

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 3, 2010, at 9:00 a.m., Lane Auditorium, County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann H. Mallek, Mr. Dennis S. Rooker, Mr. 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 9:08 a.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4a. Recognition: Virginia Farm-to-School Week.

The Chair, Ms. Mallek, read the following proclamation into the record.

**Proclamation
Virginia Farm-to-School Week**

Whereas, during the 2010 Virginia General Assembly, the General Assembly established **Virginia Farm-to-School Week** during the second week of November in recognition of the Virginia Department of Agriculture and Consumer Services, Virginia Department of Education, Virginia Food System Council, and Virginia Farm-to-School Work Group many contributions to help develop, promote, and implement Virginia's Farm-to-School Program; and

Whereas, one goal of Farm-to-School Week is to change the quality of school nutrition while providing economic opportunities for our farming community and strengthening farm-to-table connections throughout the Commonwealth of Virginia; and

Whereas, "Virginia's Farm-to-School Program is a true "win-win". Our students benefit from being served fresh, local food at school. These same schools represent a significant new market opportunity for Virginia farmers and an asset in the success of our rural economy; and

Whereas, in 2007, recognizing the problems associated with childhood obesity and the search to open additional markets for fresh farm products in Virginia, the Secretary of Agriculture and Forestry and the Secretary of Education established a Farm-to-School Task Force to develop a plan for implementing a Farm-to-School Program in the Commonwealth; and

Whereas, since then, there has been a 300 percent increase in locally grown foods served in public and private schools. Virginia public schools serve 681,505 lunches daily to nourish their students, resulting in more than 122 million lunches served during a 180-day school year; and

Whereas, if \$0.25 a day per student lunch is devoted to purchasing locally grown Virginia farm products, a total of \$170,376 would be generated daily and more than \$30.7 million would be reinvested annually in Virginia communities and the economy; and

Whereas, building connections between schools, students and agricultural producers throughout Virginia will provide better economic opportunity for agriculture, healthier options for our children and educational value for students in knowing where their food comes from; and

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby recognize **November 8 through November 12, 2010, as Farm to School Week** in Albemarle County and encourage all parents to join their children for lunch during this week.

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

Mr. Dorrier commented about the change brought forth by the previous day's election.

Mr. Rooker said that the news concerning the State budget indicates more and more pressure on local governments. A recent VML newsletter talks about real estate estimates continuing to sink. He stated that the TMDL implementation is estimated to cost the County between \$5.0 million and \$10.0 million annually, and legislators are also looking at eliminating the machinery and tools tax – which is entirely a local tax, as well as changes to the BPOL tax that would cost localities money. Mr. Rooker said that the State is going to shift costs of providing benefits to local employees for the Line of Duty survivor benefits – which is basically premiums paid for insurance. He also noted that the State has found a way to cut about \$1/4 billion from education by removing money from education that is taken up by the federal

stimulus money – so localities really will not get any additional funds. Mr. Rooker also reported that the VRS Board has indicated that they are demanding that the legislature do more to fund the true cost of VRS pensions adding that doing that would cost localities a lot of money – with School Board estimates costing as much as \$8.0 to \$10.0 million additional per year if there is a true cost of funding put into the formula along with a make-up of past underfunding. He noted that the Board needs to keep in mind as it goes into the coming budget session.

Mr. Thomas reported that at the luncheon at Rockydale Quarry on Friday, a woman approached him with concern about his statement “we cannot control the trucks on Rio Mills Road.” Mr. Thomas said that what this citizen had heard was just a sound bite, so he provided her with a copy of the minutes and that seemed to clear things up.

Mr. Thomas asked to receive copies of invitations in his mailbox sooner and not just put in his Board packet as he has missed several events.

Mr. Thomas said that the “no U-turn” sign was down for a day at the Stellar One building, and now VDOT has removed it permanently so you can make a U-Turn there.

Mr. Thomas added that several residents have been upset about the noise and/or crusher onsite, and he is going to try to get Rockydale to do a sound decibel check on the machine while it is running. He said that he is not sure if the crusher is running every day and it cannot be heard in the parking lot but can be heard as you proceed down the road.

Mr. Ron Higgins, Deputy Zoning Director, mentioned that Zoning does have a Code Enforcement officer out at the Rockydale Quarry site today with a sound-level meter taking readings from neighboring properties.

Ms. Mallek stated that the sound travels worse to the west because people on Earlysville Road have very long driveways and their houses are set far back on the water. She said she was not surprised that the residents can hear it.

Mr. Thomas said that most of the neighbors on Rio Mills Road are worried about the trucks and the speed coming down the road. He added that a representative from VDOT indicated that they will look into installing the light-up speed control signs and to implement truck restrictions, perhaps including weight limits.

Mr. Thomas said that Commonwealth Drive will be white-edged to act as a speed deterrent by later this week, and he should have a report next week from VDOT on Four Seasons Drive.

Mr. Snow commented that there have been several road and traffic issues in his district, but VDOT and Captain John Parrent are working on them.

Ms. Mallek reported that this Saturday is the time when clocks turn back for Fall, and the Fire Department also recommends changing batteries in smoke detectors as you set your clocks back. The greatest number of injuries and fatalities occur in the home with failed equipment.

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

Ms. Diana Foster, a resident of Earlysville and member of the Natural Heritage Committee, presented a summary of the Bioblitz, which was organized in the new Patricia Ann Byrom Forest Preserve Park on May 1st. She said that this type of event has never taken place in Albemarle County before, and was a major success that reflected excellent partnering between a Board-appointed committee and County staff.

Ms. Foster mentioned that the Committee provided overall organization for the entire event, recruited professional scientists and skilled naturalists to participate, and managed all data collection and analysis. She said that the Parks and Recreation Department managed all onsite development and safety. The Bioblitz worked by sending out teams of volunteers into the field with the assignment to inventory and document as many species as they could find in a 24-hour period.

Ms. Foster reported that 90 volunteers participated, including highly-trained amateurs and professionals with expertise in biology, geology and land use history. They included local residents, members of a local Master Naturalist group, students and professors from UVA and professional biologists from Hampton and Pennsylvania.

Ms. Foster noted that volunteers gave a total of 700 hours of service to this project, the Natural Heritage Committee gave 250 hours, and the Bioblitz revealed that this park contains a wealth of biodiversity and natural resources – with 245 different species, including many that are dependent upon

fragile habitats or large patches of un-fragmented forest. Based upon the data collected, she said, the Committee gave a list of recommendations to the Parks and Recreation Department for the planning of the park. The Parks Department has incorporated those recommendations into their planning process and asked her to present them at their first stakeholders' advisory meeting last week.

Ms. Foster added that the recommendations are included in the summary documents she has given to the Board, and she thanked them for their support.

Ms. Mallek mentioned that she participated for about five hours on May 1st and it was a great experience to see the effort that everyone put in.

Mr. Rooker commented that it was a terrific effort.

Mr. Sam Freilich, a resident of 505 Brookwood Place, in the County, said that he recently received the flyer "Taking a Closer Look at the Community Water Supply Plan" and he questions the basis of several items.

Mr. Freilich said that the first item is "to replace the existing unsafe Ragged Mountain Dam with a new one," and the City hired Black & Veatch – an international engineering company – who confirmed that the dam is really in very good shape. Mr. Freilich emphasized that the problem is not the dam, but the spillway, and the deficiency has been known for the last several decades and has never been taken care of. He suggested having it replaced at a cost of \$4.0 to \$7.0 million, rather than spending \$40.0 million on a new dam.

Mr. Freilich also said that the report states that replacing the 83-year-old Sugar Hollow pipeline with a newer, shorter pipeline connecting the South Fork Rivanna Reservoir to Ragged Mountain Reservoir might sound good, but what is not mentioned is that the pipeline is nine miles long and three feet in diameter that must carry lots of water uphill about 300 feet higher – at an estimated cost of \$63.0 million, which is only an estimate at this point because the location and cost have never been established.

He stated that the report also says "provide enough storage to get us through the most severe drought," but with the 2002 drought there was still 50% capacity at the end of that six-month period. Mr. Freilich said that the proposition that building a dam in stages is more expensive and has 99% of the cost as the base of the dam does not take into account that it allows increments of 10 years to look at need and basically compensate for that need – and would also negate the need for the \$63.0 million pipeline. He added that he would provide his comments in written form and send them to the Board, encouraging them to work with the City to come up with a plan that is mutually beneficial and something that all citizens can afford.

Mr. Jeff Werner, of the Piedmont Environmental Council, read a portion of a letter to the Service Authority dated July 22, 2010 from Steve Snell, Regional Engineer of the Dam Safety Commission for Virginia, says: "I have recently been informed that the Mayor of Charlottesville, after reading reports from your consultant, may be under the impression that the lower Ragged Mountain Dam itself is safe, and that the spillway deficiency of the dam is an issue separate from its overall safety. This is indeed not the case." Mr. Werner said he would also provide Mr. Freilich with a copy of this letter, but the continued statement that the dam is fine is a myth.

Mr. Werner said that he read through the Black & Veatch studies that are available, and it is only a couple of documents, with its only assessment being that "the dam is in better condition than anticipated." He added that this study was based on only three borings.

Mr. Werner also commented about the existing power line that runs from Cismont to Hollymead, noting that Dominion Virginia Power has determined they need to add an additional line, and have convened a community advisory group of local residents, including PEC who want to ensure that what is done in the Southwest Mountains Rural Historic District is absolutely the minimum amount possible. He added that there have been additional discussions about other options, and he wants to make sure these are not sprung on the Board by surprise.

Ms. Mallek noted that some of the other suggestions were paralleling the railroad tracks to the Charlottesville exchange, and using something closer to Route 29 – with the main discussion revolving around the FCC and Dominion's practice in the past to stay where they have existing right-of-way instead of looking for new sites.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board, commenting about Jack Marshall's organization (ASAP) and their beliefs regarding population and citing a quote from Mr. Marshall in the Daily Progress that said, "We must if we care about having a sustainable community for our grandchildren, we must consume less and simultaneously we must stabilize our population size or even reduce the population size of our community."

Mr. Williamson stated that over the objections of the Free Enterprise Forum, ASAP received government funding for research to determine the region's "optimal population size" – and while the funding has been provided and expended, Mr. Marshall says that the research is insufficient to identify a specific population number.

Mr. Williamson said that Mr. Marshall views restricting housing choices as the manner to best achieve local population control and asserts "if we don't build it, they won't come; we could achieve a realistic stationary population by simply adjusting the development potential in the community by changing the zoning." Mr. Williamson emphasized that housing responds to demand, and asked the Board to take into account the most recent Charlottesville Area Association of Realtors market report to understand the fallacy of Mr. Marshall's argument for construction causality.

He commented that ASAP's opinion seems to be that "we who got here first are better than them, who aren't here yet and may not look like us." Mr. Williamson emphasized that he takes great exception to "the fear of them," and part of the American Dream for him is freedom of movement. Mr. Williamson said he cannot believe that he finds the academic discussion of depopulation of a region rather sinister. Taken to its logical conclusion, if one reduces the number of available housing units, demand remains the same, then the price on those remaining units will rise. As the land prices increase, the homes built on those properties will also increase. Mr. Williamson said the Free Enterprise Forum calls on the Board to be unified in its support of American mobility and while appreciating ASAP's ability to conduct research, he asked the Board to reaffirm its commitment to high-quality development within development areas at price ranges for all citizens.

Mr. Thomas asked who authorized the survey.

Mr. Williamson responded that Charlottesville Tomorrow posted the article referenced on their website and also used a survey tool that allows readers to respond. Mr. Marshall sent an e-mail to ASAP supporters asking them to go to the website and respond – and the survey indicated that 50% of the readers (156 people) were in favor of population control. He suggests that the survey is not scientific by any stretch, and the Board should use a jaundiced eye reviewing that information.

Mr. Thomas commented that a lot of the figures he has read are incorrect and he would like to have more accurate figures.

Mr. Williamson said that this is the third audience for the ASAP proposal and he wonders the reason that this has been given three platforms.

Addressing Mr. Werner's comments about the water supply plan, Mr. Rooker stated that everyone who has considered the pipeline has always supported it after considering all the facts and figures – in part because the 13-mile pipeline from Sugar Hollow to Ragged Mountain needs to be replaced anyway. He emphasized that the replacement pipeline would only be 9.5 miles long and would allow Ragged Mountain to be filled from the South Fork watershed, which is much larger, and would also allow for water to move in both directions to provide complete treatment redundancy throughout the system – which adds significantly to capacity. Mr. Rooker said that the estimate for water pumping indicates that it will take place 20 to 30 days per year, not constantly.

Mr. Boyd agreed with Mr. Rooker's comments, adding that there has been a lot of inaccurate information circulating – which is what prompted the County to publish the document mentioned.

Agenda Item No. 7. Consent Agenda.

Mr. Rooker **moved** for approval of the Consent Agenda Items 7.1, through 7.4, and to accept Item 7.5 for information (discussion of individual items are included with those items). Mr. Snow **seconded** the motion, which passed by the following recorded vote:

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

Item 7.1. Approval of Minutes: July 14, 2010.

Mr. Thomas had read the minutes of July 14, 2010 and after offering one typographical correction, found them to be in order.

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

Item 7.2. Willis Drive Road Name Change.

It was noted in the Executive Summary that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests shall be forwarded to the Board for approval upon validation of the following:

That the landowners of more than fifty (50) percent of the parcels served by the road have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with the road name guidelines set forth in the Manual (i.e., that it is not a duplicate name, is limited to three words, and does not exceed sixteen characters and/or spaces).

A majority of the landowners of the properties served by Willis Drive submitted a request to change the road name of Willis Drive to Martha Jefferson Drive (Attachment A). The proposed name is a common road name within the meaning of the Manual and is consistent with the Manual's other road name guidelines.

There is no anticipated budget impact. The landowners will be responsible for the costs associated with new signage.

Staff recommends that the Board approve changing the road name of Willis Drive to Martha Jefferson Drive and authorize staff to implement the change.

By the recorded vote set out above, the Board approved changing the road name of Willis Drive to Martha Jefferson Drive and authorized staff to implement the change.

Item No. 7.3. FY 2009 Appropriations.

It was noted in the Executive Summary that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; 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 requested FY 2010 appropriations, itemized below, is \$185,940.92. 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 two (2) FY 2010 appropriations as follows:

- Two (2) appropriations (#2010104 and #2010105) totaling \$185,940.02 for school programs

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$185,940.02 and the approval of Appropriation #2010104 and #2010105.

Appropriation #2010104		\$182,484.31
Revenue Source:	Local Revenue	\$ 127,525.16
	Other Fund Balances	54,959.15

This appropriation requests includes three items:

From the September 23, 2010 School Board Meeting agenda:

- The School Bus Replacement Fund has an unexpended fund balance from FY 08-09. This request is to re-appropriate \$50,000.00 in available funds for FY 09-10.
- The Internal Service-Vehicle Maintenance Fund reflects the cost of repairing vehicles not operated by the school division and provides the school division with some revenue associated with these repairs. Expenditures have exceeded appropriations for FY 09-10. This agenda item requests appropriation of \$127,525.16 in additional received funds to cover the increase and to balance this fund.
- The McIntire Trust is a trust fund established by Paul G. McIntire for the Albemarle County Public Schools. The income from this fund shall be applied to the annual purchase of two silver medals to be presented by the School Board of Albemarle County to one male and one female County high school graduate selected for their outstanding character and academic achievement. Along with the medal, the fund provides a cash award of \$100.00 to each recipient.

This fund expended \$4,959.15 beyond its appropriated budget. This request is to provide \$4,959.15 to balance this fund.

Appropriation #2010105		\$ 3,456.61
Revenue Source:	Local Revenue	\$ 3,456.61

From the October 14, 2010 School Board Meeting agenda:

- This request is to appropriate a refund in the amount of \$3,456.61 from Follett Library Company as a result of a credit balance on accounts that had been set-up for Baker Butler Elementary School. The expenses were related to a Book Fair held at Baker Butler Elementary School.

(Discussion: Mr. Rooker mentioned that the second bullet in the attachment, which says that the internal service vehicle maintenance fund reflects the cost of repairing vehicles not operated by the School Division. He asked what vehicles are covered with this \$127,000.

Mr. Tucker responded that he would have to check into what this is for, as the item could be referring to work done at the School maintenance facility on other vehicles – such as police cars.

Mr. Davis said that this is what the item is covering.)

By the recorded vote set out above, the Board approved the budget amendment in the amount of \$185,940.92, and approved Appropriations #2010104 and #2010105 as set out below:

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2010104
 DATE
 BATCH#**

EXPLANATION: School Board Meeting - September 23, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	3501	51000	510100	FUND BALANCE	J	2	4,959.15		
2	3905	51000	510100	FUND BALANCE	J	2	50,000.00		
2	3910	16000	161214	VEHICLE MAINT. FEES	J	2	127,525.16		
1	3501	63080	601300	ED/REC SUPPLIES	J	1	4,959.15		
1	3905	62320	800506	SCHOOL BUSES- REPLACE.	J	1	50,000.00		
1	3910	62341	600900	VEHICLE & EQUIP. REPAIRS	J	1	127,525.16		
	3501		0501	EST. REVENUE				4,959.15	
			0701	APPROPRIATION					4,959.15
	3905		0501	EST. REVENUE				50,000.00	
			0701	APPROPRIATION					50,000.00
	3910		0501	EST. REVENUE				127,525.16	
			0701	APPROPRIATION					127,525.16
TOTAL							364,968.62	182,484.31	182,484.31

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2010105
 DATE
 BATCH#**

EXPLANATION: School Board Meeting - October 14, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	19000	199910	PRIOR YEAR RECOVERY	J	2	3,456.61		
1	2217	61101	601200	BOOKS & SUBSCRIPTIONS	J	1	3,456.61		
	2000		0501	EST. REVENUE				3,456.61	
			0701	APPROPRIATION					3,456.61
TOTAL							6,913.22	3,456.61	3,456.61

Item No. 7.4. FY 2011 Budget Amendment and Appropriations.

It was noted in the executive summary that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; 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 requested FY 2011 appropriations itemized below, minus the appropriation which is a transfer, is \$1,092,089.18. 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 three (3) FY 2011 appropriations as follows:

- One (1) appropriation (#2011048) totaling \$119,977.52 for various school programs and projects
- One (1) appropriation (#2011050) totaling \$972,111.66 for various school programs and projects
- One (1) appropriation (#2011051) transferring \$150,000 from Parks and Recreation Athletic Field Development to the AHS and WAHS Turf Field projects

Staff recommends approval of the budget amendment in the amount of \$1,092,089.18 and the approval of Appropriations #2011048, #2011050, and #2011051.

Appropriation #2011048		\$119,977.52
Revenue Source:	Local Revenue	\$ 56,197.61
	Federal Revenue	63,779.91

This appropriation includes ten (10) School Division requests:

From the September 23, 2010 School Board Meeting agenda:

- An appropriation is requested for a donation that Sutherland Middle School received in the amount of \$500.00 from James E. Caton. The donor has requested that this contribution be used to fund any instructional needs at Sutherland Middle School.
- An appropriation is requested in the amount of \$6,500.00 for a grant awarded to the Community Public Charter School to participate in the Istation Pilot Program. Istation is a software based internet delivered adaptive testing system used to determine each student's overall reading ability and then adapts difficulty of questions based upon performance. The program has both direct reading intervention strategies as well as a reading support program embedded in Science and Social Studies content.
- A FY 10/11 re-appropriation is requested for the \$6,614.23 FY 09/10 Technology Challenge Grant fund balance. 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 is responsible for the following major programs and/or services: Teacher Training and Technology Curriculum Development. The funds will be used for professional development.
- A FY 10/11 re-appropriation is requested for the ARRA Title II, Part D, fund balance retained by the state in the amount of \$39,625.68. These funds will be used to provide the following services and supports: University courses to support teachers in reaching state and national certification standards in the use of technology in the classroom, workshops/staff development for teachers and a computer/technology literacy assessment tool.
- An appropriation is requested in the amount of \$36,297.61 for anonymous donations to be used for payroll and benefits at the Community Public Charter School. This school provides an alternative and innovative learning environment, using the arts, to help children in grades six through eight learn in ways that match their learning styles; developing the whole child intellectually, emotionally, physically and socially. Seeking to serve students who have not succeeded in school, the program will close their achievement gap by offering a balance of literacy tutorials and an arts-infused curriculum in support of the Division's strategic plan. The Community Public Charter School is responsible for the following major programs and/or services: 6th and 7th Grade Instructional Program, Literacy and Arts Infused Education, Choice Theory School Development; and Mastery Learning.
- An appropriation is requested in the amount of \$500.00 for a donation received from Daniel and Harriet Mohler for the Greer Elementary School. The donors have requested that this contribution be used to help offset any expenses for a student in need, such as a pair of shoes, a school supply, or a scholarship towards a club or activity.
- An appropriation is requested for \$17,300.00 in payments from Utopian Wireless. Utopian Wireless has agreed to pay the Albemarle County Public Schools in monthly installments for the leases of its broadband channel capacity. Two checks from Utopian Wireless totaling \$17,300.00 were received for their August payment. Albemarle County Public Schools is committed to maximizing student achievement and fostering collaboration amongst professional learning communities and stakeholders. Funds received from Utopian Wireless will be used to acquire specialized contracted services needed to migrate the current ACPS Intranet instance 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.
- An appropriation is requested in the amount of \$1,600.00 in donations from the Albemarle High School Football Boosters for Albemarle High School to help fund the installation of the synthetic turf field at Albemarle High School.
- An appropriation is requested for \$1,040.00 for the additional School Improvement Funds provided to Albemarle County Public Schools under Title I, Part A, Section 1003(a) of the No Child Left Behind Act of 2001 (NCLB). The approved school, Mary Carr Greer Elementary, has been awarded these funds and will use them to purchase additional iPads.
- An appropriation in the amount of \$10,000 is requested to appropriate the increased funding provided to the Race to GED Fund. This Fund allows the County to substantially increase the number of students seeking a General Equivalency Diploma (GED) through its Adult Education

Program and to increase the number of student hours and students passing the GED in support of the Division's strategic plan. The Race to GED Fund is responsible for the following major programs and/or services: Expansion of GED classes; and Outreach to GED students. Funding for FY10/11 was increased by \$10,000 from the original budget amount of \$30,000. The funds will be used for salaries, benefits, GED testing and leases/rentals.

Appropriation #2011050		\$972,111.66
Revenue Source:	Local Revenue (donations/grants) \$	929,797.19
	Federal Revenue	42,314.47

This appropriation includes twelve (12) School Division requests:

From the October 14, 2010 School Board Meeting agenda:

- A request to appropriate \$433,652.89 for the installation of the synthetic turf field at Albemarle High School. This appropriation includes donations of \$2,300.00 from Monticello High School, 4,700.00 from Albemarle High School, and \$426,652.89 from the Community Foundation, previously identified as an anonymous donor. In addition, Appropriation #2011051 below identifies \$75,000 to be appropriated from the Albemarle County Department of Parks and Recreation's capital budget to the AHS turf field. Due to a renegotiation for the construction/installation of the turf field from \$650,000 to \$552,000, AHS now has the funding required for the commencement and completion of the turf field installation with these two appropriations.
- A request to appropriate \$443,822.11 for the installation of the synthetic turf field at Western Albemarle High School. This appropriation includes donations of \$6,119.00 from Western Albemarle High School, \$25,000.00 from Bio-Cat, Inc., \$2,300 from Monticello High School and \$410,403.11 from the Community Foundation, previously identified as an anonymous donor. In addition, Appropriation \$2011051 below identifies \$75,000 to be appropriated from the Albemarle County Department of Parks and Recreation's capital budget to the WAHS turf field. Due to a renegotiation for the construction/ installation of the turf field from \$650,000 to \$552,000, WAHS now has the funding required for the commencement and completion of the turf field installation with these two appropriations.
- A request to appropriate \$97.63 for a donation received by Crozet Elementary School from Target. Crozet Elementary School takes part in the Take Charge of Education donation program at Target. The Take Charge of Education donations are accumulated when individuals make purchases at Target using their REDcard and designating a specific school. Target donates up to 1% of those purchases to the eligible K-12 schools as designated and distributes the checks in September each year. These funds will be used for educational supplies needed at Crozet Elementary School.
- A request to appropriate a donation received by Stone Robinson Elementary School in the amount of \$15,238.70 from the Stone Robinson PTO to be used to help fund the renovation of the main playground at Stone Robinson Elementary School.
- A request to appropriate a \$20,000.00 grant that State Farm Insurance Company has provided to Albemarle County Public Schools. These funds will be used to support the M³- Math, Men, & Mission Program. This program is designed to provide African-American males with a solid pathway for future success through increased opportunity for rigorous coursework, consistent opportunities for mentoring and support, and service learning to expand their influence to others in the community. This program will focus on students in their middle school years and will provide rigorous pre-algebra curriculum through instructional approaches that address their specific learning needs.
- A request to appropriate a grant in the amount of \$6,000.00 awarded to Albemarle County Schools from Better Living, Inc. for teachers' staff development. Stipends in the amount of \$1,000.00 each will be provided as Golden Apple Awards to the following recipients: Cheryl Brooks-Davis at Agnor-Hurt; Jim Loffredo at Scottsville; Craig Jennings at Burley Middle; Jennie Critzer at Walton Middle; Katie Owens at Monticello High and Susan Horton at Murray High.
- A request to appropriate a \$5,000.00 grant awarded to Stone Robinson Elementary School from the Bama Works Fund of Dave Matthews Band in the Charlottesville Area Community Foundation. These funds will be used for renovation of the school's main playground.
- A request to appropriate a \$500.00 donation provided to Baker Butler Elementary School from Lorri and Paul Haney to be used to help purchase instructional materials for the fourth grade class at Baker Butler Elementary School.
- A request to appropriate a \$3,000.00 grant awarded to Jack Jouett Middle School from the Bama Works Fund of Dave Matthews Band in the Charlottesville Area Community Foundation. These funds will be used to purchase new band instruments.
- A request to appropriate a grant in the amount of \$492.66 provided to Meriwether Lewis Elementary School from the Virginia Education Association. These funds will be used to implement teacher Anne Straume's project titled "Peeking at the Past to Paint the Present".

Students will study about Ancient Greece, Ancient Rome and Columbus and the New World through stories, plays, poetry, websites, music and artwork. At the conclusion, students will create a fine-arts museum which will showcase their replica pottery pieces from each time period.

- A request to appropriate a \$42,314.47 USDA Fresh Fruit and Vegetable Program grant that has been awarded to two Albemarle County Elementary Schools; Greer Elementary received \$30,262.88 and Yancey Elementary received \$12,051.59. These funds will be used to provide students with nutrition education and a fresh fruit or vegetable snack twice a week.
- A request to appropriate a \$1,993.20 donation provided to Henley Middle School from Henley's Parent and Teacher Support Organization to assist in the funding of the "Enrichment Time before 9" program for the month of September at Henley Middle School.

Appropriation #2011051 **\$150,000.00**
 Revenue Source: Transfer from CIP \$ 150,000.00

On December 9, 2008, the Board of Supervisors approved funding in the amount of \$225,000.00 from the Parks and Recreation capital budget to be used towards the synthetic turf projects for all three County high schools contingent upon a memorandum of understanding from the School Superintendent and the County Executive. The MOU was executed on May 6, 2009. Funding for Monticello High School was previously appropriated on May 4, 2009. This request will transfer \$75,000.00 from the Parks and Recreation capital budget (Athletic Field Study/Development) to both the Albemarle High School and Western Albemarle High School turf field projects, for a total transfer of \$150,000.00.

By the recorded vote set out above, the Board approved the budget amendment in the amount of \$1,092,089.18, and approved Appropriations #2011048, #2011050 #2011051 as set out below:

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011048
 DATE
 BATCH#**

EXPLANATION: School Board Meeting: September 23, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	15000	150510	ROYALTIES-CABLE	J	2	17,300.00		
2	2000	18100	181109	DONATION	J	2	1,000.00		
2	3131	33000	330125	TECH & LITERACY CHLNGE	J	2	6,614.23		
2	3162	33000	330105	ARRA/TITLE II REVENUE	J	2	39,625.68		
2	3172	33000	330001	GRANT REVENUE - FEDERAL	J	2	1,040.00		
2	3309	33000	240217	FEDERAL REV: RACE TO GED	J	2	10,000.00		
2	3380	18100	181080	CHARTER SCHOOL DONATIONS	J	2	36,297.61		
2	3380	33000	330080	FEDERAL REV: COMMUN	J	2	6,500.00		
2	9001	18100	181107	AHS DONATIONS - TURF PROJ	J	2	1,600.00		
1	2115	62420	300201	PARTS & MAINTENANCE-DP	J	1	17,300.00		
1	2204	61101	601300	ED/REC SUPPLIES	J	1	500.00		
1	2255	61101	601300	ED/REC SUPPLIES	J	1	500.00		
1	3131	61311	312500	PROF SER CONSULTANTS	J	1	6,614.23		
1	3162	61175	132100	PT/WAGES-TEACHER	J	1	24,723.63		
1	3162	61175	210000	FICA	J	1	1,891.35		
1	3162	61175	312700	PROF SER CONSULTANTS	J	1	6,410.70		
1	3162	61175	580500	STAFF DEVELOPMENT	J	1	6,600.00		
1	3172	61101	601300	ED/REC SUPPLIES	J	1	1,040.00		
1	3309	61101	132100	PT/WAGES-TEACHER	J	1	3,530.00		
1	3309	61101	210000	FICA	J	1	270.00		
1	3309	61101	312700	PROF SER CONSULTANTS	J	1	4,320.00		
1	3309	61101	540000	LEASES AND RENTALS	J	1	1,880.00		
1	3380	61101	112100	SALARIES-TEACHER	J	1	29,000.00		
1	3380	61101	210000	FICA	J	1	2,218.50		
1	3380	61101	221000	VIRGINIA RETIREMENT SYS	J	1	2,759.29		
1	3380	61101	231000	HEALTH INSURANCE	J	1	2,038.82		
1	3380	61101	232000	DENTAL INSURANCE	J	1	200.00		
1	3380	61101	241000	VRS GROUP LIFE INSURANCE	J	1	81.00		
1	3380	61101	601300	ED/REC SUPPLIES	J	1	6,500.00		
1	9001	60301	950245	AHS SYN TURF FIELD	J	1	1,600.00		
	2000		0501	EST. REVENUE				18,300.00	
			0701	APPROPRIATION					18,300.00

		0702	APPROPRIATION					34,492.66
	9001	0501	EST. REVENUE				433,652.89	
		0702	APPROPRIATION					433,652.89
	9002	0501	EST. REVENUE				443,822.11	
		0702	APPROPRIATION					443,822.11
TOTAL							1,944,223.32	972,111.66

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011051
 DATE
 BATCH#**

EXPLANATION: Move funding from Athletic Field Study/Development to AHS and WAHS Turf Fields

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	9010	71000	950044	Athletic Field Study/Dev.	J	1	(150,000.00)	
1	9010	93010	930214	Transfer	J	1	150,000.00	
2	9001	51000	512090	Transfer from G/F CIP	J	2	75,000.00	
1	9001	60301	950245	AHS Turf Field	J	1	75,000.00	
2	9002	51000	512090	Transfer from G/F CIP	J	2	75,000.00	
1	9002	60302	950245	WAHS Turf Field	J	1	75,000.00	
	9001		0501	Est. Revenue				75,000.00
			0701	Appropriation				75,000.00
	9002		0501	Est. Revenue				75,000.00
			0701	Appropriation				75,000.00
TOTAL							300,000.00	150,000.00

Item No. 7.5. FY2011 1st Quarter Cash and Non-Cash Proffer Report and 2010 Survey of Cash Proffers for State, **was received for information.**

As stated in the Executive Summary, 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 includes proffer activity (both cash and non-cash improvements) for the months of July through September of 2010 (FY2011 1st quarter). Also attached is the annual state cash proffer report (the Commission on Local Government 2010 Survey of Cash Proffers Accepted by Local Governments). This information is mandated by the State and reports the amount of cash proffers collected, pledged and expended during each fiscal year for Virginia localities.

Cash Proffers July – September 2010 (1st Quarter)

- A. **Proffered:** No rezonings were approved in this quarter with cash proffers. ZMA 2008-03 Albemarle Place was amended but did not change the cash amounts originally proffered with this development.
- B. **Total Obligated Cash Proffers:** Since no new rezonings containing cash proffers were approved during the 1st quarter, the total obligated cash proffers remains the same: \$38,851,330.
- C. **Revenue:** The County received a total of \$37,700 in cash proffers during this quarter. The contributions are from Belvedere (\$2,500 for affordable housing) and Liberty Hall (\$35,200 for Capital Improvement Projects serving Crozet).
- D. **Total Interest Earnings:** The interest earned during this quarter from collected cash proffers is \$287 for a total of \$317,512.
- E. **Expenditures:** Grayrock Proffer funds of \$74,880.00 were appropriated to the Downtown Crozet Regional Stormwater project during this quarter.
- F. **Current Available Funds:** As of October 6, 2010, the available cash proffer fund balance is \$750,317. 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

Proffered: Two previously approved rezonings involving non-cash proffers were amended this quarter as follows:

- A. The Fontaine Research Park (ZMA 2007-13) rezoning was approved to allow additional building area in the research park up to 875,000 square feet with associated transportation impacts being mitigated through proffers. The proffers continue to provide for a pedestrian system to serve buildings within the park, maintenance of landscaping along Fontaine Avenue, adherence to architectural guidelines and a Transportation Demand Management Plan. Transportation improvements to Fontaine Avenue and the U.S. Route 29 Bypass are proffered and tied to development of the park, including

construction of a section of sidewalk, traffic signals and additional traffic lanes/ramps. The proffers also provide for construction of the Sunset Avenue/Fontaine Connector Road to the extent and under the circumstances prescribed in the proffers.

- B. The Albemarle Place (ZMA 2008-03) rezoning amended the proffers and code of development associated with the initial rezoning of Albemarle Place (ZMA 01-07). The proffers which relate primarily to transportation improvements on Route 29 and Hydraulic now contain more detail regarding timelines and execution and provide for a new phasing plan. A new proffer was added to provide options regarding road improvements in the City.

Parks and Greenways: Staff is reporting quarterly on certain non-cash proffers to include Transportation, Affordable Housing, Parks, Fire Rescue, Schools and other Land Dedications. ZMA1999-16 Old Trail Village proffered a 25-acre park (Western Park), a 10.8 acre greenway area, and a 6.7 acre greenway area to be dedicated to the County for public use. During this quarter, the Western Park and the greenway areas were dedicated to the County.

2010 Survey of Cash Proffers Accepted by Local Governments for the Commission on Local Government: During Fiscal Year 2010, the County collected \$122,879 in cash proffers and expended \$191,409. There were no cash proffers pledged during this year, as there were no rezonings approved involving cash proffers (Attachment B). Compared to last year, the County collected significantly less in cash proffers, less than half the amount reported on the FY 2009 State Survey. Expended cash proffers were allocated primarily to roads and other transportation projects in FY 2010. Please see Attachment C for further comparisons of the past five fiscal years in terms of proffers pledged, collected and expended.

Cash proffers are a valuable source of revenue that help fund important County projects that would otherwise be delayed and/or 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 for improvements to the report that the Board may wish to see in the future.

(Discussion: Mr. Boyd asked if the County would still get the 400 acres of parkland as part of the Biscuit Run development that is now off the table.

Mr. Davis responded that it went away when the property was sold to the State for a park.

Mr. Boyd asked that staff add a line in the report showing the value of the non-cash proffers in the Albemarle Place development.

Ms. Sarah Baldwin, Senior Planner, responded that staff could probably provide the assessed value.

Mr. Boyd said that he is more interested in obtaining the value assigned to it when the proffers were made.

Mr. Davis noted that in the case of proffers established before the proffer policy was adopted, that value may have never been established.

Mr. Cilimberg added that it was not. Staff did not start doing that until they actually were enacting the cash proffer policy in projects, which was about the time Biscuit Run came in. He said that there may have been some value assigned to proffers at North Pointe, but the proffer policy was not in place so the math wasn't done to determine what was given versus the charge on the units.

Mr. Boyd asked that the information be provided for future rezonings; staff does not need to go back and calculate the information for past rezoning.)

Agenda Item No. 8. **Public Hearing: PROJECT: SP-2010-00016. Forest Lakes Farmers' Market (Sign #37).**

PROPOSED: To allow a farmer's market one (1) day a week from 4:00pm to 7:00pm during the months of April through September.

ZONING CATEGORY/GENERAL USAGE: Planned Use Development (PUD) - residential (3 - 34 units per acre), mixed with commercial and industrial uses.

SECTION: 20.3.2(9) Farmers' Markets; and 5.1.47 Farm Stands, Farm Sales, and Farmers Markets.

COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density in the Hollymead Community - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.

ENTRANCE CORRIDOR: No X.

LOCATION: 1650 Ashwood Boulevard (Route 1670), in the Forest Lakes South development.

TAX MAP/PARCEL: 046B5-00-00-001B0.
MAGISTERIAL DISTRICT: Rivanna.
(Advertised in the Daily Progress on October 18, 2010 and on October 25, 2010.)

Ms. Mallek noted that this is the first special use permit coming through the new farmers market process, which has been a huge success from the farmers marketers point of view.

Ms. Summer Frederick, Senior Planner, said that this special use permit is for Tax Map 46-B5, Parcel 1B, and is proposed to go up where the Forest Lakes pool and swim/tennis club are located. She reported that the proposal is to allow a farmers market one day per week between 4:00 p.m. to 7:00 p.m. during the months of April through September.

Ms. Frederick explained that what was put forward to the Planning Commission had the operation of the market on Tuesdays from 4:00 p.m. to 10:00 p.m. with the recommendations as included in the staff report. At its September 21, 2010 meeting, the Commission unanimously voted to recommend approval with an alteration to the conditions. She said that condition #1 remained the same – that the site layout should be in general accord with the application and application plan, and with a modified condition #2 to limit the time to one day per week, on Tuesdays between 4:00 p.m. to 7:00 p.m. She also noted that the Commission decided that the “no parking requirement along the access road” was not necessary.

Mr. Thomas asked what would be required in order for the hours and/or days to be extended. Ms. Frederick responded that applicant would need to amend the special use permit.

Mr. Boyd noted that this is what was requested by the applicant.

Ms. Mallek noted that each of the regional farmers markets have a day they stake out so that farmers can go from place to place. There are other places that operate on Wednesdays, Thursdays and Saturdays.

At this time the Chair opened the public hearing. With no members of the public coming forward to speak, the public hearing was closed.

Mr. Boyd **moved** for approval of SP-2010-00016 with the two conditions as presented. Ms. Mallek **seconded** the motion.

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

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

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

1. Site lay-out should be in general according with the application and the application plan; and
2. The time of operation limited to one (1) day per week, Tuesdays, from 4:00 p.m. to 7:00 p.m.

Agenda Item No. 9. **Public Hearing. PROJECT: SP-2010-00019. Afton Farmers' Market (Sign #48).**

PROPOSED: To allow a farmers' market two (2) days a week from 3:00pm to 8:00pm.
ZONING CATEGORY/GENERAL USAGE: Rural Areas (RA) - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); Entrance Corridor (EC) - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

SECTION: 10.2.2 (54) Farmers' Markets; and 5.1.47 Farm Stands, Farm Sales, and Farmers Markets.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area in Rural Area 3 - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots).

ENTRANCE CORRIDOR: Yes X.

LOCATION: 9264 Critzers Shop Road, approximately one-quarter mile from the intersection of Route 151 and Route 637.

TAX MAP/PARCEL: 06900-00-00-01300.

MAGISTERIAL DISTRICT: White Hall.

(Advertised in the Daily Progress on October 18, 2010 and on October 25, 2010.)

Ms. Frederick reported that this proposal is to allow a farmers market two days of the week between 3:00 p.m. to 8:00 p.m. The property is located on Tax Map 69, Parcel 13 at the current location of Critzer's Farm Market. She noted on a map the locations intended for parking and vendors, the existing buildings onsite, and a circular driveway.

Ms. Frederick stated that the Planning Commission at its September 21, 2010 meeting they voted unanimously to recommend approval of the project with two conditions – that the site layout should be in general accord with the application plan as submitted, and that the farmers market operate two days per week, on Tuesdays and Thursdays between the hours of 3:00 p.m. to 8:00 p.m.

The public hearing was opened. With no one from the public coming forward to speak, the public hearing was closed.

Ms. Mallek **moved** for approval of SP-2010-00019 with the two conditions as presented. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

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

1. Site layout shall be in general accord with the application plan submitted; and
2. The farmers' market shall be allowed two (2) days a week on Tuesday and Thursday from 3:00 p.m. to 8:00 p.m.

Agenda Item No. 10. **PROJECT: SP-2008-00056, Unity Church (Sign #6).**

PROPOSED: Request to add 54 parking spaces to provide additional parking for church services.

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

SECTION: 10.2.2.35 Church building and adjunct cemetery.

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

ENTRANCE CORRIDOR: Yes. LOCATION: 2825

Hydraulic Circle, approximately 800 ft. north of intersection with Whitewood Road.

TAX MAP/PARCEL: 0610000000400.

MAGISTERIAL DISTRICT: Jack Jouett.

(*Advertised in the Daily Progress on October 18, 2010 and on October 25, 2010.*)

Mr. Wayne Cilimberg, Director of Planning, reported that the request is for an expansion of allowed parking to a total of 134 spaces, with some of those proposed as pervious paving. He explained that the church has occupied the site since 1982 and it is located on the west side of Hydraulic Road just north of the Whitewood/Hydraulic intersection.

Mr. Cilimberg stated that the property is located the rural area as designated in the Comprehensive Plan and is also zoned rural area. He noted that the applicant is also planning to add a playground and associated equipment.

Mr. Snow asked what size the trees would be that are intended to provide screening between the church and adjacent properties.

Mr. Cilimberg responded that the screening would be handled as part of the site plan process, and this is the special use permit stage – so the applicant is providing a conceptual plan with further review to be done to meet screening and ARB requirements. He confirmed that most of the wooded areas are already established onsite, and the ARB has approved the screening that would be provided – although it is not reflected on the special use permit conceptual plan.

Mr. Cilimberg explained that the applicant did a parking study to indicate what would be expected under the trip generation estimates, and the average number of cars on Sunday is 138. He said that they currently have 84 spaces and once the spaces are added the total will be 134, noting that the paved spaces are located over the existing drainfield – which is why there must be pavement.

Mr. Cilimberg stated that staff has identified favorable factors for the application as the vehicles already being parked on the grass or in the roadway, permission for the church to have one service so they can accommodate more guests, and use of pervious paving materials. He said that staff also noted that this might set a precedent for more parking in a rural area church, but also noted that the parking needs are ultimately a function of the size of the church, its services, and associated activities – which have already been approved for the church. The applicant is not proposing to increase the size of the church. Also, approving this special use permit would allow some additional impervious surface in the water supply watershed.

Mr. Cilimberg said that staff and the Planning Commission have recommended approval, with nine total conditions – including a modified fourth condition to reflect part of the plan related to the five-year timeframe requested by the applicant. He said that he has noted in the Board's materials when that five-year date would end, which would be November 3, 2015. He added that if the applicant has not done so the parking allowance would be back to 84 spaces as shown on the approved site plans and the church would need to get a new special use permit for construction of the pergola, playground and labyrinth. Mr. Cilimberg pointed out that some of the conditions from the original approval have been removed since they are either no longer necessary, have already been accomplished, or just are not relative.

Mr. Rooker said that there is a condition that states the applicant would provide plantings to the satisfaction of the ARB, but said that he is not noticing anything in their letter dated February 16, 2010 that refers to plantings. He asked if that is purely part of site plan approval now.

Mr. Cilimberg responded that it is, adding that staff is trying to separate in the process what is necessary to deal with the special use permit – as there have been concerns about requiring too much detail in the concept plan. He added that the ARB's action and approval is associated with the site plan process.

Mr. Rooker asked if they would address plantings at any time, adding that he is not seeing when the ARB indicates they are satisfied with the plantings if they have already issued a certificate of appropriateness.

Mr. Cilimberg explained that in the site plan process as part of the final site plan, ARB staff conducts a review to ensure that it has met those requirements – including plantings. He mentioned that certificates of appropriateness are typically issued with conditions that need to be met and staff reviews as part of the final site plan check-off. He added that the second paragraph of the letter says, "The revisions included in the latest submission address all outstanding issues of ARB approval." He stated that it is referencing things that are in that submission rather than listing them. He added that staff does get ARB comments on special use permits as to use and anything the ARB thinks should be part of a legislative action – which staff would ultimately include as part of conditions of approval.

At this time the Chair opened the public hearing.

Mr. Katurah Roell, representing the applicant, addressed the Board, stating that he has worked extensively with staff and the ARB on this application. He said that they have relocated a mound of plantings and created some access, and also tried to use grass-paved parking but Engineering did not feel comfortable with the sustainability of that so they shifted to pervious parking.

Mr. Roell said that the expanded area and travel way down to lower terrace level, which has now been completed, will have to be paved due to grade or over the septic field. He stated that there are additional plantings and mound that go along the road frontage to screen in the front lot area. He also mentioned the intention to include a labyrinth/walking area, outdoor gazebo, and playground.

Mr. Roell said that the application also addresses parking requirements and addition due to the amount of parking required for 250 seats, as the initial parking lot is not meeting the needs.

Mr. Snow stated that in reading the Planning Commission minutes, it seems the church was almost required to reduce the parking from what they stated they needed.

Mr. Roell explained that originally the church applied for a smaller area of paving in hopes that would meet their needs, but it is no longer sufficient.

Mr. Rooker commented that the church started out with a small congregation, and it is apparent from what he has observed that a number of cars are parked on the internal road.

Mr. Roell agreed, adding that the applicant has requested a five-year period to install the parking lot as funds need to be raised in order to pay for the improvements.

Mr. Neil Williamson addressed the Board, stating that the Free Enterprise has no issue with this application but questions why condition #7 is needed, as it seems that the ARB would already have site plan approval under current conditions.

There being no other comments from the public, the public hearing was closed.

Mr. Cilimberg noted that there was not a requirement in the initial application that the church reduce its parking amount, but was instead just trying to park to a size that they would need at that time.

Mr. Rooker said that they probably did not want to incur an expense for paving that they did not really need.

Mr. Rooker then **moved** for approval of SP-2008-00056 with the nine conditions as modified at the meeting. Ms. Mallek **seconded** the motion.

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

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

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

1. The church sanctuary shall not exceed two hundred fifty (250) seats;
2. The site shall be developed in general accord with the Conceptual Plan entitled "Application Plan for Unity Church," Revision 4, prepared by Dominion Engineering, and dated August 19, 2010 (hereinafter, the "Conceptual Plan"), and with the Architectural Review Board action of February

16, 2010, as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- Number of parking spaces and location of parking areas; and
 - Paving materials, as approved by the County Engineer; and
 - Location of proposed facilities, including the pergola, labyrinth, and playground as shown on the Conceptual Plan. Minor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
3. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval;
 4. The lawful physical construction of the parking areas, pergola, playground, and labyrinth as shown on the Conceptual Plan referenced in Condition 2 above shall commence by November 3, 2015 or the approval of the parking areas, pergola, playground, and labyrinth as shown on the Conceptual Plan shall expire and a new or amended special use permit shall be required for the parking areas to be expanded beyond the eighty-four (84) spaces as shown on SDP-2005-00046, as amended by SDP-2006-00077, and for construction of the pergola, playground, and labyrinth;
 5. Expansion of the church and/or establishment of a daycare or provision of afterschool care shall require approval of an additional Special Use Permit;
 6. Approval of the Public Health Department shall be required prior to site plan approval;
 7. The applicants shall provide plantings to the satisfaction of the Architectural Review Board;
 8. The property may not be further divided; and
 9. There shall be no more than one (1) residential dwelling on the property.

Mr. Rooker commented that condition #7 imposes no additional obligation on the part of the applicant, as he understands the process.

Agenda Item No. 11. **Public Hearing: An ordinance to amend Chapter 10, Offenses – Miscellaneous, of the Albemarle County Code.** The proposed ordinance updates criminal offense provisions in the County Code to more closely parallel the Virginia Code provisions; repeals § 10-118 related to Sunday closings that is no longer applicable under State law; amends § 10-107 relating to discharging firearms in residential districts to specify exceptions and to update the definition of residential district to include the Neighborhood Model District (NMD); and adds § 10-124 to make it unlawful to urinate or defecate in public.

(Advertised in the Daily Progress on October 18, 2010 and on October 25, 2010.)

Mr. Tucker summarized the following executive summary which was forwarded to Board members;

In 1998, the Board of Supervisors re-codified the entire Albemarle County Code including Chapter 10, Offenses-Miscellaneous. This chapter was subsequently amended by the Board in July 2005 to add §10-123, Prohibited Activities on Public Roadways and Medians. In order to properly cite state law references in this Chapter of the County's Code and in recognition of several modifications to Virginia Code since 1998, it is appropriate for the Board to consider a comprehensive update to Chapter 10 at this time.

The ordinance updates Chapter 10, Offenses - Miscellaneous. The proposed changes encompass primarily housekeeping items; however, several substantive modifications are also submitted for consideration by the Board. The housekeeping changes amend the wording of existing provisions to mirror current Virginia Code language as well as the state law references to reflect correct Virginia Code sections. The substantive changes in the draft ordinance are as follows:

- **Section 10-107 Firearms - Discharging within residential districts.** Would add exemptions to discharging firearms in residential districts similar to those found in the ordinances of Fairfax, Chesterfield and Prince William Counties, and would update the definition of "residential district" by including the Neighborhood Model District (NMD) and enumerating the other districts.
- **Section 10-118 Sunday closings – Applicability of state law within county.** Would repeal this section, as the Virginia Code section on Sunday closings has been repealed.
- **Section 10-124 Urinating or Defecating in Public.** Would add this section to prohibit urinating or defecating in public within public view, and make an offense punishable as a class 4 misdemeanor. The Police Department and the Commonwealth's Attorney requested this section be added in order to supplement existing Virginia Code options for charging such conduct.

Staff anticipates very limited additional enforcement by police officers under the proposed ordinance and, therefore, anticipates no budget impact.

Mr. Tucker said that staff is recommending adoption of the ordinance after receiving public comment.

Mr. Davis said that there is one modification he is requesting the Board to make in regards to Section 10-107. In reviewing the Zoning Ordinance there are no shooting or firing ranges allowed in residential districts. He said that rather than creating an exception for something that does not exist under zoning laws, he is suggesting striking exemption #3 in that provision because it would not have any effect in the County's ordinance. He added that #4 would then become #3.

Mr. Dorrier asked if the inclusion of Neighborhood Model zoning was in response to the recent shooting in an area designated NMD.

Mr. Tucker confirmed that this is the rationale behind the amendment. Mr. Davis said that this is just updating an ordinance that has not really been looked at for a long time.

Ms. Mallek mentioned that Neighborhood Model inclusion would address things that happen in parking lots of commercial establishments in those districts, but asked about the existing commercial establishments in areas like those along Route 29.

Mr. Davis explained that this section does not address that but there is a State law that prohibits discharging a firearm in a public place, and is not something that needs to be addressed in a local ordinance.

Mr. Snow asked what is different about this than what is already in the ordinance, noting that adjacent to his property is West Leigh Subdivision and also an open field where people will hunt geese. He asked if that activity would be affected in any way.

Mr. Davis responded that it would not, adding that the only thing this does differently is restrict firearm discharge in Neighborhood Model districts – as that designation didn't exist at the time the ordinance was written. There is no regulation under the County Code that restricts shooting of fire arms in the RA districts, which would include the fields around West Leigh. He added that this ordinance also sets out some specific common sense exemptions, such as exemptions for law enforcement officers who discharge a firearm, people who have a justifiable reason to discharge a firearm to protect property or persons, and those discharging blanks or starter pistols.

At this time, the public hearing was opened.

Mr. John Martin said that he lives in the Buck Ridge Subdivision, which was zoned PRD in 1977 and contains three to four-acre lots. He said that he concurs with Mr. Davis' recommendation to remove exemption #3.

With no one else wishing to address the Board, the public hearing was closed.

Mr. Rooker **moved** to approve the ordinance as presented, with the change recommended by Mr. Davis. Mr. Snow **seconded** the motion.

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

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

NAYS: None.

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

ORDINANCE NO. 10-10(1)

AN ORDINANCE TO AMEND CHAPTER 10, OFFENSES – MISCELLANEOUS, 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 10, Offenses – Miscellaneous, is hereby amended and reordained as follows:

By Amending:

- Sec. 10-100** Assault; assault and battery.
- Sec. 10-102** Damaging signs, markers, etc., on highways.
- Sec. 10-103** Disorderly conduct in public places.
- Sec. 10-104** Drinking alcoholic beverages or offering alcoholic beverages to another in public places; possession of open alcoholic beverage containers in public places.
- Sec. 10-105** Drinking or possessing alcoholic beverages in or on public school grounds.
- Sec. 10-106** Drunkenness in public, profane swearing.
- Sec. 10-107** Firearms--Discharging within residential districts.
- Sec. 10-109** Standing or walking with loaded rifle or shotgun.
- Sec. 10-110** Hunting; prohibited with firearms near highways generally.
- Sec. 10-111** Shooting in, or along or near road or in street.
- Sec. 10-115** Obstructing justice by threats or force.
- Sec. 10-117** Peeping or spying into structure occupied as dwelling.
- Sec. 10-119** Trees, shrubs, etc.--Unlawful destruction, injury, etc.
- Sec. 10-120** Trespass--After having been forbidden to do so.
- Sec. 10-121** Trespass--At night, upon church or school property.

By Adding:
Sec. 10-124 Urinating or Defecating in Public

By Repealing:
Sec. 10-118 Sunday closings--Applicability of state law within county.

CHAPTER 10

OFFENSES--MISCELLANEOUS

State law reference--Crimes and offenses generally, Tit. 18.2, Code of Virginia.

Sec. 10-100 Assault; assault and battery.

A. It shall be unlawful for any person to commit a simple assault or an assault and battery upon any other person. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor.

B. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time teacher, principal, assistant principal, or guidance counselor of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he shall be guilty of a class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to Virginia Code § 18.2-308.1, the person shall serve a mandatory minimum sentence of six months.

C. As used herein, "simple assault" or "assault and battery" shall not be construed to include the use of, by any teacher, teacher aide, principal, assistant principal, guidance counselor, school security officer, school bus driver or school bus aide, while acting in the course and scope of his official capacity, any of the following:

1. incidental, minor or reasonable physical contact or other actions designed to maintain order and control;
2. reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property;
3. reasonable and necessary force to prevent a student from inflicting physical harm on himself;
4. reasonable and necessary force for self-defense or the defense of others; or
5. reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In demonstrating whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a teacher, teacher aide, principal, assistant principal, guidance counselor, school security officer, school bus driver, or school bus aide at the time of the event.

(Code 1967, § 13-3; Code 1988, § 13-1; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 18.2-57.

Sec. 10-102 Damaging signs, markers, etc., on highways.

It shall be unlawful for a person to willfully or maliciously displace, remove, destroy or injure any milestone, guide sign or other highway sign or signal or any historical marker or any inscription thereon lawfully within a highway.

(Code 1967, § 16-1; Code 1988, § 13-6; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 33.1-345.

Sec. 10-103 Disorderly conduct in public places.

A. It shall be unlawful for any person who, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. in any street, highway, public building, or while in or on a public conveyance, or public place, engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter; or

2. willfully, or being intoxicated whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of the county or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter; or

3. willfully, or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or activity conducted or sponsored by a school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

B. The person in charge of any such building, place, conveyance, meeting, operation or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any person(s) who may be called upon for such purpose.

C. A person violating any provision of this section shall be guilty of a class 1 misdemeanor.

(4-21-76; Code 1988, § 13-7; Ord. 98-A(1), 8-5-98)

State law reference--Authority of county to adopt, Va. Code § 18.2-415.

Sec. 10-104 Drinking alcoholic beverages or offering alcoholic beverages to another in public places; possession of open alcoholic beverage containers in public places.

A. It shall be unlawful for any person to take a drink of alcoholic beverages or offer a drink thereof to another person, whether accepted or not, in any public place. Any person violation this section shall be guilty of a class 4 misdemeanor.

B. It shall be unlawful for any person to possess an open or opened container, can, cup, glass or bottle containing an alcoholic beverage in any public park or playground, on county-owned property or on any public street or sidewalk adjoining a public street in the county. Any person violating this section shall be guilty of a class 4 misdemeanor.

C. Nothing in this section shall prevent any person from drinking alcoholic beverages or offering a drink thereof in any public place, or from possessing an open or opened container, as described above in paragraph (A), in any area for any purpose approved and licensed by the Virginia Alcoholic Beverage Control ("ABC") Board pursuant to Virginia Code §§ 4.1-308 (B), (C) and (D). The types of ABC licenses referred to herein include, but are not limited to:

1. retail restaurant ABC licenses;
2. banquet-special event ABC licenses; and
3. private banquet ABC licenses.

D. As used herein, "alcoholic beverage" and "public place" shall have the same meanings and definitions set forth in Virginia Code § 4.1-100.

(Ord. 98-A(1), 8-5-98)

State law reference--Authority of county to adopt, Va. Code § 4.1-128(B); similar provisions, Va. Code § 4.1-308.

Sec. 10-105 Drinking or possessing alcoholic beverages in or on public school grounds.

It shall be unlawful for any person to possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only. Any person violating this section shall be guilty of a class 2 misdemeanor.

(Ord. 98-A(1), 8-5-98)

State law reference--Authority of county to adopt, Va. Code § 4.1-128(B); similar provisions, Va. Code § 4.1-309.

Sec. 10-106 Profane swearing and intoxication in public.

It shall be unlawful for any person to profanely curse or swear in public, or to be intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature. A law-enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to a court-approved detoxification center in lieu of arrest; however, no person shall be

involuntarily detained in such center. Any person who engages in such conduct shall be deemed guilty of a class 4 misdemeanor.

(Code 1967, § 13-9; 4-13-88; Code 1988, § 13-8; Ord. 98-A(1), 8-5-98)

State law reference--Similar provision, Va. Code § 18.2-388.

Sec. 10-107 Firearms--Discharging within residential districts.

A. It shall be unlawful for any person to discharge any firearm within the boundaries of any residential district within the county. The provisions of this section shall not apply to:

1. a law-enforcement officer, as defined by Virginia Code § 9.1-101, in the performance of his official duties, or an animal control officer, as defined by Virginia Code § 3.2-6555, in the performance of his official duties;

2. any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or as otherwise permitted by law;

3. any person discharging a firearm or starter gun with a blank cartridge or other ammunition not resulting in the expulsion of a projectile or projectiles.

B. Any person violating this section shall be liable for a penalty of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each such violation.

C. For purposes of this section, "residential district" shall mean any district described as Village Residential - VR, Residential R-1, Residential R-2, Residential R-4, Residential R-6, Residential R-10, Residential R-15, Neighborhood Model - NMD, Planned Unit Development - PUD or Planned Residential Development - PRD on the official zoning map of the county.

(9-19-74; 6-10-81; Code 1988, § 13-9; Ord. 98-A(1), 8-5-98)

State law reference--For state law as to authority of county to adopt this section, see Va. Code § 15.2-1209.

Sec. 10-109 Standing or walking with loaded firearm.

A. It shall be unlawful for any person to carry or have in his possession, for the purpose of hunting, while on any part of a public highway within the county a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking.

B. Any person violating this section shall be liable to a fine not to exceed one hundred dollars (\$100.00) for each such violation.

C. All law-enforcement officers authorized to act as such within the county shall have the power to enforce this section, including but not limited to all duly appointed and acting game wardens.

D. "Loaded firearm," as used in this section, is defined as a firearm with ammunition within the action chamber, magazine or clip which is within or on the firearm. "Firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.

E. The provisions of this section shall not apply to persons carrying loaded firearms in moving vehicles or for purposes other than hunting, or to persons acting at the time in defense of persons or property.

(3-11-81; Ord. of 9-15-93; Code 1988, § 13-9.2; Ord. 98-A(1), 8-5-98)

State law reference--State law as to authority of county to adopt this section, Va. Code § 15.2-1209.

Sec. 10-110 Hunting; prohibited with firearms near highways generally.

It shall be unlawful for any person to be engaged in the hunting or attempting to hunt with a firearm of any game bird or game animal within one hundred (100) feet of any primary or secondary highway in the county. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor. For the purpose of this section, the term "hunt" shall not include the necessary crossing of highways for the bona fide purpose of going into or leaving a lawful hunting area.

(Code 1967, § 13-10; Code 1988, § 13-11; Ord. 98-A(1), 8-5-98)

State law reference--State law authorizing county prohibit hunting with firearms within one hundred yards of highways and defining the term "hunt," see Va. Code § 29.1-526.

Sec. 10-111 Shooting in or across road or in street.

No person shall discharge any firearm, crossbow or bow and arrow in or across any road or within the right-of-way thereof, or in a street of any town, whether the town is incorporated or not. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor. The provisions of this section shall not apply to firing ranges or shooting matches maintained, and supervised or approved, by law-enforcement officers and military personnel in performance of their lawful duties.

(Code 1967, § 13-21; Ord. of 5-4-94; Code 1988, § 13-18; Ord. 98-A(1), 8-5-98)

State law reference--For similar state law, see Va. Code § 18.2-286.

Sec. 10-115 Obstructing justice by threats or force.

A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to Virginia Code § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law-enforcement officer, or animal control officer, he shall be guilty of a class 1 misdemeanor.

B. If any person, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or any animal control officer employed pursuant to Virginia Code § 3.2-6555 lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, he shall be guilty of a class 1 misdemeanor.

C. Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to Virginia Code § 3.2-6555 who is in the course of conducting an investigation of a crime by another is guilty of a class 1 misdemeanor.

(4-13-88; Code 1988, § 13-15; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 18.2-460.

Sec. 10-117 Peeping or spying into dwelling or enclosure.

A. No person shall unlawfully enter upon the property of another and secretly or furtively peep or attempt to so peep, into or through or spy through a window, door or other aperture of any building, structure or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, or to do the same, without just cause, upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of privacy.

B. No person shall use a peephole or other aperture to secretly or furtively peep, spy or attempt to peep or spy into a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location or enclosure for the purpose of viewing any nonconsenting person who is totally nude, clad in undergarments, or in a state of undress exposing the genitals, pubic area, buttocks or female breast and the circumstances are such that the person would otherwise have a reasonable expectation of privacy.

C. The provisions of this section shall not apply to a lawful criminal investigation or a correctional official or local or regional jail official conducting surveillance for security purposes or during an investigation of alleged misconduct involving a person committed to the Department of Corrections or to a local or regional jail.

D. As used in this section, "peephole" means any hole, crack or other similar opening through which a person can see.

E. A violation of this section is a class 1 misdemeanor.

(Code 1967, § 13-17; Code 1988, § 13-17; Ord. 98-A(1), 8-5-98)

State law reference--For similar state law, see Va. Code § 18.2-130.

Sec. 10-118 Repealed

Sec. 10-119 Trees, shrubs, etc.--Unlawful destruction, injury, etc.

It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn or destroy, in whole or in part, any tree, shrub, vine, plant, flower or turf found being or growing upon the land of another, or upon any land reserved, set aside or maintained by the Commonwealth as a public park or as a refuge or sanctuary for wild animals, birds or fish, without having previously obtained the permission, in writing, of such other person or his agent or of the superintendent or custodian of such

park, refuge or sanctuary to do so, unless the same is done under the personal direction of such owner or his agent, tenant or lessee or superintendent or custodian of such park, refuge or sanctuary. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor; provided, that the approval of the owner, his agent, tenant or lessee, or the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.

(Code 1967, § 13-22; 4-13-88; Code 1988, § 13-20; Ord. 98-A(1), 8-5-98)

State law reference--For similar state law, Va. Code § 18.2-140.

Sec. 10-120 Trespass--After having been forbidden to do so.

If any person, without authority of law, goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by such persons or by the holder of any easement or other right-of way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Virginia Code §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or 19.2-152.10 or an ex parte order issued pursuant to Virginia Code § 20-103, and after having been served with such order, he shall be guilty of a class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of Virginia Code §§ 18.2-132 through 18.2-136.

(Code 1967, § 13-23; 4-13-88; Code 1988, § 13-21; Ord. 98-A(1), 8-5-98)

State law references--For similar state law, Va. Code § 18.2-119; as to authority of county to prevent trespass, Va. Code § 15.2-1218.

Sec. 10-121 Trespass--At night, upon church or school property.

A. It shall be unlawful for any person who, without the consent of some person authorized to give such consent, goes or enters upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

B. It shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of (i) any direction to vacate the property by a person authorized to give such direction or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. Each time such person enters upon or remains on the posted premises or after such direction that person refuses to vacate such property, it shall constitute a separate offense. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor.

C. For purposes of this section: (i) "school property" includes a school bus as defined in Virginia Code § 46.2-100 and (ii) "church" means any place of worship and includes any educational building or community center owned or leased by a church.

(Code 1967, § 13-24; Code 1988 § 13-22; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 18.2-128.

Sec. 10-124 Urinating or Defecating in Public.

A. It shall be unlawful for any person to urinate or defecate within public view upon any street, highway, sidewalk, ground, public place or place where others are present, except in a bathroom, restroom or other facility designed for such purposes.

B. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.

State Law References—Authority to enact section, Va. Code § 15.2-1200.

(Note: Mr. Tucker noted that the Board was ahead of schedule and suggested that it take a short recess. The Board then recessed at 10:17 a.m. and reconvened at 10:28 a.m.)

Agenda Item No. 12. **PROJECT: SP-2009-00034. RE-STORE'N STATION (Signs #33&36).**
Conditions of Approval. **(Deferred from October 13, 2010).**

Since this item was scheduled to be heard at 10:45 a.m., and the Board was running ahead of schedule, they decided to go to Agenda Item 13 first.

Agenda Item No. 13. Board-to-Board, School Board Chairman.

Mr. Ron Price, School Board Chairman, thanked the Board members who attended the business roundtable economic session, adding that it was really worthwhile. The business partners had a lot to share.

Mr. Thomas agreed that it was worthwhile.

Mr. Price then summarized the written report (copy on file) provided to Board members. He reported that in 2009, 91.6% of School Division seniors finished with a certificate – which bested the State average by six points and was also stronger than Charlottesville's performance. He also reported that the partnership with the League of Women Voters is part of the School's commitment to teach civics and engage students in civics, which has also involved James Madison University and Monticello.

Mr. Price said that Senator Creigh Deeds visited MESA and expressed his support for science and engineering academies and encouraging investment in this type of instruction.

The Burley Bearettes Women's Chorus has won their third national award, adding that schools have found that students who participate in fine arts actually perform better than those who do not in their regular classes.

The funding of turf fields for all three high schools is complete, and the School Division provided no money for those although the maintenance costs will come back in later years.

The School Health Advisory Board reported to the School Board on October 14 and encouraged them to continue to fund the school nursing positions, particularly in K-6 as they have become increasingly important. A nursing type position has become an important component of day-to-day activities of the schools. Mr. Price said that they also discussed universal location of automated external defibrillators (AEDs) in the high schools, which will become useful as the age of the workforce ticks upward. He added that the AEDs are expensive in that they cost \$1,200 a piece.

Mr. Thomas commented that he could see it as a requirement in the near future, perhaps even under OSHA regulations.

Mr. Billy Haun, Assistant Superintendent for Student Learning, indicated that they are located mostly in school cafeteria areas and gymnasiums where there is a level of high activity.

Mr. Rooker pointed out that some heart attacks occur when people are attending sporting events and get excited.

Mr. Haun commented that there are full-time certified athletic trainers at all three high schools.

Mr. Boyd asked him how long the turf field has been at Monticello. Mr. Haun responded that this is the second year.

Mr. Boyd asked if he has noticed any additional heat-related injuries or health problems associated with these fields. Mr. Haun replied that there have not been any health-related injuries associated with those, adding that Mr. Barnes, the Athletic Director, has done a great job in monitoring the fields, especially in August, and he does not allow practice between 10:30 a.m. and 6:00 p.m.

Mr. Rooker said that the people he has talked with absolutely love the new field. Mr. Haun stated that every night when he leaves the lights are on, and often there are little league games underway. It really has been a great resource for the entire community.

Mr. Snow asked how much is saved each year on maintenance costs. Mr. Haun responded that Mr. Barnes could probably clarify those figures, but there isn't really any maintenance to be done except for line painting, and when the fields were grass, they had to be moved and Mr. Barnes was buying about 300 gallons of paint per year versus about 10 gallons now. In the spring they have to paint the lacrosse lines and in the spring they paint the field hockey lines, but it is a one-time deal. He added that the only machines that the County had to purchase was a scrubbing machine, which the entire County can use. The machine is used to scrub the lines off once field hockey is over to then put down the lacrosse lines. It has really been a cost savings especially when you had to mow the field several times a week. Mr. Haun stated that the kids really love the field also.

Mr. Rooker said that the field will have to be replaced eventually, and it would be helpful to understand the replacement schedule and costs.

Ms. Mallek commented that this will need to happen in eight years, so the maintenance money not spent on mowing should be put away somewhere.

Mr. Haun noted that rental fees for using the fields are bringing in some income.

Ms. Mallek asked if those fees are going into a separate fund. Mr. Price said that Mr. Jackson Zimmerman should probably provide some input on whether there is a fund set aside for turf replacement. It is possible that they are using those funds for other needed uses.

Mr. Rooker reiterated that it may be a good idea to put those funds into a replacement account.

Mr. Price reported that the Partners in Education fund event featured Jim Davis, writer for Garfield, as a keynote speaker. Mr. Price said that Mr. Davis' appearance helped raise money for the fund. He also spent time with some of the middle school students.

Mr. Thomas said that he played golf with Mr. Davis on Monday, and he was helping raise money for the First Tee as well.

Mr. Price reported that the School Board had a joint board meeting with CATEC Board recently, which included the City and featured a dialogue about partnership projects – such as totally virtual courses in World History II and Biology. He said that each School Division will be able to put a certain number of students into each course, with one taught by a County teacher and one taught by a City teacher. Mr. Price noted that the City School Board and the County School Board have discussed what they might do with revenue sharing money if some of it were to come back them, but nothing has been viewed as deliverable. He added that the City has proposed a regional childcare center that they are going to develop for parents who cannot afford childcare, and research continues to bear that if investment is made in children before kindergarten it saves money later on with respect to the achievement gap.

Mr. Boyd said that the County has met with the City before about that, and the time is approaching for Delegate Bell to resubmit that legislation if desired.

Mr. Price responded that School staff has a meeting with Rosa Atkins, the Vice-Chair and Chair to discuss this, but they are not the ones who will be making the decision as to whether City Council is going to give the money back. He has not seen a lot of positive things that are telling him that is something the City is willing to do. There are lots of ways to collaborate in which they can use some of that money.

Ms. Mallek stated that if the schools are expecting the elected boards to weigh in on something, they need to know what the something is. She added that she expected the joint committee to come up with some potential projects that would benefit both jurisdictions, and it is very vague right now.

Mr. Price commented that it really is in City Council's court as far as them agreeing with working terms and the benefit from projects using revenue-sharing monies, but if the project itself dictates whether or not they are going to do it, he does not think they will ever get there.

Mr. Boyd asked if the City has given any sign as to whether they are going to move in that direction, adding that the County has a number of differences in opinion with the City right now and he has a lack of trust that the City is going to follow through with what they tell the County they are going to do.

Mr. Price responded that both school boards are moving forward with collaborative projects, but the City Council piece of the partnership continues to be questionable.

Mr. Rooker said that when he and Mr. Boyd met with City representatives, including school representatives, the outcome was that the School Boards were going to come up with a way to utilize some money that would be primarily City money that would benefit both County and City students in a way that would satisfy the schools that it was somehow being equalized with respect to the composite index adjustment – so it would not really be necessary to go forward with a request to Delegate Bell to resubmit that legislation. The threat of that possibly going forward created some sense of urgency to get this done. He added that if the bill were passed, the schools would receive more money – so it is up to the schools to decide whether they are getting enough out of this collaboration to hold off with a request for that legislation.

Mr. Price said that the schools could prepare something that says they are going to collaborate on a project, such as a new high school. Then the ball would come right back to City Council to say that they are going to award money from revenue sharing in order to do that. Mr. Price added that the schools could present something conceptual to the boards, but the ball is technically not in the schools' court. He does not know that he even heard a majority of City Council in favor of doing that.

Mr. Rooker disagreed. He added that it was not a majority of City Council, but of the representatives at the meeting. He explained that the initiation of the legislation last year was by the School Board. The School Board will have to make a decision on whether or not to go forward with that legislation, and that is really up to them. He asked if the School Board is getting enough of a contribution from the City in some form that they feel is sufficient to not move forward with that request. That is going to be a School Board decision.

Mr. Price stated that the School Board feels that they have not heard anything from the funding bodies that indicates the money will come to the schools. Until City Council and the Board of Supervisors

works out the funding piece of it the Board and Council are not going to see the School Boards say they are willing to back off of the legislation.

Mr. Rooker responded that the schools need to make their position clear that in the absence of achieving very specific objectives, they would move forward with legislation.

Mr. Price said that in the absence of an agreement with the Board and Council that some portion of revenue-sharing dollars will come back into this joint pool of money to be used for City and County shared projects, the School Board will move forward with the legislation.

Mr. Rooker emphasized that that needs to be communicated to City Council, adding that you do not want to surprise them by pursuing the legislation again.

Mr. Price said that all comments have been made publicly, and the County School Board has discussed this with the City School Board. He stated that the County School Board wants something "inked" that provides a more concrete basis from which to move forward.

Mr. Rooker and Mr. Boyd stated that time is running out in order to establish that.

Mr. Snow commented that even if it is "inked," there is no certainty on that funding.

Mr. Price reported that the Albemarle High School Players won the 2010 Virginia Theatre Association competition.

Governor McDonnell hosted the "Innovate to Educate" conference and the Secretary of Education Arne Duncan was a speaker there – holding up Albemarle County as a model for charter schools, using MESA, Murray and Burley as successful examples.

Albemarle won a Governor's Technology Award for innovation in K-12 education, and the balanced scorecard approach that the County has adopted is one of the best. He added that he has shared it with UVA Vice President for Finance and Administration Yoke San Reynolds, and it is a model she would like to adopt.

Mr. Snow mentioned that putting a U.Va. Credit Union at Albemarle High School was a great idea.

Mr. Price responded that it is part of the schools' effort to teach students financial literacy before they leave the School Division and they are hoping to get a credit union at one other high school at least.

Ms. Mallek thanked Mr. Price for his report.

Agenda Item No. 12. **PROJECT: SP-2009-00034. RE-STORE'N STATION (Signs #33&36).**
Conditions of Approval. **(Deferred from October 13, 2010)**

Ms. Summer Frederick, Senior Planner, reported that this item was deferred from the Board's October 13th meeting so that staff could go back and draft specific conditions from the consensus reached at that meeting. She said that the document included in the Board's packet reflects changes made to the original proposal, including amended conditions and an alternative condition #7a if the Board chooses to require rainwater harvesting. She noted that there are two conditions #7. The first condition allows rainwater to be collected as an option for the owner and the other condition requires rainwater collection.

(The proposed amended conditions are set out below:)

1. The applicant shall install and maintain a meter on the well head to monitor water consumption. Prior to installation, the model of the meter shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer. Results of daily water consumption shall be made available within forty-eight (48) hours of a request from the Zoning Administrator;
2. Water consumption from any well shall not exceed 1,625 gallons per day in the aggregate;
3. The applicant shall install and maintain a tamper-proof, flow restriction device limiting water flow to not more than 1,625 gallons per day. Prior to installation, the model of the flow restriction device shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer;
4. The total building footprint square footage shall not exceed 3,000 square feet;
5. The hours of business operation shall not exceed sixteen (16) hours per day;
6. There shall be not more than seven (7) pump stations and twelve (12) nozzle dispensers, with not more than eight (8) nozzles for four (4) pump stations for gasoline, and not more than two (2) nozzles for one (1) pump station for diesel fuel, with not more than one (1) nozzle for one (1) pump station for off-road diesel fuel, and not more than one (1) nozzle for one (1) pump station for kerosene fuel ;
7. If rainwater is collected from roof tops of the pump station canopies or the building, it shall be stored in a lined underground storage tank and utilized for on-site landscaping purposes only;
 - a) **ALTERNATIVE #7 IF BOARD WANTS TO REQUIRE RAINWATER COLLECTION:**
Rainwater shall be collected from the roof tops of the pump station canopies and the building, or such portions thereof deemed to be reasonably practical by the County

- Engineer. Such collected rainwater shall be stored in a lined underground storage tank and utilized for on-site landscaping purposes only;
8. Overnight customer parking on-site shall not be permitted between the hours of 12:30 a.m. and 4:30 p.m. The applicant shall post signs indicating no such overnight parking in such places designated by the Site Plan Agent as a condition of final site plan approval; and,
 9. Development of the site shall be in general accord with the submitted preliminary site plan dated December 6, 2009. Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.

Mr. Snow asked if there is a retention pond associated with the property. Ms. Frederick replied not to her knowledge.

Ms. Mallek asked how the site plan will address the drainage issue, easements, etc. Ms. Frederick said that at final site plan stage the applicant will be required to submit a Water Protection Ordinance Plan that addresses erosion and sediment control as well as stormwater management. The County Engineers will review that plan to ensure compliance with the ordinance requirements. She said that because this is the preliminary stage those specifications have not been drawn out or presented to staff as part of the application. She could generally talk about what needs to happen for stormwater management, but they cannot get into specifics on the site at this time. Ms. Frederick added that the two items that will be addressed are "quality and quantity," with engineering onsite required so that the quality and quantity of runoff will have to equal pre-development levels.

Ms. Mallek asked if it is volume for volume. Mr. Bill Fritz, Chief of Current Development, noted that it is not total volume; it is rate of runoff.

Ms. Mallek asked if staff takes into consideration the changes to topography that would result in acceleration of this rate. Mr. Fritz responded, "yes".

Ms. Mallek added that there will be not a place where all of the waters funnel to one small curb cut and it tears on down the hill. Ms. Frederick said that if the rate that goes off of the site is higher than pre-development, then there will be other MS19 requirements that will come into play – such as easements on adjoining property to get it to an appropriate level – and all of that must be determined before the final site plan.

Mr. Rooker asked how concentration of runoff impacts that. Mr. Fritz replied that the water may be concentrated, and if it is then any discharge of water from the site must be to a channel that is adequate to accommodate the flow of water going to it. This is what staff does on every project. Any undeveloped site is largely going to be sheet flow off of it and this is standard procedure.

Mr. Thomas asked if the language in the fourth condition should say "the total building footprint square footage of the convenience store." Ms. Frederick responded that these conditions were drafted from the Board's consensus, and the language used was "total building square footage" and was not specified for the convenience store.

Mr. Thomas asked if it "the total square footage" should include the accessory buildings. Ms. Frederick replied that she has not seen a plan at this point that shows accessory buildings.

Mr. Thomas asked if it could leave the accessory buildings out of the three thousand square feet. Ms. Frederick replied as it is written now, "no", an accessory building would be included.

Mr. Thomas asked whether the limit would include the well pump house. Mr. Fritz and Ms. Frederick confirmed that it would be included in the total square footage.

Mr. Thomas commented that he feels that is too much restriction, and asked if a building for the well would be required.

Ms. Frederick confirmed that most well heads do not have buildings.

Mr. Thomas asked if she could elaborate on condition #6, as he recalls there was going to be more than one nozzle on a pump.

Ms. Frederick explained that it says "no more than eight nozzles for four pump stations," so that would mean there are two nozzles on each pump station. She added that there would also be one pump station for off-road diesel and another for kerosene – with each of those separate pump stations having one nozzle. Ms. Frederick stated that at the meeting the Board discussed reducing the number of pump station islands to these numbers so there would be four stations at the front of the site (across from the convenience store) for regular fuel and two separate stations in the back – one for off-road diesel and one for kerosene, with one nozzle each. The kerosene station in the back would not necessarily be a common drive up or require a separate island.

Mr. Thomas asked why rainwater collection would be required. Ms. Frederick responded that this stems from the Board's discussions, and that is why staff provided both options for the Board to choose.

Mr. Rooker said that it was clear from the Board's conversations that rainwater collection should be required.

Ms. Mallek pointed out that the applicant had actually requested it, and the language states "if rainwater is collected for use with irrigation."

Ms. Frederick clarified that the first condition choice makes it an option, and condition #7a makes it a requirement of the site plan.

Mr. Davis said that the Board just needs to decide whether they want to require it or if they want it to be an option.

Mr. Thomas asked if there is a restriction on the owner parking vehicles on the site overnight. Ms. Frederick explained that staff added the word "customer" so that deliveries would be allowed or if there was someone working in the building.

Mr. Boyd asked if the applicant has had time to review this version of the revised materials.

Ms. Frederick responded that the applicant received it at the same time the Board did, and the only amendments not reflected in here are grammatical changes.

Ms. Mallek pointed out that this is the same information provided to the Board and the applicant several weeks ago via email. She added that none of this is new.

Mr. Davis said that there have been a few grammatical corrections, but everything else is identical to what is in front of the Board and what was provided to the applicant yesterday.

Mr. Boyd commented that he didn't recall the Board requiring rainwater collection, but instead restricting the use of collected water for landscaping purposes.

Ms. Mallek said she also had not seen this condition until today, but it was an option the applicant requested to have rainwater collected into a lined tank that would not be part of the 1,600 gallons so they could use it for irrigation.

Mr. Davis stated that the original draft conditions had a "shall" in them, but upon reviewing the Board's discussion it was more clear that it should have been an "if," so condition #7 reflects the consensus of the Board.

Mr. Boyd said he does not feel the need to make this a requirement, but if it is used, it does need to be specified that it can only be used for landscaping.

Mr. Rooker said he thinks it would be beneficial to the applicant to use the water for landscaping and not have it count against the 1600 gallons per day.

Mr. Mallek commented that the rainwater would be used for irrigation purposes only, not for external washing of the building or parking lots, etc. Those other uses have to be part of the consumption figures and were offered by the applicant.

Mr. Davis said the purpose for that is to allow for more appropriate recharge if the water is collected.

Mr. Davis added that there is no legal requirement to receive public comment, as the public hearing was officially closed.

Ms. Mallek said that if the applicant makes comments, then it would be appropriate to allow other public comments.

Mr. Rooker pointed out that there was a very lengthy public hearing on this, and the applicant addressed the Board "numerous times" during that hearing, and these are the conditions on which the Board reached consensus. He does not see the need to have another comment period or public hearing. Moreover, both sides seem to be pretty satisfied with where the Board ended up. He hopes the Board moves forward with these conditions and not get into another long give and take session.

Mr. Boyd stated that he just wants to make sure the applicant is agreeable with these modifications, adding that he has been gone for several weeks and didn't have the opportunity to discuss them with the applicant.

Mr. Snow said he also does not want to open this up to another long drawn discussion.

Ms. Mallek said that these items were all proposed during the hearing, and nothing else has been added.

Mr. Dorrier asked about the language in condition #9 that refers to permitted modifications including those required by the Architectural Review Board, as it seems "open-ended."

Ms. Frederick explained that it was included in case the ARB required additional landscaping for the property line that fronts Route 250, or slight movement of the building footprint and any modifications they may require.

Ms. Mallek noted that this flexibility was requested by the applicant because there were several things they would like to do such as the fence that were not covered in the original application.

Mr. Fritz said that the purpose of condition #9 is to provide that flexibility so that the best design possible is achieved without the applicant coming back before the Board.

Ms. Mallek said any change to the square footage of the project would come back to the Board.

Mr. Rooker pointed out that without that condition the applicant would have to come back and change the special use permit to accommodate changes required by the ARB.

Mr. Dorrier commented that that all makes sense.

Mr. Boyd asked how specific the County would be in enforcement, as the application makes no mention of biofuels that might eventually be used.

Mr. Davis responded that it would be subject to Zoning Administrator interpretation, and a gasoline equivalent may not require an amendment to the special use permit. He added that this is the best staff can do at this point.

Ms. Mallek noted that the Shell station on Greenbrier has an 85 Ethanol pump, which was seamlessly accomplished and their sign was changed accordingly.

Mr. Boyd said that they didn't have all of these conditions on their permit though.

Ms. Mallek said that they used what they had, and there were no new pumps installed.

Mr. Boyd asked how many gas stations in the County have nine conditions very specific about the size of their building, the number of pumps they can have and the specific types of pumps they can have. This is an unusual case and he wants to make sure the Board realizes there may be some alternative fuel sources.

Mr. Rooker suggested adding the term "gasoline equivalent" to accommodate future potential changes in fuel.

Mr. Davis stated that it could be put in after the words "gasoline" and "diesel" to provide clearer intent of the Board.

Ms. Mallek thanked the public for all of their work to make Restore N Station the best project they can have here in this area.

Ms. Mallek then **moved** for approval of SP-2009-00034 with the nine conditions as amended at the meeting including the original condition #7 and deleting #7a, and inserting the phrase "or equivalent fuel" when gasoline and diesel are mentioned. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

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

1. The applicant shall install and maintain a meter on the well head to monitor water consumption. Prior to installation, the model of the meter shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer. Results of daily water consumption shall be made available within forty-eight (48) hours of a request from the Zoning Administrator;
2. Water consumption from all wells on site shall not exceed one thousand six hundred twenty-five (1,625) gallons per day in the aggregate;
3. The applicant shall install and maintain a tamper-proof, flow restriction device limiting water flow to not more than one thousand six hundred twenty-five (1,625) gallons per day. Prior to installation, the model of the flow restriction device shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer;
4. The total building footprint square footage shall not exceed three thousand (3,000) square feet;
5. The hours of business operation shall not exceed sixteen (16) hours per day;
6. There shall be not more than seven (7) pump stations and twelve (12) nozzle dispensers, with not more than eight (8) nozzles for four (4) pump stations for gasoline (or equivalent fuel), with not more than two (2) nozzles for one (1) pump station for diesel fuel (or equivalent fuel), with not

- more than one (1) nozzle for one (1) pump station for off-road diesel fuel, and with not more than one (1) nozzle for one (1) pump station for kerosene fuel ;
7. If rainwater is collected from roof tops of the pump station canopies or the building, it shall be stored in a lined underground storage tank and utilized for on-site landscaping purposes only;
 8. Overnight customer parking on-site shall not be permitted between the hours of 12:30 a.m. and 4:30 a.m. The applicant shall post signs indicating no such overnight parking in such places designated by the Site Plan Agent as a condition of final site plan approval; and,
 9. Development of the site shall be in general accord with the submitted preliminary site plan dated December 6, 2009. Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.

Agenda Item No. 14. Presentation of ASAP's County-funded research findings.

Mr. Jack Marshall, President of Advocates for a Sustainable Albemarle Population, stated that in 1900 Los Angeles had a population of 100,000 people and it was uncrowded and unpolluted, but by 2000 it had grown to a "smoggy, traffic-snarled city of ten million" with its bay polluted with toxic garbage. Mr. Marshall said that in 1942, the Governor of Maryland asked how many people should be housed around the Chesapeake Bay, as the health of the estuary depended on that question, adding that today nine million people live in the area. He stated that former Baltimore Sun Reporter Tom Horton recently observed that the watershed's 1,600 or so political jurisdictions effectively said "growth is good, necessary, it's inevitable," and set no limit – except for the decision by Albemarle and Charlottesville to support ASAP's "cutting edge research" aimed to help decide the optimal population size for the community. Mr. Marshall said that the Board's vote two years ago to contribute \$25,000 to ASAP's Optimal Sustainable Population Size project acknowledged that we need to know more about local growth. The ASAP studies begin to examine how population affects the health of forests and rivers, and more importantly the quality of life and future.

Mr. Marshall reported that he is here to present a summary of the first phase of the OSPS project, adding that these five studies simply confirm common sense. In any finite area – such as the 736 square miles that comprise Albemarle County and Charlottesville – there are limits to the lands' ability to absorb wastes and to provide for growing numbers of people. Whether at a global level or a local level, unrestrained population growth places demands on the natural world that can overwhelm any effort to achieve a sustainable future. This does not mean that an area should not welcome newcomers, but if we are to halt the destruction of our environment and everything it provides for a flourishing society, these studies suggest that some limits to growth. ASAP is a grassroots, nonprofit organization, started eight years ago – with currently about 340 members. ASAP's mission is to share information about local growth and to help find the community's right size.

Mr. Marshall said that the OSPS project, which began two years ago, was funded by Albemarle County, the City of Charlottesville, the Colcomb Foundation, and private donations. He noted that the research is the first of its kind in the nation and examines the relationship between Albemarle/Charlottesville's growing population and its natural environment – and is intended to provide scientific guidance to residents' efforts to understand the community's sustainable size. Mr. Marshall said that the assumption motivating these studies is that a smart community doesn't leave the future population to chance, or to the wishes of the minority that profit from growth, or to earlier zoning decisions made without overall buildout in mind. They have the tools through land use regulations to determine our future size."

Mr. Marshall said that a second phase of the project, now underway, consists of three studies examining socioeconomic issues relative to defining the community's optimal size – and County money is not being used for those studies. He reported that all of the research assumes that Charlottesville and Albemarle County comprise a single community. Mr. Marshall said that "stream health" in the study is defined by the size and types of the water's invertebrate animals over time. Using US Census data and satellite imagery of forest cover, this study determined population density and the forest cover percentage in each of 30 sub-watersheds in the Rivanna River basin. He added that the relationship between forest cover and stream health is virtually linear; the more forest cover – no matter how much forest already exists – the better the stream health. As population density increases, he said, forest cover declines, and in most rural areas even a small number of additional people would appear to degrade a watershed – but in areas with higher population densities, population growth only marginally decreases already compromised stream health. Mr. Marshall stated that the research suggests that a density of about 63 people per square mile likely results in water quality that is unacceptable as defined by the Clean Water Act – and a density of 210 people per square mile would severely harm water quality.

Mr. Marshall said there is a clear relationship among water quality, forest cover, and population density and they think it is strong enough to justify public policies that preserve watersheds by protecting and by limiting population density. He added that this was the logic underlying the 1980 downzoning of the watershed for the South Fork Rivanna Reservoir.

Mr. Marshall said that another study examined local groundwater. Public policy and land use regulations have focused on the amount of groundwater that can be extracted to support development. In consideration of sustainable population size, non-extractive groundwater management is a more

significant ecological factor – meaning water that is below the surface that provides moisture necessary to sustain forests, crops and fields, and for baseflows to streams, ponds and lakes. He stated that in this area, groundwater is not uniformly distributed and in addition to examining this variation the research discusses two scarcely examined areas of the County where groundwater recharge and flow are very large. In theory, Mr. Marshall said, it might be feasible to mine significant quantities of water for municipal or agricultural consumption – but the reality is that more intensive mining of non-extractive groundwater eliminates base flow in many streams and could significantly alter the environment. In order to protect groundwater supplies, he said, it is imperative that impervious surface not be increased in recharge areas – and as groundwater is tapped for human consumption it is important not to deplete non-extractive groundwater reserves. He added that this report argues that 80% to 95% of the ground should be left in the ground in order to sustain a healthy environment.

Mr. Rooker asked if that is all groundwater, extractive and non-extractive. Mr. Marshall replied, “yes”.

Mr. Marshall stated that in developed areas, impervious land surfaces degrade streams, and that is a signal that non-extractive groundwater quality is also endangered. He said that the threshold at which stream health is degraded occurs when impervious land cover exceeds 5% to 20% of land surface.

Mr. Marshall stated that ASAP also conducted the first ecological footprint assessment of the community. This study estimates the ability of the 736 square mile Albemarle/Charlottesville landscape to generate biological products of use to the community’s residents (biocapacity) and compares it to the estimated need for these products and ability to absorb waste generated (ecological footprint). He said that if it is assumed that the ecological footprint of the average area resident is the same as that of the average American, then it would take not just the land area here – but 3.7 times Charlottesville/Albemarle land area to provide the population with the biological products it consumes. Mr. Marshall stated that using only products of the area’s biocapacity with no import or export, the 736 square mile area can sustainably support 37,000 people at current consumption levels. This community is now home to about 135,000 people.

Mr. Marshall said that ASAP is not suggesting that the population be reduced to 37,000 people, but they find themselves in a condition called ecological deficit – consuming more biological productivity than the area sustainably produce. He stated that for the short term this level can be maintained by depleting resources in the area faster than they can be regenerated and by importing products from other areas in the world, but that cannot be done forever.

Mr. Rooker asked what areas of biological production are showing deficits. Mr. Marshall replied that almost all sources of energy must be imported. He then asked Mr. Tom Olivier to provide more information.

Mr. Olivier said that a standard methodology from the Global Footprint Network in California was used and that approach is somewhat simplified to avoid a lot of methodological complications. He said that it examines a relatively limited number of biological productions. He explained that it considers forested land, which includes both timber production and carbon sequestration, grazing land, cropland, marine products – such as fish, and a freshwater biological productivity. Mr. Olivier added that it does not include things like areas needed for biological conservation or for water supply, and the point of that was to avoid double-counting particular areas for certain products.

Mr. Marshall said that Mr. Olivier was the principal investigator in this study, along with Mathis Wackernagel – the co-creator of Ecological Footprint. He stated that the methodology for providing an answer to the question is in the report.

Mr. Marshall stated that because of the ecological deficit, the community is not sustainable now, and to become sustainable, this research suggests that consumption or the number of consumers should theoretically be cut – or both.

He said that a fourth study looked at how local growth affects our air. This research revealed a virtual absence of data on air quality and the observation that locally produced air pollutants tend to be wafted out of our community by prevailing winds – eliminating or at least significantly reducing any local growth/air quality link. As a result, no conclusions can be made at this time about air pollution being a factor limiting population growth in the community.

Mr. Rooker said that there is an air quality monitor now. Mr. Marshall said that there is no backlog of data that could be tapped for this study.

Mr. Marshall said that the final research in the first phase examined ecosystem services and local growth, which Dr. Claire Jantz discussed with the Board several months ago. He said that a community’s ecosystem – its natural environment and all interacting organisms living within it - provides many benefits, from pollinating crops and reducing erosion to filtering toxins from streams and purifying air and groundwater. These services are nominally free, and though of immense value to humans, are often taken for granted. This study quantified a number of water and atmosphere-related ecosystem services generated by the landscape, and modeled the effects of population growth on ecosystem services. He said that the study used current land development patterns as the basis for modeling future land consumption. In the study’s simulation all growth reduces ecosystem services – with the most significant and immediate effect of this growth being the increase in impervious services and the loss of forest cover.

Mr. Marshall stated that in the last 35 years, Albemarle County has more than doubled in population, and in the last 15 years alone the County has lost 16% of its farmland. If the area's current population of about 135,000 were to increase by as little as 5%, the capacity of the tree canopy to filter pollutants would exhibit rapid decline. Mr. Marshall stated that for every 25% increase in population the County loses over 4% of open space. An increase in population of 50% to 186,000 would result in significant decline overall in the quality of ecosystem resources. He added that this decline would not be universally apparent, current areas of marked development – in designated growth areas such as Crozet, Rivanna, and especially the Route 29 corridor - would experience severe degradation. At 125% of the current population (about 280,000), considerable environmental degradation would occur everywhere, even in rural areas.

In conclusion, Mr. Marshall said that the research, in the first phase of the OSPS project, sketches the beginning of a complex and still quite incomplete picture of the relationship between the community's biological carrying capacity and its human population size. He stated that the full report includes the investigators' thoughts about the public policy implications of the research. Some are broad recommendations that link Comprehensive Plan strategies more clearly with notions about sustainable population size. Other proposed policy implications are more specific, i.e., obtain more information about potential recharge areas for groundwater. None of these single studies provide the whole story. The observations supplement one another and together increase our understanding of the "neglected elephant" in our room.

Mr. Marshall said that the common theme is that in this community, as in any other finite area, there are limits to the land's ability to absorb wastes and to provide for growing numbers of people. He noted that the research does not offer an answer to the question of biological carrying capacity, and some studies suggests that there is room to expand before the population overwhelms efforts to achieve a sustainable future. Another study suggests that the ecological footprint in the global context is already unsustainable. Mr. Marshall said that absence of certainty and of uniform conclusions is a hallmark of research especially on a new topic. He added that everyone knows there are limits to growth. It would be responsible for the citizens and leaders, if we really want to leave a sustainable community for future generations, not to bicker about whether we can continue to grow endlessly, but rather to begin to define the optimal sustainable size - the general range - at which we may want to stabilize our population in the future. Mr. Marshall stated that considerations must include what the ultimate population should be, and what the long-term costs and benefits are of achieving a stationery population or not achieving it. ASAP hopes this research will stimulate discussion about how to work towards a sustainable future. Mr. Marshall said that ASAP is grateful to the County for supporting these five studies and for allowing him to make this presentation.

Mr. Thomas asked if these numbers are the same as those presented at the meeting at Presbyterian Church on Rugby Road last year. He asked what was their recommendation for capping Albemarle's population? Mr. Marshall responded that at that point the only results available were those from the ecological service study.

Mr. Thomas asked where the farmland was lost in Albemarle County and what it is being used for now. Mr. Marshall replied that some of it is being used for development, and some is reverting back to forest.

Mr. Thomas commented that some of those farmers probably went bankrupt, and that is not because of growth. Mr. Marshall said that perhaps it was a function of the value of the land, as a farmer could no longer pay the taxes on it and had to sell out.

Mr. Thomas asked who authorized the surveys and the charts presented and how accurate the numbers are. Mr. Marshall responded that ASAP found the best scientists possible from around the country to do the relevant research after identifying the issues, including the person who developed the Global Footprint. He said that each part of the study has been done by a very competent person or team, and ASAP did not interfere in that process. He said that he thinks it is legitimate data, but it is only a start and there are warring scientists. ASAP would welcome other research by high-quality researchers to focus on this issue.

Mr. Olivier said that some of the studies used GIS, land cover data sets; two of them used the USGS recent land cover layer from the federal government. The stream health analysis used a 2005 Virginia Department of Forestry-generated GIS land cover set. The ecological footprint study required the most data – relying heavily on USDA agricultural surveys. He said that every estimate can be a bit off, but the object here is to get into the correct ballpark on lots of these numbers. Mr. Olivier stated that in trying to quantify what the population demands, it is clear that it demands a great deal of what's available in that very beautiful landscape. He noted that most of the biological productivity comes from forest land here, and he was surprised that in every category the population was exceeding demand over what was locally available in each particular open space land use type.

Mr. Rooker asked if that includes air and water quality. Mr. Olivier clarified that the footprint study does not deal directly with ecosystem services – such as air and water quality – but is more consumptive, tangible things.

Mr. Dorrier asked about things that are unique to Albemarle such as the Ivy and Keene landfills, which are monitored by the EPA, and the Rivanna Reservoir with its algae formation and fertilizer runoff. He asked if those areas were considered in the study.

Mr. Olivier responded that the landfill and reservoir represent specific issues, and GIS studies that consider landscapes work with general figures – such as nonpoint pollution generated by lands in certain uses. He said that the ecological services study pulled mainly from models for air pollution and water pollution that were developed as part of the “Save the Bay” program, and they looked at phosphorus pollution in local waterways and estimated the changes in ecological services were in containing that by land forms and different uses. There was no analysis of particular problem places like a reservoir or water pollution from a landfill. Mr. Olivier stated that the footprint methodology did not analyze the trash collection aspect of the landfills, but the global footprint network does keep track of imports and exports from other countries.

Ms. Mallek stated that this is anecdotal, but in the 18 years she has taken children out to the streams to see stream life they have seen a marked decline in the natural inhabitants mostly because of development. She said that it would be helpful to assign dollar values to the cleansing of air and water that forests provide.

Mr. Marshall said that ecosystem service research not only quantifies those but also puts value on those, but ASAP did not have the money to do that.

Mr. Boyd commented that he was not in favor of allocating the money for this study as he sees no practical use for this information. He then asked what the Board should do here and how they should use this area.

Mr. Marshall stated that the report does include some specifics such as considering recharge areas for groundwater, but at the larger level ASAP is asking the County to further review the information and thoughtfully consider how this research and the results relate to future planning as a community and public policy decisions. He added that this is not irrelevant to the things the Board does every day when it talks about new development and expanding the growth area. ASAP would also like for the Board to consider a Comprehensive Plan Amendment that recognizes and acknowledges that population growth and the community's optimal size should be considered in all appropriate planning, and growth and development policies and strategies. ASAP hopes that this research raises the Board's awareness – and other residents – of the complexity of making decision about virtually everything that deals with our future, whether it's water or schools or transportation or new developments, and that they factor in this concept of a sustainable optimal population size. He said that they hope the Board will not reject this concept just because it is new.

Mr. Boyd pointed out that much of the community's growth parallels the University's growth. He asked if ASAP is going to present this to U.Va. and ask them to stop expansion of research parks, student population, etc., because it will harm the ecology here.

Mr. Marshall responded that the answer effectively is “yes. ASAP will be meeting with the University to discuss this and in consideration of what the community wants, they have to build in what the University wants and they must not neglect the community.

Ms. Mallek said that there are lots of wonderful things happening, such as encouragement for locally grown food that will help achieve a balance.

Mr. Marshall stated that reduction in consumption does not help if the number of consumers is increased. Both issues have to be thought about simultaneously – how to reduce consumption and waste and how to deal with the number of consumers.

Mr. Rooker commented that there is a “shrinking” concept when dealing with population – such as limitations on the number of children a family can have, or putting a fence up around the community – and this report is simply acknowledging that population growth and the way it is accommodated has an impact on the quality of environmental systems. He said that the County did not agree to participate with the part of the study that deals with establishing an optimum population, but did agree to address the part that deals with the ability of natural systems to handle growth and what the impacts to those systems might be. He finds that part of the information to be helpful because more information is better than less. He added that the County can do whatever it wants with information.

Mr. Rooker mentioned that in dealing with the Crozet Master Plan, the single biggest issue was population, and citizens there went “berserk” when they heard the possibility of 25,000 people being in the Crozet area. When the Plan was redone part of it involved backing off the ultimate densities allowed in Crozet.

Mr. Dorrier noted that when the County had its first Comprehensive Plan in the 1970s, it projected out to 2000 that there would be 212,000 people in the area and that did not happen. We have had a lot less population growth than was originally thought.

Ms. Mallek responded that the downzoning was instrumental in that and our forefathers were looking at this issue.”

Mr. Rooker reiterated that it is information to keep in mind.

Mr. Thomas said that his understanding of what happened in Crozet was that the consultants did not turn in all of the charts, so when it left the Commission there was information missing.

Ms. Mallek clarified that 12,000 was what the neighbors thought, and there were only 3,000 people to begin with.

Mr. Rooker said that the confusion came in when the maximum density buildout figure was used, and it is rare that that ever happens in a community. He added that the community focused on population though, and the County responded by working with them on reducing the potential holding capacity there.

Mr. Marshall stated that there is a tool in the community to regulate growth – and that is land use regulations, primarily zoning. He said that he is not sure how accurate ASAP's buildout projections are now, but that should be a major tool as the Board makes decisions especially regarding new development.

Mr. Rooker responded that that information is pretty well known when master planning is done, and the zoning in the rural areas will tell you the potential number of lots there now – although it can never be certain when the buildout will occur.

Mr. Marshall said that land use planning and zoning are viable, effective, and fair legal tools for managing growth – and ASAP is not considering “building a moat or family planning.”

Ms. Mallek commented that everyone wants the same thing – to have a wonderful product at the end, and have this be a wonderful place to live. Ms. Mallek thanked Mr. Marshall for his presentation.

Agenda Item No. 15. Closed Meeting.

At 12:11 p.m., Mr. Thomas offered **motion** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions and an administrative position; and, under Subsection (5) to discuss the expansion of an existing business in the County where there has been no previous announcement of the business' interest in expanding its facilities in the County. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 16. Certify Closed Meeting. At 1:53 p.m. the Board reconvened into open meeting.

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

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

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

NAYS: None.

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

Mr. Snow offered **motion** to:

appoint Ross Stevens to the Historic Preservation Committee to fill an unexpired term to expire June 4, 2013;

appoint Steve Thompson to the Historic Preservation Committee to fill an unexpired term to expire June 4, 2011;

appoint David Mitchell and Matthew Lucas to the Fiscal Impact Advisory Committee with said terms to expire July 8, 2012.

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

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

NAYS: None.

Agenda Item No. 18. Economic Vitality Action Plan Update.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, summarized the following executive summary was forwarded to Board members:

The Board of Supervisors adopted an Economic Vitality Action Plan ("Plan") on August 4, 2010, following extensive public discussion and review. That plan establishes a quarterly schedule for reporting back to the Board on the progress and activities of the Action Plan and staff will present the first such report at this meeting.

This item is related to one of Albemarle County's Strategic Action Plan Goals - FY 10/11- FY 11/12 –
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.

The Board's adoption of the Economic Vitality Action Plan on August 4, 2010 was the latest action in the County's economic development efforts over the past five years. Other actions previously taken include participating as a member of the Chamber of Commerce and the Thomas Jefferson Partnership for Economic Development, identifying economic vitality as an objective in the County's strategic plan, updating the Economic Development Policy in the Comprehensive Plan, implementing the Resource Utilization Study recommendations, and adopting the 2010 Albemarle County Action Plan in January, 2010. In June, 2010, the Board reaffirmed its commitment by naming economic development as one of Albemarle County's Strategic Action Plan Goals - FY 10/11- FY 11/12. As was stated very clearly throughout the drafting and adoption process, the Plan is grounded in and works within the guidance and framework of the Comprehensive Plan.

The major efforts of staff since the Plan was adopted on August 4 have included (1) translating the objectives into a three-year work plan, (2) identifying meaningful measurements that will provide a good overall view of the County's economic situation and will indicate how the plan is progressing, and (3) establishing the basic functions of a more focused, proactive economic development effort. Board members were clear in their desire to see initial efforts focus on the County as a "convener, facilitator and catalyst" through establishing relationships, building networks, and linking resources to meet the needs of businesses. The early objectives of the Plan are aimed at building those community relationships toward economic vitality.

1. Three Year Work Plan

A copy of the adopted Plan (Attachment A) and an overview of the Three Year Work Plan (Attachment B) are attached for the Board's information. The following highlights relate to the five objectives in the Plan:

First Year Highlights – September 2010 – September 2011

- Objectives 1 & 2 – All action items will be complete, including initial components of small business assistance with development review, although many tasks initiated as part of these objectives will be ongoing through the three years of the plan.
- Objective 3 – The target industry study will be underway; a more structured business retention program will be implemented; and initial components of entrepreneurial/small business assistance will be in place.
- Objective 4 – The Comprehensive Plan update process will be underway, including the Southern Urban Area master plan and evaluation of potential of early consideration of interstate interchange policy; Zoning Ordinance change for Light Industry (LI) uses will be completed, County-wide voluntary rezoning will be completed
- Objective 5 – The Community roundtables will be complete; the findings will be presented to the Board.

Second Year Highlights – September 2011 – September 2012

- Objectives 1 & 2 – Continued visibility, outreach, and assistance efforts will be underway.
- Objective 3 – The target industry study will be completed, including integration with the Comprehensive Plan update as appropriate; a program for outreach/assistance to small businesses will be in place; beginning work on identifying demand occupations/workforce alignment will be underway; continued business retention efforts will be underway.
- Objective 4 – The Comprehensive Plan update will be substantially completed, including additional LI designations.
- Objective 5 – Staff will consider roundtable findings and Board guidance as part of a Comprehensive Plan update; identification of strategies and action items will be completed.

Third Year Highlights – September 2012 – September 2013

- Objectives 1 & 2 – Visibility, outreach, and assistance efforts will be ongoing.
- Objective 3 – Demand occupations will be identified and aligned with target industry study; workforce training possibilities will be developed.
- Objective 4 – Examination of LI options will be ongoing.
- Objective 5 – Implementation of approved strategies and action items will be underway.

2. Identifying Metrics/Measuring Progress

As stated in the Plan, it is critical that the County regularly monitor and assess the economy and the local business climate in order to be proactive and to perform effectively in promoting

economic vitality. Staff has researched other communities and talked to stakeholders about what measures would be meaningful to give a general sense of the overall economic health of the community, and what indicators would let staff know that the Plan is having the desired effect.

Attachment C is a list of possible measurements that staff has identified across a variety of related areas, including tax data, jobs/income data, business activity, development activity, rural economic activity, and outreach. Many of the measurements are already being tracked as part of the County's Quarterly Economic Indicators Report, and others are still being evaluated as to their effectiveness as meaningful measures. While many of the measures are very long term and may not show much variance from quarter to quarter, or even year to year as the national economy continues to struggle, staff has included other shorter term measures that will indicate more incremental progress in meeting the objectives of the Plan. The final list of measurements will be presented to the Board at the next quarterly update on the Plan, and will be provided quarterly from that point forward.

3. Initial Actions/Establishing Basic Functions

- A listening tour is underway involving face to face meetings with local, regional and state partners (Attachment D is a list of completed partner meetings, others are planned/ongoing).
- Phase I of the website enhancement is complete – staff is moving into Phase II, which will add more information and functionality to the Business portal of the site.
- Staff is scheduling quarterly roundtables with business community and Community Development staff. The first roundtable to focus on small business issues is scheduled in November.
- Staff continues to make progress in simplifying and creating certainty in development review by making careful regulatory adjustments that balance streamlining processes with maintaining quality and opportunities for public input. A summary of recent efforts is provided in Attachment E.
- The zoning text amendment for revision of Light Industrial uses is scheduled for a work session with the Planning Commission in November.

There is no budget impact associated with this update. Longer range objectives of the Plan are expected to result in positive financial benefits to the County.

Ms. Catlin reported that staff would review the three-year work plan laid out to accomplish the tasks of the plan, review potential metrics for measuring progress on the plan, provide an update on what has been done so far with the plan, and then provide an opportunity for Board questions and comments. She said that the context under which the plan was adopted was not intended to be a "dramatic, startling, new direction" but rather a "more refined, focused approach," being more intentional in how activities would promote the economic vitality of the County that supports the residents and the quality of life enjoyed here.

Ms. Catlin stated that she and Ms. Susan Stimart, Economic Development Facilitator, have embraced the theme "evolution, not revolution" approach to this process – and steps have been taken in this direction for quite some time. She explained that in the 2005 County Strategic Plan there was an item about economic vitality.

Ms. Catlin stated that the major objectives of the Economic Vitality Action Plan are to increase commercial tax revenues and support quality job opportunities for local residents within the guidance and protections of the Comprehensive Plan. She said that the quarterly update is an opportunity to bring information forth regarding the broader economic climate of the County, and the news from national, state, and local levels continues to be "sobering," with a recent job report provided from the local Chamber of Commerce. Ms. Catlin reported that in June 2010 PVCC opened their Stultz Center for Business and Career Development, which aims to assist the region's unemployed and underemployed and to partner with local companies that want to improve job skills and training. She said that the facility features five classrooms, a conference room and computer lab that will offer students – many of whom will be in their 30s and 40s – different pathways to finding career opportunities. Ms. Catlin stated that Rivanna Station's groundbreaking for the Joint Use Intelligence Analysis facility took place on August 10th and will include a 170,000 square foot complex that will house functions of DIA (the leading provider for military intelligence in the nation), and the jobs and associated activity that come with that are an example of the new energy and opportunities the County is seeing. She also said that on August 26th there was an announcement from FiberLight that they would begin construction of a 46-mile direct connection from Culpeper to Charlottesville – a completely underground fiber optic network that will enhance fiber opportunities for companies in this area that are seeking high-capacity optical transfer to the greater Washington, D.C. area. Ms. Catlin said that the company is eager to meet with County businesses to ensure that this opportunity can be leveraged as much as possible.

She stated that Regal Entertainment announced on September 30th that they would be bringing a new 14-screen theatre with IMAX to Albemarle Place.

Mr. Rooker asked if the fiber optic line would come down Route 29. Ms. Catlin confirmed that it would come down Route 29 in VDOT right of way all the way down until it hits the City of Charlottesville. The company wants to talk to the County to make sure that they "hit the nodes" to provide maximum capacity.

Mr. Rooker asked if businesses have to be located on Route 29 to tie into the line. Ms. Catlin replied, "no".

Ms. Mallek noted that the more people there are, the less it is going to cost.

Ms. Catlin reported that the Lynchburg to D.C. Amtrak line just celebrated its first anniversary and had a pretty amazing performance report, with an annual goal of \$2.6 million from 51,000 passengers, and at the ten-month mark they had achieved \$5.2 million in revenues from 103,000 passengers. She also said that several weeks ago on October 21st, the County held Tech Tour 2010 – a local event that introduced 300 area middle and high school students to local high-tech opportunities in the Charlottesville-Albemarle region. That continues to be a popular and successful way to expose students to career possibilities.

In terms of the first year highlights, Ms. Catlin said Objective One of the plan, pertained to improving business climate and image. Those activities have already begun. When the plan was adopted the Board expressed a strong desire to see the County acting as facilitators, conveners, and collaborators – and the early efforts of the plan have really stressed that focus. She also said that many comments and direction given in the plan related to supporting existing businesses – including small businesses and entrepreneurs, and helping to create job opportunities for local residents is an early focus area. Ms. Catlin noted that businesses do relocate to other areas, so in order to maintain the sustainable level of economic vitality that is mentioned in the preface of the plan the County needs to nurture new or relocating businesses that are compatible with the community's goals and assets offered here.

She said that staff anticipates that Objective One of improving business climate and image would have all actions complete by September 2011 – but there will also be ongoing tasks associated with that objective. Ms. Catlin said that a number of the actions under Objective Two of simplifying and creating certainty in the development review process have already been completed, and staff anticipates that the remainder will be complete by 2011. She reported that a lot of the new work of the plan is concentrated on Objective Three – supporting quality employment opportunities – and by next year at this time staff feels they will have the target industry study approach identified, will have spoken with community groups that the Board wanted involved, will have identified funding for that and will have completed all evaluations of other jurisdictions' approach to this. Ms. Catlin added that staff will also have a more structured, targeted business retention program in place and would have the initial components of entrepreneurial and small business assistance in place also.

She reported that under Objective Four – increase options for industrial land (LI) users – is anticipated to be addressed through the zoning ordinance change for LI uses and the Countywide voluntary rezoning tasks would be completed and back to the Board according to the timeline. Ms. Catlin also stated that the Comp Plan update process would be underway, including the Southern Urban Area land use planning and the evaluation of the interstate interchange policy. She said that also by September 21, 2011, in terms of focusing on the rural economy, there would be roundtable discussions that would bring forth findings as to what citizens feel is important – with time for the Board to discuss those and provide feedback to staff. Ms. Catlin added that the ordinance revisions that have to do with home occupations in the rural area would also be completed by that time.

Mr. Boyd commented that he wonders if it is the best approach to evaluate the entire Comprehensive Plan at once, and suggested instead concentrating on specific issues – such as interchange options.

Mr. Mark Graham, Director of Community Development, responded that from a staff resource perspective, it was determined that the easiest way was to put it all together, and when considering breaking out certain parts they learned that there wouldn't be that much time advantage. He explained that when an item gets to Planning Commission review it could then be brought forth to the Board if desired.

Mr. Boyd commented that it would be easier for the Board to digest if it were in smaller pieces.

Ms. Mallek asked if it could be approached by considering subgroups, such as the Rural Areas chapter.

Mr. Graham responded that the issue is that all of these chapters relate – with natural areas relating to rural areas, and rural areas relating to interstate interchanges – so breaking it apart may not show those relationships as well. He said that the staff would be coming back in January or February to talk with the Board about their work program for 2011, so an initial look at the Comp Plan could be wrapped into that discussion.

Ms. Mallek agreed that the interconnection of all the different issues is essential.

Ms. Catlin reported that by September 2012, the first objective would continue the visibility, outreach, and interaction efforts. The second objective would continue assistance to small businesses with development review process and other activities. The third objective would continue to focus on providing quality employment opportunities, with the target industry study to be completed and the demand occupation identification/workforce alliance piece underway.

Ms. Mallek asked if there would be an outside person to help with this process. Ms. Catlin responded that the County has had some very preliminary conversations with Mike Harvey at TJPED, and it is anticipated that some outside help may be necessary for some portions.

Mr. Boyd stated that some of that work has already been done with Mike Harvey and his group, as well as the University, so there would be no need to reinvent all of it.

Ms. Catlin said that staff would be working with whatever resources are already available so as not to duplicate efforts.

Ms. Catlin also reported that business retention and small business focus would continue as part of the third objective. The fourth objective covering LI land users would be addressed through the Comp Plan update process completion. Ms. Catlin added that having the Board's guidance with the rural economy roundtables would feed into the Comp Plan update so that anything anticipated as part of those strategies would be in sync.

Ms. Catlin indicated that by September 2013, most actions would continue – with Objective Three moving into some workforce training possibility identification and continuing support for small businesses. She said that with Objective Four, options would be evaluated to see the results of earlier efforts relating to LI land; and the focus on the rural economy would continue with implementation of the approved strategies.

Ms. Catlin reported that it was agreed during the adoption of the plan that regular measurement was important. Staff has provided a list of metrics that provide a good sense of the overall health of the community economically, and also indicate whether the plan is having the desired effects. She said that many of the measures are long-term and may not show much variance from quarter to quarter, especially as the national economy struggles, so there are also shorter-term, incremental measures included. Ms. Catlin stated that they have researched other communities and talked with stakeholders in this community to find out what kinds of things they felt were important benchmarks. Mr. Steve Allshouse is already tracking a number of these in his quarterly economic indicators report. She also said that staff proposes supplementing those with other measures as listed in the report – some of which are quarterly, and some of which are annual. Ms. Catlin noted that this may be a dynamic list over time, as it is decided that some measures are working and others are not – and the agricultural economy measures would best be left until the roundtables meet and they receive advice on what things are most important to measure. She said that the metrics fall into categories of tax data, jobs and income data, general business activity, real estate market activity, development activity, outreach and the agricultural economy.

Ms. Mallek asked if the timeframe for peer review jurisdiction policies and practices for attracting target business has changed. Ms. Catlin responded that it has changed because adoption of this plan dragged by several months. It is being started for the target industries study – with a number of peer jurisdictions already contacted at this point.

Mr. Boyd suggested that it might make sense to put together a small strategic sounding-board group with diverse representation that could be used to advise staff on direction, with a composition to include a Board member, School Board member, member of the business community, member from the environmental community, a representative from the agricultural community, and someone from the nonprofit community.

Mr. Rooker said that he views that as the Board's job.

Mr. Boyd stated that ultimately it is the Board's responsibility, but this would bring all the stakeholder groups together to provide input.

Ms. Mallek said that the stakeholder list that exists could be used, with a few additions from the wineries and local food groups, as they won't always be able to attend each meeting.

Ms. Catlin noted that it's been really valuable to be able to check in with the stakeholder group, so perhaps having them continue to provide input would be prudent.

Mr. Boyd agreed, but added that a smaller group might be more manageable.

Ms. Catlin said that staff will give it some thought.

Ms. Mallek commented that diversity of interests makes that challenging.

Mr. Snow said that two important accomplishments that were left off the economic development progress are the new agricultural provisions to allow vineyards to be open for weddings and events, and the ordinance that was rewritten for the farmers markets.

Ms. Catlin agreed, adding that Ms. Stimart would be touching on those in her part of the report.

Ms. Stimart first reported that Ms. Catlin now has the title of Assistant to the County Executive for Community and Business Partnerships, with her own title now being Economic Development Facilitator – which is now based in the County Executive's office.

Ms. Stimart reported that the listening tour with stakeholders and potential partners have been a really valuable experience for her and for Ms. Catlin in helping to guide the plan, and perhaps that can be institutionalized as they work through the three-year plan. She said that phase one of the website enhancements are completed, and staff is focusing on really terrific improvements for phase two of the website – with stakeholders weighing in on those changes. Ms. Stimart reported that the first round of the quarterly roundtables would take place November 18, 2010, 1:00 p.m., with the Small Business Development Center Executive Director Norah Gillespie and some area bankers talking with Community Development staff on what can be done better for small business. She said that the effects of the regulatory adjustments mentioned by Mr. Snow haven't been fully measured yet, and there is still work to be done with the sign ordinance and ministerial applications/legislative changes that will help the environment for small businesses to grow and thrive. Ms. Stimart reported that the zoning text amendment project is still moving forward, with a November 30th work session scheduled with the Planning Commission.

Ms. Stimart mentioned some success stories in 2010, highlighting some really terrific reuse of the Badger Building, Biotage, Motion Control Industries, and Comdial Building – which is close to full now. Ms. Stimart reported that one of the smaller research and development companies, Empirical Technologies, is at the forefront of telemedicine and has recently been awarded \$3.5 million from federal and overseas operations. She added that staff has connected them with the State's resources with the Virginia Economic Development Partnership to help sell their product overseas. Ms. Stimart reported that Beta Pro just came into the U.Va. Research Park along with some other companies to commercialize some of the products coming out of research. Mikro Systems is continuing to expand with its new contracts. She added that the Board is already aware of activity within the defense industry, and then presented a list of new companies and expanding ventures – with Midwest Research Institute entering the Comdial Building, and Signature Science and CGI Federal joining the Research Park. Regarding basic industry, Ms. Stimart said that Baugh and Savvy Sleeper, which has experienced 600% growth over a six year period, have located here. She said that Food Hub also has positive information to share at this stage, with the USDA considering them a model for other communities and 75% of participating farms are reporting at least a 10% increase in their overall sales.

Mr. Snow asked if there is information on how many jobs these companies have brought to the area. He asked if they are bring employees with them or hiring from within the community.

Ms. Stimart responded that she doesn't have specifics on the breakdown, but she has worked with several firms to help on local workforce recruitment.

Mr. Snow said that it would be helpful to have information on how many people were able to find jobs locally because of these company expansions and relocations.

Mr. Boyd commented that it would be interesting to match these up with the workforce development center's efforts.

Ms. Catlin summarized the report, stating that staff is continuing to move forward with the three-year work plan. Staff will begin regular review of the metrics mentioned at the next quarterly update, and early actions of the plan are already underway. Staff is feeling positive about previous stakeholder discussions and the way people are seeing this plan move forward.

Ms. Mallek said that something she noted at the school-business visioning meeting was Phil Roberts' comment about how it would benefit the County to talk about its activities in order to be able to sell relocation to businesses and their employees.

Ms. Catlin stated that that would certainly be part of the website changes, and one of the tasks under Objective One pertains to developing collateral materials and representing the community in the best possible light.

Ms. Mallek said it is also important to highlight the native natural beauty of the area.

Mr. Snow commented that he appreciates the great job staff is doing, and he is very pleased to see goals, actions, deadlines, and measurements related to economic development.

Ms. Mallek said that there is certainly more visibility now, but that long list of companies mentioned are people that Ms. Stimart has been working with for years. She is glad everyone is aware of this.

Mr. Boyd suggested that in the partners/stakeholders list someone be included from the state level economic development plan.

Ms. Mallek said that Liz Povar, Director of Business Development, told her directly she would like to be involved. Ms. Catlin noted that she and Ms. Stimart had a very positive meeting with VEDP's staff several weeks ago.

Mr. Boyd suggested adding them to the group of stakeholders.

Mr. Dorrier also suggested adding the Weldon Cooper Center to the list of partners.

Agenda Item No. 19. **Work Session:** Five-Year Financial Plan.

Ms. Lori Allshouse, Director of the Office of Management and Budget, said that the County has been involved in five-year financial planning since 2004. Long-range financial planning is highly regarded by bonding agencies as well as a best practice for local governments. She said that the process provides the County with a vehicle to do long-range projections and forecasting and to consider the long-range consequences of decisions made from year to year. These work sessions provide a forum for staff and the Board, a way to engage in strategic thinking, discusses long term issues and work together to best position the County to meet challenges.

Ms. Allshouse stated that today's meeting would include discussion with the Board on the planning process, what's been done to date and what's ahead, a review of the critical core service issues discussed in October, and review of revenue and expenditure assumptions. She said she would also share how the five-year plan has been balanced as a starting point for their discussions and then provide a summary to include long-range and emerging issues that were not addressed in the plan. She will then go over the next steps and conclude with Board discussion/direction.

Ms. Allshouse explained that this is the Board's first day to review the initial plan, but staff has been working on it for quite some time – including interviews with members in May to talk about the budgeting process last year. She said that the Board has also shared with staff their view of strategic issues on the horizon, and on June 30th the Board set out a strategic plan for the next two years – with an October 6th joint meeting with the School Board that included initial conversations on compensation. Ms. Allshouse reported that the Board met with staff and the School Board on October 12th and 13th to discuss the content of budgeting, what was in basic plans and to address strategic issues. She noted that a balanced plan would be presented based on this preliminary direction. She said that the Board would have additional work sessions this month, including one with the School Board, and then would have two December work sessions to finalize the plan.

Ms. Allshouse said that the financial plan is not a budget, but is just a plan based on the best information available today. She stated that there are a lot of unknowns from the State, and a staff team worked hard together to bring these assumptions forward. Balancing this plan is essential for the Board in setting its priorities. Ms. Allshouse emphasized that this plan provides very important, critical direction to the staff as they start the annual budgeting process. She noted that five-year planning brings together the schools, general government, and capital in order to show impacts in all areas to eventually establish a budget.

Ms. Allshouse said when staff looks at the five year financial plan, the first thing it does is fund the County's obligations and commitments. The second goal is to maintain essential public health and safety services. The third goal is to shore up reserves and the undesignated General Fund balance to ensure a strong financial position throughout the five years. She said that the fourth goal is to address critical core service needs to the greatest extent possible. Critical core service needs include providing adequate police protection throughout the County by filling all the vacant police officer positions with qualified candidates, unfreezing the five police officer positions that were initially approved, and working hard to meet the County's officer per capita goal. Ms. Allshouse stated that a second critical need was to provide continued fire protection coverage to the Ivy area, with a third need being to establish a sustained level of funding for facility maintenance and replacement – which is both in the CIP and the General Fund. She said that the fourth and final need is to ensure there is adequate staff capacity to support a transforming organization.

Mr. Richard Wiggins, Director of Finance, said that staff looked at over 250-300 revenue line items and made projections based on a variety of assumptions for each. He presented a summary of the six major categories of General Fund revenue for projections on a percentage basis over the next five years. It is important to note that staff is projecting only a \$900,000 increase in revenue for FY12 over projected FY11 revenues. Staff is being very conservative and he thinks it is a realistic assessment of the local economy. Mr. Wiggins reported that the total growth in revenue is projected to be at approximately 1% for FY12 and FY 13, with a slight increase for years FY14, FY15 and FY16. He added that this is General Fund revenue only – which includes what the County transfers to schools – but does not include schools' state revenue.

Mr. Boyd asked for more information on the anomalies in some of the revenue figures.

Mr. Wiggins explained that the 6.3% is from a projected increase in Social Services revenues for FY12; the drop in transfers relates to the decrease in funding from Schools to the General Fund for School Resource Officers; the 3.8% increase in "other local taxes" relates primarily to sales tax – as it would exceed what was budgeted for FY11 primarily because of the work of the new Business Auditor.

Mr. Dorrier asked if this information makes the assumption that the tax rate remains the same. Mr. Wiggins replied, "yes".

Mr. Rooker asked if the School Resource Officers were paid for as a separate transfer. Mr. Tucker responded that the schools fund the Resource Officers and then send the money back to the General Fund.

Mr. Wiggins reported that real estate taxes comprise the largest source of General Fund revenue. Staff is projected for January 2011 reassessment is a decrease of approximately 1% in value. He added that Real Estate staff continues to see a "slight softening" of both residential and commercial values,

projecting flat revenues for FY12 and slight increases in revenues for years FY13-FY16. Mr. Wiggins stated that for new construction staff is projecting a .71% increase in FY11, FY12 and FY13 – or \$125.0 million in value – with slightly higher numbers in FY14, FY15 and FY16. Finance staff believes these are realistic numbers after having discussions with Community Development and real estate staff.

He indicated that for FY12, staff is projecting a 1.8% increase in personal property tax revenue – or \$350,000 – with sales tax projected to increase by .8%. Mr. Wiggins reported that staff is projecting a 1.3% increase for business license income, 1.6% for utility taxes, and 1% for food and beverage taxes – with only very moderate increases expected for the remainder of the five-year period. He added that staff assumes State aid reductions from the current year will not be restored and will continue at the same level throughout the five years of the plan.

Mr. Wiggins reported that from FY04-FY08, General Fund revenues grew by over \$63.0 million, in FY08-FY10 revenues remained flat, FY11 will remain at budget and only slight increases for plan years FY12-FY16.

Ms. Mallek asked about the 2011 anticipated “fall in value,” stating that she would like to see a projection on potential drop sooner instead of waiting to having to make budget cuts if the tax rate stays the same.

Mr. Wiggins explained that the County is experiencing a slight decline in real estate revenues because of the decline in reassessments in both commercial and residential properties, but it is moderated somewhat by new construction. He emphasized that overall, the County is looking at a \$900,000 increase in General Fund revenues for FY12 over actual revenue in FY11.

Mr. Tucker noted that the County had been dealing with 3%-5% reductions, which is why it had to be addressed in the fall – but now that has flattened out a bit.

Ms. Laura Vinzant, Senior Budget Analyst, reported that she would present the expenditure assumptions by broad category – salaries, benefits, operations, agencies, non-departmental expenses, reserves, transfers to schools, transfer to CIP and Debt Service, and Revenue-Sharing payment to the City. She noted the critical core service needs that Ms. Allshouse had mentioned in her presentation and that the Board discussed in their October work session.

Ms. Vinzant said that the first expenditure assumption is a 1% salary market increase for FY12, based on the Board’s conversation at the compensation meeting in October – and it would not allow for a merit plan, but just the increase for all staff. She said that in FY13-FY14 it would increase to a 2% market, plus .7% allowed for merit – for a 2.7% total salary increase, up to 3.7% in FY15-FY16. Ms. Vinzant stated this meets the goal of ensuring adequate staff capacity to support a transforming organization. She said that this financial plan also unfreezes five police officers throughout the plan, but it did not allow for that in the first two years of the plan. It also does not allow the County to catch up; as it is falling behind at a slower pace.

Mr. Snow asked if the salary increase is across the Board, including the school system and all government employees.

Mr. Tucker responded that this covers classified staff for all local government and the School system, but the School Board decided that it wanted to find funds to increase teacher salaries at a higher rate. He added that the School Division has to find what it can in the 60% that they get.

Mr. Foley noted that the key is for the Board to provide 60% of revenue and growth to the School Division, and out of that they would fund salary increases and whatever else they can do. If the 60% does not meet their salary increase needs, ultimately they would need to look at their budget elsewhere. He added that in the out three years there will be more significant increases in transfers because revenues are going up in those years.

Ms. Vinzant reported that the final salary assumption is reclassification. This plan provides for \$200,000 in FY12 and is carried throughout the plan for public safety reclassifications. She mentioned that the Police Department has said that a competitive salary would be needed to fill those vacancies, and this will allow them to get up to market. Ms. Vinzant reported that the assumptions also include \$25,000 in each year for individual reclassifications, with \$50,000 every other year for department-wide reclassifications – a change from how Human Resource had been handling it in the past which had been about \$100,000.

Mr. Snow asked for a dollar figure for percentage in increase. Ms. Vinzant responded that a 1% increase in salaries is \$375,000 including benefits.

Mr. Rooker stated that the \$200,000 for reclassifications in public safety is more than one-half of the allocation for salary increases in general.

Ms. Mallek pointed out that this is on top of the raise. Ms. Vinzant confirmed that.

Ms. Vinzant said that this plan retains the same VRS benefit currently being paid – at 15.4% of salaries – and that is maintained throughout the plan.

Mr. Rooker asked how realistic that assumption is, noting that the committee that oversees VRS is calling for significant upward adjustments in that contribution rate.

Ms. Vinzant responded that every percent in VRS is \$300,000, so it is indeed substantial.

Mr. Foley clarified that with VRS the local government group is treated somewhat differently than state employees and teachers, and their funds are calculated differently.

Mr. Rooker also mentioned that he was made aware that the machinery and tools tax was going to be eliminated, and asked what impact that might have on revenue.

Mr. Robert Walters, Division Manager of Business Taxation, said that machinery and tools are approximately \$300,000, and it has been discussed almost every year it has come before the General Assembly. He added that he does not anticipate any significant changes in that or BPOL, but they probably will be tweaked. Mr. Walters said that those revenues are very substantial for many local governments in balancing their budgets, but for Albemarle machinery and tools are not as large as it is for other localities.

Ms. Mallek asked if one of the proposed changes to BPOL is to make it a net value instead of a gross value. Mr. Walters replied that it is one of the issues, and the whole rate structure took that into account when it was set. He added that he does not expect anything that would significantly impact Albemarle, but every single year a little bit is chipped here and a little bit is chipped there.

Mr. Rooker asked for more information on the line of duty premium that will be transferred to localities. Mr. Walters replied that he does not know what that number is, but it is pretty much a definite to be transferred.

Ms. Vinzant reported that with health insurance, the employer share in the current fiscal year has the base rate reduced to \$7,000 per employee as it was budgeted at \$7,500 per employee, and what is being charged in FY11 is the same as what was being charged in FY10 – and the same will be budgeted in FY12. This will pull down the reserves in the health fund. She noted that it would increase the employer share 4% in FY13 and back to 8% in FY14-FY16.

Mr. Boyd asked if the assumption is built in here that the surplus would be spent as suggested by the School Board, as they were talking about a 3% bonus.

Mr. Foley explained that there are two issues – for the current year there are one time savings because it is only \$7,000 instead of \$7,500. This model projects that the \$7,000 would be the same going forward. Staff has reallocated that increase as a part of the whole model, but the Board still has a decision to make as to whether in the current fiscal year it is going to do anything with that \$500 savings. Going forward, staff has taken it out of the model so it is a savings that has been reallocated to help fund the salaries.

Mr. Boyd asked if the savings is going back into the fund balance. Mr. Foley said if nothing is done it will go into the fund balance, but that is a decision of the Board.

Mr. Tucker pointed out that this was the amount suggested earlier during the compensation discussion for a bonus that the Board might consider for employees this year.

Mr. Foley added that that is part of the Board's discussion with the School Board on November 11th.

Ms. Vinzant reported that all of the reductions in operations that the Board heard last year are maintained throughout the five-year plan and nothing has been restored. An inflationary increase of 1% assumed in FY12 and 2% in each of the out years. She emphasized that the increase is not intended to be given to departments across the Board but simply acknowledges that there are some areas of expense that have gone up and are needed to maintain the same level of operations. Ms. Vinzant stated that the plan does include an increase in public safety overtime in order to maintain compliance with FLSA requirements, totaling \$108,000 for police and fire/rescue. She added that the plan includes funding for vehicle replacements to increase it back up to the FY08 budget level, adding \$360,000 for a total of \$720,000 annually. Ms. Vinzant noted that this will help the County catch up on a backlog of vehicles that have not been replaced during the recession, and staff believes this number is sustainable for future replacements. She added that they anticipate future efficiencies as the County moves towards a more centralized fleet management approach.

Mr. Snow asked if any vehicles have become available due to cuts in staff.

Ms. Vinzant replied that most of the staff cut were police officers, and those positions were frozen – so bringing them back did not include the vehicle costs as those costs are already funded.

Mr. Foley stated that with the centralized fleet management, staff anticipates replacing 20 fewer cars than in the past – but the County is so far behind that the savings will be realized over time. He explained that the vehicles that are freed up would be reallocated so they would not have to be replaced new, but it has been two or three years since they have been replaced.

Ms. Vinzant said that one of the critical core service needs identified was to establish a sustainable level of funding for facility maintenance and replacement, both for operational and CIP. This

plan does support facility maintenance in the operational side through reallocation without adding any additional funds.

She reported that staff has projected a 6.5% annual increase for the Regional Jail throughout the five years of the plan, and this is less than what was projected in the last several years but more than what the Jail has actually come in at – and this does not allow for a jail expansion in the plan period. Ms. Vinzant stated that the plan reflects SPCA increases per contract and all other agencies reflect market salary increases of 1% and 2%. The SPCA charges are \$4.00 per capita in FY11 and \$5.00 per capita in FY12, with \$5.00 per capita in future years increasing by CPI.

Mr. Boyd asked how long that contract is binding. Mr. Davis responded that it is guaranteed for three years and an automatic extension until it is terminated.

Ms. Vinzant reported that there is a Stabilization Fund created in reserves, which is 1% in one-time funding dedicated to a Stabilization Fund – and along with the 8% Fund Balance goal would ensure an ongoing balance of 9%. She said that this would apply to both schools and local government. The plan also ensures an ongoing operational contingency reserve of \$250,000 in each year – which is essentially a combination of the revenue shortfall contingency and the Board reserve that has been budgeted in various ways over the past several years. Ms. Vinzant noted that staff proposes a policy that would have them come back to the Board with clear and specific policies on the uses of these funds. From research staff has found that these types of funds are best practices for local government.

Mr. Rooker asked if the 8% is a percentage of total fund revenues and cannot be drawn down completely. Ms. Vinzant responded, “yes”, that is a cash flow balance. Mr. Rooker added that the 1% might be able to be drawn down in an emergency with a split given to schools. Ms. Vinzant responded that the one-time 1% amount will come from end-of-the-year Fund Balance, not ongoing revenue.

Mr. Rooker added that staff would be developing a policy for use of the 1%. Ms. Vinzant responded, “yes”.

Ms. Vinzant said that she has provided a historical perspective of Revenue Sharing, with the current year at \$18.5 million, and slight decreases in the first two years of the plan followed by slight increases.

Mr. Dorrier asked what the negative figures in the chart were. Ms. Vinzant said that Revenue Sharing is based on change in reassessments. The current decrease is based on a decrease in reassessments from two years ago.

Ms. Vinzant reported that schools receive 60% of new local tax revenue after certain transfers and expenditures are deducted. The current year’s transfer is projected to be \$96.1 million, and by FY14 the schools will get back to just a little above their initial budget in FY09.

Mr. Rooker asked for an explanation, as their budget in FY09 was \$101.2 million and the actual was \$97.0 million. He said that he does not see a place where they are at \$102.0 million on actual or budget prior to FY11.

Ms. Vinzant explained that that is the first year the schools get above where they were, noting that they will be \$800,000 above where they were.

Ms. Vinzant reported that at the Board’s June retreat a strategic planning CIP goal was developed to explore options and identify ways to address unfunded current and future capital needs, which is still an ongoing effort with further information pending. She explained that the current CIP is in an amendment year cycle, which means that only emergency projects and updated cost estimates are included. Ms. Vinzant said that the adopted CIP was out of balance by the year FY16 so some adjustments had to be made. Some of the proposed modifications and adjustments were an updated and improved transfer to the CIP from the General Fund, reduced Debt Service due to favorable interest rates, modification of the term for heavy equipment, and designated a portion of current and projected operational surpluses. As a result of these adjustments, she said, the CIP has been balanced for FY12-FY16 and includes funding of all mandated and maintenance projects. She reiterated that it is a maintenance only capital plan.

Ms. Vinzant added that the transfer is to both Capital projects and Debt Service. In FY11 the total is \$17.0 million which increases slightly throughout the plan up to \$20.1 million in FY16. She said that in FY07 a larger portion of the transfer was going to Capital projects than Debt Service, and that proportion has changed over the years with less being transferred to Capital.

Mr. Rooker asked about the reduced amount for stormwater management, and noted that TMDL legislation would require between \$5.0 million - \$10.0 million in annual operation costs for stormwater management possibly as early as next fiscal year. He asked how that will work.

Mr. Tucker responded that it does not. He said that staff would hold a work session with the Board in the near future to discuss that.

Ms. Vinzant then presented the balances at the end of the plan based on the assumptions made by staff, with \$700,000 in FY12, \$3,000 in FY13, and \$400 in FY14, \$20,000 in FY15, and \$600 in FY16.

Mr. Rooker mentioned that they received a bulletin today that mentioned State government cutting allocations to education by the amount of federal stimulus money received, essentially displacing it. He asked if there was any more information available on this.

Mr. Tucker responded that it hasn't been discussed with School staff yet, and suggested that it be discussed with the School Board in the joint meeting the following week.

Mr. Rooker expressed concern about the significant impact this would have, as the cuts would be in addition to the Composite Index factor – perhaps totaling \$4.0 million to \$5.0 million.

Ms. Allshouse commented that this is the value of five-year planning, adding that the challenge is timing of what is known now and when the initial balanced plan is developed. She also noted that it is important to continue having these conversations.

Mr. Rooker commented that the total revenue base of \$300.0 million includes state and federal revenues for the schools, and asked what the 1% equates to in dollars.

Mr. Foley replied that it equals about \$2.6 million, adding that the total revenue is based on school and general fund operating.

Mr. Snow asked if the revenues over expenditures include the built-in unfreezing of police officers and the money needed for fire and rescue.

Ms. Allshouse indicated that those are already taken into account. She also stated that this plan is balanced based on the current tax rate through the five years and does continue the 60/40 allocation with the School Division according to policy. Ms. Allshouse said that the plan redirects savings by reducing the employer contribution to health insurance by \$500, which benefits both Schools and General Government. She noted that the plan does reallocate a \$.75 million shortfall contingency, which helped to fund some core services and retained \$250,000 in contingency. The plan continues scrutiny of revenues and expenditure assumptions.

In terms of meeting the County's Five-Year Plan goals, Ms. Allshouse stated that it funds the County's basic obligations and commitments; shores up reserves and undesignated general fund balance to ensure a strong financial position; creates an ongoing operational reserve and a stabilization reserve; ensures staff capacity to support a transforming organization through small market and salary increases; does not cut any staff training monies; and the CIP and General Fund includes more sustainable core maintenance programs. The Plan makes progress towards the police-related public safety goal through supporting efforts to fill vacant Police Officer positions with qualified candidates and by unfreezing five Police Officer positions by FY16.

Ms. Allshouse said the Plan does not address all critical needs that were brought to the Board's attention on October 12, 2010.

Mr. Snow asked if the five positions were new positions or reinstating those that had been frozen. Mr. Elliott stated that the authorized strength is 123 and when the County froze five positions that became 118 – but the reality due to retirements, lack of recruitment, etc. has meant 112 positions – so the reclassifications with higher salaries is hoped to get the force up to 118, and then between FY14-16 the 123 level would again be realized as it was in FY07 and FY08.

Mr. Snow asked what the additional cost per year is for each police officer hired. Mr. Elliot responded that the first year is around \$100,000 including salary, benefits, training, and vehicle with computer – and after that it is approximately \$70,000.

Ms. Vinzant noted that for these officers the vehicle costs would already be accounted for since the vehicles have already been purchased.

Mr. Rooker emphasized that the goal for police officer staffing levels relates to population increase, but that is not the only area that is impacted when more people are using services – as social services, parks and recreation, and other agencies are also affected.

Ms. Allshouse agreed that population growth does present impacts to many other areas, adding that there is no growth in positions planned for any other department over the five-year period. She also stated that while progress has been made with some critical core issues, there are some still on the "watch list," citing the example of no funding for the Ivy Fire Station.

Mr. Boyd asked if there was funding for the remodeling. Mr. Foley noted that staff would be coming to the Board next week with strategies for capital funding, but that will not solve the operational side of the equation.

Ms. Allshouse said the Plan does not provide for a sustainable long-term Capital Plan that meets infrastructure and operational needs for the School Division and General Government. Ms. Allshouse added that several Board work sessions have been scheduled: November 10th to discuss options for Ivy Fire Station operating and capital expenditures, Police Officer position needs and from December 2010 through February 2011, conversations about the Capital Plan.

Ms. Allshouse mentioned several emerging areas that staff is watching, including unfunded mandates such as TMDL regulations, increasing workloads for the Department of Social Services, lack of additional resources for Zoning support, absence of additional fire protection in the Pantops area, no additional resources for citizen engagement or public information efforts, no additional resources for obligations pertaining to Constitutional Officers, and no additional funding to address the VRS rate increase that might impact the School Division. She also said that long-range quality of life issues such as community policing, water protection efforts, potential for Jail expansion, refunding ACE, potential Library facility requests, greenways, and master plan implementation are not addressed in this plan.

In summary, Ms. Allshouse said staff believes that the economy appears to be stabilizing. The plan does incorporate some moderate growth in the out years based on signs of economic stabilization. She added that none of the eliminated positions are being added back into this plan. The Plan continues reliance on operational efficiencies and resulting savings. The Plan makes some progress towards addressing critical core service needs. The Plan does not address all critical public safety needs, nor potential emerging core service needs going forward. The Plan does not provide for a sustainable long-term Capital Plan.

As mentioned earlier, Ms. Allshouse said that the Board has several upcoming work sessions to further evaluate and strategize for the five-year funding plan, and at some point this will be balanced as a starting point for the Board's budget. On November 11th, the Board will be holding a joint Five Year Plan work session with the School Board to continue the discussion on what they see as their challenges. The Board will also continue the discussion regarding the one-time bonus in FY11. Another Five Year Plan Board work session is scheduled for December 1st with an additional one scheduled on December 8th, if the Plan is not balanced and approved on December 1st. Another joint Board discussion is scheduled for December 8th on the CIP.

Mr. Rooker commented that this assumes probably more than what the County is probably going to get. He added that his concern is what the plan does not do – as these are things that are critical to an ongoing operation that need to be considered. He emphasized that the County cannot continue to operate without a capital plan, such as the Ivy Fire Station.

Ms. Mallek added that it is going to end up costing the county four times more when it gets around to doing them.

Mr. Boyd stated that the legislative discussion and agenda need to focus on the state's continued direction of passing the buck down to local communities. Localities are not a bottomless pit. He thinks the Board needs to quit just accepting the State not funding the things that it should be funding. The State cannot just simply not fund the Schools adequately and say it is the localities responsibility.

Mr. Rooker said there are legislators who have taken a "no tax" increase pledge. They are not going to increase state revenues and Federal government is unlikely to increase its revenues to states or localities. The new reality is that localities are going to have more things shoved down to them, receive less revenue to accomplish them and localities are going to be left with trying to figure out how to get things done.

Mr. Dorrier asked what the County was getting "in the good days" from the federal government.

Ms. Vinzant replied that for local government federal revenues total about \$4.3 million for FY11.

Mr. Boyd noted that the federal reductions will be a much bigger hit on the schools, and they are shirking their responsibility for education.

Mr. Rooker added that the same holds true for transportation, as the state is essentially providing nothing in secondary road funds.

Mr. Dorrier asked if the Board was going to discuss the revenue sharing issue at this point.

Mr. Rooker said that in order to renegotiate something it requires a willing party on the other side that sees some value in changing the agreement to benefit them, and the City does not see a benefit in reducing that amount. He added that if the Revenue Sharing Agreement were ever eliminated, the City would be forced to revert to town status – and the County real estate tax rate would increase substantially, as the County would need to absorb their school system and some other services.

Mr. Tucker stated that in that situation, the City would determine which services they would continue and which they would turn over to the County.

Ms. Allshouse thanked the Board and added that if anyone has requests for any additional information, please contact her.

(Not Docketed. The Board took a brief recess at 3:53 p.m., and reconvened at 4:05 p.m.

Agenda Item No. 20. **Work Session:** Chesapeake Bay Watershed Implementation Plan.

The following executive summary was forwarded to Board members:

The purpose of this work session is to educate the Board with respect to a new federal mandate to reduce pollutant discharges in waterways that is expected to affect Albemarle County, along with its citizens and businesses, starting in 2012. The presentation will also include a description of the Piedmont Regional Pilot Project, an effort to facilitate a coordinated local response to the requirements. Staff will seek guidance from the Board on whether there is interest in preparing a County response to various state and federal documents open for public comment.

History:

Since a 1987 Chesapeake Bay Agreement, the District of Columbia, U.S. Environmental Protection Agency (EPA), and the states in the Chesapeake Bay watershed (Bay) have implemented various programs to improve the health of the Chesapeake Bay so that it meets the requirements of the Clean Water Act (CWA). The primary issue with the Bay has been excessive algae growth resulting from excessive amounts of nutrients (nitrogen and phosphorous) washing into the Bay due to various activities and land uses including agricultural and forestry activities, stormwater runoff and septic tank leachate associated with land development, industrial and wastewater discharges, and atmospheric deposition from within and outside the watershed. Excessive algae growth leads to low levels of dissolved oxygen and poor water clarity which, in turn, diminishes conditions for healthy aquatic life.

Despite significant progress over the past two decades, the Bay remains significantly impaired and failed to meet a 2010 deadline for pollutant reductions stipulated in a 2000 agreement. In addition, the EPA reached settlement earlier this year in a 2009 lawsuit filed by Bay advocacy groups – including the Chesapeake Bay Foundation – claiming that the EPA failed to take adequate measures to protect and restore the Bay. As part of the settlement and due to the failure of earlier, voluntary restoration programs, the EPA is required to establish a Total Maximum Daily Load (TMDL) for the Bay. A TMDL, sometimes referred to as a “pollution diet”, establishes limits for the amount of nutrients and sediment allowed to flow into the Bay. The TMDL will be realized through the development and execution of Watershed Implementation Plans (WIPs) that include pollution limits for point sources (wastewater treatment plants and urban stormwater systems) and non-point sources (agricultural lands). The overall process includes two-year implementation milestones through the year 2025 and will be strictly enforced by the EPA. WIPs are being developed in phases by each watershed state government and must receive approval by the EPA. Phase I WIPs must be completed and approved no later than December 2010 per the attached schedule (Attachment 1). The Phase II WIP will specify the reductions required by each locality, including Albemarle County.

Current Situation:

The EPA and Virginia are now in the process of calculating the TMDL and completing the Phase I WIP. The documents are now available for public comment. Staff has included the summary from Virginia’s draft WIP and the EPA’s response to that draft (Attachments 2 and 3). Staff has also provided graphs of the historical nutrient levels in the James River watershed along with the 2017 and 2025 targets per the TMDL (Attachment 4). This information leads staff to believe the TMDL will require a number of expensive programs that will directly or indirectly impact most County residents. Staff notes that neither the EPA nor Virginia has developed a cost-benefit analysis of the WIP or TMDL nor have they identified potential funding sources for any required local programs or recommended a federal or state responsibility for cost sharing. In the absence of any financial assurances, staff is forced to assume that a significant part of the associated costs will be the responsibility of local governments, businesses, and property owners. The EPA has estimated that Virginia’s share of the overall cost of retrofitting 50% of its localities’ impervious area and stormwater treatment activities will be \$10 billion.

Anticipated County Impacts:

While the Phase I WIP provides a broad picture of what will be required at the regional level (James River watershed), staff will not have specific guidance for what is expected of Albemarle County until the Phase II WIP is completed in 2011. Based on the Phase I WIP and the EPA’s response, staff has prepared a chart summarizing the major strategies that are anticipated to affect the County, its residents, and businesses (Attachment 5). Staff believes it is likely the currently proposed TMDL would result in a County expense of \$5-10 million per year between 2012 and 2017 and a slightly lesser amount for the years of 2018 to 2025. That estimated amount represents only the County government’s share of the cost with additional costs to be borne by County businesses and property owners. Staff notes this is an initial projection and subject to considerable change dependant on what the Phase II WIP requires. Beyond 2025, there would be ongoing operation and maintenance costs that staff is unable to estimate at this time. Finally, staff notes that the Bay TMDL supplements rather than replaces existing TMDL requirements for local streams and rivers. This is important with respect to the Rivanna and Hardware Rivers, as both have already been found to have impairments due to sediment and bacteria.

Regional Pilot Project:

The Rivanna River Basin Commission, working in cooperation with the EPA and Virginia, has implemented a Piedmont Regional Pilot Project (“Project”) to assist local affected groups through the WIP development process. The Project is detailed in the attached interim report (Attachment 6). As noted, the Project is focused on engaging local governments and other groups during the WIP development process, providing the findings back to the EPA and Virginia, developing creative strategies for responding to WIP requirements. The Project is to include an analysis in the development of the Phase II WIP as to whether a regional approach to address the mandates should be considered. Staff believes a

regional approach may have advantages, but it is too soon to analyze its advantages and disadvantages. Staff will continue to monitor and evaluate the Project as Virginia begins work on the Phase II WIP.

Response to TMDL and WIP:

While the draft Bay TMDL and Phase I WIP are in a public comment period, neither plan includes sufficient detail to identify County-specific concerns. General comments, such as the lack of a cost / benefit analysis or the identification of funding sources, are being addressed by a number of groups such as VACO, VML and the Local Government Attorneys Association of Virginia. The Piedmont Regional Pilot Project will provide comments regarding the community's concerns, and this presentation will provide the Board an opportunity to note its concerns. The comment period closes on November 8, 2010. Finally, staff notes the TMDL and WIP are not discretionary acts. The establishment of a TMDL is a requirement of the Clean Water Act, which is being enforced by a consent decree. While County staff can engage the EPA and Virginia on the specifics of the TMDL and the validity of the model used to establish the TMDL, staff should expect the EPA to remain focused on meeting the required deadlines for completing the TMDL and implementing the plan.

As noted under the Anticipated County Impacts, it is too early to accurately project the budget impacts but staff is concerned that the Chesapeake Bay TMDL will result in a new and expensive mandate. Per the schedule provided in Attachment 1, staff anticipates the mandate will not translate into County expenditures before January 2012 and major expenditures will probably not be required until FY 2013. Staff does anticipate significant additional expenditures to be required beyond FY 2013 under the currently proposed TMDL and WIP.

This work session is for information and no Board action is required. Comments or concerns may be conveyed to the EPA and Virginia through the Piedmont Regional Pilot Project or directly to the EPA and Virginia.

Ms. Sally Thomas addressed the Board, noting that she has been on the Chesapeake Bay Watershed Commission since 2005. She stated that local governments need all the voices that they can possibly have at the federal level. Ms. Thomas said that federal and state authorities tend to think of local leaders as obstreperous, probably dim-witted, and lacking in what they like to call 'political will'. She stated that local governments are going to be instrumental in keeping the Bay from becoming even more dead and lifeless because they make all of the decisions about land use, stormwater treatment, and regulation enforcement, and will have to put up the resources.

Ms. Thomas said that Albemarle County and Charlottesville have had significant input at this point because Mr. Mark Graham has participated in federal and statewide discussions and is highly respected throughout the state for his ability to explain the reality. She stated that the Piedmont Regional Project was one of only seven in the entire Chesapeake Bay Watershed – which encompasses an area running from the state of New York to West Virginia. The project representative, Leslie Middleton, made a presentation to the Bay states Secretaries of Natural Resources last month. Ms. Thomas also said that she and several others serve on a group that advises the Virginia Secretary of Natural Resources – and its agencies, DCR and DEQ – informing Virginia's plan to implement the TMDL. She noted that her role today is to listen and take comments from the Board back to federal level, as well as conversing at a roundtable convened at the General Assembly.

Mr. Leslie Middleton addressed the Board, stating that Total Maximum Daily Load is "a pollution diet" that says for any given pollutant – whether it be bacteria, sediment, or phosphorus – there is a set amount that a water body can take on and still be healthy or provide its intended uses. She noted that TMDL is the process by which "good enough" is defined and through this, designated uses and pollutant levels that a water body can receive and still support aquatic life are stipulated. Ms. Middleton reported that the TMDL addresses load allocations – which are nonpoint sources such as agricultural runoff and street runoff and point sources that are permitted pollutants such as those leaving waste treatment plants and industrial sources. She added that there is usually a margin of safety included as well as an allocation for growth. Ms. Middleton emphasized that this Bay TMDL is the largest and most complex to date, and will be precedent setting in a number of different ways. She said that the level of accountability that the EPA is trying to build into this process with two-year milestones has never been done before, and the planning for achieving these load reductions typically happens after targets are set – but in this case it is happening simultaneously. Ms. Middleton stated that all practices are due to be in place by 2025 with the result that sometime thereafter the Bay will be restored to healthy waters.

Ms. Middleton presented a pie chart that illustrated "who's polluting the Bay," noting that everyone contributes and has a responsibility to try to address that. Regarding the TMDL as a regulatory action, she said, everyone will likewise be affected – local governments and citizens, point sources, waste treatment plants, agriculture, and citizen actions such as use of lawn fertilizers. She said that the draft TMDL is out for public comment, and once a draft is approved there is a tight timeframe with a lot of work in 2011 to devise the plans by which the reductions will be achieved. Ms. Middleton said that the two documents out for public comment include the Bay TMDL, which sets the pollutant limits but does not address how these will be achieved, and comments may be submitted to the EPA by November 8, 2010; and the corollary document Watershed Implementation Plans (WIPS) developed by Virginia and other states, which the EPA has already evaluated and which states must comment on by November 11, 2010. She said that the final WIP will come from Virginia at the end of November and will be compiled with the other WIPS by the EPA – with a final Bay TMDL issued by the end of 2010.

She reported that the Piedmont Regional Pilot Project was an attempt to build a foundation for getting ahead of this process in the region. The steering committee consisted of local government representatives who were appointed to the Secretary of Natural Resources Advisory Group (SAG), as well as representatives from key organizations such as the two Soil and Water Conservation Districts, the Planning District Commission, and the Rivanna River Basin Commission. Ms. Middleton said that the group considered the existing conditions and compared what is known about the health of waters versus what the Chesapeake Bay model is likely to stipulate for load reductions, adding that the load allocations are derived from a set of models – the Chesapeake Bay Model and the Chesapeake Bay Watershed Model. She explained that there is a lot of controversy over these models but they are extremely sophisticated and there is really no other way to come up with these numbers. Ms. Middleton added that the group is also conducting a tremendous amount of outreach to stakeholders who will be most impacted – such as the Board, builders and developers, the agricultural industry, and certainly the citizenry although not much attention has been focused there to date.

Ms. Middleton presented a map that corresponds to Planning District 10 with sub-watersheds identified and one highlighting all of the impaired waters locally, along with information on places that were noted as having exceptional water resources. This is a balancing act between keeping what we have good and trying to prevent further degradation, because all of those have costs associated with them – including trying to defer costs by keeping that which is healthy still healthy.

Mr. Rooker noted that regulatory authorities do not allow for retreatment of wastewater immediately for potable use. Mr. Graham responded that usually intake for a water supply should be at least five miles downstream from a discharge point from a POTW.

Mr. Rooker asked if there is a difference in allocation for a place that is further from the Bay than some place that is adjacent. Ms. Middleton explained that there is a difference and the model takes that into account. Even though the Bay TMDL is focused on the bay it also says “and all local waters will continue to be under the regulatory purview of the Clean Water Act” – which means that every single one of the other impaired waters also needs to be cleaned up. She said that the Piedmont group believes that the localities should be able to focus on cleaning up local waters and also contribute what is necessary to the Bay clean-up effort.

Ms. Middleton noted that much of the same feedback was provided from all different stakeholder groups – the need for good, clear information as the process is moving very fast; concerns about costs; concerns about having regulations that do not take into account local conditions; and a general consensus for a local solution that has to do with what makes sense for this region. She added that there may be some real efficiencies and cost efficiencies if watershed nutrients are traded within the smaller region.

Ms. Middleton reported that the group provided information to the EPA several weeks ago that emphasized the support for cleaning up local waters and the need for clear information on how the allocations will be derived, as well as legitimate concerns about funding and the impact on people's personal livelihood – and the sharing of responsibility for the clean-up.

Mr. Steve Williams, of the Thomas Jefferson Planning District Commission, said his comments will relate to key provisions of Virginia's Watershed Implementation Plan because it describes how Virginia thinks it is going to go about meeting the load limitations that are set forth in the Chesapeake Bay TMDL. He will also speak about EPA's evaluation of the Virginia Watershed Implementation Plan because they had some serious concerns and those concerns are of a sort that has the potential to impact the County, City and region. He will then discuss EPA's backstop provisions which are the plan the EPA will put in place if Virginia does not arrive at an adequate implementation plan.

Mr. Williams said the Implementation Plan proposes lower proposed pollutant discharge limits with increased treatment from permitted dischargers – including significant wastewater treatment plants, which will ultimately result in increased costs; compliance among builders to meet the provisions of the proposed stormwater management regulations as well as more stringent regulations on general construction; and increased application of best management practices by the farmers and agricultural industry.

Mr. Snow asked if the work being done now on the local treatment plant would bring it into compliance, or if additional work would be needed. Mr. Graham responded that the answer to that isn't known yet. The plant was not designed to meet the criteria that the EPA said they might put in as a backstop. He said that the plant is designed for 5 milligrams of nitrogen per liter, and the EPA is looking at 4 milligrams. He added that there is a lot of fear in the public that it is not going to be adequate and that the RWSA is going to be asked to do more somewhere in the 2015-2020 timeframe.

Mr. Rooker, Ms. Mallek, and Mr. Graham all pointed out that when the plant was originally built there was actually an assumption that nutrient credits would be generated to sell.

Mr. Williams reported that provisions for MS4 stormwater dischargers such as Albemarle County for newly developed land are going to be set at levels that result in no increase above the allowable 2025 average nutrient loads per acre. Virginia is proposing a requirement in stormwater management regulations that redevelopment meet reductions in nutrient and sediment loads – which is a change from previous proposal. He said that there is also a proposal to expand the nutrient trading for stormwater dischargers to allow both buying and selling for new and existing development. The Virginia's WIP depends heavily on nutrient trading to achieve the proposed TMDL goals.

Mr. Rooker commented that someone needs to be exceeding the limits in order to sell credits. Mr. Williams noted that the EPA identified this is a weakness in Virginia's WIP – as there is no regulatory mechanism to drive localities to buy credits.

Mr. Williams said that regarding onsite and septic, there is a proposal to implement the Department of Health regulations for alternative systems that are now being developed – and the State is considering revisions to require nitrogen-reducing technologies and revisions that encourage the use of community onsite systems, as well as expanding the nutrient credit exchange program.

Ms. Mallek noted that these are the onsite neighborhood systems that fail all the time that the County has been fighting with for two years. Mr. Williams said that is correct.

Mr. Graham stated that for years, Albemarle had a policy that only conventional septic systems would be allowed – but the State recently changed the law and said that localities are required to allow alternative systems. The State is saying there must be an alternative system put in, not a conventional system. The cost for a typical is in the range of \$6,000 - \$20,000 along with an annual maintenance program for the alternative system.

Mr. Boyd asked what happens with existing systems and if they would be required to be upgraded. Mr. Graham noted that a five-year pump out would be required.

Mr. Rooker pointed out that there are some septic systems that contribute nothing to the TMDL load, whereas others that are closer to streams might. Mr. Graham responded that the concern is nitrogen levels, as nitrogen becomes nitrates – which are water soluble and flow easily through groundwater.

Mr. Boyd asked what the incentive is with the nutrient credit exchange program, as it won't do anything to clean up the Bay and does not have an incentive to buy them.

Mr. Rooker replied that the idea is to clean up the Bay in the most efficient way – as localities that can “over-produce” in terms of reducing TMDLs can sell that credit to someone who might have to spend more money than the first party had to spend to acquire the credits. He explained that the idea is by the exchange to have TMDLs reduced in the areas where it is cheapest to do it. They have paid somebody else to take care of their problem.

Mr. Boyd commented that it is essentially creating an exchange of money for nothing.

Mr. Williams then provided an example in similar air quality regulations, stating that point sources of air pollutants such as power plants and industrial facilities have limitations they are required to meet, and can meet those in one of two ways – either by installing scrubbers and other technologies that reduce emitted pollutants or by buying credits from a facility that's doing a better job. He explained that over the course of time the total pollutant load allowed decreases, so there's always pressure to reduce the amount of pollution and actually drive up the value of those credits in order to create incentive to reduce pollution at the individual plant level. In the past that system has worked well. Mr. Williams emphasized that the issue the EPA sees with Virginia's program is there is no cap on the amount of pollution being produced, which takes away the regulatory motivation for participating in the program. He added that the choice is how you're going to meet your requirements. You're either going to buy credits [through auction] or you're going to install the technologies, but you have to meet that limitation somehow. You have to show that you are reducing air pollutants in some fashion.

Ms. Mallek commented that this is a money-making proposition for a whole lot of brokers and she is not sure it is going to do the job for the water.

Mr. Williams reported that urban stormwater is an issue for Albemarle and Charlottesville. There are proposals to revise stormwater management regulations to prevent load increases from new development, to restrict use of non-agricultural fertilizers – particularly encouraging locality-owned non-ag lands that are receiving nutrients to develop and implement nutrient management plans, to require redevelopment projects to meet reductions in nutrients and sediment loads along with implementation of additional BMTs on existing pervious and impervious lands through future permits, and wider adoption of stormwater utility fees – to be implemented by localities.

Mr. Boyd asked if localities would have to monitor this. Mr. Williams responded that the County would be responsible for monitoring and enforcement, and this creates a large regulatory burden for localities.

Mr. Williams stated that the EPA's evaluation of the Virginia Watershed Implementation Plan overall is that it had serious deficiencies. The State is proposing to achieve nutrient reductions through the expanded credit exchange – but it relies on septic systems and urban stormwater purchase credits and there is no regulatory requirement to create that demand. The plan does not include any legislative changes that will lead to high implementation rates in certain sectors, particularly agriculture. He said that the EPA found that the Plan does not meet the nitrogen and phosphorous allocations for the James River watershed, which is a concern as virtually all of the County is within that watershed. Mr. Williams noted that EPA felt there were serious deficiencies in the areas of agricultural and stormwater, as well as some in the area of wastewater. The EPA has proposed a backstop allocation; this is essentially what EPA is saying they might have to put in place if Virginia does not have what they believe to be an implementation plan that will result in achievement of the TMDL loads in a timely fashion. He added that the key concern

is that the backstop allocations fall exclusively on permit holders because those are the only sources the EPA directly regulates. The permit holders include wastewater treatment plants, industrial discharge permittees, and MS4 permittees.

Mr. Rooker noted that they would have no authority over agricultural discharge.

Ms. Mallek added that the legislature would have to step up and create those regulations.

Mr. Williams agreed, stating that they would have to create enabling legislation to allow that to take place. He reported that the wastewater backstop is 4 milligrams per liter for nitrogen, .3 milligrams per liter for phosphorous at a design flow for a significant municipal plant – and Moore’s Creek has been identified as a significant plant. Regarding MS4 stormwater permittees, Mr. Williams said, the provisions require that 50% of urban MS4 lands meet aggressive standards through retrofit and redevelopment – and this applies to the urbanized area of Albemarle County as well as the City of Charlottesville. He noted that it requires that 50% of unregulated land, or areas outside of the MS4 region, be treated as regulated – so that 25% of currently unregulated land ends up meeting the aggressive performance standard. Mr. Williams mentioned that the aggressive standards essentially shift to a position where all stormwater is being mitigated onsite, and this can be challenging to do in an already developed urban environment where 100% of a site is already being used for buildings, parking, and other impervious surface. You have to look at engineered solutions, below-grade solutions to get the mitigation that you actually need.

Mr. Boyd asked what the County would have to do if this were implemented today.

Mr. Williams responded that this is exactly the concern that the City of Charlottesville has, as they feel it falls particularly heavily on urbanized areas. He said that the concern is that there would need to be extensive retrofitting on existing properties and redevelopments – which are going to be more costly than those in green areas in the region – and might lead to a stormwater utility or stormwater treatment as an option.

Mr. Graham said that this is a great example of “the devil’s in the details,” where nobody knows how it would be done. For the County the largest source of impervious surface in the County is state right of way. He asked who is going to be responsible for providing stormwater management for all that public right of way? He also stated that the County participates in a lot of regional facilities, and no one has developed what the performance standards are for those – such as the dam at Lake Hollymead. No one knows how much credit the County would get for those.

Ms. Mallek commented that it would be beneficial for the County to start amassing the data for these features, just as the farmers should indicate what BMPs they already have.

Mr. Rooker pointed out that credit is not necessarily given for what has been done before, as the entire plan is based on reducing existing levels.

Ms. Mallek said that there have been promises made in small group settings that some credit would be given for existing measures.

Mr. Williams reported that Virginia would submit its final Watershed Implementation Plan to the EPA in November, and the EPA would be releasing their final Chesapeake Bay TMDL – covering the six states, the districts, and the main watersheds – by December 31st. He said that the next session of the General Assembly would be an important one on this issue, because if there is going to be any enabling legislation adopted it will need to go through the legislature in this session. Mr. Williams said that the Department of Conservation and Recreation would be informing localities of their target load allocations in early 2011, with the phase two of WIPs being developed at the local level during that year – but at this point the specific geography on which those plans would be developed is uncertain.

Mr. Thomas commented that the area around the northeast metropolises, Pennsylvania and the Susquehanna River Valley, and the Shenandoah Valley are much larger pollutant contributors to the Bay than the Central Virginia area, and asked what they were going to do.

Mr. Williams responded that Pennsylvania is the largest polluter into the Bay because of the Susquehanna watershed draining right into the Bay. The TMDL is structured so that all six states and the district are to take care of their share of the problem – with the goal being that each state would address their own issues.

Mr. Graham pointed out that there are 92 separate sub-watershed TMDLs, which have been carved out of the entire Chesapeake Bay watershed, and there are communities that would definitely be harder hit than Albemarle and Charlottesville.

Mr. Snow expressed concern about the cost of implementing the new regulations, noting that budgets at all levels of government are extremely tight right now. He asked where is all this money going to come from?

Mr. Williams replied that he has no idea and he is very concerned about this issue, as he anticipates that a lot of the expense will fall on local governments. He said that the comment he has heard frequently from local governments is that they are concerned about water quality but cannot figure out how to pay for this.

Mr. Rooker asked if the EPA has a handle on the amount of pollutants entering the Bay currently.

Mr. Williams said that it does, and the clean-up is proportional based on an area's contribution to pollutants that enter the Bay. It is a proportional share by sector and by pollutant load.

Mr. Rooker asked if the James River is being required to reduce its phosphorous content to the same level as the Susquehanna.

Ms. Middleton explained that it isn't, as the James is lower in the watershed and has a different kind of watershed. She said that the numbers are being derived from a model that has an extraordinary amount of data including land use gathered from aerial flyovers. There is some level of detail as to how the sectors get divided by geographic area – as well as the impacts coming from each.

Mr. Rooker asked if the model is considered to be fair in terms of the allocation of the burden to achieve the desired results.

Ms. Middleton replied that if you believe the model is accurate enough for these purposes, its' fairness is based on contribution per geographic area to the pollution in the Bay. She added that as it is divided across sectors, that is the part that is up for negotiation.

Ms. Mallek noted that having 60% of land in rural forest helps the County in terms of its potential pollution when compared to urban areas.

Mr. Graham stated that the big driver in costs is the 50% retrofit, and there are many estimates for urban retrofits in the range of \$50,000 - \$100,000 per acre treated – with Crozet estimated at a cost of \$25,000 per impervious acre treated for example. He added that localities will very likely end up in the fertilizer policing business.

Ms. Mallek responded that the State legislature will likely follow the path of enforcement with laundry detergent – so that anything sold here would have to meet certain requirements in content.

Mr. Graham said that it is easy for the State to put these on local governments, as one word changed in the Chesapeake Bay Preservation Act can make the regulations apply to all localities in the watershed – not just those east of I-95. From a law perspective, it is done and they can do the rest through regulations.

Mr. Rooker asked if anyone has assured that implementing these measures will actually help meet the set limits.

Mr. Graham replied that it will meet the limits on paper, but that is all that is known right now.

Ms. Mallek commented that improvements that have been done locally are evident in streams through the restoration of aquatic life due to re-oxygenation.

Mr. Graham agreed, adding that impaired waters in the County right now are due to bacteria – and if cattle are fenced out of the streams there would be a significant improvement.

Mr. Rooker noted that Stream Watch reports point out that the impairment of streams is directly related to the intensity of human population, not animal population, and this seems to be true throughout the watershed.

In terms of the Stream Watch reports, Ms. Middleton said that bacterial impairments that might be caused by leaky septic systems or animal populations do not kill macro-invertebrate bugs. The bugs tell us the stream life which relates directly to water quality for drinking water, etc. She added that there is no way that good land use planning tools that require clustering or denser building practices can be backed into now – so that is why it is important to put stormwater management improvements in place to reduce the runoff going into the Bay.

Mr. Rooker stated that he wasn't suggesting spreading out population, but was asking how much can be accomplished towards cleaning up streams by focusing on areas of dispersed population as opposed to concentrated areas of population. Ms. Middleton responded that it depends on the land use activities.

Mr. Rooker asked if someone would be coming in later to measure the actual TMDL. He also asked how easy it would be to determine whether the County is meeting its quota.

Ms. Middleton said that Albemarle itself would not likely be measured, as the model is based on actual water quality data in a number of stations all over the Chesapeake Bay. She said that one station is in Fluvanna County and that is used to help calibrate this model. She also emphasized that the County would be doing itself a favor by measuring its own outputs. She added that the County has the capability, but does not have the resources.

Ms. Mallek asked if the Mechums flow measurement on Decca Lane could be upgraded. Ms. Middleton responded that the USGS estimates that it would cost about \$50,000 to upgrade any one of those flow meters, and there also must be provision every year to analyze the data. She said that the

Rivanna River Basin Commission has discussed with USGS the possibility of expanding the network, at least in the Rivanna.

Mr. Rooker said that there are points in the river that are impacted by a number of sources, and asked how it can be assessed which locality is providing that impact.

Mr. Graham stated that the EPA is relying on modeling at that point, and the modeling is only as good as the data that is going into the model.

Ms. Thomas noted that some of the fairness between localities is being debated politically, with governors from each state advocating their position. She added that the fairness issue also relates to who would be hit the hardest by the new requirements, and if Virginia can work on its WIP at a local or regional level then the local governments would be asked to decide whether they want to take an active or passive role in regulations and implementation. That is why she praises the local and regional effort and take the hard path of trying to work it out ourselves. She said that she thinks it will be worked out better because you will know things like soil conditions and what it means to say no more impervious parking lots and all the different things that will have to be weighed. She thanked the Board for their involvement and discussion on this issue.

Mr. Boyd said that establishing needs locally would be an expensive undertaking in itself.

Mr. Graham responded that this would take an immense staff effort over the next year, and while a regional approach would be desirable it may not be the right approach for the County. He added that Albemarle does have an advantage in that it already has strong data when compared to other localities.

Ms. Mallek asked if there is any funded attributed to these type of planning efforts.

Ms. Middleton said that it is not clear what the funding picture will be, but the Obama administration has requested approximately \$500,000 in the next fiscal year to go to all of the federal agencies with the hope it will trickle down to the state and local level – but that includes large agencies such as the National Fish and Wildlife Service, National Park Service, and the EPA. She stated that the EPA was asked to provide clarity about how much of it would make its way down to the local level, and the Piedmont group has asked for money in order to continue the local conversation. She said that she thinks the group has had good visibility. She added that the folks at DCR and DEQ are also struggling as well as the Secretary of Natural Resources. She also added that is a political hot potato.

Mr. Rooker commented that one major issue he is concerned with is being able to measure the improvements resulting from any specific action or regulation versus the cost it would impose, such as limiting use of nitrogen fertilizers.

Ms. Middleton responded that best management practice efficiency is part of what goes into this equation, but there has not been an overall Chesapeake Bay-wide cost-benefit analysis, and perhaps that is best done at the local or regional level.

Ms. Mallek mentioned that if controls of this type had been in place when the reservoir was built, 40% of the capacity probably would not have been lost to sediment – so even though it is not measurable in dollars and sense, it is a visible example of things that could be done better.

Mr. Rooker said that the South Fork actually traps the sediment so that it does not flow downstream. He added that there are regulated and non-regulated substances; there are other things in the water that are not considered harmful when it reaches the Bay.

Ms. Middleton noted that the impairments range from lack of things, like insufficient oxygen or insufficient PH or too much of something like bacteria or sediment, etc. He added that it slowly traps sediment, but in every storm it runs the dam and eventually keeps on going.

Mr. Rooker and Board members asked for an electronic copy of the presentation. Ms. Middleton agreed to provide one to the Board (a copy is on file in the Clerk's office).

Agenda Item No. 21. From the Board: Matters Not Listed on the Agenda.

Mr. Thomas reported that he has been attending the Citizen's Fire Academy held at Hollymead over the last three weeks and has found it to be quite interesting.

Mr. Thomas said that he and Ms. Mallek were invited by the Volunteer Fire Chiefs to talk with them about their suggested changes to the ordinance as considered by the Board last August. Mr. Thomas stated that the Chiefs have been doing a good job analyzing what they would like to see in the ordinance. He said that he thinks this would be a good time to update the Board on this process. He explained that the Chiefs want to see an advisory board that is a policy-making body reporting directly to the Board, with a career chief being a member of the advisory board. Mr. Thomas said that when the Board asked staff to bring forth an ordinance last summer, there was a commitment to having a Fire Chief Ordinance and to having the Chief work collaboratively with an advisory board. He stated that he wants to ensure that the Board still wants this structure, as the volunteers are working on a draft ordinance that makes a lot of changes to what was presented last August and is not a Fire Chief Ordinance. Mr.

Thomas said that he supports a Fire Chief Ordinance, but in August he felt the Board owed it to the volunteer chiefs to listen more to what they wanted changed in the ordinance. He asked the Board to be clear about what they want. He added that after considering everything he thinks the Fire Chief Ordinance is the best for the County. He asked if there is a consensus from the Board to move in that direction.

Mr. Rooker stated that he voted for the ordinance as presented last August, noting that everyone worked for over a year to get to that point. He also emphasized that the ordinance had been changed very substantially based on input from the chiefs. A huge amount of input was taken, but they did not want a Fire Chief Ordinance regardless of the amount of collaboration built within that framework. Mr. Rooker added that when evaluating systems around the state and around the country, very few systems have operated well that are not based on a Fire Chief model. He continues to support the Fire Chief.

Mr. Dorrier said that if a good plan is not reached here in Albemarle, the County may lose its volunteers. He stated that he thinks having ACFRAB as a coalition of volunteer chiefs – including Dan Eggleston – who make policy for the fire department throughout the County would essentially be a Fire Chief Ordinance. The Board can come up with a title later, but he thinks if they are working it out, let them keep working and let's move ahead.

Ms. Mallek mentioned that the group is very close to having something that is ready to be reviewed by legal staff, then it would move onto Chief Eggleston for his review and ultimately come back to the Board. She thinks it would be a huge mistake to pull the rug out from under them now. There are things in here that are much more strict – the consequences things that they have put in for accountability, for requiring the different agencies to perform according to procedures, much better than what the Board had last time. She commented that they have always said they have higher standards for themselves. She encouraged the Board to be patient as the final draft moves forward for their review. Ms. Mallek said that the process started in September and the group has been working on this since.

Mr. Snow asked how long before this will come back to the Board.

Mr. Boyd said that he is not opposed to giving them another week, but he would not support anything that would be short of a Fire Chief model. He will not support a committee approach.

Ms. Mallek responded that she would like for Mr. Boyd to read the proposed plan first, adding that it is still focused on system-wide policies. Mr. Thomas' request was to stop the process today, and she thinks that is a terrible mistake.

Mr. Rooker said that he didn't hear Mr. Thomas say that, but heard instead what his view was after attending the meetings. The Board is not voting today on anything.

Mr. Thomas commented that he wants to follow the Board's direction, as he is only one Board member.

Mr. Davis noted that there is no requirement to have a public hearing before adoption of an ordinance, but that has been the practice. He said that the ordinance simply needs to be advertised, but it is a Board decision as to whether another hearing is desired. Mr. Davis stated that his understanding has been that the Board favors a Fire Chief Ordinance, and staff has periodically evaluated what the committee has been doing which appears to be clearly a Committee ordinance. Before he spends a lot of time on it, he would like to know whether the Board wants him to develop an acceptable Committee Ordinance if it comes from this committee or whether the Board wants him to simply determine whether it is a Fire Chief Ordinance or not which will be a very quick review by his office. He added that conforming the Committee ordinance into an adoptable ordinance would be a significant amount of work.

Ms. Mallek said that the recurring issue seems to be the terminology used, as everyone has a slightly different view. She said the Board is calling it the wrong thing, and they are still calling it something that may not be accurate.

Mr. Boyd stated that he is not willing to accept an ordinance that includes a disguised committee approach to running the Fire Department. The longer this festers, the worst it gets. If the volunteer chiefs want his support, they need to bring forth the changes necessary to a Fire Chief model.

Mr. Rooker suggested scheduling a work session on December 1st.

Mr. Dorrier said that the volunteers during the public hearing were objecting to the "strong chief" at the County level.

Mr. Boyd responded that the phrase "strong chief" was removed long ago.

Mr. Rooker added that it is the most collaborative ordinance of its kind in the state, adding that the chiefs communicate directly with the volunteers and they probably do not want it because it takes away some of their flexibility and authority. He said that there is not necessarily a complete unity as to what is in the best interest of a chief and what is in the best interest of volunteers. He said that he thinks it is in the interest of volunteers to have a very well-functioning system that provides reasonable uniformity throughout that system for safety purposes and performance purposes. He added that the chiefs also have an interest in maintaining a hierarchy of authority.

Ms. Mallek pointed out that the chiefs are elected by their volunteers.

Mr. Rooker emphasized that there needs to be a place where the buck stops, and things operate better if that is identified. The Board is at a point where it is spending huge amounts of County money in providing fire services, and they need to know that certain certifications, etc., are in place. At present, he is not confident that those things are in place. He added that part of the reality is that volunteers only have a certain amount of time to devote.

Mr. Thomas commented that ACFRAB is much better now than it was a year ago, and they have really worked hard on a plan and policies.

Mr. Dorrier analogized the system to the military – with regulars and reserves both operating under the same rules and expected to perform equally well.

Mr. Rooker and Mr. Boyd pointed out that there is always a general who ultimately is responsible for all of them.

Mr. Boyd said he supports having this come back in December for a work session.

Mr. Davis clarified that for the work session, the committee would generate a draft and staff would provide an analysis of the ordinance that would clarify its content.

Mr. Snow agreed that there needs to be a point person at which the buck stops. There needs to be one person in charge; the fire operations cannot be run by a committee.

Mr. Rooker said that having that person in no way negates the cooperative nature of the ordinance.

Agenda Item No. 22. Adjourn to November 5, 2010, 10:30 a.m., Room 241.

At 5:37 p.m. **motion** was offered by Mr. Boyd, **seconded** by Mr. Snow, to adjourn this meeting until November 5, 2010, 10:30 a.m., Room 241.

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

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

NAYS: None.

Chairman

Approved by the Board of County Supervisors

Date: 06/08/2011

Initials: EWJ
