor Hurt Elementary School a grant in the amount of \$10,000.00. This grant will fund the Mobile Classroom Project, the Do Drop In Bus. This is an Albemarle County School bus that is equipped as if it were a classroom. The goal of the program is to improve the academic performance of students through extending the time available to learn. State Farm has provided this funding annually for the past several years.

National Board Certification is an extensive yearlong assessment of actual teaching practice based upon high and rigorous standards established by the National Board for Professional Teaching Standards (NBPTS). Through this process, teachers document their subject matter knowledge, provide evidence that they know how to teach their subjects to students most effectively, and demonstrate their ability to manage and measure student learning. In our school division, we have 14 teachers that meet these standards. In recognition of this achievement, the Department of Education issues the National Board Incentive Bonus Payments to these teachers. An initial award is set at \$5,000.00 (pre-tax) with a subsequent annual award of \$2,500.00 (pre-tax) for the life of the certificate (10 years). The funds are electronically transferred to our division to be disbursed to our teachers. The total to be received in FY 09/10 is \$37,500.00.

Red Hill Elementary School received a donation in the amount of \$3,000.00 from an anonymous donor. The donor has requested that their contribution be used to help fund the 4<sup>th</sup> and 5<sup>th</sup> grade Red Hill trips to Jamestown/Yorktown/Williamsburg.

The Albemarle County Public Schools was awarded \$1,000.00 from the VSBA (Virginia School Boards Association) Green Schools Challenge. The Green Government Challenge is a friendly competition designed to encourage implementation of specific environmental policies and practical actions that reduce the carbon emissions generated by both the local government and the broader community. Cities, towns and counties can become a certified "Green Government." Many of these actions can save local governments money.

Sutherland Middle School received a donation in the amount of \$50.00 from Oriental Express LLC. The donor has requested that their contribution be used to help the 8th grade fundraising team. The team at Sutherland is raising funds to send 8th grade students on a trip to Washington, D.C. in the spring.

**By the above-recorded vote, the Board approved the requested budget amendment in the amount of \$364,490.13 and the approved Appropriations #2010053, #2010054 #2010055, #2010056, #2010057, #2010058, and #2010059.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010053  
 DATE 1/6/2010  
 BATCH#**

**EXPLANATION:** Safe Schools/Healthy Students Grant

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1564	33000	330001	Grant Revenue - Federal	J 2	69,331.00		
1	1564	61158	110000	Salaries - Regular	J 1	45,000.00		
1	1564	61158	210000	FICA	J 1	3,270.00		
1	1564	61158	221000	Virginia Retirement System	J 1	5,920.00		
1	1564	61158	231000	Health Insurance	J 1	6,045.00		
1	1564	61158	232000	Dental Insurance	J 1	253.00		
1	1564	61158	240000	VRS Group Life Insurance	J 1	375.00		
1	1564	61158	270000	Worker's Compensation	J 1	237.00		
1	1564	61158	301210	Contract Services	J 1	396.00		
1	1564	61158	360000	Advertising	J 1	200.00		
1	1564	61158	520300	Telecommunications	J 1	500.00		
1	1564	61158	550100	Travel/Training/Education	J 1	3,000.00		
1	1564	61158	600100	Office Supplies	J 1	525.00		
1	1564	61158	601300	Educ. & Recreation Supplies	J 1	300.00		
1	1564	61158	601700	Copy Expense	J 1	100.00		
1	1564	61158	800700	ADP Equipment	J 1	2,210.00		
1	1564	61158	800710	Data Processing Supplies	J 1	1,000.00		
	1564		0501	Est. Revenue			69,331.00	
			0701	Appropriation				69,331.00
<b>TOTAL</b>						<b>138,662.00</b>	<b>69,331.00</b>	<b>69,331.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010054  
 DATE 1/6/2010  
 BATCH#**

**EXPLANATION:** Education: SB Meeting on November 12, 2009

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J 2	12,354.88		
1	2201	61101	601300	Ed/Rec Supplies	J 1	1,000.00		
1	2210	61101	601300	Ed/Rec Supplies	J 1	8,000.00		
1	2215	61101	152100	Substitute Wages	J 1	2,652.00		
1	2215	61101	210000	FICA	J 1	202.88		
1	2217	61101	800700	Data Processing Equip - New	J 1	500.00		
	2000		0501	Est. Revenue			12,354.88	
			0701	Appropriation				12,354.88
2	3217	51000	512001	Fund Balance	J 2	30,559.06		
1	3217	63335	160300	Stipends	J 1	28,387.00		
1	3217	63335	210000	FICA	J 1	2,172.06		
	3217		0501	Est. Revenue			30,559.06	
			0701	Appropriation				30,559.06
<b>TOTAL</b>						<b>85,827.88</b>	<b>42,913.94</b>	<b>42,913.94</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010055  
 DATE 1/6/2010  
 BATCH#**

**EXPLANATION:** Fugitive Apprehension Task Force

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1000	33000	330417	US Marshall Service	J	2	4,730.65	
1	1000	31013	601100	Uniforms and Apparel	J	1	4,730.65	
	1000		0501	Est. Revenue				4,730.65
			0701	Appropriation				4,730.65
<b>TOTAL</b>							<b>9,461.30</b>	<b>4,730.65</b>
								<b>4,730.65</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010056  
 DATE 1/6/2010  
 BATCH#**

**EXPLANATION:** Route 20 Visitor Center

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	9800	51000	510100	Appr. Fund Balance		144,556.63		
1	9800	72050	310000	Prof. Serv.		26.45		
1	9800	72050	331000	Repairs and Maint		2,188.47		
1	9800	72050	530200	Fire Insurance		1,942.38		
1	9800	72050	580000	Misc. Exp.		442.02		
1	9800	72050	560050	City Charlottesville		94,978.65		
1	9800	72050	930010	Transfer-County of Albemarle		44,978.66		
2	1000	51000	512062	Transfer - Rt 20 Center		44,978.66		
1	1000	51000	510100	Fund Balance		44,978.66		
			0501	Est. Revenue			144,556.63	
			0701	Appropriation				144,556.63
<b>TOTAL</b>						<b>379,070.58</b>	<b>144,556.63</b>	<b>144,556.63</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010057  
 DATE 1/6/2010  
 BATCH#**

**EXPLANATION:** Proffer revenue offset to projects: Avon Park Proffer: Avon Sidewalk Project \$3,643.08  
 Stillfried Ln Proffer: Ivy Road Sidewalk Project \$2,835.87; Old Trail Village Proffer:  
 Parks & Rec Maint Projects for Crozet Park Ath Fields \$1,837.85

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	9010	51000	512055	Trs. - Avon Park Proffer	J	2	3,643.08	
2	9010	51000	512058	Trs. -STILLFRIED LN PROFFER	J	2	2,835.87	
2	9010	51000	51205	Trs. -Old Trail Village Proffer	J	2	1,837.85	
2	9010	51000	510100	Appropriation - F/B	J	2	(8,316.80)	
2	8534	15000	150101	Avon Park-Interest	J	2	3,643.08	
1	8534	93010	930010	Avon Park - Trsf to CIP	J	1	3,643.08	
	8534		0501	Est. Revenue				3,643.08
			0701	Appropriation			3,643.08	
2	8533	15000	150101	Stillfried Ln - Interest	J	2	2,835.87	
1	8533	93010	930010	Stillfried Ln - Trsf to CIP	J	1	2,835.87	
	8533		0501	Est. Revenue				2,835.87
			0701	Appropriation			2,835.87	
2	8537	15000	150101	Old Trail Village - Interest		1,837.85		
1	8537	93010	930010	Old Trail Village - Trsf to CIP		1,837.85		
	8537		0501	Est. Revenue				1,837.85
			0701	Appropriation			1,837.85	
<b>TOTAL</b>						<b>16,633.60</b>	<b>8,316.80</b>	<b>8,316.80</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2010058  
**DATE** 1/6/2010  
**BATCH#**

**EXPLANATION:** Internet Crimes Against Children Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1523	33000	330033	DOJ Pass-thru: Bedford County	J	2	40,000.00		
1	1523	31013	120000	Overtime	J	1	18,470.00		
1	1523	31013	210000	FICA	J	1	1,530.00		
1	1523	31013	550403	Training	J	1	10,000.00		
1	1523	31013	800100	Machinery & Equipment	J	1	10,000.00		
	1523		0501	Est. Revenue				40,000.00	
			0701	Appropriation					40,000.00
<b>TOTAL</b>							<b>80,000.00</b>	<b>40,000.00</b>	<b>40,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2010059  
**DATE** 1/6/2010  
**BATCH#**

**EXPLANATION:** Education Programs: Board Meeting on December 10, 2009

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	24000	240218	Nat'l Brd Cert Stipend - St	J	2	37,500.00		
2	2000	18100	181109	Donations	J	2	7,595.91		
1	2100	61101	160120	Stipend - Nat'l Brd Cert-St	J	1	34,835.11		
1	2100	61101	210000	FICA	J	1	2,664.89		
1	2207	61101	420100	Field Trip Mileage	J	1	3,000.00		
1	2252	61101	160300	Stipends - Instructional	J	1	3,293.89		
1	2252	61101	210000	FICA	J	1	252.02		
1	2252	61101	601300	Ed & Rec Supplies	J	1	50.00		
1	2433	64600	800903	Asbestos Renovations	J	1	1,000.00		
	2000		0501	Est. Revenue				45,095.91	
			0701	Appropriation					45,095.91
2	3104	18000	181247	State Farm Grant - Agnor Hurt	J	2	10,000.00		
2	3104	18000	189900	Misc Grant Revenue	J	2	1,300.00		
2	3104	24000	240295	VCA Grant	J	2	6,426.00		
1	3104	60202	312500	Prof Services-Instructional	J	1	3,213.00		
1	3104	60209	312500	Prof Services-Instructional	J	1	500.00		
1	3104	60209	420100	Field Trips	J	1	500.00		
1	3104	60213	601300	Ed & Rec Supplies	J	1	300.00		
1	3104	60215	132100	PT/Wages-Teacher	J	1	9,289.00		
1	3104	60215	210000	FICA	J	1	711.00		
1	3104	60216	312500	Prof Services-Instructional	J	1	3,213.00		
	3104		0501	Est. Revenue				17,726.00	
			0701	Appropriation					17,726.00
2	9001	18100	181107	AHS Donations - Turf Project	J	2	136.00		
1	9001	60301	950245	AHS Syn Turf Field	J	1	136.00		
	9001		0501	Est. Revenue				136.00	
			0701	Appropriation					136.00
<b>TOTAL</b>							<b>125,915.82</b>	<b>62,957.91</b>	<b>62,957.91</b>

Agenda Item No. 14a. Transportation Matters: VDOT Monthly Report.

Mr. Allan Sumpter, Resident Administrator, said, for the benefit of Mr. Snow and Mr. Thomas, he is responsible for Albemarle and Greene Counties for the Department of Transportation. He previously sent to the new Board members a Supervisor packet to help with questions and things they do at VDOT. He stated that his door is always open for Board members if they need to consult with him.

Mr. Sumpter said that the VDOT office has been consumed with snow removal due to the December 18<sup>th</sup> event. Snow accumulations, that had not been seen since the mid-1990s, presented many challenges to crews locally and statewide. Mr. Sumpter reported that on the day of the storm there were unusually high traffic volumes, due to holiday shoppers. He stated that the first snow began to fall earlier than predicted during rush hour, which meant several accidents along key commuting routes during peak hours blocked VDOT equipment from fully accessing the routes at the beginning of the storm – and in several instances trucks were right in the middle and got stuck.

Mr. Sumpter said that the normal process, at the onset of a storm, is to apply an initial layer of salt and abrasives on the roadways, then allow that to develop into a brine that prevents ice from bonding, and then they begin plowing. He stated that with the access restricted in many locations on major routes, VDOT was unable to execute the process as designed. Mr. Sumpter added that this had a rolling effect that resulted in delays in their efforts to clear snow from the entire roadway network in the

following days. Their priorities are to first clear interstates, then primaries, secondaries and finally subdivisions. Mr. Sumpter said cold temperatures caused icepacks to form at the surface level on many roadways. He explained that this required use of heavier equipment such as motor-graders, loaders, and backhoes in an attempt to break the bond between the ice and pavement – and other areas of the state were able to provide enough additional equipment in order to assist. Mr. Sumpter stated that it's common practice for VDOT to review their response, and their staff is actively engaged in that process now to determine whether any operational changes might improve the snow-removal processes. He said that they are still working on snow removal and clearing, as well as cutting back trees.

Mr. Snow commented that having been involved in snow removal he understands the difficulty of the situation, and expressed his appreciation for all their work.

Mr. Rooker said that he called Mr. Sumpter's office on Tuesday, and the person who answered the phone had been there since the snow started falling on the previous Friday. Mr. Rooker said, with all the complaints, he thinks VDOT put in a tremendous effort to do what needed to be done, and we have to recognize that this was a once in a hundred year storm event.

Mr. Boyd agreed, and added that Albemarle was kind of the "epicenter" of the storm. He received many calls from people talking about how good Greene County and other places looked as compared to Albemarle.

Mr. Sumpter responded that there was a lot of heavy snowfall in Albemarle, and he has heard anecdotal evidence that the outlying counties did not get quite as much. He stated that the urban nature of Albemarle's growth area meant that the shopping traffic created additional problems right when the snow began – and VDOT vehicles were caught in many places.

Mr. Boyd asked if contractors with VDOT were told that they couldn't be paid until next July.

Mr. Sumpter replied that that is untrue, and vendors are all paid within 30 days.

Mr. Thomas thanked Mr. Sumpter, noting that he received several phone calls from people who were out of power, which he in turn pursued – resulting in snow removal to allow the power trucks to get through.

Mr. Sumpter said they were aware of a number of power outages. VDOT met with the power companies and he developed a strategy to make it a little higher priority to get into areas where there were significant outages.

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Mr. Sumpter said that regarding the recommendation for the \$200 additional speeding fines in Earlysville, the penalties are allowed for in the State Code so that localities can enact them providing that certain conditions are set. VDOT's role is to support the County from a technical perspective. He stated that for the qualifications to be met, there must be certain density of homes, a documented speeding problem, and support from the community. Mr. Sumpter indicated that County Police are working on collecting data on speeding, and VDOT is working on establishing density. In order for this to move forward, it will need to come from the County level to VDOT - the legwork needs to be done at the County-wide level. He thinks that the Board needs to consider the global effect, countywide, of making a decision to put in these additional fines. Once this is done there may be other requests coming forward, and the added workload of doing the legwork.

Mr. Rooker commented that it's pretty subjective as to what makes speeding in one spot more of a concern than in another spot, citing speeding on Georgetown Road as an example. If you're going to start enhancing fines, you ought to enhance it in places that have more density and more activity rather than in places that are more rural.

Ms. Mallek stated that it all depends on how the criteria come forth. The reason she asked Mr. Sumpter to look into it is because of the accidents that occur there – with people coming through the commercial areas at 55 or 60 mph. It is very difficult for people crossing the road between the stores.

Mr. Sumpter said that he is not trying to discourage the Board, but the Board would need to decide how to pursue this.

Ms. Mallek commented that residents have been trying to resolve the issue for five or seven years, and there aren't enough police officers to do regular enforcement there. They need to make it serious enough to get people's attention.

Mr. Rooker responded that lowering the speed limit is an effective tool, enforcement is the second step, and enhanced fines being the third step. He views that as three different things. In the City, it has happened just like Mr. Sumpter described. Once they started applying enhanced fines in one area, they have had numerous requests.

Ms. Mallek stated that the rumble strips and four-way stops have not worked.

Mr. Sumpter replied that VDOT would work through the process and support the County in any way possible, but this is in the County's hands. He said that in this case, it would be the County's decision as to whether to put up a sign.

Mr. Davis commented that this State Code section applies only to residential districts. He said that the Transportation Board is charged under the statute of defining the criteria for whether or not an area would qualify, but under the State Code the area has to have been built as a residential development or have grown to resemble a residential development. He explained that if those findings can be made, then there has to be a finding of a documented speeding problem, then a request from the Board of Supervisors to the Transportation Board – with the final decision resting with the Transportation Board for an enhanced fine. He has not reviewed the VDOT criteria, but it seems to me that this area may be very difficult to meet that criteria.

Mr. Sumpter responded that the key area that is in question is “developed as residential, or have grown to become residential,” and VDOT would need to work with staff to establish that.

Mr. Tucker suggested that Mr. Benish review what the staff process is for involvement there.

Mr. David Benish stated that County staff does that assessment of density, and VDOT is helping with the parameters of what the Code allows – but it is the responsibility for the County to actually establish whether the Code criteria have been met. He emphasized that there is no longer a transportation planning staff, as the Transportation Planner position has been reallocated. He essentially does not have staff any longer to do neighborhood planning projects, so if there are projects that the Board feels [are] important to undertake at this level – traffic calming improvements fall into this category – Mr. Graham would have to know how significant a priority that project is for the Board, so that they can reallocate resources to do that. These processes are actually pretty labor intensive in communicating with the community in meeting the various requirements of some of these processes. It means that other things in the Community Development Department would have to be delayed.

Ms. Mallek suggested that if Mr. Benish would share with her the processes to be followed and what questions need to be answered, she believes the neighborhood association would be glad to do the legwork.

Mr. Rooker said that he worked with the former Transportation Planner on traffic-calming measures in his district, which involved some night meetings with neighborhoods – and the process is labor intensive. He stated that before any time is spent on this enhanced fine approach, the Board needs to decide whether it wants to go down that road at all as a policy matter. He supports looking at lowering the speed limit in any area that is having problems and making the speed limit consistent on all segments of road, but he is not currently sold on the idea of [picking out specific spots] for enhanced fines. He thinks the County will end up with a lot of requests that are time consuming.

Mr. Snow asked what the process is for lowering the speed limit.

Mr. Sumpter explained that the Board would need to request a traffic study to determine if the speed limit is appropriate. Speed limits are based on 85 percentile of the posted speed limit to establish realistic speed limits.

Mr. Dorrier added that he isn't sure that putting a fine up is going to change the speeding either, if there is not enforcement.

Mr. Sumpter said that typically if a person calls into VDOT and asks for a speed study, they would do it – but the funds previously used to put up signs are from the Six-Year Plan funding, so now VDOT is requesting that any speed study requests come from the Board via an adopted resolution. That is consistent with other counties throughout the state. If the Board wants VDOT to look at this area of Earlysville for a consistent speed, he would request the Board do so by motion and vote.

Ms. Mallek then **moved** to request VDOT to conduct a speed study to determine if a consistent 35 mph speed limit is appropriate for Route 743 (Earlysville Road and Buck Mountain Road) from west of Broadus Wood Elementary School to beyond the Post Office. Mr. Rooker **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

Mr. Sumpter said VDOT will put this on their list of things to do; it should take about 30 to 60 days to complete.

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Item No. 14b. Transportation Matters not Listed on the Agenda.

Mr. Boyd asked if the City's portion of the Meadow Creek Parkway has gone out to bid.

Mr. Sumpter replied that the City' portion that is administered by VDOT has gone out to bid. He is not sure that the bids have come in. He added that the interchange portion would be a City-managed project.

Mr. Rooker noted that the bids should be back from the RFP by the end of January.

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Mr. Davis said he has agreements executed by the County Executive that would allow the County to accept the Hatton Ferry apparatus and boat that he will deliver to Mr. Sumpter today which will then go

to the Transportation Board for its action. He explained that one of the conditions was to have an agreement in place to pass through ownership to a nonprofit. Mr. Stephen Meeks and the Historical Society have formed a separate nonprofit entity called "The Hatton Ferry, Inc." Mr. Davis said that it has executed an agreement indicating its willingness to be the pass-through recipient of the property. As soon as the County receives the executed contract from VDOT noting the transfer, the County will execute the agreement that gives it to the nonprofit. He thinks the County staff is where the Board wants it to be on this issue.

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Agenda Item No. 15. 2010 Census Process Update.

Ms. Lee Catlin, Community Relations Director, said she was present to update Board members on Albemarle's efforts related to the 2010 census. She introduced Tex Weaver of the County's GDS office, and County Registrar, Jake Washburn. She reported that in the 2000 Census, there was a 76% response rate for Albemarle County – compared to a state average of 72% and a national average of 67%. Ms. Catlin stated that Senator Warner has challenged every locality to get to 85%, as complete and accurate accounts are very critical. She presented a map which showed response rates, noting areas where there were rates of 58-65% - in the southern portion of the County, and also pointed out areas where there were rates of 66-75% - in the eastern and western areas of the County. Ms. Catlin stated that the more urban center and northern areas had response rates of over 75%.

She reported that on January 15, 2010 the County would be kicking off its local public outreach campaign. The County building parking lot would be the Virginia inaugural kickoff location of the 2010 Census Portrait of America road tour. Ms. Catlin stated that this would involve buses traveling around the country, and the effort is the largest civic and awareness campaign in U.S. history. She reported that in addition to partnering with the City of Charlottesville, there is a regional Complete Count Committee – comprised of about 25 community partners who have joined to help promote Census outreach and awareness efforts over the next few months. Ms. Catlin said that it is a diverse group that represents "hard to count populations" – minority groups, low-income groups, non English-speakers, homeless population, children, and more rural areas.

Ms. Catlin stated that questionnaires would be mailed or delivered to households on March 15<sup>th</sup> with April 1<sup>st</sup> as Census Day July being dedicated to non-responsive households through door-to-door efforts. She said that on December 31, 2010 the population counts are delivered to the President, with redistricting data delivered to the state in March 2011 – eventually filtering down to localities. Ms. Catlin stated that key highlights that the Census is emphasizing in trying to encourage as much engagement and participation in the count as possible is that it is a safe process. The U.S. Code safeguards individuals privacy; the information gathered can only be used for statistical processes and procedures by the Census and it cannot be released; Census Bureaus that share respondent information face felony fines of up to \$250,000 and five years in prison. It is easy; everybody gets the 10-question form this time, not a lengthy questionnaire. Questions include number of people in your household, type of dwelling, do you rent or own, your telephone number, date of birth, etc. Ms. Catlin stated that the Census is important – it is about how seats in the U.S. House of Representatives are apportioned, impacts how federal funds get distributed, redistricting and voting districts, and local planning decisions.

Mr. Rooker asked how non-respondents are included in the actual population numbers.

Ms. Catlin replied that she was not certain but perhaps her colleagues would.

Mr. Washburn explained that in cases of non-response, Census officials go door-to-door.

Mr. Weaver added that they also determine a vacancy rate through other factors – based on numbers of occupied dwelling units, etc. They make assumptions based on a combination of vacancy rate and post census follow-up.

Noting a mistake in 2000 whereby an area of the County was allocated to the City, Mr. Rooker asked how it can be made certain that that doesn't happen again.

Mr. Weaver explained that in partnering with the Census Bureau, Albemarle County in anticipation of possible problems, has had the opportunity to look at existing data – such as the Boundary and Annexation Survey, which the County participates in with the Bureau by looking at the political boundary and how it relates to the City and other localities. He noted that his office, in working with planners, determines a population estimate on an annual basis – independent of the Census. Mr. Weaver said that when the Census figures came out in 2000, it became clear that they had undercounted Albemarle County and had over counted the City of Charlottesville, so using GIS tools, they looked at inconsistencies and identified specific areas such as U.Va. where zero had been counted. He noted that this is known as a "geo-coding error," where the Census Bureau had inadvertently coded 5,000 people that should have been in the University area in the County into the City. The County went through a count question resolution process, working with the County Attorney's office to justify and document how the mistake took place. That was rectified, and the numbers were subsequently adjusted. Mr. Weaver said, this time around, the County is participating in a number of different programs to help mitigate those type situations. Mr. Weaver reported that the County has been working since 2007 with the Census Bureau on a local updated census address program, where their (Census Bureau) address list has been taken and compared to local data. They will be going through a revalidation phase of their Census addresses in the next month or so to double check information the Census had provided back to the County.

Mr. Weaver said the County also participated in a PSAP (Public Statistical Area Program) whereby the Census geography throughout Albemarle County was assessed to ensure that thresholds in the population densities were met. Mr. Weaver said that they took into account different development trends, in working with Community Development and Planning staff to readjust the Census Tabulation Districts so that they meet the thresholds. He also stated that the County worked with the Police Department and Department of Social Services – among other agencies – to target non-sheltered outdoor locations for homeless and provide that population information to the Census Bureau. Mr. Weaver added that the County is working with the Census Bureau on a new construction program, as there is often a lag from when data is collected on April 1<sup>st</sup> and new construction in the intervening period.

Ms. Catlin said they will keep the Board abreast of activities as they occur.

Ms. Mallek asked Mr. Washburn to present an update in the future on the status of voting machines.

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**Nonagenda.** Mr. Tucker informed Board members that Governor Kaine will hold a press conference on Friday, January 8<sup>th</sup>, 9:30 a.m., at the Visitors Center at Monticello to announce the acquisition of the Biscuit Run property as a State park.

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Agenda Item No. 16. Closed Meeting.

At 11:15 a.m., **motion** was offered by Mr. Thomas that the Board adjourn into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions and Board member appointments; under Subsection (3) to discuss the lease of a specific County property because a discussion in an open meeting would adversely affect the negotiating strategy of the County; under Subsection (7) to consider specific legal matters requiring legal advice regarding an interjurisdictional agreement and the negotiation of a contract for professional services; and under Subsection (7) to consider a matter of probable litigation regarding a property assessment. The motion was **seconded** by Mr. Rooker.

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

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

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Agenda Item No. 17. Certify Closed Meeting.

At 2:04 p.m., the Board reconvened into open meeting. **Motion** was offered by Mr. Thomas to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. The motion was **seconded** by Mr. Rooker. Roll was called, and the motion carried by the following recorded vote:

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

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

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Agenda Item No. 18a. Boards and Commissions: Vacancies/Appointments.

**Motion** was offered by Mr. Snow to appoint Board members to the following boards and commissions:

**Ken Boyd:** Darden Towe Memorial Park Committee; Fiscal Impact Advisory Committee; Rivanna Solid Waste Authority; and Rivanna Water and Sewer Authority

**Lindsay Dorrier:** Audit Committee; CIP Oversight Committee; Jail Authority; Police Department Citizens Advisory Committee; and Rivanna River Basin Commission

**Dennis Rooker:** Audit Committee; Charlottesville/Albemarle/UVA Planning and Coordination Council Policy Committee; High Growth Coalition; and MPO

**Rodney Thomas:** Housing Task Force, Agricultural and Forestal Advisory Committee; Darden Towe Memorial Park Committee; Hazardous Materials Local Emergency Planning Committee; MPO; Albemarle County Fire Rescue Advisory Board; and Safer Chemical Committee

**Duane Snow:** Building Committee; High Growth Coalition; Historic Preservation Committee; Thomas Jefferson Planning District Committee (TJPDC); and CIP Oversight Committee; and

**Ann Mallek:** Acquisition of Conservation Easements (ACE); Building Committee; Piedmont Workforce Network Council; TJPDC; Rivanna River Basin Commission; Charlottesville/Albemarle/UVA Planning and Coordination Council Policy Committee.



Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

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Mr. Snow then offered **motion** to make the following appointments/reappointments:

**APPOINT** Mark Gorlinsky to the Agricultural and Forestal District Advisory Committee to fill an unexpired term which will end on April 17, 2010.

**APPOINT** Marvin Hilton to the Albemarle County Service Authority representing the Samuel Miller District with said term to expire December 31, 2013.

**APPOINT** David Thomas to the Albemarle County Service Authority representing the Rio District with said term to expire December 31, 2013.

**APPOINT** Charles Lebo to the Economic Development Authority representing the Rio District with said term to expire January 19, 2014.

**REAPPOINT** Alan Collier as the Rivanna District representative to the Equalization Board with said term to expire December 31, 2010.

**REAPPOINT** David Cooke as the Jack Jouett District representative to the Equalization Board with said term to expire December 31, 2010.

**REAPPOINT** Virginia Gardner as the White Hall District representative to the Equalization Board with said term to expire December 31, 2010.

**REAPPOINT** Rosa Hudson as the Scottsville District representative to the Equalization Board with said term to expire December 31, 2010.

**REAPPOINT** Kathy Rash as the Rio District representative to the Equalization Board with said term to expire December 31, 2010.

**APPOINT** Duane Zobrist as the At-Large representative to the Planning Commission with said term to expire December 31, 2011.

**REAPPOINT** Don Franco as the Rio District representative to the Planning Commission with said term to expire December 31, 2013.

**APPOINT** Edward Smith as the Samuel Miller District representative to the Planning Commission with said term to expire December 31, 2013.

**APPOINT** Joseph Henley to the Public Recreational Facilities Authority to fill an unexpired term which will end on December 13, 2011.

**APPOINT** Glen Michael to the Public Recreational Facilities Authority to fill an unexpired term which will end on December 13, 2010.

**REAPPOINT** William Lassetter to the Public Recreational Facilities Authority with said term to expire December 13, 2012.

**APPOINT** Martin Burks III as the Rio District representative to the Social Services Board with said term to expire December 31, 2013.

**REAPPOINT** Chief John Miller to the James River Alcohol Safety Action Program with said term to expire January 1, 2013.

**REAPPOINT** Julia Monteith as the University of Virginia representative to the Planning Commission with said term to expire December 31, 2010.

Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

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Agenda Item No. 19. From the Board: Matters Not Listed on the Agenda.

Mr. Snow commented that Liz Palmer served faithfully on the Albemarle County Service Authority. She did her homework, and worked extremely hard for the County. He appreciates all the work she did.

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Mr. Davis noted that Mr. Thomas McQueeney and Mr. Blake Hurt's terms on the Economic Development Authority expire on January 19, 2010.

Mr. Boyd suggested dealing with it next week.

Mr. Tucker said that he would bring it back at that time.

Mr. Davis commented that the terms of the EDA members do not run concurrent to Board terms; they have staggered terms.

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Ms. Mallek asked if any other Board members planned to attend the TMDL meeting on Friday. This is the River Basin Commission meeting with State agency representatives from 10:00 a.m. until 12:00 noon, and will be held in Room 241.

Mr. Dorrier indicated that he planned to attend.

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Agenda Item No. 20. Adjourn to January 13, 2010, 9:30 a.m.

At 1:55 p.m., with no further business to come before the Board, **motion** was offered by Mr. Boyd, **seconded** by Mr. Snow, to adjourn to January 13, 2010, 9:30 a.m.

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

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

NAYS: None.

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Chairman

Approved by the Board of County Supervisors
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Date: 03/03/2010
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Initials: EWJ
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