

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 1, 2010, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann 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 9:05 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: Proclamation recognizing Piedmont Baptist Church 140th Anniversary.

Ms. Mallek noted that no one was present from Piedmont Baptist Church and suggested that this item be removed from the agenda.

Item No. 4b. Sally Thomas – VAPA Award.

Ms. Elaine Echols, Senior Planner, said that in May 2010 the Virginia Chapter of the American Planning Association recognized Sally Thomas for the Local Elected Official Planning Leadership Award.

Ms. Echols stated that Ms. Thomas had been unable to attend the award ceremony and, on behalf of the VAPA, she would present her with the award today. Ms. Thomas won the award for her leadership in community planning and effectiveness within the community. She said that VAPA noted Ms. Thomas' 16-year tenure on the Board of Supervisors and tireless support of water quality, rural preservation, intergovernmental cooperation, historic preservation, sustainability, and high-quality urban development.

Ms. Echols mentioned that VAPA also recognized Ms. Thomas representation on numerous local, regional, and state associations and committees – including the South Fork Rivanna River Stewardship Task Force, the Advisory Commission on Intergovernmental Relations with the Virginia Association of Counties, the Chesapeake Bay Program's Local Government Advisory Commission, the Virginia Transit Association, the Thomas Jefferson Sustainability Council, and more. She said that Ms. Thomas' passion for environmental and land use issues will be long felt in this community, as will her advocacy for public participation in local government.

Ms. Echols thanked Ms. Thomas for her dedication, commitment, and courtesy to staff, fellow Board members and County citizens. This award is but a small token of the community's appreciation for Ms. Thomas service. She then asked everyone to join in recognizing Ms. Thomas for the 2010 VAPA Planning Leadership Award.

Ms. Thomas said that she would not have received the award had Albemarle County not had a good reputation among the planners of Virginia – which is due to the work of staff and citizens who put in thousands of hours as volunteers. She stated that they are the tools needed to make the County one of the best places to live in the U.S. and encouraged the Board to take care of those tools.

Non-Agenda. Recognition: Charlottesville-Albemarle Rescue Squad (CARS) for 50 years of service.

Ms. Mallek presented the following proclamation to Larry Claytor, President of CARS:

***On behalf of the Albemarle County Board of Supervisors and the citizens,
we would like to honor and recognize***

The Charlottesville-Albemarle Rescue Squad (CARS)

WHEREAS, CARS provides primary rescue and emergency medical transport service to the City of Charlottesville, the University of Virginia and a large part of Albemarle County; and

WHEREAS, before CARS was founded in 1960, the only way a local citizen could get to a hospital was to call friends or a local funeral home that transported you to the hospital in a hearse. The Charlottesville Fire Department had an ambulance, but they only transported smoke inhalation victims; and

WHEREAS, in 1958, a building under demolition near Court Square collapsed suddenly, trapping a passer-by in the rubble. Joel Cochran and Ted Patterson, two citizens with first-aid training, rescued the man and decided that a local rescue squad was needed. They, and 36 other men and women formed the Albemarle Rescue Squad, later re-named the Charlottesville-Albemarle Rescue Squad, in 1959; and

WHEREAS, On November 15, 1960, CARS provided first-aid services to citizens of Charlottesville and Albemarle County with 42 members, a fund drive goal of \$20,000, and two carry-all van ambulances supplemented by three station wagons owned by squad members as backup. The first call run was on November 17, 1960, a pedestrian hit by a car; and

WHEREAS, today CARS is a volunteer rescue squad with over 200 active volunteers;

Now, Therefore, Be It Resolved, That, We, as a community, are grateful and strengthened by the contributions and commitment provided by CARS for our community's health and safety; and for the sacrifice of family time by the members for training and duty shifts whose dedication and service make Albemarle County a better place to live and work.

And Further Resolve That the Board of Supervisors congratulates CARS on 50 years of service and a special recognition to the Charter Members of CARS (some posthumously):

Fredell Bingler, James T. (Monk) Bingler, Roger Breeden, Meredith H. Clark, Jr., Joel Cochran, Fred O. Gammon, John E. Grinnell, Arthur C. Hedberg, John M. (Skip) Hopkinson, Thomas T. (Tiffany) Hopkinson, C. Elwood Johnson, J. Grayson Johnson, Raymond F. Loving, Jr.
Donald E. Marion, William C. Mayo, Eugene M. McKinnon, Samuel E. Mimms, Robert H. Mincer Theodore (Ted) Murphy, John S. Pannell, Theodore (Pat) Patterson, Jr., Sylvia Lane Perkins Willie E. (Bill) Pittman, Jr., Catherine Proffitt, Charlie Rausch, Thomas H. Scott, Eileen Spenceley David V. Strider, MD, Edwin S. Toms, Joseph L. Trice, Ernest L. Tucker, Robert M. Turner William W. Waddell, III, Ethel Ware, Robert A. Wells, Jr., Samuel B. Wells, James Willis, Marjorie Willis.

Ms. Mallek added that many of these people are parents of her high school friends and colleagues.

Mr. Claytor thanked the Board for the recognition. CARS owes everything to these men and women who started the organization. He then presented the Board with a DVD commemorating their 50th anniversary.

Mr. Thomas said that he knows or has known everyone on that list and their dedication is quite amazing.

Item No. 4c. 2010 Virginia Go Green Challenge.

Ms. Mallek announced that Albemarle County has received a gold-level certification in the 2010 "Go Green Virginia Challenge", which is part of the Virginia Municipal League's larger "Go Green Virginia" initiative begun in late 2007. This is a friendly competition designed to encourage implementation of specific environmental policies and actions that reduce the carbon emissions generated by both local government and the broader community.

She stated that cities, towns, and counties can become certified "Green Governments". Local governments earn green points by implementing up to 30 policies and actions divided into 11 categories ranging from energy efficiency in green buildings to land use and innovation.

Ms. Mallek reported that the County earned a total of 185 green points in areas such as energy efficiency, climate protection, water resources, smart growth, and renewable energy use. Included in the County's total were innovation points including the County's support for the Local Energy Alliance Program (LEAP), implementation of a County-wide Environmental Management System (EMS), and working with the City and University on a Local Climate Action Planning Process (LCAP) – as well as engaging in various public education and outreach efforts and organizations, such as the Rivanna Regional Stormwater Education Partnership and the Rivanna Environmental Management System Alliance.

Ms. Mallek thanked the staff members who contributed their expertise and commitment to make the County such a strong finisher in the Go Green Challenge. She then recognized Ms. Sarah Temple, Environmental Compliance Manager, and Mr. George Shadman, Director of General Services.

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

Mr. Dorrier reported that the Board of Supervisors has received information from Ms. Linda Porterfield of the Planning Commission that the Village of Rivanna does not have an advisory council and there were no plans from the County to establish one. He emphasized that an advisory council is needed for the Village of Rivanna, as it is one of the high growth areas of the County – with Martha Jefferson going in and its adjacency to Glenmore. The Crozet and Pantops areas have planning advisory councils.

Mr. Dorrier said he believes an advisory council would provide continuity when the plan is being developed. An advisory council would allow the citizens from the area to provide input. It is entirely in keeping with the County's planning documents that they have an advisory council for residential areas and for commercial areas, and this village will include some commercial areas.

He stated that the village is not a reality yet, but during the planning period the advisory council can interface with staff, the Supervisors, and Planning Commissioners and find out what people want out there for their master plan.

Mr. Dorrier said that Ms. Porterfield was present at the meeting and could provide information from the Commission's standpoint.

Ms. Mallek mentioned that the Commission provided information when they voted in favor of this, and the Board discussed the staff implications of this at a previous meeting. She noted that the Crozet Advisory Council has had to take ownership of their own operations and advertising, agenda publication, etc., for FOIA requirements – but the County can certainly encourage people to get together and meet about the Village of Rivanna. She commented that there is not staff support available to support the council.

Mr. Boyd noted that the same thing happened with Pantops and a similar group is forming for Route 29 North, adding that he would support the same level of time from staff. He said that he does not have a problem with establishing the council. He said that the Pantops meeting would likely turn out to be an annual meeting.

Mr. Rooker pointed out that this came before the Board as a formal recommendation, but based upon the staff presentation they decided not to do it – citing lack of sufficient staff time available, and the small size of the area which is mostly built out. He noted that there are some adjacent areas that are already planned and approved, and that already have site plans.

Mr. Rooker said that the commercial area at the bottom is already a part of the approved master plan. He emphasized that the Board makes decision based on detailed information presented by staff, and he is hesitant now to come back and support it without that level of information. He would suggest adding this to an agenda for further discussion with staff input.

Mr. Dorrier pointed out that since that time the Commission has voted on it.

Mr. Boyd agreed, adding that Pantops is in a similar position regarding its zoning and build out. He added that this is a very organized and engaged group, and want to be part of the process.

Board members then agreed to bring this item back as a further agenda item.

Mr. Rooker noted that nothing would be happening in that area for at least 30 days.

Mr. Dorrier suggested that it be scheduled on the agenda for discussion in January.

Mr. Rooker reported that the MPO would be going to Roanoke next week to present to the Commonwealth Transportation Board. Mr. Steve Williams would be the primary speaker for the MPO – focusing on transportation projects, plans for the Route 29 Corridor, Places29, etc.

Mr. Boyd asked if the MPO would be meeting with the Secretary of Transportation.

Mr. Rooker explained that at one time, he was planning to attend a MPO meeting, but then they decided to do the MPOs at the CTB level instead, although the Secretary would be present. He added that there would be a meeting with Lynchburg and Danville officials, but no meeting date has been set yet. Mr. Rooker stated that they decided to create a process around the Route 29 Corridor Study, with a series of local meetings and different participants – with a process set out by the Secretary of Transportation.

Mr. Boyd asked what the MPO's position is on the Western Bypass, noting that it was not a part of Places29 and there may be some interest in reviving it.

Mr. Rooker responded that the MPO's position has consistently been not to support that project. It was put in the Six-Year Plan for preliminary engineering and right of way acquisition only and has been in the status since then. In the intervening years, the last two Secretaries of Transportation – including Whit Clement from Danville – said it would not go forward because it did not make sense, and could not pass any reasonable cost/benefit analysis.

Mr. Rooker said he does not believe it is supported by VDOT staff at this point, and the Route 29 Corridor Study concluded that it does not make sense. The MPO position has been consistent with all of those positions.

Mr. Boyd said that in speaking with various people in VDOT's administration office, they have indicated that they have taken Albemarle's lead on the position because in the past the majority of this Board has been totally opposed to it, and he is not sure that is still the case. He noted that it may have some value as a parallel road or parkway with limited access around Route 29.

Mr. Rooker stated that the estimate is about \$250.0 million.

Mr. Boyd responded that the estimate he saw was \$164.0 million.

Mr. Rooker mentioned that Mr. Butch Davies, when he was on the Commonwealth Transportation Board, actually supported the Bypass at one point, but considered the cost and said that it did not make any sense. He added that Whit Clement came to the same conclusion, and he too had also originally supported the Bypass.

Mr. Rooker pointed out that the northern terminus has never been designed, nor has that property ever been acquired – with one farm in that area offered for sale at \$40.0 million – and there are other points where right of way has not been designed and property has not been considered for acquisition. He added that this Board could bring the issue back up for discussion. He thinks there are at least two people on the Board that support the Bypass, but the Board has a position based upon facts that have been considered by a number of other people.

He said that supporters of the road have consistently come in and ended up deciding it does not make sense. When the 29 Corridor Resolution was considered, one aspect was an Eastern Bypass that would go from at least Culpeper to I-64. Mr. Rooker pointed out that it would bypass the entire congested part of the Route 29 corridor, as there are now 50 plus stoplights between Charlottesville and I-66 along with some new ones being planned.

Mr. Boyd said that he is thinking about alleviating local traffic. Mr. Thomas agreed.

Mr. Rooker stated that hypothetically, if it could be done for \$200.0 million, that is more than what is in the 20-year road plan for all projects combined.

He pointed out that residents of Squirrel Ridge have been sitting for 18-19 years with no price appreciation on their properties because there is a line going through their neighborhoods for a road project that is very unlikely to be built.

Mr. Boyd said that rather than debate it now, he would like to bring it back on an agenda next year for the Board's reconsideration.

Ms. Mallek pointed out that the only funding available for this currently is right-of-way money and the CTB also decided four years ago to remove it from the State list.

Mr. Boyd commented that the CTB has ruined a whole lot of road projects because it has taken the roads off the list if there is no money for them.

Ms. Mallek emphasized that they took it off the list because of use and cost-effectiveness long before the budget disaster hit.

Mr. Boyd reiterated that he would like to see this brought back as an agenda item for discussion. Mr. Thomas concurred.

Mr. Thomas reported that Fire and Rescue Ordinance Committee continues to meet and have another meeting planned for next week.

Mr. Thomas stated that he attended a Commonwealth Council meeting last week, which was an eye-opening experience as to how much the 60 plus population is growing.

Mr. Thomas said that there are a lot of people who are a part of volunteer groups to work with people who want to stay in their homes. He plans to meet with Mr. Gordon Walker, of JABA, about the 2020 Plan to discuss what the County can do to help.

Mr. Thomas also stated that Commonwealth Drive has been white-lined and the traffic seems to have slowed down somewhat.

Mr. Snow reported that there was a meeting last night at the Thomas Jefferson Planning District with the legislators, where they discussed TMDLs. It was pointed out that there has been significant progress in cleaning up the Chesapeake Bay. He said that the five legislators there provided assurance that the mandates would not be handed down without some funding.

Ms. Mallek commented that Mr. Mark Graham, Director of Community Development, did a wonderful job at that meeting, representing the issue of the mandates' affect on local government.

Ms. Mallek encouraged Board members to sign up for a VACo Committee, even if they have served on one previously. It is a wonderful way for people in Albemarle to have a little further reach.

Ms. Mallek said yesterday she met with Karen Kilby, the County's liaison to VDOT, who is also present today. With Ms. Ella Jordan's assistance, Ms. Kilby has provided Board members with Board of Supervisors Manuals, which includes a lot of new procedural information. There is quite a bit of information on the Rural Rustic Road Program. She added that the estimates for some roads are woefully undervalued at about two to three times. She stated that there has been a change in procedure requiring professional engineering signatures on all plans, which exceeds what the program was designed for originally.

Ms. Mallek added that there are other funding sources that may be available. These pots of money will be refilled for July 1st, such as economic development access money that provides funds to build or improve roadway access for new businesses or those that plan to expand; recreational access monies provide access to parks; and airport access monies such as those used for Airport Road and the roundabout there.

Ms. Karen Kilby, VDOT Programming & Investment Management Director, reported that VDOT has looked at money left over from roads that were built, some cost centers for traffic studies, and about \$500,000 could be earmarked to spend on rural rustic roads if the County chooses to do that. She said that they are hoping to get allocation estimates in the next month for the six-year plan, and hopefully in January the Board could hold a work session that would include more detailed information.

Mr. Rooker asked about the status of the Georgetown Road project, which has been in the right of way acquisition phase for quite some time now. Ms. Kilby replied that VDOT has completed the right of way portion of the project, although there was one refusal that they are still working with. They anticipate going to public hearing advertisement in February.

Mr. Rooker also asked about the Broomley Road Bridge, noting that it is well underweight which requires fire trucks to detour around it. More than 1,000 vehicles per day travel over the bridge. He asked how far along engineering work on the bridge has advanced and if the bridge might qualify for some safety work funding.

Ms. Kilby responded that she has not been told officially where the additional VDOT money is going, but she is hopeful that it would be determined in the next month or so. She explained that VDOT is using information from an aerial assessment along with data from the files in order to get to the plan stage, and they are working to complete that survey so they can get to the design phase. Ms. Kilby said that there may be opportunities to reallocate some rural rustic funds without being penalized for using unpaved road monies and still get to do both.

Mr. Rooker mentioned that Mr. Joel DeNunzio had done some preliminary design work on this, and there may be some value in what he has already done.

Ms. Kilby responded that Mr. DeNunzio is not involved in the six-year plan. He will have the opportunity to work with VDOT designers on that, even though he is now located at Zion's Crossroads working primarily with land development.

Mr. Rooker added that Mr. DeNunzio was pretty knowledgeable at the ground level on that project.

Ms. Kilby said as soon as they get something on paper, she will bring John Giometti, VDOT's Location and Design Engineer, who can speak to the Board about the project.

Ms. Mallek noted that she is nervous to use up all the planning and engineering money because then there would be nothing to respond to emergency situations. Ms. Mallek added that she would share information with the list of district representatives Ms. Kilby had provided.

Mr. Snow said that at the VACo meeting at Hot Springs, Mr. Worley indicated that the State would be allocating another \$200 million for roads and that projects would move faster. He asked how the County might go about applying for some of that extra money.

Ms. Kilby replied that they do not actually apply for that money. VDOT has sent down some surface-treatment contracts that would be advertised shortly – with another \$6.0 million ready to go for the district, should it get some of the money. She added that they are not sure how the \$200.0 million would be distributed, but the Culpeper District is ready to ask for its share.

Mr. Snow said that Mr. Bolling also mentioned \$1.5 billion found in the audit that would be coming out. Ms. Kilby stated that the District is working to try to get some of that money. The District is in the process of updating estimates and looking at projects that are not fully funded.

Mr. Snow commented that Albemarle County should act fast to get their list in.

Ms. Mallek noted that as Board members travel throughout their district, sending an e-mail to Ms. Kilby when a road is in need of repair is the best way to get that information to VDOT.

Mr. Boyd asked when the six-year plan would be considered again.

Mr. David Benish, Chief of Planning, replied that the process gets initiated once VDOT gets their numbers together, then County staff works with VDOT staff on County priorities.

Mr. Boyd commented that in the past there has been some success with the rural rustic roads program, and the program has been put on hold. If there is going to be some money available, he would like for the County to discuss it again.

Mr. Benish replied that the list still exists and there have been other requests added that would be brought to the Board for their consideration and prioritization. He noted that staff treats it as the Board's last approved priority until it has been updated. He added that when there are questions about priorities, that is what is pulled out.

Mr. Rooker mentioned that the State did not allocate any money to the program last year. He also asked about any of the Meadow Creek Parkway money would come back to the County, as the project came in under budget.

Ms. Kilby explained that it would not be known until about five months after the project is completed. Their system allows them 90 days in which to audit the books, pay the contractor the final estimate. The contractor then has about 60 days to file claims if he does not agree with the payment. There may be an opportunity to transfer some funds. That period would be over in around the spring of 2012.

Mr. Boyd said that it would be helpful if Ms. Kilby would come before the Board at least quarterly to provide them with updates. Ms. Kilby said she could do that. She added that perhaps she could come back next month as the six-year plan figures would be available.

Ms. Kilby added that the format for the Board's monthly BDOT report has changed to provide some additional information on maintenance, etc. She asked Board members to let her know if this works and/if there is a need for other changes.

Ms. Mallek reported that the Artisan Trail had its kickoff, with two successful meetings held the week before Thanksgiving. She added that Ms. Amelia McCulley, Director of Zoning, Mr. J.T. Newberry, Code Enforcement Officer, and Ms. Susan Stimart, Business Development Facilitator, have been extremely helpful in explaining regulations and licensing requirements.

Ms. Mallek encouraged Board members to consider thinking about different ways of enhancing the rural economy in their upcoming review of the Comprehensive Plan, including initiatives that might help bed and breakfasts, etc.

Mr. Thomas invited Board members to attend the Lewis and Clark groundbreaking ceremony on Thursday, December 9, 2010, at 4:00 p.m.

Mr. Rooker asked Ms. Kilby for an update on the widening project on Route 29 from Hydraulic Road to the Route 250 Bypass and the addition of the ramps at Best Buy.

Ms. Kilby responded that there has not been any movement recently but the project is still funded. VDOT is working with the City on funding for the Best Buy ramp. She confirmed that the first step is to complete the designs and engineering work.

Mr. Rooker emphasized that it is the primary choke point in traffic movement in the area, and encouraged Ms. Kilby to work on moving it forward. Ms. Kilby said that the City is managing that project and has had other initiatives as well. She added that she would continue to monitor progress.

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

Mr. Tim Tolson, a member of the Crozet Library Team, urged the Board to approve the Consent Agenda item to move forward with design of the Crozet Library as it is a critically important project for the County. He said that since the County started the process for expanding the library in the Western part of the County in 1999, all other surrounding counties with one exception have built a brand new library, including Louisa, Fluvanna, Goochland, Town of Gordonsville and the Town of Farmville. Mr. Tolson stated that the Farmville library has just been completed and is the same size as the one proposed for Crozet – coming in at about \$165.00 per square foot.

Mr. Tolson said that now is the time to do this if they are going to be fiscally responsible with the taxpayers' money. The economic benefit will be reflected while it is being built in job creation as well as the economic benefit to the downtown Crozet area as a whole.

Mr. Tolson noted that Crozet business people are saying that they are having difficulty getting bank loans to build and/or expand in town because bankers are concerned that the economic center would move out to Route 250. The Crozet Library would convince bankers that the anchor is in downtown. He said that he believes that it is a travesty that this County has not built a public library in over 250 years. He urged the Board to approve the design for the library and when the design comes back move forward on funding the library.

Ms. Stacey Norris said that she is here to speak in favor of a staff-citizen committee approach to revising animal care codes. She said that Delegate Cline's position is that the state laws are sufficient and tethering is a local enforcement issue. Delegate Cline stated that anti-tethering is implicit in the space requirements of the animal ordinance. Ms. Norris said Albemarle County Animal Control Officers have stated that the laws are insufficient. She stated that it is to the locality's advantage to make the County Code as comprehensive as possible, and to do that every community resource is needed.

Ms. Sharon Ackerman thanked the Board for pursuing changes and improvements to the animal welfare codes in the County – as the improvements are much needed. She presented photos of animal neglect cases around the County, adding that it is the ignorance, the apathy of the dog's guardians and they do the minimum that the law requires.

Ms. Ackerman stated that many of these cases were brought to her attention by the County's ACOs who had done everything that they could within the parameters of the law. She said that dogs are mammals and physiologically feel pain and discomfort in the same way as humans – such as muscle aches in the cold, frostbite, and dehydration.

Ms. Ackerman added that there is a lot of malnutrition as dogs burn more energy when they are kept outside in the winter, along with sores and parasites from standing and sitting in feces and urine. She stated that in warmer weather dogs often experience heat exhaustion due to lack of shade and the temperature of houses made of barrels and plastic. She said that she believes that the ACOs should not be the only opinions considered in terms of a citizens' committee – as veterinarians and animal welfare organizations should also be consulted.

Ms. Norris added that a committee would offer the community a chance to reach consensus, as there is currently division in the process.

Mr. Bill Schrader, Chairperson of the Western Albemarle/Crozet Library Fundraising Committee, said that he has been asked what the status of library fundraising is and what the committee has accomplished. He presented a list of 66 entities that they will be approaching for funding for the new library. Mr. Schrader stated that in order to pursue this funding, there must be a plan, a start date, a cost estimate, and a formal letter of approval. He asked the Board to approve the Consent Agenda item, as it is vital to have shovel-ready plans and a cost estimate in order to move forward with funding.

Ms. Liz Palmer, as a County citizen and as a veterinarian, she supports Ms. Norris' position.

Ms. Palmer said that she is here to talk about the water plan. Recently Board members received a copy of a letter from the Department of Environmental Quality (DEQ) to the Chairs of the four Boards. The second paragraph, first line of the letter reads, "The DEQ supports the existing water supply permit, a permit that was duly submitted, reviewed and approved by the DEQ and the State Water Control Board...".

Ms. Palmer said that it took two years of work by Rivanna staff and consultants to go through the permit process – not including the years of time and money that went into developing the water supply plan that the permit is based on. It was a rigorous process and this Board has made it very clear that the Board does not want to spend more public money trying to redo the water supply plan.

Ms. Palmer said that the DEQ expressed a willingness to assist with a public meeting if a change in the plan is pursued, although Mr. Paylor makes it clear in the letter that he would not consider this a formal mediation process – but provision of a facilitator and some technical support.

She stated that the only reason to consider such a move would be if the County could not reach agreement with the City of Charlottesville, adding that Mayor Norris has said he would like to reopen the planning process as his plan would be cheaper, but given the comments from dam experts last week this seems highly unlikely.

Ms. Palmer emphasized that with this in mind, all four boards are very likely to agree in the near future. She added that within the next week or so, the reports from ITRT and Black and Veatch should be released. Ms. Palmer stated that the Chair of the ITRT has said that the goal of the process is to build the safest, most effective, most efficient dam possible, not the cheapest dam.

She encouraged the Board to consider that the DEQ supports the plan; the goal is for the safest, most effective, and most efficient dam possible; and the State requires replacement of the old dam for safety reasons. Ms. Palmer noted that a lot of people live below the dam.

Mr. Rooker mentioned that many of those people are County residents, if you look at the inundation maps.

Mr. John Martin, a resident of Free Union, said he was present to speak about the November 23, 2010 letter from DEQ. He also then read from the DEQ letter: "The DEQ supports the community's existing water supply permit, a permit that was duly submitted, reviewed and approved by DEQ and the State Water Control Board in compliance with our statutory and regulatory requirements."

Mr. Martin said that this letter is clearly supportive of the approved water supply plan and State government does not choose one political jurisdiction over another. This process is about building for the future. There is no reason at all to compromise this water supply plan in any way. He asked the Board to stand firm in its support of the water plan.

Mr. Boyd said that he spoke with Mr. Paylor of DEQ last week, who indicated he did not want to get into any disputes over what system is put in place locally. Mr. Paylor reiterated the statements he made in the November 23rd letter. Mr. Boyd said that Mr. Paylor favored the current duly processed plan, which was accepted by DEQ.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Dorrier, **seconded** by Mr. Rooker, to approve Items 7.1 (as read) through 7.7, and to accept the remaining items as information (Discussion of individual items is included with that agenda item.). Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Item 7.1. Approval of Minutes: March 15(A), August 11 and September 8, 2010.

Mr. Boyd had read the minutes of March 15(A), 2010, pages 1 – 35, and found them to be in order.

Mr. Thomas read the minutes of August 11, 2010, and found them to be in order.

Mr. Rooker had read the minutes of September 8, 2010, and found them to be in order.

By the recorded vote set out above, the minutes which had been read were approved.

Item 7.2. Extension of term of the Albemarle County Service Authority to October 17, 2054.

The executive summary states that The Albemarle County Service Authority (hereafter, "ACSA") was created in 1964 for an original term of fifty (50) years. On October 17, 1974 the Board of Supervisors extended the term of the ACSA to October 17, 2024. The ACSA Board of Directors has now requested that the term of the ACSA be extended to October 17, 2054.

Virginia Code § 15.2-5114(1) authorizes the Board of Supervisors to extend the term of a service authority by resolution provided that the term is not extended beyond fifty (50) years from the date of the adoption of such resolution.

The ACSA Board has adopted a Resolution requesting the Board of Supervisors to extend the term of the ACSA to October 17, 2054. (See Attachment A) As explained in Attachment A, bond counsel has recommended the extension to facilitate the issuance of bonds planned to finance current and future ACSA improvement projects. A similar extension was granted in 1974 for the same reasons. The extension can be authorized by adoption of the attached Resolution (Attachment B).

There is no impact on the County budget. The extension will facilitate the planned issuance of bonds to finance ACSA projects.

Staff recommends adoption of the Resolution to Extend the Term of the Albemarle County Service Authority.

(Discussion: Mr. Boyd stated that he is in favor of extending the Albemarle County Service Authority, but if it is not necessary to be done this month he would like to have it on a future agenda.

Mr. Davis responded that it is time-sensitive, as the ACSA has a financial plan that is dependent on borrowing some money and this is a necessary part of the process.

Mr. Boyd said he is fine with it then.)

By the above-recorded vote, the Board adopted the following resolution to extend the term of the Albemarle County Service Authority:

**RESOLUTION
TO EXTEND THE TERM OF THE
ALBEMARLE COUNTY SERVICE AUTHORITY**

WHEREAS, the Albemarle County Service Authority was founded in April 1964 for a term of fifty (50) years; and

WHEREAS, by Resolution adopted on October 17, 1974, the Board of Supervisors of Albemarle County, Virginia extended the term of the Albemarle County Service Authority to October 17, 2024; and

WHEREAS, the Albemarle County Service Authority presently is in the process of issuing bonds for the North Fork Regional Pump Station Project, which bonds will have a term of payment extending beyond October 17, 2024, thus requiring the extension of the term of the Albemarle County Service Authority; and

WHEREAS, the Albemarle County Service Authority may have to issue in the near future additional bonds to pay for additional projects; and

WHEREAS, the Board of Directors of the Albemarle County Service Authority on October 21, 2010 unanimously adopted a Resolution requesting that the Board of Supervisors of Albemarle County, Virginia extend the life of the Albemarle County Service Authority to October 17, 2054.

NOW, THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors, pursuant to Section 15.2-5114(1) of the Code of Virginia, hereby extends the term of the Albemarle County Service Authority to October 17, 2054.

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

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

The total of the requested FY 2011 appropriations itemized below, not counting the appropriation which is a transfer, is \$50,233.67. 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 five (5) FY 2011 appropriations as follows:

- One (1) appropriation (#2011052) totaling \$578.67 from donations for Fire Rescue's Smoke Detector Program;
- One (1) appropriation (#2011053) totaling \$27,655.00 for an adjustment to the amount of rent charged in the Commission on Children and Families (CCF) budget;
- One (1) appropriation (#2011054) transferring \$33,451.00 from Crozet Meadows Rehabilitation administration fees to the Office of Housing to fund the housing counselor for the full year;
- One (1) appropriation (#2011055) totaling \$19,800.00 for various school programs; and
- One (1) appropriation (#2011056) totaling \$2,200.00 for contributions to the Sheriff Office's programs.

Staff recommends approval of the budget amendment in the amount of \$50,233.67 and the approval of Appropriations #2011052, #2011053, #2011054, #2011055 and #2011056.

<u>Appropriation #2011052</u>	<u>\$ 578.67</u>
Revenue Source:	Local Revenue: \$578.67

This appropriation request provides \$578.67 from donations to support the Fire Rescue Prevention Division's programs. The Prevention Division and the Office of the Fire Marshal offer a wide range of services to both the public and private sectors including providing smoke alarm checking, assistance, and installation. These donated funds help defray the cost of providing free smoke alarms to citizens.

<u>Appropriation #2011053</u>	<u>\$ 27,655.00</u>
Revenue Source:	Local Revenue: \$ 5,000.00
	CCF Fund Balance: \$22,655.00

This appropriation request funds an adjustment to the rent charged to the Commission on Children and Families (CCF), which is funded with \$5,000 in revenue from Albemarle County' School's Safe Schools/Healthy Students program and \$22,655.00 from CCF's fund balance. This adjustment is necessary because the amount of rent included in CCF's Adopted FY 10/11 budget was determined prior

to finalizing the recent reorganization of responsibilities between CCF, the City of Charlottesville and the County of Albemarle. The revised lease was approved on September 1 and reflects CCF's annual space needs on a per square footage basis.

Appropriation #2011054 \$33,451.00
 Revenue Source: Transfer from Crozet Meadows \$33,451.00

This request is a transfer of unused performance-based contract administrative fees earned from the Virginia Community Development Block Grant (CDBG), which was received by the County for Crozet Meadows. This appropriation requests a transfer of these unused fees to support one FTE housing counselor position in the Housing Office for the time period of January 1, 2011 through June 30, 2011. The Board had previously approved local funding in FY 10/11 for this housing counselor position for the period of July 1, 2010 through December 31, 2010. The housing counselor position responsibilities will be revised to include administration of CDBG projects.

Appropriation #2011055 \$19,800.00
 Revenue Source: Local Revenue: \$19,800.00.

Red Hill Elementary School received a donation in the amount of \$2,500.00 from an anonymous donor. The donor has requested that this contribution be used to fund the Red Hill Elementary School's 4th and 5th grade trips to Jamestown/Yorktown/ Williamsburg.

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 September 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.

Appropriation #2011056 \$ 2,200.00
 Revenue Source: Local Revenue: \$2,200.00

The Sheriff's Office has recently received contributions in the amount of \$2,200.00 and the following appropriations are requested:

- Appropriate a contribution from the Albemarle County Farm Bureau in the amount of \$1,200.00 to assist in the overtime costs for game enforcement in relation to deer decoy operations.
- Appropriate a contribution from Walmart in the amount of \$1,000.00 to assist in the purchase of flashlights and other safety items for senior citizens within the community. This program is administered by the Sheriff's Reserve Program.

By the above-recorded vote, the Board approved the budget amendment in the amount of \$50,233.67 and approved Appropriations #2011052, #2011053, #2011054, #2011055 and #2011056.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011052
 DATE 12/1/2010
 BATCH#**

EXPLANATION: Budget Adjustment - Fire Rescue and Facilities Development

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	8405	18000	18114	Donations-Fire/Rescue	J 2	\$578.67		
1	8405	93010	930219	TRANS - SMOKE DETECTOR FD	J 1	\$578.67		
	8405		0501	Est. Revenue			\$578.67	
			0701	Appropriation				\$578.67
2	1576	51000	512008	TRS. FR. CONTRIBUTION FD	J 2	\$578.67		
1	1576	31092	800100	Machinery and Equipment	J 1	\$578.67		
	1576		0501	Est. Revenue			\$578.67	
			0701	Appropriation				\$578.67
TOTAL						2,314.68	1,157.34	1,157.34

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011053
 DATE 12/1/2010
 BATCH#**

EXPLANATION: CCF Rent Adjustment

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	4400	18000	189900	Misc Revenues	J	2	\$5,000.00		
2	4400	51000	510100	Appropriation - Fund Balance	J	2	\$22,655.00		
1	4400	54101	540000	Leases and Rentals	J	1	\$27,655.00		
	4400		0501	Est. Revenue				\$27,655.50	
			0701	Appropriation					\$27,655.50
TOTAL							55,310.00	27,655.50	27,655.50

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011054
 DATE 12/1/2010
 BATCH#**

EXPLANATION: Provide full year funding for housing counselor position

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1223	81030	300205	Crozet Meadows Admin	J	1	-\$33,451.00		
1	1223			Tr to General Fund	J	1	\$33,451.00		
2	1000			Tr from Crozet Meadows	J	2	\$33,451.00		
1	1000	81030	110000	Regular Salaries	J	1	\$23,726.00		
1	1000	81030	210000	FICA	J	1	\$1,815.00		
1	1000	81030	221000	Virginia Retirement Sys.	J	1	\$3,592.00		
1	1000	81030	231000	Health Insurance	J	1	\$3,769.00		
1	1000	81030	232000	Dental Insurance	J	1	\$132.00		
1	1000	81030	241000	Group Life Insurance	J	1	\$263.00		
1	1000	81030	270000	Worker's Compensation	J	1	\$154.00		
			0501	Est. Revenue				33,451.00	
			0701	Appropriation					33,451.00
TOTAL							66,902.00	33,451.00	33,451.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011055
 DATE 12/1/2010
 BATCH#**

EXPLANATION: Appropriations from School Board's October 28, 2010 meeting

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	\$2,500.00		
1	2115	62420	300201	Parts & Maintenance-DP	J	1	\$17,300.00		
1	2207	61101	420100	Field Trips	J	1	\$2,500.00		
			0501	Est. Revenue				19,800.00	
			0701	Appropriation					19,800.00
TOTAL							39,600.00	19,800.00	19,800.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011056
 DATE 12/1/2010
 BATCH#**

EXPLANATION: Sheriff Contributions

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1000	18110	181109	Contributions	J	2	\$2,200.00		
1	1000	21070	301230	Contributed - Reserve Programs	J	1	\$1,000.00		
1	1000	21072	120000	Hunting Control - Overtime	J	1	\$1,108.20		
1	1000	21072	210000	Hunting Control - FICA	J	2	\$91.80		
	1000		0501	Est. Revenue				\$2,200.00	
			0701	Appropriation					\$2,200.00
TOTAL							4,400.00	2,200.00	2,200.00

Item No. 7.4. Authorize the County Executive to sign a license agreement to allow the Church of Incarnation to erect a sign on County Property.

The executive summary states that on March 10, 2010, the Board authorized the County Executive to co-sign an application for a special use permit to locate an off-premises sign for the Church of Incarnation on County property located at the corner of Hillsdale Drive and Incarnation Drive. As set forth in the March 10, 2010 executive summary, a VDOT engineer evaluated the Church's two entrances and opined that promoting the use of the southern-most entrance by placing a sign at that location would create safer conditions. The special use permit was approved by the Board of Zoning Appeals on May 4, 2010.

The proposed location of the sign is on County property where a stormwater detention pond is located that was scheduled for an extensive upgrade. Although the requested sign is likely to be in the staging area for the stormwater upgrade project, that project has been deferred, and the license agreement includes a provision that allows the County to terminate the license and to have the sign removed in the future. When the stormwater project goes forward, if the sign cannot be accommodated, it may have to be removed or temporarily displaced. In the meantime, this proposed limited use of public property would serve the general public by improving traffic safety for the travelers on Hillsdale Drive.

There is no foreseeable budget impact for granting authorization to the County Executive to sign the sign license.

Staff recommends that the Board of Supervisors authorize the County Executive to sign the license on behalf of the County to allow an off-premises sign on the County property located at the corner of Hillsdale Drive and Incarnation Drive.

By the above recorded vote, the Board authorized County Executive to sign the license on behalf of the County to allow an off-premises sign on the County property located at the corner of Hillsdale Drive and Incarnation Drive, as set out below:

SIGN LICENSE AGREEMENT

This Sign License Agreement ("Agreement") is made by and between the **COUNTY OF ALBEMARLE, VIRGINIA** (hereinafter referred to as the "County"), the **CATHOLIC DIOCESE OF RICHMOND** (hereinafter referred to as the "Diocese"), and the **CHURCH OF THE INCARNATION** (hereinafter referred to as the "Parish").

The following recitals of fact are a material part of this Agreement:

- A. The County is the owner of a certain parcel of land in the County of Albemarle, Virginia, legally described as Albemarle County Parcel ID 061Z0-03-00-00900 (hereinafter referred to as the "Parcel").
- B. The Diocese and the Parish are legal entities of the Roman Catholic Church.
- C. In order to improve traffic safety, the County wishes to grant and the Diocese and the Parish wish to receive certain Licenses, in, upon, over and across the Parcel for the benefit of the Diocese and the Parish, their successors and assigns, all as more fully set forth below.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the public benefit to traffic safety, and other good and valuable consideration, the receipt of which are hereby acknowledged, the following grants, agreements and covenants are made:

1. **Grant of License.** The County hereby grants, gives and conveys to the Diocese and the Parish, and their successors and assigns, a revocable License over, across, under and through the "Sign Area" (hereinafter defined) to erect and maintain a sign in that area, and to permit the use of the Sign Area by the Diocese and the Parish for the other purposes stated in this grant of License.
2. **Location of Sign Area.** The location of the Sign Area shall be as shown on that certain plat by Kirk Hughes & Associates, dated November 13, 2009 and revised July 12, 2010, and titled "Plat Showing a Survey of: Sign Area on the Lands of County of Albemarle, Virginia as Shown Hereon," attached hereto and made a part hereof.
3. **Use of Sign Area.** The Diocese and the Parish shall have the right to use the Sign Area to erect, maintain, improve, enlarge or reduce, repair or replace a sign, whose size, design, and placement are subject to the County's approval.
4. **Repair and Maintenance.** The Diocese and the Parish shall maintain any sign either of them places in the Sign Area in good condition and repair at their sole cost and expense.
5. **Landscaping.** The Diocese and the Parish shall have the right (hereinafter referred to as the "Landscaping Option"), upon written notice to the County, to landscape, including, without limitation, the planting or removal of shrubs, bushes, plants and trees, within the

Sign Area. The landscaping plan of the Diocese and/or the Parish shall be subject to the County's approval, which shall not be unreasonably withheld or delayed. Should the Diocese and/or the Parish exercise the Landscaping Option, the party or parties exercising said Option shall assume all obligations and responsibilities for the maintenance and upkeep of the landscaping within the Sign Area. Should the Diocese and the Parish not exercise the "Landscaping Option," the County shall retain all responsibility for maintenance and upkeep of the landscaping. The party responsible for the landscaping within the Sign Area shall keep the landscaping in good condition at all times at its sole cost and expense. The Diocese, the Parish, and the County acknowledge that the Diocese and the Parish, with the execution of this Agreement, exercise the Landscaping Option as to the Sign Area and assume all responsibility for the upkeep of the existing landscaping at the Sign Area. The Diocese and/or the Parish may revoke its/their exercise of the Landscaping Option at any time and upon such revocation, all obligations and responsibilities for maintenance and upkeep of the landscaping shall revert to the County.

6. **Compliance with Laws.** The Diocese and the Parish shall comply with all applicable ordinances, statutes, regulations and all other local, state and federal laws applicable to the Sign Area and any sign it places thereon, including the maintenance and repair thereof.
7. **Termination of License.** Either the County, the Diocese, or the Parish may terminate this Agreement by delivering a written notice of termination to each of the other parties at their respective addresses listed in Section 10 below. Upon such notice of termination, the Diocese and the Parish shall promptly remove any sign(s) from the Sign Area, and shall restore the Sign Area as nearly as possible to its prior condition. Thereafter all rights, duties and liabilities hereby created shall terminate.
8. **Transfer By the County.** Whenever a transfer of ownership of the Parcel occurs, liability hereunder of the transferor for any breach of any covenant occurring thereafter shall automatically terminate with respect to such transferor, and the transferee shall automatically assume the burdens and obligations running hereunder to the owner of the Parcel which shall accrue from and after the date of such transfer.
9. **Construction.** The rule of strict construction does not apply to this grant. This grant shall be given a reasonable construction so that the intention of the parties to confer a commercially usable right of enjoyment for the benefit of the Diocese and the Parish is carried out.
10. **Notices.** All notices and other communications given pursuant to this Agreement shall be in writing and shall be deemed properly served if delivered in person to the party to whom it is addressed or on the third (3rd) day after deposit in the U.S. mail, as registered or certified mail, return receipt requested, postage prepaid, as follows:
 1. If to the County:
County of Albemarle
c/o County Attorney
401 McIntire Road, Suite 325
Charlottesville, Virginia 22902
 2. If to The Diocese:
Catholic Diocese of Richmond
7800 Carousel Lane
Richmond, VA 23294-4201
 3. If to the Parish:
Church of the Incarnation
1465 Incarnation Drive
Charlottesville, Virginia 22901
11. **No Assignment By the Diocese or the Parish.** Neither the Diocese nor the Parish may transfer or otherwise assign any of its rights or interest granted under this Agreement, and any purported assignment shall be null and void and shall entitle the County to terminate this Agreement and the License hereby granted.
12. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the County, the Diocese, and the Parish have executed this Agreement as of the 2nd day of December, 2010.

DIOCESE: CATHOLIC DIOCESE OF RICHMOND
By: _____
Most Reverend Francis X. DiLorenzo, Bishop

PARISH: CHURCH OF THE INCARNATION

By: _____
Fr. Gregory Kandt, Pastor

This Agreement is executed on behalf of the County of Albemarle by Robert W. Tucker, Jr., County Executive, following a duly-held public hearing, and pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY: COUNTY OF ALBEMARLE, VIRGINIA

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

Item No. 7.5. Authorize the Department of Fire & Rescue to Overhire Up to Two Full-Time Firefighter/EMTs.

The executive summary states that during the Board's October work session on local government's base line budget, core services and future funding challenges, the Albemarle County Department of Fire Rescue (ACFR) indicated that it has been experiencing significant overtime expenditures due to its inability to meet minimum daytime staffing levels for the six volunteer stations located throughout the county that have previously requested County staff coverage. These overtime expenditures are driven by a lack of a sufficient number of trained personnel available to provide this requested coverage thereby forcing the Department to "call-back" personnel and pay significant overtime wages. The challenge of maintaining daily staffing is mainly due to factors such as: light duty, vacation, illness, family medical leave (FML), and regular vacancies.

ACFR indicated to the Board during this work session that it was working in conjunction with the Department of Human Resources to identify a method for alleviating the excessive overtime worked by firefighters/EMTs in order to maintain required minimum staffing levels. Staff's research determined that "over-hiring" additional FTEs would reduce excessive overtime and could be accomplished in a cost-neutral manner. Staff briefly shared the concept of over-hiring with the Board during last month's work session and is now bringing the issue before the Board to seek approval to over-hire up to two additional FTEs.

ACFR has been challenged for several years to maintain required minimum staffing levels without routinely "calling-back" employees who are not scheduled to work. Call-back work must be compensated at time and a half of the employee's regular hourly rate. Excessive reliance on call-back staffing results in employee fatigue, causing concerns for their safety and the safety and quality of ACFR's service to the community. Routine call-backs also lower employee morale and reduce the department's ability to forecast expenditures. The lack of predictability and scope/magnitude of actual overtime costs is demonstrated from the County's Performance Management data. These data reveal that periods of excessive overtime are directly related to a lack of trained personnel available to fill daily assignments.

Over-hiring is a common method for addressing staffing shortage issues. Fire and Rescue proposes to hire 1-2 more staff than needed to normally staff operations with the expectation that the normal attrition rate will offset the additional hires so that generally there will only be the number of staff employed that are needed to cover operations without having to program overtime. Roanoke County began its over-hiring process soon after the events of September 11, 2001 when the department lost employees due to military leave, and continues to over-hire as a means to address daily staffing needs.

The designated and budgeted FTE count for the department is expected to remain the same because the number of new hires will be offset by new vacancies. The approval to over-hire would mean that, when necessary and appropriate, and able to be accomplished within budget, ACFR would hire one or two additional employees beyond its designated head count. Staff believes this can be done in a cost-neutral manner through surplus in salary lag and the reduction in overtime expenditures.

ACFR has experienced an average of three employee vacancies (separations from employment) each month for the last three years. It should be noted that the issue is *not* excessive turnover, as the department's annual turnover rate is normal for the public safety sector.

Salary/benefits lag due to these vacancies for the last three fiscal years was approximately:

FY08	\$ 155,000 salary + 30% benefits	=	\$201,500
FY09	\$ 62,000 salary + 30% benefits	=	\$80,600
FY10	\$ 63,000 salary + 30% benefits	=	\$81,900

The cost of a new firefighter, including an Advance Life Support (ALS) stipend and benefits, is roughly \$60,000 annually.

Based on ACFR's history of overtime data for the past two years, one additional FTE would have reduced enough of the department's call-back/overtime costs to be cost-neutral.

- The highest amount of minimum-staffing-driven overtime occurs during Monday through Friday, daylight hours.

- Over the past two years there were 347 day shifts (83% of the *total* day shifts) with an overtime call-back of at least one firefighter to maintain minimum staffing needs. Sometimes two or three were needed and were called -back.
- This averages out to 174 days, or 2,082 hours per year, where at least one additional firefighter was required.
- The average department firefighter overtime rate is \$28.63 per hour.
- 2082 hours x \$28.63 = \$59,608 per year for the last two years required to cover one minimum staffing position with overtime from hire-back.

The addition of a new firefighter for roughly \$60,000 a year should reduce the department's overtime costs by an equal amount.

Should the Board approve ACFR to over-hire by up to two FTEs, it would greatly reduce the use of call-back and the associated overtime costs to cover minimum staffing positions and do so in a cost-neutral manner.

There is no budget impact anticipated.

Staff recommends that the Board authorize ACFR to over-hire up to two additional firefighters over the current FTE staffing level.

(Discussion: Mr. Boyd commented that he does not understand the request for two full-time fire and rescue personnel, as he thought it was just one.

Mr. Dan Eggleston, Fire Chief, explained that the intent is just to hire one person and then re-evaluate to see if there is justification to hire an additional staff person in the future.

Mr. Rooker said it needs to be clear that the approval is to hire one person.

Ms. Mallek said they need to come back to the Board if they want to hire an additional person.

Mr. Thomas asked if the new hire could go to different fire stations as needed and asked if volunteers had been considered to work during the day.

Mr. Eggleston responded that personnel are hired with the understanding that they could fill any slot across the system and they are cross-trained so that they can be at a fire station or a rescue station. He added that it is challenging to get volunteers out in the daytime.

Ms. Mallek mentioned use of UVA people and asked if there has been any consideration of bidding to contract for this extra person. Mr. Eggleston said that the services provided by UVA are mainly EMTs and not cross-trained.)

By the above recorded vote, the Board authorized ACFR to over-hire up to two additional firefighters over the current FTE staffing level.

Item No. 7.6. Proposed Redistricting Schedule and Preliminary Redistricting Guidelines.

The executive summary states that at the September 1, 2010 Board meeting, staff provided the Board with an overview of the upcoming 2011 redistricting process. To meet the deadlines for the November 2, 2011 general election, the redistricting process must be completed as soon as possible after the 2010 Census data is available. The deadline for the Census Bureau Director to deliver this data to the States is April 1, 2011.

The County's redistricting process will culminate in the Board's adoption of an ordinance establishing the boundaries of the County's magisterial districts and precincts and identify the locations of the polling places within each precinct. The ordinance then must be submitted to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act of 1965.

In order to proceed expeditiously and assure that the County complies with State and Federal laws in the redistricting process, staff has prepared a proposed redistricting schedule (Attachment B) and preliminary redistricting guidelines.

The proposed redistricting schedule is intended to assure that all statutory requirements are met and the redistricting ordinance is adopted in time for the County to obtain a preclearance under Section 5 of the Voting Rights Act that will allow the General Registrar to send timely notices to voters about their magisterial district, precinct and polling place as required by State law prior to the November 2, 2011 general election.

The preliminary redistricting guidelines are based primarily on the guidelines adopted by the Board for the 2001 redistricting process. The guidelines have been reviewed and updated to assure that they comply with State and Federal law. The guidelines will provide direction to County staff and inform the public of the applicable criteria to be considered on issues pertaining to redistricting, such as establishing magisterial district and precinct boundaries and identifying qualifying polling places. The public will be invited to comment on the guidelines at a public meeting conducted by County staff in January. After public comments are received on the guidelines, the Board will have the opportunity to

finalize the guidelines and direct staff to proceed with developing one or more draft redistricting plans in accordance with the guidelines.

Redistricting is already incorporated into various offices' and departments' workplans. However, there will be costs associated with public notices provided for public meetings and the redistricting ordinance. If additional precincts and corresponding polling places must be established because of population increases, there will be additional staff and equipment costs associated with those new polling places during elections over the next decade.

Staff recommends that the Board adopt the proposed redistricting schedule and direct staff to proceed under the preliminary redistricting guidelines. The guidelines will be reviewed again with the Board in February or March after staff has received and reviewed public comments on the guidelines.

By the above recorded vote, the Board adopted the proposed redistricting schedule (set out in full below) and directed staff to proceed under the preliminary redistricting guidelines. Note: The guidelines will be reviewed again with the Board in February or March after staff has received and reviewed public comments on them.

Proposed Redistricting Schedule

December 1, 2010	<u>Schedule and Guidelines:</u> Staff will request the Board's approval of the proposed redistricting schedule and the Board will have a discussion and provide direction to staff to proceed with the preliminary redistricting guidelines.
January 21, 2011	<u>Public Meeting:</u> By this date, County staff will conduct a public meeting to obtain input from community organizations and the general public on redistricting issues and the preliminary redistricting guidelines. This meeting will be publicized and advertised to reach those interested organizations and the public.
February 9, 2011	<u>Staff Report on Public Meeting; Approval of Guidelines:</u> Staff will report to the Board on the comments received from community organizations and the general public at the public meeting regarding redistricting issues and the preliminary redistricting guidelines. The Board of Supervisors will be asked to approve final redistricting guidelines and direct staff to proceed with redistricting work.
April 6, 2011	<u>Tentative Work Session:</u> If census data has been received and staff has had sufficient time prior to this date to develop a proposed redistricting plan, the Board will hold a work session on the proposed redistricting plan.
April 13, 2011	<u>Work Session:</u> The Board will hold a work session on the proposed redistricting plan, if necessary, because of a delay in receiving census data or if the first work session was held the prior week and there are unresolved issues.
May 4 or 11, 2011	<u>Public Hearing on Plans and Ordinance:</u> The Board will hold a public hearing and adopt the 2011 redistricting ordinance.
May, 2011	<u>Submittal Under Voting Rights Act:</u> After the Board has adopted the 2011 redistricting ordinance, staff will submit the ordinance to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act.

Note: The proposed work session and public hearing dates are tentative and for planning purposes only. Adherence to these dates will depend on the date the County receives the census data upon which the redistricting plan will be based. Staff may develop more than one proposed redistricting plan for the Board's consideration.

Item No. 7.7. Crozet Library Team Recommendations.

The executive summary states that On September 9, 2010, a work group was organized to evaluate options for Library operations in Crozet. The team included Board members Ms. Mallek and Mr. Snow, two representatives of the Jefferson-Madison Regional Library (JMRL) Board, Mr. Halliday and Mr. Tolson, and two County staff members, Mr. Elliott and Mr. Letteri.

The need for this team was precipitated by the results of a building assessment report commissioned by the JMRL Board regarding various libraries in the system, including Crozet. In relevant part, the report found that "...the Crozet Library is the most crowded facility attempting to provide library service that (the) consultant has seen in recent years. With its lack of space, substantial overcrowding and restricted interior arrangements the building is a disaster." The team was formed to develop options

to address concerns regarding the condition and suitability of the existing Crozet Library to be brought back to the Board for consideration.

The team met twice during the months of September and October, 2010 and considered the following options: a) modify and improve the existing library facility; b) relocate the library to modular units installed at the proposed new library site or elsewhere in Crozet; c) relocate the library to leased commercial space in Crozet; and d) resume and accelerate construction of the proposed new library.

After careful consideration, the team concluded that: a) modification of the existing library would not address the immediate space needs and safety concerns; b) the cost of the modular units, including required site work, utilities, set up, etc., exceeded what would seem reasonable for a short term option; and c) renting an existing commercial space is a viable short term solution if the permanent library is to be delayed more than two or three years.

The team concluded that the County's best option is to attempt to accelerate construction of the new library in light of the attractive bidding climate, low interests rates, the potential for private donations and possible state/federal subsidies.

Recognizing the County's current inability to fund the construction and operating costs associated with the new library, the team recommends that the planning/design process of the new library be advanced to a "bid ready" state. This would allow staff to: a) accurately assess the construction cost of the project in the current bidding climate; b) secure the project to a state which would allow staff to immediately proceed with construction in the event funding, donations or special grants becomes available; and c) provide the information and details necessary for a private capital campaign to proceed in earnest. The cost of completing the design and construction drawings is expected to be \$292,000. The risk of this course of action is the expenditure of the cost of the drawings (\$292,000) if the project is permanently cancelled and the possible expenditure of additional costs if the plans become obsolete if the project is exceedingly delayed.

There is no immediate impact to the budget; funds necessary to complete the design have been previously appropriated.

The team recommends that the Board authorize staff to complete the design and construction drawings and to advance the project to a "bid ready" state, recognizing that if bidding and construction is delayed for an extended period of time additional design expense may be required to update the construction drawings. The team notes that the design team of Grimm & Parker is under formal contract with the County to complete the design upon authorization to proceed.

(Discussion: Mr. Dorrier stated that he and Mr. Snow serve on the CIP Committee, and that Committee is also considering items from the Technical Review Team regarding problems with the Greer School addition – which will cost \$3.9 million if completed, the Ivy Fire Station, and the Crozet Library. He questions how the Board can split up this small pot of money when all these other issues need to be considered. He said that he thinks the Crozet Library item should not just be a Consent Agenda item, but should be brought forth as a full agenda item considering that all these entities are dealing with it.

Mr. Snow said that there is money in the CIP to develop the plans, and what is being put forth in the Consent Agenda is developing the plans to get the library to a shovel-ready state. They are not committing any funds to building the project, just committing CIP dollars that were set aside for the development of the plan. Once the plans are developed, they can find out the cost to build, they would be able to go after private donations and they would be able to go after grants.

Ms. Mallek stated that putting it out to bid would provide an actual cost of the project and to find out what amount to put in the CIP.

Mr. Bill Letteri, Director of Facilities Development, clarified that staff's recommendation would not be to formally bid the project, but to get the drawings to a state where a better cost estimate could be provided. He said that a private construction management phase could be engaged in that process to perform a thorough estimate on the completed plans.

Ms. Mallek noted that the library design work was already in the CIP.

Mr. Rooker said that he is comfortable with the fact there are two Board members on the CIP Committee, and the plans will still have a value – even if they sit for a few years. He asked Mr. Letteri if the plans would be done in a way that would be compartmentalized, so that each part of the library could have an associated cost.

Mr. Letteri replied that that would be done early on, and in the process of the design development drawings those types of discussions have already taken place – but there were difficulties coming up with a phasing plan.

Ms. Mallek noted that there may be some options with using the lower level. She added that the facilities report for the building showed some serious difficulties that need to be addressed. She said that if the construction track is not going to be adhered to, then there will need to be an alternate facility – such as the basement of the new library site. Ms. Mallek emphasized that this is the type of information that needs to be gathered in the process.

Mr. Boyd clarified that there would not be a bid date for this project. Mr. Letteri said that is correct.

Mr. Letteri said that there are two advantages to moving the plans forward: to fully understand the building cost, which cannot be determined until a site plan is approved and a design is established; and to take advantage of a good bidding market should funding (noting that funding is not currently available) become available. He cautioned that there is a risk in expending these additional funds, in the event the project does not move forward at this time.

Mr. Rooker stated that the plans would be useable, even if it was eight years from now.

Mr. Letteri responded that plans will experience some obsolescence over time, which would require architects to go back and adjust them. He said that if there were not a reasonable expectation that the Board could do this project in the next two to three years, he is not sure that staff would advocate that the Board spend the additional money.

Mr. Dorrier said that relates to his question. This was not a priority during last year's review of the CIP, but it is considered as an emergency this year.

Mr. Letteri stated that the library project itself is not being considered this year for formal inclusion in the capital plan.

Mr. Snow said that the project is not a priority, not an emergency; the idea is to get the plans ready, and then if a grant becomes available it could be funded with private money. Otherwise all they can do is say, they want a library.

Mr. Thomas commented that the library is an investment for the future of downtown Crozet and is a focal point that will help stabilize that economy.)

By the above recorded vote, the Board authorized staff to complete the design and construction drawings and to advance the project to a "bid ready" state, recognizing that if bidding and construction is delayed for an extended period of time additional design expense may be required to update the construction drawings.

Item No. 7.7. First Quarter Financial Report.

The executive summary states that the Financial Report provides information on the County's General Fund operations and Fund Balance as of September 30, 2010. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year, **was received for information.**

(\$ in Millions)

A. Attachment A: General Fund Financial Report:

a. Revenues:

Revenues, excluding Transfers and Fund Balance Appropriations, are estimated to total \$212.181 million, \$1.646 million (0.8%) more than appropriations of \$210.535 million. Combined with the use of \$2.367 million in transfers from other funds and \$0.092 million in fund balance, Revenues, Transfers, and Use of Fund Balance will total \$214.640 million, \$1.326 million (0.6%) more than Budget.

Revenue estimates included in this report are preliminary and based on 3 months of actual receipts in the fiscal year. July tax receipts are based on June levies and have been accrued back to FY10 based upon generally accepted accounting principles. The revenue estimates that will be presented with the Second Quarter Financial Report will be significant since the December tax collections will be realized and included.

Recent national economic data continues to point toward moderate growth. GDP is estimated to rise at a 1.9% pace during the 4th quarter. Retail Sales increased 1.2% in October, buoyed by a 5.0% surge in auto sales. This report is another positive sign hinting at a strong holiday shopping season. However, consumers continue to think through buying decisions. The international trade balance narrowed in September and wholesale inventories rose. The real estate market has not recovered and continues to face on-going challenges. Initial unemployment claims fell by 24,000 for the week ending November 6 to its lowest level since July. Experts believe that the economy will continue its seesaw movement with little chance of significant improvement until the labor market and job situation recuperates.

Following is a brief revenue analysis for FY11:

- Real Estate Tax revenues are projected to be \$0.434 million (0.4%) less than Budget. The FY11 Budget was based on a projected 0.50% decline in 2011 tax year assessed values. The estimates presented in this financial report are based on a revised projected 1.15% decline in 2011 tax year assessed values. A Tax Year is equivalent to a calendar year. Its effects are realized over 2 consecutive fiscal years with the 1st half in one fiscal year and the 2nd half in the next. A 1.0% change in assessed values creates a \$1.3 million change in real estate tax revenues for the 2011 tax year.

- Personal Property Tax revenues are estimated to exceed Budget by \$0.169 million (0.9%). The increase is due to increased purchases as well as the impact on the fleet replacement value resulting from the Cash for Clunkers program.
- Delinquent Property Taxes & Fees are estimated to exceed Budget by \$0.297 million (12.7%). Additional compliance enforcement through the DMV Stop and Department of TAX Set-off Debt programs has generated additional revenues. Delinquent fees previously implemented have also encouraged payment of delinquent taxes to avoid additional fees.
- Sales Tax revenues are estimated to exceed Budget by \$0.830 million (7.5%). The overall impact is due to both increased consumer purchases as well as our auditor findings. Taxpayers continue to be cautious with their discretionary spending by slightly increasing spending. The auditor has identified \$0.512 million in misallocated sales tax revenues which have been approved by the state to be transferred to Albemarle from other localities over a six month period with an additional estimated \$0.452 million in process. Annual receipts should increase approximately \$0.262 million based on the approved adjustments. Significant revenues continue to be lost to internet purchases and consumer purchases in adjacent localities.
- Business License, BPOL, revenues are estimated to exceed Budget by \$0.267 million (2.9%). BPOL revenues are dependent upon economic activity. Sales tax revenue trends are a good indicator of BPOL revenues.
- Food and Beverage Tax revenues are estimated to be \$0.207 million (3.7%) less than Budget. Consumers are continuing to eat more at home and visiting restaurants less frequently while minimizing discretionary spending.
- State Revenues are estimated to exceed Budget by \$0.498 million (2.2%). The increase is due to additional funding for constitutional offices approved by the General Assembly subsequent to approval of this Budget as well as increased reimbursements for DSS services.
- Revenue categories with variances of less than \$0.100 million from Budget have not been analyzed for this report.

b. Expenditures:

General Fund expenditures, including transfers, are expected to total \$211.247 million, a 1.0% savings of \$2.067 million from Budget. The savings include frozen positions and reduction of health care expense, which are offset by the one-time salary supplement. Estimates presented with this report are preliminary and include only limited items. The Second Quarter Financial Report will include significant data upon which subsequent projections will be based.

- i. Departmental expenditures are expected to total \$78.700 million, a 1.3% savings of \$1.002 million from Budget: The savings are allocated by functional area as follows:
 - Administration expenditures are expected to total \$10.341 million, a saving of \$0.015 million.
 - Judicial expenditures are expected to total \$3.888 million, a savings of \$0.014 million.
 - Public Safety expenditures are expected to total \$29.190 million, a savings of \$0.038 million
 - Public Works expenditures are expected to total \$4.501 million, a savings of \$0.005 million.
 - Human Services expenditures are expected to be \$18.414 million, a savings of \$0.823 million.
 - Parks and Culture expenditures are expected to total \$6.236 million, a savings of \$0.014 million.
 - Community Development expenditures are expected to total \$6.130 million, a savings of \$0.092 million.
- ii. Non-Department expenditures consisting of the revenue sharing payment, reserves, and refunds are expected to total \$19.510 million, a savings of \$1.065 million. This is primarily due to the savings generated by not needing to utilize the Revenue Shortfall Contingency in FY 11, budgeted at \$1.049 million.
- iii. Transfers are expected to equal Budget at \$113.037 million:
 - Transfer to the School Division is expected to be \$96.058 million.
 - Transfers to the Capital and Debt funds are \$16.979 million.

c. Revenues less Expenditures:

This report projects that the fiscal year will end with \$3.393 million of revenues in excess of expenditures. Revenues and related transfers are projected to exceed Budget by \$1.326. Expenditures and related transfers are expected to produce \$2.067 million in expenditure savings. These results are preliminary based on limited operating results for the fiscal year. The Second Quarter Financial Report will produce a more reliable forecast.

B. Attachment B: General Fund Budget Comparison Report:

The chart report tracks changes in revenues and expenditures over time.

Revenues:

- Personal Property Tax, Sales Tax, Business License, Utility Tax, Food & Beverage Tax, Other Local Revenue, State Revenue, and Federal Revenue show positive growth over FY10.
- Real Estate Tax, Other Local and Delinquent Taxes, Transfers from Other Funds, and Use of Fund Balance show decreases from FY10.

Expenditures:

- Administration, Judicial, Public Safety, Public Works, Human Services, Parks & Culture, and Non-Departmental expenditures show anticipated increases over FY10.
- Community Development, Non-School transfers, and the School Transfer show anticipated decreases from FY10.

C. Attachment C: Fund Balance Report:

The report indicates that the County:

- Had an Unaudited FY10 Undesignated Fund Balance of \$24.575 million as of December 1, 2010,
- Appropriated \$0.086 million for Budgeted FY11 Initiatives and Reappropriations,
- Has a remaining June 30, 2010 Fund Balance of \$24.489 million,
- Has proposed reappropriations of \$0.720 million, and
- Has Proposed June 30, 2010 Available Funds of \$23.769 million.

D. Budget Impact:

This Financial Report is based on unaudited FY10 financial data and three months of unaudited financial data for FY11. The financial information contained in the second quarter FY11 financial report to be presented to the BOS in February 2011 will include final audited figures for FY10 plus six months of FY11 financial data. Staff will utilize these figures as the basis for the FY12 Budget

This report was received as information. No action was required.

Item No. 7.9. 2010 Third Quarter Building Report as prepared by the Community Development Department, Office of Geographic Data Services, **was received for information.**

During the third quarter of 2010, 92 building permits were issues for 381 dwelling units. There was one permit issued for a mobile home in an existing park, at an exchange rate of \$2,500, for a total of \$2,500. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 7.10. 2010 Third Quarter Certificate of Occupancy Report as prepared by the Community Development Department, Office of Geographic Data Services, **was received for information.**

During the third quarter of 2010, 81 certificates of occupancy were issued for 94 dwelling units. There was one certificate of occupancy issued for a mobile home in an existing park, at an exchange rate of \$2,500, for a total of \$2,500. There were no permits issued for the conversion of an apartment to a condominium.

Item No. 7.11. Board-to-Board, December 2010, *A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors*, **was received for information.**

(**Discussion:** Mr. Boyd said, on page 2 of this report, it talks about return on investment for the grant award from the Virginia Local Government and School Renewable Energy Utilization Program, The explanation states that "the simple payback for the \$35,000 provided by ACPS will be less than eight years. The grant award amount is approximately \$211,000." Mr. Boyd asked what about the \$211,000 and added that it would be a huge number of years to recoup the overall cost of the project. He knows that the Board is not voting on this, but as the County is looking at these projects, there is a lot more money involved than just what the County puts in. These are still tax dollars even though they may be from another source.)

Item No. 7.12. VDoT, Albemarle County Monthly Report, December 2010, **was received for information.**

- Agenda Item No. 8. **Public Hearing: 10-03() – Agricultural and Forestal Districts –** Ordinance to amend Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code, to add lands to certain districts and to make corrections to certain district ordinances to identify all those tax map parcels within the districts, as specified below:
- a) **AFD-2010-0009. Blue Run AFD – District Additions.** The proposed ordinance would amend Section 3-208, Blue Run Agricultural and Forestal District, to add TMPs 50-41A, 50-41Q, 50-42A and 50-43 to the district and to identify TMPs 35-26B1, 49-24A and 49-24B as being in the district (these parcels were created from parcels already in the district).
 - b) **AFD-2010-0018. Buck’s Elbow Mountain AFD – District Additions.** The proposed ordinance would amend Section 3-209.5, Buck’s Elbow Mountain Agricultural and Forestal District, to add TMP 39-21Z to the district.
 - c) **AFD-2010-0015. Fox Mountain AFD – District Additions.** The proposed ordinance would amend Section 3-212.5, Fox Mountain Agricultural and Forestal District, to add TMP 14-26B to the district.
 - d) **AFD-2010-0013. Hardware AFD – District Additions.** The proposed ordinance would amend Section 3-214, Hardware Agricultural and Forestal District, to add TMPs 86-16 and 86-16H to the district.
 - e) **AFD-2010-0012. High Mowing AFD – District Review.** The proposed ordinance would amend Section 3-216, High Mowing Agricultural and Forestal District, to continue the district for all parcels identified in the ordinance, and set the next district review deadline date of December 1, 2020. It would also remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance.
 - f) **AFD-2010-0014. Keswick AFD – District Additions.** The proposed ordinance would amend Section 3-219, Keswick Agricultural and Forestal District, to add TMPs 65-31C1, 65-31C3, 65-31D and 65-32 to the district, to identify TMP 80-2C as being in the district (this parcel was created from a parcel already in the district), and to remove the reference to TMP 64-8 (whose land was added to TMP 64-8A in the district).
 - g) **AFD-2010-0011. South Garden AFD – District Additions.** The proposed ordinance would amend Section 3-225.5, South Garden Agricultural and Forestal District, to add TMPs 99-102 and 110-10 to the district and to identify TMP 119-2 as being in the district (this parcel was created from a parcel already in the district).
 - h) **AFD-2010-0017. Sugar Hollow AFD – District Additions.** The proposed ordinance would amend Section 3-226, Sugar Hollow Agricultural and Forestal District, to add TMPs 26-14F and 26-14H to the district, and to delete TMP 40-12B1 from the district (this parcel was previously withdrawn but inadvertently left in the ordinance). (*Advertised in the Daily Progress on November 15 and November 22, 2010.*)

Mr. Wayne Cilimberg, Director of Planning, summarized the following executive summary:

“Having land within an Agricultural and Forestal District (“AFD”) is one of three ways in which a landowner may satisfy one of the prerequisites for making land eligible for land use valuation as open space under Virginia law. As a result of the County’s land use taxation revalidation process that took place last year, many landowners have applied to place their lands within an AFD. These applications would add parcels to the Blue Run, Buck’s Elbow Mountain, Fox Mountain, Hardware, Keswick, South Garden and Sugar Hollow AFDs, and would add in the aggregate over 472 acres to the County’s AFD program. Corrections are simultaneously being proposed to the Blue Run, Keswick, South Garden and Sugar Hollow AFD descriptions to identify all those tax map parcels within the districts.

In addition, the High Mowing AFD, which was created in 1991 and currently includes seven parcels and 661.141 acres, is undergoing its periodic ten-year review. This AFD is located south of Batesville and is roughly bound by Plank Road along the west, Heartwood Road along the south, and Stillhouse Creek Road along the east. Virginia Code § 15.2-4311 requires the periodic review of districts to determine whether they should continue, be modified, or be terminated unless the Board determines that review is unnecessary. During the review process, land within the District may be withdrawn at the owner’s request by filing a written notice with the Board any time before the Board acts on the review. As of the submission of this executive summary, a request for withdrawal has been received for TMP 85-33B and 85-39A1. The withdrawal of these two parcels, totaling 215.33 acres, would reduce the acreage in the district to 445.811.

He explained that the concern of the property owner was continuing the district for another 10 years and concerns for how their children might manage the property in the future; he said that the district has conservation easements overlapping in several locations.

Virginia Code §§ 15.2-4309 (additions to AFDs) and 15.2-4311 (review of AFDs) require that the Board conduct public hearings on proposed additions to and reviews of AFDs. In addition, those sections require that these actions be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission have reviewed all of these AFDs and recommended approval of the proposed actions.

After conducting public hearings on the AFDs, which may be consolidated, staff recommends that the Board adopt the attached ordinance, which will continue the High Mowing AFD for an additional 10-year period and establish the next review period, revise the parcels with the High Mowing AFD, authorize the addition of parcels to the Blue Run, Buck's Elbow Mountain, Fox Mountain, Hardware, Keswick, South Garden and Sugar Hollow AFDs and revise the parcels identified within those districts.

Mr. Rooker said that it would be helpful to have a map of the County that shows where the districts and additions lie in the County. Mr. Cilimberg said staff could do that.

Mr. Boyd asked if some properties were being removed and put into land use taxation. Mr. Cilimberg responded that it does not happen automatically, but they are eligible to apply for land use.

Mr. Davis said that some of these properties could qualify without being in ag/forestal districts, but the reason a lot of people entered the districts was to qualify for open space category.

Mr. Boyd stated that he would like to know if people are putting their land in ag/forestal districts just to be on a cheaper tax roll, because that is a budget impact, and it is information he would like to have.

Mr. Cilimberg responded that it would not be information that could be garnered from Real Estate, as they do not really know until it actually happens.

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

Motion was offered by Mr. Rooker, **seconded** by Mr. Snow, to adopt Ordinance No. 10-03(3), An Ordinance To Amend and Reordain Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts of the Code of the County of Albemarle, Virginia. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Mallek commented that Albemarle has been successful in reaching out to other counties for support in changes before the legislature on the ag/forestal district process. She thanked staff for their work in moving that process forward.

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

ORDINANCE NO. 10-03(3)

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

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

By Amending:

Sec. 3-208 Blue Run Agricultural and Forestal District.
Sec. 3-209.5 Buck's Elbow Mountain Agricultural and Forestal District.
Sec. 3-212.5 Fox Mountain Agricultural and Forestal District.
Sec. 3-214 Hardware Agricultural and Forestal District.
Sec. 3-216 High Mowing Agricultural and Forestal District.
Sec. 3-219 Keswick Agricultural and Forestal District.
Sec. 3-225.5 South Garden Agricultural and Forestal District.
Sec. 3-226 Sugar Hollow Agricultural and Forestal District.

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

DIVISION 2. DISTRICTS

Sec. 3-208 Blue Run Agricultural and Forestal District.

The district known as the "Blue Run Agricultural and Forestal District" consists of the following described properties: Tax map 35, parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 41A, 41E, 43; tax map 36, parcels 6A, 9, 20; tax map 49, parcels 4A1, 4A5, 24, 24A, 24B; tax map 50, parcels 5, 5B, 32A, 41A, 41Q, 42A, 43, 45B, 47, 47A, 47B; tax map 51, parcel 13. This district, created on June 18, 1986 for not more than 8 years, since amended at its last review on July 10, 2002 to continue for not more than 10 years, shall next be reviewed prior to July 10, 2012.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09)

Sec. 3-209.5 Buck's Elbow Mountain Agricultural and Forestal District.

The district known as the "Buck's Elbow Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 25, parcel 1; tax map 38, parcels 4, 7, 8, 10, 20; tax map 39, parcels 1, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21Z. This district, created on December 2, 2009 for not more than 10 years, shall next be reviewed prior to December 2, 2019.

(Ord. 09-3(4), 12-2-09)

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

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

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

Sec. 3-214 Hardware Agricultural and Forestal District.

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

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

Sec. 3-216 High Mowing Agricultural and Forestal District.

The district known as the "High Mowing Agricultural and Forestal District" consists of the following described properties: Tax map 84, parcel 69A; tax map 85, parcels 39, 39H, 41A, 41A1. This district, created on January 16, 1991 for not more than 10 years and last reviewed on December 1, 2010, shall next be reviewed prior to December 1, 2020.

(Code 1988, § 2.1-4(t); Ord. 98-A(1), 8-5-98; Ord. 01-3(1), 6-20-01; Ord. 09-3(4), 12-2-09)

Sec. 3-219 Keswick Agricultural and Forestal District.

The district known as the "Keswick Agricultural and Forestal District" consists of the following described properties: Tax map 48, parcels 30, 30A, 30B, 30C, 30D, 30E; tax map 63, parcels 39, 39A, 39B, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14; tax map 65, parcels 13, 31C1, 31C3, 31D, 32; tax map 79, parcel 46; tax map 80, parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 182A, 183, 183A, 190, 192, 194; tax map 81, parcels 1, 8A, 15A6, 15B, 63. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 3, 2004, shall next be reviewed prior to November 3, 2014.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09)

Sec. 3-225.5 South Garden Agricultural and Forestal District.

The district known as the "South Garden Agricultural and Forestal District" consists of the following described properties: Tax map 99, parcels 35, 102; tax map 109, parcel 70; tax map 110, parcels 8, 10, 18, 18E, 27; tax map 119, parcel 2. This district, created on October 6, 1999 for not more than 7 years, since amended at its last review on October 4, 2006 to continue for not more than 10 years, shall next be reviewed prior to October 4, 2016.

(Ord. 99-3(5), 10-6-99; Ord. 06-3(1), 10-4-06; Ord. 09-3(4), 12-2-09)

Sec. 3-226 Sugar Hollow Agricultural and Forestal District.

The district known as the "Sugar Hollow Agricultural and Forestal District" consists of the following described properties: Tax map 25, parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28; tax map 26, parcels 5A, 10, 10B, 10D, 10F, 11C, 11D, 12A, 13, 14F, 14H, 19, 40B, 40C, 41A, 52, 52D; tax map 27, parcels 8, 8E (part), 24A, 25, 26; tax map 39, parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A; tax map 40, parcels 1, 9, 9C, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49. This district, created on September 6, 1989 for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(11-17-93; Code 1988, § 2.1-4(q); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09)

This ordinance shall be effective immediately.

Agenda Item No. 9. **Public Hearing:** To consider granting an easement to Central Telephone Company of Virginia, d/b/a CenturyLink, across property owned by the County known as Boulder's Road located on Tax Map Parcel 03200-00-00-00503 necessary for the installation and maintenance of underground cables across Boulder's Road. (*Advertised in the Daily Progress on November 15 and November 22, 2010.*)

Mr. Tucker summarized the following executive summary:

Central Telephone Company of Virginia, doing business as CenturyLink, has requested that the County grant a 10-foot wide easement across Boulders Road, a public right-of-way owned by the County (TMP 03200-00-00-005C3), in the general location shown on the attached illustration (Attachment B). The proposed deed of easement (Attachment A) would allow CenturyLink to install and maintain underground cables and related facilities or structures within the easement area, and would also grant CenturyLink the right of ingress and egress to the easement area. Boulders Road is not in the secondary system of state highways.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveyance of any interest in County-owned real property. Staff prepared the proposed deed of easement. Century Link must submit a plat depicting the exact location and dimensions of the easement.

The proposed deed is based on the deed form used for easements within County-owned rights-of-way that are not in the secondary system of state highways, and it includes provisions that will assure that the grant of the easement will not prevent Boulders Road from being accepted into the secondary system.

There is no budget impact to the County.

Mr. Tucker said staff recommends that, after receiving public comment, the Board approve the proposed easement and authorize the County Executive to sign the deed of easement on behalf of the County after the deed has been approved in substance and in form by the County Attorney with any necessary changes and a recordable plat has been received from Century Link depicting the easement.

At this time, the Chair opened the public hearing. No one came forward to speak, so the public hearing was closed and the matter was placed before the Board.

Mr. Boyd offered **motion** to approve, by a vote of 6:0, the proposed easement and authorize the County Executive to sign the deed of easement on behalf of the County after the deed has been approved in substance and in form by the County Attorney with any necessary changes and a recordable plat has been received from CenturyLink depicting the easement. Mr. Thomas **seconded** the motion.

Mr. Davis commented that minor adjustments may need to be made to the documents after the fact but it will be substantially the same as what is before the Board.

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

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

NAYS: None

(Note: The deed of easement, as approved, is set out in full below.)

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Tax Map and Parcel Number 03200-00-00-005C3 (Boulders Road right-of-way)

This deed is exempt from taxation under Virginia Code § 58.1-811(C)(4).

DEED OF EASEMENT

THIS DEED OF EASEMENT, is made and entered into on this _____ day of _____, 2010, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantor, hereinafter referred to as the "County," and **CENTRAL TELEPHONE COMPANY OF VIRGINIA**, doing business as **CENTURYLINK**, whose address is 100 Century Link Drive, Monroe, Louisiana, 71203, Grantee, hereinafter referred to as "CenturyLink."

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, the County does hereby GRANT and CONVEY with SPECIAL WARRANTY to CenturyLink, subject to the terms and conditions set forth herein, a permanent easement and right-of-way (hereinafter, the "Easement") to install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures as are reasonably necessary for CenturyLink to exercise the rights granted to it herein, upon, over, through, under and along the real property of the County known as Boulders Road and identified in the tax records of the County as Tax Map and Parcel Number 00320-00-00-005C3, in Albemarle County, Virginia, and more particularly described as follows:

A permanent easement in the public right-of-way known as Boulders Road in Albemarle County, Virginia, as shown on the plat of _____, dated _____, entitled "Plat Showing New 10' Underground Cable Easement to be Conveyed to CenturyLink" (hereinafter referred to as the "Plat").

Reference is made to the Plat, a copy of which is attached hereto to be recorded herewith, for the exact location and dimensions of the permanent easement hereby granted and the property over which the Easement crosses.

This Easement shall be subject to the following:

1. Location of Improvements. CenturyLink may install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures (hereinafter, the "Improvements") only within the Easement. The Improvements shall be underground.

2. Right to Enter; Ingress and Egress. CenturyLink shall have the right to enter upon the Easement for the purposes of installing, constructing, operating, maintaining, expanding, replacing and removing the Improvements within the Easement. CenturyLink shall have the right of ingress and egress thereto as reasonably necessary to install, construct, operate, maintain, expand, replace and remove the Improvements.

3. Excavation and Restoration. Whenever it is necessary to excavate earth within the Easement, CenturyLink shall backfill the excavation in a timely, proper and workmanlike manner so as to restore the surface conditions to the same condition as they were prior to excavation, including restoration of all paved surfaces that were damaged or disturbed as part of the excavation.

4. Vegetation and Obstructions. CenturyLink may cut any trees, brush and shrubbery, remove obstructions, and take other similar action reasonably necessary to provide for safe installation, construction, operation, maintenance, expansion, replacement and removal of the Improvements. CenturyLink shall not be responsible to the County or its successors and assigns, to replace or reimburse the cost of replacing or repairing any County-owned trees, brush, shrubbery or obstructions that are removed or otherwise damaged if such vegetation or obstructions prevent CenturyLink from installing, constructing, operating, maintaining, expanding, replacing or removing the Improvements.

5. Ownership of Improvements. The Improvements shall be the property of CenturyLink.

6. Obligations of CenturyLink if and when Boulders Road is Proposed for Acceptance or is Accepted into the State-Maintained System. If and when the segment of Boulders Road in which the Easement lies is proposed for acceptance or is accepted into the state-maintained or other publicly-maintained system of highways, CenturyLink shall comply with the following:

a. Permits. CenturyLink shall obtain all permits required by the Virginia Department of Transportation (hereinafter, "VDOT") or such other public entity that becomes responsible for the maintenance of Boulders Road (hereinafter, "such other public entity") to authorize the Improvements to exist or remain within the Boulders Road right-of-way (hereinafter, the "Permits") and shall comply with all applicable requirements of VDOT or such other public entity.

b. Acts Required of CenturyLink to Assure Acceptance of Boulders Road into the State-Maintained System. Until CenturyLink quitclaims its interest in the Easement to VDOT, such other public entity, or the County as required in conjunction with the acceptance of Boulders Road into the state-maintained or other publicly-maintained system, CenturyLink, at its sole expense, shall, promptly alter, change, adjust, relocate or remove the Improvements from the Boulders Road right-of-way if VDOT or such other public entity determines that such alteration, change, adjustment, relocation or removal is required in order for VDOT or such other public entity to accept Boulders Road into the secondary system. Neither VDOT, such other public entity, nor the County shall be responsible or liable to CenturyLink or its successors or assigns for any costs associated with such alteration, change, adjustment, relocation or removal of the then-existing Improvements. In addition, neither VDOT, such other public entity, nor the County shall be obligated to compensate or reimburse CenturyLink or its successors or assigns for any increased or decreased cost or value associated with either the Improvements or Boulders Road resulting from such alteration, change, adjustment, relocation or removal.

c. Continuing Obligations of CenturyLink to the County. After VDOT or such other public entity has issued the required Permits, CenturyLink shall be subject to the following conditions,

notwithstanding any quitclaim of its interests to VDOT or such other public entity, and these conditions shall be continuing obligations of CenturyLink:

1. CenturyLink, to the extent authorized by law, shall at all times indemnify and save harmless the County, its employees, agents, officers, assigns, and successors in interest from any claim whatsoever arising from CenturyLink's exercise of rights or privileges stated herein.

2. In the event that the County or such other public entity becomes responsible for the maintenance of Boulders Road and the County or such other public entity requires, for its purposes, that CenturyLink alter, change, adjust, or relocate the Improvements, across or under Boulders Road, the cost to alter, change, adjust, or relocate the Improvements shall be the sole responsibility of CenturyLink. Neither the County nor such other public entity shall be responsible or liable to CenturyLink or its successors or assigns for any costs associated with altering, changing, adjusting or relocating the then-existing Improvements as may be required herein. In addition, neither the County nor such other public entity shall be obligated to compensate or reimburse CenturyLink or its successors or assigns for any increased or decreased cost or value associated with either the Improvements resulting from such alteration, change, adjustment or relocation. The requirements of this paragraph 6(c)(2) shall not apply if VDOT, such other public entity, or the County is either required by law to pay for such costs or is authorized and elects to pay for such costs.

The County, acting by and through its County Executive, duly authorized by action of the Albemarle County Board of Supervisors on December 1, 2010, does hereby convey the interest in real estate made by this deed.

By its acceptance and recordation of this Deed of Easement, CenturyLink acknowledges that it, its successors and assigns, shall be bound by the terms herein.

WITNESS the following signatures.

GRANTOR:

COUNTY OF ALBEMARLE, VIRGINIA

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

GRANTEE:

**CENTRAL TELEPHONE COMPANY OF VIRGINIA, doing
business as CENTURYLINK**

By: _____
Name: _____
Title: _____

Agenda Item No. 10. Mental Health & Wellness Coalition.

Region Ten Executive Director, Mr. Robert Johnson said that Erica Vicellia – Executive Director of the Free Clinic – has done a fantastic job as Chairman of the Mental Health & Wellness Coalition Steering Committee. He stated that Ms. Vicellia was supposed to lead this presentation but was unable to attend the meeting. Present today is Ms. Karen Rifkin, Coordinator of Research Evaluation and Grants, for Region Ten, who will tag team with him on this presentation. He reported that the Coalition was an offshoot of the Mobilizing for Action through Planning and Partnership (MAPP) Committee, which was chaired by Dr. Lillian Peake of the Health Department and included many partners working for better analysis of health outcomes – especially in areas like obesity and infant mortality.

Mr. Johnson reported that two of the goals that came out of MAPP were improving mental health and ensuring access to quality mental health services, and reducing substance abuse to protect health, safety, and quality of life for all. He stated that when MAPP ended he offered to chair the Coalition, which began meeting and set goals of integrating access to physical and mental health services, and creating a data repository to foster electronic information-sharing.

Mr. Johnson said there were a number of changes that took place in October 2009 with the economic downturn. Many of the agencies experienced significant budget cuts, with Region Ten having to lay off approximately 20 positions over a two-year period (beginning in 2007). He stated that because of these budget limitations, Region Ten had to focus on people with mental illness, substance addiction, or intellectual disabilities. He said that Region Ten could no longer provide psychiatric care for those with "moderate mental health issues," which created an outcry in the community. Mr. Johnson said that this prompted agencies to begin meeting in November 2009 and they eventually formed the Coalition.

He reported that the Coalition felt that a priority was identifying gaps in services and quickly agreed that an adult system of care was needed, similar to what has been created with the Commission on Children and Families. Mr. Johnson said that the theme of their work became "from aimless to seamless," as there had not previously been a strong network and partnership among agencies.

He stated that after meeting formally in December 2009, the Coalition broadened their membership to include people from the local justice and mental health work group, members from the reentry subcommittee and any other service agency in the midst of the behavior health crisis. Mr. Johnson said that the group wanted to create a gap analysis, compose a white paper documenting the needs of the community, and analyze barriers to service.

He reported that the Coalition agreed to address the lack of capacity in provision of psychiatric service for adults with moderate mental health issues. Mr. Johnson said that the group divided into subcommittees – the steering committee; the research/technology/evaluation committee; a resource committee; and a service provision committee – and agreed not to finger-point in the process. He stated that he found this refreshing and the group has already developed an inter-agency referral sheet (to allow them to know where people are within the system), clarified eligibility requirements at all of the agencies supervising mental health and substance abuse services, and hosting a forum last February that showcased the coalition to the general public. Mr. Johnson said that the group has also conducted a point in time survey and gap analysis around mental health in the community.

Ms. Rifkin said that the Coalition began with a discussion by agencies of what they saw as the three most salient points they have felt in the last year about the increased need for mental health services – which culminated in identifying a gap in services for those with moderate mental health issues. In preparation for the forum, they did a point in time survey to note how many people in a two-week period agencies were seeing who needed mental health and the needs of that population. They found that just one provider – University Medical Associates – saw 112 persons they felt had serious mental illness during that period. The Probation and Parole Office saw between 20-50 people; the Offender Aid and Restoration Program saw between 0-20; and the most needed services were found to be case management services, and psychiatric evaluation/medication services. She stated that UMA also saw 147 persons that had moderate mental health issues; Probation and Parole saw 50-80; OAR saw between 6-20; and the Free Clinic saw between 21-30. Ms. Rifkin said that Mr. Steve Stern, from the University of Virginia, conducted a gap analysis and found that locally there are 26,318 people over the age of 18 with “mental health problems,” with the definition area encompassing Planning District Ten. This information was presented at the forum for the public to respond with their ideas and suggestions.

Mr. Johnson said that the Coalition has allowed separate groups to be combined and to work together under its umbrella. The Coalition also felt a coordinator was needed in order to hold the effort together. A new development with the Coalition was the sudden acquisition of funding from the Aids Services Group that allowed them to hire a part-time coordinator in early January or February. He also mentioned that Ms. Vicellia has applied to United Way for funding to bring on a consultant to help review the mission and goals of the Coalition for the next three years.

Mr. Johnson said that there are currently 15-18 organizations involved with the Coalition and they want to make sure that the road they travel fits in with the needs of the community. Their vision statement generated from the group’s retreat is “healthy minds, healthy communities.” He added that the Coalition is working with IMPACT, as mental health was chosen as their top priority for the coming year. They are hoping to create a network of care for this segment of the community.

Mr. Thomas mentioned that he and Mr. Boyd attended the forum last January, and left with some good ideas and thoughts. He was surprised to hear the statement that the only place a person could get mental health help was in the jail system. Mr. Johnson responded that that statement is not accurate, but unfortunately it has turned out to be one of the primary sources for mental health care – a problem both statewide and nationwide. He added that there is a good mental health program set up at the regional jail here, but the reality is not all of the jails have those types of resources.

Mr. Johnson stated that one of the main issues is that people who are released from jail and have moderate mental health issues and perhaps medications cannot be followed up with psychiatric care. He said that there is a volunteer psychiatrist at Region Ten who provides a few hours a week but that coverage is not fully resolved at this point.

Mr. Thomas asked if that is part of the reentry program. Mr. Johnson responded that the activity is not part of the reentry program – although the reentry steering committee is connected with the Coalition.

Mr. Thomas asked how the reentry program is going. Mr. Johnson said Ms. Pat Smith, from OAR, would be able to speak to that. His understanding is that the program is going well.

Mr. Rooker commented that several years ago the Board received a presentation from law enforcement on helping to divert mental health patients so that they do not end up incarcerated. Mr. Johnson mentioned that it is the CIT program that addresses that issue.

Ms. Mallek asked about the emergency beds that are available to people who would otherwise have to go to jail. Mr. Johnson said that the bed demand at the Wellness Recovery Center remains quite high, and two new beds have been set aside for discharges from Western State Hospital.

Mr. Boyd noted that the percentage of the population identified as having some form of mental illness is staggering. Ms. Rifkin clarified that the percentage is 15.2.

Mr. Dorrier added that a lot of those people also have substance abuse and alcohol problems.

Mr. Johnson said that a significant portion of that number is co-occurring, mental health, substance abuse, with the substance abuse often triggering the mental health issues. He stated that nationally there are 23 million people who have been diagnosed with substance-use disorders, and only about 10 percent of those get the services they need.

Mr. Rooker asked if they are using similar software systems and if data could be shared between agencies in the Coalition. Mr. Johnson responded that they would like to get to that point, but currently the agencies are using different software – with some more sophisticated than others. He said that the point-in-time surveys and gap analysis would help in that regard.

Ms. Mallek commented that the gap analysis information is important for budget purposes and to know where missing links are. Mr. Johnson concurred.

Ms. Rifkin stated that Region Ten has historically submitted outcome and demographic data to the State every month, and then the State publishes outcome information along with demographic information. She said that through the years, Region Ten has done various outcome measures, but it has only been in the last two years – with the advent of the new electronic health record – that an effort has been made to formalize an outcome structure to be followed each quarter.

Ms. Rifkin stated that they have also been conducting a stakeholder survey since 2005, done each year and distributed to local agency, along with State surveys now collected in-house – using federal SAMSA (Substance Abuse Mental Health Services Administration) outcome measures and looking at that data quarterly and annually.

She then presented information from last year's stakeholder survey, noting that it is divided into three sections – staff behavior, provision of information, and overall Region Ten measures. Ms. Rifkin reported that 88% of stakeholders agree that the staff is "courteous, helpful and/or professional," but provision of information is not ranked as highly (which is being worked on with their quality improvement and training departments); 72% of stakeholders agree that Region Ten provides a caring environment, with 81% stating that they would recommend the agency to a friend or family. She added that they are also working with the UVA Masters in Public Health program to trend this data and put it into a software program to keep track of it over the years.

Ms. Rifkin said that Region Ten worked with Gretchen Ellis, Director of the Commission on Children and Families, to choose some outcome information for Charlottesville/Albemarle, especially for budget committees. One of the first items is an efficiency measure addressing the length of time between their first appointment with Region Ten and their first treatment appointment. She reported that 91% of all individuals are seen for their first treatment appointment within one week, with 76% seen within three days of their access appointment – which are indicators being tracked historically.

Ms. Rifkin said that the second outcome addresses persons with serious mental illness and 95% of persons that have serious mental illness who began and ended mental health treatment maintained or increased their global assessment functioning score throughout their tenure at Region Ten. The global assessment functioning score is an overall measure of how a person is doing in the community.

She added that 100% of individuals maintained or increased their number of social contacts within the last thirty days, which is an indicator of a person's mental health. Ms. Rifkin noted that substance abuse indicators would be analyzed in January and July. One program to be highlighted is the assessment and diagnostic center – used with children locally so they do not have to go to a residential facility; the cost difference is \$12,000 for residential and \$4,000 for the community-based assessment and treatment. She stated that this year they provided 32 assessments and only one child had to move into a congregate care setting. They will be adding more indicators to their outcome list as they continue with their research and assistance of UVA's Masters and Public Health Program. Ms. Rifkin stated that she has also included information on demographics about persons who were served at Region Ten from Albemarle County. Lastly, she has included information on the units provided by program type and the number of people served by program type and the cost of those services, delineated by each County served. For example, they provided 1,594 units of crisis service to 424 people in Albemarle and that service cost \$324,000.

Mr. Rooker asked how the units of service are measured. Mr. Johnson explained that a unit is measured by Medicaid as 1.0-2.99 hours, with anything over 4.99 being three units, for day support.

Mr. Rooker asked if some of Region Ten's funds are paid to outside contractors, such as health service providers. Mr. Johnson responded that the majority of the budget is funds or resources coming in, and the amount of budget spent on staffing is about 80% staff salaries – with most of the budget spent on programs at Region Ten. They have about 65 programs across Region Ten.

Ms. Mallek asked if most of the 80% is for program staff and what is the percentage of administration staff; people who do not have patient contact. Mr. Johnson said he would have to get that information.

Ms. Mallek asked about the outcome and improvement for people who are continuing in the long term program. Ms. Rifkin said that information will be forthcoming and included in the future.

Mr. Dorrier asked about the difference in expenditures on City residents versus County residents, with \$15 million spent in the City and \$7 million spent in the County. Ms. Rifkin responded that in Albemarle there are 2,027 clients, with 3,200 in Charlottesville, going by the resident code. She is not sure the exact reason for that difference in money spent.

Mr. Rooker asked if there are overlaps in clients served, i.e., are people in day support also showing up under emergency services. Ms. Rifkin responded, "yes". She added that Region Ten serves approximately 6,000 people across all services.

Agenda Item No. 10. ECC's functions and Emergency Preparedness.

Mr. Tom Hanson, Executive Director of the Emergency Communication Center, said that present with him today is Ms. Marge Thomas, Emergency Management Coordinator for the region, Kathy Ralston, Social Services Director, John Parrent, Acting Police Chief, and Dan Eggleston, Chief of Fire and Rescue. Mr. Hanson said that the ECC started in January 1984 in an effort to provide better communications between the three police departments, which all had different dispatch systems. He said that there was a study conducted on bringing 911 into the community, so it made more sense to bring a single 911 system into a joint dispatch center, which was later named the Emergency Communications Center.

In 1984, the jurisdictions signed an operational agreement and a management board consisting of eight members (now 10) was established – comprised of the County Executive, City Manager, Executive Vice President of UVA, three police chiefs, two fire chiefs, one other person appointed by UVA, and a representative of the volunteer fire and rescue organizations.

Mr. Hanson explained that the board hired an Executive Director to run the center with responsibility for handling the day to day operations, development of policies and procedures, budget, and hiring/firing of staff as well as training and development. He said that a quorum of the board is set up so it is a simple majority of members, with at least six present and at least one member from each of the jurisdictions must be present in order to conduct business. Mr. Hanson stated that the Board meets quarterly and the agenda is set by the Chairman and the Executive Director. The chairmanship rotates annually between the three executives, and this year the Chair is Mr. Leonard Sandridge. He added that this year the Vice-Chair is from the City and the Secretary is from the County, rotating each July. Mr. Hanson explained that the County Attorney's office represents the ECC as its legal counsel and attends all board meetings, as well as working with them on a daily basis on specific issues.

In March 1989, the ECC was expanded to include three volunteer rescue squads that had separate dispatch centers. The Communications Center then became a Police and EMS dispatch center. In 2005 the Center took over County fire dispatching and in 2007 they assumed City dispatching also. The ECC now handles everything for police, fire and rescue, for the City, County and University.

Mr. Hanson stated that the Center has reached national accreditation through CALEA (Commission on Accreditation for Law Enforcement Agencies) and just received reaccreditation through 2012, becoming one of only six out of 118 in the state that has the national accreditation – with only about 70 in the U.S.

Mr. Hanson mentioned that in 2008 they received accreditation as an EMS agency through the Virginia Department of Health and EMS, which means the Center is accredited to give pre-arrival instructions over the telephone and 100% of staff members are trained to do so. Yesterday they were notified that they have been reaccredited for three more years.

He reported that the ECC processes approximately 400,000 calls annually, including incoming and outgoing, which is considered a moderate-size communications center in the State; 69% of emergency calls are from wireless phones, due in part to people giving up their land lines at home. Mr. Hanson stated that last year the Center dispatched 129,700 Police calls (City, County and University); 15,000 EMS calls (City, County, University), and 11,000 fire calls (County and City).

Ms. Mallek asked if personnel are able to locate wireless callers in the same way they could with a land line. Mr. Hanson responded that they can to some degree as the ECC is a Phase II Compliance Center, which means they get the longitude and latitude of the call when a dispatcher answers – and people can be located within 167 meters and can be plotted every 30 seconds if a caller is driving in their car. The technology is evolving and getting better every year.

Mr. Hanson reported that there are 50 staff members in the ECC, 40 of which are Communications Officers or Supervisors within the actual Center; four members are IT staff that handle the Center's computer needs but also the software programs that are jointly done with the City and County Police Departments or public safety agencies, records management for the Police Department, records management for the Fire services, and some items for the Regional Jail.

Mr. Hanson said that there are six administrative staff members. Communications staff works a 12-hour rotating shifts, two daylight platoons, two for midnight, and two power shifts that work 3 p.m. to 3 a.m. when needed. He stated that this year's ECC budget is approximately \$5.0 million, with Albemarle County being the biggest user – paying 44.3%, and the City comprising 37.6%, UVA using 13.1%, and 5% for other agencies. The ECC Center receives just over \$500,000 each year from the State Wireless Board based on the number of wireless phones in the City and County. He said that the County is the fiscal agent; the Center pays the County a 2% administrative fee to handle payroll and project costs.

Mr. Rooker asked why there might be so many more emergency calls proportionately from the City than from the County. Mr. Hanson responded he is not sure but that there are several cost centers

that are divided into shares for County and City and University, and a lot of it is based on the number of users.

Mr. Thomas asked if City fire trucks that run into the County are put into the City or County numbers. Mr. Hanson said if they dispatch it as a City call, they count it as a City call and if they dispatch it as a County call from the City, it is counted as a County call. It is where the service is provided.

Mr. Hanson stated that the ECC Center provides 911 call answering, law enforcement dispatch, fire and rescue dispatch, and manages the 800 MHz radio system for the jurisdictions, the emergency management operation, planning, training, the CERT program, public awareness, and exercises the regional emergency operations plan.

Ms. Mallek asked if the ECC is involved in hospital transfers, as a large number of those are done by volunteers. Mr. Hanson responded that the ECC works closely with the hospitals for emergency transports; inter-hospital transfers are done with UVA ambulances or private hospital transport.

Ms. Marge Thomas said that she administers grants such as the recent Homeland Security and Community Emergency Response Team grants. Ms. Thomas stated that some of the grants focus on training people to be better prepared for themselves, their families, and their neighborhoods. She said that she is the Emergency Management Coordinator, and the emergency management cycle is constantly ongoing with preparedness, response to disaster, and recovery comprising this cycle. She noted that recovery is the longest facet of the cycle, such as post-hurricane recovery and mitigation. She presented a picture of a Level One EOC activation, in a conference room of the Center. She added that if other members of the EOC are activated they must move to larger quarters such as Zehmer Hall at UVA. Ms. Thomas said that in that room were several additional players in that room, such as the Health Department, Social Services, Public Information, and others contributing to help solve problems.

Ms. Thomas noted that EOC works to solve the problems that do not commonly come up every day, such as the snowfalls. She explained that with the snowstorm, the Center received lots of calls from hotels that had run out of food because they had not anticipated being at capacity. Ms. Thomas said that the EOC addressed the problem, and the issue of people being stranded in their vehicles. She stated that those who met at the Center decided that the community shelter would be opened up at the Aquatics Fitness Center at UVA.

Ms. Thomas mentioned that there was an average of 20.5 inches of snow across the County, varying by location, which was the deepest December snow since the McCormick Observatory has been keeping records – and the fourth deepest snowfall event overall. She presented pictures of the shelter, including cots and the Red Cross sign, noting that in Virginia the Department of Social Services is responsible for running the shelter – although they do have support from the Health District, the Red Cross, the Sheriff's Departments, and in this case facilities staff from UVA. During this snowstorm, there were 104 people registered at the Aquatics and Fitness Center; this number did not include the people at other places such as North Garden Fire Station. In addition Albemarle County turned to the Charlottesville Department of Social Services to handle some of the shifts. Ms. Thomas reported that as the days progressed, more people were able to leave the shelter and only a few remained by the last day or so. Each day as they got together they discussed their objectives and how to go about achieving those objectives. She said that during the first 48 hours of the storm, Albemarle County Fire and Rescue received 113 calls for service – and together with the City Fire Department and the EOC worked the calls to solve those problems in a unified and coordinated fashion. Ms. Thomas said that there were people in their homes who needed dialysis, or to get home, or were out on the road without cell phones. They also used resources from the National Guard to check roads to make sure no one was stuck somewhere.

She reported that during the first 48 hours, there were 495 calls to Albemarle County Police for service. The cost involved with the storm included 689 hours of overtime with 77 officers involved in the responses – in excess of \$25,000 for overtime; \$8,000 damage to Police vehicles and \$2,500 in towing charges. Ms. Thomas added that Route 29 shut down for almost 12 hours. She said that the EOC was closed on the Tuesday after the storm, and she went home.

Mr. Hanson thanked the Board for allowing them to share information and invited Board members to visit the EOC facility, emphasizing the importance of the coordination between the agencies and partners in the Center.

Ms. Mallek asked about the timeframe for the combined fire and rescue dispatch. Mr. Hanson said the infrastructure has been completed, has been tested and is ready to go. They need to make some internal changes and are waiting for the pagers to be delivered to the fire departments. A specific date will be set when the equipment is delivered.

Mr. Snow asked how much food and medical supplies are set outside for major emergencies. Mr. Hanson said that the Red Cross handles all of that. They do have things such as cots and blankets, but they call the Red Cross who then supplies them to the centers.

Agenda Item No. 12. Clifton Lake PRD – Request to set public hearing to amend the Albemarle County Service Authority jurisdictional area boundary to provide water service to Tax Map 79, Parcel 23 and Tax Map 79C, Parcel 1, located approx 2,100 feet southwest of the intersection of Rt 250 and Shadwell Road.

Mr. David Benish, Chief of Planning, summarized the following executive summary which was forwarded to Board members:

The executive summary states that the applicant is requesting Albemarle County Service Authority (“ACSA”) Jurisdictional Area designation for public water to serve a proposed 39-lot Planned Residential Development (PRD) approved by the Board of Supervisors on January 18, 1978 (ZMA 77-24) (see Attachment A). The PRD is located south of the Shadwell Estates Subdivision and east of Clifton Inn. The site is designated Rural Areas in the County’s Comprehensive Plan and is located in the Scottsville Magisterial District. The original development proposal called for the use of a central water system to provide water service to all of the proposed lots except two, which were to be served by private wells. The Board’s 1978 rezoning approval included Condition #9, which states: “Final subdivision approval will be subject to the County engineer’s office approval of central water systems.” The applicant is now requesting public water service in lieu of a central water system or use of individual wells. Use of a central water system would require both the County Engineer’s and the Board’s approval. To date, the applicant has not submitted a central water system proposal to the County for review and approval.

In the immediate area, Clifton Inn is in the ACSA Jurisdictional Area for Water Only to Existing Structures, and Stone Robinson Elementary School is in the Jurisdictional Area for Water Only. Service was provided to the Clifton Inn because of a documented health and safety issue involving groundwater quantity, consistent with the County’s policies for extending water/sewer service to the designated Rural Areas. The designation does not permit service to any new structure on this parcel.

The Board recently approved an amendment to the ACSA Jurisdictional Area to allow public sewer service to the Whittington PRD located on Old Lynchburg Road. Like Clifton Lake, Whittington is a property zoned PRD in Rural Areas. While this similarity exists, staff opinion is that there are important distinctions between the Clifton Lake request and the Whittington request:

- Whittington is located immediately adjacent to Urban Area 5 and to existing similarly scaled developments (Mosby Mountain). The Board’s decision was based on the rationale that this area/developments along Old Lynchburg Road would likely be included in the designated Development Area with the update of the Comprehensive Plan, making it eligible in the near future for water and sewer service under the County’s utility policies. While the Clifton Lake subdivision abuts the Rivanna Village, expansion of the Village was considered during the recently adopted Village Master Plan (adopted 5/12/10) and was rejected during that Master Plan development process.
- When the Rivanna Village Master Plan was originally adopted as a new Development Area in the Comprehensive Plan, the Board directed that the water line to the Village only serve (and be sized to serve) the designated Village and the Stone Robinson Elementary School.
- The Whittington development was already designated in the ACSA Jurisdictional Area for water service when the sewer service designation was added. The Clifton Lake subdivision is not designated for either public water or sewer service.
- Providing sewer service to 90 approximately 40,000 square foot lots in the Whittington PRD avoided the necessity for 90 individual septic systems which would have created the potential for more undesirable and significant environmental impacts in the long term. The use of a central water system or individual wells on 39 lots in the Clifton PRD would not have significant environmental impacts.

The Comprehensive Plan provides the following recommendations concerning the provision of public water and sewer service:

“General Principle: Urban Areas, Communities, and Villages are to be served by public water and sewer (p. 114).”

“Provide water and sewer service only to areas within the ACSA Jurisdictional Areas (p. 130).”

“Follow the boundaries of the designated Development Areas in delineating Jurisdictional Areas (p.130).”

“Only allow changes in the Jurisdictional Areas outside of the designated Development Areas in cases where the property is: 1) adjacent to existing lines; and 2) public health and/or safety is in danger (p. 130).”

By policy, water and sewer services are intended to serve the designated Development Areas where growth is encouraged and are to be discouraged in the Rural Areas because utility services are a potential catalyst for growth. Water supply and system capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Areas to the public systems result in further extension of lines from the fringe of the existing Jurisdictional Area into the Rural Areas, potentially straining limited water resources and capacity.

There are no lots developed or platted on the subject parcels (only preliminary plat approval has been obtained to date) and there are otherwise no documented public health or safety issues regarding these parcels. Therefore, designating these parcels as part of the ACSA Jurisdictional Area for public water service would not be consistent with County policy. If there were to be any future documented health or safety issue with water quality or quantity in Clifton Lake, under the County's utility policies, a water service designation could be further considered at that time.

The prior zoning action in 1977 required the use of a central water system to serve most of the development. No proposal for a central water system has been submitted to the County by the applicant for review and approval; therefore there is no evidence that a central system cannot safely and appropriately serve the development. While current Comprehensive Plan policies also discourage the use of central systems in the Rural Areas except in cases where there is a health and safety issue, use of a central water system would be consistent with the existing PRD zoning of the property approved by the Board in 1977.

If the Board approves the request to amend the jurisdictional area for water service as requested by the applicant, the approval would be in conflict with Condition #9 of ZMA 77-24. Unless a central water system is provided, Condition #9 must be amended or deleted through a zoning map amendment.

The property owner would bear all of the costs for connection to public water service.

Mr. Benish said this request is not consistent with the principles, objectives, and strategies of the Comprehensive Plan for the provision of public water service. The applicant has provided no information that public health and safety is endangered if public water is not provided. Condition #9 of ZMA 77-24 requires the use a central water system. No proposal for a central water system has been submitted by the applicant for review and approval; therefore, there is no evidence that a central system cannot safely and appropriately serve the development. Based on this information, staff does not recommend approval of this request and recommends that the Board not proceed to public hearing.

Mr. Dorrier asked what the reasons are for not recommending it move forward. Mr. Benish responded that the property is in the designated rural area, and based on the work done with the Rivanna Master Plan there was no intention or expectation to expand that village. Staff tried to focus remaining and available capacities of water and sewer to designated development areas. At this time, there is no failure of water or contamination onsite.

Ms. Mallek asked if there is any plan application or if it is just the old 1978 file. Mr. Benish responded that he understands the applicant is pursuing subdivision of the property, which has been ongoing for several years. He does not know the exact status of the subdivision submittal process at this time.

Mr. Snow mentioned that the engineering report indicates that the type of soil there is conducive to contamination from the septic system to the water supply, and asked Mr. Benish his opinion.

Mr. Benish explained that soils have strengths and weaknesses based on certain characteristics. Many sites, including this general area, in the County are not optimal for either building or septic systems. He said that this part of the County has supported a fair amount of development on private systems, with some areas ultimately needing public service at the time of contamination. Most of the contamination in this area has been based primarily on gas leakages.

Ms. Mallek commented that one solution to the soil trickiness is to have lower density so there is further separation between the facilities.

Mr. Snow said that with the new TMDL measures, there has been concern about contaminants moving from septic systems into streams and the water supply. He asked if this is the type of property that would be conducive to that.

Mr. Benish responded that the soils are not optimal, but this is true of many areas of the County. He said that 95% of the County's land area is designated for private service, and they are all going to be given that soil strata that you are in. Some are going to be more susceptible than others. Staff has not perceived this particular soil as being a dangerous soil to avoid.

Mr. Rooker pointed out that Whittington already had water, and that is different from this application.

Mr. Benish noted that if contamination occurs then public service is made available, but it is seen as a last resort in the rural area because of the impact to overall capacity and growth management issues. If nearby properties fail, however, then it does meet the criteria and services could be provided.

Mr. Boyd said that he was confused at the requirement for this subdivision that it have a central water system instead of individual wells, and asked if that would be mandatory here. Mr. Benish stated that there would need to be amendment to that condition of zoning to allow for a service other than a central system.

Mr. Davis explained that condition #9 of the zoning approval is still applicable, so unless the zoning is amended on the property the applicant would have to provide a central water system. At the time, it was an important consideration because of the density of this PRD, and is not something in recent

approvals, staff would recommend. Staff normally only recommends approval of these type densities if they are in the jurisdictional areas that would be served by public water and sewer. He said that this is an anomaly.

Mr. Boyd asked if the applicant's option would be a central system if the Board does not approve this jurisdictional area request. Mr. Davis said that is correct.

Mr. Rooker asked if it was a condition or proffer to the permit. Mr. Davis responded that it was a condition at that time, which could be placed when an applicant asked for a planned development, similar to how a special use permit would be reviewed today.

Ms. Mallek pointed out that it is because of the density and the fact there was not enough acreage per lot to have a separate well and septic system, so the centralized water with individual septic was the way they were able to cram in that many lots to begin with.

Mr. Benish noted that under the old rural planned neighborhood concept, one central system was considered appropriate with one public system, such as Whittington.

Ms. Mallek said that Earlysville Forest has the exact same situation for 200 lots.

Mr. Benish stated that typically a central system has to go through a compliance review for consistency with the Comprehensive Plan, but in this situation it did not because the prior zoning action was tantamount to that action being taken. He added that if they have to go to that central system, it does not have to go through a compliance review, but they would still be under DEQ regulations, etc.

Mr. Boyd said that he is troubled with the options available to the developer here, as his option is to put in a central water system or apply for rezoning – in which case he would never get the same density.

Ms. Mallek commented that the developer could reduce the number of lots.

Mr. Rooker stated that if this is approved, what would result would be 40 small lots of less than an acre by the river with septic systems. He thinks the better result would be a less dense neighborhood that is more compatible with the surrounding area. He said he does not look very favorably on having 40 lots on septic systems right by the river.

Mr. Dorrier asked if it would be more or less harmful to have a central well system or be a part of the jurisdictional areas.

Mr. Benish said the question is whether the Board wants to provide that service in the rural areas. The options for the applicant are to utilize the central system approved in 1978 or use all private systems that would likely require that fewer lots be platted.

Mr. Dorrier commented that if it was approved in 1978, what is the difference now.

Mr. Thomas responded that the difference is that they are now asking for public water.

Mr. Cilimberg stated that if they do not go the central water route and the jurisdictional area is approved, then there is a rezoning requirement in order to drop the central water requirement. If the applicant decides to go with private individual systems (on site wells), that is also a rezoning. Anything other than central water service is going to be a rezoning.

Mr. Dorrier asked if it would go to the Planning Commission. Mr. Cilimberg said it would go to the Commission and the Board.

Mr. Rooker said that his concern is facilitating a densely developed area right by the river that will be on septic, noting the TMDL issues. He commented that it is not wise planning.

Mr. Dorrier asked if the Board could hear from the applicant.

Mr. Rooker explained that the Board decides with this action whether to move forward to public hearing, at which time the applicant and members of the public can speak.

Mr. Dorrier said that he does not like foreclosing the applicant arbitrarily on this matter, as it was approved in 1978.

Ms. Mallek stated that the applicant has a perfectly acceptable plan that has already been approved.

Mr. Thomas commented that his only concern is depriving the applicant of a public hearing if that is what he is requesting.

Ms. Mallek said that a public hearing would indicate that the Board intends to consider expansion of the jurisdictional area, and this action is the preliminary discussion as to whether they would even consider it. She added that the Board makes the decision to proceed with public hearing or not based on the rules, and it is very clearly laid out in the staff report what the existing rules are.

Mr. Snow said that he would like for the applicant to go with it as it is, or for him to come back and seek additional water and sewer based on a plan with less density. He expressed concern about the TMDL legislation and said that the County is probably better off putting this on water and sewer, with less density, than going the full septic system and water route.

Mr. Rooker noted that any change from the original application would require a rezoning.

Mr. Snow said he would like to see the applicant come back and reapply for water and sewer service.

Ms. Mallek reiterated that they can come back and request a rezoning.

Mr. Dorrier agreed with Mr. Snow's point that the TMDL issue is an important concern as it relates to this development. He said that the Board has to make some tough decisions in the future, and this may be one of them.

Ms. Mallek said that the expense to the community is going to be significant, and the Board needs to be cautious about saddling citizens with a lot of burden. The Board should choose to avoid that if possible.

Mr. Benish mentioned that in the Rivanna master planning process, it was determined that the central sewer system has enough capacity for the undeveloped portion of the development area – but it is getting close to that capacity before another threshold of expansion is necessary. He added that there was discussion in the Rivanna plan to ensure that future approvals are matched with that capacity, as that would be the source for public sewer to the surrounding areas. He said that it is an example of that potential service in the rural areas affecting the service available within the development area.

Mr. Benish said that there is a total capacity in the plan, which the County is trying to reserve for the remaining undeveloped portions of the Rivanna plan – the town center and some of the unplanned areas in the northeast quadrant. Staff believes that the capacity is there, but it will need to be monitored carefully. Based on the assumptions made by the Board, the County may be reaching that capacity.

Mr. Rooker asked if there was any assumption during the Rivanna master planning process whether this particular property would be added to the growth area.

Mr. Benish responded that during the master plan the sectors north of Route 250 were considered, this general area, and there were one or two property owners who asked that their properties be included. The general areas were looked at and the conclusion was that there was a desire not to expand the development area. He said that once utility capacity was analyzed there were other reasons to consider the appropriateness of expansion in those areas.

Mr. Rooker pointed out that the community there was largely opposed to having individual landowners added to the growth area. There is specific language in the Rivanna Master Plan regarding not adding to the growth area until traffic issues are resolved – until a certain list of improvements is completed.

At this time, Mr. Dorrier **moved** to decline a request to consider amending the ACSA jurisdictional area boundary for Clifton Lake PRD. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 13. **Work Session:** Solid Waste Services.

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

At the October 6, 2010 Board meeting, staff recommended that the County continue to have the Rivanna Solid Waste Authority ("RSWA") provide solid waste services for the County at the McIntire Recycling Center and at the Ivy Facility. The Board concurred with staff's recommendation and agreed to consider how best to deliver these services at a later work session. Staff deferred this work session until December so the City of Charlottesville's decision on continuing support of the McIntire Recycling Center could be considered in this report. On November 1, City Council decided to continue to support the McIntire Recycling Center, but to offer no support for RSWA's Ivy solid waste services beyond December 31, 2010. Staff is now seeking Board direction on how County services should be contracted with RSWA.

Staff evaluated numerous options before focusing on RSWA as the service provider for continued solid waste services at the Ivy Facility. As noted at October's work session, staff recommended maintaining the existing level of service and continuing to use RSWA as the service provider, mainly because the RSWA has proven to be an effective service provider and staff believes the cost and complexity of establishing a different management approach would likely exceed its potential value. In addition, all of the other management approaches require the City and County to agree upon a revision to

the Organizational Agreement. Section 6.1 of the Organizational Agreement specifies that both the City and County shall use RSWA as the sole provider of solid waste disposal facilities.

Staff has several concerns regarding this recommended approach. First, the City may have significant control in determining if RSWA will agree to a contract that serves primarily the County's interests. While staff does not anticipate any prohibitive issues with this arrangement, it does introduce uncertainty on future contracts and is a questionable long-term business practice. In addition, staff notes the contract will need to address waste generated outside of the County. As proposed, the County is effectively subsidizing services for its citizens. It will be unfair to County taxpayers for this subsidy to also benefit citizens in other localities. Finally, the City's participation in the McIntire facility but not in the other operations raises a question of how shared costs, such as trucks, equipment and personnel who provide services to both facilities, are to be shared.

To address the above concerns, staff believes a contract with RSWA should:

- 1) be an annual contract with a provision that the County may extend it for two additional years. This provision would address circumstances where the RSWA Board is no longer willing to contract services in a manner acceptable to the County. The two one-year extensions would provide the County adequate time to develop solid waste alternatives should RSWA be unwilling to approve a new contract.
- 2) require proof of County residency for users of the Ivy Facility. Other regional or County solid waste facilities routinely require such proof. Non-County users must be charged to fully cover the cost of the service provided to them.
- 3) specify how shared costs will be split with the City. This will avoid future questions on how costs are shared between the McIntire and Ivy facilities.

In addition to addressing these issues, staff will specify in the contract what materials can be processed at Ivy, hours of operations, tip fees charged, and special events, such as the amnesty day program or disposal of household hazardous waste. Recognizing the City and County will share the cost of McIntire, staff anticipates McIntire operations will be handled by a separate City / County / RSWA agreement under terms similar to the existing cost sharing agreement.

The County has \$350,000 budgeted in FY 11 to support RSWA FY 11 operations. Based on the RSWA adopted budget for FY 11, it is anticipated that RSWA's operational deficit would total \$385,000. It appears that County and City funding for the period of July, 2010 through December 2010 will cover operational losses for that period. Ivy operations for the remainder of FY 11 are anticipated to break even or have a small loss, which can easily be covered by the existing budget. Unless a City / County agreement specifies otherwise, it is anticipated the operations loss for the McIntire facility in the remainder of FY11 will be funded by RSWA's reserves. For FY 12 and beyond, it is anticipated the County's budget will remain largely unchanged, though this cannot be assured until a contract is finalized.

Staff recommends that the Board direct staff to work with RSWA staff to draft a contract for solid waste services to commence in FY 12. The contract should be based upon the level of services agreed upon at the October work session and it should include the contract provisions discussed above. Once that draft is prepared, it will be brought to the County Board for consideration and incorporated into the County's FY 12 budget.

Ms. Mallek mentioned to Mr. Graham that his presentation at the TJ Planning District meeting held the previous evening was very informative and helpful to legislators. Mr. Graham said that he enjoyed the meeting.

Mr. Graham reported that his presentation today is a follow-up from discussions held in October, when conclusions were drawn that Albemarle is unique, with a number of extensive services provided by private enterprises – such as Van der Linde and others – but despite those enterprises the County continues to have demands that are not being met. There is a need for a public service to be provided.

He said that RSWA has provided cost effective services and the County's demand for those public services could be cost-effectively addressed by funding the Rivanna services. Mr. Graham stated that in October the County decided to continue support of Rivanna service at Ivy, which is part of today's recommendation, to continue support of the McIntire Recycling Center – providing the City shares in the cost, which they agreed to at a November City Council meeting – and to consider changes to the Rivanna organizational agreement, recognizing how the services are being provided more for the County than the City.

Mr. Graham said that today staff recommendation is to have the Board direct them to develop a draft contract for services in consultation with the RSWA staff: 1) based on the level of service agreed upon in October. Mr. Graham noted that the County is considering an annual contract with automatic renewals, with an extension for up to two years – which would provide an ongoing way to provide public services should things change with Rivanna and would give adequate time to find alternatives; 2) assure that services are being provided to County residents and businesses - there is a concern that if Ivy is operating at County cost that it should be for County residents and not subsidizing other localities; and 3) specify split of any shared costs with the City. Specifically, there are shared resources at McIntire that also work with the Ivy facility. Staff needs to be careful in contract considerations to insure that costs are adequately being split. He added that staff would then bring back the contract to the Board for consideration and incorporate it into the FY12 budget. He anticipates that it may take two to three months to get through the negotiations. He hopes to bring the contract to the Board in March 2011.

Mr. Boyd said that his understanding was that the City plans to reinstall some of the recycling programs that the County had removed as previously considered unprofitable. He asked if those are being considered to go back into McIntire. Mr. Graham responded that those are being discussed with the RSWA and City staff, and that would be part of what is brought back to the Board.

Mr. Boyd stated that the option he prefers is "Item #2," which is basically to modify the ACSA charter and to negotiate with the City so that the only vote is Albemarle County – as they would be running 90% of the cost of it. He also thinks the County should probably operate it solely on its own with a way to charge City residents for utilizing it.

Mr. Graham responded that it could certainly be considered, but it would take several years to make that kind of change as the RSWA agreement would need to be revised and a new authority created within a revised charter of the ACSA.

Mr. Boyd said that he was addressing just the RSWA portion, whereby its board would be appointed solely by Albemarle County instead of having equal representation. Mr. Davis responded that this would be a complicated issue to take on, noting that the major function of the RSWA is managing the closed landfill and the environmental issues associated with that. He said that the City has a stake in it just as much as the County does in that regard.

Mr. Davis added that the other functions being discussed today are the recycling operation and the Ivy Transfer Station, which have become much more important to the County than to the City, and it would be nice if the County had more say in how they are financed and operated. He said that changing the entire organizational structure of the Rivanna Solid Waste Authority is more complicated than just addressing those issues. Mr. Davis said that in this contract, the County hopes to nail down the specifics of cost sharing so that this Board has the ability to negotiate those aspects of operational costs and have control over them. He hopes staff will be successful in doing that in these contracts for service.

Mr. Rooker pointed out that the City is still using two out of three services, and is still involved in remediation – which is the most expensive aspect of the RSWA's work. He does not want to get in a mode where the County in effect owns the entire Authority. He feels there are potential liabilities with that, and he thinks the County should have a disproportionate vote because it is going to be bearing a disproportionate share of the cost going forward. He added that if the City is eliminated entirely, it makes it easy for them to try to walk away from everything.

Mr. Boyd said that this idea was brought about by the City's actions.

Mr. Davis said he thinks that is a real serious discussion. The Solid Waste Authority cannot be dissolved, unless there is agreement by all parties, and there is a very serious liability issue with the landfill that still needs to be addressed by this Authority. The Board should have serious concerns about the Authority being tampered with in any way that would affect that liability.

Mr. Boyd asked if there is a way to avoid the previous problem when the County made a contract agreement with the City for funding the RSWA and they did not pay it for five years because they thought it was not appropriate.

Mr. Rooker stated that the County does need to negotiate for a disproportionate share on the Rivanna Board to obtain a majority vote, but the Solid Waste Organizational agreement between the parties states that the term lasts until 2030 with provisions for automatic renewal. He said that there was an agreement that both parties would allow the Authority to handle all of their solid waste, and one of the big problems financially is that the City just stopped doing that. Mr. Rooker stated that the cost-sharing agreement was renegotiated, but the Authority was formed with the understanding that solid waste services would generate the revenue to allow them to operate. He noted that the Authority could take action against the City to enforce the agreement, but there would be three votes needed in order to do that.

Mr. Boyd said he is concerned because this is a history of broken promises and broken contracts on the part of the City.

Mr. Boyd said that staff is asking today for negotiation of continuation of McIntire with participation for the City and County, with separate costs for the Ivy Landfill as people from the City still use the landfill for yard debris, etc.

Mr. Graham stated he plans to talk with RSWA about assuring the services are provided for County residents and businesses. If they are going to provide services to others there should be a surcharge to make the service at least revenue neutral, if not a revenue producer for the Authority. He added that his goal today is just to get a contract in place for FY12 as it seems unlikely that there will be resolution for anything else in time to ensure that those services would be available to County residents on July 1st.

Mr. Boyd commented that if currently suspended recycling is reinstalled at McIntire, then these costs would go up, as the reason they were removed is because they were not cost effective. Mr. Graham responded that under the existing operational agreement, which the City and County fund through December 31st, those costs are shared and a continuation of those services would likely happen with a similar cost-sharing agreement.

Mr. Boyd stated that the cost-sharing was pared back on. Mr. Graham responded that that was for the batteries and compact fluorescent bulbs and the Board needs to consider if they want to fund those costs.

Ms. Mallek pointed out that if they are not included, then the environmental costs need to be considered as there would be a greater expense by not dealing with those items.

At this time, Mr. Rooker **moved** to support staff's recommendations develop a draft contract for services in consultation with RSWA staff: 1) based on level of service agreed upon in October, 2) annual contract with provision for extension up to two years, 3) assure services are provided to County residents and businesses, and 4) specify split of any shared costs with City. Once that draft is prepared, bring it back to the Board for consideration and incorporation into the County's FY 12 budget. Mr. Boyd **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 13. **Work Session:** CPA-2005-010. Places29 Master Plan – Piney Mountain Expansion area. (continued from November 10, 2010).

Mr. Benish said that this work session is a direct result of the Board's request to continue their discussion of the expansion area. He added that he does not have any new information to provide.

Ms. Mallek said that three of the Board members were not privy to discussions related to Piney Mountain.

Mr. Benish added that staff was not a part of that discussion either.

Ms. Mallek said the Board cannot go forward with any decision unless they know what is going on.

Mr. Benish reiterated that staff was not a part of that discussion.

Mr. Cilimberg pointed out that other Board members participated in that discussion, and the resolution resulting from it is in the Board's packet.

Ms. Mallek said that what is lacking in it is the reason for it.

Mr. Boyd stated that the bottom line is it was necessary to facilitate the expansion of Rivanna Station, which would not have happened had the Board not been willing to consider that resolution.

Ms. Mallek said that there is lots of evidence to the contrary.

Mr. Boyd responded that the evidence is false.

Mr. Benish reviewed the Board's previous discussions on this, stating that the Board discussed Hollymead and had a tentative position on not moving forward with that expansion area and decided to come back and further discuss Piney Mountain. He said that as Mr. Boyd indicated, the resolution of intent is looking for a minimum of 30 acres to replace the area lost for the expansion to the Rivanna Station.

Mr. Benish reported that staff felt that Piney Mountain did not need any particular recommendations regarding its development, as it was proposed for neighborhood density – residential. He presented a map showing the proposed area, noting the Rivanna Station portion.

Ms. Mallek asked what the access road would be. Mr. Benish responded that the general concept is for Boulders Drive to continue and serve as a loop back to Route 29. He pointed out that it would be an extension of the existing road with a spur off of it to the north. He noted the location of the existing development area boundary, noting that the expansion area would be about 40 acres – with the Rivanna Station property being 30 acres, which the government already owns.

Mr. Benish reported that he has not received any definitive comment from the federal government regarding uses surrounding their property, other than general indication that they would like their entire base to be within the development area.

Ms. Mallek noted that the generals and other high level officials stated to her that they were very concerned about both electronic and elevational security around their borders and they did not want to have any high buildings that would be able to peer into their area. She cautioned that she does not want the County to do anything to compromise the work at Rivanna Station.

Mr. Rooker pointed out that if they buy that property, they can expand regardless of zoning.

Mr. Boyd stated that there may be a change in the physical area that they want to expand the growth area to, and he thinks staff should talk to the landowners about that.

Mr. Rooker commented that his concerns are the transportation facilities in the area and the current location of sewer and water.

Mr. Boyd said that the Board did add sewer and water to one side, and the change to what came before is the location of the pump station for the new Rivanna line.

Mr. Rooker stated that the considerations are things such as the proximity of water and sewer to this property, how easy it is to bring in, what the transportation plan is for serving that area and how it impacts the transportation facilities around it. Based on all those things, he asked if this is a logical expansion.

Mr. Boyd said that staff should go back and talk to the landowner about the most logical place for expansion of the growth area.

Mr. Rooker responded that that would be needed, along with a staff report that indicates whether it makes sense, given public facilities, etc., similar to how a rezoning would be considered.

Mr. Benish pointed out that staff did that early in the overall Comprehensive Plan review process when they received the resolution of intent. The applicant provided several locations for expansion consideration and consultants looked at those with staff. Staff believes these are the viable candidates for expansion area, and in terms of utilities that was part of that analysis. He added that the Camelot treatment plant is being replaced by a series of pump stations, which will now provide capacity to the drainage area and bring the effluent from this area back to the Powell Creek interceptor – the one that serves Hollymead. From a road standpoint, he said, the proposed improvements and scale of this expansion should be discussed in the context of the plans for the Route 29 North corridor.

Ms. Mallek asked if there would be road widening that would accompany this proposal. Mr. Benish responded that the analysis indicated that outside of the 20-year period, but at some increment in the future, Route 29 North from the North Fork Rivanna to the County line may need to be six laned, but that was as much generated by external traffic. He said that given the size of these expansion areas, 30 or 40 acres, was not a significant impact to traffic.

Ms. Mallek said that the problem with thinking about this as just 30 acres here and 40 acres there is that the Board is cheating itself of the view of the whole 1,000 acres, which is what has happened since 2000 basically from Airport Road to the North, or more.

Mr. Benish stated that the existing development areas were modeled, so the increment of those 30 acre expansions were not perceived as taking the threshold for traffic impacts for major roadway widening to make that significant a change. He said that it may affect internal signalization, but that would depend on the overall scale of Piney Mountain. There are traffic management issues that cannot be projected until the specifics of the development are known. From the network capacity, this 30 or 40 acres does not seem to create a significant additional increment of improvement.

Mr. Rooker asked about recommended use designation, noting that with Hollymead South and the master planned area there are specific land-use recommendations, and the issue is what the recommended density is and whether it will contain commercial. He added that he also wonders about the desire of the Federal Government to have people living there, especially in a dense fashion.

Mr. Cilimberg said that the approach here has been simple, with neighborhood density residential, 3-6 dwelling units per acre. Staff has asked the question to the Government as to whether they would be concerned with that are being residential. Staff has not received an answer.

Mr. Benish stated that it might be easier for the Board to get information, because when staff attempts to make contact their requests get caught up in bureaucracy and no answers are given. He added that it might be a sensitive issue to speak to the base at the middle management level.

Mr. Rooker said it is important to get that answer.

Mr. Boyd said that they would not likely reveal an answer publicly, but might privately. He emphasized that this is not a rezoning; it is a request to expand the designated growth area.

Ms. Mallek stated that this is really the first step in making that happen though.

Mr. Rooker commented that he does not want to slow down the process, and said that Places 29 should go forth first, adding that he would favor a public hearing including this area.

Mr. Cilimberg responded that the Board has had a public hearing on that, and included all of these expansion areas. The result of that was a request for this work session – with staff providing a final document for Board decision after this meeting. Staff will be providing a final document to the Board in January for its adoption.

Mr. Thomas said that he would like to have consideration for Hollymead South to be added back in, for future road purposes.

Mr. Boyd commented that the Board did not vote on that.

Ms. Mallek and Mr. Rooker reminded Mr. Boyd that he said he would vote against it.

Mr. Boyd responded that he said he could not support it. He said that he did not realize that it was actually a vote; he thought that it was more of a consensus opinion.

Mr. Rooker said the Board deferred action on Piney Mountain to allow for this work session.

Mr. Thomas asked if he could propose to bring it back up.

Mr. Rooker said that he already voted against it.

Mr. Boyd commented that he would like to see what the actual vote was, as he does not recall exactly what happened. He said the only vote the Board took for including it in there was to include it, and that was months ago.

Mr. Davis clarified that the only issue that was unresolved at the end of the last meeting on this was whether or not to include this expansion area. Today's purpose was to resolve that issue so the Board could vote on Places 29 in January. There were a number of modifications the Board requested of staff. The public hearing was held, which included consideration of both expansion areas. That public hearing has been closed. There is no legal requirement for any additional public hearing. At this time, the Board has the discretion to add or to delete those expansion areas under the process that has already been conducted.

Mr. Boyd asked if the Board specifically voted to exclude the Hollymead expansion area from the project. Mr. Davis recalled that they did, just to provide direction to staff to bring it back without the expansion area. He stated that there has been no vote on the Comprehensive Plan Amendment yet. The vote was to direct staff to prepare a final document that did not include that growth area. That is not a binding vote on the Board at this time, but it was clear direction that staff took from the Board meeting to go forward; that it was not included.

Mr. Cilimberg presented the action on the Board's screen, stating that the Action Memo indicated that the consensus was to discuss Piney Mountain at today's meeting, deferring their vote of the Places 29 CPA until January. He pointed out that there is no record of voting on South Hollymead, but it may be in the minutes.

Mr. Snow suggested that the Piney Mountain expansion be left in and the Board move forward.

Mr. Benish pointed out that the Planning Commission proposed not to go forward with any expansion.

Ms. Mallek said that it was denied because of lack of need, which is a factor when changing the Comprehensive Plan.

Mr. Thomas asked if he could propose to put Hollymead South back into the growth area.

Mr. Davis responded that if there is a Board majority today it could be done, but the direction of staff seemed to be that there was a "no" vote or clear consensus.

Mr. Boyd said staff did what this Board directed it to do and he agrees with what they did.

Mr. Thomas asked if he should make a motion to put Hollymead South back into the growth area.

Mr. Rooker emphasized that this is a work session on Piney Mountain.

Mr. Thomas reiterated that he still wants to add Hollymead South back in.

Mr. Rooker said that all of this was debated at great length at the public hearing.

Mr. Thomas said he does not understand what happened at the last meeting.

Mr. Rooker suggested getting the minutes and reviewing them.

Board members agreed to wait until the minutes were available in the afternoon before deciding on Hollymead South.

Mr. Cilimberg asked if the Board wants to wait on Piney Mountain or provide direction at this time.

Board members agreed to move forward with a decision about Piney Mountain.

Mr. Boyd stated that he would support its inclusion.

Mr. Rooker said that he would not, because as the overall map is considered there is not a logical reason to pick out this property for inclusion. He added that it may also impact the ability of DIA to

expand, and he would like to understand their thoughts on that before the Board makes a decision that perhaps changes their view of this area.

Ms. Mallek said that she would like to see Places 29 voted on and put to rest, then these two issues could be considered. She stated that she would support this if it was an expansion of the military base, but would not support it for some other commercial or residential use that is going to end up creating a situation here just like they have in Norfolk where the air station has ended up demolishing neighborhoods in order to stay there. That would be a significant economic impact.

Mr. Boyd clarified that what they are deciding today is giving staff direction as to what they bring back for a vote in January, and asked whether there could be modifications made at that time, such as putting Piney Mountain in or taking it out.

Mr. Davis stated that there is a document that is going to have maps and charts, and it would certainly be more convenient to have a final document voted up or down, but technically the Board could vote on it as long as staff could generate maps that would be part of the CPA.

Mr. Rooker said that at a recent PACC meeting, which Mr. Snow attended, a Rivanna Station representative talked about how the station could get significantly larger. He thinks the Board needs to interact with them on when and how it will grow.

Mr. Tucker commented that the Board could consider taking final action in February, to provide adequate time to decide whether it would be in or out in January.

Mr. Boyd agreed with that timeframe, to give everyone sufficient time to review the information. He also wants to see a copy of the final document with all the corrections prior to taking Board action.

Mr. Rooker agreed. He suggested that staff provide a copy of all the pages that have changes on them.

Mr. Cilimberg clarified that in January the Board would like for staff to provide the changes discussed at the public hearing, and continue discussion on inclusion of Piney Mountain. He added that that would still leave a decision on Hollymead South.

Mr. Thomas said that if a vote was taken on Hollymead South, then he stands by what he voted on.

Mr. Boyd commented that he did not think there was a vote.

Mr. Snow emphasized that the Board members need to keep their credibility, and if a vote was taken it is not fair to citizens to make a back-room decision. If the minutes show that a vote was taken, the Board needs to stand by that vote.

Mr. Thomas agreed.

Ms. Mallek noted that part of what the shadow is of this that has actually been there for years, is the way it was done. That is why it is important to be transparent and have the information needed.

Agenda Item No. 15. Closed Meeting.

At 1:12 p.m., **motion** was offered by Mr. Thomas, **seconded** by Mr. Rooker, that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to Boards, Committees, and Commissions. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 16. Certify Closed Meeting.

At 2:15 p.m., the Board reconvened into open meeting in Room 241. **Motion** was immediately offered by Mr. Thomas to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. The motion was **seconded** by Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

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

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

Motion was offered by Mr. Snow to:

appoint Alan Collier, Rivanna District, to the Equalization Board with said term to expire December 31, 2011;

appoint David Cooke II, Jack Jouett District, to the Equalization Board with said term to expire December 31, 2011;

appoint Virginia Gardner, White Hall District, to the Equalization Board with said term to expire December 31, 2011;

appoint Rosa Hudson, Scottsville District, to the Equalization Board with said term to expire December 31, 2011;

appoint Kathy Rash, Rio District, to the Equalization Board with said term to expire December 31, 2011;

appoint John Lowry, Samuel Miller District, to the Equalization Board with said term to expire December 31, 2011;

appoint Kirk Bowers, Kate Clapper, Dennis Dutterer, Wendy Fisher, and Joe Milby to the Pantops Community Advisory Council, with term limits to be determined at a later date;

reappoint Joseph Samuels and Ross Stevens to the ACE Appraisal Review Committee with said terms to expire December 31, 2011;

reappoint Charles Lebo and Paul Wright to the Architectural Review Board, with said terms to expire November 14, 2014;

reappoint Frances Hooper to the Community Mobility Committee, with said term to expire December 31, 2012;

reappoint Martha deJarnette to the Housing Committee with said term to expire December 31, 2013;

reappoint Glen Michael to the Public Recreational Facilities Authority with said term to expire December 13, 2013.

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

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

NAYS: None.

Agenda Item No. 18. **Work Session:** Five-Year Financial Plan.

Mr. Thomas Foley, Assistant County Executive, stated that when the Board last discussed the Five Year Financial Plan, it focused on the Ivy Fire Station and School system needs. He added that the School system is much more challenging because they had presented quite a few needs and they talked about how to more effectively incorporate the needs into the Five Year planning considerations. Over the last several weeks staff has made some significant progress working with the School system. He has been working with Dr. Bruce Benson, Assistant Superintendent, to get some consistency with the way the School system looks at their future needs and project out their revenue and expenditure assumptions, and incorporating that information in the process that Local Government follows so that it is more useful to the Board as it looks at five year planning needs. He feels good about how that process has progressed and is encouraged that it will be positive as staff moves forward in working with the schools. There are a lot of assumptions on revenues and expenditures that have not had sufficient in-depth review up to this point.

Mr. Foley said staff feels the challenges the School system is facing in the first year of the five year plan are manageable with the assumptions that are built into the five-year model, such as the 60/40 split on new revenues and savings achieved on healthcare premiums not being increase. He stated that the first year is manageable, but from his perspective the Schools will be challenged by potential enrollment growth and VRS rate changes, along with the composite index. He stated that more analysis will be needed to see the impact and how they might deal with those issues. Mr. Foley emphasized that all of those issues are not hitting them within the first year, and hopefully this process will help enlighten the Board as to the schools' revenue and expenditure assumptions.

Mr. Boyd asked where the schools stand with the composite index, adding that he has met with Delegate Rob Bell recently on this matter.

Mr. Foley responded that Dr. Pam Moran, School Superintendent, would be better able to answer that question.

Dr. Moran explained that the School Board establish a legislative packet each year and are in the process of doing so, but the School Board has not reached consensus on a direction with the composite index.

Mr. Boyd asked if there had been any progress with the City School system in establishing consensus on a position.

Dr. Moran responded that the Chairs of both boards have been meeting to determine a direction, but direction has not been determined at this point.

Ms. Lori Allshouse, Director of the Office of Management and Budget, reported that the goal today is to have the Board consider finalizing the five-year plan so that staff can move forward with the annual budget. She said that there have been six work sessions, with information from both the schools and local government. For Government restructuring and downsizing efforts include 60 eliminated positions and a lot of changes made during the recession.

Ms. Allshouse said that the Board saw in-depth base budget information from two departments and also received a program and service inventory of departments and agencies from staff. Staff also talked about three categories of needs: critical (near term that is put on watch list), emerging and long-range (community policing) issues. Per the Board's request, the School Division became involved in the Board's five year financial planning process this year. She stated that the School Board also met with the Board jointly and provided similar information. On November 3rd, staff provided the Board with a balanced five year financial Plan to start the process. The Plan continued efficiencies gained by restructuring; unfroze five police officer positions beginning in three years; shores up reserves and designated fund balance (establishes a 1% stabilization fund throughout the plan period); provides a 1 percent market salary increase in FY12 for General Government employees; and provides market and merit increases for the five years. The Plan includes a more sustainable maintenance program for the five years of the CIP and for the General Services Department. The Plan allocates 60 percent of new local tax revenue to the School Division. All of this was done based on the current tax rate for the entire five years of the plan.

Ms. Allshouse said the Board discussed the Ivy Fire Station on November 10th and included it in the five-year plan based on Board approval. She added that this is contingent based on several factors: 1) capital funds reallocated to support the new station – if all contingencies are met the station would open in January 2013; 2) further discussions with the City to end the Fire Contract beginning in July 2013; 3) hire eight full-time employees/firefighters and the operation would be contingent on volunteer support for nights and weekends; 4) ongoing operating cost would be approximately \$750,000 per year; 5) due to timing this would require additional one-time start-up support in the amount of \$400,000 in one-time money because of the six-month overlap; and 6) this would change the bottom line in the five year plan – FY12 - \$700,000; FY13 – 0; FY14-\$131,000; FY15 - \$15,000; and FY16 - \$740,000.

Mr. Dorrier asked if the \$740,000 in funding is based on a population increase. Ms. Allshouse replied that it is not.

Mr. Boyd asked if this was operating funds or CIP budget. Ms. Allshouse replied it is operating funds.

Mr. Foley noted that there is some growth factored in, as an assumption, from new construction, but the stabilization fund and undesignated fund balance would remain intact throughout the five-year period.

Mr. Boyd said that at some point during the process he would like for staff to explain why \$23.0 to \$24.0 million is needed in the fund balance. Mr. Foley responded that staff could provide that information.

Mr. Rooker asked if the assumption is valid that the County will pay nothing to the City after the Ivy Fire Station is built, and questioned whether it is reasonable to assume there will be no payment.

Mr. Mallek recalled that there was a savings, but not an entire elimination of that expense, adding that the County talked about five full time employees, not eight.

Mr. Rooker said when he asked Chief Eggleston if this would eliminate that expense to the City, he responded that it would not, there would still be a net payment of some amount. It would be great if that happened, but it is an assumption that may or may not happen.

Mr. Foley said that is the critical issue here. He added that there are eight firefighters needed, and volunteers will still be needed for evenings and weekends. He said that the key issue here is that staff is assuming that when the contract can be discontinued the Ivy Station will make sure that the County has the west side of the County covered. He added that the other assumption is that other resources would be used for Pantops, such as East Rivanna, Monticello and mutual aid, and then the contract with the City can be discontinued without lowering the level of service. He added that by looking at remaining balances in different projects, the County is able to avoid any ongoing debt service costs because the station would be finished and the engine purchased with cash.

Mr. Boyd asked for a reminder as to where the cash is coming from.

Mr. Foley said that this does not deplete balances in any of these pots of money. A portion would be coming out of transportation dollars, with money remaining for a revenue-sharing match, and other projects such as the Route 29 Master Plan. He emphasized that there would still be enough left in each of those pots to get things accomplished in the future, but there is enough there to be shifted over to get some priorities accomplished. He added that if the County does something on Places 29, it won't be paid for with cash; the County will have to borrow money for the capital project and pay debt service.

Mr. Dorrier asked if this anticipates a bond issue. Mr. Foley answered that it does not. He added that the Board is scheduled to have a work session on the CIP and future funding in January or February.

Ms. Allshouse said that this gives staff direction because it is such a critical issue in Ivy.

Ms. Mallek stated that she would still like an explanation of why there are eight people needed there, as she thought it was five, and noted that the Ivy renovations are approximately \$1 million.

Mr. Foley indicated that all of that information would be provided to the Board in detail.

Ms. Allshouse said that on November 11th the School Division provided additional information. They brought forward critical – near-term issues; watch list issues; longer-term issues and provided charts and projections – enrollment, teacher age distribution, class size, VRS contribution rate, and capital expenditures. Staff put together a comprehensive review of the critical challenges facing both Schools and Local Government, adding that enrollment growth is a critical issue for the schools and is expected to continue. She also said that the School Division is also concerned about maintenance, replacement of facilities, using one-time funding for recurring expenses, and compensation. Ms. Allshouse noted that on the Local Government side, critical issues are sufficient provision of police coverage, the Ivy Fire Station, compensation, and repair and maintenance of facilities.

On the watch list for the school side, the VRS rate increases remains a concern as well as the composite index and enrollment growth in the out years. On the Local Government side, staff is concerned about unfunded mandates such as line of duty benefits; maintaining core services with new demands, as there is pressure on Community Development, Social Services, and Constitutional Officers, and Pantops area fire coverage is another emerging issue.

Ms. Allshouse said on November 24th the School Division provided some additional information to the County Executive's office in response to questions raised on November 11th. The County Executive and OMB staff need more time to review new data and assumptions provided by the schools, but the information provided is a good start in helping staff understand their data and information. She explained that some of the assumptions the schools brought forth on November 24th were: 1) continuation of prior year reductions over the next five years, 2) enrollment growth projected to continue, 3) increased VRS costs over time which would have a cumulative impact, 4) a decline in total revenues through 2013 with slow improvement in out years; 5) a 2.3 percent salary increase for classified staff and a 1.95 percent salary increase for teachers in FY12 then mirror the same salary increase assumptions included in the Five Year Financial Plan for Local Government employees, and 6) based upon these assumptions the School Division predicts expenditures would exceed revenues by \$2.6 million in FY12.

Mr. Boyd asked how much of that is comprised of salary increases. Mr. Rooker responded that most of it is related to those increases.

Ms. Allshouse stated that staff believes that the Five Year Financial Plan does go far in addressing Local Government's critical near-term issues. In terms of public safety, they have adjusted salaries to achieve market pay to fill currently vacant positions, retain existing staff; provides plan to construct the Ivy Fire Station and begin operations in FY13; and fills five frozen police officer positions (but not until three years out). In terms of maintenance and replacement, the Plan reallocates funding to shore up maintenance and replacement to protect investment in current facilities. The Plan also provides staff compensation based on Board direction which is a one percent market increase in FY12 for Local Government.

Mr. Thomas asked if Local Government is being treated fairly in the overall scheme of the budget. Ms. Allshouse responded that they are working within the 40% that is allocated to Local Government. Staff has done a good job of staying within that framework, although there may be new things on the horizon that impact the budget.

Ms. Mallek asked if the maintenance and replacement would be paid with cash instead of borrowing, as was done this year. Mr. Foley responded "yes"; anything borrowed was moved to cash for maintenance items.

In terms of the School Division's critical near-term issues, Ms. Allshouse said that staff supports maintaining commonality by providing a one percent salary increase for School and Local Government classified employees. She said that staff also supports use of the \$1 million in health-related savings towards the Schools' compensation needs, and supports the consideration of using one-time money in FY12 in the School Division for their bus replacements and some ongoing expenses they have in FY12.

Mr. Boyd asked where these one-time monies are coming from. Ms. Allshouse responded that she does not know all the details, but there are some one-time funds available at the State and Federal level that are targeted for schools to avoid layoffs, etc.

Mr. Foley said that there is also some fund balance money that could be used. Mr. Foley said that the \$2.6 million shortfall would be addressed through those one-time funds.

Mr. Rooker asked how much was the differential in the one percent and 2.3 percent the School Division had recommended. Mr. Foley said he would get that information and provide it to the Board.

Mr. Foley added that in the first year, the revenue shortfall was \$2.6 million, and what is being talked about here is a series of things that can be used to cover that. He added that the School Division has used one time monies for bus replacements in the past. He added that paying for salaries is not something that one-time monies would generally be used for.

Mr. Boyd asked if the plan is for schools to give a one percent raise instead of the 2.3 percent they originally proposed. Mr. Foley responded, "yes". He added that the 60/40 split and the healthcare savings are helping to get their bottom line to zero. Mr. Foley also added that next year's premiums are going to decrease by \$500 because the reserves are extremely strong and there is no need for an increase. That savings in the current year is what allowed the County to give the one-time bonus to the employees.

Mr. Rooker asked if the savings in the health plan a result in change in design of the plan. Mr. Foley said there were some factors that resulted in that savings. Claims were better than expected over a two to three year period. Some benefit changes were made to keep the County in the market, not necessarily to save money. Plan design changes may also impact future savings in the plan but have not yet been factored in.

Ms. Allshouse added that staff recognizes the importance of using one-time funding for ongoing items, and it will need to be revisited next year.

Mr. Boyd said that he thought schools had set aside separate money for bus replacement. Dr. Bruce Benson, Assistant Superintendent, explained that there has been a recurring line item for that purpose, but that has been whittled away over years as a place for savings so Schools have been using one-time money, when available, for replacement but would like to get out of that.

Ms. Mallek noted that the schools shifted bus replacements from seven to ten years.

Mr. Rooker commented that the Board questioned at the time this was discussed previously that it may not be realistic to expect 13 years out of a bus that has hundreds of thousands of miles on it. Dr. Benson commented that the busses are rotated to level out usage.

Ms. Allshouse reported that the other critical near-term issue is the maintenance and replacement of capital facilities. She added that the Board would begin discussing this as part of the CIP in January and February.

She stated that as of today, staff recommends that the Board approve the balanced Five-Year Financial Plan as presented. Ms. Allshouse emphasized that staff recognizes this is a multi-year financial plan – it is not a budget, but it informs the budget process which makes it critical. It must be recognized that a lot of the benefits of the plan was having these conversations, thinking long term, and looking at issues on the horizon. She added that all critical needs were not addressed in the plan but some progress was made. There are also a lot of other potential emerging issues that may impact the plan. Staff also recognizes that the School Division is becoming more fully engaged in this process. Additional information will be coming forth as staff heads into the annual budget process. Ms. Allshouse added that the Governor's budget would be coming out on December 17th, which would also help in the planning process. There will also be annual budget requests coming forward that may not have been fully thought of as part of the financial plan.

Ms. Allshouse said that staff also recommends to carefully considering School Division and General Government watch list issues over the next year. To summarize, Ms. Allshouse said the Plan is based on the current tax rate. She pointed out that an equalized tax rate would be 75 cents. The plan allocates 60% to schools, continues efficiencies on both Schools and Local Government, provides one percent market salary increase for Local Government employees, unfreezes police officers positions starting in year 2014; shores up reserves and undesignated General Fund balance; includes more sustainable maintenance programs for CIP and for General Services Department, and includes a plan for construction and operating costs for Ivy Fire Station.

Mr. Thomas asked if there was any idea on the appraisal value of real estate property. Ms. Allshouse responded that those assumptions are included in the plan.

Mr. Dorrier asked how much was included in the rainy day fund. Mr. Foley responded that \$2.6 million, or 1 percent of operating expenses, is included in the first year of the plan, with plans to include 1 percent in each plan year, but not on a cumulative basis.

Mr. Rooker commented that staff has done a terrific job in establishing the plan and accommodating the Board's primary objectives given the financial constraints of the time. He supports the plan staff has presented. He added that there are a number of issues that need to be watched. He expressed concern about the separation in thought between this operating plan and the capital plan which the Board knows is not adequate.

Mr. Rooker added that there are a lot of people and families moving to the community, such as those with DIA, and there may be a new school needed in the future. He does not see this plan allowing for funding of a new school. He said that an equalized tax rate would bring in another \$750,000, and it seems to be a prudent measure to consider equalizing the tax rate which would mean no increase or reduction in property taxes for homeowners. He said that that money could go into a capital plan.

Mr. Boyd asked if there were some marginal revenue increases projected for next year. Mr. Foley replied that the increase would be very small. Mr. Boyd commented revenue will not be decreasing.

Mr. Rooker said that the rate is being maintained almost stable due to new construction, but the equalized rate would be .75¢ instead of 74.2¢.

Mr. Foley noted that property values are down about 1.15 percent in this model, but other revenues are growing so the net change is a marginal increase.

Mr. Rooker commented that the largest part of the budget is compensation, but it is going to be very difficult to make this work without generating any additional revenue, especially if any capital plan is desired.

Mr. Boyd stated that staff did a fantastic job with the plan. He added that the budget itself should be addressed after meeting with the schools about the CIP.

Mr. Snow said that he is concerned about the additions at Greer School, which would help to relieve some of the enrollment growth in the northern part of the County.

Mr. Foley commented that enrollment group may have a significant impact on the CIP next year.

Mr. Rooker commented that the reasons certain things, like the Crozet Library, have been pushed off indefinitely is because there is no money in the capital plan to build projects.

Mr. Boyd said the County needs to consider some private investments or grants to fill that gap.

Mr. Rooker said there is no way the County will get grants to cover all the needs.

Mr. Dorrier asked for a recap of the maintenance budget.

Mr. Foley responded that he does not have the entire budget here, but the CIP Committee would bring forward is a plan that does not borrow from maintenance but does moves from just getting by to a level that is sustainable.

Mr. Dorrier asked if that would cover school busses. Mr. Foley replied "no" as they are being paid for with one-time monies for now from the School's funds.

Mr. Rooker said he thought the School Division had said they had pretty much used up their fund balance. Mr. Foley noted that the Schools had thought they would deplete their fund balance, but due to some federal monies and other sources that fund is now in good shape and they would be presenting some ideas as to how that might be used.

Mr. Rooker then **moved** to adopt the Five-Year Financial Plan as presented today. He added that staff has done a great job working through it. The motion was **seconded** by Mr. Snow. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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

There were none.

Agenda Item No. 20. Adjourn.

There being no further business to come before the Board, at 3:07 p.m. Ms. Mallek **moved** that the Board adjourn to December 15, 2010, at 4:00 p.m. in Room 241. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Chairman

Approved by the Board of County Supervisors

Date: 08/03/2011

Initials: EWJ
