

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 4, 2010, at 9:00 a.m., in the Lane Auditorium of the County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann H. 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, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:01 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.

Item No. 4a. Barbara Barrett, Region Ten Community Services Board.

Ms. Mallek presented Ms. Barbara Barrett a Certificate of Appreciation for her service to the Region Ten Community Services Board from July 1, 2001 to June 30, 2010. Ms. Mallek said that as the citizen representative for Albemarle County, Ms. Barrett brought a level of expertise and experience that proved invaluable during her tenure and she was a consistent and effective voice advocating for the varying needs of Region Ten's consumers. Ms. Barrett's leadership epitomized the organization's values of recovery and self-determination. Her talents and influence were not limited Region Ten's service area, as she was also a champion for the needs of the mentally ill, substance addicted and intellectually disabled at the state level through the Virginia Association of Community Service Boards. Serving as the Board's chair on two occasions, Ms. Barrett provided excellent vision and leadership, especially during some of the organization's more challenging times. Her contributions are greatly appreciated, and her presence will definitely be missed.

Ms. Mallek added that Ms. Barrett is a constituent from the White Hall District and has helped her tremendously in learning about Region Ten.

Ms. Barrett thanked the Board for the recognition. She stated that it has been an honor to represent the County on the Region Ten Board and she encouraged Board members to learn more about the services the organization provides as it is some of the best in the state. She added that she hopes whoever replaces her is a strong voice and advocate for those they serve.

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Item No. 4b. 2010 Digital Government Award.

Ms. Mallek stated that for the eighth year in a row, Albemarle County has been named among the top ten most technologically advanced, cutting edge county governments of its size in the country by the Center for Digital Government and the National Association of Counties (NACo) in their 2010 Digital Counties Survey. Albemarle County ranks fifth in the nation, up from sixth place last year, in utilizing information technology (IT) to deliver high quality service to its customers and citizens based on a population category of 150,000 or less. All counties in the United States were invited to participate in the survey.

Albemarle is delighted to be included in the elite communities across the country that are receiving national recognition for providing quality information technology services to their citizens. This award reinforces our emphasis on using information and communication technology to create operational efficiencies and provide cost-effective quality service to County residents in these challenging times, as indicated by our 2009 website ROI (Return on Investment) report that outlined over \$870,000 in savings and avoided costs attributed to the website.

Albemarle is truly providing convenient access to County government services 24 hours a day, 7 days a week – saving time and reducing impacts to our environment as citizens are more and more able to do business with Albemarle at the time and place of their choosing.

Ms. Mallek said this honor is a strong testament to County IT staff, who under the leadership of Mr. Mike Culp continues to keep the County on the leading edge of technology innovations. It also reflects the hard work of the County Web Team which is comprised of our Webmaster, Elaine Pack; our Web Content Manager, Lisa Gilliam, and the Departmental Web editors who are so critical to keeping the website accurate and up to date.

Ms. Mallek then asked those present on the Web Team and from the IT department to stand and be recognized.

The Web Team stood and received applause for their efforts.

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

Mr. Rooker said that there was a meeting that he and Mr. Thomas were invited to attend on August 5<sup>th</sup> with the Secretary of Transportation and several representatives from Lynchburg to discuss the Route 29 Corridor. The meeting has been canceled there is no word yet on rescheduling. With decreased transportation funding, it is getting to a point where it is going to be very difficult to just maintain the rural country roads in the state.

Mr. Boyd asked why they only wanted two Supervisors at the meeting. Mr. Rooker responded that that was the way the meeting was set up.

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Mr. Rooker said that on the Rivanna Water & Sewer Authority website there is a report issued by Schnabel Engineering. He encouraged fellow Board members to read the report. Mr. Rooker stated that the summary page explains the options of increasing the dam height by 13 feet and the cost per million gallons of doing that is \$48,000 to \$74,000 per million gallons of additional capacity. At an increase to 45 feet, he said, the cost per million gallons is \$11,000 to \$17,000. The cost of increasing the dam from a 13-foot rise to a 45-foot rise is miniscule when compared to the additional capacity acquired for that additional investment.

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Mr. Thomas reported that he had recently distributed information to Board members on a request from the family of Mr. George Frazier to name the bridge on Route 600, Rea's Ford Road, as the "George Frazier Memorial Bridge". This gentleman was lost in a battle during WWII. The Board has been asked to adopt a resolution. Mr. Thomas said he recently found out that the man was not born in Albemarle County. He stated that if the Board does not want to adopt a resolution, he would advise the daughter to proceed on her own, as a resolution would still have to come back to the Board before it goes onto the state and VDOT.

Mr. Rooker responded that his concern was what distinguished this man's service from probably thousands of others who either died in the war or served heroically. He added that normally when there is a resolution for naming something after someone it is because of long-time community service, state service, or exceptional valor in battle. Mr. Rooker stated that anyone who gives their life for that service and the country, are entitled to receive respect and gratitude, but there are a limited number of naming opportunities available and the County needs to be somewhat discretionary. He mentioned that he did not support the request, but if the community-at-large around that area signs a petition stating they would like to see the bridge named after this man, his opinion would probably be different.

Mr. Thomas noted that the man was honored at the Earlysville Memorial Day service, and the VFW there was going to pay for part of the fees associated with the application.

Mr. Boyd emphasized that Mr. Rooker's point is quite valid, and a case should be made that this is exceptional.

Ms. Mallek responded that there are 20 veterans who live on that road within one-half mile of the bridge, including one who has been the fire chief for 50 years, and not one from that group has mentioned it to her.

Mr. Dorrier said that the VFW is very active in Earlysville, and they could review it and provide an opinion.

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Mr. Thomas said he attended another blast at the Quarry on Monday, and this one was about 10 times as loud as the first one, as there was a cap in the middle that made it extremely loud. He explained that he was on Mr. Jessup's property, which is about 1,600 feet from the pit, and the dust from the blast could be seen rising above the trees. Mr. Thomas stated that Rockdale would be willing to notify all surrounding neighbors two or three days before they have a blast. Although none of the windows shook you could feel the vibrations in the house. He added that the quarry is planning to have about 10 blasts per year, sometimes as much as 200 tons, which would provide enough rock to crush up for about a month and a half.

Ms. Mallek asked if he had heard the crusher operating. Mr. Thomas replied that he had, and there was a drill that had a whiny noise to it, but the crusher itself was not bad although it was audible.

Ms. Mallek asked if the height of the dust is an issue for the flight pattern of the Airport. Mr. Thomas responded that the quarry provides a notice to the Airport, and before they blast they sound a one-minute siren, then a second siren within seconds of blasting.

Mr. Thomas reiterated that Rockdale is very well organized and are cooperative with the neighborhood. He just hopes that they can determine a way not to tear up the road.

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Mr. Boyd reported that the residents of the Fontana Subdivision have been working with the County and VDOT for more than a year to come up with some traffic-calming measures for their neighborhood. The first part of the process which was to take a survey of the neighborhood has been completed. They needed at least 70% support, and they got 83% who are in favor. Mr. Boyd stated that the next step in the process is for the Board to pass a resolution asking VDOT what they can do and come

up with a traffic management plan. He said that staff had indicated previously that they would not be engaging in any new traffic-calming measures due to reductions in staff, but this one has been in process for a while.

Mr. Boyd then **moved** that VDoT undertake a study of the streets in the Fontana neighborhood in Pantops and develop a plan of improvement to address traffic issues on these streets. He added that VDoT will work with the neighborhood to come up with an adequate plan.

Mr. Rooker mentioned that in the past he has had to undertake this process in several neighborhoods in his district. He asked if people are moving into the area in the back of Fontana, adding that he wants to ensure they are getting maximum traffic flow. Mr. Boyd responded that they have started moving in, and both Olympia Drive and Verona Drive have been opened.

Mr. Boyd added that with the Highland Ridge development there is a significant amount of heavy moving equipment and truck traffic hauling materials in and out. The streets are also very narrow.

Mr. Rooker asked if they have finished with the infrastructure there.

Mr. Boyd said that he was not sure, but Mr. Graham and his staff have been monitoring it closely. He also stated that the problem has been exasperated because a driver coming into Pantops and going to Route 20 can use that as a cut-through to avoid the backup at the light.

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

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

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Mr. Boyd said that Board members have access to the Capital Improvements Plan for the Rivanna Water & Sewer Authority; the first plan in about two and one-half years because of the uncertainty in the 50-year water plan. Since the Water Plan is an approved plan RWSA decided to put it in which includes the building of a 45-foot higher dam and new impoundment, as well as the engineering design and acquisition of the easements for the pipeline. Mr. Boyd pointed out that there are no rate increases due to water in the Plan in order to finance it, and there is some bad information circulating about how this would be funded. The sewer systems are going to generate the larger expense due to infrastructure needs and EPA requirements related to Chesapeake Bay impacts.

Ms. Mallek emphasized that delineating the two segments for the public will be really important.

Mr. Tucker noted that there is a slight decrease in the water rate.

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Mr. Snow commented that the Thomas Planning District Commission has submitted a grant proposal for regional broadband internet service throughout the entire County. They hope to hear something back in October.

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Ms. Mallek reported that sign-ups for the Home Energy Makeover contest through the LEAP Program are underway. The contest began in July and will help residents learn more about enhancing the comfort and value of their homes, and reducing energy use and costs. Two winning homes, one home in the County and one in the City of Charlottesville, will be chosen to receive free professional energy makeovers worth up to \$10,000. She noted that typical retrofit measures include air sealing, duct sealing, adding insulation, and tuning or upgrading heating, cooling, or ventilation equipment, with the goal of reaching a 20% or better efficiency gain per retrofitted home. In addition, she reported, eight runners up will receive free home energy audits with a value of about \$400, conducted by local certified contractors. Ms. Mallek said that homeowners who wish to sign up for the contest can visit [www.cvillesaves.org](http://www.cvillesaves.org), with registration open for City and County residents through August 20<sup>th</sup>. She added that they are also offering a wide array of rebates and incentives to help people with their energy audits and retrofits.

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Ms. Mallek also reported that the County is celebrating National Farmers' Market Week this week. Today there is a celebration in the lobby of the County building from 11:00 a.m.-3:00 p.m., with the Boys and Girls Club Leadership Group managing the farmers' market today.

She added that the updated green resources map showing all the farmers' market locations would be posted on the County website on August 4<sup>th</sup>. She thanked the IT Department for their assistance. The map will also feature all area recycling and reuse opportunities along with other resources such as park and ride lots, County parks, rain gardens, etc. in an effort to help local citizens become more aware of ways they can green up their environment.

Ms. Mallek mentioned that Albemarle has the second highest number of farmers' markets in the state, behind Fairfax, a locality with over a million people. She said that the overall number of farmers' markets across the state has increased tremendously, and really help to connect people to where their food comes from, provide healthy food, and provide access to fresh produce for people in urban areas.

Ms. Mallek emphasized that the State Secretary of Agriculture always talks about agriculture being Virginia's largest industry by far, even though it doesn't often get a lot of credit, with a \$55.0 billion annual impact and providing more than 357,000 jobs in the state. She added that the Governor has been trying to increase agricultural exports from Virginia, and hopefully Albemarle County farmers will be a part of that.

Ms. Mallek said that she has been involved with a state panel known as the Rural Enterprise Task Force, which is working to develop best management practices and respond to different ideas in the General Assembly about ways for state templates to be created to help manage farm activities that are not necessarily agricultural. She said that there would be more information coming forward on that shortly.

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

Ms. Elizabeth Burdash, a County resident, expressed appreciation to the Board on the excellence of government in this area. She added that there is the need for improvement in the area of sustainability, especially with regard to managing growth. She said that it is well-established that new residential construction is an expense to existing residents by way of infrastructure demands, environmental degradation, traffic congestion, quality of life, budgetary strains, and in many other ways. Ms. Burdash said that the encouragement of new construction needs to be rethought. She does not see the point of lowering the Zoning Ordinance fees, as developers are already making a good profit. She would like to see fees that fully cover the cost to the County for processing applications.

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Mr. Paul Grady, a County resident, said that the people in Danville and Lynchburg are clamoring for the Western Bypass, which in its last incarnation would not really provide what those groups want, a road that completely bypasses the entire growth area. He said that in the past he would have come prepared with maps, but he could not find one showing the entire growth area. Mr. Grady explained that if you were to take the right-of-way of the Western Bypass, the Berkmar Bridge, Rio Mills Road, and Dickerson Road, and connect them all together you would have a road that completely skirts the western edge of the entire growth area. All of the right-of-way is currently owned by VDOT except for about 100 yards between Rio Mills Road and Dickerson Road. He said that what he is suggesting is a two-lane, parkway-type road with at-grade intersections like the roundabout that currently exists at the intersection of Dickerson Road and Airport Road. The only grade-separated interchange would be at the intersection with the Route 250 Bypass at the intersection with Leonard Sandridge Road. Mr. Grady emphasized that the road would be fairly cheaply to build and would provide an alternative for through traffic to take if they did not want to deal with stoplights.

Mr. Grady also stated that the County owns over 60 acres behind the firehouse directly across the street from Monticello High School. This property would be the perfect location for the Albemarle County Fair. He said that they could use existing parking at the high school, and there is the possibility of bus service from Charlottesville. The County could also erect a large multi-purpose building at this location that could be rented out. He asked that the Board give strong consideration to allowing the County Fair a future home on this property.

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Mr. Jack Marshall addressed the Board on behalf of Advocates for a Sustainable Albemarle Population (ASAP). He said he was present to speak about the Zoning Ordinance fees. Mr. Marshall stated that residents of the County are becoming more aware that quality of life is not enhanced by more houses, as they are linked to more crowded roads and classrooms and to the step-by-step disappearance of open space. He said that most of the benefits of more development will be enjoyed not by those who are already here, but by developers and future new residents. Mr. Marshall stated that economic costs of growth are many, with building schools being the most expensive but other associated costs also being significant, such as roads, water and sewer systems, police and fire protection, etc. He noted that there has been a tradition for these costs of growth to be hidden, and picked up by ordinary residents who live here now and pay taxes. Mr. Marshall stated that while homebuilders and developers now grudgingly proffer a little toward these costs, the tradition of passing costs onto taxpayers has been successfully perpetuated by the powerful few who profit from growth. He pointed out that one cost of growth is the time County staff devotes to ensuring applications for new developments meet the thoughtful standards that have been evolved over the years, and there are now current estimates available of what staff reviews cost. The question before the Board is who will pay for this work. Mr. Marshall said that the request for a subdivision is a special interest initiative proposed by an entity hoping for private benefit. The need for community oversight is created by the developer's actions, and the cost should be their responsibility not taxpayers. He stated that anything less than 100% cost recovery for fees projects the economic burden onto current residents, to be reflected in higher real estate taxes. Mr. Marshall said that ASAP would like to see the subdivision fees set at 100% of cost recovery, and to be paid entirely by the applicant, except in the case of family subdivisions and any subdivision providing affordable housing, which could be set at 50%. Mr. Marshall asked that the Board not ask taxpayers to provide corporate welfare for developers.

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Mr. Morgan Butler, on behalf of the Southern Environmental Law Center, said that he is glad to see the Zoning Ordinance fee issue back before the Board with additional information on efficiency of the County's review process provided by staff. Mr. Butler stated that it is prudent to ensure that no one is paying for inefficiency, but it is just as critical not to make cuts that hurt staff's ability to perform an effective review of a proposal. He emphasized that there is nothing more essential to the Board's ability

to make smart, informed decisions than the quality of recommendations it receives from staff, which rest on their ability to be able to review applications thoroughly, determine improvements that need to be made, and to put in all the work that must be done before proposals are brought to the Board. Mr. Butler stated a thorough review process is key to the County's long-term prosperity. He said that a lot of blame has been cast staff's way for the amount of time it can take for some proposals to get approved, but it seems that efficiency is a two-way street. He has observed several developers engage in a war of attrition with County staff, thereby lengthening the review time by repeatedly making only minimal changes to a flawed proposal. He stated that in some cases, staff should be thanked for ensuring that a stubborn applicant eventually complied with the County's rules and expectations. Mr. Butler also said that the second look at the proposed fees has further demonstrated that any further reductions should not be accomplished by cutting deeper into staff's role in the review process, rather. There is a justifiable expense before the Board, and it must decide how it will be allocated between developers and the rest of the County's taxpayers. He stated that since it has been nearly two decades since the County did a complete update of its zoning fees, and considering that county taxpayers will still shoulder roughly 70% of the cost of reviewing an application, even with the proposed fee increases, the SELC believes the appropriate course of action is to adopt the proposal from staff.

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Mr. Jeff Werner, of the Piedmont Environment Council, said that PEC does support staff's recommendations. Mr. Werner said that he has been at PEC for 11 years and has tracked many, many proposals, noting that there are many times applications are incomplete or duplicative of previously submitted problematic ones. He also stated that the fees haven't been changed in 20 years, and the community needs to have quality review by staff and the opportunity to participate in the process. PEC is not concerned about who pays for the costs, but that the Board not limit the review process.

Mr. Werner said that he recently reviewed what other counties charge for re-zonings of residential projects and compared them to Albemarle. He presented a chart that showed the differences in those fees. He emphasized that what is important is continuing to have the Comprehensive Plan and Zoning Ordinance applied in the way the community has said they want them to be. Mr. Werner stated that Albemarle did not get to be a best place by accident; it's because of those reviews and those regulations.

Mr. Boyd asked if these figures reflect proffers for affordable housing.

Mr. Werner responded that what he did was an apples-to-apples comparison for a zoning map amendment fee, just to simply have a starting point. He pointed out that with the majority of the larger-scale projects, adding \$10 to the cost of a house is not insurmountable. Mr. Werner stated that the County definitely falls down into the lower ranger, suggesting that what is being proposed is not out of line.

Ms. Mallek mentioned that not only are Prince William's fees higher, for example, but it does not even include proffers, which is about \$40,000 per unit.

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Mr. Neil Williamson, of the Free Enterprise Forum, said that a comment was made earlier that a request for a subdivision within the growth area is a special interest. He said that it is really just putting the Comp Plan into action. Mr. Williamson stated that if there are those who do not want to see that happen need to propose a Comp Plan amendment. The suggestion that the developer is the one receiving the benefit is clearly not the case, as the community has significant benefit from the developer moving forward the Comp Plan as determined by the community. He said that there have been many applications where applicants have been unprepared, but there have also been many application reviews where new questions from the County will arise. Mr. Williamson asked what purpose is served by a public hearing, in the case of situations where there is a waiver that cannot be overridden. He suggested that when public is involved they should be involved where there is an impact. He emphasized that the waivers should be administratively approved, the level of detail being asked at re-zonings should be enough to address waiver criteria, and public comment should be given at the rezoning level. These streamlining ideas do not take away public input, but places public input where it has an opportunity to be real.

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Agenda Item No. 7. Consent Agenda. Mr. Rooker **moved** approval of Items 7.1 through 7.6 on the Consent Agenda, with the exception of the minutes that were not read, and to accept the remaining items as information. Mr. Dorrier **seconded** the motion. (Discussions on individual items are included with those items.)

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

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

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Item No. 7.1. Approval of Minutes: April 24(A), May 5, May 10(A), and June 30(A), 2010.

Mr. Rooker had read the minutes of April 24(A), 2010 and found them to be in order as presented.

Ms. Mallek had not read her portion of the May 5, 2010 minutes and asked that they be pulled and moved to the next agenda.

Mr. Boyd had not read his portion of the May 5, 2010 minutes and asked that they be pulled and moved to the next agenda.

Mr. Dorrier had read his portion of the minutes of May 5, 2010, pages 20 (beginning with item #13) to page 42 (ending with item #20) and found them to be in order as presented.

Mr. Snow had read the minutes of May 10(A), 2010, and found them to be in order as presented.

Mr. Thomas had read the minutes of June 30(A), 2010, and found them to be in order as presented.

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

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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 is \$95,196.94. 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. Staff recommends approval of the budget amendment in the amount of \$95,196.94 and the approval of Appropriations #2010095, #2010096, and #2010097.

This request involves the approval of three (3) FY 2010 appropriations as follows:

- One (1) appropriation (#2010095) totaling \$12,061.56 for the Circuit Court Clerk to reimburse document imaging back-filing costs;
- Two (2) appropriations (#2010096 and #2010097) totaling \$83,135.38 for various education programs.

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$95,196.94 and the approval of Appropriations #2010095, #2010096, and #2010097.

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<u>Appropriation #2010095</u>	<u>\$12,061.56</u>
Revenue Source:	State Revenue: \$ 12,061.56

The Circuit Court Clerk's Office received reimbursement from the Compensation Board's Clerks Technology Trust Fund for document imaging back-filing of records. The total budget is now \$89,508.00.

<u>Appropriation #2010096</u>	<u>\$1,801.13</u>
Revenue Source:	Local Revenue (Donations): \$ 1,801.13

Henley Middle School received a donation in the amount of \$676.13 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 May at Henley Middle School.

Albemarle High School ("AHS") received various cash donations totaling \$1,000.00. 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 \$35,001.22 including this donation. The balance from FY 08/09 is \$6,866.66 for a grand total of \$41,867.88. 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 \$283,132.12 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 \$125.00 were made to specific options:

\$25.00 for the School Division Capital Improvements  
 \$100.00 for Brownsville Elementary School

<b>Appropriation #2010097</b>		<b>\$81,334.25</b>
Revenue Source:	Local Revenue (Donations):	\$ 2,681.92
	Federal Revenue:	\$ 74,963.53
	Fund Balance:	\$ 3,688.80

Henley Middle School received two donations totaling \$2,681.92 from Henley's Parent and Teacher Support Organization. The donor has requested that \$2,580.00 be used to help fund the At-Risk program and \$101.92 to help fund the Enrichment Time before 9 program for the month of June at Henley Middle School.

The mission of the Technology Challenge Grant is to improve student academic achievement through the use of technology in schools in support of the Division's strategic plan. The Technology Challenge Grant funds the following major programs and/or services: Teacher Training and Technology Curriculum Development. There is a fund balance retained by the state in the amount of \$13,654.17 from FY 08/09 which may be re-appropriated for FY 09/10. In addition, there is a local fund balance in the amount of \$3,688.80, which may be re-appropriated for FY 09/10. The funds will be used for professional development.

The mission of the Title II Grant is to prepare, train and recruit highly qualified teachers, principals, and paraprofessionals by offering professional development in best practices in curriculum, assessment, and instruction in support of the Division's strategic plan. The Title II Grant funds the following major programs and/or services: Professional Development reimbursement, Elementary Math/LA Best Practices Coaching; and, UVA Coursework. There is a fund balance retained by the state in the amount of \$61,309.36 from FY 08/09 which may be re-appropriated for FY 09/10. The funds will be used for professional services at UVA.

**By the above-recorded vote, the Board approved the budget amendment in the amount of \$95,196.94 and approved Appropriations #2010095, #2010096, and #2010097.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010095  
 DATE 7/7/2010  
 BATCH#**

**EXPLANATION: State Reimbursement: Clerk Document Imaging Back-filing**

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	9010	24000	240800	Clerk's Technology Trust Fund	J 2	89,508.00		
1	9010	81010	580409	Clerk of Circuit Court Doc Imag System	J 1	89,508.00		
	9010		0501	Est. Revenue			89,508.00	
			0701	Appropriation				89,508.00
<b>TOTAL</b>						89,508.00	89,508.00	89,508.00

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2010096  
 DATE 8/4/2010  
 BATCH#**

**EXPLANATION: School Board Meeting: June 24, 2010**

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donations	J 2	776.13		
1	2202	61101	601300	Ed/Rec Supplies	J 1	100.00		
1	2202	61101	160300	Stipends-Instructional	J 1	628.08		
1	2202	61101	210000	FICA	J 1	48.05		
	2000		0501	Est. Revenue			776.13	
			0701	Appropriation				776.13
2	9000	18100	181105	CIP Donations	J 2	25.00		
1	9000	62422	580000	Miscellaneous Expenses	J 1	25.00		
	9000		0501	Est. Revenue			25.00	
			0701	Appropriation				25.00
2	9001	18100	181107	AHS Donations-Turf Project	J 2	1,000.00		
1	9001	60301	950245	AHS Syn Turf Field	J 1	1,000.00		
	9001		0501	Est. Revenue			1,000.00	
			0701	Appropriation				1,000.00
<b>TOTAL</b>						3,602.26	1,801.13	1,801.13

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COUNTY OF ALBEMARLE  
 APPROPRIATION

APP # 2010097  
 DATE 8/4/2010  
 BATCH#

EXPLANATION: School Board Meeting: July 8, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	Donations	J 2	2,681.92			
1	2252	61101	134100	PT-Teacher Aides	J 1	2,396.66			
1	2252	61101	160300	Stipends-Instructional	J 1	94.68			
1	2252	61101	210000	FICA	J 1	190.58			
	2000		0501	Est. Revenue			2,681.92		
			0701	Appropriation				2,681.92	
2	3131	33000	330125	Tech & Literacy Challenge Grant	J 2	13,654.17			
2	3131	51000	510100	App - Fund Balance	J 2	3,688.80			
1	3131	61311	580500	Staff Development	J 1	17,342.97			
	3131		0501	Est. Revenue			17,342.97		
			0701	Appropriation				17,342.97	
2	3203	33000	330105	Title II Grant	J 2	61,309.36			
1	3203	61311	312505	Prof Ser UVA	J 1	61,309.36			
	3203		0501	Est. Revenue			61,309.36		
			0701	Appropriation				61,309.36	
TOTAL							162,668.50	81,334.25	81,334.25

Item No. 7.3. FY 2011 Budget Amendment and Appropriations.

The Executive Summary states that the 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 is \$1,612,242.59. 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 twelve (12) FY 2011 appropriations as follows:

- One (1) appropriation (#2011010) totaling \$132,499.48 reappropriating the Crozet Meadows Rehabilitation project funds;
- One (1) appropriation (#2011011) totaling \$5,500.00 for the sale of surplus items by the Sheriff's Office;
- One (1) appropriation (#2011012) totaling \$ 5,613.18 for other revenue sources (reimbursement) in the General Fund and reducing the use of General fund balance by the same amount;
- One (1) appropriation (#2011013) totaling \$105,100.00 for various Commission on Children and Families grants;
- Two (2) appropriations (#2011014 and #2010018) totaling \$97,685.00 for various education programs;
- One (1) appropriation (#2011015) totaling \$66,802.00 for various Police Department Grants;
- One (1) appropriation (#2011016) totaling \$250,000.00 for a supplemental Virginia Department of Transportation TEA grant received for the Crozet Streetscape Phase 2 project;
- One (1) appropriation (#2011017) totaling \$383,523.11 to reappropriate the Federal Energy Grant;
- One (1) appropriation (#2011019) totaling \$74,947.00 for a DCJS grant to OAR/JACC; and
- One (1) appropriation (#2011020) totaling \$91,186 for the one-time donation to WARS for the re-chassis of an ambulance; and
- One (1) appropriation (#2011021) totaling \$405,000 for the replacement purchase of the totaled East Rivanna Volunteer Fire Department Tanker 26.

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$1,612,242.59 and the approval of Appropriations 2011010, 2011011, 2011012, 2011013, 2011014, 2011015, 2011016, 2011017, 2011018, 2011019, 2011020, and 2011021.

\* \* \* \*

<u>Appropriation #2011010</u>				<u>\$ 132,499.48</u>
Revenue Source:	Federal Revenue:	\$	87,940.05	
	Crozet Crossings Fund:	\$	44,559.43	

This request reappropriates the funds needed for the Crozet Meadows Rehabilitation project that was uncompleted as of June 30, 2010.

<u>Appropriation #2011011</u>				<u>\$5,500.00</u>
Revenue Source:	Local Revenue:	\$	5,500.00	

The Sheriff's Office sold Automatic External Defibrillators (AED's) to Dixie Medical, Inc. for \$5,550.00. These funds will be used to off-set the cost of vests for the Sheriff's Reserve members.

<u>Appropriation #2011012</u>				<u>\$5,613.18</u>
Revenue Source:	Local Revenue:	\$	5,613.18	

Albemarle County partnered with several other organizations to have a land cover map developed by a private consultant; the Thomas Jefferson Soil and Water Conservation District acted as the fiscal agent for the group. In 2008, the County paid to the District its estimated share of the project cost. The final project cost was less than estimated, and the County is being refunded the remaining project fund balance of \$5,613.18 from the District.

<u>Appropriation #2011013</u>				<u>\$105,100.00</u>
Revenue Source:	Federal Revenue:	\$	96,250.00	
	Local Revenue:	\$	8,850.00	

This appropriation consists of three grants:

- Grant # 11-E5194JJ09: The Department of Criminal Justice Services awarded the Commission on Children and Families a grant in the amount of \$25,000. This grant will provide training and the continued services of the Family Functional Therapy program. This will include staff training, manuals, and treatment services for the participants. There is no local match.
- Grant # 11-A2141AD08: The Department of Criminal Justice Services awarded a grant to the Commission on Children and Families in partnership with the Albemarle County Department of Social Services, Piedmont Family YMCA, Albemarle County Public Schools and the Broadus Memorial Baptist Church to open and operate an after-school program for students at Stony Point Elementary. The grant includes \$71,250 in Federal Funds and \$3,750 in Matching Funds from the YMCA for a total award of \$75,000. There is no local match.
- The 2010 Summer Fund Grant from the Bama Works Fund of the Charlottesville Area Community Foundation in the amount of \$5,100.00 was awarded to Children Youth and Family Services to provide scholarships for children from low-income families in Albemarle County to participate in enrichment activities such as summer camps, fine arts programs and organized sports. There is no local match.

<u>Appropriation #2011014</u>				<u>\$785.00</u>
Revenue Source:	Donations/Fund Balance:	\$	785.00	

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. These donations were received during FY 09/10 and are requested to be re-appropriated into FY 10/11. The following donations totaling \$785.00 were made to specific options:

- \$100.00 for Sutherland Middle School
- \$585.00 for School Division Instructional Support
- \$100.00 for Western Albemarle High School

<u>Appropriation #2011015</u>				<u>\$66,802.00</u>
Revenue Source:	Federal Revenue:	\$	\$63,462.00	
	Fund Balance:	\$	\$ 3,340.00	

Grant # 11-A2149AD08: The Department of Criminal Justice awarded the Albemarle County Police Department a grant in the amount of \$63,462 with a local match of \$3,340 for a total grant award of \$66,802. This grant is to upgrade forensic techniques and related technology for improved crime scene investigation, evidence collection, and criminal case development. Specific items to be covered by this grant include: fingerprint discover and collection capabilities, evidence collection cameras, and an evidence management system.

<u>Appropriation #2011016</u>				<u>\$250,000.00</u>
Revenue Source:	Federal Revenue:	\$	250,000.00	

The Virginia Department of Transportation (VDOT) awarded supplemental TEA Grant funding (\$250,000) to the County of Albemarle for the Crozet Streetscape Project Phase 2, specifically for the construction of Crozet Avenue Streetscape Improvements. Upon VDOT's approval, the Office of Facilities Development plans to advertise the Crozet Avenue related work this fall. A 20% match is required (\$50,000), which is identified in the current Crozet Streetscape Phase 2 project budget.

<u>Appropriation #2011017</u>			<u>\$383,523.11</u>
Revenue Source:	Federal Revenue:	\$	383,523.11

The County is a formula recipient of \$406,000.00 from the Department of Energy's (DOE) Energy Efficiency and Conservation Block Grant (EECBG) program. The purpose of the EECBG program is to support the investment of resources into energy efficiency, renewable energy and climate protection. The DOE has approved the County's EECBG Strategy that the Albemarle County Grants Committee finalized in fall 2009. The County's EECBG Strategy is aligned with the County's Environmental Management Policy, Energy Management Policy and Comprehensive and Strategic Plans. The grant will help the County to realize its goals of 1) reducing energy usage in County facilities by 30% by 2012, and 2) reducing greenhouse gas emissions Countywide by 80% by 2050.

There was \$383,523.11 remaining in this grant at the end of FY 09/10 that needs to be carried forward into FY 10/11.

<u>Appropriation #2011018</u>			<u>\$96,900.00</u>
Revenue Source:	School Fund Balance:	\$	96,900.00

Albemarle County Public Schools is committed to maximizing student achievement and fostering collaboration among professional learning communities and stakeholders. Through web-enabled applications, collaboration environments, user profiles, and Intranet and Extranet functionality, the Division will leverage current efforts by utilizing supported web technologies and structures. A platform supporting current and emerging technologies will allow for deep implementation of division initiatives as well as provide for the future enhancement of systems and services. The \$91,900.00 received from Utopian will be used to acquire specialized contracted services needed to migrate the current ACPS Intranet to a new, functionally enhanced platform that will also serve as the foundation for future development. This foundation will serve as an optimized environment that will allow for increased collaboration and communication. Future development will involve deployment of a security gateway, single sign-on platform, collaboration environments, social networking and user profiles.

Broadus Wood Elementary School received a donation in the amount of \$5,000.00 from the Mandell Family in March of 2010. The donation was deposited during FY 09/10. The donor has requested that the contribution be used to help supplement classroom instructional supplies at Broadus Wood Elementary School in the FY 10/11 school year. This is to reappropriate the donation to FY 10/11.

<u>Appropriation #2011019</u>			<u>\$74,947.00</u>
Revenue Source:	Federal Revenue:	\$	71,200.00
	Local Revenue	\$	3,747.00

The Department of Criminal Justice Services awarded the OAR/JACC a grant in the amount of \$71,200.00 with a local match of \$3,747.00 for a total award of \$74,947.00. This grant will assist in creating a statewide data evaluation tool to support the Crisis Intervention Team (CIT) program. The CIT program provides training and education to police officers to improve their interactions with citizens having a mental illness, including understanding signs and symptoms of mental illness. Albemarle County will serve as the fiscal agent for this grant. Local match monies will be provided by the Community Criminal Justice Board (CCJB).

<u>Appropriation #2011020</u>			<u>\$91,186.00</u>
Revenue Source:	Capital Fund Balance:	\$	91,186.00

This appropriates the County's one-time cash donation to Western Albemarle Rescue Squad (WARS) in the amount of \$91,186 as approved by the Board of Supervisors on July 7, 2010 to re-chassis an existing ambulance unit, remove and replace radio systems, and recondition a monitor/defibrillator. The rehabilitated ambulance must be co-titled prior to the release of the cash donation.

<u>Appropriation #2011021</u>			<u>\$405,000.00</u>
Revenue Source:	Local Revenue:	\$	319,000.00
	Loan Proceeds:	\$	86,000.00

As approved by the Board July 7, 2010, this appropriation is to fund the immediate replacement of the East Rivanna Volunteer Fire Department Tanker 26, which was totaled in an accident earlier this year. As agreed upon, the purchase will be made using insurance proceeds and borrowed funds, and planned funding for this replacement vehicle in the out-years of the CIP is eliminated.

**By the above-recorded vote, the Board approved the budget amendment in the amount of \$1,612,242.59 and approved Appropriations #2011010, #2011011, #2011012, #2011013, #2011014, #2011015, #2011016, #2011017, #2011018, #2011019, #2011020, and #2011021.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2011010  
 DATE 8/4/2010  
 BATCH# \_\_\_\_\_

**EXPLANATION: Reappropriate uncompleted Crozet Meadows Rehabilitation project**

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	1223	81030	300205	Administrative Services	J 1	46,978.85		
1	1223	81030	950164	Crzt Meadows Housing Rehab	J 1	57,446.63		
1	1223	81030	312366	Project Management Fee	J 1	28,074.00		

2	1223	33000	330009	Federal Rev-CDBG	J	2	87,940.06			
2	1223	51000	510310	Trs - Crozet Crossings Trst	J	2	44,559.43			
	1223		0501	Est. Revenue				132,499.49		
			0701	Appropriation					132,499.48	
1	8515	93010	930216	Trns - Crozet Meadows	J	1	44,559.43			
2	8515	51000	510100	App - Fund Balance	J	2	44,559.43			
			0501	Est. Revenue				44,559.43		
			0701	Appropriation					44,559.43	
<b>TOTAL</b>								354,117.83	177,058.92	177,058.91

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2011011  
 DATE 8/4/2010  
 BATCH#**

**EXPLANATION: Sheriff's Office sold Automatic External Defibrillators (AED's); funds will be used to assist in off-setting the cost of vests for the Sheriff's Reserve members.**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER			
					CODE	AMOUNT	DEBIT	CREDIT		
2	1000	15000	150207	Sale of Salvage/Surplus	J	2	5,500.00			
1	1000	21070	301230	Reserve Program	J	1	5,500.00			
	1223		0501	Est. Revenue				5,500.00		
			0701	Appropriation					5,500.00	
<b>TOTAL</b>								11,000.00	5,500.00	5,500.00

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2011012  
 DATE 8/4/2010  
 BATCH#**

**EXPLANATION: Reimbursement from Thomas Jefferson Soil and Water Conservation District for land cover map developed project that has been completed under budget**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER			
					CODE	AMOUNT	DEBIT	CREDIT		
2	1000	19000	190318	Recov Costs: TJSWCD	J	2	5,613.18			
2	1000	51000	510100	Appropriation F/B	J	2	(5,613.18)			
<b>TOTAL</b>								0.00	0.00	0.00

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2011013  
 DATE 8/4/2010  
 BATCH#**

**EXPLANATION: Commission on Children & Family Grant: From DCJS for Family Functional Therapy Program**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER			
					CODE	AMOUNT	DEBIT	CREDIT		
2	1580	33000	330001	Revenue - Federal	J	2	25,000.00			
1	1580	53157	312105	Consulting	J	1	25,000.00			
	1580		0501	Est. Revenue				25,000.00		
			0701	Appropriation					25,000.00	
2	1585	33000	330037	Revenue - Department of Criminal Justice	J	2	\$71,250.00			
2	1585	18110	181325	Revenue - Piedmont YMCA	J	2	\$3,750.00			
1	1585	53162	310000	Professional Services	J	1	\$120.00			
1	1585	53162	312210	Contract Services	J	1	\$50,432.00			
1	1585	53162	520300	Telecommunications	J	1	\$375.00			
1	1585	53162	550000	Travel	J	1	\$300.00			
1	1585	53162	550100	Travel/Training/Education	J	1	\$600.00			
1	1585	53162	580000	Miscellaneous Expenses	J	1	\$9,246.00			
1	1585	53162	580100	Dues & Memberships	J	1	\$380.00			
1	1585	53162	600100	Office Supplies	J	1	\$535.00			
1	1585	53162	600260	Food/Meals for Meetings	J	1	\$6,000.00			
1	1585	53162	601200	Books & Subscriptions	J	1	\$2,906.00			
1	1585	53162	601300	Education & Recreation Supplies	J	1	\$4,106.00			
	1580		0501	Est. Revenue				75,000.00		
			0701	Appropriation					75,000.00	
2	4400	54104	580000	Revenue - Charlottesville Area Community Foundation	J	2	\$5,100.00			
1	4400	54101	580000	to CYFS to administer 2010 Summer FUND	J	1	\$5,100.00			
	4400		0501	Est. Revenue				5,100.00		
			0701	Appropriation					5,100.00	
<b>TOTAL</b>								210,200.00	105,100.00	105,100.00

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011014  
**DATE** 8/4/2010  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** School Board Meeting: June 24, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	51000	510100	Fund Balance	J	2	785.00		
1	2111	62422	601300	Ed/Rec Supplies	J	1	585.00		
1	2255	61101	601300	Ed/Rec Supplies	J	1	100.00		
1	2302	61101	601300	Ed/Rec Supplies	J	1	100.00		
	2000		0501	Est. Revenue				785.00	
			0701	Appropriation					785.00
<b>TOTAL</b>							<b>1,570.00</b>	<b>785.00</b>	<b>785.00</b>

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011015  
**DATE** 8/4/2010  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Department of Criminal Justice has awarded the Albemarle County Police Department to upgrade forensic techniques and related technology for improved crime scene investigation, evidence collection, and criminal case development

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1584	33000	330412	Fed Rev: DCJS - Byrne/Jag	J	2	63,462.00		
2	1584	51000	512004	Trs. From General Fund	J	2	3,340.00		
1	1584	31013	800100	Machinery & Equipment	J	1	66,802.00		
	2000		0501	Est. Revenue				66,802.00	
			0701	Appropriation					66,802.00
<b>TOTAL</b>							<b>133,604.00</b>	<b>66,802.00</b>	<b>66,802.00</b>

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011016  
**DATE** 8/4/2010  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Virginia Department of Transportation awarded supplemental TEA Grant funding to the County of Albemarle for the Crozet Streetscape Phase II project (Crozet Ave)

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	33000	330062	TEA Grant	J	2	250,000.00		
1	9010	41023	800605	Crozet St PII-Construction	J	1	250,000.00		
	9010		0501	Est. Revenue				250,000.00	
			0701	Appropriation					250,000.00
<b>TOTAL</b>							<b>500,000.00</b>	<b>250,000.00</b>	<b>250,000.00</b>

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2011017  
**DATE** 8/4/2010  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Reappropriate Energy Block Grant - SC03241

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1583	33000	330103	Federal Energy Grant	J	2	383,523.11		
1	1583	43007	190000	Staff Position	J	1	91,936.51		
1	1583	43007	300205	Administrative Services	J	1	12,550.00		
1	1583	43007	510140	Energy Efficiency Program	J	1	204,036.60		
1	1583	43007	560421	Contribution - LEAP	J	1	60,000.00		
1	1583	43007	800503	Electric Car Conversion	J	1	15,000.00		
	9010		0501	Est. Revenue				383,523.11	
			0701	Appropriation					383,523.11
<b>TOTAL</b>							<b>767,046.22</b>	<b>383,523.11</b>	<b>383,523.11</b>

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2011018  
 DATE 8/4/2010  
 BATCH#**

**EXPLANATION: School Board Meeting: July 8, 2010**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	51000	510100	Approp - Fund Balance	J	2	96,900.00		
1	2115	62420	300201	Legal Services	J	1	91,900.00		
1	2201	61101	601300	Ed/Rec Supplies	J	1	5,000.00		
	2000		0501	Est. Revenue				96,900.00	
			0701	Appropriation					96,900.00
<b>TOTAL</b>							193,800.00	96,900.00	96,900.00

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2011019  
 DATE 8/4/2010  
 BATCH#**

**EXPLANATION: DCJS grant for OAR/JACC**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1519	33000	330400	Federal Revenue (DCJS)	J	2	71,200.00		
2	1519	18110	181310	Community Criminal Justice Bd	J	2	3,747.00		
1	1519	29412	566122	Community Criminal Justice Bd	J	1	74,947.00		
	1519		0501	EST. REVENUE				74,947.00	
			0701	APPROPRIATION					74,947.00
<b>TOTAL</b>							149,894.00	74,947.00	74,947.00

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2011020  
 DATE 08/24/2010  
 BATCH#**

**EXPLANATION: County's donation to Western Albemarle Rescue Squad as approved by the Board of Supervisors July 7, 2010 for the re-chassis of an existing ambulance unit, remove and replace radio systems and recondition a monitor/defibrillator**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	51000	510100	Appropriation - Fund Balance	J	2	91,186.00		
1	9010	32030	801500	Amb/RescuServ- Contribution	J	1	91,186.00		
	1519		0501	EST. REVENUE				91,186.00	
			0701	APPROPRIATION					91,186.00
<b>TOTAL</b>							182,372.00	91,186.00	91,186.00

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**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP # 2011021  
 DATE 7/7/2010  
 BATCH#**

**EXPLANATION: Purchase replacement for the totaled East Rivanna Volunteer Fire Dept. Tanker 26 per Board approval 7/7/10**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9010	41000	410500	Loan Proceeds	J	2	86,000.00		
2	9010			Insurance Proceeds	J	2	319,000.00		
1	9010	32020		E Riv Tanker 26	J	1	405,000.00		
	9001		0501	Est. Revenue				405,000.00	
			0701	Appropriation					405,000.00
<b>TOTAL</b>							810,000.00	405,000.00	405,000.00

Item No. 7.4. Resolution of the County of Albemarle, Virginia, Seeking Action By the General Assembly and Governor to Prohibit all Predatory, Usurious Lending Practices in the Commonwealth of Virginia.

The following letter dated June 8, 2010 was received from Bruce A. Elder, Councilman, City of Staunton:

In 2007, Staunton City Council passed a resolution requesting that the Governor and the General Assembly put an end to payday lending in the Commonwealth of Virginia. We were joined in this effort by sixty localities across the state and numerous consumer groups, advocacy groups and churches.

The request was a simple one. We asked that protection against predatory lending granted by the Federal government to military personnel and their families be extended to every citizen in the Commonwealth.

The matter was discussed in the 2008 General Assembly and the result was a patchwork of compromises that were hailed as reform. The attached chart shows the actual interest rates that resulted from that reform. We respectfully disagree that this regulation was significant in protecting our consumers.

Eighteen states have now banned this type of lending outright, including all of our bordering states and the District of Columbia.

On May 27, 2010, the City of Staunton renewed its commitment to put an end to usury in the Commonwealth by passing the enclosed resolution. We ask again that you join us in this effort and also encourage you to meet with your legislators and discuss with them the impact that this type of lending has on your community and your citizens.

(Discussion: Mr. Boyd said that in the proposed resolution, in the third "Whereas" the third line needs to say "...and the will of the Albemarle citizens..." instead of referring to Staunton.

**By the above-recorded vote, the Board adopted the following Resolution seeking action by the General Assembly and Governor to prohibit all predatory, usurious lending practices in the Commonwealth of Virginia:**

**RESOLUTION  
OF THE COUNTY OF ALBEMARLE, VIRGINIA  
SEEKING ACTION BY THE GENERAL ASSEMBLY AND GOVERNOR  
TO PROHIBIT ALL PREDATORY, USURIOUS LENDING PRACTICES  
IN THE COMMONWEALTH OF VIRGINIA**

**WHEREAS**, the Board of Supervisors of the County of Albemarle, Virginia, represents the citizens of the County of Albemarle, Virginia;

**WHEREAS**, the Board of Supervisors of the County of Albemarle, Virginia, believes the citizens of the County of Albemarle remain concerned over what are perceived to be predatory, usurious lending practices in the County of Albemarle and elsewhere in the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services;

**WHEREAS**, the Board of Supervisors of the County of Albemarle of Charlottesville, Virginia, shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of the County of Albemarle citizens that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices; and

**WHEREAS**, it is essential that the General Assembly and the Governor of Virginia address this matter as a high priority at the next legislative session, leading to enactment of laws strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that, at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would:

1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and

3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

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Item No. 7.5. Resolution of the County of Albemarle Relating to the Support of the Virginia Sesquicentennial of the American Civil War Commission.

**By the above-recorded vote, the Board adopted the following Resolution relating to the Support of the Virginia Sesquicentennial of the American Civil War Commission:**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF ALBEMARLE RELATING TO THE SUPPORT OF THE VIRGINIA  
SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION**

**RECITALS:**

A. The Board of Supervisors of the County of Albemarle ("the County") is dedicated to the furtherance of economic development and tourism in Albemarle County;

B. The Virginia Sesquicentennial of the American Civil War Commission ("the Commission") was created in 2006 by the General Assembly for the purpose of preparing for and commemorating the 150<sup>th</sup> anniversary of Virginia's participation in the American Civil War;

C. The Commission has requested that each locality form a sesquicentennial committee to aid in planning for the commemoration period.

**WHEREAS**, Albemarle County will join other localities in Virginia to form a local sesquicentennial committee; and

**WHEREAS**, the sesquicentennial committee will plan and coordinate programs occurring within the locality and communicate regularly with the State Commission; and

**WHEREAS**, the Board of Supervisors wishes to undertake this endeavor with the Commission to promote and commemorate this important historic milestone.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, THAT:**

1. The Board of Supervisors hereby desires to support the Virginia Sesquicentennial of the American Civil War Commission and their efforts to commemorate the 150<sup>th</sup> anniversary of Virginia's participation in the American Civil War; and
2. Albemarle County will designate Steven Meeks, President of the Albemarle Charlottesville Historical Society, and Kurt Burkhart, Executive Director of the Charlottesville Albemarle Convention and Visitors Bureau, as joint-chairmen of a local sesquicentennial committee to work jointly and cooperatively to aid in the planning for the commemoration period.

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Item No. 7.6. Board of Supervisors' June 30, 2010 Strategic Plan Strategy Session Report.

The Executive Summary states that the Board of Supervisors has formally engaged in the County's strategic planning efforts since 2001. The County's FY07– FY10 Strategic Plan, in which the Board directed staff to focus on enhancing the County's quality of life, protecting its natural resources, managing growth, developing infrastructure, and creating a long-range, comprehensive funding strategy formally ended on June 30, 2010. The on-going work towards these County's goals and objectives will not end, however, and will be incorporated into the County's regular operations. For example, staff efforts regarding the transportation, master planning, and public safety objectives for which the completion time periods were previously extended past June 30, 2010 will continue as part of the County's regular on-going services and programs.

The County made adjustments to its strategic planning processes and time schedule to be more agile and to best position the County to address the unique and more immediate challenges it faces during these difficult economic times. Instead of holding its strategic planning session in the fall as it had in the previous eight years, the Board held a strategic planning session earlier in the year, on June 30, to initiate the development of a more succinct two-year strategic action plan that would focus staff and Board's efforts on the County's most immediate and critical needs. The Board also made adjustments to its upcoming budgeting processes.

At its June 30<sup>th</sup> strategy session, the Board discussed staff and Board relations and initiated the development of a 2-Year Strategic Action Plan to position the County to be most effective in the new and evolving economy. The Board also came to an agreement on changes to the upcoming budget process. Attachment A includes the Strategy Session notes and outcomes. Attachment B is the resulting Strategic Action Plan Goals for FY 10/11 to FY 11/12 developed from the Board's priority list. Staff members will be assigned to each goal and action plans will be developed and implemented. The Economic Vitality Goal's

Action Plan, which will be incorporated into this Strategic Plan, is scheduled as a separate Board action item on August 4. Efforts to move the Strategic Action Plan's other goals will begin immediately. In addition, Attachment C displays the budget schedule approved by the Board at its Strategic Plan Strategy Session.

To maximize staff resources and to time the development of the County's FY 12/13 – FY 16/17 Strategic Plan to take into account the results of the 2010 census, the County will begin the development of the more comprehensive plan during FY 11/12 in coordination with Community Development Department staff as they embark on the update to the County's Comprehensive Plan. In this way, staff efforts to obtain citizen input and to analyze data and emerging trends will be efficiently coordinated to inform both of these important County planning efforts.

Staff recommends the Board approves the 5 Strategic Goals.

**(Discussion:** Mr. Boyd said that the Board had talked about a zero-based budget process, and he did not see anything in here as to when staff would come back with that information.

Mr. Tucker responded that staff would start that process with the Board again in October, but would also be doing it during the budget process. He said that what was discussed was pursuing that process with Board members on an individual basis.

Mr. Rooker said that his understanding was that one or two departments would be selected to go through the process, and if the result is found to be acceptable the process would be rolled into other departments in the future.

Mr. Boyd said he also thought that was going to be the process.

Mr. Tucker said staff was also planning to work one-on-one with some Board members who felt they needed more of that to go through some of the budgets.

Mr. Boyd asked about another approach that Mr. Tucker had mentioned.

Mr. Tucker explained that it is a program service review that would be done with the zero-based approach as well. Staff will be taking a large department and smaller department and going through that process.

Mr. Boyd commented Goal 4 states "By June 30, 2012, the County will explore options and identify the most desirable library system structure for the future." His understanding was that they wanted to move forward with it earlier than 2012.

Mr. Tucker responded that there is an issue with the timing of staff trying to do all of these other things, and one other problem is that the Library Agreement requires that it cannot be implemented until the Board gives some notice, after 12 months, so that would mean 2012 before it were effective. It is going to take quite a bit of staff work to bring information back to the Board before moving forward. The Board had asked staff to bring information back to it and then meet with the Library Board.

Mr. Davis said that the requirement under State law is that there is a two-year notice that must be given before a locality can withdraw from a joint library agreement. Under the agreement unless there is unanimous consent by all participants the County has no ability to withdraw without providing the two-year notice.

Mr. Boyd stated that in his mind, that means the information needs to come forward even sooner.

Mr. Rooker said the Board could give notice of intent to withdraw, and then later decide not to go forward with the withdrawal.

Mr. Davis responded that you can, but it sets into motion some significant tasks such as creating a committee to divide the library property and other contingency plans that would have to be provided by other localities that are part of the agreement. He does not think that notice should be given lightly, but it could be given in advance of a final resolution.

Mr. Rooker commented that he is not predisposed to any particular action with respect to the library, but this Board has expressed a desire to explore the existing relationship and start a dialogue with the other participants in the agreement. He asked how that could be done without giving the notice which then kicks in this process.

Mr. Dorrier said that he thinks the Board needs to focus on concerns with the present situation. To suggestion passing a motion to dissolve the agreement is a bit premature.

Mr. Rooker clarified that he is not suggesting passing a motion, but trying to establish a roadmap for getting to a place where the dialog can occur, along with the information necessary to make a decision.

Mr. Snow said he thinks that is a good point.

Ms. Mallek suggested that the Board meet with the Library Board, and then the staff can follow up with other questions and go from there. She is also opposed to passing any kind of resolution at this time and possibly acting too hastily.

Mr. Bryan Elliott, Assistant County Executive, said that since the Board's strategic planning session, staff has been putting together a plan to look at the elements and scope of the study and to establish a timeframe to accommodate it in their work plan. He said that the information would be shared with the Board over the next several months as they begin the five-year planning process. Staff's intent was to develop a broad scope of work that would identify issues that would have to be addressed, including current practices, the preponderance of uses for local governments related to library systems, legality of arrangements, etc. This information would allow the Board to be better informed when it meets with the Library Board. The intent of today's report was to provide a broad framework and get the Board's concurrence on its actions in June.

Regarding other strategic planning initiatives, Ms. Mallek said that she doesn't recall any discussion about the one-stop workforce center, and if the Board wants information they should attend the meetings and events that they have there. She does not think it is really necessary for staff to do any work on that.)

**By the above-recorded vote, the Board approved the five Strategic Goals as set out below:**

**Albemarle County's Strategic Action Plan Goals  
FY 10/11- FY 11/12  
Redefining County Government for the new Economic Reality**

- Goal 1:** By June 30, 2012, the County will explore options and identify ways to address unfunded current and future capital needs.
- Goal 2:** By June 30, 2012, communication and budget information sharing will be increased between the General Government and School Division.
- Goal 3:** By June 30, 2012, the County and its partners will complete the first two year's activities identified in the County's Economic Vitality Action Plan.
- Goal 4:** By June 30, 2012, the County will explore options and identify the most desirable library system structure for the future.
- Goal 5:** By December, 2010, the Board of Supervisors will provide direction on a preferred solid waste disposal option for the County.

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Item No. 7.7. FY 2010 Fourth Quarter Cash and Non-Cash Proffer Report, ***was received for information.***

The Executive Summary states that beginning in 2007, the Board directed staff to provide a quarterly update on the status of cash proffers. Since that time, staff has continued to improve and expand these reports. The most recent reporting changes include the addition of designated non-cash proffer improvements that both benefit the County and mitigate the impacts of development. This report addresses both cash and non-cash proffers from April through June of 2010. During the next fiscal year, the Board can expect to see additions to the Proffer Summary (Attachment A), to include past funds expended and notes for future fund allocations.

**Cash Proffers April – June 2010 (4<sup>th</sup> Quarter)**

- A. Proffered:** No rezoning were approved in this quarter with cash proffers.
- B. Total Obligated Cash Proffers:** Since no new re-zonings containing cash proffers were approved during the 4<sup>th</sup> quarter, the total obligated cash proffers remains the same; at \$38,851,330.
- C. Revenue:** The County received a total of \$33,950 in cash proffers during this quarter. The contributions are from Belvedere (\$6,000 for affordable housing), Hollymead Town Center Area C (\$9,524 for Capital Improvement Projects), Old Trail (\$12,000, of which \$6,000 is for schools and \$6,000 is for parks), Wickham Pond (\$3,226 for Capital Improvement Projects serving Crozet) and Liberty Hall (\$3,200 for Capital Improvement Projects serving Crozet).
- D. Total Interest Earnings:** The interest earned during this quarter from collected cash proffers is \$203 for a total of \$316,780.
- E. Expenditures:** Cash proffer funds were appropriated from Liberty Hall (\$16,098), Westhall (\$64,625), and Wickham Pond (\$73,765) to the Crozet Streetscapes Phase II construction projects. Additionally, funds received from Hollymead Town Center A1 (\$28,507) were appropriated to the Route 29 Corridor Study, and interest remaining from Stillfried Lane (\$55) and Avon Park (\$42.5) were appropriated to the Ivy and Avon Sidewalk projects respectively.
- F. Current Available Funds:** As of July 19, 2010, the available cash proffer fund balance is \$1,126,967. Some of these funds were proffered for specific projects while others may be used for general projects within the CIP (see Attachment A).

**Non-Cash Proffers**

- A. Proffered:** ZMA 2009-04 National College Relocation was the only rezoning approved during this quarter. The proffer is limited to a statement that the property be developed in general accord with the rezoning plan.
- B. Roads and Other Transportation Improvements:** ZMA1999-16 Glenmore Associates Limited Partnership Re-subdivision proffered to install a traffic signal at the intersection of Route 250 East and the entrance to the Glenmore Subdivision at the developer's expense once VDOT warrants were met, and the County collected and held \$150,000 in escrow to ensure funding would be available. The traffic signal was installed in June, and the County disbursed the \$150,000 in escrow funds accordingly.

Cash proffers are a valuable source of revenue that help fund important County projects that would otherwise be funded by general tax revenue. Non-cash proffers provide improvements that might otherwise be funded by general tax revenue. One dedicated full-time staff person continues to monitor and collect proffered funds, improvements and land dedications with the assistance of other County staff and outside agencies.

This summary is provided for information on proffer activity and no action is required. Staff welcomes any comments on improvements from the Board that they may wish to see in the future.

**(Discussion:** Mr. Boyd asked that staff separate out the amounts for the cash proffers from the non-cash proffers.)

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Item No. 7.8. Update of the County's Land Use Revalidation Program, ***was received for information.***

The Executive Summary states that the Board of Supervisors adopted an Ordinance on October 1, 2008, requiring the revalidation of land use assessment applications on a two-year cycle beginning January 2009. Revalidation applications and information were mailed to each of the 4,927 properties in land use assessment in the spring of 2009 with a filing deadline of September 1, 2009 and a late filing deadline of December 5, 2009. Three community meetings were conducted to assist property owners and answer questions about the new revalidation process. In addition, the Assessor's Office offered extended hours to serve the public. Approximately 98% of the applications were returned by the December 5, 2009 deadline.

To date, 177 parcels have been removed from the Land Use program due to failure to revalidate their application and reviews for non-qualifying uses, resulting in the collection of \$955,000 in Roll-Back taxes. These same parcels were assessed at fair market value for the 2010 assessment year resulting in an increase in taxable value of \$46,254,500 and real estate revenue of \$343,208. The total acreage in Land Use assessment decreased by 7,203 acres.

The Real Estate Division is currently in the field review process to insure that the parcels revalidating for Land Use meet qualifying standards. A frozen position in the Division was reclassified and filled with the primary responsibility to conduct field reviews. The goal is to review the remaining 4,800 parcels over the next two years. Field reviews began in June 2010. Preliminary findings indicate approximately 33% of the reviews need additional follow up to verify a qualifying use. Each property owner will be given ample opportunity to provide documentation of a qualifying use before the property is removed from the Land Use assessment program and the owner is billed for Roll-Back taxes.

This Executive Summary is provided for informational purposes only. No action is requested.

**(Discussion:** Mr. Boyd congratulated staff and the Auditor for all their work.

Mr. Robert Walters, Division Manager of Business Taxation, thanked Mr. Boyd for his comments, and introduced Mr. Tim Conway, the Auditor.)

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Item No. 7.9. EMS Cost Recovery Program Update, ***was received for information.***

The Executive Summary states that on September 9, 2009, the Board adopted an ordinance authorizing the County to charge fees for emergency medical service (EMS) vehicle transports provided by the Department of Fire and Rescue and any volunteer rescue squad that applied for and was issued a permit to charge fees. Fees were not to be charged until after policies and procedures were established, the Board adopted a resolution establishing the amount of the fees and a comprehensive information plan was initiated. The Board directed staff to establish a billing system to be operable by February 1, 2010.

Soon after the Board's September 9, 2009 meeting, the County procured the services of Diversified Ambulance Billing (DAB) to act as the billing agent for the County and Scottsville Volunteer Rescue Squad (SVRS), the only volunteer rescue squad that applied for and was issued a permit to charge fees. The Board adopted a Resolution to establish fees for EMS transports on December 2, 2009. Staff and members of SVRS worked together to develop and implement an extensive public information plan to inform the public about the EMS Cost Recovery program. Staff and members of SVRS presented information at several community meetings throughout the County and delivered public service announcements through various media outlets. Staff and members of SVRS worked with DAB to establish billing protocols, including a policy that addresses financial hardship cases. Volunteer and career EMS providers involved in the billing process attended mandatory training on the Health Insurance

Portability and Accountability Act of 1996 (HIPAA) and were briefed on the billing policies and procedures. On February 1, 2010 ambulances stationed at Monticello, Hollymead, and SVRS began billing for EMS transports.

At the Board's request, staff is providing an update on the EMS Cost Recovery program for FY10. Staff's report will address citizen feedback, administrative workload for SVRS and staff, FY10 revenue, and FY11 revenue projections.

#### **Customer Service and Citizen Inquires**

During the development of the EMS Cost Recovery program, great attention was paid to providing excellent customer service both during the transport and in the billing process. During the period of February 1, 2010 - June 30, 2010, Fire and Rescue and SRVS received and addressed four direct citizen inquiries, which were resolved by either providing information or putting the person in contact with DAB. In addition, Fire and Rescue's Privacy Officer reported that there were two requests for copies of patient care reports.

#### **Administrative workload**

SRVS reports that the EMS Cost Recovery process is operating smoothly from its perspective and requires a small amount of additional time to administer. Volunteer EMS providers report that they spend about five additional minutes at the hospital per transport to gather insurance information and a minimal amount of time on a weekly basis to verify information on the patient care report.

Fire and Rescue staff are spending approximately four to five hours per week administering the billing process, including collecting the patient care reports from the stations, separating out those that are not billable, because they were transported in a CARS ambulance, scanning the call reports for transmitting to DAB and uploading the information to the secure DAB site.

There were a total of 753 EMS transports for the period of February 1 – June 30, 2010. Approximately 20 percent of the billed transports are handled by SVRS.

Revenue and expenses for the period February 1, 2010 – June 30, 2010 are as follows:

Revenue	\$80,307
Expenses	
DAB fee (6.5% of deposits)	\$2,837
Advertising, printing, training, translation, Pharmaceutical drug box replacements, etc...	\$5,743
Total Expenses	\$8,580
Net Income	\$71,727

Additional transactions remain in FY10 accounts receivable. Once all FY10 transactions are posted, it is expected that the FY10 actual net income will exceed the FY10 budgeted net income estimated of \$75,000.

#### **FY11 Projections**

Based on the FY2010 activities, staff estimates that the FY2011 net revenue will be approximately \$430,000. Staff is developing a plan to transition to an electronic patient care reporting process. This process may reduce DAB's 6.5% fee, which would increase the County's share of the revenue. However, the project is in the preliminary phase and must be further vetted before final cost/benefit figures are determined.

This update is presented for the Board's information only; no action is required.

**(Discussion:** Mr. Boyd congratulated staff for a job well done. He said that there was so much concern regarding the EMS recovery program, and it seems to have gone very smoothly thus far.

Chief Dan Eggleston addressed the Board, stating that they have far exceeded their revenue estimates for this fiscal year, and they are now looking into transitioning into electronic reporting which will hopefully reduce the fee they pay to their billing agent.

Chief Jim MacDonald said that Scottsville is a unique squad in that it serves four counties, Buckingham, Fluvanna, Albemarle, and Nelson, and bills in all four counties. Mr. MacDonald said that he presented to the Fluvanna Board, and they had no objection to billing there. He stated that there are about 10-14 volunteer calls per week, with normal mileage averaging about 20 miles from Scottsville to one of the hospitals. Mr. MacDonald stated that Fluvanna would likely drop their \$8,000-\$9,000 annual allocation to Scottsville because of the revenue recovery. In fact, they have cut substantially from their support of Lake Monticello and some of the other squads in their own county. They do not know if there has been any decline in revenue from donations as they are in the middle of their fundraising. He noted that Scottsville gets no allocation from Buckingham or Nelson.

Mr. MacDonald said that the crews take only about five minutes in the hospital to get documentation. It takes him about an hour or hour and a half each week to compile that information. He mentioned that they are in the midst of moving toward an electronic system, and it has not been an easy transition but they are making progress.

Mr. MacDonald stated that Scottsville has had very few complaints, only one irate person, and it turned out just to be a misunderstanding. He complimented the Board for supporting the compassionate billing, with an emphasis on recovering from insurance companies and not from individuals.

Mr. Snow asked what percentage of bills comes back as compassionate.

Mr. MacDonald responded that he does not know for certain, as that information would come through Diversified, the billing system.

Mr. Eggleston noted that last fiscal year is being closed out, and some of that information should be available soon in a report for the Board.

Mr. MacDonald stated that public awareness that allocations are made to all the squads and the fact the recovery helps the County have been valuable tools in helping people understand the rationale. He said that as volunteers, they would like to be able to provide a service for nothing, but when trucks cost \$200,000 it is an expensive service that the County provides. The fact that the revenue recovery funds go back into the system to help improve EMS is an important component of the system. Mr. MacDonald added that the career staff assigned to the station using Scottsville's trucks is billing as well.

Mr. Boyd thanked Mr. MacDonald on behalf of the Board for being part of the process and part of making it work.

Mr. MacDonald responded that the squad wants to continue to serve everyone, but it is difficult to justify sending employees into other counties without a way to recover funds. He said that the Fluvanna Board of Supervisors was exceptionally gracious in accepting that as part of what needed to be done.

Mr. Snow asked if there had been any negative repercussions to the revenue recovery implementation.

Mr. MacDonald responded that there has been a lot of discussion, and each squad has unique needs and service areas, so the public perception has sometimes presented the case as Scottsville selling out. He stated that Western and CARS have a different set of parameters, and in Scottsville it was seen as a necessity to continue the kinds of service they wanted to provide. Mr. MacDonald indicated that some volunteers have been strongly opposed to the change, but they have come to understand that as a team the choice was made to go this route. He added that it costs approximately \$500,000 per year to run their station.

Mr. Thomas complimented Mr. MacDonald's work, and the work of ACFRAB.

Mr. MacDonald also recognized Chiefs Dayton Haugh and Kostas Alibertis for understanding and accepting of Scottsville's position on this.

Mr. Dorrier noted that Mr. MacDonald lives in Earlysville and commutes 40 miles each way to get to the Scottsville squad.)

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Item No. 7.10. 2010 Sales Tax Update, ***was received for information.***

The Executive Summary states that sales tax is a tax on the sale at retail or use of tangible personal property and certain taxable services. Virginia has 9 different sales and use taxes:

1. Aircraft Sales and Use Tax
2. Communications Sales and Use Taxes
3. Consumer's Use Tax
4. Digital Media Fee
5. Motor Vehicle Wholesale Fuel Sales Tax
6. Retail Sales Tax
7. Use Tax
8. Vending Machine Sales Tax, and
9. Watercraft Sales and Use Tax.

This report primarily focuses on Retail Sales Tax and Use Tax.

Sales tax is a tax imposed on gross receipts from retail sales of tangible personal property. Retail sales are defined as sales to a consumer or to any person for any purpose other than for resale. The tax also applies to the furnishing of transient accommodations and the lease or rental of tangible personal property as part of an established business. Use tax applies to tangible personal property used, consumed, or stored in Virginia but purchased outside the state that would have been subject to sales tax if purchased in the state. The use tax also applies to purchases, leases, or rentals made in Virginia if the sales tax was not paid at the time of purchase, lease, or rental.

Sales Tax revenues received by the County of Albemarle have varied significantly over the last several years relative to statewide and other locality specific data. This update explains several of the reasons for the fluctuations.

Fluctuations in state and local sales tax revenues derive from many issues; a few of which are:

I. Out of State Sales:

The collection of sales tax from out of state sales is particularly difficult. The inability to collect out-of-state tax impacts public policy by disadvantaging local businesses, undermining state and local governments by reducing tax revenue, and makes a regressive tax more regressive because only those with internet access, a credit card, and/or a home or workplace to accept daytime deliveries are able to take advantage of the tax exemption. Since 1999 there has been a moratorium on the imposition of Internet access taxes. Taken together with the prohibition on taxation of inter-state sales, absent 'nexus' in the taxing state on the part of the seller, the result has been a rapidly increasing loss of revenue for the states as Internet sales have grown. According to the U.S. Supreme Court in "Quill", nexus is a requirement of the Commerce Clause of the U.S. Constitution that a business must have outlets, sales, representatives, or significant property in a state before that state can tax the business. Congress, for its part, has refused to lift the inter-state taxation ban or correct the nexus problem until the states get together in terms of simplification of sales taxes. This has led to the Streamlined Sales Tax Program in which 44 states, including Virginia, joined together to simplify and unify state and local sales taxes to encourage Congress to overturn "Quill". Although progress is being made, there is no estimate when Congress will change the law to allow out-of-state vendors, without a physical presence in a state, to register and collect that state's tax.

II. Economic Conditions:

The attached taxable sales table and chart displays annual taxable sales information for Virginia as a whole and Albemarle and Charlottesville as separate localities from 1996 through 2009. Since 2000, both Albemarle and Charlottesville collections mirrored the state trend. During this period of time, the national economy underwent the following business cycles:

- Expansion – April 1991 through March 2001
- Contraction – April 2001 through November 2001
- Expansion – December 2001 through December 2007
- Contraction – January 2008 through current

The annual taxable sales data follows the national cycle fairly closely. There were a few significant changes:

- 2004 – Sales tax increase to 5% effective 9/1/04
- 2005 – Sales tax on food reduced to 2.5% effective 7/1/05
- 2006 – Accelerated sales tax collections for state budget adjustments, state tax amnesty program
- 2007 – Reversal of accelerated state sales tax collections

Virginia sales tax revenues are 20.5% of state general fund revenues and Albemarle sales tax revenues are 5.3% of local general fund revenues. These revenues are significant to state and local financial operations.

III. Proper allocation of revenues to the correct locality with nexus:

The Resource Utilization Study recognized that significant revenues were being diverted to other localities due to incorrect situs reporting. The study recommended that the frozen auditor position be filled to review sales tax allocations to ensure that Albemarle receives its correct share. That position was filled earlier this year. Since April, \$384,944 has been identified and approved to be transferred to Albemarle over a six month period and an additional estimated \$171,137 is in process. Additionally, annual receipts should increase \$228,781 based on the adjustments. It is expected that significant amounts of additional revenues will be identified in the near future.

IV. Other:

Adjacent localities are experiencing significant retail development. As a result, taxpayers that would have normally shopped or dined in Albemarle now have the convenience of staying closer to home and spending their tax dollars in their own localities. The amount of sales tax revenue lost to other localities can be significant. An estimated amount cannot be disclosed due to privacy regulations.

The information presented in this report is being used to update sales tax projections and prepare the FY12 - FY16 Five Year Financial Plan.

This report has been prepared for your information. No action is required.

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Item No. 7.11. Copy of letter dated July 14, 2010, from Mr. Ronald L. Higgins, Chief of Zoning, to Mr. Lester J. Clements, Laird & Company, re: *OFFICIAL DETERMINATION OF PARCEL OF RECORD BOUNDARY -- Tax Map 99, Parcel 37("A") (Property of Laird & Company) Samuel Miller Magisterial District, **was received for information.***

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Item No. 7.12. Copy of letter dated July 14, 2010, from Mr. Ronald L. Higgins, Chief of Zoning, to Mr. J. D. Catlett, Sr., re: *OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS --*

Tax Map 136, Parcel 27C (Property of J. D. Catlett, et al) Scottsville Magisterial District, **was received for information.**

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Item No. 7.13. Copy of letter dated July 14, 2010, from Mr. Ronald L. Higgins, Chief of Zoning, to Mr. Alan B. Howard, re: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS -- Tax Map 50, Parcels 41A, 41Q, 42A & 43 (Property of Alan B. Howard) Rivanna Magisterial District, , **was received for information.**

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Item No. 7.14. VDOT, Culpeper District Monthly Report, for Albemarle County, **was received for information.**

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Agenda Item No. 8. VDoT Report, Karen Kilby, Programming/Investment Management Director.

Ms. Karen Kilby, VDoT Programming and Investment Management Director, said that she has been providing Board members with a written monthly report. She asked if there is any additional information needed that is not being provided in the report. Regarding Georgetown Road, Ms. Kilby reported that VDoT has made 19 offers and has 9 approvals. They are still in negotiations with the ones that have not been accepted. She is not aware of any condemnations at this point. She added that there is one property with title problems, so no offer has been made on that yet.

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Mr. Boyd asked when Meadow Creek was scheduled to be completed.

Ms. Kilby stated that she wasn't certain.

Mr. Rooker said he thought it would be in about one year to 16 months from now.

Ms. Kilby said that VDoT is putting down sub-base at this point and doing the concrete work for the curb and gutter. The bridge work going on now is what really takes time. The work that is not under traffic will move faster.

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Ms. Mallek commented that she is looking forward to the wrap up of the Buck Mountain Road Study. The pothole project and brush clearing is going on as well as can be expected.

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Mr. Snow asked her if she (Ms. Kilby) sees the emails he sends Mr. Alan Sumpter. Ms. Kilby replied that he forwards most of them to her. Mr. Snow asked if she would respond to the emails so that he has something to communicate to constituents.

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Mr. Boyd asked Ms. Kilby if she has heard anything from Westminster Canterbury regarding their road. They would like to turn the portion of the road that is up to their entrance over to the state. Ms. Kilby replied that she had not heard from anyone. Mr. Boyd said he would follow-up.

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Mr. Rooker asked about the repaving planned for Route 29 and Emmett Street near the intersection with Hydraulic Road.

Other Board members indicated they had driven through and the pavement was quite smooth.

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Mr. Snow asked if the County's portion of Meadow Creek would be open and ready to use even if the City's portion is not done. Ms. Kilby responded that she is not prepared to answer that.

Mr. Rooker explained that there was an understanding that the City would have a period of time to complete their improvements, and that the County's portion would not be opened as long as the City moved ahead as planned. He emphasized that the State does have the right to connect to Melbourne, and if the City drags on too long that is an option, although not the preferred one.

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Agenda Item No. 9. Appeal of Deputy Zoning Administrator's Determination of Route 29 LLC's ZMA2007-001 Proffer Violation regarding the Willow Glen Connection Right-of-Way Dedication.

The Executive Summary provided to Board members on this item stated that on April 19, 2010, the Deputy Zoning Administrator issued a Notice of Official Determination of Violation (NOV) to Route 29 LLC, the owner of the A-2 portion of the Hollymead Town Center (HTC-A2). (Attachment A). This NOV was issued to require compliance with Proffer #12 of the HTC-A2 rezoning, ZMA 2007-001, which was approved by the Board on September 12, 2007. That proffer requires dedication of the right-of-way upon request of the County, necessary for an interconnection to adjacent property known as Willow Glen. The request for dedication was made January 26, 2010 (Attachment B). The property owner did not comply with the request as required and the NOV was issued to enforce compliance with the proffer. Route 29 LLC filed a letter and application of appeal of the determination in May of 2010 (Attachments C & D).

While it is customary for appeals of a Zoning Administrator's determination to go to the Board of Zoning Appeals, this appeal is before the Board of Supervisors as provided by Virginia Code § 15.2-2301.

Proffer #12 states in relevant part: Upon the request of the County, the Owner shall dedicate for public use a public right-of-way determined to be appropriate by VDOT and the County Engineer, extending from Town Center Drive to the Property's boundary with the proposed Willow Glen development, as shown on the General Development Plan and within Block C6 as shown on the Block Plan (the "Willow Glen Connection"). The full text of Proffer #12 is included in Attachment A.

This proffer was part of a proffer statement submitted by the owner and accepted by the Board in conjunction with the rezoning of HTC-A2. Proffer #12 was part of a broader effort by the County, VDOT and the owners of Hollymead Town Center to insure connectivity within and throughout the superblock in which Hollymead Town Center sits. This superblock stretches south from Airport Road and runs between Route 29N and Dickerson Road. Proffers for such public road dedications are common in planned development projects as are dedications for roads in subdivisions. Although proffers typically require the owner to construct a proffered road and dedicate it to public use, Proffer #12 requires the owner only to dedicate the right-of-way to the public. A proffer for the adjoining Willow Glen rezoning requires that the Willow Glen owner construct the Willow Glen Connection to VDOT standards for acceptance into the public street system.

Route 29 LLC raises two grounds for its appeal. First, the appellant claims that Proffer #12 is a condition that was forced upon the prior owner, and is for the sole benefit of an adjoining property owner. The proffer statement signed by the owner states that the proffers were voluntarily offered and that the conditions proffers are reasonable. Second, Route 29 LLC claims that it is not in violation of the proffer because it did not approve the proffer. The HTC-A2 proffers became part of the zoning of HTC-A2 when it was rezoned and the proffers, like the other applicable zoning regulations, run with the land. Route 29 LLC has failed to demonstrate that the Deputy Zoning Administrator's Notice of Official Determination of Violation was erroneous. Route 29 LLC, in reality, does not provide any basis to contest the interpretation of the proffer, but objects to the substance of Proffer #12 itself, and it has applied for a minor amendment to change Proffer #12. The rezoning amendment process can address the provisions of the proffer itself if the Board determines that any change to the proffer is appropriate.

Proffers are intended, among other things, to provide mitigation of impacts and public benefits without increasing the financial burden on the locality. This proffer is designed to meet the public purposes of interconnectivity and safe and convenient access which is made necessary by the development. The satisfaction of this proffer would save the County and VDOT the cost of providing such improvements as well as the cost of making needed improvements to alternative routes of travel. In addition, because the road is proposed on land that is privately owned, there is no way to measure the budget impact of VDOT or the County first acquiring the property.

Staff recommends that the Board affirm the Notice of Official Determination of Violations.

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Mr. Ron Higgins, Deputy Zoning Administrator, reported that this is an appeal of a determination that he made as Deputy Zoning Administrator in the form of a Notice of Violation. He presented a map of the area of Hollymead Town Center. He pointed out the location of the property in proximity to Harris Teeter, the shopping center and Dickerson Road, which is part of a super-block up to Airport Road. He stated that a good portion of the property is developed, and some involves Hollymead Town Center commercial and residential mixed development. Mr. Higgins stated that one parcel is part of the Hollymead Town Center A-2 area that was rezoned in 2007, and the other property is the Willow Glen residential project, which was rezoned that same year.

He explained that in September 2007, the Hollymead Town Center segment was rezoned with proffers that were offered and accepted by the Board; among those was the proffer calling for the dedication of a small piece of right-of-way for what would become the extended Town Center Drive to the Willow Glen development. In October 2007, there was a rezoning for Willow Glen that piggybacked on that proffer to construct the road to public standards for acceptance by VDOT into the public road system.

Mr. Higgins said that in August 2009, the Senior Proffer Planner wrote a request to the owner of Hollymead Town Center A-2, requesting the right of way. Subsequently that property has transferred back to Route 29 LLC. A letter was resent in January 2010 requesting the right-of-way. The County was informed that the applicant did not want to do that in the form that the proffer calls for. Ms. Sarah Baldwin's letter from the County to the applicant requested the dedication by February 29<sup>th</sup>. When that did not happen, Mr. Higgins said he did a notice of violation, placing the owner in violation of not satisfying the proffer. A month later the owner appealed the notice of violation. Mr. Higgins said that what is before the Board today is an appeal of a Zoning Administrator determination that a property owner is in violation of a proffer.

Mr. Higgins said that ordinarily when there is such an appeal, it is appealed to the Board of Zoning Appeals, but state law requires that an appeal of a condition of a zoning goes to the governing body (Board of Supervisors) instead. He then presented the actual proffer that was accepted, which states that upon request of the County, the owner would dedicate to public use a right-of-way determined to be appropriate by VDOT and the County. Mr. Higgins noted that this is referred to as the Willow Glen connection. The proffer also states that shifting or modification of the location is something to be expected when plans are developed, so the owner and the County could agree on an alternate location. He stated that this proffer is almost identical to the one in the Willow Glen rezoning, but this one

dedicates the right-of-way and does not require construction whereas the other actually constructs the road, assuming that the dedication occurs.

Mr. Higgins then indicated on the map the portion of the road that has been built and accepted and the remaining portion that needs work. He said that the heavy, small lot in the middle is Abingdon Town Homes and they are all built out. Pointing to section C-6 on the map, Mr. Higgins said that this area consists of two things: a water management area and a little connection sweeping left to right from the main road to another parcel. He pointed out the connection and illustrated where it dead ends into the property.

Mr. Higgins said that the Willow Glen road system is designed to connect to the right-of-way, and they are obligated to build that as well.

Mr. Snow asked if the detention pond shown is a result of what Willow Glen is doing, or as a result of Hollymead.

Mr. Higgins responded that the detention pond was put in by the owner of Hollymead Town Center. He pointed out the location of Willow Glen where it comes to a point at what would become the right-of-way of Town Center Drive; above that is a property owned by Uptown LLC, which is an R-15 property proposed for development as apartments. He clarified that while there are three different properties being abutted, this ZMA only affects the Hollymead Town Center and Willow Glen proffers.

Mr. Rooker said that Willow Glen is proffered to build that connection, but the right-of-way has to come from the property where it lies.

Mr. Higgins confirmed this, adding that typically with subdivisions, developers dedicate, construct, and propose for acceptance public roads. With re-zonings, there are often proffers that ensure the same thing in order to accomplish the development.

Ms. Mallek asked if the A-2 parcel would have been required to stub out the street to the boundary at their expense, if Willow Glen had not been put in.

Mr. Higgins replied that he is not certain of that, because in reading the record it seems that the Willow Glen property, with or without the project, was developable but the Comprehensive Plan and master planning would still want a connection.

Mr. Higgins reiterated that the applicant has appealed the determination of violation, citing reasons that he believes it is an inappropriate proffer and was forced upon them, or only benefits one person. He stated that that does not really matter because his role is to look at the proffers and to ensure that they are carried out. He also does not think those arguments are quite correct, because in the big public benefit picture, they are dealing with a connectivity issue that benefits everyone. Mr. Higgins added there is no way that this connection is just a benefit for Willow Glen. The connection benefits the development that will occur, for Willow Glen residents to come to this block, and the community at large by distributing traffic within this super-block without having to place it on roads that may or may not be burdened already or may become burdened. This is an opportunity to do master planning the way it is intended to be, so there is nothing unusual about this. Mr. Higgins stated that the only unusual thing is that ordinarily with such proffers, the road is dedicated, built, and presented for acceptance by VDOT by one owner. In this case it is a shared obligation.

Mr. Dorrier asked if it was also unusual to have the developers all working together on it. Mr. Higgins responded that there was an attempt to coordinate development in the way it was stipulated in the Comprehensive Plan.

Mr. Thomas asked if there is a signed proffer agreement by the appealing party, or if there was never a signed agreement.

Mr. Davis explained that there was an accepted, signed proffer of the property owners of Hollymead Section A-2 – and they all signed it and voluntarily submitted it as part of the rezoning application. He stated that the proffer runs with the land. The current owner did not sign the proffer because he did not own the property at the time, but subsequently purchased it.

Mr. Rooker emphasized that this is not a request to amend the proffer, it is a legal challenge in which the applicant states he is not bound by these proffers because he did not sign them and it benefits someone else. He added if you go down that road, every proffer that is ever made is subject to people walking away from it because in many, many developments the rezoning is obtained by one party, and they sell it. Mr. Rooker noted that with Albemarle Place, these types of connections are all over the map and they are required to build them. In this case, the applicant is required to dedicate the right-of-way. This property has changed hands twice since the current developer took over. This is not really a complicated issue. He emphasized that the legal reasons are clearly wrong, as the buyer of the property is bound by the proffers that are on it, and every proffer for a connecting road gives some benefit to surrounding properties. As a practical matter, Mr. Rooker added, customers of this property would be able to exit that way so it does provide a benefit to the property that is subject to the proffer, as well as reducing congestion at the other intersections. He does not think that the Board would have initially approved this rezoning without these connections. Mr. Rooker said, there is no case here. If the applicant wants to change the law, he ought to go to the General Assembly and see if he can change the law of proffers.

Ms. Mallek commented that the only thing that protects the community as properties change hands is that things are written down and followed.

Mr. Higgins stated that staff believes that if this is about the proffer, the appropriate avenue is to amend it and rezone it, and the applicant has already started the process to amend the application plan and proffers to this project. Secondly, staff also believes this is a simple issue.

Mr. Boyd said that there seems to be some discrepancy between the property owners as to the location of the right-of-way, and asked if the appellant can put the right-of-way wherever he wants it.

Ms. Mallek responded that the map approved when the rezoning was given is the one that should be upheld.

Mr. Higgins stated that there was an application plan for both projects.

Mr. Davis said that the proffer clearly states that the right-of-way must be located where the County and VDOT determine it is appropriate.

Mr. Boyd commented that he understood there to be a discrepancy between the two owners.

Mr. Rooker responded that it is not up to them; it is up to VDOT and the County.

Mr. Davis noted that the County wants to work with developers to put it in a place that maximizes the useful benefit of the properties, but ultimately it is the County's determination.

Mr. Higgins mentioned that at the time the re-zonings were occurring, both projects were being discussed publicly before the Planning Commission and the Board, and it was evident from the application plan that a location had at least been approximated. He said that since 2007 projects have continued to take place and Willow Glen proceeded based on its' proffers - designed their project, received site plan approvals, road plan approvals, etc.

Mr. Boyd said that what he has read in the letters does not support that. It seems that the two landowners cannot agree.

Mr. Higgins emphasized that there is nothing in the proffer that would prevent the owners from shifting the road, subject to the County and VDOT's approval.

Mr. Davis reiterated that what is before the Board today is simply to determine whether the Zoning Administrator has properly interpreted the proffer. He stated that is the only question that is before the Board today. Mr. Davis said there is no opportunity at this time to amend the proffer, or to change the terms and conditions. If the developer of this property wants to amend the proffer, there is a separate process for that.

Mr. Boyd said if that is the case, the Board's discussion is done.

Mr. Rooker said this is not a public hearing. There is a process where the applicant can seek to amend the proffer. This is a legal issue as to whether it is required. Mr. Rooker then offered **motion** to reaffirm the Notice of Official Determination of Violation. Ms. Mallek **seconded** the motion.

Mr. Dorrier asked Mr. Higgins to sum up the proffer interpretation.

Mr. Higgins explained that the proffer requires the owner of Hollymead Town Center A-2 to dedicate the right-of-way shown on the application plan upon request of the county. The request has been made, the dedication has been refused, and the notice of violation has been issued.

Mr. Rooker noted that there is not even an argument being made here that it is not being properly interpreted; the argument is that he should not be bound by it.

Mr. Boyd said that he is not taking sides here; he is just trying to get clarification.

Ms. Mallek commented that it troubles her greatly when people do not carry on with agreed-upon plans and can instead drag on for years and years with applications for changing wording. She added that it is certainly not fair to any abutting person if that is going to be the case.

Mr. Davis stated that if the proffer is not properly implemented, the County has legal remedies such as denial of permits for any project located on the Hollymead A-2 property that was subject to the rezoning request, initiating civil penalties for a zoning violation, and seeking injunctive relief to order implementation of the proffer. He added all of those options are on the table at this point.

Mr. Boyd asked Mr. Higgins what prompted him to make the determination at this point.

Mr. Higgins responded that the request for the right-of-way was obviously designed to provide interconnectivity, and the progress of the Willow Glen development proposal and plan approval made it necessary for the County to make that request.

Mr. Boyd asked if the appellant was going to speak.

Mr. Rooker said that the issue here is very clear, and the arguments to amend the proffer are an entirely different matter.

Mr. Boyd said that may be true, but he thinks the Board should give the applicant an opportunity to speak.

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

Mr. Wendell Wood said that he does not believe the proffer is being interpreted correctly. He read from the proffer language: "To allow the construction of the Willow Glen connector, approval of a County Engineer and the owner for the location of the connection to Willow Glen may be shifted from the area shown in the general development plan to a more suitable location to both the owner and the County, which still provides access to Willow Glen and Town Center Drive". Mr. Wood said that the prior developer had the plan approved with a storm detention pond where the connection is, and that is what the parcel is being used for now. He stated that he has submitted a plan for a different location for this connector, on another property he owns, but he does not want to lose the storm water detention pond. He stated that he has tried to contact the owners of Willow Glen, but they have not responded to him. Mr. Wood stated that he has had one meeting with Mr. Ray who said he did not care about the connector.

Mr. Rooker said that Mr. Wood's challenge to the proffer says that he is not bound by it because he did not sign it, and that he does not benefit from it so he should not have to do it. Mr. Rooker stated that what Mr. Wood is saying now is that he can put in the connection, and that is not the basis for his appeal.

Mr. Wood stated that he is not saying the connection won't be given. He wants to know why they are being forced to do this when they have determined a superior location. He does not think Willow Glen wants to build a road over a storm detention pond. Willow Glen has not been willing to participate with them. They have asked the County to set up a meeting numerous times between Willow Glen and themselves, and it has not happened.

Mr. Rooker explained to Mr. Wood that the proffer clearly states that if he and the County can agree on a different location, that could be implemented. If that is not possible, there is nothing that prevents him from coming back and seeking an amendment to the proffer, but that does not mean that the current proffer is not enforceable as written.

Mr. Wood asked what he should do next to resolve it. They are trying to cooperate.

Mr. Rooker explained that he could convince the Engineering staff that the new proposed location is better, and if that does not work he can seek to amend the proffer. He emphasized that the Board cannot invalidate the proffer for the reasons given in this appeal.

Mr. Boyd asked why staff is opposed to this relocation of the access.

Mr. Higgins replied the staff is not opposed to anything. The staff is opposed to the applicant not dedicating right-of-way for the purpose that it was originally intended.

Mr. Boyd indicated that the applicant has offered an alternative.

Mr. Higgins pointed out that the alternative was offered last week as an application for a rezoning and an amendment to the proffer.

Mr. Rooker said that the Board is not set up to make an engineering decision on the best location, and the proffer has room for that to take place.

Mr. Wood stated that he has tried to meet with Willow Glen, and George Ray's position was he did not care or need the relocation. He reiterated that he is not getting cooperation from the other owner.

Mr. Rooker pointed out that the agreement is between Mr. Wood and the County, and it seems that last week he has proposed another plan. He does not think the County has had a chance to review a plan just submitted a week ago.

Mr. Wood asked why is it so important that the Board is going to make him dedicate a piece of land to give this when they have an application before the County.

Mr. Higgins reiterated to Mr. Wood that the application was only submitted this month, and had nothing to do with this appeal.

Mr. Wood complained that Mr. Rooker's comments were putting him in an unfavorable light and making him look uncooperative. He is being cooperative in offering an alternate location.

Mr. Rooker stated, once again, that the reasons Mr. Wood raised in his appeal are legal issues that are clearly not grantable. Mr. Rooker reiterated that Albemarle Place is being required to stub out connections on their own property that in the future another property may connect to.

Mr. Wood pointed out that the owners of Albemarle Place are buying those locations. He reiterated that the County is requiring him to do something on someone else's property.

Mr. Tucker said that Mr. Wood has moved forward with another application.

Mr. Rooker added that the proposal has been made, and the applicant is encouraged to work with staff on pursuing another location.

Ms. Valerie Long addressed the Board on behalf of the owners and developers of Willow Glen. She said that they are happy to work with County staff and Mr. Wood on this issue. They have always interpreted the proffer to be between the County and Mr. Wood's entity. Willow Glen's proffer obligates them to construct the road after the dedication and easements have been granted and made. Ms. Long stated that Willow Glen has reached out to Mr. Wood and the previous owners, and were told their concerns were about the fact that it was being given away for free. They are happy to hear that Mr. Wood wants to work with them. She emphasized that Willow Glen simply wants to build the connection at their expense and move forward. They have not seen any proposal for a new location nor are they familiar with the location. If the new location works reasonably well for Willow Glen they would be happy to consider it. They do want to look at the issues and consider all the ramifications of the various options. Ms. Long said that the Willow Glen proffer has the same language that talks about possible minor shifting of easement location in a way that is acceptable to all of the various parties. She mentioned that they tried to reach out to the prior property owner about 18 months ago, even drafting and presenting an easement, and heard nothing for a long time which is why they turned to County staff to make the official request for help. Ms. Long stated that the Willow Glen site plan is ready to go, and they are concerned with any further delays. They are asking the Board to insist that the dedication be made promptly. The project is on hold and financing is held up until the right-of-way is dedicated. She added that they are just asking the Board to impose some firm deadlines that can be put in place so that they are not at the mercy of waiting so long. She reiterated that they want to move promptly so as to prevent any further delays.

Ms. Mallek asked fellow Board members if they were ready to vote. There has been a motion and a second to reaffirm the determination of the Zoning Administrator.

Mr. Snow asked if it is proper to impose a deadline.

Mr. Rooker responded that enforcement of the proffer is not before the Board today, as the only issue is whether staff accurately interpreted the proffer as written.

Mr. Boyd said that his hope is the two parties can get together and resolve their differences.

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

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

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Agenda Item No. 10. Amendment of the Local Government Support Agreement between the City of Charlottesville, the County of Albemarle, and the Rivanna Solid Waste Authority.

Mr. Davis said that he has distributed to Board members a new copy of the agreement. The agreement that had previously been provided had some misnumbering. Staff has corrected the paragraphs entitled "Integration Clause" and "Execution" with correct paragraph numbering. There was also a typo in the "Integration Clause" where "it" should have been "its".

Mr. Mark Graham, Director of Community Development, summarized the following executive summary which was forwarded to Board members:

"In 2007, the City of Charlottesville ("City"), the County of Albemarle ("County"), and the Rivanna Solid Waste Authority ("RSWA") entered into the Local Government Support Agreement (Attachment A) that provided a means to fund ongoing operational deficits that RSWA was experiencing. The basis of the Agreement was that the operational deficits would be split between the City and the County based on population and certain true-up provisions. As noted in paragraph 8 of this Agreement, it was anticipated that RSWA would complete and implement a strategic plan by June 30, 2010, allowing RSWA to become self-sufficient and eliminating the need for continuing City and County contributions. The RSWA strategic plan has not been completed and RSWA has not become self-sufficient. An amendment has been proposed to find a mutually acceptable means for the City and County to continue their contributions under this Agreement until December 31, 2010 with the intent that RSWA can develop a plan for self-sufficiency during this period.

The First Amendment to Local Government Support Agreement is provided as Attachment B. There are three provisions to this amendment which provide for City and County sharing of the deficit between July 1, 2010 and December 31, 2010.

1. The amendment provides for a distribution of RSWA administrative expenses among its costs centers. The proposed distribution is 20% to recycling operations, 30% to environmental remediation efforts (which are funded through a separate Memorandum of Understanding), and the remaining 50% to be applied to all other operations. This distribution of administrative expense represents the best judgment of the RSWA

Executive Director on how time is spent. Both City and County staff concur with this distribution.

2. The amendment provides for a distribution of the recycling services deficit, with 33% of that deficit funded by the City and 67% funded by the County. That distribution is based on a survey of users at the McIntire Recycling Center during the week of June 8-13, 2010. City and County staff concur this methodology fairly allocates the cost if it is based on each locality's use of the recycling services.
3. The amendment provides for a distribution of the deficit of all other services, with 15% of that deficit funded by the City and 85% funded by the County. That distribution is based on RSWA records for origin of materials as documented by the Ivy Material Origin Usage Data. City and County staff concur this fairly allocates the cost if it is based on each locality's use of the Ivy Facility.

Applying this split to the RSWA adopted FY 11 budget, the projected County's share of the deficit for all of FY11 would be \$295,896 and the projected City's share of the deficit would be \$88,849. However, those amounts assume funding for the entire fiscal year, while the Agreement for funding is proposed to end at mid-year. For the half-year period ending December 31, 2010, the County's share would be \$147,948 and the City's share would be \$44,425. Under the terms of the current Agreement, using the population distribution formula, the County's share is estimated to be \$220,609 and the City's share is estimated to be \$164,136 for the entire fiscal year. It is noted that the existing Agreement, as well as the proposed amended Agreement, are a voluntary funding arrangement, per paragraph 10 of the Agreement. It is also noted that paragraph 11 of the Agreement contains a non-appropriation clause. Recognizing the Agreement must serve the needs of all parties to assure funding. Staff is prepared to support the amended Agreement, despite the fact that it requires additional county funding. Finally, staff notes that the December 31, 2010 end date of this amended Agreement provides an aggressive deadline for the County and the City to agree on future services to be provided by RSWA, the City, and the County. Staff plans to present solid waste options to the Board of Supervisors in September/October and seek direction on services desired for the County's citizens.

On July 19, 2010, City Council approved the proposed amended Agreement. As part of its action, City Council added the last sentence to Paragraph 5, specifically stating:

"Nothing in this Amendment or the 2007 Local Government Support Agreement shall be construed as obligating the City of Charlottesville to make any further payments to RSWA for any period after December 31, 2010."

Staff recommends that this last sentence clarify that the County is likewise not obligated, and the reference to Albemarle County has been added to that sentence in the amended Agreement that is recommended for the Board's consideration.

Applying the provisions of the amended Agreement to the adopted FY 11 RSWA budget, the County would be responsible to provide a contribution of \$147,948 towards the RSWA operational deficit through December 31, 2010. The County has budgeted \$350,000 for an RSWA contribution in FY11 and no additional funding would be required to address the amended Agreement. Staff notes two potential circumstances that could require additional funding:

1. RSWA's operations deficit increases between now and December 31, 2010. Per the agreement, the City and County would fund this additional deficit.
2. Solid waste services provided for January 1, 2011 through June 30, 2011 require additional funding. The Agreement does not cover this period, but it is anticipated that the County may need to fund services in this period.

Mr. Graham said staff recommends that the Board approve the agreement as provided today and authorize the County Executive to sign that Agreement

Mr. Boyd asked if this agreement would require a two-year notice to walk away from it.

Mr. Graham responded that the agreement does not have a termination parameter, but does have a non-appropriation clause.

Mr. Boyd commented that the City is expected to walk away from this on December 31, 2010, and if they do the question remains as to what happens with the property.

Mr. Graham said that Ivy is owned by the Authority, and regardless of operations there is a mitigation plan that must be continued until 2030.

Mr. Boyd said he is very concerned about the clause that no one is required to fund any more money into this after December 31<sup>st</sup> which puts the Authority on very shaky ground.

Ms. Mallek said she thought it was just talking about the allocation, but now it appears that everything is expiring after December 31<sup>st</sup>.

Mr. Davis indicated that under the organizational agreement for the RSWA, the Authority is responsible for imposing fees and costs to cover its expenses, and that worked well historically until the landfill operations were closed in the late 1990s-early 2000s, at which time the revenue started

decreasing and operational costs were no longer covered. Rather than imposing fees, he said, the RSWA reached out to the County and City to subsidize the Rivanna operational deficit. The situation that the City and County are in now is deciding how to share the cost of that operational deficit. He explained that the original support agreement based it on population, but the City is now requesting it be calculated upon usage. Both staffs have agreed on the usage allocation, which is what is before the Board today with a deadline that if some agreement is not reached by December 31<sup>st</sup> the City would no longer participate in the deficit-sharing. Mr. Davis stated that they are not legally obligated to do so, nor is the County, but the services being provided might not otherwise be provided.

Mr. Boyd commented that if both pull out of paying the deficit, the RSWA would either need to bill or close down. His understanding is that the City is investigating going their own way for solid waste, but he is not sure what they would do with vegetative materials.

Ms. Mallek responded that the city sends a lot of their tree brush, leaves, etc., to Panorama Farms for composting.

Mr. Rooker said that there is language in the agreement that says it supersedes everything except for the environmental expenses MOU, so it does not purport for the City and County to try to get relief from the environmental cleanup.

Mr. Tucker added that that is between the City, County, and University.

Mr. Boyd stated that it is evident that the City is going to go their own way with solid waste management, and the County needs to decide its own direction as well.

Mr. Tucker mentioned that staff is working under that assumption, and would be bringing forward some options at the Board's October meeting.

Mr. Rooker said that the City's obligations to the RSWA are no greater or lesser than the County's, as both localities are participants in that Authority, and they have some obligation to that entity in order to bring costs down. He added that they still have an obligation as a participant in that entity to see that it remains solvent. The County could do the same thing the City is doing, stating that one possibility would be a reduced level of services. The RSWA has the authority to bill property owners. He emphasized that the City's members of the RSWA Board of Directors have some fiduciary obligations to that entity. He thinks that needs to be brought up at some point.

Mr. Boyd commented that he agreed, but also said that the RSWA Board is split.

Mr. Rooker responded that it should not be split with regard to the fiduciary obligation to the entity.

Mr. Boyd said that he is not disagreeing. He added that through the lack of appropriation the City or County could stop funding Rivanna without the clause in the agreement.

Mr. Rooker stated that the advantage to having the clause is it brings out the fact that something needs to be done between now and the end of the year to deal with the otherwise existing deficit of the entity.

Mr. Boyd reiterated that the City is clearly investigating other alternatives for solid waste disposal. This is similar to what the County is considering doing with the library system, backing away from a joint effort between the City and County. He added that it does not sit very well for other talks about collaboration.

Mr. Graham pointed out that based on the City's direction, the County is going to have to look at modifying the organizational agreement because it currently states that both localities would take their waste material to a Rivanna facility, and that does not seem to be the direction they are going.

Mr. Rooker asked what the City's legal obligation is to use that facility.

Mr. Davis replied that they are a party to an organizational agreement that obligated them to do that, and the Rivanna Board would need to enforce that obligation.

Mr. Rooker said that as a participant in that agreement, the County has the authority to seek enforcement.

Mr. Davis indicated that it is something the County could look into.

Mr. Rooker said the County should do that then as it needs to understand all its' options.

Mr. Davis said the appropriate motion for today's item would be to approve the First Amendment to the Local Government Support Agreement and to authorize the County Executive to execute the agreement.

Mr. Boyd asked if signing the agreement closes out any options that might be available regarding enforcement in the future. Mr. Davis responded that it does not affect it whatsoever.

Mr. Boyd offered **motion** to approve the First Amendment to the Local Government Support Agreement and to authorize the County Executive to sign the Agreement. Ms. Mallek **seconded** the motion. Roll was then called and the motion carried by the following recorded vote:

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

NAYS: None.

**(The approved Agreement is set out below:)**

**FIRST AMENDMENT TO LOCAL GOVERNMENT SUPPORT AGREEMENT  
AMONG  
THE CITY OF CHARLOTTESVILLE  
THE COUNTY OF ALBEMARLE  
AND  
THE RIVANNA SOLID WASTE AUTHORITY**

This First Amendment to Local Government Support Agreement (this "First Amendment") is made this \_\_\_day of June, 2010 by and among the City of Charlottesville, Virginia (the "City"), the County of Albemarle, Virginia (the "County") and the Rivanna Solid Waste Authority (the "Authority"), together referred to as the "Parties," parties to the Local Government Support Agreement dated December 17, 2007 (the "Agreement").

WHEREAS, Paragraph 1 of the Agreement required the City to make certain payments to the Authority and required the Authority to make a reimbursement of a payment to the County, which payments and reimbursements have been made;

WHEREAS, Paragraphs 2 and 3 of the Agreement required the Authority to no longer impose the service contribution fee on solid waste delivered by the City on and after July 1, 2008;

WHEREAS, Paragraph 4 of the Agreement required the City and the County to proportionally fund or the Authority to make a proportional reimbursement to the City and the County based upon actual service fees collected by the Authority compared to the population of the City and the County until the first to occur of (i) full implementation of a strategic plan or (ii) June 30, 2010;

WHEREAS, Paragraph 5 of the Agreement required the City and the County to proportionally fund operating deficits of the Authority based upon the population of the City and the County after June 30, 2010 in the event a strategic plan was not fully implemented; and,

WHEREAS, a strategic plan for the Authority has not been implemented, however, the City and the County are willing to continue to fund operating deficits of the Authority for a limited period of time, but based upon usage of Authority facilities and services by City and County residents as opposed to population;

NOW, THEREFORE, the Parties agree as follows:

1. **Amendment of Paragraph 5 of the Agreement**

Paragraph 5 of the Agreement is hereby amended and restated as follows:

5. **City's and County' Proportional Funding of Authority's Projected Annual Operating Deficit**

If the Authority determines that despite any payment by either the City or the County pursuant to paragraph 4 above and all reasonable efforts to fund the operating expenses of the Authority that an operating deficit will exist, it shall prepare and adopt a budget, including reasonable reserves, balanced by using revenue to be contributed by the City and the County. For periods prior to and including the Authority's fiscal year ending June 30, 2010, the amount of revenue to be contributed by the City and the County shall be determined on the basis of population at the time the budget is adopted by the Authority as reported for the most recent year by the University of Virginia's Weldon Cooper Center for Public Service, rounded to the nearest tenth (1/10) of a percent. The percentage of each of the City's and County's portion of the revenue to be contributed will be calculated by dividing its population by the combined population of the City and County. For purposes of the budget for the Authority's fiscal year beginning July 1, 2007, the percentage of the City's portion of the revenue to be contributed shall be thirty percent (30%) and the County's portion of the revenue to be contributed shall be seventy percent (70%). For the period beginning July 1, 2010 and continuing through December 31, 2010, the Authority shall allocate the cost of its operations, including administrative overhead, but excluding costs covered by the Environmental Expenses MOU, between (i) recycling operations and programs offered at the McIntire Recycling Center, including the paper sort facility, and (ii) all other operations. Administrative expenses of the Authority shall be allocated as follows: 20% to recycling operations, 50% to all other operations and 30% to remediation activities covered by the Environmental Expenses MOU. The amount of revenue to be contributed by the City and the County for any operating deficits related to recycling operations shall be thirty-three percent (33%) for the City and sixty-seven percent (67%) for the County based on the usage of the recycling facilities and services by the residents of the City and the County as determined by the Authority in its June, 2010 Windshield Survey of vehicles entering the McIntire Recycling Center. The amount of revenue to be contributed by the City and the County for any operating deficits related to all other operations shall be fifteen percent (15%) for the City and eighty-five percent (85%) for the County

based upon the Authority's accounting report of "Ivy Material Origin Usage Data" for the period beginning July 1, 2009 and ending April 30, 2010. Nothing in this Amendment or the 2007 Local Government Support Agreement shall be construed as obligating the City of Charlottesville or the County of Albemarle to make any further payments to RSWA for any period after December 31, 2010.

2. **Defined Terms**

Capitalized terms used in this First Amendment not otherwise expressly defined herein shall have the meanings set forth in the Agreement.

3. **Integration Clause**

The Agreement, as modified by this First Amendment, and any amendment or modification that may hereafter be agreed to in accordance with the provisions of the Agreement, constitutes the entire understanding between the Parties with respect to the matters addressed, and supersedes any and all prior understandings and agreements, oral or written, relating hereto, except for the Environmental Expenses MOU. Except as expressly amended hereby, the Agreement shall remain in full force and effect in accordance with its terms.

4. **Execution**

This First Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WHEREAS these terms are agreeable to the City of Charlottesville, the County of Albemarle and the Rivanna Solid Waste Authority, and each Party offers its signature as of the date below.

THE CITY OF CHARLOTTESVILLE:

\_\_\_\_\_  
Maurice Jones, Acting City Manager

THE COUNTY OF ALBEMARLE:

\_\_\_\_\_  
Robert W. Tucker, Jr., County Executive

RIVANNA SOLID WASTE AUTHORITY:

\_\_\_\_\_  
Thomas L. Frederick, Jr., Executive Director

Agenda Item No. 11. 2011 Legislative Priorities.

Mr. Davis summarized the following executive summary which was forwarded to Board members:

"Each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML). Generally, the TJPDC's Legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. This executive summary will provide a review of the Board's 2010 Legislative Priorities and request the Board to review and approve the 2011 Legislative Priorities.

A review of the County's 2010 Legislative Priorities is provided in the attached 2010 Legislative Priorities Report. The report details previous action taken on the priorities, an assessment of what priorities should be continued in the future and links to the final legislative reports of the TJPDC, VACo and VML.

Many of the proposed 2011 Legislative Priorities are continuations of the 2010 Legislative Priorities. Two new priorities have been identified for the 2011 Legislative Priorities:

**Growth Management, Land Use and Transportation**

Amend Virginia Code § 15.2-4307 to streamline the public notice requirements for additions to agricultural and forestal districts.

**Local Government Administration and Finance**

Oppose any legislation which would change the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to the board of equalization or to a circuit court. In the 2010 General Assembly, HB 570 proposed such a change and though it did not pass, it had strong support in the House. If such legislation is introduced again, and passes, the impact on local governments could be significant and could require local governments to hire additional assessors and attorneys as such a change in the burden of proof is likely to lead to a proliferation of appeals and litigation.

After the Board's input and approval, staff will submit the Board's 2011 Legislative Priorities to the TJPDC, the VACo and the VML for consideration into their respective legislative programs. The 2011 TJPDC Legislative Program will return to the Board in the fall for additional input and approval.

The County's legislative priorities seek to ensure the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies, including fiscal, and programs that it deems necessary. There are no specific, identifiable budget impacts.

Staff recommends that the Board approve the proposed 2011 Legislative Priorities, and any additions it feels are appropriate, for submission to the TJPDC, VACo and VML.

Mr. Davis said there is only one new initiative which is an amendment to streamline the procedural aspects for agricultural and forestal districts. Mr. Davis stated that the legislative agenda would be very similar to last year's in that it addresses the broad areas which are mostly playing defense rather than offense, preserving authority the County already has, and protecting the financial interests of the County through monitoring legislation that would otherwise impact the ability of the County to either control its land use or finance its operations.

Mr. Davis stated that Mr. David Blount, the TJPDC Legislative Liaison, is present and can answer any questions from Board members. He reiterated that the priorities are fairly self-explanatory and he would be happy to respond to any questions.

Mr. Rooker asked about progress with the efforts to change the composite index to value property at the land use value for purposes of its computation in the index, noting that both Delegate Toscano and Delegate Bell were in favor of the shift.

Mr. Davis responded that it could be added to the proposal, but he is not aware of any prior bill that has proposed that. He explained that the current composite index is based on the fair market value of the property. In Albemarle and other localities where the tax collection is based on the land use value of the property, so the ability to pay is effectively reduced, but the composite index does not recognize that. Mr. Davis stated that the initiative would be challenging, but it could be undertaken.

Mr. Boyd said that he supports moving forward with it, even though it will be challenged by Northern Virginia communities that do not have land use.

Ms. Mallek noted that she has heard the most opposition from rural communities, because everyone is rather terrified of opening that can of worms because Fairfax, for example, might attempt to take back monies they currently put into the overall budget.

Mr. Rooker commented that he does not think that VACo as a whole will support it because some of the counties do not have land use. It seems to be something that Albemarle could get out there for discussion, adding that localities that are taking advantage of land use policies that further the state goal of land preservation are essentially being penalized by not getting the tax revenues they are entitled to get in the composite index.

Mr. Boyd stated that another item he wants to see move forward is the ability for localities to offer employees an opt-out option for the VRS system and go into a defined contribution plan. Delegate Bell has proposed this on two prior occasions and is willing to do so again, if there is support. The last couple of times the proposal never got out of committee. He added that Charlottesville has a different approach, but still offers a defined benefit plan. Mr. Boyd said that he would be proposing this to VACo also, as he now serves on the Administrative Government Committee. The University of Virginia gives its employees the option. He is really concerned about the long term viability of VRS.

Mr. Rooker said he would support the state looking at options rather than mandatory participation in VRS. There are a number of potential options they can look at.

Mr. Davis mentioned that Delegate Bell has offered the same bill in 2004, 2006, and 2007. His proposed bill directed the Virginia Retirement System to offer an elective defined contribution plan for any new employee hired after the effective date of the bill. Mr. Davis said that the reason he thinks the bill has not made it out of the Appropriations Committee is that it probably has some very complicated financial implications to VRS.

Mr. Boyd stated that all he is hoping for is the same latitude given to state universities. Mr. Davis responded that his impression is that offering it to one university might not have the same impact as it would if it were a statewide initiative. Mr. Boyd said it can be done though.

Mr. Rooker stated that it is good Mr. Boyd is interested in this area, and sometime in the future these defined benefit plans are going to be gradually phased out.

Mr. Boyd agreed, noting that corporations are already heading in that direction because it is not sustainable for the long term.

Mr. Rooker mentioned that the system makes some money on forfeitures when employees leave early. He would support a study on the potential for making this change.

Mr. David Blount then addressed the Board. He stated that the Joint Legislative Audit and Review Commission did a study of compensation for employees. Part of that study included various scenarios related to retirement benefits, looking at options within the existing VRS structure as well as some options that would be under a different structure. He said that the findings were released in October 2008 and formed the basis for the legislative changes seen this past year that took effect July 1<sup>st</sup>.

Mr. Blount said that there is going to have to be a continued examination of VRS because of the robbing of that system to balance the budget, as the long-term sustainability is a great concern. He noted that the past changes are viewed as taking a step, and it will take some education and cultural change to make a defined contribution plan happen. Mr. Blount suggested that the language not say study, but instead say continue to examine different alternatives.

Mr. Boyd said that he has spoken with two economists at UVA who both served on various boards, and they are very concerned with the long-term viability of the system.

Mr. Rooker added that if defined contribution plans are offered and all early employees opt out, there would be even more concern about the situation worsening.

Mr. Blount added that the approved budget that came out of the conference committee in March did include some language that would allow localities and school boards to decide whether they wanted to require existing employees to make the 5% contribution applying to new employees. He said that the Governor came back and stated that what is in place for current employees should stay, and that was overwhelmingly accepted by the General Assembly.

Mr. Rooker said that it would be helpful to see what the earlier study revealed.

Mr. Davis noted that the Board is early in the process with this, and Mr. Blount would be developing the TJPDC plan over the next few months with another opportunity for the Board to formalize its priorities.

Mr. Rooker then offered **motion** to approve the proposed 2011 Legislative Priorities, for submission to the TJPDC, VACo and VML, which includes the addition relative to land use and the composite index. Mr. Dorrier **seconded** the motion. Roll was then called and the motion carried by the following recorded vote:

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

NAYS: None.

**(The approved Plan is set out below:)**

### **Albemarle County 2011 Legislative Priorities**

#### **Growth Management, Land Use and Transportation**

***Agricultural and Forestal Districts***—Request the legislature to amend *Virginia Code* § 15.2-4307 to streamline and simplify the public notice requirements for agricultural and forestal districts.

***Local Authority***—Request that the legislature 1) strengthen localities' authority by enabling them to utilize adequate public facilities ordinances; and 2) not pass legislation that preempts or circumvents existing local authority to regulate land use.

***Impact Fee Authority***—Request that the legislature support impact fee legislation that allows for 1) a fair allocation of costs representing a "pro-rata" off-set of new growth on public facilities; 2) impact fees for facility costs related to transportation, schools, fire, police, emergency medical services, libraries, stormwater management, open space and parks/recreation lands; 3) effective implementation through simple locally-based formulae and reasonable administrative requirements; 4) does not cap or limit localities' impact fee updates; and 5) does not diminish the existing proffer system.

***Conservation Easements***—Request the legislature support and augment local efforts in natural resource protection through 1) continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continuing to provide matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increase incentives for citizens to create conservation easements.

***Scenic Protection and Tourist Enhancement***—Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

***Transportation Funding***—Request the legislature 1) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) direct funding efforts at all transportation modes; 3) coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) not shift transportation responsibilities, including maintenance, to localities.

#### **Health and Human Services**

***Comprehensive Services Act (CSA)***—Request the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based

on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) enhancing state funding for grants to localities to create community-based alternatives for children served in CSA; 3) establishing state contacts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

**Child Care for Low Income Working Families**—Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

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

### **Local Government Administration and Finance**

**Full Funding of State Mandates**—Request the state provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

**Local Control of Local Revenues**—Request the legislature take no action to restrict or limit the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.

**Tax Assessments**—Oppose any legislation which would change the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to the board of equalization or to a circuit court.

**Drug Court Funding**—Request the legislature fully fund the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

**Cost to Compete Pay Differential**—Due to the documented high cost of living in Albemarle County, request the legislature include Albemarle County Schools in the “Cost to Compete Pay Differential” so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

**Composite Index**—Request the legislature to amend the Composite Index Funding Formula by re-defining the local true values component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

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(Note: At 11:43 a.m., the Board recessed and reconvened at 11:55 a.m. Ms. Mallek announced that the Board would be discussing Agenda Item No. 13 after lunch.)

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Agenda Item No. 12. Economic Vitality Action Plan (deferred from July 14, 2010).

The following Executive Summary was forwarded to Board members:

The draft Economic Vitality Action Plan was originally presented to the Board at its May 5, 2010 meeting. The Plan was created in response to the 2010 Albemarle County Action Plan approved by the Board on January 6, 2010, which included direction to staff to work closely with the Partnership for Economic Development and the Chamber of Commerce to develop a plan in the first six months of 2010 to significantly increase non-personal tax revenues through economic growth.

At the May 5 meeting, the Board heard an overview of the draft Plan and scheduled a work session for June 2. At the June 2 work session, the Board received public input on the Plan and Board members provided suggested revisions. The Board also directed staff to conduct two roundtable sessions to allow members of the public to comment on the draft Plan and scheduled a public hearing on July 14. Following that public hearing, Board members were asked to forward any final comments to staff within a week so that a revised Plan could be presented at the August 4 meeting for a vote by the Board.

As was mentioned in previous executive summaries, in considering possible tax benefits of this effort, staff believes it is important for the Board to recognize that the Economic Vitality Action Plan will require a long-term commitment and that short-term performance may be misleading. It is doubtful the County will see this effort create a significant change in the commercial/residential split of the tax base within the next three to five years. Given current market conditions and the complexity of commercial lending, it is possible the County may even see this performance measure worsen over the next couple of years. Finally, it should also be recognized there are no restrictions on the rate of residential growth for properties already zoned residential in the County and there is a large inventory of property ready for residential development.

Economic vitality was identified as one of the goals for the County’s Strategic Action Plan FY 10/11- FY 11/12 at the Board’s recent Strategic Planning Discussion.

Staff is providing a revised draft Economic Vitality Action Plan (Attachment A) in response to the Board's comments provided to staff after the July 14 public hearing. Any suggestions made by at least two Board members have been incorporated into the revised draft Plan. Because some Board members provided different suggestions for the same sections of the Plan, the revisions attempt to achieve a balance between the ideas expressed. There are several substantive issues outlined below that staff wanted to bring to the Board's attention as part of its review of the revised document:

**1: Expanded Measures/Benchmarks**

There were comments from the roundtables and from Board members that the measures included in the Primary Goal section need to be re-examined in light of changes to the goal and objectives since the original measures were identified. Several suggestions have been made, most notably related to rural economy and job metrics that should be considered along with other measures that may be appropriate. Staff recommends that specific measures be determined and appropriate benchmarks established once the final goal and objectives are approved by the Board as an early step of the Plan and that these measures and benchmarks be presented to the Board during its first quarterly progress review of the Plan for review and final approval. It will be important to include some short and intermediate term measures that will indicate that the Plan is on track due to the period of time it will likely take to see significant changes in some of the measures, such as the percentage mix of commercial vs. residential real estate tax revenues. ***This recommendation is reflected in the revised Plan by adding language to the Primary Goal section.***

**2: Reporting Mechanism**

It is important to establish a tracking and reporting mechanism that is shared with the Board and the public on a regular basis. Once the Plan is approved, staff recommends development of a quarterly progress report to be presented to the Board on activities related to the Plan, recognizing that some measures will be more appropriate for longer vs. shorter term reporting. ***This recommendation is reflected in the revised Plan by adding language to the Primary Goal section.***

**3. Development Area Boundaries**

There were comments in the roundtable sessions and from Board members regarding Objective IV relating to development areas, with some comments seeking language to limit those areas to what currently exists and some comments seeking language to allow for expansion. As was stressed during roundtable sessions and in earlier Board discussions, this Plan is intended to be consistent with and work within the guidance of the Comprehensive Plan. There is a defined public Comprehensive Plan Amendment process through which decisions about potential adjustments to the boundaries of the designated development areas are made after considering very thorough criteria and providing for significant public input.

It is staff's recommendation that this Plan not attempt to supersede the Comprehensive Plan by either promoting or denying the possibility of future development area boundary adjustments but, rather, that it clearly follow the guidance of the Land Use Plan and the established, legally defined Comprehensive Plan Amendment process on this issue.

***This recommendation is reflected in the revised Plan by rewording Objective IV, Strategy 2.***

**4. Date Adjustments**

Staff has adjusted the dates in several locations to reflect that three months have passed since the Plan was originally drafted. These adjustments impact the timeline on several of the action items.

**Next Steps:**

- Following adoption of the Plan, staff will shift items into a work plan with specific tasks, sequencing and timelines and will begin addressing the most immediate strategies.
- A quarterly reporting mechanism for the Board and public will be instituted, with the first progress report to be due three months after the Plan is adopted.
- The Board will be made aware of any significant activities that occur between quarterly progress reports.

Implementation of the Plan will not require additional staff, though it will require the County to reprioritize other staff efforts to meet Plan objectives within the stated timelines. While additional funding may be required for the studies proposed under Objective III, alternatives that may offset this cost will need to be reviewed prior to considering the appropriation of additional funds.

After conducting a discussion, staff recommends that the Board adopt the revised Economic Vitality Action Plan.

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Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, reported that following the Board's public hearing on July 14<sup>th</sup>, Board members had an opportunity to forward their final comments to staff for incorporation into a revised plan, which is before them. She said that any suggestions made by at least two Board members are included in the plan, and there were some places in the plan where Board members had different suggestions for the same amount of text.

Ms. Catlin stated that there were some substantive issues related to expanded measures and benchmarks, as some of the goals and objectives have changed in the plan since it was originally put together. She said that there were some good suggestions made related to the rural economy and job metrics, and rather than lock into exactly what they should be they should all be considered as the work of the plan starts to get going. Ms. Catlin stated that staff felt it was important to include some short and intermediate-term measures, along with long-term measures because some of the longer-term goals would take a significant period of time to achieve.

She also indicated that it was deemed important to establish reporting mechanisms that can be shared with the Board and the public on a regular basis, and once the plan is reviewed it is recommended that development of a quarterly progress mechanism be presented to the Board and public. The development area boundaries item was another area of concern, as there were comments in the roundtable sessions and from Board members regarding Objective Four, with some wanting language in the plan to limit those areas to what currently exists, and some wanting language in the plan to reflect the possibility of expanded development areas. She emphasized that this plan is intended to be consistent with and work within the guidance of the Comprehensive Plan, and CPA adjustments are made through a separate process after considering extensive criteria and providing for significant public input. Ms. Catlin said that it is staff's recommendation to not attempt to supersede that process by either promoting or denying the possibility of future development area boundaries but instead follow the guidance of the land use plan and the established Comp Plan Amendment process on this issue.

Ms. Catlin stated that some of the dates and timelines may need to shift back a bit, given the time elapse since the plan was first presented to the Board. She said that some formatting may also need to be done, as the plan has been edited by different people and different times. Ms. Catlin explained that following the adoption of the plan, staff would take the action items and shift those into a work plan that would include tasks, sequencing, timelines, and things that would make it more accountable. Staff would then address the immediate tasks in the work plan. She said that the quarterly reporting mechanism would then be instituted and the first progress report would be due to the Board three months after the plan is adopted.

Ms. Catlin said that some things that might take precedence are those already scheduled or underway, such as Zoning Ordinance amendments on industrial uses, which is scheduled to go to the Planning Commission in August; recommended changes for legislative applications are scheduled to come to the Board in September; and one round of improvements have been done to the website, but a focus group would be pulled together to make the phase two changes to the business website. Ms. Catlin reported that some next actions would be the review of peer jurisdictions for their successful practices and the metrics and benchmarking piece of it; reviewing and strengthening of business retention efforts; setting up roundtables on the target enterprises and local agricultural/tourism industries; and beginning the regular schedule of presentations by business interests and economic experts with County staff and the public.

She concluded by stating that public input and Board input has resulted in what staff feels are very productive and thoughtful revisions to the action plan. Many comments that weren't incorporated into the document itself would be very important as the plan moves forward and is implemented. Ms. Catlin added that staff feels the metrics and benchmarks should reflect reasonable expectations over time about what can be achieved in some of the major objective areas, and also a long-term commitment. Staff recommends discussion and adoption of the revised action plan.

Ms. Mallek commented that the first three pages are very specific, but then it shifts gears into talking about partnerships and other groups, other expertise, etc. She asked if staff is planning to just give organizations more funds in order to do this work for the County. Ms. Mallek stated it is a little vague and a little confusing. She added that the recent VML magazine has a really good article about a group of entrepreneurial support people who travel around the state and host forums.

Mr. Boyd said that he was concerned with the bullet items and what this means to staff. In his mind the idea of the plan in the first place was to listen to the business community and see if there are some things the County can do to make it better for them to be more profitable and bring in more tax revenue. They have now created a much more complex and extensive document. He emphasized that he does not want to create a whole lot of extra staff time. This was not designed to be a staff driven project. There are already tremendous resources here in the community who can bring forth these ideas. Mr. Boyd stated he really would like to see it more community driven than staff driven.

Mr. Rooker agreed, stating that it is important to include other groups so it becomes less government-driven and more of a forum for input so that government can better do its job. He suggested adopting it as-is, and what is important is what follows and what actions are taken after the plan is adopted. He thinks it is important to pass the plan and then follow through on action items at a later date.

Mr. Boyd cited the examples of the farm market and winery communities coming forward with suggestions about how to change existing ordinances to enhance their marketability.

Ms. Catlin said that the intent staff took from the plan is having dialogue among community constituents, with staff serving more of liaisons and not taking all of the work themselves.

Mr. Snow then offered **motion** to adopt the Economic Vitality Action Plan. Mr. Thomas **seconded** the motion. Roll was then called and the motion carried by the following recorded vote:

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

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

### **Economic Vitality Action Plan**

#### **PREAMBLE:**

The Economic Development Policy of the County's Comprehensive Plan has a stated purpose to "provide the local citizenry an improved standard of living and enhanced quality of life." The policy notes that economic growth and vitality are required to sustain and enhance the human, economic, cultural, and natural characteristics of our community. The policy also states clearly that Albemarle's commitment to economic development should be accomplished within the framework of our growth management objectives. This Action Plan is intended to translate the purpose and goals of the Economic Development Policy into concrete and measureable actions, being very mindful of the need to adhere to already established growth management objectives and natural resource protections. While this Plan is focused on accomplishing specific action items within the next three years, the County recognizes the need for a long term commitment to economic vitality. This Plan is intended to establish a sustainable pathway for the long term health of our local economy. Broad-based community input is critical to the success of the Action Plan and is a key feature of many of the specific strategies and actions.

The County's commitments to education, infrastructure and natural resource protection forms the cornerstone of Albemarle's quality of life, and, by default, its business growth. In partnership with the University of Virginia and the Piedmont Virginia Community College, Albemarle County Public School's education programming – ranging from the County "bright stars" kindergarten program to the Math-Engineering-Science Academy (MESA) magnet school – help ensure a very highly educated, capable local workforce. The County strives to manage growth in a manner that best uses its infrastructure dollars and protects and preserves the area's abundant natural resources as well as those industries depending on those natural resources. With these commitments, the community strives to manage growth without sacrificing the quality of life. This Action Plan builds on these existing commitments. All objectives, strategies and action items in this Plan are intended to achieve outcomes that are consistent with the goals of the Economic Development Policy section and all other sections of the County's Comprehensive Plan as outlined below.

#### **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

This Action Plan is intended to work within the guidelines and stated goals and objectives of all relevant chapters of the Comprehensive Plan, including those listed below. While it is redundant to repeat all related sections of these chapters within this Action Plan, it is important to note the objectives and strategies of this plan will adhere to the important protections provided in these chapters:

- Natural Resources and Cultural Assets
- Rural Area Plan
- Land Use Plan

#### **PRIMARY GOAL:**

Increase the County's economic vitality and future revenues through economic development by expanding the commercial tax base and supporting the creation of quality jobs for local residents. This Plan is developed for the benefit and economic well being, first, of current local residents and existing local businesses.

- The following measures will be utilized in monitoring and regularly reporting on success in achieving this goal:
  - The percentage mix of commercial versus residential real estate tax revenues\*  
*\*Multi-family properties included in calculation of residential real estate revenues.*
  - The following commercial revenues: Machinery and Tools Tax; Business, Professional & Occupational License Fees; Bank Franchise Tax and Public Service Tax.
  - The following additional indicators: Sales Tax, Transient Occupancy Tax, Meals Tax and job growth by sector.
  - Agricultural/rural economy metrics.
  - Other metrics that reflect job data, number of businesses, etc.

Benchmark levels will be determined to enable measurement of the short term and long term effectiveness of the specific objectives and strategies of this Plan. A timetable will be developed for reporting back to the Board of Supervisors on a quarterly basis.

#### **OBJECTIVES:**

- I. Improve the County's business climate and image.  
(Supports Objective 1 of the Economic Development Policy – "Recognize the County's place in the regional economy")

## STRATEGIES

1. EXPAND COMMUNICATIONS AND OUTREACH TO THE BUSINESS COMMUNITY – Convey to the business community and the Virginia Economic Development Partnership (VEDP) and other leadership of the Commonwealth that Albemarle County is committed to working with businesses to promote the Commonwealth's and the County's economic vitality:
    - Actions
      - Work with appropriate entities to develop and implement a plan within six months to raise awareness and to promote County efforts at facilitating business growth with the VEDP that is compatible with the County's growth management strategies (e.g. Economic Opportunity Fund as a match for the Governor's Opportunity Fund).
      - Maintain active participation in the Charlottesville Regional Chamber of Commerce and Thomas Jefferson Partnership for Economic Development (TJPED) programs.
      - In 2010, continue an outreach program utilizing TJPED's prospect proposal system, which will create marketing collateral for business targets. This will include communicating economic development opportunities with target companies, VEDP, broker/consultant community, and the entrepreneur.
  2. INCREASE THE VISIBILITY OF THE COUNTY'S BUSINESS DEVELOPMENT STAFF – Enhance the visibility and priority of economic development efforts by the County:
    - Actions
      - Within the next three months, make the Business Development Facilitator a part of the County Executive's Office while still maintaining close coordination with the Community Development Department, and provide regular updates to the Board of Supervisors on efforts.
      - Within the next three months, enhance the presence of economic development on the County's web site (underway).
  3. IMPROVE INTERACTION BETWEEN COMMUNITY DEVELOPMENT STAFF AND THE BUSINESS COMMUNITY – Create an atmosphere that recognizes the importance of balancing overall quality of life, education and business development in contributing to the economic vitality of the community:
    - Actions
      - Within the next three months, begin regular presentations by various business interests and economic experts to staff and the public, with a focus on how the County's land use regulations and policies affect business decisions. This will provide opportunity for staff and others to better understand the business community's issues and concerns and for the business community to hear other perspectives.
      - Beginning in the fourth quarter of 2010, provide the business community a quarterly update of emerging and current development issues. This will focus on staff or community identified concerns rather than project specific issues.
      - As part of pre-application discussions, continue assigning a staff member to serve as a single point of contact for addressing new issues on projects. Also, provide handouts and webpage links for information on development review (e.g. review process flow-charts, points of contact) that help applicants better understand the processes for ZTA, ZMA, Rezoning, Special Use Permit, Zoning Clearance, Sign Review, ARB review
      - Continue routine survey of applicants as to accuracy and ease of understanding of processes, tracking of application status, staff's assistance with the application and any other issues of concern. Survey results will be shared with the County Executive and the Board of Supervisors to determine effectiveness of programs and where changes should be considered.
      - Establish a more standard notification process regarding proposed changes to ordinances including the process for receiving input on proposed changes.
- II. Simplify and create certainty in the development review process, giving the applicant a reasonable expectation for the time and cost needed for development review when applicants are adhering to the regulations appropriately.  
*(Supports Objective V of the Economic Development Policy – "Increase local business development opportunities")*

## STRATEGIES

1. CONSIDER AMENDMENTS TO THE DEVELOPMENT ORDINANCES TO REDUCE COMPLEXITY OF PLAN APPROVAL – Recognizing a complex plan review can create

barriers to new enterprises, eliminate unnecessary requirements and provide for simplified administrative decisions without compromising environmental safeguards or other community values as defined by County policies:

- Actions
  - In the first half of 2010, hold a work session (already scheduled for May) with the Board of Supervisors on changes to the process for a Certificates of Appropriateness (ARB review). (completed)
  - In the first half of 2010, present recommended changes to the Board of Supervisors for ministerial applications (e.g. site plans, subdivisions). This will include timetables for recommended changes. (completed)
  - In the second half of 2010, present recommended changes to the Board of Supervisors for legislative applications (e.g. rezoning, special use permits).
- 2. ASSIST SMALL ENTERPRISES IN REACHING COMPLIANCE WITH COUNTY DEVELOPMENT STANDARDS – Recognizing that small enterprises often lack the experience and knowledge to efficiently address County requirements, provide assistance during development reviews, including waivers and modifications, using a single point of contact:
  - Action
    - As part of the proposed ordinance changes under strategy #1, include consideration of how staff assistance can be provided for small businesses that have no experience with development review. This should include consideration of how a single point of contact for those businesses may assist in the processing of an application.
- III. Consistent with the established goals of the County's Comprehensive Plan, strategically work with UVA, UVA Real Estate Foundation and private and non-profit sector employers that provide or will provide a diverse array of quality career ladder employment opportunities for our resident workforce, with a particular focus on supporting existing local enterprises while not excluding new entrepreneurs and enterprises.  
*(Supports Objective VI of the Economic Development Policy – "Increase work force development opportunities, to further career-ladder opportunity and higher wages")*

#### STRATEGIES

1. PROMOTE AND SUPPORT SMALL BUSINESS GROWTH AND DEVELOPMENT - Provide direct assistance to Albemarle County's aspiring entrepreneurs and small businesses, including partnership with the University of Virginia's entrepreneurial community and other entrepreneurial organizations such as Charlottesville Business Innovation Council (CBIC):
  - Actions
    - In partnership with the Chamber, TJPED, UVA, the Small Business Development Center, the workforce network, the Albemarle County School Division and other representatives from the education community, and other interested stakeholders, identify & address existing business needs and implement regularly scheduled local business panels and provide a larger forum to collect information, identify and address workforce and other needs of local business clusters.
2. PROMOTE TARGETED BUSINESS AND INVESTMENT- Create an environment that supports companies and entrepreneurs that achieve Albemarle County's business development objectives:
  - Actions
    - Determine target enterprises; work with a broad-based task force to determine the region's target enterprise sectors. These enterprise targets will be the primary focus of the entrepreneurial support, existing business services, site selection assistance, and workforce development efforts. The selection criteria should include consideration of fiscal and ecological impacts on the County (including whether the industry can help the County satisfy its infrastructure needs), transportation impacts and the likelihood that a prospective enterprise will remain in this area. Strongly cultivate home-grown businesses. In partnership with the Chamber, TJPED, SBDC, the CBIC and others, provide technical support seminars to support entrepreneurs in targeted business clusters.
    - By the first half of 2011, create a plan for developing workforce training programs (in partnership with PVCC, Workforce Training Center, UVA and the County school system) tied to target enterprises or key sectors.
    - By the second half of 2010, review peer jurisdictions' policies and practices in attracting targeted business and investment.
    - Via continued support of local job fairs, continue to showcase our local workforce talent and local corporate partners.

- Utilize TJPED's ExecutivePluse CRM, JobsEQ and other tools to provide an online feedback loop for policymakers. This should include trend analysis, identify key issues negatively affecting local companies, and strategies designed to address key negative issues.
3. CONNECT OPPORTUNITIES WITH RESIDENTS - Develop and connect the workforce to existing and new opportunities to serve the entire employment spectrum in Albemarle County through workforce programs and other strategies:
- Actions
    - Working with the Workforce Center, PVCC, and the County school division determine demand occupations for the retraining or training of dislocated workers and low-income adults, and youth populations in those occupations.
    - Market local opportunities to qualified resident workforce with a multi-channel approach
    - Align targeted enterprises and demand occupations with student awareness, education and participation in County public schools, PVCC and UVA Career Pathways
- IV. Consistent with the established goals of the County's Comprehensive Plan, remove obstacles and expand options for industrial land users.  
*(Supports Objective II of the Economic Development Policy – "Plan for land and infrastructure to accommodate future business and industrial growth")*

#### STRATEGIES

1. CONSIDER AMENDMENTS TO THE COUNTY ZONING ORDINANCE – recognizing the changing nature of industrial uses, provide greater flexibility, clarity and certainty through reliance on performance standards and lessening dependency on lists of specific uses:
- Action
    - In first half of 2010, bring proposed ordinance change to the Board of Supervisors for consideration.
2. CONSIDER OPTIONS FOR INCREASING INDUSTRIAL INVENTORY WITHIN AREAS DESIGNATED AS DEVELOPMENT AREAS IN THE COMPREHENSIVE PLAN -
- Action
    - In the second half of 2010, the County will initiate a county wide rezoning to LI for RA and R-1 zoned properties in the Development Areas that are designated as industrial use on the County's Land Use Plan. Only properties where the property owner has agreed to accept this zoning change will be included in this rezoning.
    - Continue pursuing strategies to stop the conversion of properties zoned light industry (LI) to commercial, office and other uses that are not "core" industrial uses.
    - As part of future master plans and updates to the County's Land Use Plan, include consideration of designating more land within existing development areas for industrial uses. The environmental and community impacts of these proposed changes will be carefully considered.
    - As part of the current effort to update the County's Comprehensive Plan, include for the Board's consideration a proposed modification of the Interstate Interchange Policy that might allow lower impact industrial and rural-serving uses at those intersections located in the rural areas but are also served by highway access. The environmental and community impacts of these proposed changes will be carefully considered.
- V. Work with stakeholders to promote agriculture, the local agricultural industry (at a scale compatible with the county's rural areas) and tourism as part of a comprehensive economic development program that recognizes the importance of the rural economy.  
*(Supports Objective 1 of the Rural Areas Land Use Policy- "To support agricultural land uses and to create additional markets for agricultural products through creative economic and land use strategies.", and Objectives I and V of the Economic Development Policy – "Base economic development policy on planning efforts which support and enhance the strengths of the County" and "Increase local business development opportunities")*

#### STRATEGIES

1. ASSESS CURRENT PROGRAMS AND INVESTMENTS IN AGRICULTURE, LOCAL AGRICULTURAL INDUSTRY AND TOURISM – Continue working with partners to evaluate strengths and weaknesses:

- Action
  - Within the next year, County staff in cooperation with appropriate agencies, organizations and individuals will complete a series of roundtables with individuals and groups that have an interest in agriculture, local agriculture industry and tourism in the County. These roundtables will also consider innovative, sustainable rural businesses such as wetland banking and voluntary carbon banking. After completing the roundtables, County staff will present the roundtable findings to the Board of Supervisors along with any other data or findings that may assist the Board in setting policy direction.
  
- 2. EVALUATE AND REFINE GOALS AND OBJECTIVES FOR AGRICULTURE, LOCAL AGRICULTURAL INDUSTRY AND TOURISM – Assure that policies, goals and objectives support current priority needs including consideration of areas such as cottage industries, heritage tourism, and agri-tourism:
  - Action
    - Based on the above assessment and Board direction, include consideration of this information in updates of the County's Comprehensive Plan and Strategic Plan and in the agreement with the CACVB.
  
- 3. IDENTIFY TARGET AREAS TO MORE AGGRESSIVELY PROMOTE IN SUPPORT OF AGRICULTURE, LOCAL AGRICULTURAL INDUSTRY AND TOURISM – Build on existing assets and offerings to expand options for experiencing the beauty and heritage of the rural areas:
  - Action
    - Based on the above Board direction, establish specific strategies and action items for promoting and supporting agriculture, local agricultural industry and tourism in the Comprehensive Plan and Strategic Plan.

Resources:

- Adopted Board of Supervisors '2010 Albemarle County Action Plan – January 6, 2010'
- Charlottesville Regional Chamber of Commerce letter of January 26, 2010
- This 'draft' economic development action plan builds on the 2009 adoption of the Updated Economic Development Policy, which focused on the following three short-term priorities:
  - Objective I. Strategy 4. Increasing the promotion of local agricultural industry consistent with the goals, objectives and implementation strategies of the Comprehensive Plan, such as the purchase of local products, establishing a rural-support program and continuing a dialogue with farm-industry stakeholders.
  - Objective II. Strategy 4. Encourage infill development of business and industrial uses in Development Areas, including consideration of proactively rezoning to light-industrial uses as needs are identified through Master Plans and other efforts. Initiate zoning text amendments that further enable business and industrial uses of the appropriate zoning districts.
  - Objective VI. Strategy 3. Increase the use of information gathering strategies such as:
    - A regional, baseline workforce study to define and benchmark the needs of "underemployed" and those not in the labor force (as defined by the VA Employment Commission) as well as employer needs.
    - A software database, such as Executive Pulse©, to identify workforce training needs and promote workforce training opportunities.

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Agenda Item No. 13. Reconsideration of Zoning Ordinance Fees (ZTA-2009-017).

(Note: Due to time constraints, this item was moved to the afternoon portion of the meeting.)

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Agenda Item No. 14. Closed Meeting.

At 12:11 p.m., **motion** was offered by Mr. Thomas that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions.

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

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

NAYS: None.

Ms. Mallek stated that the Board would be reconvening at 1:30 p.m. to begin the fee discussion.

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Agenda Item No. 15. Certify Closed Meeting.

At 1:34 p.m., the Board reconvened into open meeting. **Motion** was offered by Mr. Thomas to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. The motion was seconded by Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

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

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

**Motion** was offered by Mr. Snow to appoint and reappoint the following individuals to Boards and Commissions.

- **appoint** Mr. John Donohue to the Jefferson Area Disability Services Board with said term to expire June 30, 2013.
- **appoint** Mr. John Chavan to the Pantops Community Advisory Council.
- **appoint** Mr. James Sofka to the Route 250 Task Force with said term to expire April 4, 2013.
- **reappoint** Mr. Rob Farrell and Mr. Richard Keeling to the ACE Committee with said terms to expire August 1, 2013.
- **reappoint** Ms. Terry Rephann to the Fiscal Impact Advisory Committee with said term to expire July 8, 2012.
- **reappoint** Mr. Michael Peoples to the Jefferson Area Disability Services Board with said term to expire June 30, 2013.

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

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

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Agenda Item No. 13. Reconsideration of Zoning Ordinance Fees (ZTA-2009-017).

The following executive summary was forwarded to Board members:

"The purpose of this work session is to consider additional information regarding the cost of services related to fees in the Zoning Ordinance, determine if there is Board interest in adopting new fees at this time, and provide guidance to staff on any fees that should be changed from the previously submitted proposed amendment.

The following is a brief summary of the recent history related to proposed Zoning Ordinance fees:

- On August 5, 2009, staff presented a recommendation for fee changes to the Board. By consensus, the Board directed staff to proceed as proposed. (Attachment A, Agenda Item 22)
- On November 10, 2009, the Planning Commission recommended approval (4-1) of the ordinance amendment for the staff recommended fees with 3 changes. (Attachment B)
- On December 5, 2009, the Board conducted a public hearing to consider the fees as recommended by the Planning Commission. After hearing public comment, the Board unanimously agreed to defer this item until February 3, 2010 so the newly elected Board members could participate in the decision. (Attachment C)
- On February 3, 2010, the Board again received public comment on this ordinance amendment. After receiving public comment, a motion was made to adopt the proposed fees, but failed (2-4). The Board then agreed to defer this item until staff provided additional information, but did not specify what information staff was to provide. (Attachment D)

Staff has included the December 5, 2009 Executive Summary, with the Zoning Ordinance Amendment that incorporates the Planning Commission recommendation for the Board's reference.

While the Board was not specific in what information staff was to provide, a review of the minutes, including public comments, discussions with several Board members, and past efforts at process improvements all suggest that the Board's primary focus was to understand the costs associated with legislative applications, such as rezoning and special use permits. Staff did not note a similar concern with any other fees. Staff believes that the Board's interest was to understand the time typically spent on each part of the application process by each staff member involved with the project. This type of detailed historical data does not exist, and is the reason a consultant was contracted to conduct the 2007 Community Development Fee Study. Using its experience with other local governments, the consultant balanced staff's time estimates against the departmental costs, then compared this with fees of other local governments to define an appropriate fee. It is noted that one of the consultant's recommendations was that the County improve data collection with reviews. Staff is currently testing a computer application

for project timekeeping, but it will be several years before this is refined and several more years before there is enough data to provide a reliable data set. Staff also notes that based on polling of other local governments in Virginia, no other localities are collecting this type of detailed data. Instead, all appear to rely on the same type of analysis as was used by the County's consultant in the 2007 study.

Recognizing this limitation, staff approached this question from a different perspective. Recognizing that fees need to be based on reasonable costs, instead of asking what the real cost of a rezoning application is, staff asked what the cost of an ideal rezoning application would be. Staff's estimate is provided in Attachments F and G. Recognizing that there have been presumptions that staff review costs are driving the application fee, it is noted that Attachment F shows that staff review accounts for approximately 39% of the application cost. Furthermore, even if the staff review were cut in half, the cost would drop by only 20% and the remaining cost is still much higher than the proposed zoning fee for this application. This analysis also illustrates that there is little flexibility with much of the remaining costs. For example, a high quality staff report is required to clearly communicate the issue to the Board and the public, the County is required to have a public hearing before the Planning Commission and the Board, advertisements for those public hearings are a legal requirement, there is an expectation that staff will take the time to respond to public and applicant questions, and accurate records of the process are a legal requirement. The costs of those requirements remain, in addition to staff review.

Once staff had determined the cost of an ideal application, this was compared to the historical performance of re-zonings to understand how the real cost of applications were different than the ideal. Attachment H illustrates the total time rezoning applications take from submission to Board approval in the last five years. Staff's analysis noted the following. First, there is a trend toward shorter review times, suggesting that either re-zonings are becoming simpler or that the process is improving, or both. Second, within the last several years, there are a significant number of applications that were approved close to the ideal application time, showing that it is possible for an applicant to receive a quick approval, and that it is already possible for an applicant and the County to keep their costs close to the ideal in many instances.

The fact that it is possible for re-zonings to be approved close to the ideal time led staff to research why some applications require more time. In looking at several of the lengthier applications, staff observed that an increase in time and costs are usually related to deferrals of an application going to the Planning Commission or to the Board. Deferrals give applicants time to revise their applications rather than risk a denial. The revised application necessitates additional staff reviews, reports and advertisement. Generally, the time and costs of a deferral are outside of staff's control. An applicant must request a deferral and the Planning Commission or Board must approve the request for a deferral. Staff's role at that point is to react to the direction of the Planning Commission or Board in responding to changes requested of the applicant. The North Pointe ZMA is often used to illustrate the time and cost of a rezoning, and a chart for that project is provided. (Attachment I) In reviewing the timeline, it was noted the initial staff report was completed within 35 days of submission, consistent with the time shown for an ideal application. The applicant then deferred for 2 years to work through the transportation study issues. After two years of deferral, the Planning Commission acted within 90 days, recommending denial. From that point, there were 22 work sessions or public hearings, 10 months of a Board subcommittee working with the applicant, and an additional 14 month gap where the applicant decided what it wanted to do. With the exception of applicant deferrals, there was a recommendation before the Board within 90 days of submission and the remaining delays resulted from changes sought by the Board or Planning Commission. It is also noted the County recovered none of its costs for providing this additional process to the applicant.

With this analysis, staff believes the following are questions the Board may wish to consider at this work session:

1. What part of the cost of an ideal application should be the responsibility of the County versus the applicant?
2. What part of the cost related to an applicant requested deferral should be the responsibility of the County versus the applicant?

Staff believes the budget impact of the proposed fees remains the same as was presented at the December 2, 2009 and February 3, 2010 Board meetings. Should the Board provide new direction to staff, additional time spent on that effort would be considered an opportunity cost, as it will require redirection of staff rather than a new budget expense. This work would need to be prioritized against the current list of Board initiatives and a decision made as to what efforts should be postponed.

This work session is intended to address the Board's request for information on application costs. If additional information is desired, staff requests the Board provide direction to staff. "

Mr. Graham reported that this is a follow-up from a meeting in February where the Zoning Ordinance fees recommended by the Planning Commission last November were reconsidered. He said that in 2007, staff completed a fee study with the help of a consultant and out of that had objectives established for fees: that they should be comparable to other localities; should attempt to recover a significant part of the cost of services; and should be updated regularly. Mr. Graham indicated that over the next year and a half, staff worked with the Board and Planning Commission to get fees adopted with respect to building regulations, subdivision and water protection ordinances. He said that some of the speakers this morning were referring to subdivision fees, but those are done and are not a part of the considerations today. In August 2009 staff started with the Board on a work session to try to get direction on recommended zoning fees, then brought a proposal forward. The Board directed staff to go forward with the Commission based on that recommendation. In November 2009 the Commission recommended

those fees back to the Board with three changes. He said that the others were special use permits for home occupations, a Class B license, to drop them to the lower special use permit fee category; the other was to exempt some of the temporary fundraising events from the fees. Mr. Graham stated that in December 2009, the Board public hearing was held on the fees and it was deferred to February; the Board then deferred for more information on cost.

Mr. Graham noted that staff's intent with the fee proposal was to reduce the fee categories for special use permits and zoning map amendments, as there is a very wide range for those. He said that the second issue was the fact the County was incurring a lot of costs with resubmissions, deferrals of applications or resubmission of a different plan; and a third concern was recovering the cost of required notifications and legal notices, as a lot of the cost was outside of the review or the actual public hearings. Mr. Graham stated that staff recognizes that appeals should have a different prospective on recovery of cost, as there are some potential due process issues that needed to be addressed. He said that with the fee study recommended fees, staff considered them where they were comparable to other localities or the fee change was relatively small. Mr. Graham added that with future ordinance changes, staff felt it should include an analysis of the proposed cost of service; and, as with the other ordinance amendments, staff felt there should be a biennial review of fees. He noted that with cost recovery for the subdivision ordinance, staff set the fees based on 50% cost recovery where it was comparable for other localities, and with building regulations, could go to 100% cost recovery and still be comparable with other localities. Mr. Graham indicated that staff has not done that with the zoning fees as there is a very broad range of cost recovery percentages, going from 10% to 100% - and the smallest percentage of recovery lying with legislative applications.

Mr. Graham stated that for today's discussion, staff focused on re-zonings and looked at an ideal rezoning, as it is difficult to get an average because each one is so different. The assumptions of an ideal application are:

- Application meets all requirements clearly stated on application form with first submission (Mr. Graham stated that signatures by the owners are one of the greatest problems.)
- Public has no significant concerns with proposed use (e.g. traffic, drainage, compatible use, natural resources)
- Staff review finds submitted application matches County land use policy and VDOT has no issues with traffic study
- Planning Commission and Board both agree they have no concerns with the submitted application
- All fiscal impacts are adequately addressed with the submitted application (e.g. cash proffer policy clearly satisfied); and
- County Attorney finds proffers are in an acceptable form with the submitted application

Mr. Graham said that the following is the ideal rezoning cost analysis; staff provides two services – mandated and minimum services:

- **Required:**
  - Accept Application and Preserve Records - \$100
  - "527" Traffic Study, coordinate with VDOT - \$100
  - Planning Commission Public Hearing
    - Advertisement - \$350
    - Hold Public Hearing - \$100
  - Board Public Hearing
    - Advertisement - \$350
    - Hold Public Hearing - \$100
  - **Subtotal = \$1,100**
- **Additional minimum services:**
  - Applicant Assistance
  - Public Questions/Concerns
  - County Attorney review of proffers
  - Staff review against County policies
  - Staff report to Planning Commission and Board
  - Staff at public hearings to answer questions
  - **Subtotal = \$3,325**

Mr. Graham said that the total application cost is about \$4,425 but the current fee for that application is \$1,250, which means that staff is recovering about 28% of the costs. Mr. Graham stated that he reviewed the process to see what might be cut out by reducing staff review and was able to get the fee down to \$3,560 - from a cost recovery percentage basis it is about 35%.

Mr. Graham said he then looked at an actual project – North Pointe which took approximately six years. In looking at that project, the initial cost and review of the application was small. There was actually a completed staff report 38 days after submission of the application for North Pointe, but the applicant then deferred for two years.

Mr. Rooker mentioned that the Board had issues with the approval, and even formed a committee to meet with the applicant.

Mr. Graham pointed out that the two-year delay was before that happened, as the applicant was working with VDOT to try to get the traffic study done. He said that once he had submitted the completed

traffic study, the Planning Commission had a recommendation to the Board within 90 days. Mr. Graham stated that all the time and costs were from that point on up, and that was going back and forth with multiple deferrals and resubmissions. He reiterated that it is the actual deferrals that seem to be driving a lot of extra time and costs of the applications.

Mr. Graham said that from that review staff concluded that: 1) staff review is a significant part of the cost, but even cutting the review cost in half only increases the cost recovery from 28% to 35% (7% change); 2) additional rezoning costs are primarily associated with deferrals, usually resulting from applicants desire to address Planning Commission or Board concerns; and 3) for a significant reduction in the costs, the County would need to greatly reduce its expectations and/or greatly reduce services to the public and applicant

From this, he has developed possible next steps. Mr. Graham said there are several options available for the Board:

- **Leave fees unchanged** – *(Mr. Graham said the Board would not adopt the proposed ordinance and staff could go back and look at making changes in the future.)*
  - Maintains larger tax support for Zoning applications
  - Fees will remain lower than most comparable localities
  - No direction on future fee adjustments, cost increases borne by taxpayers
- **Adopt fees as recommended by Planning Commission**
  - Significantly reduces tax support for these programs
  - Addresses fee consistency between ordinances (e.g. groundwater review, notices)
  - Fees more comparable to other localities
  - Establish policy for future fee adjustments
- **Adopt recommended fees, except for fees associated with Special Use Permits, Rezonings (ZMAs), and new ARB fee categories\***
  - Recognizes changes to ARB and legislative reviews are currently being considered, forego those fee changes until program changes **are completed**
  - Reduces current tax support for remaining Zoning applications
  - Establishes consistency with other ordinance fees
  - Need to revise current ordinance amendment, but changes do not require additional public hearing

Mr. Graham presented a table depicting different applications. Staff's recommendation is to leave the fees on zoning map amendments and special permits unchanged, but change the other fees. He added that he ran through the preliminary site plan for a residential rezoning, Arden Place, where the fee was about \$4,000 under the current structure, with \$4,400 under the new fee structure. Mr. Graham said that in James City County the fee would be approximately \$13,000, and in Stafford it would be about \$26,000.

Mr. Boyd asked him to clarify the \$4,400 figure.

Mr. Graham responded that it would be the \$1,250 fee, plus \$15 per dwelling unit multiplied by 212 dwelling units.

Mr. Rooker said the cost of doing this is borne by somebody. Most of it is being paid for by property taxes today. That is why most communities have tried to allocate some reasonable percentage of the cost of applications to the applicant so they are not paid for mostly by taxpayers. He commented that the scenario is very similar to the gas tax issue in Virginia, whereby the state has not adjusted the gas tax in over 20 years and revenues have declined over the years while costs to build have increased. Mr. Rooker added that now the state does not have enough money to even match the federal money to get all of the federal money. The state cannot maintain roads.

Mr. Rooker stated that this process was started almost three years ago, and the Board at that time unanimously set three parameters for fee adjustments: recover significant part of the cost for application review; make fees comparable to those in other localities; and update fees regularly in the future. He said that there was debate on the Board as to how the costs should be determined, and now there have been three different studies, which have all come out pretty close. Mr. Rooker said that staff came back with a 100% cost recovery plan, and the Planning Commission recommended a new schedule that would be 75% cost recovery, but when it came to the Board, the development community objected to the increase and suggested 50% instead. At that time the Board supported moving forward with an ordinance that supported 50%. He added that what is presented today is not even at that level, and several specific application types, such as charitable events and home occupations, were adjusted. In two and one half years the Board has gone from 100% recovery to about 35% recovery. He just thinks the Board needs to act. The County has spent well over \$75,000 of outside study time and staff time to get where they are today with these fees. He said that a cost of living adjustment has also been recommended, so that future Boards are not hamstrung.

Mr. Dorrier commented that this is a better ordinance than the one presented three years ago.

Ms. Mallek added that there will still be some refinements, but she hopes the decision is not postponed just because processes might be changed later on.

Mr. Boyd asked how much money has been lost by not having these fees this year. There are many things that he has not seen come through the Board this year – i.e., rezonings, zoning text amendments. He asked if a lot of money has really been lost.

Mr. Graham responded that in considering his report from last August, the fee increase would have resulted in an additional \$170,000 for the current fiscal year. He said that he cut the workload estimate in half from the historical workload in order to establish that estimate, adding that the workload now is about two-thirds of the number of application that was coming forward in 2004-2007.

Mr. Rooker stated that there is no proposal for a differential due to size of re-zoning. For example, Biscuit Run in Greene County would have cost about \$85,000 and it would have been only \$3,500 in Albemarle. He added Albemarle still going to be a whole lot lower than most jurisdictions around the state, but has a higher cost of living.

Mr. Boyd said that his problem all along has been what it is costing the County to perform these services. He added that he would be willing to support this if the Board is willing to go into a cost-accounting mechanism, where the job costs are tracked.

Mr. Rooker responded that the Board gave staff guidelines. The County also hired consultants to come in and help with the estimation. He said that it would be possible to give everybody a timecard and calculate every minute spent, if that is the will here.

Mr. Snow asked how much additional burden is placed through affordable housing proffers and other proffers per unit. He added how much more does the County add to the price of a townhome or other home through proffers that makes the homes less affordable.

Mr. Graham responded that with a rezoning, the fiscal impact of a townhouse is about \$14,000 per unit, with single-family units at \$17,000, and that amount would be provided in cash or improvements.

Mr. Davis pointed out that this would only happen if a property were being rezoned; if it was already zoned there would be no proffer money.

Mr. Rooker mentioned that most people throughout the state agree that a per-unit fee for infrastructure would be better than cash proffers because it would fall equally on all units built. He also said that the County requires inclusion of a certain percentage of a rezoning in affordable homes, but no cash proffers are charged.

Mr. Davis noted that there is a percentage of affordable housing that the Comp Plan would call for someone to proffer as part of a rezoning, and if they do not want to do that a cash amount can be accepted in lieu of an affordable unit, somewhere around \$18,000. He emphasized that the goal of the County is to have the units actually built and occupied.

Mr. Rooker added that there are several other localities that have looked to Albemarle for a policy on affordable housing.

Mr. Boyd said that he would have liked that the proffer fees be added to the closing costs for the houses, as they are passed down to the homeowner either way.

Ms. Mallek noted that the cost of a home is more determined by what the market will bear.

Mr. Rooker stated that a fairly applied impact fee is a better way to go than proffers, but under state law that authority does not exist. He said that he would hope after 20 years, some of the burden can be taken off of the taxpayers by adoption of the ordinance change.

**Motion** was then offered by Mr. Rooker for adoption of ZMA 2009-017 as presented.

Mr. Thomas asked about the two types of applications, those that have full information, and those that lack it, and how much those would cost. He asked if the ARB also had two levels.

Mr. Rooker said when an applicant applies they pay a fee regardless of how many years the application takes.

Mr. Graham explained that there is simply a Certificate of Appropriateness for ARB, but there is no fast lane/slow lane arrangement.

Mr. Rooker pointed out that when North Pointe came in, they filed the same application and paid the same fees.

Mr. Thomas said he thought that if someone did not meet the criteria, they paid more money to get the application through the process.

Mr. Davis said this ordinance charges a fee for deferrals and for re-advertising.

Ms. Mallek noted that there is also a fee for resubmission, but if new questions come up that were not in the first list, the applicant would not be billed for those. She emphasized those applicants who come in with the right approach got through very quickly, such as Old Trail in eight months. Ms. Mallek added if you have the approach that everything is a contest, then it is going to take longer, and that is not the fault of the process or the staff, when the same staff is doing both.

Mr. Boyd said that there is a lot of subjectivity with these reviews. The applicant often gets a different set of responses the second time they submit when compared to the first submittal.

Mr. Rooker responded that there will still be applicants who take a longer time and then sometimes applicants wait it out for a change on the Board. The County has never penalized an applicant for wanting to defer, but it does cost the County more money.

Mr. Boyd stated that it is only good practice to have a good cost-accounting system per project.

Mr. Rooker said that it would work if there is a cost-recovery system that is easily implemented, as you do not want to have staff spending half their time counting what they are doing. It behooves everyone to have an efficient system in place.

Mr. Boyd replied that private engineering firms do have this kind of system.

Mr. Rooker said he would not have a problem with asking staff, if it has the time, to look into what private firms are doing and to see if there is a system that can be used in the County.

Mr. Dorrier commented that the ordinance is not perfect, but Mr. Graham deserves a lot of credit for the improvements made.

Mr. Tucker asked about an effective date for implementation.

Mr. Graham said that staff would like to have 60 days, ideally January 1, 2011.

Mr. Rooker then **amended** his motion to include the effective date of the ordinance as on or after January 1, 2011. The motion was **seconded** by Mr. Dorrier. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Boyd asked about the process for looking into a cost accounting system.

Mr. Rooker said that Mr. Graham could obtain information from other localities around the country, as well as private engineering firms.

Mr. Thomas thanked Mr. Graham for all of his hard work.

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

#### **ORDINANCE NO. 10-18(7)**

#### **AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, 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 18, Zoning, Article IV, Procedure, is hereby amended and re-ordained as follows:

#### **By Amending and Renumbering:**

Sec. 35.1 Fees

#### **By Amending, Renumbering and Renaming:**

Sec. 35.2 Calculation of fees in special circumstances

#### **By Adding:**

Sec. 35.3 Fee refunds

### **Chapter 18. Zoning**

#### **Article IV. Procedure**

#### **Sec. 35.1 Fees**

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

- a. Zoning text amendments: \$1000.00
- b. Zoning map amendments:
  1. Less than 50 acres; application and first resubmission: \$2500.00
  2. Less than 50 acres; each additional resubmission: \$1250.00
  3. 50 acres or greater; application and first resubmission: \$3500.00
  4. 50 acres or greater; each additional resubmission: \$1750.00
  5. Deferral of scheduled public hearing at applicant's request: \$180.00
- c. Special use permits:
  1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1000.00

2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$500.00
  3. Signs reviewed by the board of zoning appeals: See subsection 35.1(f)
  4. All other special use permits; application and first resubmission: \$2000.00
  5. All other special use permits; each additional resubmission: \$1000.00
  6. Deferral of scheduled public hearing at applicant's request: \$180.00
- d. Site plans:
1. Preliminary site plans; administrative review: \$1200.00 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure
  2. Preliminary site plans; planning commission review: \$1800.00 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure
  3. Final site plans; administrative review: \$1500.00
  4. Final site plans; planning commission review: \$2000.00
  5. Waiver of drawing of site plan under section 32.2: \$1500.00
  6. Site plan amendments under section 32.3.8 ¶2 (minor): \$500.00
  7. All other site plan amendments (major): \$1500.00
  8. Appeals to the board of supervisors under section 32.4.2.7: \$240.00
  9. Reinstatement of review under section 32.4.2.1: \$240.00
  10. Reinstatement of review under section 32.4.2.4: \$80.00
  11. Extension of period of validity: \$475.00
  12. Inspections pertaining to secured site plan improvements; per inspection: \$280.00
  13. Deferral of scheduled public meeting at applicant's request: \$180.00
- e. Certificates of appropriateness considered by the architectural review board ("ARB"):
1. For a site plan; per review by the ARB: \$1000.00
  2. For a building permit; per review by the ARB: \$590.00
  3. Amendment to approved certificate of appropriateness: \$225.00
- f. Matters considered by the board of zoning appeals:
1. Variances: \$500.00
  2. Appeals: \$240.00
  3. Special use permits for signs under section 4.15.5: \$500.00
- g. Matters considered by the zoning administrator or other officials:
1. Official determinations regarding compliance: \$185.00
  2. All other official determinations, including development rights: \$100.00
  3. Zoning clearance for tourist lodging: \$100.00
  4. Zoning clearance for home occupation, class A: \$25.00
  5. Zoning clearance for temporary fundraising activity: No fee
  6. All other zoning clearances: \$50.00
  7. Sign permits under section 4.15.4; no ARB review required: \$25.00
  8. Sign permits under section 4.15.4; ARB review required: \$120.00
- h. Groundwater assessments:
1. Tier 1 assessment under section 17-401: \$50.00
  2. Tier 3 assessment under section 17-403: \$510.00
  3. Tier 4 assessment under section 17-404: \$1100.00
- i. Miscellaneous:
1. Change in name of development or change in name of street: \$80.00
  2. Relief from conditions of approval; modification or waiver of requirements: \$425.00
  3. Tier II personal wireless service facilities: \$1820.00
- j. Required notice:
1. Preparing and mailing or delivering up to fifty (50) notices: \$200.00 plus the actual cost of first class postage.
  2. Preparing and mailing or delivering, per notice more than fifty (50): \$1.00 plus the actual cost of first class postage.
  3. Published notice: actual cost

The fee shall be in the form of cash or a check payable to the County of Albemarle. An application presented without the required fee shall not be deemed to be submitted and shall not be processed.

(Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-5-10 to be effective 1-1-11)

### **Sec. 35.2 Calculation of fees in special circumstances (Added effective 1-1-94)**

The provisions of 35.1 notwithstanding, the required fee shall be calculated in the special circumstances below as follows:

- a. If a preliminary site plan or preliminary subdivision plat is supportive of and will be reviewed simultaneously with an application for a zoning map amendment or a special use permit, the applicant shall pay the fee for the zoning map amendment or the special use permit, but not the fee for the preliminary site plan or preliminary subdivision plat.

- b. If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for the review of all of the special use permit applications.

(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; \* to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(3), 10-13-04; Ord. 04-18(4), adopted 12-8-04, effective 2-8-05; Ord. 10-18(7), adopted 8-5-10 to be effective 1-1-11)

### **Sec. 35.3 Fee refunds**

If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.

(Ord. 10-18(7), adopted 8-5-10 to be effective 1-1-11)

This ordinance shall be effective on and after January 1, 2011.

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### **Agenda Item No. 17. Public Hearing: PROJECT: SP-2009-00030. Greenbrier Emergency Animal Hospital (Sign #25).**

**PROPOSED:** Request to amend SP 91-52 to extend veterinary services clinic hours and expand the space in the existing building on the site. No residential units proposed.

**ZONING CATEGORY/GENERAL USAGE:** C-1 Commercial - retail sales and service uses; and residential use by special use permit (15 units/acre) and primarily HC Highway Commercial - commercial and service uses; and residential use by special use permit (15 units/acre)

**SECTION:** Sections 22.2.2.5 and 24.2.2.4 of the Zoning Ordinance which allows for veterinary office and hospital uses.

**COMPREHENSIVE PLAN LAND USE/DENSITY:** Community Service - community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre) in Neighborhood 1.

**ENTRANCE CORRIDOR:** Yes.

**LOCATION:** 370 Greenbrier Dr. Approximately 675 feet west of the intersection of Greenbrier Drive and Route 29 (Seminole Trail).

**TAX MAP/PARCEL:** 61W, Section 1, Block A, Parcel 5.

**MAGISTERIAL DISTRICT:** Rio.

*(Advertised in the Daily Progress on July 19 and July 26, 2010.)*

Mr. Wayne Cilimberg, Director of Planning, said that this application amends an existing special use permit to allow this facility to provide daytime specialty veterinary services in addition to the current emergency clinic hours. The petition also allows the applicant to expand into some adjacent space that is available for them to use within the existing building on the site. He explained that the property is located on Greenbrier Drive to the west of Seminole Trail, and the existing building would continue to be used for the expanded service.

Mr. Cilimberg stated that favorable factors include consistency with the land use plan and providing expansion of veterinary services in the development area. There were no unfavorable factors. The staff and the Planning Commission are recommending approval with five conditions. He stated that the third condition has been expanded to be more specific on the space being used because 370 Greenbrier Drive is the entire building. He said that it also establishes the hours of operation for the emergency clinic and special veterinary clinic.

Mr. Boyd commented that the proposed hours of operation are confusing.

Mr. Cilimberg said that he asked that question also, as the facility is going to be open 24 hours, 7 days a week, but Zoning needed to differentiate between the two activities for parking purposes, and because of that the condition is showing the overnight hours that the emergency clinic would operate and the daytime hours that the special veterinary clinic would operate. He explained that the clinic shares parking with other operations in the facility during the daytime.

At this time, the Chair opened the public hearing.

The applicant, Tripp Stewart, addressed the Board and offered to answer questions.

Mr. Dorrier asked how many animals are served in the facility. Mr. Stewart responded that last night, there were three in emergency care, and six the night before that. The number varies. He added that he has no problem with the conditions as presented. He also stated that it is two separate entities with the idea being to maximize the space.

Mr. Rooker said that it is a real service to the community to have it there, and he has not heard any complaints about the operation, just a lot of good things.

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

**Motion** was then offered by Mr. Thomas to approve SP-2009-00030 subject to the five recommended conditions. The motion was **seconded** by Mr. Snow. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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

1. There shall be no outside exercise area;
2. No animals are to be confined outside;
3. Use is limited to the existing two thousand, five hundred (2,500) square feet and the proposed expansion of two thousand, six hundred twenty five (2,625) square feet at 370 Greenbrier Drive as shown on the attached Land Title Survey Showing Parcel B-1 Section One Westfield created by B. Aubrey Huffman & Associates, LLC, dated April 13, 2005;
4. The hours of operation for the Emergency Clinic shall be between 5:30 P.M. each Monday through Thursday and 9:00 A.M. the following day; between 5:30 P.M. Friday and 9:00 A.M. Monday; and all day each federal holiday. The days and hours of operation for the Specialty Veterinarian Clinic shall be between 9:00 A.M. and 5:30 P.M., Monday through Friday; and
5. Animals shall be permitted on site only during hours of operation as specified above in Condition number 4.

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Agenda Item No. 18. **Public Hearing: PROJECT: ZMA-2008-000003. Albemarle Place (Sign #58,65&67).**

**PROPOSAL:** Rezone 64.694 acres from Neighborhood Model (NMD) zoning district which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses to Neighborhood Model (NMD) to amend the original proffers; and rezone 0.3404 acres from Commercial (C-1) retail sales and service uses to Neighborhood Model (NMD) with the proffers.

**PROFFERS:** Yes.

**EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY:** Regional Service - regional-scale retail, wholesale, business and/or employment centers, and residential (6.01-34 units/acre) in Neighborhood 1.

**ENTRANCE CORRIDOR:** Yes.

**LOCATION:** in the northwest corner Hydraulic Road (Rt. 743) and Seminole Trail (US 29) in Neighborhood 1.

**TAX MAP/PARCEL:** 061W0-03-00-019A0, 061W0-03-00-019B0, 061W0-03-00-02300, 061W0-03-00-02400, 061W0-03-00-02500.

**MAGISTERIAL DISTRICT:** Jack Jouett.

*(Advertised in the Daily Progress on July 19 and July 26, 2010.)*

Mr. Cilimberg said that the Board is familiar with this location and the application. One change covered in this rezoning is the 7-Eleven site has now been acquired and is being incorporated into the project. He said that this will amend the proffers and Code of Development that existed for the zoned area, and will also add .34 acres currently C-1 zoning to the overall project and Neighborhood Model district zoning. Mr. Cilimberg stated that it also allows for modifications to the commercial plan development sign regulations, rather than Neighborhood Model sign regulations, allow offsite signs and increase the maximum wall sign height, so that it will have similar signs to other area projects that are similarly oriented.

He reported that the proffers have been revised and clarified and are technically and legally acceptable. The Code of Development prohibited and permitted uses have been revised as recommended by staff and the Commission. The timeframe for transportation improvements covered in Proffer 14 can be extended by mutual agreement of the City and the County. Mr. Cilimberg said that there is a cash proffer provided for the Charlottesville Area Transit Service for five years, if the JITNEY service that was part of the original process is not started by the first commercial CO.

Mr. Cilimberg stated that the favorable factors include that the outstanding issues have all been addressed, the alternative of cash commitments to Route 29 improvements from Hydraulic Road onto the Route 250 Bypass have been provided, the proposal makes administration of the regulations and the uses easier to follow, and it is a consistent rezoning with the County's land use plan, including what is proposed in Places 29. Mr. Cilimberg stated that there are no unfavorable factors

Staff and the Commission recommend approval of the rezoning with the amended proffers dated July 23, 2010 and amended table of permitted and prohibited uses by block. He said that staff and the Commission also recommend approval of three modifications of the requirements in the sign regulations in the County Ordinance.

Mr. Thomas asked if the agreement with the City related to Proffer 14 is in place. Mr. Graham stated that there is agreement in concept, but the agreement itself has not been finalized at this point.

Mr. Boyd said that the \$1.0 million is just for the engineering study, not the project.

Mr. Graham explained that the project would be more, but there is other funding available and it is looking promising.

Mr. Rooker noted that the total cost is approximately \$4.0 million, and the City had designated some revenue-sharing money which they expect to get some match from the state.

Mr. Boyd commented that it is a pretty critical improvement in order for the development to work.

Mr. Cilimberg mentioned that what it accomplishes is a recommendation that came out of the 29H250 Study that is also a Places 29 recommendation. He added that is certainly meeting some needs that have been identified in plans.

Mr. Rooker said that what the Board approves today will allow that to happen, because the previous proffer did not require that improvement.

Mr. Boyd stated that perhaps a condition should be added stipulating that the traffic improvements be complete prior to a certain level of development occurring.

Mr. Graham said that there is a good deadline on this, and it matches the development pretty well.

Mr. Boyd commented that there was an agreement with the City for the Meadow Creek Parkway also, and that did not proceed well.

Mr. Rooker said that the rezoning has been approved, and these are changes that will enable transportation improvements that are better than the ones in the rezoning, as well as changes that will allow the town center portion to develop before the box side. He noted that by imposing the restrictions mentioned, it would essentially say that development in the County is conditioned upon the City doing something. Mr. Rooker added that he does not think that would be a fair position to put the developer in. The developer is going to do a continuous right turn lane from Waffle House all the way down to Hydraulic Road; they are improving the Hydraulic Road intersection at Route 29 along with improvements along Hydraulic Road, and now more.

Mr. Boyd stated that he does not like to be put in a position of being at the mercy of the City, as they have a real record of not living up to their obligations. He agrees that it is not fair to put the developer in that position.

At this time, the Chair asked the applicant for comments.

Ms. Valerie Long, on behalf of the developer, Edens & Avant, said that the project was approved in 2003 for rezoning. The current developers purchased the property in 2008, at which time a rezoning application was submitted to amend the proffers. The developers spent several years working with offsite landowners to obtain easements for necessary offsite traffic improvements. They have also been working with site planning and with prospective tenants on leasing. She said that today they are requesting approval of three things as part of the rezoning: 1) technical amendments to the proffers, 2) minor technical amendments to a small portion of the Code of Development, and 3) three sign waivers.

Ms. Long presented a copy of the approved application plan, stating that all offsite traffic improvements will be made as part of the first phase of the project, with the one exception being the traffic signal at Route 29 and the northern side (Albemarle Place Boulevard) of the property. She stated that there is an additional southbound lane on Route 29 reaching almost to the Waffle House, just south of Westfield Road near the Nature Conservancy building; an additional right turn lane will be added at the Route 29/Hydraulic intersection which will provide a dual right turn. Ms. Long added that the developers will make frontage improvements along Hydraulic Road and add a new traffic signal at the intersection of Hydraulic Road/Albemarle Place Boulevard.

She reported that the original 2003 proffers provided that the owners would make certain traffic improvements on the City side of the line – called the K-mart improvements. The proffers provide that Edens & Avant would do that work and coordinate with the City. Ms. Long said that the City has come to the firm over the years and indicated they would prefer that the funds be used towards improvements on Route 29 South and the Route 250 Bypass. Albemarle Place has estimated that the cost of making the original improvements on Hydraulic road - by the K-Mart - were about \$500,000 in 2008. She noted that the agreement with the City is not yet final, but there is a good working draft and agreement on all the concepts; the developer was waiting to get the rezoning approved.

Ms. Long stated that the three items requested tonight are amendments to the proffers, minor amendment to the Code of Development, and sign waivers. She said that the proffers can be summarized in three categories. The first phase is to address the phasing of the project; the second phase deals with the transportation fund swap, and the third phase deals with some technical changes to update the proffer language. Ms. Long mentioned that the original owners and developers were going to start on the other side of the property, as Mr. Rooker pointed out, but learned that all of the tenants wanted to be on the other side, so the proffers were amended to accommodate that pattern of development.

Mr. Dorrier asked if the Sperry plant would still remain. Ms. Long responded that it will, and would be separate from the development.

Mr. Rooker mentioned that Sperry owned all of this property at one time, and sold it to the Albemarle Place developer.

Mr. Boyd asked if there was any connection planned to Commonwealth Drive.

Ms. Long replied that there are a number of places all around that are future connections, but the Commonwealth Drive connection is not required immediately. She said that there is a proffer that states the developer would build it upon request of the County and upon receiving adequate right-of-way and easements necessary to make the connection. She pointed out the location of future connections to be established if and when those other properties get developed, and the proffers indicate this as well.

Ms. Long stated that Mr. Tom Gallagher, Project Manager with Edens & Avant is present at this meeting. The site work is expected to begin in late fall 2010, with stores opened by late summer or fall of 2012. During that time, the developer will be finishing their site plan, working through the ARB process, completing all the internal site work, making offsite road improvements, and building stores and recruiting tenants.

Mr. Dorrier asked if the idea of a roundabout at Hydraulic Road has been discarded. Ms. Long responded that it is not part of this project, but if there are future improvements to that intersection there is a proffer paragraph that requires the owners to donate certain defined areas of land for those future improvements. She noted that the developer worked with the County and VDoT fairly extensively on that proffer. She added that it used to have a sunset provision of 2025 but now have a perpetual deadline.

Mr. Thomas commented that the idea of the roundabout was part of Harrison Rue's concept for an overpass there.

Mr. Rooker said that there have been several iterations, but if anything were done it would probably be a diamond-shaped overpass.

Mr. Cilimberg noted that the Board actually approved an official map designation earlier this year that would allow for the right-of-way for a tight urban interchange.

Ms. Long mentioned that the developers refer to that approved map in the proffers, identifying the parcels of land within the Albemarle Place property that the owners would dedicate to VDoT if and when that project ever goes forward. She added that there are some very minor amendments to one element of the Code of Development, the Table of Uses that specifies what uses are permitted within each block. Staff had suggested several minor changes such as updating definitions to reflect current terminology.

Ms. Long said that there are also three sign waiver requests that staff has worked with the Zoning Department. The first waiver would allow signs within this Neighborhood Model district to be similar scale to those in other mixed use zoning districts along Route 29. She added that other districts and projects that are zoned Planned Development Mixed Commercial, Planned Development Shopping Center, and Highway Commercial have slightly larger sign limits than are allowed in a Neighborhood Model district. Ms. Long said that the Zoning Administrator has agreed that given this property's location along Route 29, it would be appropriate to allow the same-size signage in a Neighborhood Model district as that in similar style shopping districts. She added that the second sign waiver would allow for what are technically offsite signs, as their location on separate tax map parcels is considered offsite even though they are in the same project. Ms. Long said that the final waiver would be to allow the maximum height of wall signs to be higher than what is currently permitted, as current regulations would not allow a wall sign on a building to be higher than 30 feet, and because some of the buildings here will be taller, the signs could be located at the aesthetically appropriate height if they were allowed to be taller. She mentioned that the developer has worked with the Zoning Administrator and ARB staff to come up with a height that is acceptable to them, with certain conditions, such as the 58 feet used for the Virginia National Bank building at Pantops, with limitations through the ARB process and County discretion on illumination and height.

Mr. Dorrier asked about the total project cost. Mr. Tom Gallagher, Vice President of Development with Evans & Avant, stated that the project cost is in excess of \$115.0 million. They acquired the entire interest in the property in August 2008, with subsequent acquisition of the 7-Eleven parcel in October 2009.

At this time the Chair opened the public hearing and asked for other public comment.

No one came forward so the public hearing was closed, and the matter was placed before the Board.

Mr. Rooker said that this project is located in his district. He has spent a lot of time working on this project, going back to when he and Mr. Thomas were on the Planning Commission. He had some concern about raising the height of the signs, but Margaret Maliszewsky was able to allay his concerns. Ms. Maliszewsky supports the waiver in this case given the scale of the buildings. After looking at every very carefully, he is supportive.

Mr. Boyd asked if the water and sewer needs for this project have been adequately addressed.

Mr. Rooker responded that Mr. Gallagher has spent almost three years working on private easements for the sewer lines, but it has been completely worked out.

Mr. Gallagher said access from the property to the Meadow Creek Interceptor has been worked out. They have also reached agreements with all property owners. The pipes will basically cross under Route 29 near the Golden Corral and Jessup property. He mentioned that the Meadow Creek Interceptor upgrade is moving forward, with completion expected in July or August of 2011.

Mr. Rooker then offered **motion** to approve ZMA 2008-0003 subject to amended Proffers dated 7/23/10 and amended Table of Permitted/Prohibited Uses by Block (Appendix A to the Albemarle Place Code of Development) and to approve the three modifications of the requirements of Section 4.15, Sign Regulations in the Albemarle County Zoning Ordinance. The motion was **seconded** by Mr. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

**(The proffers are set out below:)**

**Albemarle Place  
PROFFER FORM**

**Date: July 23, 2010**

**ZMA # 2008-003 Albemarle Place**

**Tax Map and Parcel Numbers: 061 W0-03-00-019A0, 061 W0-03-00-019B0, 061 W0-03-00-02300, 061 W0-03-00-02400, and 61W0-03-00-02500**

**64.694 Acres zoned Neighborhood Model District (NMD), and 0.3404 acres to be rezoned from Commercial (C-i) to Neighborhood Model District (NMD)**

Albemarle Place EAAP, LLC, a Delaware limited liability company, is the fee simple owner (the Owner) of tax map parcels 061 W0-03-00-0 1 9A0, 061 W0-03-00-0 1 9B0, 061 W0-03-00-023 00, 061W0-03-00-02400, and 061 W0-03-00-02500 (collectively, the Property), which is the subject of zoning map amendment application number ZMA 2008-003 known as "Albemarle Place Amendment."

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed in this proffer statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is acknowledged that the conditions are reasonable.

The Albemarle Place project was originally approved by the County Board of Supervisors on October 22, 2003 as ZMA 200 1-007, along with proffers from the prior owner dated October 22, 2003, and a Code of Development prepared by The Cox Company dated October 15, 2003 (with Exhibit A to the Code of Development last revised July 8, 2010) (the Code of Development). The Code of Development included an application plan (the "Application Plan"). The improvements proposed for the Property are collectively referred to as the "Project."

The term Owner as referenced herein shall include within its meaning the owner of record and successors in interest. The term Application Plan refers to Exhibit A. The term Code of Development refers to Exhibit B. These proffers amend and supersede the proffers accepted in conjunction with the approval of ZMA 2001-007.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provisions of the proffers.

**1. Phasing of Albemarle Place Improvements:** The Owner shall phase development of the Project as follows:

**A. Phase 1:** Phase 1 of the Project shall be composed of Blocks A, B, C and D as shown on the Application Plan, and as shown in more detail on Exhibit A-1 attached hereto (Phase 1), and shall include street and utility improvements to serve the planned building improvements contained within Phase 1. As part of Phase 1, the Owner shall design and construct Albemarle Place Boulevard, also known as Fourth Street/Cedar Hill Road, Albemarle Place Boulevard, from Hydraulic Road to the point where Albemarle Place Boulevard connects with the new planned western entrance to the Sperry Marine facility in the location shown on the Application Plan, and as shown in more detail on Exhibit A-1. This first phase of Albemarle Place Boulevard shall include all supporting utility infrastructure on such street, and shall be completed prior to issuance of a final certificate of occupancy for any buildings within Blocks A, B, C and D. Construction of the first phase of Albemarle Place Boulevard shall be deemed complete when it is constructed in conformance with the plans approved by the Virginia Department of Transportation (VDOT) and the County Engineer has approved it for vehicular travel. No more than three hundred seventy thousand (370,000) square feet of commercial space and one hundred seventy (170) dwelling units may be constructed within the Project until the remainder of Albemarle Place Boulevard is constructed to the new planned intersection with U.S. Route 29 as shown on the Application Plan. Notwithstanding anything to the contrary contained in this Paragraph 1A, the Owner shall be permitted to utilize portions of the Phase 2 land (as shown on Exhibit 1- A) for the installation of infrastructure to serve the Phase 1 building improvements to be constructed in Blocks A, B, C and D.

**B. Phase 2:** Phase 2 of the Project shall be composed of Blocks E, F and G as shown on the Application Plan and as shown in more detail on Exhibit A-1 (Phase 2), and shall include street and utility improvements to serve the planned building improvements contained within Phase 2. As part of Phase 2, the Owner shall design and construct Albemarle Place Boulevard from the point where it connects with the new planned western entrance to the Sperry Marine facility north and east through Blocks E, F and G to the new planned intersection with U. S. Route 29 as shown on the Application Plan and as shown in more detail on Exhibit A-1. This second phase of Albemarle Place Boulevard shall include all supporting utility infrastructure on such street and shall be completed prior to issuance of a final certificate of occupancy for any buildings within Blocks E, F and G. Construction of the second phase of Albemarle Place Boulevard shall be deemed complete when it is constructed in conformance with the plans approved by VDOT and the County Engineer has approved it for vehicular travel. Notwithstanding anything to the contrary contained in this Paragraph 1B. the Owner shall be permitted to utilize portions of the Phase 2 land (as shown on Exhibit 1-A) for the installation of infrastructure to serve the Phase 1 building improvements to be constructed in Blocks A, B, C and D.

**C.** Landscape improvements and associated streetscape improvements to serve the planned building improvements contained within each block shall be reviewed at the time of final site plan review for each block. The Project shall have a consistently designed and planted streetscape along Route 29 and Hydraulic Road.

2. **Community Development Authority Participation:** Upon request by the County, the Owner shall petition for and consent to all tax map parcels used for non-residential purposes participating in a Community Development Authority (CDA) established pursuant to Section 15.2-4142, et seq. of the Code of Virginia (Code) to be created for the purpose of implementing Route 29 regional transportation improvements, including but not limited to transportation improvements within the Super Block (the geographical area bounded by Route 29, Hydraulic Road, Commonwealth Drive, and Greenbrier Drive) and intersectional improvements associated therewith.
3. **Cash Proffer for Route 29 Regional Transportation:** The Owner will make a cash contribution to the County for the MPO/29H250 Phase 2 Route 29 regional transportation study in the amount of One Hundred Thousand Dollars (\$100,000.00). The cash contribution shall be made by the Owner within thirty (30) days upon request by the County. This proffer has been satisfied.
4. **Cash Proffer for City of Charlottesville Traffic Calming Improvements:** The Owner shall contribute Ten Thousand Dollars (\$10,000.00) to the City of Charlottesville for the construction by the City of traffic calming improvements on Swanson Road, Cedar Hill Road and other City streets intersecting Hydraulic Road in the vicinity of Albemarle Place. The cash contribution shall be made by the Owner within thirty (30) days upon request by the City. If the traffic calming improvements are not implemented by October 15, 2007, all unexpended funds shall be refunded to the Owner. The City constructed the traffic calming improvements, and requested the prior owner of the Property to pay the contribution on November 9, 2005, but there are no immediately available records that such contribution was ever received by the City. Upon evidence of prior payment of such funds that is satisfactory to the County, the requirements of this Paragraph 4 shall be deemed satisfied. In the event the Owner has not produced such evidence to the County by March 31, 2010, the Owner shall contribute the funds to the City within thirty (30) days of a written request from the City, provided that such request is made no sooner than April 1, 2011. At the time such funds are delivered to the City, the Owner shall provide notice of such payment to the County.
5. **Cash Proffer for Charlottesville Area Transit ("CAT") Commercial Corridor "Jitney Service":** Upon the request of the County, the Owner shall contribute Twenty Thousand Dollars (\$20,000.00) per annum or an amount equal to twenty percent (20%) of the annual operating and maintenance costs, whichever is less, for a period not to exceed five years for operating and/or maintaining a dedicated jitney bus service to retail commercial developments, including Albemarle Place, along the Route 29 Corridor. If the CAT jitney service is not placed into operation by the date of issuance of the first occupancy permit for a commercial building in Albemarle Place, then the Owner shall contribute Seven Thousand Dollars (\$7,000.00) per annum, for a period not to exceed five years, to CAT for costs associated with operating existing CAT bus route(s) that provide service to Albemarle Place.
6. **Cash Proffer for Capital Improvements:** The Owner shall contribute One Million Five Hundred Thousand Dollars (\$1,500,000.00), hereinafter referred to as the Total Contribution, to the County for the purpose of funding capital improvements related to Albemarle Place. The contribution shall be paid as follows: (a) Three Hundred and Seventy Five Thousand Dollars (\$375,000.00) shall be contributed to the County within thirty (30) days after the first final site plan or subdivision plat containing residential dwelling units is approved for Albemarle Place; (b) an additional Three Hundred and Seventy Five Thousand Dollars (\$375,000.00) of the total contribution shall be contributed to the County prior to the issuance of a certificate of occupancy for the first residential dwelling unit in Albemarle Place, and (c) the remaining Seven Hundred Fifty Thousand Dollars (\$750,000.00) of the Total Contribution shall be paid on a pro rata basis of Three Thousand Dollars (\$3,000.00) per residential dwelling unit at the time certificates of occupancy are issued for the first two hundred fifty (250) dwelling units. No additional contribution shall be required for the next two hundred fifty (250) dwelling units.

If five (5) years from the date of approval of the first final site plan or subdivision plat for residential dwelling units, the Total Contribution has not been fully paid, the balance of the Total Contribution shall be contributed to the County within thirty (30) days upon request by the County. If this fund has not been exhausted by the County for the stated purpose within five (5) years from the date the last contribution is made, all unexpended funds shall be refunded to the Owner. In addition to the foregoing, after building permits have been issued for the first five hundred (500) dwelling units within Albemarle Place, the Owner shall pay to the County Three Thousand Dollars (\$3,000.00) prior to the issuance of a building permit for each new residential dwelling unit thereafter.

7. **Construction of Frontage improvements on Route 29 and Hydraulic Road:** At its expense, the Owner shall plan, design, bond and construct travel lane improvements to be dedicated for public use on its Hydraulic Road and Route 29 frontage. The design shall be submitted with the first site plan for the initial phase of Albemarle Place. The subject frontage improvements are depicted by Exhibit F, Short Term Route 29 Transportation Improvements. The County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy. The construction of the subject improvements shall be deemed complete when they are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.

8. **Construction of Off-Site Improvements:** Upon request by the County or as provided herein, the Owner shall plan, design, bond and construct off-site transportation improvements in the County and the City, as depicted on Exhibit F, Short Term Route 29 Transportation Improvements. If the improvements are required to be constructed, the County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy. Construction shall be deemed complete when the improvements are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.

**A. Off-site Improvements in the County at the Northwest Quadrant of the Hydraulic Road/Route 29 Intersection.** The engineering, plats and construction documents for off-site improvements in the County shall be submitted with the first final site plan for Phase 1 of Albemarle Place.

**B. Off-site Improvements in the City at the Northeast Quadrant of the Hydraulic Road/Route 29 Intersection (numbered items 4 and 11 on Exhibit F).** The Owner shall submit the engineering, plats and construction documents, the Plans, for the improvements in the City of Charlottesville to the City of Charlottesville within sixty (60) days after the first final site plan for Phase 1 of Albemarle Place is submitted to the County. The Owner shall diligently pursue approval of the Plans in the City. If the City does not approve the Plans within six (6) months after the first final site plan for the first phase of Albemarle Place is approved by the County, the Owner shall not be required by this proffer to construct any improvements for which approvals have not been obtained. The Owner shall not be required by this proffer to acquire or otherwise pay for right of way in the City for these improvements.

If the improvements are required to be constructed, the Owner shall complete construction of the improvements for which right of way is available within twelve (12) months after the issuance of the first certificate of occupancy within Albemarle Place. Construction shall be deemed complete when the improvements are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.

This Paragraph 8(B) is subject to the terms of Paragraph 14, Substituted Transportation Improvements.

9. **Reservation and Dedication of land for Regional Route 29 and Hydraulic Road Intersection Improvements:** The Owner shall reserve for the future dedication to the Commonwealth of Virginia certain land on the Property in the County for certain short-term transportation improvements for the Route 29 and Hydraulic Road intersection, the "Short-Term Route 29/Hydraulic Road Improvements, as follows: (a) the land shown as Parcel A 6,511 S.F. on the plat of Kirk Hughes and Associates dated March 3, 2009, last revised March 25, 2010, which plat is attached hereto as Exhibit H; and (b) any portions of the parcels shown as "Parcel One Future Right of Way 1,117 S.F.," "Parcel Two Future Right of Way 9,079 S.F.," "Parcel Four Future Right of Way 1,660 S.F.," and "Parcel Five Future Right of Way 790 S.F.," on the Official Map adopted by the County on December 2, 2009, a copy of which Official Map is attached hereto as Exhibit I, that are required by VDOT for the Short-Term Route 29/Hydraulic Road Improvements collectively, the Short-Term Improvements Dedication Area, provided, however, that the subdivision plats depicting the Short-Term Improvements Dedication Area are subject to final approval by the County Department of Community Development and that the precise boundaries and size of the Short-Term Improvements Dedication Area may be adjusted accordingly. The Owner shall dedicate the Short-Term Improvements Dedication Area to the Commonwealth of Virginia in fee simple by October 1, 2010, or within thirty (30) days after the County approves the subdivision plat necessary to dedicate the Short-Term Improvements Dedication Area, whichever is first to occur. In addition to the dedication of the Short-Term Improvements Dedication Area, the Owner shall dedicate and convey all necessary drainage and construction easements for the Short-Term Route 29/Hydraulic Road Improvements. If the Short-Term Improvements Dedication Area is not dedicated and conveyed as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the Office of the Attorney General necessary to dedicate and convey the Short-Term Improvements Dedication Area land.

After dedication and until the subject regional transportation improvements are funded for construction, the Owner shall, at the request of the County, and with the consent of the Commonwealth of Virginia, maintain the Short-Term Improvements Dedication Area land until requested by the County to no longer do so provided the Owner is granted the right to the exclusive use of the land for landscaped open space, a pocket park, temporary parking, fencing, signage, utilities or other purpose as may be approved with the final site plan for the first phase of Albemarle Place. Upon being requested by the County to no longer maintain the land, the Owner shall cease all use of the land and remove all improvements established by the Owner that the County requests be removed.

In the event that the adopted design for future public intersection improvements does not require the utilization of all of the Short-Term Improvements Dedication Area land, upon the Owner's request, the residual portion of the dedicated land shall be transferred to the Owner at no expense to the Owner. The deed(s) of dedication for the Short-Term Improvements Dedication Area may provide for such conditions.

- 10. Reservation and Dedication of Additional Land for Route 29 and Hydraulic Road Intersection Improvements:** The Owner shall reserve for future dedication to the County, subject to the conditions herein below, certain additional land on the Property for the right of way for future Hydraulic Road and Route 29 related regional transportation improvements, the Long-Term Route 29/Hydraulic Road Improvements, as follows: (a) the area shown as "Parcel AI 1,432 S.F." on Exhibit H; and (b) any portions of the parcels shown on Exhibit I that were not previously dedicated to the Commonwealth of Virginia for the Short-Term Route 29/Hydraulic Road Improvements pursuant to the Paragraph 9 herein, collectively, the Long-Term Improvements Dedication Area, provided, however, that the subdivision plats depicting the Long-Term Improvements Dedication Area are subject to final approval by the County Department of Community Development and that the precise boundaries and size of the Long-Term Improvements Dedication Area may be adjusted accordingly.

The Owner shall dedicate the Long-Term Improvements Dedication Area to the County within ninety (90) days after the County's request for such dedication, and such dedication shall include the dedication and conveyance of all necessary drainage and construction casements for the Long-Term Route 29/Hydraulic Road Improvements. If the Long-Term Improvements Dedication Area is not dedicated and conveyed as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the County Attorney's Office necessary to dedicate and convey the Long-Term Improvements Dedication Area.

Until the Long-Term Improvements Dedication Area land is dedicated, the Owner shall maintain the land and shall retain the right to the exclusive use of the land for landscaped open space, a pocket park, temporary parking, fencing, utilities or other purposes as may be approved with the first final site plan for Phase 1 of Albemarle Place.

The conditions on the subject reservation and dedication shall be as follows:

(a) In the event that the adopted design for future public intersection improvements does not require the utilization of all of the Long-Term Improvements Dedication Area land, upon request of the Owner the residual portion shall be released by the County from the reservation or, if the land has been dedicated, upon request of the Owner title shall be transferred back to, and for the use of, the Owner at no expense to Owner. The deed(s) of dedication for the Long-Term Improvements Dedication Area may provide for such conditions.

(b) The design and construction of the Long-Term Route 29/Hydraulic Road Improvements shall substantially maintain the access, function, and continuity of service of the planned intersection of Swanson Road (Extended) and existing Hydraulic Road into Albemarle Place at the location of the existing Swanson Road and Hydraulic Road intersection; otherwise this proffer becomes null and void.

- 11. Signalization of Hydraulic Road and Route 29 Intersections:** The Owner shall be responsible for traffic signalization improvements as follows:

A. The Owner at its expense shall engineer, bond, and construct traffic signalization improvements at the intersection of Albemarle Place Boulevard and Hydraulic Road. The traffic signalization improvements at this intersection shall be constructed when the County or VDOT request installation of such, but in any event prior to the issuance of a certificate of occupancy for any building in Blocks A, B, C or D, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT.

B. Owner at its expense shall engineer, bond and construct traffic signalization improvements at the intersection of Albemarle Place Boulevard and U.S. Route 29. The traffic signalization improvements at this intersection shall be constructed when the County or VDOT request installation of such, but in any event prior to the issuance of a certificate of occupancy for any building in Blocks E, F or G, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT.

- 12. Commonwealth Drive Connection:** Upon demand of the County, but no earlier than the issuance of a building permit for any building within Block F, the Owner shall reserve right- of-way

along the northern edge of the parking lot in Block F of the Property for a future street connection to Commonwealth Drive through the Comdial Property (TM 61W-3-18). The future connection will be a two lane facility.

Upon the request of the County, the Owner shall engineer, bond and construct both the on-site and the off-site portions of the connection to Commonwealth Drive on the Comdial Property provided that easements and acquisition of right-of-way as may be necessary for such construction for the connection through off-site properties for this improvement have been granted at no cost to the Owner, and the request for such connection through the off-site property is made by the County prior to October 15, 2020. Upon the request of the County, the connection shall be completed by the Owner within twelve (12) months from the date of satisfaction of the conditions as set forth above.

- 13. Other "Super Block" Street Connections:** The Owner shall reserve land and grant construction and permanent access easements or right of way at no expense to the County for the purposes of future construction, by others, of inter-parcel street connections within the Super Block at the following locations; First Street, to west to Commonwealth Drive, second Street, to west to Commonwealth Drive, Third Street, to west to Commonwealth Drive, Cedar Hill Road Extended in Block F north to Comdial Property, Fourth Street, between Blocks F and G north to Comdial Property, Swanson Road Extended, to north to Sperry Property, and at two additional locations into Sperry Property.

The locations for easement or right of way reservation and dedication are as generally depicted on Exhibit A and labeled thereon as Future Extension. These easement or right of way locations shall be identified, platted and dedicated at the request of the County in conjunction with subsequent site plan applications for Albemarle Place.

**14. Substituted Transportation Improvements.**

**A.** In lieu of constructing the improvements referenced in Paragraph 8(B) herein, which Paragraph 8(B) refers to certain off-site improvements in the City of Charlottesville at the northwest quadrant of the Hydraulic Road/Route 29 intersection, and also other improvements along the City side of Route 29 between Hydraulic Road and Greenbrier Drive, which improvements are collectively hereinafter referred to as the Paragraph 8(B) Improvements, the Owner may elect, in its sole discretion, and on the terms and conditions contained in this Paragraph 14, to contribute cash to the City for certain transportation improvements in the City known as the Rte. 29/250 Bypass Interchange Improvement Project identified as VDOT and City project number 0029-104-248, the Substituted Improvements Project.

**B.** In the event the Owner elects to contribute cash toward the Substituted Improvements Project, the Owner's Contribution, in lieu of constructing the Paragraph 8(B) Improvements, the following terms shall apply:

1. The Owner shall notify the County's Director of Community Development, the Director, in writing of its election within sixty (60) days after the approval of the first final site plan for Phase I of Albemarle Place, the Notice. The Owner shall also send a copy of the Notice to the City Development Services Manager at the same time it is sent to the Director.

2. The submission of the Notice to the Director shall suspend the deadline for the Owner to submit the Plans, as Plans is defined in Paragraph 8(B)) to the City, if applicable.

3. The amount of the Owner's Contribution to the Substituted Improvements Project shall be subject to a written agreement between the Owner and the City, the City Agreement. Within ten (10) days after full execution of the City Agreement, the Owner shall provide a copy of the City Agreement to the Director.

4. Within six (6) months after the Notice is sent to the Director, or within sixty (60) days after execution of the City Agreement, whichever is later to occur, the Owner shall contribute a portion of the Owner's Contribution to the City in the amount of One Million Dollars (\$1,000,000), less any amounts credited by the City and VDOT to the Owner for planning and design work on the Paragraph 8(B) Improvements, the Net Contribution. The Net Contribution may be in the form of cash or a letter of credit issued by a bank approved by the City, or a combination thereof. The City Agreement shall set forth the terms of and schedule for draw down of the Net Contribution.

5. In the event that the Substituted Improvements Project is terminated, or has not otherwise been completed, as described herein, within thirty-six (36) months after the City receives the Net Contribution, which thirty-six (36) month period may be extended by mutual agreement of the Charlottesville City Manager and the Albemarle County Executive), and upon the City's refunding of the Net Contribution to the Owner pursuant to the City Agreement, the Owner shall forward funds equal to Five Hundred Thousand Dollars (\$500,000) to the County for funding transportation improvements in the vicinity of the U.S. Route 29/Hydraulic Road intersection identified in the County's Capital Improvements Program. In the event such funds have not been expended by the County for the stated purpose within ten (10) years from the date the funds were contributed to the County, all unexpended funds shall be refunded to the Owner. Construction of the Substituted Improvements Project shall be deemed complete when the improvements are accepted by the appropriate public entity or are bonded for the entity's acceptance.

6. Notwithstanding the provisions of Paragraph 1 4B)(5) herein, upon the City's receipt of the Net Contribution, the Owner shall be relieved of any obligation to construct the Paragraph 8(B) Improvements.

WITNESS the following signature:

ALBEMARLE PLACE EAAP, LLC,  
a Delaware limited liability company  
By: (Signed) \_\_\_\_\_  
Jodie W. McLean, President

\_\_\_\_\_

**Modifications to Sign Regulations**

1. Use of Section 4.15.13 *Highway Commercial (HC), Planned Development Shopping Center (PDSC) and Planned Development Mixed Commercial (PDMC)* sign regulations rather than those required by Section 4.15.11 *Neighborhood Model District*;
2. Off-site signs by-right rather than by special use permit as otherwise required per Section 4.15.5 (a) (1) ;
3. An increase in the maximum height of wall signage from 30 feet (per Section 4.15.11) to 58 feet, subject to the following condition - *Wall signs may be allowed up to 58 feet in height; however, any sign over 30 feet shall be subject to the approval of the ARB or the Design Planner, as to placement and illumination. It is possible that a proposed wall sign over 30 feet may not be allowed to be illuminated at the proposed height or that it may have to be reduced in height to provide a more appropriate placement on the building.*

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

Mr. Rooker said that he would be attending the VACo Transportation Committee meeting on Friday, August 6, 2010. If Board members have any thoughts or suggestions, let him know.

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Ms. Mallek said she would be attending the Agricultural and Environmental Committee meeting on Friday as well. If Board members have any thoughts, let her know.

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Mr. Boyd stated that he would be attending the VACo Administration and Government Committee meeting on Friday.

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Ms. Mallek said that in April she had reported on changes to the Albemarle County Fair regarding tent permits. The Fair Board President, Mr. Harrison was assured then when he took care of sign paperwork that the permits were acceptable, but received a call Tuesday morning that he needed to pay \$400 to get inspections done, which he then paid out of pocket. Ms. Mallek asked Board members to consider if the County would like to make a donation to the Fair.

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Ms. Mallek said that there was a celebration party at the Crozet Library last night for the end of their Summer Reading Program. There were almost 400 youngsters who participated this year, reading 9,881 books. She said that it is just a great example of how important the library is to that whole western part of the County.

\_\_\_\_\_

Mr. Boyd stated that that is a great example of why the County needs to reevaluate where its library dollars are going.

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Agenda Item 20. Adjourn.

At 2:57 p.m., with no further business to come before the Board, Mr. Rooker **moved** that the Board adjourn to August 11, 2010 at 4:00 p.m. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Chairman

Approved by Board
Date: 03/02/2011 Initials: EWJ