

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 7, 2010, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann 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 9:04 a.m., by the Chair, Ms. Mallek.

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

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Agenda Item No. 4. ~~Recognitions.~~ (Removed from agenda.)

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

Mr. Thomas provided Board members with a copy of a request he received from the family of Mr. George Frazier to name to the bridge on Route 600, Rea's Ford Road, as the "George Frazier Memorial Bridge". He noted that Mr. Frazier served in World War II. He asked Board members to review the materials and let him know if they support going forward with the request.

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Mr. Boyd said that a situation has arisen with a new development at Ashcroft – which is an existing neighborhood under PRD zoning. He stated that the development wanted to put in roads similar to what they have now, which are narrower than boulevard standards. He believes that most people will agree it isn't the most environmentally sound approach to put a road in through the mountainous terrain there. Mr. Boyd explained that County ordinance doesn't allow a smaller grade of road. He asked if the Board would consider having staff look at a change that would allow for a waiver of road standards to be heard on a case by case basis for existing PRDs.

Mr. Rooker asked if the road is public or private.

Mr. Davis explained that it is a private road, but under current ordinance must be built to VDoT standards if there are more than five lots in the rural area – which Ashcroft is. He said that staff has done a preliminary review of this issue and determined that it may be reasonable to have a waiver provision to bring back to the Board for consideration.

Mr. Rooker mentioned the mountain terrain standards that VDoT allows, but they typically don't permit them east of Afton. He asked if the County could get a waiver under certain circumstances that could pertain to those standards.

Mr. Boyd commented that those standards could be used in Albemarle.

Mr. Bill Fritz, Chief of Current Development, noted that because this is a private street, the subdivision must meet VDoT standards, but the County can administer the mountain terrain standards – which it has been doing for years. He said that in 2005, VDoT changed its standards and the developer wants to use the standards they had in place when the PRD was originally established.

Mr. Rooker said it makes sense to him to take a look at it.

Mr. Boyd said if there is concurrence, he would ask staff to bring back an amendment to an ordinance to allow for a waiver of road standards in old planned developments.

There was no opposition expressed.

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Mr. Boyd said that he and Mr. Thomas had met with the Fire and Rescue Ordinance Committee, as directed by the Board, and the meeting revealed that the Fire and Rescue community has not changed their opinion that there is no need for an ordinance. He said that both he and Mr. Thomas told them the Board wanted to move forward with it and wanted to give them the chance to give any additional information or input. They asked them to get back to him and Mr. Thomas by July 15<sup>th</sup> with any suggestions or modifications, but they stood behind the vote that they took last year opposing this ordinance. He added that they are still trying to move forward with the ordinance. He was hoping to move forward with the public hearing on August 11<sup>th</sup>, but that date is on the Board's agenda to cancel. He asked if the Board wanted to consider holding the public hearing on that date instead of cancelling it or moving the public hearing to September. Mr. Boyd added that it is important for the Board to move forward on the proposed ordinance if it wants to.

Mr. Thomas said the goal is to make sure the Board still wants to move forward on the ordinance. He does not know the atmosphere of this Board but he knows that the Fire and Rescue community has not changed. It would be nice to know how the Board feels.

Mr. Rooker said he thinks that the Board should meet on August 11<sup>th</sup> and move forward with this, as they have indicated fairly recently its support for moving forward with an ordinance – while working through revenue recovery and some other issues. He supports going ahead and dealing with the issue.

Mr. Snow said he also supports moving ahead.

Ms. Mallek said it would be good to get a decision one way or the other.

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Mr. Snow said that he has received numerous calls regarding mowing or the lack of it in the County. He has sent several letters to Mr. Sumpter at VDoT asking for his assistance.

Ms. Mallek responded that this is usually the month VDoT goes out and cuts back brush, and people can take action locally if this doesn't happen in sufficient time.

Mr. Thomas said he has also spoken with VDoT folks, but the residents of Carrsbrook have been cutting their own brush.

Mr. Boyd added that there was a schedule in the VDoT report this week stating that they are working down from primary to secondary to rural roads.

Ms. Mallek also mentioned that VDoT is still picking up the pines that were knocked down by March's ice storm.

Mr. Rooker stated that when he was driving down I-95 recently, it was noticeable how inferior the road conditions, mowing, landscaping, etc., in Virginia are compared to that of North and South Carolina. He thinks that we are in for a shock here in terms of maintenance and aesthetics of our state.

Mr. Thomas commented that Virginia just did not put funds into their roads like the Carolinas did.

Mr. Snow added that he did email Mr. Sumpter and he has taken care of most of the issues fairly quickly.

Ms. Mallek commented that it is discouraging driving down Route 29 and other places where the County used to keep up, but now does not allocate the funding for it.

Mr. Thomas noted that Mr. Wood's group cut the grass in front of North Town Center, as it was so tall the sidewalk was no longer visible.

Ms. Mallek mentioned that there are many abandoned properties that are not being kept up, as the bank ownership is often not local. She knows that staff is working on pursuing some of those.

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Mr. Rooker said that Board members had received a letter from Jefferson Coin Shop regarding vendors from outside the area that may or may not be paying sales tax, and do not have to abide by County regulations. He noted that just a few days after that, an ad in the *Daily Progress* announced that an outside vendor would be setting up at the Holiday Inn to buy and sell jewelry. Mr. Rooker also stated that he had received a letter from someone in the brick business complaining that they were being underbid by out-of-state firms that did not register to do business locally or pay local taxes.

Mr. Davis indicated that staff is looking into the Jefferson Coin issue, as there is a state and local ordinance requirement that these types of operations get a permit from the Chief of Police. He said that there is some question as to the requirement of a fixed and permanent location, but his staff is looking into the applicability of that measure. Mr. Davis stated that the Police Department indicated there were six permits issued last year, including some to local businesses that have a fixed location and some from outside that operate at hotels. He indicated that his office, in conjunction with the Police Department and the Commonwealth's Attorney office are looking into the issue and will report its' conclusions back to the Board.

Mr. Rooker commented that the County needs to make sure that there's a level playing field out there. He does not want local merchants to be undercut by people coming in and opening up shop temporarily and they do not have to pay fees, taxes, etc., that local operations have to pay.

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Mr. Rooker said that about a month ago, he and Mr. Thomas met with the Secretary of Transportation and his Deputy – along with some interns from State colleges, in Richmond. Mr. Cilimberg and Mr. Benish also attended and it was a nice, cordial meeting. He explained that Albemarle representatives took maps and traffic modeling information to show the measures they are doing to try to improve the traffic flow in the US 29 Corridor, how land use and transportation planning are being integrated, collaborative studies with the State and the City in an effort to jointly improve traffic conditions in the corridor, and specific traffic improvement projects – some of which are being paid for by developers. He said that he thinks it was a good meeting and they were impressed with what the locality is doing. Mr. Rooker said that they are having another meeting August 5<sup>th</sup> in Charlottesville to also include

representatives from Lynchburg, and have invited him and Mr. Thomas to attend. They talked about the bypass and the Secretary of Transportation made it clear that they did not have the money for it; in fact, they do not have money for much – secondary road funds are down 94% from where they were four or five years ago. He commented that there are some political issues with Danville and Lynchburg, and he and Mr. Thomas are hoping to extend a hand of friendship and see what might be accomplished.

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Mr. Dorrier reported that Scottsville had a very successful 4<sup>th</sup> of July event – with between 8,000 and 10,000 people in attendance at the parade. He said that he floated down the river between Warren and Hatton, and there were about 800 cars parked at the ferry. He added that this community is so fortunate to have the James River, and we should all use it more than we do.

Mr. Thomas commented that he has floated the river twice – once when it's low like it is now, and once when it was about four feet up. He added that it was fun both ways.

Mr. Dorrier noted that the County receives tax revenues from those who rent tubes.

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Mr. Rooker mentioned that in County Connections there was a notice of the Government Reform Commission holding town hall meetings around the State, and the one nearest here is being held at the same time as the Board's meeting. He said that the South Hill town hall meeting will be held July 16<sup>th</sup> at 1:00 p.m. There is another one being held in Hampton Roads.

Mr. Boyd stated that he would like to go, and would try to attend the one in South Hill. He added that he appreciates any thoughts from people if they have any comments.

Ms. Mallek commented that if reform means just saving State money and dumping more responsibility and costs on localities, she is not in favor of that.

Mr. Boyd agreed.

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Ms. Mallek asked if Board members had received the DCR letter about the scenic byway with Albemarle and Nelson, and asked if there were any concerns.

Mr. Snow said he would like to go ahead with a resolution.

Mr. Tucker noted that Mr. Benish is working on that and would bring something back to the Board.

Mr. Davis noted that in the past the Board has held a public hearing before adopting the resolution, although that is not required. The Board could also request VDOT to hold a public hearing before the Board adopts the resolution. He said that the last one he recalled was for Batesville, and after hearing opposition to it the Board declined to adopt a resolution.

Ms. Mallek suggested scheduling a public hearing when staff is ready to bring it forward.

Mr. Rooker said that there are some substantial differences between the Batesville designation and this one, and he doubts there would be much public opposition although they should be heard regardless.

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Ms. Mallek reported that she met with the E-85 Fuel Clean Cities group that is trying to facilitate the sale of flex fuel around the State. There is a station in Albemarle at Greenbrier and Route 29. They were directed to work with staff to find a way to work within their original sign plans to do a better job to get the word out.

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Ms. Mallek said that there have been some great panel discussions where she has been asked to talk about Albemarle's role in rural areas protection – some aimed at the Chesapeake Bay, some aimed at the Journey Through Hallowed Ground, how rural agribusiness is such a major player in open space protection and resource protection. She also participated at the biomass conference in Richmond where people are looking at different crops that can be used as energy sources. She will share additional news in the future.

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Ms. Mallek said she met Liz Povar, of the Partnership for Economic Development in Richmond, when she was speaking to the LEED Virginia alumnae group at Morven a few weeks ago. She said word is getting out there that the Workforce Group is moving ahead.

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Mr. Boyd mentioned that he was recently appointed to the VACo Administrative Committee, as he is very concerned about the future of VRS and he is hoping that might be an issue for the Committee to consider.

Ms. Mallek encouraged Board members to volunteer for a VACo committee, as it is a great way to meet people around the State and become more aware of what other localities are doing.

Mr. Rooker commented that he serves on VACo's Transportation Committee.

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Mr. Snow asked Ms. Mallek if she wanted to mention the Rockdale Quarries correspondence.

Ms. Mallek stated that Board members received the notice from the quarry on Rio Mills, and that County concerns are being addressed as a result of the Board's resolution.

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

Mr. John Martin, Vice-Chair of the Albemarle County Service Authority said that the ACSA has received a CDBG grant for the Oak Hill sewer project in the amount of \$712,500. Mr. Martin said that this is great news for the residents, and great news for Biscuit Run as it will improve water quality. He thanked Service Authority staff and Mr. Ron White for all of the work they put into this to make it possible.

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Mr. Steven Meeks, representing the Albemarle-Charlottesville Historical Society and the Hatton Ferry, addressed the Board with an update of the Ferry. He said that the Ferry has operated 12 consecutive weeks, but there wasn't enough water in the river to operate over the past weekend. Although it isn't operating, there will still be staff on hand to meet with visitors and explain the Ferry operation.

Mr. Meeks reported that earlier this year he trained about six individuals to run the Ferry so when it does run there are two people there at all times, and typically they have been running nine trips on Saturday and five trips on Sunday. About 150 regular trips have been run since the season began as well as 25 special excursions during weekdays to accommodate groups. Due to Coast Guard regulations, he said, only six passengers on each trip can be accommodated; about 1,000 people have been transported so far this year with another 1,000 greeted who did not go out on the Ferry. They are very pleased with the operation thus far; everything has been going very smoothly. He mentioned that they have had to do some major repair work on the Buckingham side of the river, as there was a washout earlier in the season. Mr. Meeks said that they are now undertaking some long-needed repair work to the cable towers, and are slowly making enhancements to the Buckingham side.

He stated that they have a good relationship with Albemarle Parks and Recreation, the Albemarle and Buckingham Sheriff's Departments, as well as VDoT and James River Runners. Mr. Meeks said that Mr. Dorrier raised the issue of the number of cars parking at the Hatton Ferry, as these are just people using the river and not the ferry nor the float company. It is creating a safety issue. This past weekend there was great difficulty in the ability of an ambulance to get to the river to attend to somebody that was having some heat exhaustion issues. He encouraged the Board to address the safety and access issues with the necessary agencies.

Ms. Mallek asked if people were just parking in any available field.

Mr. Meeks responded that the Ferry can accommodate 20 vehicles, but this past weekend people were actually pulling the "No parking" signs out of the ground so they would have a place to park. They are impeding the flow on the public right of way; they're parking on the hard service road back up the hill above James River Runners. He added that the Ferry is responsible for the parking off-surface, but people are parking on the hard surface – and most of it is in the VDoT right-of-way.

Mr. Dorrier said that there is an issue with the busses having a place to turn around. He suggested that Ike Wright – a deputy with the Sheriff's Department – be enlisted to help with signs and such, as he is there on a regular basis.

Mr. Meeks commented that residents are having trouble with people blocking the entrance to their property.

Mr. Snow stated that it is great people are using it, and perhaps someone could dedicate a field for parking and charge for it.

Mr. Meeks said he spoke with Mr. Sumpter who is looking into the issue, and Parks and Rec has offered to help with some "no parking" signs at the Ferry site.

Ms. Mallek suggested that someone could run a van service that would make everything run a bit more smoothly.

Mr. Boyd asked if the Ferry is charging at this time.

Mr. Meeks responded "no"; they ask for donations, and people have been contributing.

Mr. Rooker commented that the numbers of attendees seem to have increased substantially.

Mr. Meeks said that it is remarkable, with people coming just to see the Ferry even if they are not planning to ride.

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Ms. Sharon Ackerman said that she is here to discuss the Code of Virginia's definition of "shelter" for County dogs. This will lead into Ms. Norris' introduction of her Houses of Wood and Straw project.

The Code of Virginia begins by defining shelter as that which protects an animal from extremes of temperature, sunlight, rain, and sleet. In the next section, however, it specifies a structure that does not provide for any of that. The Code defines the housing structure as "three sides, a top, and a bottom," and this is where the law breaks down in translation and does not provide what it intends to provide. This is the legal standard for shelters in Virginia and this is the inadequacy of law that our Animal Control Officers toil under. Dogs are legally chained in barrels, crates, and Rubbermaid containers, and other receptacles that were never intended to be shelters and that do not provide the protection necessary to prevent suffering. She stated that the County Code mirrors the State law, which is nebulous and poses difficulties for Animal Control Officers. Ms. Ackerman said that she would be meeting with her State delegate next week, but she hopes the County Code can be updated to address the places where State law has failed to go. She provided Board members with copies of two examples of model shelter ordinances and an excerpt from the State Code.

Ms. Mallek asked if the County Code can be stronger than the State minimum for the definition of shelters.

Mr. Davis replied, "yes".

Ms. Mallek asked if the County can have anti-tethering ordinances in terms of numbers of hours per day.

Mr. Davis said he is not aware of any jurisdictions that have adopted an anti-tethering ordinance, but the County does have the authority.

Ms. Ackerman added that Northampton County, Richmond, and Charlottesville all have restrictions on tethering – and Staunton now does.

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Ms. Stacy Norris addressed the Board, demonstrating a three-foot chain tether for a dog. She commented that all animals seek to avoid suffering. In 2008 she founded The House Project – a community service project that builds wooden dog houses with the help of area schools and Boy Scout troops. Ms. Norris said that the group distributes the houses – along with straw bedding, nylon collars, leashes, and food and water bowls – with the help of Animal Control Officers, to outside dogs in need of more appropriate shelter. She stated that in the last two years, they have seen a lot of suffering, with lots of dogs that are legally sheltered but have nothing close to respectable outdoor living conditions – dogs with holes in their roofs, dogs whose only shade is provided by metal or plastic barrels in high heat, dogs with heavy tow chains wrapped around their necks, dogs with kinked chains who cannot reach their water bowls, dogs who step in their own feces because of the size of the area in which they are limited, and dogs in cold weather who are ill-prepared for harsh conditions. Ms. Norris said that regardless of whether it is a case of ignorance or apathy, the people who keep their dogs tied up in these conditions are doing nothing illegal; but as Animal Control will attest to, it is a very sad situation for these dogs. She stated that the House Project exists as a mere band-aid, and helps to improve the living conditions of many outside dogs in need – but the problems can best be solved by changing laws. She asked that the Board consider legislation to help with anti-tethering in Albemarle County.

Ms. Mallek commented that there is a correlation between dog biting and attacks and long-term chaining. She thanked Ms. Norris for the model ordinances, and asked fellow Board members if they agree to proceed.

Mr. Rooker responded that he would like to find out exactly what the County can do, and would like to hear from Animal Control. He added that there is also the problem of enforcement. It is one thing to pass an ordinance; it's another thing to recognize whether or not you've got the manpower to actually enforce your ordinances. He commented that he supports the measures, and doesn't understand why people get a dog only to chain it up – adding that he would like to see how these ordinances have helped improve the conditions.

Ms. Ackerman commented that North Carolina has found that a 10-hour ordinance is not enforceable; it needs to be one hour or nothing.

Ms. Norris said that Animal Control has called her on many occasions, and she has alerted them as well. Animal Control have been an asset to finding animals for her project and they need this as much as the dogs.

Ms. Mallek noted that Animal Control already knows where these situations exist, so this would not be an additional burden on them.

Mr. Boyd asked how the program is received, given that the dog owners are being made aware of a bad situation. He asked if the homeowners are cooperative.

Ms. Norris responded that they approach them very non-judgmentally, and explain that this is a free service that offers better materials for the pet. She said that she always mentions that the houses are built by Boy Scouts and schools, which tends to lighten the mood. Ms. Norris stated that the group has distributed 105 houses total, and only two people have turned them away.

Mr. Boyd asked if the situations were caused more by apathy or ignorance.

Ms. Norris replied that what is presented to her is ignorance, whether it is real or feigned. It seems as though people are very open and they have had really good reception, but again it is the approach.

Mr. Boyd thanked her for the program, commenting on how much he liked it.

Mr. Rooker said the program is terrific.

Ms. Mallek thanked her for coming forward, noting that it is a great example of how citizens can make a difference.

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Agenda Item No. 7. Consent Agenda. Mr. Rooker **moved** to approve Items 71- through 7.4, to remove Item 7.4a, and to accept the remaining items for information. Mr. Snow **seconded** the motion.

Roll was called and the motion carried 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. 7.1. Approval of Minutes: April 7, April 14 and May 12, 2010.

Mr. Thomas had read the minutes of April 7, 2010, and found them to be in order.

Mr. Rooker had read the minutes of April 14, 2010, and found them to be in order.

Mr. Snow had read the minutes of May 12, 2010, and found them to be in order.

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

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Item No. 7.2. FY 2010 Budget Amendment and Appropriations.

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

The total of the new requested FY 2010 appropriations, itemized below, is \$304,929.49. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of six (6) FY 2010 appropriations as follows:

- One (1) appropriation (#2010089) reallocating \$35,168.00 of a Department of Justice grant awarded to the Police Department to different expenditure lines within the grant;
- Two (2) appropriations (#2010090 and #201091) totaling \$180,741.49 for various school programs;
- One (1) appropriation (#2010092) totaling \$53,668.00 for costs associated with the June 8, 2010 primary elections;
- One (1) appropriation (#2010093) totaling \$9,800.00 for equipment and training for the Community Emergency Response Team (CERT), Medical Reserve Corps (MRC), and the Fire Corps from the 2007 Homeland Security reimbursable grant; and
- One (1) appropriation (#2010094) totaling \$60,720.00 for the ACE program from the Farmland Preservation Grant

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$304,929.49 and the approval of Appropriations #2010089, #2010090, #201091, #2010092, #2010093, and #2010094.

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Attachment A

**Appropriation #2010089**

**\$35,168.00**

Revenue Source:

Grant #2009-SB-B9-1924: The Department of Justice has approved an amendment to the grant awarded to the Albemarle County Police Department in the amount of \$113,138.00. The purpose of this amendment is to reallocate \$35,168 of funds currently budgeted for overtime to cover training and additional equipment to support more Community Policing in problem solving, crime prevention, and safety enhancement through working directly with citizens. There is no local match.

**Appropriation #2010090** **\$176,548.63**

Revenue Source:	Local Revenue	\$108,991.68
	Fund Balance	\$ 67,556.95

Henley Middle School received a donation in the amount of \$735.68 from Henley's Parent and Teacher Support Organization. The donor has requested that the contribution be used to help fund the "Enrichment Time before 9" program for the month of April at Henley Middle School.

Albemarle High School ("AHS") received various cash donations totaling \$620.00. These donations were made to help fund the installation of a synthetic turf field at AHS. The current balance for the FY 09/10 AHS Synthetic Turf Project is \$33,856.22 including this donation. The balance from FY 08/09 is \$6,866.66 for a grand total of \$40,722.88. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring AHS to raise an additional \$284,277.12 to secure matching funds. The balance required to secure construction is \$650,000.00.

Monticello High School was awarded a grant in the amount of \$345.00 from the Nest Realty Group. These funds will be used to build a vegetable garden at the school. The garden will primarily be a project of the school's Ecology classes.

Crozet Elementary School was awarded a grant in the amount of \$625.00 from the Williams Companies, Inc. These funds will be used to purchase a pair of lacrosse goals.

Greer Elementary School was awarded a grant in the amount of \$1,000.00 from the Junior League of Charlottesville. These funds will be used to cover the costs of a field trip to Lowes where garden supplies and materials will be purchased. Remaining funds will be used to purchase books about gardening.

The recent personal property tax mailing included a form for taxpayers to make a donation to the Local Government or School Division and included an option for donors to specify what the donation would fund. The following donations totaling \$410.00 were made to specific options:

- \$100.00 was donated to Albemarle High School;
- \$100.00 was donated to Red Hill Elementary School;
- \$110.00 was donated to School Division Capital Improvements; and
- \$100.00 was donated to the MESA program at Albemarle High School.

The Special Education Local Improvement Grant (SLIVER) has a fund balance in the amount \$2,645.95, which may be used for FY 09/10. These funds will be used to furnish preschool classrooms.

The Teaching American History Grant is based on a partnership of five public school systems in central Virginia (Charlottesville City and Albemarle, Madison, Orange and Greene Counties). The City of Charlottesville is the fiscal agent and Albemarle County Schools will seek reimbursement for salary and compensation expenses incurred. The purpose of this grant is to create a sustainable, long-term project that will become a model to share both teaching strategies and content-based activities as well as inform future historical projects. The grant totals \$105,256.00.

Various Miscellaneous Grants have an unexpended fund balance from FY 08/09. Holders of these grants have been encouraged to expend these balances. This request is to reappropriate available funds totaling \$52,078.36 for use in FY 09/10.

Various Shannon Foundation Grants have an unexpended fund balance from FY 08/09. Holders of these grants have been encouraged to expend these balances. This request is to reappropriate available funds totaling \$12,832.74 for use in FY 09/10.

**Appropriation #2010091** **\$4,192.86**

Revenue Source:	Local Revenue	\$ 4,192.86
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Albemarle High School ("AHS") received various cash donations totaling \$145.00. These donations were made to help fund the installation of a synthetic turf field at AHS. The current balance for the FY 09/10 AHS Synthetic Turf Project is \$34,001.22 including this donation. The balance from FY 08/09 is \$6,866.66 for a grand total of \$40,867.88. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring AHS to raise an additional \$284,132.12 to secure matching funds. The balance required to secure construction is \$650,000.00.

The recent personal property tax mailing included a form for taxpayers to make a donation to the Local Government or School Division and included an option for donors to specify what the donation would fund. The following donations totaling \$560.00 were made to specific options:

- \$350.00 was donated to Murray Elementary School;
- \$10.00 was donated to School Division Capital Improvements;
- \$100.00 was donated to Meriwether Lewis Elementary School; and
- \$100.00 was donated to Red Hill Elementary School.

Virginia L. Murray Elementary School received a donation in the amount of \$3,487.86 from the Murray PTO. The donor has requested that this contribution be used to fund the M3 after school enrichment program at Murray Elementary School.

**Appropriation #2010092 \$53,668.00**

Revenue Source: General Fund Balance \$53,668.00

Pursuant to Va. Code § 24.2-518, the Department of Voter Registration and Elections requests an appropriation to be made for the costs of the June 8, 2010 primary election for the Republican Party nomination for: Member, U.S. House of Representatives, Virginia 5th District. This primary election included all Albemarle County voting precincts.

**Appropriation #2010093 \$9,800.00**

Revenue Source: Federal Revenue \$9,800.00

This request is for a 2007 Homeland Security reimbursable grant. The funds are being used for equipment and training for the Community Emergency Response Team (CERT) \$3,600, Medical Reserve Corps (MRC) \$1,370 and the Fire Corps \$4,830. The grant is managed through the Regional Emergency Management Office. There is no local match.

**Appropriation #2010094 \$60,720.00**

Revenue Source: State Revenue \$60,720.00

Farmland Preservation Grant - The VA Department of Agriculture and Consumer Services, Office of Farmland Preservation has awarded Albemarle County an additional amount of \$60,720 to preserve farmland through local Purchase of Development Rights programs, or the County's ACE program. The funds will be used to compensate landowners who permanently preserve their land by voluntarily placing a conservation easement on it. The original grant was received in FY 2008.

**By the above-recorded the vote, the Board approved the budget amendment in the amount of \$304,929.49 and the approved Appropriations #2010089, #2010090, #201091, #201092, #201093, and #201094.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2010089  
**DATE** 7/7/2010  
**BATCH#**

**EXPLANATION:** Community Policing Grant Amendment

TYPE	FUN D	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					COD E	AMOUNT	DEBIT	CREDIT
1	1543	31013	120000	Overtime	J 1	(\$32,669.00)		
1	1543	31013	210000	FICA	J 1	(\$2,499.00)		
1	1543	31013	550100	Travel/Training/Education	J 1	\$2,508.00		
1	1543	31013	800100	Machinery & Equipment	J 1	\$32,660.00		
<b>TOTAL</b>						<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2010090  
**DATE** 7/7/2010  
**BATCH#**

**EXPLANATION:** School Board Meeting: May 27, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donations	J 2	1,035.68		
1	2207	61101	601300	Ed/Rec Supplies	J 1	100.00		
1	2252	61101	160300	Stipends-Instructional	J 1	683.40		
1	2252	61101	210000	FICA	J 1	52.28		
1	2301	61101	601300	Ed/Rec Supplies	J 1	200.00		
	2000		0501	Est. Revenue			1,035.68	
			0701	Appropriation				1,035.68
2	3104	18000	189900	Miscellaneous Grants	J 2	1,970.00		
2	3104	51000	510100	Fund Balance	J 2	52,078.36		
1	3104	60201	312500	Prof Serv Instructional	J 1	375.00		
1	3104	60201	601300	Ed/Rec Supplies	J 1	1,005.75		
1	3104	60203	312500	Prof Serv Instructional	J 1	325.00		
1	3104	60203	601300	Ed/Rec Supplies	J 1	2,874.00		
1	3104	60204	420100	Field Trips	J 1	800.00		
1	3104	60204	601300	Ed/Rec Supplies	J 1	1,000.00		
1	3104	60205	312500	Prof Serv Instructional	J 1	1,550.00		
1	3104	60205	601300	Ed/Rec Supplies	J 1	1,642.96		
1	3104	60206	601300	Ed/Rec Supplies	J 1	18.24		
1	3104	60207	601300	Ed/Rec Supplies	J 1	369.12		
1	3104	60209	420100	Field Trips	J 1	353.78		
1	3104	60209	601300	Ed/Rec Supplies	J 1	3,105.29		
1	3104	60210	601300	Ed/Rec Supplies	J 1	3,262.19		
1	3104	60211	601300	Ed/Rec Supplies	J 1	5.31		
1	3104	60212	601300	Ed/Rec Supplies	J 1	656.03		
1	3104	60213	420100	Field Trips	J 1	222.45		

1	3104	60213	601300	Ed/Rec Supplies	J	1	341.76		
1	3104	60214	601300	Ed/Rec Supplies	J	1	332.17		
1	3104	60215	312500	Prof Serv Instructional	J	1	200.00		
1	3104	60215	601300	Ed/Rec Supplies	J	1	2,051.90		
1	3104	60216	601300	Ed/Rec Supplies	J	1	1,600.49		
1	3104	60217	312700	Prof Services - Consultant	J	1	1,070.48		
1	3104	60217	601300	Ed/Rec Supplies	J	1	1,184.18		
1	3104	60251	601300	Ed/Rec Supplies	J	1	20.56		
1	3104	60252	312500	Prof Serv Instructional	J	1	4,641.77		
1	3104	60252	601300	Ed/Rec Supplies	J	1	1,000.00		
1	3104	60253	800700	Data Processing Equip - New	J	1	3,397.32		
1	3104	60302	601300	Ed/Rec Supplies	J	1	600.00		
1	3104	60304	601300	Ed/Rec Supplies	J	1	347.27		
1	3104	61101	420100	Field Trips	J	1	510.49		
1	3104	61101	601300	Ed/Rec Supplies	J	1	48.77		
1	3104	61311	580500	Staff Development	J	1	183.63		
1	3104	62421	800621	Solar Panels - Henley	J	1	18,952.45		
	3104		0501	Est. Revenue				54,048.36	
			0701	Appropriation					54,048.36
2	3158	18000	181273	Teaching American History Grant	J	2	105,256.00		
1	3158	61101	112100	Salaries-Teacher	J	1	59,228.00		
1	3158	61101	160100	Stipends - Career Incentive	J	1	22,810.00		
1	3158	61101	210000	FICA	J	1	6,276.00		
1	3158	61101	221000	VRS	J	1	8,795.00		
1	3158	61101	231000	Health Insurance	J	1	7,553.00		
1	3158	61101	232000	Dental Insurance	J	1	253.00		
1	3158	61101	241000	VRS Group Life	J	1	341.00		
	3158		0501	Est. Revenue				105,256.00	
			0701	Appropriation					105,256.00
2	3211	51000	510100	Fund Balance	J	2	2,645.85		
1	3211	61102	800200	Furniture/Fixtures	J	1	2,645.85		
	3211		0501	Est. Revenue				2,645.85	
			0701	Appropriation					2,645.85
2	3502	51000	510100	Fund Balance	J	2	12,832.74		
1	3502	60606	601300	Ed/Rec Supplies	J	1	12,832.74		
	3502		0501	Est. Revenue				12,832.74	
			0701	Appropriation					12,832.74
2	9000	18100	181105	Donation	J	2	110.00		
1	9000	62422	580000	Miscellaneous Expenses	J	1	110.00		
	9000		0501	Est. Revenue				110.00	
			0701	Appropriation					110.00
2	9001	18100	181107	AHS DONATIONS-TURF PROJ			620.00		
1	9001	60301	950245	AHS SYN TURF FIELD			620.00		
	9000		0501	Est. Revenue				620.00	
			0701	Appropriation					620.00
<b>TOTAL</b>							<b>353,097.26</b>	<b>176,548.63</b>	<b>176,548.63</b>

**COUNTY OF ALBEMARLE  
APPROPRIATION**

**APP # 2010091  
DATE 7/7/2010  
BATCH#**

**EXPLANATION:** School Board Meeting: June 10, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9001	18100	181107	AHS Donations - Turf Project	J	2	145.00		
1	9001	60301	950245	AHS Syn Turf Field	J	1	145.00		
	9001		0501	Est. Revenue				145.00	
			0701	Appropriation					145.00
2	2000	18100	181109	Donations	J	2	4,037.86		
1	2215	61101	152100	Wages-Substitute Teacher	J	1	3,240.00		
1	2215	61101	210000	FICA	J	1	247.86		
1	2215	61101	601300	Ed/Rec Supplies	J	1	350.00		
1	2206	61101	601300	Ed/Rec Supplies	J	1	100.00		
1	2207	61101	420100	Field Trips	J	1	100.00		
	2000		0501	Est. Revenue				4,037.86	
			0701	Appropriation					4,037.86
2	9000	18100	181105	CIP Donations	J	2	10.00		

1	9000	62422	580000	Misc Expenses	J	1	10.00		
	9000		0501	Est. Revenue				10.00	
			0701	Appropriation					10.00
<b>TOTAL</b>							<b>8,385.72</b>	<b>4,192.86</b>	<b>4,192.86</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2010092  
**DATE** 7/7/2010  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Cover costs associated with the June 8, 2010 primary elections

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1000	51000	510100	Approp. Fund Balance	J	2	53,668.00		
1	1000	13020	120000	Overtime Wages	J	1	2,294.79		
1	1000	13020	312510	Election Officials	J	1	26,745.00		
1	1000	13020	210000	FICA	J	1	2,215.42		
1	1000	13020	331607	R&M - Voting Machines	J	1	17,572.45		
1	1000	13020	520100	Postal Services	J	1	34.72		
1	1000	13020	520300	Telecommunications	J	1	70.00		
1	1000	13020	540200	Lease/Rent-Buildings	J	1	550.00		
1	1000	13020	550100	Travel/Training/Education	J	1	920.00		
1	1000	13020	600100	Office Supplies	J	1	150.00		
1	1000	13020	601700	Copy Expense	J	1	505.12		
1	1000	13020	360000	Advertising	J	1	800.00		
1	1000	13020	390000	Other Purchased Servies	J	1	1,810.50		
	1000		0501	Est. Revenue				53,668.00	
			0701	Appropriation					53,668.00
<b>TOTAL</b>							<b>53,668.00</b>	<b>53,668.00</b>	<b>53,668.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2010093  
**DATE** 7/7/2010  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** 2007 Homeland Security re-fundable grant for equipment and training for the Community Emergency Response Team (CERT) \$3,600, Medical Reserve Corps (MRC) \$1,370 and the Fire Corps \$4,830

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2					J	2	9,800.00		
1	4100	31045	312500	PROF. SER. INSTRUCTIONAL	J	1	500.00		
1	4100	31045	550100	TRAVEL/TRAINING/EDUCATION	J	1	7,400.00		
1	4100	31045	600100	OFFICE SUPPLIES	J	1	1,200.00		
1	4100	31045	800700	ADP EQUIPMENT	J	1	700.00		
	4100		0501	Est. Revenue				9,800.00	
			0701	Appropriation					9,800.00
<b>TOTAL</b>							<b>9,800.00</b>	<b>9,800.00</b>	<b>9,800.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2010094  
**DATE** 7/7/2010  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Farmland Preservation Grant to ACE Program

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	24000	240767	Revenue - State (VDACS)	J	2	60,720.00		
1	9010	81010	580409	ACE	J	1	60,720.00		
	9010		0501	Est. Revenue				60,720.00	
			0701	Appropriation					60,720.00
<b>TOTAL</b>							<b>60,720.00</b>	<b>60,720.00</b>	<b>60,720.00</b>

Item No. 7.3. 2007 State Homeland Security Grant Program (CFDA # 97.073) Resolution.

The executive summary states that the Virginia Department of Emergency Management (VDEM) has awarded a \$9,800.00 grant through the 2007 State Homeland Security Grant Program (CFDA # 97.073) to the Emergency Communication Center's ("ECC") Regional Charlottesville-UVA-Albemarle

County Emergency Management Office (Emergency Management Office). The purpose of the Grant is to purchase emergency equipment and training for the Community Emergency Response Team (CERT), Medical Reserve Corps (MRC) and the Charlottesville Fire Corps.

The Emergency Management Office of ECC is designated as the grant administrator for this Homeland Security Grant. Because the County serves as the fiscal agent for the ECC, the Board must adopt the attached resolution (Attachment A) authorizing the County Executive, the ECC Emergency Management Coordinator or the ECC Executive Director to execute all grant-in-aid documents required for the receipt and implementation of this Grant.

The County will serve as the fiscal agent for this Homeland Security Grant; however, it is a 100 percent reimbursable program with no matching funds required by the County.

Staff recommends that the Board adopt the attached resolution (Attachment A) authorizing either the County Executive, the ECC Emergency Management Coordinator or the ECC Executive Director to execute all VDEM Grant documents necessary for receipt of the 2007 State Homeland Security Grant.

**By the above-recorded the vote, the Board adopted the following resolution authorizing either the County Executive, the ECC Emergency Management Coordinator or the ECC Executive Director to execute all VDEM Grant documents necessary for receipt of the 2007 State Homeland Security Grant:**

### Governing Body Resolution

BE IT RESOLVED BY THE Board of Supervisors  
(Governing Body)

OF THE County of Albemarle, Virginia THAT  
(Name of Applicant)

the ECC Emergency Management Coordinator, OR  
(Name or Title of Authorized Agent)

the ECC Executive Director, OR  
(Name or Title of Authorized Agent)

the County Executive,  
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 7th day of July, 2010

### Certification

I, Ella W. Jordan, duly appointed and  
(Name)

Clerk of the Board of Supervisors  
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the Board of Supervisors of the County of Albemarle, VA on the  
(Governing body) (Name of Applicant)

7th day of July, 2010.

Clerk, Board of Supervisors  
(Official Position)

(Signature)

July 7, 2010  
(Date)

Item No. 7.4. FY 2010/11 Bright Stars Funding Update.

The executive summary states that due to uncertainty in state funding at the time the FY 10/11 Budget was adopted, Bright Stars Program employees in the Department of Social Services were programmed to be transitioned from 12 to 11 month status. Since adoption of the budget, the state has revised the VRS and group life insurance benefit rates for certain categories of employees in the program which has generated additional cost savings. Staff requests and recommends utilizing these savings to restore the program employee positions to 12 month status for FY 10/11.

The savings from the revised VRS and group life insurance benefit rates more than offsets the increase in salaries if the Bright Stars program employee positions are restored to 12 month status:

FY 10/11 Adopted Budget

Salaries	\$733,322 – based on 11 month positions
Benefits	\$318,075
Total Personnel Costs	\$1,051,397

FY 10/11 Revised Requested Budget

Salaries	\$751,598 – based on 12 month positions
Benefits	\$297,007
Total Personnel Costs	\$1,048,605

The additional salary and benefit costs associated with restoring these positions to 12 month status will be funded utilizing the benefit savings from certain employees in the program. Therefore, there will be no budget impact in FY 10/11.

Staff recommends approval of the restoration of the Bright Stars program employee positions to 12 month positions for FY 10/11.

**By the above-recorded the vote, the Board approved the restoration of the Bright Stars program employee positions to 12 month positions for FY 10/11.**

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Item No. 7.4a. Cancel August 11, 2010, Night Board Meeting.

**Based on earlier discussion, this item was removed from the agenda.**

Mr. Dorrier commented that he would not be able to be in attendance at the meeting.

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Item No. 7.5. VDOT, Culpeper District Monthly Report, for Albemarle County, July 2010, **was received for information.**

Agenda Item No. 8. **Public Hearing: FY 2011 Budget Amendment and Appropriations.**  
(Advertised in the Daily Progress on June 27, 2010).

Ms. Laura Vinzant, Senior Budget Analyst with the Office of Management and Budget, summarized the following executive summary:

“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 2011 appropriations, itemized below, is \$15,939,815.11. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2011 Budget Amendment totals \$15,939,815.11. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

General Fund	\$ 28,757.00
Special Revenue Funds	\$ 3,735,678.13
School Fund	\$ 4,323.34
Capital Improvements Funds	\$ 12,171,056.64
<b>TOTAL ESTIMATED EXPENDITURES – All Funds</b>	<b>\$ 15,939,815.11</b>

**ESTIMATED REVENUES**

Local Revenues (Fees, Contributions, Donations)	\$ 59,888.13
State Revenue	\$ 0.00

Federal Revenue	\$ 412,019.80
Loan Proceeds	\$ 10,266,166.93
Other Fund Balances	\$ 5,201,741.05

**TOTAL ESTIMATED REVENUES – All Funds** **\$ 15,939,815.11**

The budget amendment is comprised of eight (8) separate appropriations as follows:

- One (1) appropriation (#2011001) totaling \$28,757.00 that will partially fund a position in the Department of Social Services using federal revenues. This position will primarily work to administer the County’s Comprehensive Services Act (CSA) funding;
- One (1) appropriation (#2011003) totaling \$3,675,790.00 for the Belvedere bond funds;
- One (1) appropriation (#2011004) totaling \$59,888.13 for rental income and expenses related to the Old Crozet Elementary School;
- One (1) appropriation (#2011005) totaling \$10,294,455.73, reappropriating general government capital projects;
- One (1) appropriation (#2011006) totaling \$775,798.23, reappropriating school capital projects;
- One (1) appropriation (#2011007) totaling \$1,025,922.68, reappropriating stormwater capital projects;
- One (1) appropriation (#2011008) totaling \$4,323.34 for various education programs and grants; and
- One (1) appropriation (#2011009) totaling \$74,880.00 for the Downtown Crozet Regional Stormwater project.

A description of this request is provided in Attachment A.

Ms. Vinzant said after the public hearing, staff recommends approval of the FY 2011 Budget Amendment in the amount of \$15,939,815.11 and approval of Appropriations #2011001, #2011003, #2011004, #2011005, #2011006, #2011007, #2011008, and #2011009 to provide funds for various local government and school projects and programs as described in Attachment A.

\* \* \* \* \*

**Appropriation #2011001** **\$28,757.00**

Revenue Source:	Federal Revenue:	\$28,757.00
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The FY 10/11 Adopted Budget includes transferring the administration of the County’s Comprehensive Services Act (CSA) from the Commission on Children and Families (CCF) to the Department of Social Services. This program will be administered by a Child Welfare Services Supervisor and funded through 1) the \$50,892 previously approved for this position in the adopted budget; and 2) this appropriation of \$28,757.00, which will be 100% reimbursed through federal revenues. In addition to managing the County’s CSA funding, this position will provide supervision and administrative oversight to the department’s child care and independent living programs. This appropriation will increase the department’s authorized FTE count by 1.0.

**Appropriation #2011003** **\$3,675,790.00**

Revenue Source:	Other Fund Balance	\$3,675,790.00
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This request is to reappropriate the Belvedere bond funds so that they are available, if needed, in FY 10/11. The developer of Belvedere Subdivision, Belvedere Station Land Trust (BSLT), provided performance bonds to the County for Belvedere Phase 1 and Belvedere Phase 1, Blocks 3, 4A, 5A, 6B & 9A covering water protection (erosion control & stormwater management), roads, drainage and related site work, and water and sewer improvements. The bonds totaled \$3,675,790.00 and were secured by letters of credit from Wachovia Bank. In November 2008 the County received notice from Wachovia Bank that the letters of credit securing the bonds would not be renewed beyond their current expiration. Since BSLT was unable to get Wachovia Bank to renew the letters of credit and did not provide replacement performance bonds, the County demanded payment on the six (6) letters of credit securing the bonds in January 2009.

BSLT is currently keeping the project area in compliance with County requirements and is seeking a longer term funding solution for the project. However, the appropriation is necessary for the County to expend the funds should BSLT be unable to fund critical work. This will assure that the subdivision residents have the required infrastructure and are protected from any lack of required maintenance.

**Appropriation #2011004** **\$59,888.13**

Revenue Source:	Rental Income (Local)	\$59,888.13
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This request is to allocate rental revenues generated from the Old Crozet Elementary School leases to fund the operating costs of the Old Crozet Elementary School and to fund major capital replacements/repairs that may be necessary in the future (e.g. boiler replacement, roof repairs, asbestos abatement, etc.). It is anticipated that the County’s leases with the Field School and the Old Crozet School Arts will generate \$59,888.13 during FY11.

**Appropriation #2011005** **\$ 10,294,455.73**

Revenue Source:	Federal Revenue	\$ 330,062.00
	Loan Proceeds	\$ 9,653,839.00
	Gen. Govt. CIP Fund Bal.	\$ 310,554.73

This request reappropriates a portion of the remaining balances of active General Government Capital Improvement projects that were uncompleted as of June 30, 2009. Among the projects included in this request are several park projects, several public safety projects, the Access Albemarle project, various maintenance and repair projects, the Crozet Library, and the Crozet Streetscape project. The remaining project reappropriations will be presented to the Board in October for consideration.

<b><u>Appropriation #2011006</u></b>			<b><u>\$ 775,798.23</u></b>
Revenue Source:	Loan Proceeds	\$ 612,327.93	
	School CIP Fund Balance	\$ 163,470.30	

This request reappropriates a portion of the remaining balances of active School Capital Improvement projects that were uncompleted as of June 30, 2009. Among the projects included in this request are various maintenance/repair projects as well as construction projects at the Crozet Elementary School, Vehicle Maintenance Facility, Brownsville Elementary School, Greer Elementary School and Albemarle High School. The remaining project reappropriations will be presented to the Board in October for consideration.

<b><u>Appropriation #2011007</u></b>			<b><u>\$ 1,025,922.68</u></b>
Revenue Source:	Federal Revenue	\$ 53,200.00	
	Stormwater CIP Fund Bal.	\$ 972,722.68	

This request reappropriates a portion of the remaining balances of Stormwater Management projects that were uncompleted as of June 30, 2009. Among the projects included in this request are Downtown Crozet, Woodbrook Lagoon and COB Biofilters. The remaining project reappropriations will be presented to the Board in October for consideration.

<b><u>Appropriation #2011008</u></b>			<b><u>\$4,323.34</u></b>
Revenue Source:	Local Revenue	\$4,323.34	

The recent personal property tax mailing included a form for taxpayers to make a donation to the Local Government or School Division and included an option for donors to specify what the donation would fund. The following donations were made to specific options:

- \$3,650.34 was donated for School Division Instructional Support;
- \$50.00 was donated to Western Albemarle High School;
- \$250.00 was donated to Greer Elementary School;
- \$273.00 was donated for miscellaneous instructional needs within the school division; and
- \$100.00 was donated to Henley Middle School.

<b><u>Appropriation #2011009</u></b>		<b><u>\$74,880.00</u></b>
Revenue Source:	Proffer Fund Revenue:	\$74,880.00

This request allocates the available Grayrock Proffer revenue of \$74,880.00 to the Downtown Crozet Regional Stormwater project as previously approved by the Board on July 1, 2009.

Mr. Rooker asked why there would be appropriations designated if there is a project not included for funding in the current CIP, such as the Crozet Library.

Ms. Vinzant responded that it would be funding that was previously appropriated that is being carried forward.

Mr. Rooker asked how much of the appropriation is for the Crozet Library.

Mr. Bryan Elliott, Assistant County Executive, explained that those funds are to carry forward monies – as the County has engaged an architectural and engineering firm to do some site work as part of the parking area for the library, and there is continued coordination with Community Development. He added that it is not the project per se.

Ms. Mallek confirmed that the parking lot is being done now as part of the Main Street Extension – which was just put to bid; R.E. Lee was awarded the contract.

Mr. Rooker said it would be helpful to get a breakdown of the projects that are included in Appropriation #2011005 and #2011006. It would be helpful in the future that staff include a breakdown for these type of larger appropriations.

Mr. Boyd asked why money is being spent on the Crozet Library, given that the project has been taken out of the 10-year CIP plan.

Mr. Tom Foley, Assistant County Executive, responded that the funding is to do the site work, remove the house that is onsite, and do some grading – as well as putting a parking lot in there that eventually the Library will use. The Board had actually approved the project a while ago. The project is not going to be started or moved forward in any other way.

Ms. Vinzant stated that the total cost for doing that is \$769,000.

At this time, the Chair opened the public hearing. No one came forward to speak, and the public hearing was closed.

Mr. Rooker stated that he would prefer to vote on this when there is a list of individual items and costs available, and suggested that it be brought back after the lunch break today.

Ms. Mallek stated that a decision on this request would be postponed until later in the meeting.

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Agenda Item No. 9. **PROJECT: SP-2010-00001. Earlysville Service Center.**

**PROPOSED:** Amend SP-2008-00025 to increase the building size from a maximum of 5,000 sq. ft. to provide adequate interior space for the service bays; special use permit would be on approx. 2.17 acre portion of an 11.833 acre parcel.

ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

SECTION: 10.2.2 (37) Public Garage.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development density).

ENTRANCE CORRIDOR: No.

LOCATION: West side of Earlysville Rd (Rt 743) approx 775 ft. north of Reas Ford Rd (Rt 660).

TAX MAP/PARCEL: TMP 03100-00-00-01400.

MAGISTERIAL DISTRICT: Rio.

*(Advertised in the Daily Progress on June 21 and June 28, 2010).*

Mr. Cilimberg reported that this is a request that follows a prior approval of the Earlysville Service Center, which originally allowed for a 5,000 square foot garage. The applicant found in their planning work that they need a larger building. He said that this is a rural area location adjacent to the existing garage that is zoned for commercial use – and across from some properties in the prior Earlysville Village that had the Village land use designation when it was in the Comp Plan as a development area.

Mr. Cilimberg said that the location is along Earlysville Road, north of Reas Ford Road, noting the location of the existing garage and the proposed site for the new garage and associated parking. He stated that the building would be slightly larger, and there are no other changes proposed. The building is in the vicinity of the Jacob's Run Ag/Forestal District.

Mr. Cilimberg reported that there were several favorable factors from the prior review that are unchanged with this application. One unfavorable factor in the prior review is also unchanged. He said that it was approved originally, and staff does not feel that the new building would be detrimental to the area or would change the original findings in the approved special use permit. Mr. Cilimberg stated that there are 15 conditions that are carried over from the original special use permit, with changes in those conditions pertaining to the size of the building – up to 6,200 square feet – and also some additional language in Condition #4 regarding the fence used to separate the property from neighbors.

The Chair opened the public hearing. Since no one came forward to speak, the public hearing was closed and the matter was placed before the Board.

Mr. Thomas then **moved** approval of SP-2010-00001 subject to the 15 conditions as presented. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

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

1. Development of the use shall be in accord with the conceptual plan titled "Amendment to Special Use Permit SP200800025 Earlysville Service Center, 4036 Earlysville Road Earlysville, VA 22936", prepared by DW Enterprises and dated April 2, 2010 (hereafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Concept Plan, development shall reflect the following major elements within the development essential to the design of the development:
  - a. The general area designated for the special use (public garage);
  - b. The size, height and location of the proposed building (no more than six thousand two hundred [6,200] square feet/maximum thirty-five [35] feet high);
  - c. The location of the perimeter landscaping and limits of clearing, with the exception of minimum clearing possible to install drainfields and utilities; and
  - d. The number of parking spaces (maximum forty-six [46] spaces) and general location/arrangement of the parking spaces;
2. A public garage use on the C-1 Commercial district portion of TMP 31-14 shall be permanently terminated upon issuance of a Certificate of Occupancy for the garage constructed with SP-2008-25;
3. Additional landscape materials, either replanted from the area to be cleared for the garage site or new landscape materials, shall be installed in the undisturbed buffer area inside the boundary of the special use permit as may be necessary to achieve very little visibility between the garage site and the public right-of-way and adjacent properties, as depicted on Attachment B;
4. A minimum six (6) feet high fence shall be constructed in the location shown on Attachment B (twenty [20] feet inside the special use permit boundary and outside the seventy-five [75] foot front setback)

- with the finished side of the fence towards the neighbors, unless the applicant chooses to put up a two-sided fence, to provide an additional buffer for the adjacent property (TMP 31-14H);
5. The sale or rental of vehicles or other motorized equipment is prohibited;
  6. Gasoline sales are prohibited;
  7. The outdoor storage of parts, equipment, machinery and junk is prohibited. All storage shall take place inside the storage shed and/or inside the building;
  8. All repairing or equipping of vehicles shall take place inside the existing garage;
  9. Parking of vehicles associated with the public garage shall take place only in the parking spaces depicted on the Concept Plan;
  10. The hours of operation shall be no earlier than 7:00 A.M. nor later than 10:00 P.M., Monday through Friday and no earlier than 8:00 A.M. nor later than 1:00 P.M. on Saturdays and the public garage shall not be open for business on Sunday. These hours do not prohibit customers from dropping off vehicles before or after the permitted hours of operation;
  11. A maximum of twelve (12) employees shall be permitted on-site at any one time;
  12. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at the north, west, and south property lines and the east boundary of the area designated to the special use permit to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval;
  13. Approval from the Department of Environmental Quality shall be required prior to issuance of the Certificate of Occupancy;
  14. Approval from the Health Department shall be required prior to issuance of a building permit; and
  15. If the use, structure, or activity for which this special use permit is issued is not commenced by August 5, 2016, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

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Agenda Item No. 10. **10-03( ) – Agricultural and Forestal Districts** – Ordinance to amend Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code, to add lands to certain districts and to make corrections to certain district ordinances to identify all those tax map parcels within the districts, as specified below:

- a. **AFD-2010-6 Fox Mountain AFD – District Additions.** The proposed ordinance would amend Section 3-212, Fox Mountain Agricultural and Forestal District, to add TMPs 14-26A, 14-26C and 15-1 to the district.
- b. **AFD-2010-2; 2010-5 Hardware AFD – District Additions.** The proposed ordinance would amend Section 3-214, Hardware Agricultural and Forestal District, to add TMPs 74-28B, 75-4A, 75-5 and 87-16A to the district, to identify TMPs 86-27A, 88-24B, 99-10(part) and 99-52B as being in the district (these parcels were created from parcels already in the district), and to identify TMP 73-39C7 as being in the district (this parcel is currently in the district; this is a correction of the parcel reference from TMP 73-39C to 73-39C7).
- c. **AFD-2010-8 Hatton AFD – District Additions.** The proposed ordinance would amend Section 3-215, Hatton Agricultural and Forestal District, to add TMPs 136-6B, 136-8H, 136-9A2, 136-9C, 136-9D1 and 136-9E to the district, to identify TMPs 135-13A, 135-13B and 135-15C as being in the district (these parcels were created from parcels already in the district) and to delete TMP 135-30(part) (this parcel was previously withdrawn from the district).
- d. **AFD-2010-7; 2010-10 Jacob’s Run AFD – District Additions.** The proposed ordinance would amend Section 3-218, Jacob’s Run Agricultural and Forestal District, to add TMPs 31-1 and 31-4K to the district.
- e. **AFD-2010-3 Kinloch AFD – District Additions.** The proposed ordinance would amend Section 3-220, Kinloch Agricultural and Forestal District, to add TMP 66-3G to the district and to identify TMPs 65-94B, 65-94C and 65-121A1 as being in the district (these parcels were created from parcels already in the district).
- f. **AFD-2010-4 Moorman’s River AFD – District Additions.** The proposed ordinance would amend Section 3-222, Moorman’s River Agricultural and Forestal District, to add TMP 41-19 to the district, to identify TMPs 28-13A, 28-30A1, 29-79E, 29-79F, 30-10C, 30-12C1, 41-50C, 41-65A1, 42-8B, 43-30B1, 43-30B2, 43-30B3 and 43-30B4 as being in the district (these parcels were created from parcels already in the district), to identify TMPs 42-42B1 and 43-2B as being in the district (these parcels were inadvertently removed from the ordinance in a prior amendment; this is a correction), to identify TMP 44-26B as being in the district (this is a floating tax parcel for an undefined travelway that exists within TMP 44-26C, which is within the district), to delete TMPs 41-67, 43-3, 43-3C, 43-3D and 43-4C (the land in these parcels was distributed to other parcels in the district), and to delete TMPs 29-70G and 43-43A1 (these parcels were never in the district; this is a correction).

*(Advertised in the Daily Progress on June 21 and June 28, 2010).*

Mr. Cilimberg said that these are all additions to existing districts that have come in under the most recent application deadline, and include additions to the Jacob’s Run District. He said that there are proposed additions to the Hardware District, the Hatton District, the Moorman’s District, the Fox Mountain District, and Kinloch District – with the total added acreage just under 546 acres in 17 parcels.

Mr. Cilimberg stated that the Ag/Forestal Advisory Committee, staff, and the Planning Commission have recommended approval of all of the additions.

Ms. Mallek asked that Attachment B to the Jacob’s Run be corrected; it shows “Chris Greene Lake,” in the middle of the page, which is actually several miles from the lake.

Mr. Cilimberg said he would get it corrected.

At this time, the Chair opened the public hearing. No one came forward to speak and the public hearing was closed.

Ms. Mallek then **moved** to adopt Ordinance No. 10-03(2), Agricultural and Forestal Districts. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

**(The adopted ordinance is set out below:)**

#### **ORDINANCE NO. 10-03(2)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

#### **By Amending:**

3-212.5 Fox Mountain Agricultural and Forestal District  
3-214 Hardware Agricultural and Forestal District  
3-215 Hatton Agricultural and Forestal District  
3-218 Jacob's Run Agricultural and Forestal District  
3-220 Kinloch Agricultural and Forestal District  
3-222 Moorman's River Agricultural and Forestal District

### **CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS**

#### **DIVISION 2. DISTRICTS**

#### **Sec. 3-212.5 Fox Mountain Agricultural and Forestal District.**

The district known as the "Fox Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 14, parcels 26A, 26C; tax map 15, parcels 1,10A. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10)

#### **Sec. 3-214 Hardware Agricultural and Forestal District.**

The district known as the "Hardware Agricultural and Forestal District" consists of the following described properties: Tax map 73, parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44; tax map 74, parcels 6N, 26, 28, 28B; tax map 75, parcels 4A, 5; tax map 86, parcels 14, 16A, 16C, 16D, 16E, 16F, 27, 27A; tax map 87, parcels 10, 13A, 13E (part consisting of 89.186 acres), 16A; tax map 88, parcels 2A, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B, 29, 40, 42; tax map 99, parcels 10(part), 29, 52, 52B. This district, created on November 4, 1987 for not more than 10 years and last reviewed on September 12, 2007, shall next be reviewed prior to September 12, 2017.

(Code 1988, § 2.1-4(h); Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10)

#### **Sec. 3-215 Hatton Agricultural and Forestal District.**

The district known as the "Hatton Agricultural and Forestal District" consists of the following described properties: Tax map 135, parcels 13, 13A, 13B, 14B, 15, 15A, 15C, 17, 18, 19, 22, 22A; tax map 136, parcels 2A, 6B, 8H, 9A2, 9B, 9C, 9D1, 9E. This district, created on June 29, 1983 for not more than 10 years and last reviewed on June 20, 2001, shall next be reviewed prior to June 29, 2011.

(Code 1988, § 2.1-4(a); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 07-3(1), 7-11-07; Ord. 10-3(2), 7-7-10)

#### **Sec. 3-218 Jacobs Run Agricultural and Forestal District.**

The district known as the "Jacobs Run Agricultural and Forestal District" consists of the following described properties: Tax map 19, parcels 25, 25A; tax map 20, parcel 6J; tax map 30, parcel 32B; tax map 31, parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B, 45C. This district, created on January 6, 1988 for not more than 6 years, since amended to continue for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10)

**Sec. 3-220 Kinloch Agricultural and Forestal District.**

The district known as the "Kinloch Agricultural and Forestal District" consists of the following described properties: Tax map 49, parcels 5C, 6A1; tax map 50, parcels 13, 19; tax map 65, parcels 7, 7A, 8, 84A, 86, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 95, 95A, 100, 121, 121A1; tax map 66, parcels 2, 3C, 3G, 10G1, 32, 32D, 32E, 34 (Albemarle part only), 34B. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 3, 2004, shall next be reviewed prior to November 3, 2014.

(11-17-93; 10-12-94; Code 1988, § 2.1-4(f); Ord. 98-A(1), 8-5-98; Ord. 00-3(3), 9-13-00; Ord. 04-3(3), 11-3-04; Ord. 09-3(5), 12-9-09; Ord. 10-3(2), 7-7-10)

**Sec. 3-222 Moorman's River Agricultural and Forestal District.**

The district known as the "Moorman's River Agricultural- and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 23B, 23B1, 30, 30A, 30A1, 30B, 32B, 32D, 34B, 35, 35B, 37, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8H, 8J, 8K, 9, 10, 15C, 40B, 40C, 40D, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69D, 69F, 70A, 70B, 70C, 70F, 70F1, 70H1, 70K, 70L, 70M, 71, 71A, 73B, 74A, 76, 78, 78A1, 79C, 79E, 79F, 80, 84, 85; tax map 30, parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 17A, 18E, 23; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 68, 70, 72, 72B, 72C, 72D, 89; tax map 42, parcels 5, 6, 6B, 7, 8, 8A, 8B, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 42B, 42B1, 43, 43A, 44; tax map 43, parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30D, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G, 31H; tax map 57, parcel 69; tax map 59, parcels 32, 32A, 34, 35, 82A; tax map 60E3, parcel 1. This district, created on December 17, 1986 for not more than 10 years and last reviewed on December 1, 2004, shall be next reviewed prior to December 1, 2014.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10)

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Agenda Item No. 11. Board-to-Board, *Monthly Communications Report from School Board*, Ron Price, School Board Chairman.

Mr. Price thanked the Supervisors for attending area high school graduations. He was happy to hear that during its Strategic Planning Retreat the Supervisors talked about a more positive relationship with the School Board. He encouraged the Supervisors to get questions together for the School Board regarding the budget for County schools.

Mr. Price reported that the School Division is finishing up with the first year of their instructional coaching model, and feel it is still a successful model from a talent development standpoint. This is a national model that other school divisions are using and it is working. He also stated that the eight-period hybrid schedule has meant that all high schools are now on the same schedule, and no students have missed out on opportunities. The Division believes that the schedule is a good cost-cutting measure but will also offer a lot of benefits towards closing and eliminating the achievement gap, and the public gradually accepting the transition.

Ms. Mallek asked if the County is to the point where a student can join a class at another school via virtual technology.

Mr. Price responded that that capability is still "spotty." In certain locations they are better able to handle that situation. It is the infrastructure within the schools being able to handle that. They would need a camera installed to pan with a teacher, but right now most of the technology they use is very stationary.

Mr. Price added that during the summer the Division has been working on several cost containment initiatives. They are looking into moving toward electronic formats for publication. They will be looking at that with the City of Charlottesville collaboratively including sharing some copyright privileges across student bodies. Mr. Price stated that they are also rerouting busses to save on mileage, and they have implemented a "pocket time clock" system – which is essentially an iPod Touch that allows bus drivers to time their routes. He explained that whenever they're near a School Division or the County Office Building they can send their data into a system that electronically logs their hours. This hand held device will allow the bus drivers to electronically log their time and work hours. Mr. Price said that combined with the GPS system, Albemarle is state of the art in bus and transportation efficiency. They are also doing a lot with energy management.

Mr. Price said that the Division has worked hard on talent and development, and succession planning – and were able to fill openings for principals internally from assistant principals. Mr. Price noted that Albemarle added an African-American assistant principal at Monticello, and also an African-American principal in Crozet. By nurturing and developing their own, they can assure that they are getting the best, but also people who are familiar with our community and will stay with us for some time.

Mr. Price stated that there would be a student-run credit union opening at Albemarle High School, where students actually run the branch. Students will be responsible for all financial transactions; the Credit Union will have someone from their staff who will also work at the site. The School Board believes that this is a good tool towards financial management.

Mr. Price reported that the Virginia Lottery has given out the "Teacher of the Year" award for the last three years, and for three straight years Albemarle has won one – with only eight given in the entire state. He noted that Albemarle teachers were the only teachers recognized for the CBIC Red Apple Award this year. All nominees were from Albemarle County. He also noted Dr. Pam Moran being appointed to the new Governor's Commission on Higher Education Reform, Innovation and Investment. These recognitions are a signal that Albemarle is doing the right thing with respect to its School Division.

Ms. Mallek said she is planning to have a representative from the School Board and/or School Division attend meetings with her in the White Hall District beginning in September. This is a way to get responses to questions so that the public has a thorough understanding of what is going on with School operations.

Mr. Price said any time Board members are meeting with their constituents or attending neighborhood association meetings, and would like a School Board member to attend, just let them know. He is looking forward to working with the Board this year.

Mr. Thomas thanked Mr. Price for his open attitude and open feelings. He also thanked Vicky Miller for her job well done at Murray High School.

Mr. Price noted that he was interviewed recently by the Richmond Times-Dispatch, as Albemarle still has the majority of charter schools in the state – and they were very interested in what is going on with the Burley art-infused school. He cited Ms. Miller as a big reason that Murray has done so well. He added that Ashby Kindler, the new Principal at Murray, will continue to carry the torch and do a great job.

Mr. Snow asked if schools were moving toward electronic books as well as electronic publications.

Mr. Price responded that the schools would like to do a lot more publishing of electronic books, but not all publishing houses are on board with that yet as they still want to print in paper.

Mr. Snow stated that a lot of districts in Florida are moving in that direction.

Mr. Snow asked if the County is going for the composite index money again this year.

Mr. Price said he cannot speak for the entire School Board, but it is something they are seriously considering, as he believes there is a fundamental problem with the way the composite index is being calculated. He added that he thinks Delegate Toscano would like there to be some consideration for dollars given back via revenue sharing at the local level. They will look for an agreement locally before going outside.

Mr. Boyd mentioned an upcoming meeting with Delegate Toscano, County government, and the School Board.

Board members thanked Mr. Price for an excellent report.

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Agenda Item No. 12. CIT and the Mental Health/Criminal Justice Cross Mapping Project, Tom von Hemert.

Mr. Tom Von Hemert addressed the Board and introduced Lt. Ernie Allen and Sgt. Amos Chiarappa from the Albemarle County Police Department, who also serve on the Criminal Justice Board and Crisis Intervention Team (CIT) Task Force. Mr. Von Hemert presented a PowerPoint to accompany information he had distributed to the Board. He presented a chart showing the number of mental health beds in the United States during the 1950s – 500,000 at that time, which would extrapolate to about 1.0 million today with population increase considered. He explained that during the 50s and 60s there was great concern that those hospitals were just warehouses where people were caged in deplorable conditions, so the government responded by closing those down. The problem was that they didn't follow up with providing the funding and the services back into our general state or into our local communities for housing, transportation, support services, medications, etc., and with people not having those services available to them locally, people de-escalated and unfortunately descended back, landing on the streets. Mr. Von Hemert said that many ended up in the only place available – the prison system – and the prison population has absolutely skyrocketed over that time.

He reported that Western State Hospital in Staunton had over 3,000 mental health beds in the 1950s and 60s, covering the region from Lexington to Alexandria to Fredericksburg; at this point, there are less than 250 beds for the entire part of the same region. In this region, Mr. Von Hemert explained that in the last 15-20 years, over 236 mental health beds have been lost; U.Va. has been renting "Rucker Three," the 3<sup>rd</sup> Floor at Martha Jefferson – and when MJH moves to Pantops they are not adding any mental health facilities and U.Va. is not expanding any services. He said that "Five East" in the U.Va. Hospital will be the only mental health facility "in our backyard," having only 16 beds – with Rucker Three shutting down completely. Mr. Von Hemert emphasized that there is only one place in town that is open 24/7, 365 days, and that's the Jail. He said that the State-rated capacity for the local regional jail is 329 inmates, and the

current count is 572 – running 174% over rated capacity. Mr. Von Hemert indicated that he is working on a jail study with the National Institute of Corrections on examining jail population issues – as there is no new funding for expansion of the regional jail. He stated that of the 572 inmates within the jail, 17-18% have serious mental illnesses – which is approximately 97-102 people. He said that they have been diagnosed and are receiving psychotropic medications, so our local jail has become the #1 mental health facility within our region.

Ms. Mallek asked if jail personnel are trained to administer the drugs and know when things are not going well.

Mr. Von Hemert responded, “yes”; this regional jail is one of the best run. He expressed his appreciation for Colonel Matthews and Dr. Juanita Morris – the Medical Director; they have better medical services and facilities than most regional jails. He added that a big part of that effort is knowing who the inmates are when they enter.

He explained that the need for CIT, prompted by looking at caseloads at OAR Community Corrections and Probation & Parole, is based on the fact there are 400-500 offenders with mental illnesses in the Charlottesville/Albemarle regional area. Mr. Von Hemert added that there is an incredibly high recidivism rate among offenders with mental illness (over 70%), and national studies have shown that these inmates have been incarcerated four to five times longer for the same offense as a person that does not have a mental illness. He explained that usually what happens is they begin to de-escalate and act out – bringing more charges forth against them. It is a horrible spiral that keeps people within the criminal justice system, and they are not allowed or not able to access the appropriate services and mental health services for them to take care of their mental health needs. Mr. Von Hemert mentioned that one-third of the patients coming out of Western State are being arrested at a 70% rate; Region Ten has documented that their total evaluations for mental health clients has increased four-fold within the last five years. He said that this is due to the economy, cutbacks in medical services, and reductions in medical financing such as Medicaid and Medicare. Mr. Von Hemert emphasized that there are two wars going on, and there are 34,000 suicides in the U.S. each year now – with 20-25% of those by veterans. He added that these wars have brought on serious cases of post-traumatic stress disorder (PTSD) and traumatic brain injuries (TBI) from all the IEDs. They are seeing more vets that may be coming through the criminal justice system and they want to be able to make sure that officers can recognize veterans that need the support and services of the mental health system.

Mr. Von Hemert said that before the State budget collapsed a few years ago, it was looking at four new prisons – at \$100 million to build, not including operating costs of \$25 million each annually. He stated that the regional jail locally receives approximately \$67 per inmate per day – but that only covers basic services such as food, cots, and maintaining a prisoner, but not the cost of dealing with serious mental illness. Mr. Von Hemert said that just in the last year, \$475,000 was put into dealing just with psychotropic drugs.

Mr. Rooker asked who was paying for that.

Mr. Von Hemert responded that it is all paid for locally, which is an incredible burden to the financial systems of the County and City. He said that five years ago, Jim Hengley – the public defender, with the Public Advisory Committee – wanted to take a look at developing alternatives to incarcerations for people with serious mental illness. The CCJB took on the task of looking at the issue and examined the front end and back end of people coming out of the system. Mr. Von Hemert stated that over that year they included judges, commonwealth’s attorneys, police chiefs, sheriffs, community members, and mental health consumers to be a part of the task force – and the consensus was to develop CIT, a front-end approach.

He explained that CIT is an exemplary pre-booking jail diversion program for the mentally ill, and is a process for addressing the system of change for crisis care with the community as a whole. It’s about responsibility to the community, family members, and consumers of mental health services. Mr. Von Hemert said that CIT is a mindset. They have received a four-year BERN grant from DCJS; he thanked Mr. Dorrier for his work on that. He stated that they were able to provide trainings for law enforcement officers, which was ultimately opened up to correctional officers, 911 supervisors, and sheriff’s deputies. Mr. Von Hemert said that they were able to develop a 40-hour training based on the Memphis models and the outcomes of the training were: to keep as many people with mental illness out of the criminal justice system when appropriate; to allow people with mental illness to receive the necessary treatment to become stabilized in recovery; to coalesce the criminal and mental health systems; and to reduce officer and civilian injuries. There was a fear in the community about calling 911 for family members who weren’t sure that somebody would be arrested or injured or hurt. He added that an additional goal was to reduce the time that officers spend with mental health related calls, as they are very difficult to handle especially when there is not sufficient training.

Mr. Von Hemert reported that they completed the four-year grant last month, and were able to train over 300 officers in the nine jurisdictions to get trained in CIT. He explained that it is a 40-hour training Monday through Friday, and they have had incredible support from the Police Department – especially Sgt. Chiarappa and Chief Miller. Mr. Von Hemert said that the law enforcement and police officers are not always receptive to new trainings and programs, but the feedback after the 40-hour training was extremely positive. He read several quotes from participants, many stating that it was the “very best training” they had received in their careers. Mr. Von Hemert emphasized that “CIT is more than just training”, as stated by the program’s founder in Memphis – Major Sam Cochran. He said that in addition to the positive feedback from officers who have done the training, there must be measurable goals. Mr. Von Hemert stated the vision of CIT is threefold: safety for the officers first, safety for the

community, and safety for the person in crisis. He said that before CIT, all the different agencies working with this clientele were working in their own silos; after CIT they are all being brought together.

Mr. Von Hemert stated that the CIT team here is in the process of summarizing information and sharing it with the participating jurisdictions, evaluating it and documenting it along with feedback from officers and families. He said that the group is getting feedback from Col. Matthews and Dr. Morris that people are being appropriately diverted from the jail, and with Region Ten stating that people are accessing the services better. Mr. Von Hemert added that when someone calls 911 and an officer responds, the officer has four choices to make: resolve it at the location, voluntarily transport the person somewhere such as a hospital, involuntarily transport that person, or jail. Before CIT, he said, jail was used as an easy out, as an officer could be back on the street quickly. If an officer took someone involuntarily to U.Va. Hospital for a mental health evaluation, they would be stuck there for a minimum of 4-6+ hours, which has a huge effect on safety as it removes an officer from service. Mr. Von Hemert stated that now most of the CIT officers are able to resolve the crisis at location. Before CIT, he said, the only information that was provided to 911 was that a person was being transferred to a hospital – without notification given to the hospital or Region Ten; now there is better communication. Mr. Von Hemert noted that the program has a very strong custody exchange process where a U.Va. officer will exchange custody with the Charlottesville or Albemarle police officer. They are also documenting the time someone is in custody to the amount of time the originating officer is working with somehow to how quickly a mental health evaluator is evaluating someone.

He reported that one major issue now being considered is the need for an appropriate crisis diversion facility at U.Va. Hospital. He explained that there are two medical rooms there – with the hospital running at over 300% rated capacity – with one-third of patients now being seen in the hallways. Mr. Von Hemert said that through working with Mr. Leonard Sandridge and Dr. Ed Howell, U.Va. Hospital CEO, they have been able to obtain a commitment that when the ER is being renovated there will be a two-three bedroom site facility built that can be used at the ER. He added that there are only two places where custody exchange can take place: the jail and U.Va. Hospital. It would be great to develop the services at U.Va. Hospital. Mr. Von Hemert said that the grant money has been used in part to provide funds to U.Va. for the custody exchange, but in August the money will run dry and they will be approaching localities for that support. They do not know at the time what the cost is. He stated that the program has received funds to do a four-year study on the cost of CIT, as well as funding for mentorship programs.

Mr. Von Hemert reported that the CIT Program has received awards from DCJS, and of the 23 CIT programs now established in Virginia the local program has been deemed “the best” in the State, as well as being the largest. He mentioned that the program has received the Police Chief of the Year Award and the national “PIN” award; in the State the program has been designated as one of the three mentorship programs. Mr. Von Hemert noted that the program has received an award from the Region Ten Consumer Advisory Council – comprised of those who provide support and feedback to the County and City about mental health issues. On this award, it stated for the “deep gratitude for the CIT Officers commitment to the ideal of knowledge and sensitive intervention with individuals experiencing a mental health crisis”. The people who are receiving the services are saying CIT is working.

Mr. Rooker commented that this is a terrific report and an education presentation. He then asked about the revenue sources mentioned in the report for custody exchange. He asked if the County is going to have to look at budgeting money for this program in the coming year.

Mr. Von Hemert responded that the ultimate decision will come from Chief Mike Gibson, U.Va. Police Department, and he needs to provide information on the cost of custody exchange. He said that the Chief has officers who will meet with a City or County officer to do the exchange, and the program is now training hospital security officers to do this as well. Mr. Von Hemert stated that the program received a \$75,000 grant from DCJS to do a statewide study on how CIT works, as well as \$23,000 to do a mentorship program. The funds for the mentorship program can be used to continue CIT training for new officers, accreditations for existing CIT officers and some can be used to help underwrite part of the custody exchange process. At some point he knows that they will have to come back to all the jurisdictions involved in the custody exchange program for support of services. He said that one recommendation is that the funds should not come out of individual law enforcement funds, as mental illness is not necessarily a criminal justice issue. Mr. Von Hemert emphasized that it is a community issue; not just law enforcement.

Mr. Rooker said that the cost of dealing with someone in jail is a whole lot higher than properly intervening at an earlier point, and he applauded the effort. This program prevents a lot of people from going to jail.

Mr. Von Hemert said that the gratitude goes to the Albemarle County Police Department and all the other criminal justice agencies within the County - Sheriff's department, the 911 supervisors and dispatchers, Jail Correctional Offices, and mental health officials at Region Ten. He noted that the Officer of the Year Award for the nine counties went to Greg Davis of Albemarle County Police; Lisa Fitzgerald of 911 and Randy Keffer from the jail have also shown exemplary work.

Mr. Dorrier asked if judges have been made aware of the situation of mental illness in jails, and how they are reacting with sentencing.

Mr. Von Hemert responded that long-term the program is looking to do a better job of educating the judicial branch. They did the first CIT magistrate training in the State; they do need to take it to the next step to get judges trained. He added that they have also opened the trainings up to prosecutors, and

he is working with the Supreme Court to allow Continuing Education Credits (CLE) for attending the trainings.

Mr. Boyd asked if the 17% of people in jail are driven to create crime because of their mental illness, or if they are a danger to themselves or others.

Mr. Von Hemert responded that there must be a crime committed for them to end up in jail. The program is examining what crimes are being committed to land someone in jail – whether it's a misdemeanor or felony. They are not saying that because someone has a mental illness and commits a crime, it gives them a hall pass get out of the criminal justice system. He emphasized that there are appropriate avenues or options that a law enforcement officer has to work with.

Mr. Boyd asked if persons with mental illnesses are being warehoused in the jail because there is nowhere else to take them.

Mr. Von Hemert replied, "yes"; their crime is primarily having the mental illness, and it is based on the behavior. It might be somebody trespassing or it might be somebody that is intoxicated.

Mr. Rooker said that disorderly conduct is the typical intervention, and an officer shows up; if he has not had this kind of training, you can end up with an assault on the officer. That is the downhill slide, and the recidivism rates are significant.

Mr. Boyd asked if this program is supported, if it will reduce the population in jails.

Mr. Von Hemert replied, "absolutely."

Mr. Snow asked how much the program costs to run each year.

Mr. Von Hemert replied that the grant was for \$165,000 per year over the four years – with \$45,000 or 25% of it coming from local match funds, which was met by the Police Departments, the Criminal Justice Board and other agencies within the community. The \$75,000 is for the longitudinal study of CIT on a statewide basis. He said that his own salary is covered in part from localities as a Criminal Justice Planner, and DCJS has said that the CIT Program is part of his job. Mr. Von Hemert also stated that \$50,000 each year of the grant was used to cover the cost of the custody exchange process at U.Va. Hospital, but the future cost is not yet known.

Ms. Mallek asked if the cost would be to hire extra staff.

Mr. Von Hemert said it would be for those services appropriate for the safety of the person being taken to the Hospital or safely supported and guarded during the evaluation process.

Mr. Tucker said that the City and County Police would basically be contracting with U.Va. Police to take that over, once an individual is brought to the University Hospital.

Mr. Von Hemert noted that the law just changed a year and a half ago where a sworn officer can exchange custody with a non-sworn officer at an appropriate medical facility if that facility is willing and able to do that. The Program is currently trying to train those non-sworn officers and ensure there is an appropriate facility as the ER now can only be used about 20% of the time. He reiterated U.Va.'s pledge to provide space when the ER is renovated.

Mr. Boyd asked if the data shows what percentage is coming from the various jurisdictions as it looks like it is a regional issue.

Mr. Von Hemert replied, "yes" and added that the Program is doing an economic analysis of the impact of officers being taken off the street to deal with these individuals, and the cost of having the person end up in a correctional facility.

Mr. Boyd asked if Region Ten has allocated any of its resources to this project.

Mr. Von Hemert responded that they have designated a tremendous amount of staff resources to the Program, and they are mandated by the State to do prescreens for emergency custody orders. He added that in the past a lot of their programming was unfunded, and are having to cut back even more services given State cuts.

Mr. Von Hemert thanked the Board, and Mr. Dorrier for his work and attendance at the CIT awards.

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Agenda Item No. 13. LEAP Update, Cynthia Adams.

Ms. Cynthia Adams said that she is Executive Director for the Local Energy Alliance Program (LEAP) – located in Charlottesville. Ms. Adams reported that this afternoon they would be announcing the launch of the Home Energy Makeover Contest, some incentives and rebates, and the residential program in general. She stated that one year ago, LEAP announced that Charlottesville and Albemarle had won the competitive grant from the Southeast Energy Efficiency Alliance for \$500,000 – which has been used to start up an organization that would deliver unprecedented energy and water savings. Ms. Adams said that the challenge of the grant was to deliver a 20-40% efficiency gain per structure, to look at residential

and commercial structures, and to try to achieve a 30-50% market penetration. Again, the goal was to get to scale. She reported that the approach was through a public/private partnership and to develop a self-sustaining revenue model that could be replicated in other areas of the State, and throughout the Southeast.

Ms. Adams reported that LEAP has a Governance Board, a staff – including herself and Residential Energy Services Manager, Guy Caroselli – who is responsible for LEAP's Home Performance with ENERGY STAR Program. She said that their job is to provide outreach and marketing on energy and water efficiency to the local community. She said that they have partnered with the University Credit Union to offer a loan program of secured and unsecured loans that will be delivered exclusively through the LEAP Program. Ms. Adams stated that LEAP is a quality assurance provider for their program, so they pre-qualify contractors to participate in their Home Performance with ENERGY STAR Program – and staff also goes behind the contractor to test out, check the work scope, make sure it was done correctly, and ensure that all diagnostic readings are being reported. She said that LEAP is an alliance partner with Dominion Power, which has installed 50,000 “smart meters” in the community – and LEAP would like to work with them to help homeowners understand what kinds of choices they can make to save money through their utility bills by being aware of their energy use. Ms. Adams stated that LEAP hopes to become an aggregator of energy efficiency benefits for the community that then can be commoditized and sold – to the utility company or perhaps on the voluntary carbon market.

She explained that one important component of the LEAP Program is the “alliance” nature of what they do, as they have a number of partners – including Albemarle County, State and Federal government, U.Va. (research and outreach), and PVCC (workforce training for them and their contractors). Ms. Adams said that the electric/gas/water utilities are also partners, as well as local businesses, contractors, retail vendors, lending institutions, foundations and real estate agencies. She added that nonprofit agencies, especially those that work in the building field such as AHIP, are important alliance partners. Ms. Adams presented a list of groups that participate on the LEAP Governance Board, or on subcommittees to that Board – including a Municipal Advisory Subcommittee, a Technical Advisory Subcommittee, and a Nonprofit Advisory Committee. She said that the core value propositions for LEAP are having customers implement sensible energy improvements that will save them money, with LEAP providing the delivery system, the financing, and the quality management to make it safe for them to invest; having contractors and trade partners get certified to do energy audits and guarantee their work, and in return LEAP brings them motivated customers who have prearranged financing; and having lending and financial partners make a market in the community by providing low-interest energy loans – with much of the risk taken off of the table.

Mr. Rooker asked her to explain the “risk” portion of that statement.

Ms. Adams responded that because the contractors are prequalified and LEAP also verifies that the quality is high through the retrofits, the Program helps to ensure that homeowners will have a cushion of capital to help pay back those loans.

Mr. Boyd commented that LEAP is not guaranteeing the loans.

Ms. Adams replied that they are not, as the lender is doing the underwriting.

Mr. Rooker asked if they have lender participants.

Ms. Adams responded that the University Credit Union is a partner, and today they have a press release out on their “Green Sense” lending program. There will also be an additional program that will include a buy-down from LEAP for interests that will be launched in the fall. They have been great to work with.

She reported that LEAP has approximately 20,000 homes in the local area that were built before there were any insulation standards in code, so there are many retrofitting opportunities. Ms. Adams stated that homeowners main concerns are energy savings, health and safety, and having comfort in their homes; some are also concerned with energy conservation because of broader climate change issues. She commented that our home is an integral part of the American dream, and is the place where most people invest most of their money. Ms. Adams stated that the Home Performance with ENERGY STAR program intends to address the poor performance of our homes and ensure that our homes are more durable. This Program is implemented and administered locally – with the general framework for the program coming from the Department of Energy and Environmental Protection Agency, which require that programs do marketing, mentoring, and provide quality assurance. She noted that ENERGY STAR is a national program, and LEAP is the one provider in Central Virginia.

Ms. Adams explained that there are some important elements to a Home Performance Program, including the energy audit or home performance assessment – which provides the homeowner with a customized report on what the needs and opportunities are for their home. Based upon those diagnostic tests and reports, she said, a solution is offered which then can be bid upon by a local contractor who will then do the retrofit work. At the end of the work, there is a “test out” from the energy auditor as well as the quality assurance component that LEAP provides.

Mr. Rooker asked if LEAP would be doing the first two of these.

Ms. Adams responded that they would not be, adding that it is all market-based. She explained that LEAP prequalifies contractors and has certain standards and certifications that they hold participating contractors to. Ms. Adams noted that there are local business people who do the home performance

assessments and the actual retrofit work. She explained that home performance assessors or energy auditors are required to be Building Performance Institute Building Analyst Certified – a national program that requires a field and written test that shows they can run the equipment correctly, know what to look for in the home and is ready to do an energy audit. Ms. Adams added that the second qualification is for the contractors doing the work, so insulation and air sealing can be done without the certification. She mentioned that the standard business practices for prequalification including Better Business Bureau or Dunn & Bradstreet ratings, ensuring that contractors have the correct insurance and licensing, no outstanding liens.

Mr. Rooker said that a lot of homeowners want to improve the energy efficiency of their homes, but right now it is not necessarily well organized as to how to move forward with that process. He asked if people would call LEAP to get recommendations.

Ms. Adams replied that she is hopeful they are receiving those phone calls. In the new Home Performance with ENERGY STAR market a lot of leads come through the program because homeowners are not familiar with it; the homeowner downloads a participation agreement, select an energy auditor, and off they go. She said that often contractors will bring homeowners to LEAP, as they have financing, rebates, and incentives – adding that they find a value in that certification because it demonstrates the measures taken to make a home more efficient, making it more marketable in the future.

Ms. Adams added that the whole house approach is the essence of Home Performance with ENERGY STAR, and the percentage of savings from one particular measure is never as much as can be gained from focusing on the house as a whole – looking at the behavior, the delivery systems (ducts), the shell of the house, the leaks, and the furnace or heat pump. She noted that these things combined can provide 20-50% energy efficiency savings instead of getting stuck at 10 or 15%, and another advantage is equipment can be downsized as air infiltration rate is improved. Ms. Adams said that there is a loading order, and there are fundamentals that should get done first – including air and duct sealing, insulation, looking at base load, water conservation, etc.; after those things are done, other measures such as major systems replacements can be considered, followed by renewable.

She reported that the fundamentals provide a higher annual rate of return on a home energy investment than any of the other measures, and if it is looked at as an investment there is a small risk of any loss and the payback is actually higher. Ms. Adams said that looking at the future, there are investments that the state and utility companies are making in terms of new power generation – with the state currently importing about 40% of power and demand increasing along with new development. When you look at the levelized cost for new power generation, energy efficiency comes in at about three cents a kilowatt hour versus some of our other options – nuclear, solar, or coal – which can be much higher in a kilowatt per hour cost. She stated that labor is the primary cost of home performance improvements, which translates into job creation and economic stimulus.

Ms. Adams said that the goals stemming from the Southeast Energy Efficiency Alliance grant are: a 30% average efficiency gain and a 30% market penetration within the City of Charlottesville and County of Albemarle, creating over \$5,200 of savings per household over seven years and \$90 million in utility savings over that period – with 1,500 to 2,000 jobs. She said that this is based on DOE and EPA statistics that say for every million spent in a Home Performance program, 18-25 jobs are created. Ms. Adams emphasized that this is just for the City and County, and the program could have a much larger impact. She said that starting today, LEAP has their Home Energy Makeover Contest as a marketing initiative and education/outreach initiative; the contest is open to City of Charlottesville and County of Albemarle residents, who are eligible to receive up to \$10,000 worth of energy conservation measures for their home. She added that eight runners-up will also get a professional home assessment, and the contest is open until August 20<sup>th</sup> with winners announced on September 12<sup>th</sup>. They are being selected based upon some criteria. Ultimately they are looking for homes that demonstrate acceptable, average kinds of energy conservation measures that one would recommend in a home performance program, and homes that have a lot of opportunities. Ms. Adams added that if a person has ridiculously high energy bills, they would be a good candidate – and the goal is to select one winner from the City and one from the County.

She reported that LEAP is particularly excited about rebates and incentives for homeowner, and is able to offer through a “Retrofit Through Ramp-Up” grant several rebate options: with support from Albemarle County and the Energy Efficiency and Conservation Block Grant funds, a \$250 rebate to homeowners that participate in the Home Performance with ENERGY STAR Program; through Retrofit Ramp-Up money, a 50% incentive up to \$1,000 for a Home Performance with ENERGY STAR job – a 20% efficiency gain, with a \$500 match for every 10% gain beyond the 20%; and for residents doing specific improvements or replacements, a \$300 rebate for the installation of an ENERGY STAR furnace or heat pump – combined with Virginia appliance rebates that could total 50% coverage of costs for units.

Mr. Boyd asked where the money comes for this.

Ms. Adams responded that the money comes from the Retrofit Through Ramp-Up grant award, which comes through the Department of Energy. She said that the City and County sent them letters of support, and LEAP participated directly in an aggregate proposal to the DOE that the Southeast Energy Alliance spearheaded; the award for that grant was \$20 million, which came to the group of communities shown on the map she presented. Hampton Roads was the other community from Virginia that received the grant. Ms. Adams explained that the program is set up to award performance, and for every dollar put towards incentives or rebates they will match it at the end of the first year; LEAP’s initial allocation was \$800,000 for the first year and of that every bit moved through the community can be reinstated. She noted that the total allotment over the three-year time period could be \$2.5 million, and her intent is to take as much of that money as possible to drive the work. Ms. Adams mentioned that Atlanta received \$1.2

million, Jacksonville received \$1.2 million, New Orleans received \$1 million, and Charlottesville received \$800,000. LEAP sees that as a tremendous vote of confidence and acknowledgement of the capacity that they have, and the good work that they have done over the last year in preparing to launch their programs.

Mr. Boyd asked how LEAP is sustaining itself, and if it relies on taxpayer dollars.

Ms. Adams explained that LEAP has fee-for-service products that will be marketed in the near future – licensing fees, ad revenue fees, owner-advocate fees, business retrofits, etc. She said that the grants could technically be used for administration, but LEAP wants to use them for incentivizing the work and driving the work in the local community. Ms. Adams said that they are using some of the initial grant for administration until they are able to self sustain once revenue is created. They want to use as much of this money as possible for marking, rebates, loan buy downs, incentives, to actually drive the work. As they start to scale up and create buzz in the community, that will create revenue for them.

Mr. Snow asked what the typical cost is for a home assessment.

Ms. Adams responded that it usually costs between \$300-\$600 for a high performance assessment, depending on the size of a home and the number of gas-fired appliances. One of the reasons the BPI Building Analyst certification is so important is because it requires health and safety checks for gas-fired appliances – looking for carbon monoxide back drafting, gas leaks, etc. They also perform a custom appliance zoned test.

Mr. Rooker congratulated LEAP on getting to this point.

Ms. Adams thanked the Board for their support since the program's inception.

Mr. Rooker commented that when smart-grid technology units are installed locally, it will help make the assessments of energy savings.

Ms. Adams commented that the retrofit is just one step in the process. There is a whole back side that has to do with measurement, verification, maintenance of savings, maintenance of house, etc.

Ms. Mallek added that this will help the locality to build out of the slow economy without creating a whole lot of new empty housing stock because there is so much work to be done on existing houses.

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**NonAgenda.** At 11:38 a.m., the Board took a brief recess, then reconvened at 11:49 a.m.

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Agenda Item No. 14. Whittington PRD Amendment - Request to amend the Albemarle County Service Authority Jurisdictional Area.

Mr. David Benish, Chief of Community Development, said that this is an Albemarle County Service Authority jurisdictional area amendment request to designate sewer service for six parcels totaling 186 acres, located on the west side of Old Lynchburg Road just outside of the County's Southern Urban Area. The property is located entirely within the rural areas in the Samuel Miller Magisterial District. He noted that the parcels are designated for water service only, and the applicant is requesting service for the Whittington PRD – which was originally approved by the Board in 1977, for a total of 96 lots. Mr. Benish stated that the existing water service designation on the property was approved in the 1970s at the time of the rezoning, and was prior to establishment of the current policies for the provision of water and sewer service in the County.

He said that the Board considered the request for sewer service designation in 2006, and did not set a public hearing on the request thereby denying the request. There has been no change in circumstance since their prior action. Mr. Benish stated that the Comp Plan provides policies for the extension of water and sewer service that indicate that the jurisdictional area designations should follow the development area boundaries, and that water and sewer only be provided within those designated areas. For areas outside the development area, he said, the policy is only to allow changes to the jurisdictional area in cases where the property is adjacent to existing lines and public health and safety are endangered. Mr. Benish said that the Virginia Department of Health has indicated that the soils in these parcels are adequate to support septic systems for the proposed 96 units, and because the parcels are located in the rural areas and there is adequate service there is no perceived health or safety issue in this particular case. He stated that the basis for the policy on provision of water and sewer service is one of the primary tools for implementing growth management policies and implementing the County's land use plan. The extension and proximity of water and sewer service can be a catalyst for growth in areas that aren't designated. Mr. Benish added that providing service in the rural areas consumes treatment capacities that are reserved for the development areas, and will add to infrastructure maintenance costs over the long term.

Mr. Benish said the request is not consistent with the principles and objectives of the Comprehensive Plan for the provision of public sewer service outside of the designated development areas. Staff does not recommend approval of the request or setting a public hearing for the request. Should the Board choose to do that, he said, there are available times in August and September.

Ms. Mallek commented that basically this would mean 96 two-acre lots crammed in onto slopes.

Mr. Benish said that is correct. He added that the applicant is present to respond to any questions.

Mr. Rooker said that he was on the Board in 2006, along with Mr. Dorrier and Mr. Boyd, and the decision at that time was unanimous not to do this. As staff said, there hasn't been any change between then and now. The reasons why the Board did not do it then are still here. He added that one of the primary tools used to manage growth in the community has been limiting the availability of sewer to only the growth area – and this is a rural area. The exceptions to that policy are when someone is adjacent to a line, there is already a structure and there with a safety and health issue that can only be alleviated by extending that structure to sewer. Mr. Rooker emphasized that this is an entirely different case, where sewer would be extended to allow an unbuilt community to allow it to be built in the rural area.

Mr. Snow asked if the 96 houses can be built by-right anyhow.

Ms. Mallek confirmed that they could, with septic fields.

Mr. Rooker also stated that the community is spending a huge amount of money right now on upgrading treatment capacity, and that may have to be boosted even further just to serve existing growth areas.

Mr. Snow asked if Biscuit Run wasn't going in close to the area.

Mr. Rooker replied that Biscuit Run was a growth area development, and not off Old Lynchburg Road. This would be a significant policy change in the Board's growth management policies.

Ms. Mallek commented that from 2000-2008, about 4,000 dwelling units were approved for Crozet – and many of those are not occupied yet in that tiny little section – so future capacity needs to be considered.

Mr. Boyd clarified that the issue is not with capacity, but is more related to new EPA requirements that mandate treatment measures – as the proposed upgrade in process now was projected to include Biscuit Run's 3,000 homes that will now not be built.

Mr. Rooker responded that the size of the treatment plant isn't based on Biscuit Run, but on estimates of growth within the growth area. Zoning land does not create people to buy houses, so he does not think that changes the capacity issues a bit. They are still going to have whatever growth they have in the community. He added that the primary tool for growth management going back to the 1970s was the provision of sewer, or lack thereof – as it impacts the density with which parcels can be developed even more so than provision of water.

Mr. Snow commented that it seems it would be better to have all of that going into one system, instead of separate sewage fields.

Mr. Thomas responded that he would like to see this parcel go into the growth area, and take it out of the 800 acres of Biscuit Run.

Mr. Rooker said that if that is the case, then the County should open this up and let the people out there come and talk about the traffic on Old Lynchburg Road that have been caused by dense County developments being developed with that road as the only outlet. Whether or not they can actually build this with septic fields remains to be seen; it's a rural area, and if they want to amend the growth area boundary, then that's fine. Bring this forward as a proposed amendment to the Comprehensive Plan, notify people who would have an interest. This is a back door. There is nobody here from Old Lynchburg Road because they do not even know this is going on.

Mr. Dorrier asked Mr. Benish to clarify the statement in the staff report that says “the current rezoning request is not a new proposal but an amendment in response to a Zoning Administrator determination that the development plans for the site would be subject to approval of an application plan that meets the provisions of Section 8 of the Zoning Ordinance.” He asked what is being referred to there.

Mr. Benish explained that at the time this was reviewed in 2006, there were conditions of that PRD that the applicant was amending, and it may have had to do with setbacks – but that has been resolved and the rezoning has taken place. He emphasized that those conditions have been addressed, and they do not really pertain to this request but are just provided for background.

Mr. Boyd said that there have been reports that providing sewer there would be more environmentally friendly, and asked Mr. Benish to comment.

Mr. Benish replied that adequately done, septic systems can be a viable alternative; 95% of the County's land area is dependent on the ability to do that. He said that there are advantages to having central treatment of water and sewer, but it is sort of a complex question because the land use policies of proliferation of utilities in the rural areas have certain costs and issues that need to be balanced on a site-specific basis. They want development areas served because of the densities being encouraged on public systems. Mr. Benish stated that rural areas at lower densities should be adequately managed under septic systems.

Mr. Boyd asked if the density of this project would be impacted by not having sewer.

Mr. Benish responded that it would not impact what has been approved within the development, but perhaps there would be sites where septic approvals might be difficult. He emphasized that according to the Health Department, the soils seem to be adequate so there shouldn't be an issue with the density.

Mr. Davis stated that historically, the County, without exception, has held strictly to the Comprehensive Plan policy that Mr. Benish referred to. If the Board starts looking at case-by-case extension requests, there are a lot of properties that are adjacent to sewer lines that are in the rural areas – many with preexisting zoning that's inconsistent with the Comp Plan – where there will be lots of applications that will have a very sympathetic reason why sewer extension would be an advantage. This policy is intended as a management policy to restrict growth to the development areas and that's why conforming to the policy is important, rather than reviewing these on a merit case-by-case basis. He added that there are properties all over that would have rationale as to why to have sewer extended, but if all of those are considered on a case-by-case basis, you're going to blow up your growth management policy. Mr. Davis said that that's the concern staff would have by going outside of this policy, unless the Board wishes to change the policy.

Mr. Rooker commented that what Mr. Thomas said is valid – that he wouldn't mind seeing this parcel become part of the growth area – but that is a process and if it is gone through it might be decided that it should be added.

Mr. Snow commented that it would then be done correctly.

Mr. Rooker agreed and added that the Board would have the right to expand the growth area.

Ms. Mallek noted that the Board would have to think about it in comparison to all the other places where it might find a better location or not, but at least they would have the information at that point.

Mr. Snow stated that the process needs to be approached correctly, and doing otherwise might lead to the County being flooded with applications and use of precedence. He thinks that if they are going to look at this, they need to bring it back as a change to the growth area.

Ms. Mallek noted that the applicant would do that; that is their burden.

Mr. Rooker then **moved** that the item not be scheduled for public hearing. Ms. Mallek **seconded** the motion.

Mr. Benish indicated that if a Comprehensive Plan Amendment process is decided to be the best alternative, that process is already underway to begin next spring. He is not sure of the applicant's schedule for this issue. The applicant's interest in bringing this back was to have a discussion of this prior to their planning and developing of the site which they intend to begin this winter. He thinks the best approach to take with this type of concept is a comprehensive approach during the Comprehensive Plan update.

Mr. Rooker said that the applicant can file a CPA application in September.

Mr. Snow asked if the applicant would have to wait for two years to be able to move forward.

Mr. Benish responded that typically in a CPA process, staff asks the Commission and the Board to withhold taking individual requests while the plan is being updated – but that will be the prerogative of the Supervisors and Commission. He said that there is a submittal deadline in September that is available.

At this time, the Chair asked the applicant if he had any comments.

Mr. Frank Stoner said his goal is to encourage the Board to allow this request to go to public hearing. He said that this really is not a growth management issue, as that was made in the 1970s when this project was approved with one-acre lots. The reality is it is approved for one-acre lots; it can be built with one-acre lots. He mentioned that the County is now paying to run sewer to Northfields, and if septic systems fail, the County will ultimately be forced to come in and run sewer or the houses will be rendered worthless. Mr. Stoner said that this property used to be in the growth area, and why it was removed he is not sure. The plan is approved as an R-1 plan which would be consistent with a growth area density. He reiterated that the decision got made to approve this project with one-acre lots in 1977. That hasn't changed. It's now inconsistent; the land use plan is inconsistent with the overlying County growth management plan. He said that it probably should be addressed at that level, but they are already going through the process of final engineering. It is not an option for them to go through a Comprehensive Plan Amendment process to valid that a wrong decision was made in 1977. Mr. Stoner stated that the area is already designated for water service, and the sewer system in that area of the County is going to be grossly under capacity because Biscuit Run is not being built. He added that it is a unique situation, but there is not this specific instance elsewhere in the County to his knowledge. He think it is prudent at a Board level to look at situations on a case-by-case basis where you've already made growth management decisions. The Board has already approved this growth.

Mr. Snow asked if this property had been in the growth area.

Mr. Rooker and Ms. Mallek indicated there wasn't a growth area in 1977.

Mr. Stoner explained that it was zoned R-1, and one-acre lots were platted. The Board created a growth area at the time it zoned the property.

Mr. Rooker said that before the 1980 change, you could have one lot per two acres throughout the rural area. This was not designated in the growth area; a plan was put in place which was consistent with what was allowed at that time in 1977.

Mr. Stoner emphasized that everything around it was in the growth area, and he's not sure why it wasn't designated that way since sewer and a water line is effectively on the property.

Mr. Rooker stated that his concern is that there has been a long-standing policy, which has been the primary growth management tool in the County to not extend sewer into the rural areas. He would not be unsympathetic to looking at this as a Comprehensive Plan change so that the process is followed.

Mr. Stoner responded that if they could get through a CPA in six months, that would be great; but in 2006 the expectation was the project would be built with septic and those sites have already been identified and approved, and the engineering has been done for the road. This was an initiative of his that was fundamentally based around the notion that their vision for the project was one in which they are not clear-cutting that mountain in order to make room for septic fields. They want to keep it a largely wooded site which is the right thing to do environmentally and long range planning for the County.

Mr. Rooker asked if there would be a problem with initiating a Comprehensive Plan change.

Mr. Stoner replied that he isn't opposed to the concept, but is concerned about the time it might take to get that through. He emphasized that this is an unusual situation; they just want to take it to public hearing.

Mr. Rooker said that not pursuing the CPA might result in even further delay if he applies for the jurisdictional change then has it denied.

Mr. Stoner said that sewer is a more expensive option. Septic copies \$8,000-\$10,000 per lot; sewer is \$8,000, plus \$5,000-\$6,000 for the tap. He stated that the most expedient solution is to go ahead and develop the property with septic, as a large part of the mountain would be clear cut to install individual septic systems.

Ms. Mallek asked if Mr. Stoner had talked to the Service Authority Board and what guidance they gave him.

Mr. Stoner responded that they have spoken with staff members at the Authority, and they are open minded to serving the area if the Board so chooses.

Mr. Benish said that staff hasn't asked the ACSA Board what their opinion is on the validity of doing this, as the normal approach is to send the application to the County for the Board to approve the jurisdictional area. If a public hearing is pursued, further information from both RWSA and ACSA would be requested as part of the consideration.

Mr. Rooker stated that after hearing from the applicant he has changed his mind, and wants to take this to public hearing. He then **withdrew** his previous motion. He also encouraged Mr. Stoner to consider the CPA process and find out how fast it might get through.

Ms. Mallek agreed and said she has also changed her mind.

Mr. Benish emphasized that this is not a unique situation, although he is not sure how many others there are – stating that there are some adjacent to the Rivanna Village, and much of Ivy has this type of zoning. He added that most of the area in Ivy will have similar circumstances if they have undeveloped parcels. This could be extensive. He added that if the Board wants a comprehensive evaluation, he could not bring that information back within a month.

Mr. Cilimberg said that in a Comprehensive Plan change, staff must review the circumstances that are similar because this looks not only at land use, but at utility policies.

Mr. Rooker asked if that same information would be needed in order to have an adequate public hearing on this request.

Mr. Cilimberg responded that what will be needed for that hearing is whether there is adequate capacity to provide for the sewer service. That is not a land use issue; it is not a policy issue; it is just a capacity issue.

Mr. Rooker said he would like to know how many similar parcels are in the County and whether the Board is jumping on a slippery slope.

Mr. Tucker and Mr. Snow stated that most of those other areas have already been developed, so they are different than this case.

Mr. Snow added that a sewer line runs directly in front of his home, but he is not concerned with being connected to the service. He said that this development is going to go in regardless, and there are 96 acres that would be clear cut to make room for septic systems.

Ms. Mallek stated that it would be small sections of each.

Mr. Stoner explained that there would be about 25 acres of clearing, and secondary fields need to be reserved although not cut right away.

Mr. Cilimberg pointed out that there are some undeveloped zoned properties that have not been developed which are adjacent to develop areas that could be changed to allow for public utilities – such as Re'store 'N Station, which is limited by the amount of water they can discharge and must have a special permit for water usage. He said that if a CPA is pursued and the Board decides to move forward, that will affect the timeline for the overall Plan review as staff resources will need to be assigned to that particular amendment work.

Mr. Rooker suggested that the applicant pursue the CPA concurrently, and Mr. Stoner said that he certainly could do that. He stated that he supports bringing it back for public hearing, and again encouraged Mr. Stoner to pursue it at the same time so the window is not lost.

Mr. Cilimberg added that procedures require that staff get a report to the Planning Commission on an amendment application within 90 days, and they decide whether or not to pass a resolution of intent to further consider it.

Mr. Dorrier said he supports taking this to public hearing. He commented that it is hard to look at this parcel and not look at all of the growth area that is around it.

At this time, Mr. Snow **moved** to set the Whittington PRD request to amend the Albemarle County Service Authority jurisdictional area for public hearing at a time to be determined by staff. Mr. Dorrier **seconded** the motion.

Mr. Rooker said that he would like to see the comparable properties as part of their review.

Roll was called and the motion carried 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. 15. Old Jail Reuse Study, Bill Letteri.

Mr. Bill Letteri, Director of the Office of Facilities Development, said that this item concerns the adaptive reuse and disposition of the old jail complex in downtown Charlottesville. He said that last year, the Board directed staff to form a committee to study the various options – and the committee included staff, Sally Thomas, and representatives from the Albemarle/Charlottesville Historical Society (Steven Meeks). Mr. Letteri reported that early action of this committee was to issue an RFP to engage a consultant to study the physical, legal, and operational concerns and issues related to reuse of the facility. He stated that through the County's procurement process they selected firm – Bushman-Dreyfuss Architects – to help with the study, and part of that scope was to include a public engagement process. Prior to engaging the architects formally, he said, the County received a letter of interest from the Historical Society for reuse of the jail for historic and museum purposes. The Board directed staff to suspend any further action on the study until it could be evaluated.

Mr. Letteri said that his purpose in the presentation is to brief the Board on staff comments regarding the proposal and suggest ways forward as far as the process. Mr. Letteri stated that staff is extremely supportive of all the ideas outlined in the Society's proposal, and feels it represents an ideal use of the facility and the complex. He said that some of those ideas include preservation of all the components of the facility – including the jail wall, the jail itself, and the jailer's house. Mr. Letteri reported that they have also proposed making it publicly accessible as a use, and providing museum space in the jailer's house or parts of the old jail. He noted that the group plans to support the annual Spirit Walk event, a possible Civil War-themed library housed in the jail, and a host of other pertinent educational and community opportunities.

As acknowledged by the Historical Society, he said, the first phase of this effort to get to a place where the uses can be pursued will require a detailed evaluation of the physical, legal, and operational conditions that would impact the use of the site. Mr. Letteri explained that their proposal also states that some of the funding to stabilize, rehabilitate, and maintain the grounds may be in part required from the County. Staff believes that answering the outstanding questions would best be accomplished by proceeding with the study that was originally contemplated by the Steering Committee, and that the Historical Society participate directly with staff. Mr. Letteri stated that the consultant would then develop a specific scope of work and probably cost estimates associated with them, which would serve as the foundation for any agreement with the Historical Society going forward.

Staff thinks that the proposal offers a very attractive and effective use of the complex, but as a precedent to an agreement the County must first fully understand the physical requirements, the legal status and zoning implications, and the operational impacts related to the Juvenile and Domestic Relations Court. Mr. Letteri concluded that staff recommends engaging Bushman-Dreyfuss Architects to assist in this effort, with the focus of the work in align with the proposal of the Historical Society. Mr. Letteri said he anticipates that the work could essentially be completed in four to six months to be brought back to the Board for consideration. He and Mr. Meeks have discussed this general strategy, and he

believes Mr. Meeks is in agreement. Mr. Letteri said he or Mr. Meeks would be happy to answer any questions or concerns from Board members.

Mr. Dorrier asked if the physical condition of the jail is known.

Mr. Letteri responded that there was a physical condition survey done on the facility about four years ago. It was a non-invasive, general observation look at the facility geared toward understanding what must be done to preserve the existing structure. It was not intended to answer questions about other potential public uses, safety issues, operational impacts in coordination with the courts environment, or parking or any of those other things. These are the sorts of questions that would be answered in the study.

Mr. Dorrier asked if they could be answered in-house; if a consultant was required to tell them that the jail was deteriorating.

Mr. Letteri replied that there are a number of complicated questions, particularly tying the facility's conditions with these intended uses. He does not think the County has the staff or capability of answering the questions satisfactorily.

Mr. Dorrier asked Mr. Davis if he could weigh in on any legal constraints.

Mr. Davis replied that the jail has a unique legal history, as it was acquired by the County in 1870 – at the time when it was not included in the City of Charlottesville jurisdiction, but was later annexed. He said that when the City Charter was amended at the time of the annexation, it identified the property as being under joint jurisdiction for all police powers to be exercised – and there has never been any application of a joint exercise of power over this property; for example, it probably has no zoning. Mr. Davis stated that one primary issue to be resolved will be what legal approvals are necessary for any use to be established there, which is probably going to require a joint effort with the City to establish what the police power regulations are for this property. He noted that his office would help the consultant with that legal analysis for the potential uses being recommended.

Mr. Rooker commented that he is sympathetic to Mr. Dorrier's line of questioning – can this process move forward without engaging a consultant for \$30,000. He said he would like to hear from Mr. Meeks as to whether the Historical Society's proposed uses would require that kind of information.

Mr. Meeks said that back in February when he sent the letter of interest, part of the rationale would be to have the Society undertake a lot of that work and save the \$30,000 which could be redirected toward maintenance of the building – but legal issues would not be able to be accomplished.

Mr. Rooker commented that the consultant would not be dealing with the legal issues.

Mr. Tucker stated that when this first came forward, the County thought that the money could be saved, but the Society has indicated they cannot undertake that study now. He does not think that they would be saving money because it is going to have to be used for the study.

Mr. Meeks replied that they could do the analysis and study, but their biggest concern is the cost of ongoing maintenance. He added that money might be required to study certain aspects of the property use though, such as stormwater maintenance.

Mr. Snow asked if there would be grant money available if the Society took over the project.

Mr. Meeks responded that there may be private money, but as far as state and federal money all those wells have dried up for the most part.

Mr. Boyd said that he is not sure why the County is involved in the project since it is being offered to another organization.

Mr. Davis indicated that the County owns it entirely.

Mr. Boyd stated that the Historical Society is willing to take it over though.

Mr. Letteri emphasized that he does not think the County can ever really entirely relinquish its interest and liabilities and risk associated with operations of the facility.

Mr. Boyd asked if the County could sell it.

Mr. Letteri responded that he might not advise selling it, given its critical location within the courts complex.

Mr. Rooker said that unless the building is going to be demolished to free up that land, all the County has is an historic building that is deteriorating year by year – noting that the last public execution in Virginia was carried out there. He stated that this conversation has been going on for years, and one alternative is to work with the Historical Society – perhaps even deeding the property to them, subject to limitations on use and preservation of the property to protect the historic interest.

Mr. Dorrier pointed out that the committee considering this included Don Swofford, who is a renowned architect dealing with historic buildings and old structures, and he could provide expertise

instead of consultants. He said that the public sentiment doesn't need to be decided by consultants, as public meetings could be used instead.

Mr. Rooker said he does not think we need a series of charettes on the building; they are talking about trying to preserve its historic aspects and develop some uses consistent with that.

Mr. Letteri stated that staff sees the objective here as supporting the Historical Society's proposal and trying to move as quickly and efficiently as possible towards an agreement. He emphasized that there is certain information that is needed as a precedent to that agreement, and an alternative could be staff outlining what those requirements are and hand those over to the Society to address prior to staff making a recommendation on the proposal.

Mr. Rooker said that another approach would be having the Society come up with a proposal to take the property, along with a plan for its use; the property is then conveyed to them, subject to appropriate agreements protecting that use. That then gives them a basis from which fundraising can take place.

Mr. Dorrier stated that the Historical Society has shown its capability through the Hatton Ferry project, that they can do very much with very little.

Mr. Boyd said that his concern with the proposal is that it calls for the City and County to provide the maintenance costs, and he would prefer that the County not be involved. He would rather the County open the process to anybody who wants to make a proposal for the use of the property, purchase or gifting, but he does not see a long term commitment on the part of the County for maintenance which would be just adding to the Parks and Recreation budget.

Mr. Rooker said he agrees but he thinks it would be different if the County conveyed the Society the property subject to agreements.

Mr. Boyd said that he also thinks preserving the property is important and whomever it is conveyed to, they would need to maintain the integrity of the historical building.

Mr. Davis commented that the study is required simply to get the base information in order to evaluate the decision making. They need to know how much money it's going to take to restore that building to a salvageable condition to go forward for various options that may be acceptable to the Historical Society or others, but without that information staff does not feel that good decisions can be made.

Mr. Boyd stated that the County shouldn't be responsible for providing that information – the eventual user should be.

Mr. Davis said that if the Historical Society is willing to take an unknown liability on, then that's their decision.

Mr. Boyd said he thought Mr. Meeks said the Society would be willing to take on the study.

Mr. Meeks commented that it was never the Society's intent to take title to the building, and through research he's done around the state he's identified 11 former jails that have been turned into museums – one owned by the National Park Service, and the other 10 still owned by the counties with an arrangement with historical entities to occupy those structures. There's a joint commitment on both parties toward the overall maintenance and operation of the building. The Society's interest was to work with the County and occupying the building, not necessarily interested in the initial maintenance costs on badly needed repairs.

Ms. Mallek noted that the jail in Standardsville went through the same type of renovation recently, and was probably done in partnership with Greene County and a private group.

Mr. Thomas asked if the County has had to do any maintenance on the building over the last 20 years.

Mr. Meeks responded that the County has done some maintenance, and the study done four years ago identified a much more extensive and immediate need for maintenance. He mentioned that at one point there was \$800,000 in the CIP, but that has been liquidated in light of this new direction.

Mr. Thomas asked if today's proposal would bind the County to any agreement right now for expenses.

Mr. Rooker explained that this request asks for authorization to go forward with signing the contract for the \$30,000 study that would provide the information discussed today. He then asked the square footage of the building.

Mr. Letteri replied that the building is between 2,000 and 3,000 square feet footprint range.

Mr. Rooker said the County would be paying \$30,000 and somebody's going to come back with a proposal for how to spend \$800,000 on a 2,000 square-foot building to preserve it, when there still is really no defined public use for it? That's a real dilemma here.

Mr. Boyd expressed concern that there has already been that level of costly improvement identified as being needed, and the Historical Society certainly doesn't have that kind of money to renovate the facility.

Mr. Dorrier suggested using existing resources and do an in-house analysis of the building – perhaps contracting with an architect like Mr. Swofford. He thinks they can come up with a plan of action for a lot less than \$30,000.

Mr. Snow asked Mr. Meeks to reiterate the plan the Society has for the building.

Mr. Meeks said that Mr. Letteri's outline is a pretty good one, and basically the first step is to preserve the building and do as little alteration to it as necessary to accommodate what they would like to do. He stated that the jailer's house would likely be used as museum space to chronicle the history of the community; the jail itself would be left more or less as it is now, and interpreted as a jail; and opening it up to the community with educational programs.

Mr. Rooker asked if the Society has the resources at its disposal to come up with a plan that deals with the physical needs of the structure.

Mr. Meeks responded, "yes."

Mr. Rooker suggested then that an acceptable next step would be for the Historical Society to come back with the information in these questions so that there is a further elaboration of what needs to be done physically – and some estimate of the cost, without commissioning a third party to get that same information.

Mr. Snow asked what access the Society has for determining what private grants may be available.

Mr. Meeks replied that they have made some preliminary inquiries regarding grant funding, but it is difficult to get commitment without an agreement from the County in hand.

Mr. Snow commented that he is in favor of having private money invested in this, rather than having county money put into it.

Ms. Mallek said that she would like to see what the next gaps are, and where the specialty investments need to be made to finish the preparation for a decision.

Mr. Meeks added that it would also be important to get an opinion on the legal use of the property, as the lot lines now have been somewhat ignored with the additions to the courthouse and the parking garage. He also mentioned that the Charlottesville Board of Architectural Review has actually found the County to be in violation of maintenance on the building.

Mr. Davis responded that they probably have no jurisdiction over it at this point, but that does not negate the fact it is deteriorating. His office cannot do a survey of the property; they can give a title report on the property to the extent that they can say what the ownership of the property is, but Mr. Letteri's office would have to survey and determine where the historical property lines exist. He stated that the City and County jointly owned the Juvenile Court lot, and this building and property have been wrapped into that project with shared parking, access, and other things that have been designed for the use of the J&DR Court. Someone has to figure that out. Someone has to look at this building and determine if you are going to occupy it, what are going to be the minimum improvements that are going to be required to occupy the space under the building code. Mr. Davis added that there may be simple ways to meet the building requirements in order to meet code that would destroy the historical significance of the building. Someone with some expertise is going to have to figure out how to restore a historical jail and still have it meet minimum building codes that are required for occupancy.

Mr. Dorrier suggested having Planning and Zoning staff look at it. This is something that could be done in house.

Ms. Mallek replied that the Board has already given staff three years worth of work to do in the next six months.

Mr. Tucker emphasized that it is beyond staff's capability to make all of the determinations mentioned here, but they will do what they can. He asked the Board to provide some direction to Mr. Meeks so that he can move forward on his end.

Mr. Boyd asked what information the previous study provided that yielded the \$800,000 figure.

Mr. Letteri responded that it did not study use issues, but talked about the condition of the mortar, the walls, and the structural foundations – and the problem of water filtration that continues to undermine the foundation. He said that what needs to happen next is gaining an understanding of those problems and tying that to the intended uses. As an example, if they were to make the building accessible, what structural changes would be required? The issue then is how to modify the building to accommodate accessibility.

Mr. Rooker asked if there was enough talent on the committee to take that report and glean the necessary information to do a survey of the facility and determine some plan that might be implemented by the Historical Society or someone else if they are not interested to adapt the property for use.

Mr. Meeks said that it is currently a three-member committee, and to accomplish what is being discussed he will need to get more assistance from the community. He is willing to do that.

Mr. Dorrier suggested that perhaps a "Save the Jail" organization could be set up to engage in fundraising, and use private money to jumpstart the project.

Mr. Rooker agreed, adding that if the Historical Society can get in a position where they understand their proposed uses – and what it would take to get there – it would put them in a position to strike an agreement with the County and eventually raise the money needed to put the jail to good public use.

Mr. Boyd asked if the intent here is to have the Society and staff come back with a better proposal.

Mr. Rooker clarified that this simply asks for further information at the front end – which both the County and the Historical Society need in order to move forward.

Mr. Boyd asked if Board members agree with him that the County should not be operating or providing funds for remodeling the facility; that it should be done through other funding sources.

Mr. Rooker said that it may be wise for the County in the future to make a contribution to a fundraising effort, as there is some public responsibility to do something. It may be wise to develop a partnership with the Historical Society.

Mr. Tucker commented that it is right in Court Square, and any tourism dollars would benefit the City – and this would be a great project for revenue-sharing dollars. He added that Mr. Meeks has indicated that the Society would seek funds from both the City and the County in the future.

Mr. Dorrier then suggested a motion to review this issue again in 90 days; that Mr. Meeks and the Historical Society would review the issue for a future proposal; the Board review the issue from a planning and zoning perspective; Mr. Letteri's office review the building from a structural standpoint; and with a formal proposal being considered when it comes back to the Board.

Mr. Rooker said he thinks everyone understands what the Board is looking for and since the Board is not accepting a formal proposal, there is no need for a formal motion.

Mr. Dorrier said that some deadline is needed as a formality.

Mr. Tucker commented when Mr. Meeks gets some information he will bring it back to the Board.

Mr. Rooker responded that Mr. Meeks understands what the Board is looking for, and he wouldn't want to put a timeframe on that.

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**(At this time the Board went back to Agenda Item No. 8.)**

Mr. Tucker said he has copies of the re-appropriation itemized list, deferred from earlier in the meeting. He noted that the next to last item on the first page is the Crozet Library.

Mr. Rooker asked if the street improvements were allocations of grant monies.

Ms. Mallek responded that there were two stages of federal grant funding for those projects.

Mr. Tucker explained that during the Board's CIP work session, each item was considered and that is why this is now coming forward in this format.

Mr. Letteri commented that normally appropriations would be entertained in the August/September timeframe – but that would put the County in the awkward position of needing to execute contracts and work, but without the formal authority to do so. He said that staff has tried to identify the most critical, ongoing items that would be germane for proceeding this summer. They will be coming with the balance of the list in September.

Mr. Rooker then **moved** to approve the FY 2011 Budget Amendment in the amount of \$15,939,815.11 and to **approve** Appropriations #2011001, #2011003, #2011004, #2011005, #2011006, #2011007, #2011008, and #2011009 to provide funds for various local government and school projects and programs as described in Attachment A. Ms. Mallek **seconded** the motion.

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

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

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2011001  
 DATE 7/7/2010  
 BATCH# \_\_\_\_\_

**EXPLANATION:** Social Services Child Welfare Services Supervisor

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	53013	110000	Regular Salaries	J	1	57,686.00		
1	1000	53013	210000	FICA	J	1	4,413.00		
1	1000	53013	221000	Virginia Retirement Sys.	J	1	8,734.00		
1	1000	53013	231000	Health Insurance	J	1	7,538.00		
1	1000	53013	232000	Dental Insurance	J	1	263.00		
1	1000	53013	241000	Group Life Insurance	J	1	640.00		
1	1000	53013	270000	Worker's Compensation	J	1	375.00		
1	1000	53011	999998	Strategic Initiative	J	1	(50,892.00)		
2	1000	33000	330020	Administration - Soc Serv.	J	2	28,757.00		
	1000		0501	Est. Revenue				28,757.00	
			0701	Appropriation					28,757.00
<b>TOTAL</b>							<b>57,514.00</b>	<b>28,757.00</b>	<b>28,757.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2011003  
 DATE 7/7/2010  
 BATCH# \_\_\_\_\_

**EXPLANATION:** Re-appropriate uncompleted Belvedere Bond Default

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9011	51000	510100	Re-Appropriation - Fund Balance	J	2	3,675,790.00		
1	9011	90900	940080	Belvedere Bond Default	J	1	3,675,790.00		
	9011		0501	Est. Revenue				3,675,790.00	
			0701	Appropriation					3,675,790.00
<b>TOTAL</b>							<b>7,351,580.00</b>	<b>3,675,790.00</b>	<b>3,675,790.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2011004  
 DATE 7/7/2010  
 BATCH# \_\_\_\_\_

**EXPLANATION:** Old Crozet School Rental Account

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	8610	15000	150262	RENT: OLD CROZET SCHOOL	J	2	59,888.13		
1	8610	91081	301221	MAINT CONT - LANDSCAPING	J	1	4,200.00		
1	8610	91081	331000	R&M EQUIP.- BUILDINGS	J	1	1,000.00		
1	8610	91081	331200	R&M EQUIP.- BUILDINGS	J	1	5,200.00		
1	8610	91081	332100	MAINT. CONTRACT-EQUIP	J	1	1,000.00		
1	8610	91081	332200	MAINT. CONTRACT-BUILDING	J	1	1,380.00		
1	8610	91081	510100	ELECTRICAL SERVICES	J	1	6,500.00		
1	8610	91081	510210	HEATING/FUEL OIL	J	1	18,000.00		
1	8610	91081	510300	WATER & SEWER SERVICES	J	1	1,810.00		
1	8610	91081	530200	FIRE INSURANCE	J	1	5,500.00		
1	8610	91081	600700	REPAIR & MAINT. SUPPLIES	J	1	2,200.00		
1	8610	91081	800949	MAINTENANCE PROJECTS	J	1	13,098.13		
	8610		0501	EST. REVENUE				59,888.13	
			0701	APPROPRIATION					59,888.13
<b>TOTAL</b>							<b>119,776.26</b>	<b>59,888.13</b>	<b>59,888.13</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011-005  
**DATE** 7/7/2010  
**BATCH#**

**EXPLANATION:** Reappropriating costs related to various general government capital projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9010	12210	312105	Access Alb Consulting Serv	J	1	114,509.94	
1	9010	12210	312366	Access Alb Fac Dev Coord	J	1	35,500.99	
1	9010	12210	800700	Access Alb ADP Equip	J	1	150,000.00	
1	9010	21000	331000	Court Repair & Maint	J	1	77,175.92	
1	9010	21000	950301	Old Jail Maintenance	J	1	30,014.38	
1	9010	21050	331000	Juvenile Court Repair & Maint	J	1	14,327.52	
1	9010	31000	800305	Police Radio System	J	1	5,889.35	
1	9010	31010	800714	Police Technology Upgrade	J	1	6,000.00	
1	9010	31010	800733	Police Video Equipment	J	1	45,000.00	
1	9010	32018	312366	Pantops FS Fac Develop Cord	J	1	5,225.73	
1	9010	32020	810099	VFD Contingency	J	1	15,551.49	
1	9010	32020	810806	Seminole Eng 82	J	1	726,000.00	
1	9010	32021	312350	Ivy FS Eng/Planning	J	1	50,000.00	
1	9010	32018	312366	Ivy FS Fac Develop Coord	J	1	5,500.76	
1	9010	32030	815102	CARS Squad 133	J	1	300,000.00	
1	9010	41000	312366	Eng-Fac Develop Coord	J	1	770.11	
1	9010	41000	950059	Eng-Keene Landfill	J	1	50,000.00	
1	9010	41000	950110	Eng-Records Mngmt Sys	J	1	237,304.65	
1	9010	41020	312366	St Improv-Fac Develop Coord	J	1	55,007.65	
1	9010	41020	950171	St Improv-Sunridge Rd	J	1	10,000.00	
1	9010	41020	950136	St Improv-Transp Local	J	1	1,083,463.09	
1	9010	41020	950081	St Improv-Rev Shar Roads	J	1	1,074,697.90	
1	9010	41020	950223	St Improv-Rev Shar	J	1	500,000.00	
1	9010	41023	312350	Crozet St PII-Eng/Plan	J	1	7,300.00	
1	9010	41023	312366	Crozet St PII-Fac Develop coord	J	1	8,000.00	
1	9010	41023	800605	Crozet St PII-Construction	J	1	1,380,000.00	
1	9010	41023	800670	Crozet St PII-Utilities Reloc	J	1	604,829.56	
1	9010	41023	800750	Crozet St PII-Purch. Property	J	1	56,532.27	
1	9010	41350	312366	Sdwalk-Fac Develop Coord	J	1	40,193.56	
1	9010	41350	950510	Sdwalk-S. Pantops	J	1	455,502.68	
1	9010	41350	950514	Sdwalk-Crozet Ave N.	J	1	10,000.00	
1	9010	41350	950516	Sdwalk-RT 250/Westminster	J	1	266,000.00	
1	9010	41350	999999	Sdwalk-Contingency	J	1	113,823.11	
1	9010	43100	312366	PubWorks-Fac Develop coord	J	1	13,892.46	
1	9010	43100	800666	PubWorks-Fac Maint	J	1	340,419.78	
1	9010	43100	950174	PubWorks-Hillsdale Sdwk	J	1	90,000.00	
1	9010	43100	950222	PubWorks-Health Dept Maint/Rep	J	1	32,940.74	
1	9010	43100	950169	PubWorks-Roadway Landscap	J	1	150,000.00	
1	9010	43101	312366	COB Renov PII-Fac Devel Coord	J	1	2,750.38	
1	9010	43101	800200	COB Renov PII-Furn&Fixt	J	1	10,000.00	
1	9010	43101	800605	COB Renov PII-Construction	J	1	103,431.17	
1	9010	43101	999999	COB Renov PII-Contingency	J	1	10,000.00	
1	9010	71000	800949	Park Maint Projects	J	1	213,311.88	
1	9010	71000	950044	Parks Ath. Field Study/Devel	J	1	231,395.26	
1	9010	71000	950232	Byrom Park	J	1	48,658.92	
1	9010	71000	950252	Walnut Crk Playground	J	1	60,000.00	
1	9010	71000		Preddy Creek	J	1	14,461.58	
1	9010	72030	950026	Tourism-Greenway Prgm	J	1	119,692.12	
1	9010	72030	950177	Tourism-Byrom Park	J	1	21,442.98	
1	9010	72030	950233	Tourism-Preddy Creek Park	J	1	302,191.85	
1	9010	72030	950520	Tourism-Rivanna Free Bridge conn	J	1	3,595.13	
1	9010	73020	800949	Libray Maint Projects	J	1	200,000.00	
1	9010	73020	950114	Crozet Library	J	1	768,918.64	

1	9010	73020	312366	Library Fac Develop coord	J	1	20,627.87		
1	9010	81010	312366	Planning-Fac Develop Coord	J	1	2,604.31		
2	9010	41000	410500	Loan Proceeds	J	2	9,653,839.00		
2	9010	33000	330062	TEA Grant	J	2	330,062.00		
2	9010	51000	512054	Trs. -Old Trail Proffer	J	2	1,837.85		
2	9010	51000	510100	Appropriation - Fund Balance	J	2	308,716.88		
	9010		0501	EST. REVENUE				10,294,455.73	
			0701	APPROPRIATION					10,294,455.73
1	8537	93010	930010	Old Trail Proffer - Trsf to CIP	J	1	1,837.85		
2	8537	51000	510100	Old Trail Proffer - App F/B	J	2	1,837.85		
	8537		0501	Est. Revenue				1,837.85	
			0701	Appropriation					1,837.85
<b>TOTAL</b>							<b>20,592,587.16</b>	<b>10,296,293.58</b>	<b>10,296,293.58</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011-006

**DATE** 6/7/2010

**BATC  
 H#**

**EXPLANATION:** Reappropriating costs associated with School projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	9000	60202	800200	Brownsville ES-Furn&Fixt	J	1	14,160.96		
1	9000	60202	800650	Brownsville ES-Building Construction	J	1	175,605.50		
1	9000	60202	999999	Brownsville ES-Contingency	J	1	33,344.76		
1	9000	60203	800605	Crozet ES-Construction	J	1	35,673.59		
1	9000	60203	312370	Crozet ES-Site Testing/Insp	J	1	3,040.00		
1	9000	60204	999999	Greer ES-Contingency	J	1	43,023.47		
1	9000	60216	800909	V L Murray ES-Athletic Track	J	1	377.60		
1	9000	60301	999999	Albemarle HS-Contingency	J	1	5,082.87		
1	9000	60510	800200	VMF-Furn&Fixt	J	1	6,000.00		
1	9000	60510	800901	VMF-Building Renov	J	1	116,228.64		
1	9000	60510	999999	VMF-Contingency	J	1	60.00		
1	9000	61101	800700	Class/Instr-ADP Equip	J	1	127,972.05		
1	9000	62190	800700	Admin Tech Services ADP Equip	J	1	29,060.71		
1	9000	62420	312310	Sch Maint-A&E Roof Repl	J	1	20,000.00		
1	9000	62420	800949	Sch Maint-Maint Projects	J	1	13,044.83		
1	9000	62420	950182	Sch Maint-Environ Compliance	J	1	13,696.41		
1	9000	62420	950183	Sch Maint-ETV Replacem	J	1	1,195.53		
1	9000	62420	950184	Sch Maint-Lighting Upgrades	J	1	59,241.52		
1	9000	62420	800634	Sch Maint-Locker Refurb	J	1	64,995.00		
1	9000	62420	950250	Sch Maint-WAHS Irrigation	J	1	1,500.00		
1	9000	62420	950229	Sch Maint-WAHS Girls Locker Rm	J	1	6,057.25		
2	9000	51000	510100	Appropriation - Fund Balance	J	2	157,032.76		
2	9000	41000	410500	Loan Proceeds	J	2	612,327.93		
	9000		0501	EST. REVENUE				769,360.69	
			0701	APPROPRIATION					769,360.69
1	9001	60301	950245	AHS SYNTHETIC TURF FIELD	J	1	6,161.88		
2	9001	51000	510100	APPROPRIATION - F/B	J	2	6,161.88		
	9001		0501	EST. REVENUE				6,161.88	
			0701	APPROPRIATION					6,161.88
1	9002	60302	950245	WAHS SYNTHETIC TURF FIELD	J	1	275.66		
2	9002	51000	510100	APPROPRIATION - F/B	J	2	275.66		
	9002		0501	EST. REVENUE				275.66	
			0701	APPROPRIATION					275.66
<b>TOTAL</b>							<b>1,551,596.46</b>	<b>775,798.23</b>	<b>775,798.23</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011-007  
**DATE** 6/7/2010  
**BATCH#**

**EXPLANATION:** Reappropriating costs associated with Stormwater projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	9100	41000	800975	Engineering-Stormwater	J	1	580,000.00		
1	9100	41000	312366	Engineering-Fac Develop coord	J	1	34,654.82		
1	9100	41059	800605	Woodbrook Lagoon- Construction	J	1	183,032.50		
1	9100	41062	312366	Turtle Creek Fac Develop Coord	J	1	1,471.45		
1	9100	41063	312366	Crozet Stormwtr-Fac Develop Coord	J	1	4,125.57		
1	9100	41063	800605	Crozet Stormwtr- Construction	J	1	131,152.34		
1	9100	41064	800975	COB Biofilters-Stormwtr	J	1	89,010.66		
1	9100	41064	312366	COB Biofilters-Fac Develop coord	J	1	2,475.34		
2	9100	33000	330034	FISH/WILD FOUND - FEDERAL	J	2	53,200.00		
2	9100	51000	510100	APPROPRIATION - F/B	J	2	972,722.68		
	9100		0501	Est. Revenue				1,025,922.68	
			0701	Appropriation					1,025,922.68
<b>TOTAL</b>							<b>2,051,845.36</b>	<b>1,025,922.68</b>	<b>1,025,922.68</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011008  
**DATE** 6/7/2010  
**BATCH#**

**EXPLANATION:** School Board Meeting: June 10, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	51000	510100	Fund Balance	J	2	4,323.34		
1	2111	62422	601300	Ed/Rec Supplies	J	1	3,923.34		
1	2302	61101	601300	Ed/Rec Supplies	J	1	50.00		
1	2204	61101	601300	Ed/Rec Supplies	J	1	250.00		
1	2252	61101	601300	Ed/Rec Supplies	J	1	100.00		
	2000		0501	Est. Revenue				4,323.34	
			0701	Appropriation					4,323.34
<b>TOTAL</b>							<b>8,646.68</b>	<b>4,323.34</b>	<b>4,323.34</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011009  
**DATE** 7/7/2010  
**BATCH#**

**EXPLANATION:** Increase Downtown Crozet Regional Stormwater Project as approved at previous Board meeting on July 1, 2009: Grayrock Proffer

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9100	51000	512063	Trs. -Grayrock Proffer	J	2	74,880.00		
1	9100	41063	800750	Dwntwn Crozet Strmwtr- Property	J	1	74,880.00		
	9100		0501	Est. Revenue				74,880.00	
			0701	Appropriation					74,880.00
2	8523	51000	510100	Grayrock-Approp F/B	J	2	74,880.00		
1	8523	93010	930010	Grayrock - Trsf to CIP	J	1	74,880.00		
	8523		0501	Est. Revenue				74,880.00	
			0701	Appropriation					74,880.00
<b>TOTAL</b>							<b>299,520.00</b>	<b>149,760.00</b>	<b>149,760.00</b>

Agenda Item No. 16. Closed Meeting.

At 1:04 p.m., Mr. Thomas **moved** that the Board go into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions; under Subsection (1) to discuss the performance of a specific individual appointed by the Board; under Subsection (7) to consult with legal counsel and staff regarding pending litigation arising from a claim against the County related to retirement compensation; and under Subsection (7) to consult with legal counsel and staff regarding specific matters requiring legal advice related to an interjurisdictional agreement. Mr. Rooker **seconded** the motion.

Roll was called and the motion carried 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 2:19 p.m., Mr. Thomas **moved** that the Board certified by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion.

Roll was called and the motion carried 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. 18. Boards and Commissions: Vacancies/Appointments.

There were none.

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Agenda Item No. 19. Albemarle County Department of Social Services (ACDSS) Comparative Study.

Mr. Elliott said that the presentation today intends to provide additional information on issues staff has studied regarding possible consolidation of City and County Departments of Social Services. He said that part of their review has included an assessment of the challenges that other Virginia localities have faced when considering consolidation of their respective departments. Mr. Elliott indicated that the rest of the conversation today would be discussing the ramifications if the Board decides to move forward, and finally seeking direction from the Board in terms of fully engaging the city in the evaluation. He stated that since 1969 there have been three studies conducted – resulting in no action or inconclusiveness as to whether consolidation of respective departments would result in enhanced efficiencies and more effective delivery of services.

Mr. Elliott indicated that staff has highlighted 20 areas of consideration, noting that with Rockingham and Harrisonburg – which consolidated very recently – one of the main driving points was the desire for a single location. He said that transposing that to Albemarle and Charlottesville would mean providing an office area for approximately 200 individuals, as the existing configuration and 5<sup>th</sup> Street COB would not be sufficient. They would need to look at location to allow for public transportation, ensuring that the location is contiguous to the courts and other non-profit community partners that rely on DSS and vice versa for services to citizens. Mr. Elliott stated that the burden under that scenario would be capital costs, costs of renovations, and lost cost of rent currently received from the State for COB-5<sup>th</sup>. He said that the client base for both jurisdictions in the Rockingham/Harrisonburg consolidation was relatively the same, with both having the same amount of reimbursement; with Charlottesville and Albemarle there is some disparity. Mr. Elliott noted that there is a higher level of eligibility in the City for the SNAP (Food Stamp) program, and a higher reimbursement rate in TANIFF for City residents than County. They would have to reconcile that, and it is very likely that the State would not provide additional funding if it was the desire to bring Albemarle County citizens up to that level – which would induce additional local costs. Beyond those considerations, he said, the City and County operate on two different information technology platforms – with the County's system just recently revamped – so one system would need to be created in order to share information with the State. He added that pay and benefit plans for City and County employees are different, and one other consideration is the Bright Stars and Family Support program – which would also need to be reconciled in order to combine those two programs.

Mr. Elliott stated that some of the issues identified might not meet the core principal of the Board's April meeting, which was to look at increasing the level of services in both jurisdictions at the same cost or provide the same level of service at a lower cost to taxpayers in both jurisdictions. Mr. Elliott said this report is provided for information. Ms. Kathy Ralston, Director of Social Services, is present, and can also respond to any questions from Board members.

Mr. Snow commented that having read the report, he found 19 reasons why not to do it. He asked if there are any reasons to move forward with consolidation.

Mr. Elliott responded that with mergers, there is always a culture change that occurs, and if it were possible to pull off one collocated agency, working under one system, it would have a lot of synergy and would make a lot of sense. He emphasized though that in these economic times, it is difficult to find and afford facilities that would be able to accommodate that.

Mr. Boyd asked if he broke down functions to see if there was a possibility of combining functions instead of entire departments.

Mr. Elliott replied that this was just a cursory look, and they already work with the City in terms of CSA and have in the past worked with assessment teams that look at individual child cases; only recently have those two teams merged. He said that in reviewing the benefit programs, they are driven by the relative wealth of the jurisdiction – which is where disparity occurs.

Mr. Boyd added that it's also critical that clients are able to reach the service area, and that also differs in the County and City.

Mr. Rooker asked about the difference in reimbursement rates, and asked why the City would want to engage in a combination that resulted in lower benefits.

Ms. Ralston explained that the benefit for TANIFF is a difference of about \$70-\$75 per month, with the difference in Medicaid being \$100-\$200. She said that she could not imagine that the City would be willing to go to what is called a Group Two agency versus a Group Three agency, and lower the benefits to their citizens. These are federal and state benefits, and the City does not have any money in them. She added that Albemarle County should be a Group Three, and all it takes is a memo from her to the Board for approval, then approaching the State Board. She believes that they would get hung up where the General Assembly would not provide the money.

Mr. Rooker said if the departments combined they would have to operate at one of the two levels.

Ms. Ralston responded that they would operate part of the agency with a Group Two for the City residents and part of the agencies a Group Three. She added that there are federal reporting guidelines that allocate FIPS codes and you still have to keep the codes because they are locality-specific; they're not agency specific. Ms. Ralston said that the department would still have to do dual reporting if the County and City were combined. She also indicated that while the analysis hasn't been done on rent reimbursement, it's a question of whether a department is in a locality-owned building or free market building. On the free-market, there is actually a little higher reimbursement because it is based on rent locally. In a locality-owned building, the rent is based on depreciation of the building, but the State is not going to provide any more money for that, but it is possible that more money could be provided from the federal pass-through.

Mr. Rooker asked if the City and County could combine their rent reimbursement so there would not necessarily be a net loss.

Ms. Ralston said that is possible, but it depends on the depreciation costs.

Mr. Davis replied that the County would continue to have the cost of the public buildings, and the net loss would be determined by how much rent would need to be paid in a private building. He added that the rent would probably exceed the amount of the reimbursement.

Mr. Rooker asked how much the County is getting reimbursed for social services now.

Ms. Ralston replied that she is not certain, adding that it is based on depreciation. It is not as much as what they could get if they were paying actual rent to someplace.

Ms. Mallek asked about children that switch jurisdictions, as mentioned at a previous meeting.

Ms. Ralston explained that there are several ongoing collaborations with the City, as well as a variety of other cooperative grants.

Mr. Rooker asked what the possibilities might be for eliminating positions, assuming you can solve other operational issues. It is just like when a company buys another company. He said that unless you cannot realize some savings on staff costs, it doesn't make sense to go through all of the other issues. Mr. Rooker asked what happened when Rockingham and Harrisonburg combined.

Ms. Ralston replied that when Rockingham and Harrisonburg combined, they added positions. She explained that they had two small agencies and combined into a large agency – so they needed an Assistant Director. Ms. Ralston said that in previous studies, it showed that one position would be lost and that was the Director. It is the same number of customers. There is not any loss of customers in this because they do not duplicate that with each other. She stated that each agency is already understaffed, so perhaps office support staff could be reduced but Harrisonburg/Rockingham turned them into eligibility screeners and thus retained all of their staff.

Mr. Rooker emphasized that without reductions in employees, it doesn't make much sense to consolidate as there wouldn't really be much savings if any.

Mr. Boyd agreed. He wondered if there is information on ratios, caseloads, population, etc., to use to gage the number of people needed. He asked if the recommendation is to not talk to the City.

Mr. Elliott replied that they have not approached the City, as staff wanted to share this with the Board first.

Mr. Boyd said that in the spirit of cooperation, it would be good to have a preliminary meeting, but if it has already been established that cost savings aren't realized, there may not be any point in doing that.

Mr. Snow agreed.

Mr. Rooker said it would be good to know if the City has a different take on this, but if they think the same, he is in agreement.

Ms. Mallek stated that the only other reason would be greatly improving services to clients.

Mr. Dorrier said that perhaps it needs to be considered for long-term savings.

Ms. Ralston commented that there haven't been any studies of consolidated agencies that have looked at the long term to see if there have been savings, and Harrisonburg/Rockingham indicated that they did not. She noted that Bristol and Washington County engaged a firm to look into merging their departments several years ago, but a study determined that it would not be in Washington County's interest to consolidate. Ms. Ralston said that the State office and League of Social Service Executives asked that the firm to put together a CD with Excel spreadsheets that would allow localities to plug some numbers in and do some preliminaries, and she has requested a copy of the CD. She also mentioned that Frederick County and Winchester just let it die in considering a merger.

Mr. Rooker commented that the challenges of pulling off a merger are only worth it if it results in reduced costs and/or substantially better service.

Ms. Mallek said even if this does not proceed, it is a help to have this information to be able to respond when citizens ask questions.

Mr. Snow stated that he appreciates the steps that have been taken, but he cannot see investing any more time and energy in this now.

Mr. Boyd suggested having a sit-down meeting with the City and going through the list.

Mr. Rooker asked who should be present at the table.

Mr. Tucker explained that the original idea was to create a committee similar to those considering fire and rescue and revenue sharing, but before that happened staff wanted to present information to the Board. He added that the City's DSS Director has retired, and they thought this might be an opportunity to talk.

Mr. Boyd said that perhaps the next step is to have Ms. Ralston talk to her counterpart in the City.

Ms. Mallek suggested that the two Board members – Mr. Dorrier and Mr. Snow – meet with the City Councilors, as a follow-up and have a formal presentation of these facts so that everyone is aware of the findings.

Mr. Elliott noted that Mr. Huja and Ms. Edwards were the two City Councilors who wanted to move this forward, and perhaps they should be included.

Mr. Tucker said he would look into convening a meeting of the committee and have County staff present what was presented to the Board today.

Mr. Thomas asked if different projects might be meshed together, instead of the entire department.

Mr. Elliott indicated that there are a number of areas that both departments are already collaborating, but the idea stemming from the April meeting was to consider a full merger.

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Agenda Item No. 20. Board Policy Related to Volunteer Fire/Rescue Funding, Dan Eggleston.

Mr. Elliott said that this matter relates to funding appeals from East Rivanna Volunteer Fire Department and Western Albemarle Rescue Squad for apparatus either currently funded or programmed in the Board's adopted five-year CIP. He said that East Rivanna is seeking supplemental funding from the county to provide sufficient resources to replace a tanker that was totaled in a recent accident; Western Albemarle is requesting a cash donation from the Board for re-chassing an existing ambulance. Mr. Elliott stated that staff recommends that the Board authorize them to proceed with procurement for the replacement of the tanker unit, with the understanding that East Rivanna would transfer insurance proceeds received from the damaged unit to the County to provide the basis of the funds for the new unit. He added that the procured unit would be coordinated through County purchasing and co-titled with the County and East Rivanna, and the balance of funds – which are currently programmed into year three of the CIP – would be advanced and moved to FY11.

He said that staff also recommends that the Board authorize them to move forward with development of a policy applicable to the system, regarding maintaining replacement value coverages on a timely basis for all volunteer fire and rescue apparatus.

Mr. Elliott stated that the Board may consider the request by Western Albemarle, and if they choose to do so the funds identified for that could possibly be their FY2011 Board reserve, where there is currently approximately \$210,000. He added that another possibility is a CIP balance, or the undesignated fund balance. Mr. Elliott said staff recognizes Western Albemarle's efforts to be judicious and save County funding for this in the sense that the Board's appropriation for FY2010 was for a complete replacement. The Western Albemarle Board took it upon themselves to find a more economical way to achieve the same results which was to re-chassis their existing vehicle and extend its life for an additional five years. Staff recommends that if the Board finds cash funding for the donation, that it do so based upon the re-chassis ambulance be properly co-titled with the County through DMV and asks that they work with ACFRAB to update the 2006 policy to clearly indicate that County procurement be adhered to whenever the County funds or appropriates dollars for the acquisition or rehabilitation of any apparatus in the system. He added that representatives of East Rivanna and Western Albemarle are also present to respond to any questions.

Mr. Rooker asked if staff is certain that the insurance doesn't provide replacement value coverage, adding that there are policies that can be purchased based on the total fleet.

Mr. Elliott responded that the policy is for individual apparatus in the fleet, and he would check into a policy that would provide better coverage in these situations.

Mr. Dorrier asked if staff had considered a donation of less than \$166,000.

Mr. Elliott answered that the request from Western is just over \$91,000 while the total replacement cost was \$162,000. Last Fall, Western's Board opted to go with re-chassing of the unit, so that decreased the cost.

Mr. Rooker said that his initial thought was to donate an amount equal to one-half the expenditure as a contribution. This did not come through the process that is supposed to be followed for a capital expenditure. He added that the decision as to whether to replace the vehicle or re-chassis it should have been discussed.

Ms. Mallek responded that the Chief's Board at ACFRAB did discuss it.

Mr. Snow said it may have been done there, but they are not responsible for the funding.

Mr. Rooker stated that CIP requests need to come to the Board here, so essentially a request that was never made is being asked for reimbursement. He reiterated that he would support providing one-half of the cost if the vehicle is co-titled. It is possible the best decision was made.

Ms. Mallek said the forms filled out were co-titled forms, but were not completed correctly, but that can easily be corrected.

Mr. Thomas asked if the \$165,000 that they were allotted had ever been appropriated for a new vehicle.

Ms. Mallek explained that it is in the budget now.

Mr. Elliott stated that the appropriation was made in the budget for FY10. In the past several years, the County has moved away from cash-purchasing its fleet to borrowing money for fleet replacement. He added that once the money is appropriated, the Virginia Public Procurement Act kicks in – and the donation is not possible from borrowed funds.

Mr. Rooker commented that the East Rivanna request is pretty straightforward, as they are asking for a capital allocation to replace the vehicle. The vehicle needs to be replaced and the insurance proceeds were not sufficient, and they are coming to the Board through the normal process.

Mr. Elliott noted that East Rivanna would like for some consideration to be made, as most units have additional add-ons paid for by the squad; so that unit is requesting up to about \$10,000 to be taken out of their proceeds so that the amount going in for the County would be just a little bit higher. The total would be approximately \$85,000 to replace the unit in-kind, and move the item out of the CIP.

Mr. Lanny Moore, President of East Rivanna Volunteer Fire Company, said that the equipment that was totaled was solely owned by East Rivanna and was not co-titled to the County because it was purchased through fundraising. He said that the insurance company wrote a check for \$319,000 to East Rivanna that is in their bank account at this time. They do want to go through County procurement to purchase the piece of equipment. He added that they had considered using the funds in their account to prepay for part of the apparatus. The company they are purchasing the equipment from under State contract offers a 7% interest on the funds while they are building the apparatus, so the additional funds were going to be used to go towards the add-ons. He added that they have no problem co-titling the equipment.

Mr. Boyd asked how the \$10,000 relates to the 7%.

Mr. Moore stated that the 7% falls just short of what is needed for add-ons.

Mr. Elliott said that the intent is the County would take full advantage of any discounts that down payments may provide, and use the savings to purchase any additional equipment needed to outfit the vehicle.

Mr. Boyd commented that it seems to be a no-brainer to move forward with it, adding that while there may be a loss of opportunity cost initially it would result in a considerable savings.

Mr. Rooker stated that his only concern is the possibility of any credit risk if an item is paid off ahead of time.

Mr. Moore noted that this is the largest fire equipment manufacturing company in the U.S., and Oshkosh is the parent company – which makes military equipment; the money is bonded regardless of what happens to that firm. He added that larger cities and municipalities are pre-paying to get a better interest rate.

Mr. Rooker said it sounds like a good idea, but he wants to make sure the County crosses all its' "t's" and dots all its' "i's" so nothing goes wrong and forfeiting the deposit.

Mr. Moore added that he could put the company's representative in touch with Mr. Davis so everything is bonded.

Ms. Mallek commented that she is glad no one was injured in this accident.

Mr. Moore said the driver did a good job in creating as little damage as possible, with no injuries. He added that in the last year EPA standards for apparatus have added about \$25,000 in cost for one truck – as well as NFPA changes that caused another large spike.

Mr. Rooker asked what happens to the old vehicle.

Mr. Moore responded that the insurance company paid for it then took the truck, and everything salvageable was removed.

Ms. Mallek asked about the delivery time once the process starts.

Mr. Moore said that from the time a contract is signed, it takes a minimum of 8-10 months to build a new vehicle.

Mr. Greg Paquin, Vice-President of Western Albemarle Rescue Squad, said that the whole idea behind their proposal is saving the County \$70,000. They had no idea that borrowed money comes from different budgets. He said that they were told they could have \$165,000 to purchase an ambulance, but knew they could do it for less. There have been no other re-chassing projects done in the County so there are no guidelines to follow. Mr. Paquin said the first they knew the County would not pay for this was when they went to pick up the vehicle and the company said no check had come, and they found out they did not go through the CIP process. The Rescue Squad then had to write the check. In terms of titling, he put Albemarle County on the form but it did not come out on the printed copy. Also, at that time the County was not paying for the ambulance so he didn't argue about it. Mr. Paquin said that partial funding would be a "slap in their face" for the County to not fund the whole thing, as they are essentially saving the County a lot of money. They were in good faith doing this and had no idea it was going to cause a stir. There wasn't a policy to follow; they just did what they thought was best in not spending all of the County's money. They County received a brand new ambulance with a new floor and new interior, and the shell and wiring are the same; the ambulance has a street value of approximately \$140,000.

Mr. Dorrier asked if the vehicle selected was approved by ACFRAB or the County.

Mr. Paquin said that their three-bid process was only approved by the squad, as they had no inclination that they had to get other approval. ACFRAB originally approved the re-chassing in fall 2009, and he wasn't involved in that process.

Mr. Rooker asked how it was approved by ACFRAB and never submitted to the County.

Ms. Mallek responded that there were some mix ups in transmission, and procedure. Around that same time Crozet had done a re-chassing of theirs with Scottsville starting the same process. She said that she didn't know until about 10 days ago that the State policy required the procurement process, and she understands that the squad thought this was more of a maintenance issue than a capital one.

Mr. Paquin said that a lot of localities consider re-chassing maintenance. He added that the previous replacement was prior to the County process coming forward, so the squad purchased it themselves a year ago with their own funds of \$140,000.

Mr. Dorrier said that since all this occurred in good faith, he is in favor of reimbursing the rescue squad for the full amount.

Mr. Thomas agreed.

Ms. Mallek noted that it's important to iron out the process so that it's clear to all units how to handle re-chassing.

Mr. Thomas said that the insurance policy is going to be really important, and he would like it to be right on the number when something like this occurs.

Mr. Rooker said he is not saying anything was done in bad faith, but given the tight budget situation, it is helpful if the process is laid out ahead of time and where the funds will come from.

Mr. Boyd stated that his initial thought was if the rules are not followed, then that sets a dangerous precedent – but he's been involved in detailed discussions with ACFRAB that have revealed a lack of trust with the County and City. He said that in the interest of good faith and demonstrating that this Board is committed to dealing with the volunteers, he is in favor of full reimbursement.

Ms. Mallek seconded that.

Mr. Rooker asked if the Board needed to identify a source of funds at this point, adding that it's problematic to take this out of a \$210,000 contingency so early in the fiscal year.

Mr. Boyd said that it should come from other fund balances, noting that \$30,000 was saved today with the jail item.

Mr. Rooker responded that the jail item would be coming back to them at some point.

Mr. Boyd said it should not come out of the Board's reserves.

Mr. Elliott suggested that staff could look further at the fund balances and come back with some recommendations, asking if the Board would be willing to have some of their reserve funds used for this.

Mr. Rooker said that his preference would be not to touch the reserve at this time.

Mr. Elliott mentioned that there is the Board's contingency and a revenue contingency shortfall built into the budget.

Mr. Tucker suggested the funds come out of capital reserve.

Mr. Snow asked if it would be possible to contribute in several different chunks over time.

Mr. Thomas said that there may be some money coming back from East Rivanna's 7% savings.

Mr. Elliott responded that there wouldn't be any excess cash realized from that, just less spent. The County is purchasing East Rivanna a new vehicle, replaced in-kind.

Mr. Rooker asked if the appropriations could be brought back at a later time to be finalized.

Mr. Tucker agreed that they could.

Mr. Davis clarified that there would be no procurement for Western; it would be a donation from the County to that squad – conditioned upon their titling of the vehicle.

Ms. Mallek then **moved** to follow staff's recommendation to approve East Rivanna Volunteer Fire Department's request that the County initiate procurement for the immediate replacement of the requested tanker truck in accordance with County policy with the understanding that the insurance proceeds for the damaged tanker will be applied to this procurement and planned funding for this replacement vehicle in the out years of the CIP would be eliminated; and to approve a one-time cash donation in the amount of \$91,186 be made to Western Albemarle Rescue Squad to reimburse them for the reduced cost of their new ambulance. Mr. Snow **seconded** the motion.

Mr. Davis added that in both cases, the vehicles would be co-titled with the County, and staff would bring back a recommendation for an appropriation to fund that approval.

Ms. Mallek stated that that was included in her **motion**, adding that the motion also covers the stipulation that ACFRAB would work with County staff to ensure that the policies and process are uniform and followed for the purchase or restoration of apparatus.

Mr. Snow **agreed** to the additions in the motion.

Roll was then called and the motion carried 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. 21. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd asked when staff might provide an inventory/value of County-owned property.

Mr. Tucker responded that staff is working on it, and he's not certain when it would be ready.

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Mr. Thomas mentioned an issue of a Certificate of Occupancy not being issued for Abingdon Place in Hollymead because the walkway hadn't been paved and completed on the original proffer.

Mr. Davis explained that at the time the property was rezoned there was a proffer that said the developer would dedicate a public trail and pave it with a 10-foot width paved trail. Although the staff was not pleased with the proffer at the time, it stated that it would be completed prior to the issuance of the last Certificate of Occupancy. Several months ago the builder who had bought the last six or seven lots got building permits and was proceeding toward completion of those units and Planning staff informed him of the proffer, and that the last occupancy permit could not be issued until the trail was paved. Mr. Davis said that last Friday the builder came in for the last occupancy permit with an innocent buyer in abeyance, wanted the occupancy permit, but the trail had not been paved. Staff was unable to issue the CO, but tried to accommodate the situation by offering to allow it to be issued if it was properly bonded. They were unable to bond the property on Friday, but are working through the process this week to try to complete the bonding even though technically the proffer requires it to be constructed.

Mr. Thomas commented that it was not a great situation because the family was here living in a hotel waiting to move in.

Mr. Davis said that it was an unfortunate situation but there was no way legally to avoid that situation and he thinks Planning staff made the right decision. Mr. Davis said that by State Code, the General Assembly now requires that any cash proffers that have been made that are outstanding through July 2014 cannot be collected at the time of the issuance of the building permit and cannot be collected any earlier than the issuance of the Certificate of Occupancy. Mr. Davis said that with all the cash proffers that the County has on a per-unit basis that are outstanding, the County is likely to run into this exact scenario again on a recurring basis. He said that the County is taking steps to avoid those situations by giving people notice at the time of the building permit and providing additional notices so there is an understanding of the process. Hopefully people will elect to pay the money earlier still, but by statute the County now has a situation that could recur. The County will do everything it can to avoid the situation because the people who are really injured by this are the innocent third-party buyers who may not be aware of this circumstance that would keep them from actually moving into their house.

Mr. Greg Kamptner, Deputy County Attorney, added that the builder of the home posted the cash bond and the Certificate of Occupancy has been issued.

Mr. Davis said that the County would now give the builder a notice that they need to complete the trail, and if they don't the County will have to revoke the cash bond and become the contractor for that trail.

Mr. Tucker noted that the path is there, but it is not paved yet.

Ms. Mallek said that part of the problem is these things are not fixed before the property flips to the second, third, and fourth owner.

Mr. Davis commented that typically the improvements are tied to some specific event in the development process, because it's not desirable to have builders build it before there is a development. He said that the preference is that before a building permit is issued, at some point in the project the trails and other improvements are completed. This is one where the developer just did not agree to do it that way.

Ms. Mallek asked if there was a way to describe the requirements stemming from the legislation so it is not called a "cash proffer."

Mr. Davis responded that the problem with the statute is the proffers that have already been accepted, as they say the money can be collected at the building permit stage – which the General Assembly now says cannot be done. They overrode our proffers.

Mr. Rooker asked who the developer was that made the proffer.

Mr. Kamptner replied that the developer was Burkhead LLC, and Steve Runkle was the signatory.

Mr. Davis said that it has changed hands in between, and the current developer has been under some stress.

Mr. Thomas confirmed that it was a medical situation, so things couldn't get done.

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Ms. Mallek said that all of the legislators she has contacted regarding the changes in legislation for Ag/Forestral district renewals, and they have indicated they would carry it forward upon receiving a draft of language from the County.

Mr. Davis indicated that his staff met with David Blount a few weeks ago to plot out a strategy. They are trying to survey other jurisdictions to see what their process is; staff would like to have some consensus among people as they move forward. He said that Mr. Kamptner is working with the Planning Department to develop some conceptual language, but there are several steps that need to be followed.

Ms. Mallek said that she would like to have something to take to the VaCo Agricultural Committee on August 6<sup>th</sup>. Mr. Davis said that at least a concept should be prepared.

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Agenda Item No. 22. Adjourn.

At 3:24 p.m., with no further business to come before the Board, the meeting was adjourned.

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Chairman

Approved by Board
Date: 10/13/2010
Initials: EWJ