

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 5, 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, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Deputy Clerk, Meagan Hoy.

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Agenda Item No. 1. The meeting was called to order at 9:00 a.m., by the County Executive, Mr. Foley.

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

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**Annual Meeting:**

Agenda Item No. 4. Election of Chairman.

Mr. Foley said this is the first meeting (Annual Meeting) for the Board. He then opened the floor for nominations for Chairman of the Board for Calendar Year 2011.

Mr. Rooker **nominated** Ms. Ann Mallek as Chairman for 2011. Mr. Boyd **seconded** the nomination. There were no other nominations.

Mr. Thomas **moved** to close the nominations. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Mr. Foley called for a vote for election of Ms. Mallek as Chairman of the Board of Supervisors for Calendar Year 2011.

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

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

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

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

Ms. Mallek opened the floor for nominations for Vice-Chairman of the Board for Calendar Year 2011.

Ms. Mallek **nominated** Mr. Duane Snow as Vice-Chairman of the Board of Supervisors for Calendar Year 2011.

Mr. Rooker **moved** to close the nominations. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Mr. Davis noted that there would need to be a vote for election of Mr. Snow as Vice-Chairman of the Board of Supervisors for Calendar Year 2011.

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

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

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

Mr. Rooker **nominated** Ms. Ella W. Jordan as Clerk and Ms. Meagan Hoy as Senior Deputy Clerk for Calendar Year 2011. Mr. Snow **seconded** the nomination. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 7. Set Meeting Times, Dates and Places for Calendar Year 2011.

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

Mr. Rooker **moved** to adopt the meeting schedule as set out in the agenda packet which is: the first Wednesday of the month at 9:00 a.m., the second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road; due to April 13<sup>th</sup> being a County holiday, set April 20<sup>th</sup> as the night meeting for April; and meeting dates for **January, 2012** will be January 4, 2012 at 9:00 a.m. and January 11, 2012 at 6:00 p.m.

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

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

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

Mr. Rooker **moved** to set dates for considering zoning text amendment requests from citizens - September 14 and December 14, 2011; and March 15 and June 13, 2012. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

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

Mr. Rooker **moved** to adopt the Board's current Rules and Procedures document as included in the agenda package. Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

**RULES OF PROCEDURE  
ALBEMARLE BOARD OF COUNTY SUPERVISORS**

A. *Officers*

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

B. *Clerk and Deputy Clerks*

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

C. *Meetings*

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

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

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

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

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

D. *Order of Business*

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

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

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

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

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community

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

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

E. *Quorum*

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

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

F. *Voting Procedures*

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

Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. *Amendment of Rules of Procedure*

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

H. *Suspension of Rules of Procedure*

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

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

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(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 01-06-2010; 01-05-2011).

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

Ms. Mallek asked if there were any comments regarding the Boards and Commissions Policy. No comments were given, and the matter was placed before the Board.

Mr. Rooker **moved** to adopt the Boards and Commissions Policy as presented. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

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

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

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

3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

**B. APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

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

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

4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding

that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.

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

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

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

8. All vacancies will be filled as they occur.

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

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

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

### **C. ADOPTION**

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

(Amended and/or Readopted 01-07-98; 02-12-2005; 01-04-2006; 01-03-2007; 01-09-2008; 01-07-2009; 01-06-2010; 01-05-2011)

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Agenda Item No. 10a. Recognitions:

Item No. 10a.1. Proclamation recognizing 140<sup>th</sup> Anniversary of Piedmont Baptist Church.

Ms. Mallek commented that no one was present from Piedmont Baptist Church at this time and she would hold off and read the Proclamation when someone arrives.

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Item No. 10a.2. Proclamation recognizing "Defying Gravity" – Albemarle's FLL Robotics Team.

Ms. Mallek read and presented the following proclamation to the Albemarle's Defying Gravity robotics team:

#### **PROCLAMATION**

**WHEREAS,** *"Defying Gravity", a FLL Robotics team comprised of Jack Jouett Middle School and Albemarle High School students, is one of the top 50 Robotics teams in the Commonwealth of Virginia; and*

**WHEREAS,** *this team of students developed their own innovative idea for solving the problem of bone density loss that astronauts experience in micro gravity; they interviewed U. S. Astronaut, Dr. Kathryn Thornton and they created a robot which efficiently completed numerous robot challenges; and*

**WHEREAS,** *under the team leadership of Coaches Trish Kenney and Stephen Bosley, and team mentors, Rachael Bosley and Charlie Owen, this team laid the foundation for present and future successes; and*

**WHEREAS,** *through countless hours of research, programming, teamwork and robot design, the team came in First Place in the Regional competition held in November, 2010. With over 500 teams competing in December, 2010 in the State competition at James Madison University, "Defying Gravity" came in Second Place and now is the first alternate for the World Competition; and*

**WHEREAS,** *at the competition, these young men and women worked under pressure as a team on a seemingly impossible engineering task to be completed in five minutes. This task not only*

*demonstrated their ability to work inclusively and thoughtfully as a team but also garnered them a special Teamwork Award for all their hard work; and*

**WHEREAS,** *with all these outstanding accomplishments, overall working with adults and professionals in an interactive environment helped these students learn how to handle themselves under pressure exhibiting total confidence and absolute respect for each other.*

**NOW, THEREFORE, BE IT RESOLVED** *that the Albemarle County Board of Supervisors hereby recognizes, commends and congratulates “Defying Gravity” in setting the high standard for excellence both individually and as part of a team:*

**Jack Jouett Middle School - Luc Bailey, Eli Bosley, Stephanie Owen and Sean Simpson; and**

**Albemarle High School – Eric Hahn, Meghana Illendula and Peter Owen**

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Item No. 10a.3. Resolution of Appreciation – Benjamin “Ben” Franklin Hurt.

Ms. Mallek and Ms. Barbara Massey Mouley, from the Albemarle County School Board, read and presented the following Resolution of Appreciation to Mr. Hurt:

**RESOLUTION OF APPRECIATION**

**WHEREAS,** *Benjamin “Ben” Franklin Hurt is the quintessence of a role model who had the unique ability to touch each student that passed through the halls of Albemarle High School; and*

**WHEREAS,** *both of Ben’s parents pursued learning throughout their lives, thus instilling in him a thirst and fascination for learning at an early age. This led Ben to be the first in his family to attend college, all the while working and eventually graduating from Hampden Sydney. After graduation Ben was hired by Greenwood High School Principal, Paul Cale, to not only teach his favorite subject, Latin, but also teach math and science, coach the baseball, basketball and track teams, and sponsor the boy’s club and chorus; and*

**WHEREAS,** *in 1941, Ben was drafted into the U.S. Army and used his language and typing skills to assist him in becoming the company clerk for the First Armored Division where he prepared daily accounts of campaigns through Africa and Italy, achieving the rank of Sergeant Major, a good preparation towards continuing his educational journey. After the Army, Ben returned to Greenwood High School where he rose to Principal in 1946. Continuing his educational journey, in 1951, Ben earned a Masters of Education Degree from the University of Virginia after which he became Assistant Principal at Albemarle High School when it opened in 1953. In 1954, Ben was appointed Principal and led the Albemarle High School Patriots for thirty years before retiring in 1984; and*

**WHEREAS,** *during his journey, Ben, with his lifelong partner and wife of 62 years, Maria, raised a family, remained active in his Church, civic organizations in Crozet and throughout the County; and*

**WHEREAS,** *Ben is known for his kindness and understanding, and his advocacy for fairness and opportunity, but most importantly, his students were never a number or an unknown. Ben, known as Mr. Hurt to all his students, knew every student’s name, their face, their parents, where they lived, their struggles and their successes. Ben instilled in everyone who graduated from Albemarle High School, whether they went to college, went to work, or studied a trade, that they were unique, had personal gifts and had a responsibility to their school and community; and*

**NOW, THEREFORE, BE IT RESOLVED** *that on this day of January 5, 2011, the Albemarle County Board of Supervisors and the Albemarle County School Board hereby recognize and thank you - Ben Hurt for your inspiration, for your service and leadership, and for your legacy and high standard of education in Albemarle County.*

Mr. Hurt said he was overcome by the honor and thanked everyone for bringing back good memories.

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

Mr. Thomas stated that he had recently spoken with Mr. Bill Letteri about rotating of the fire equipment, as there may be some savings by doing this. He also spoke to Chief Doug Smythers, at Seminole Fire Station, who has indicated he would be willing to get some of the volunteers to help evaluate what equipment may be appropriate for rotation.

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Mr. Thomas said the Fire and Rescue Ordinance Committee will be meeting tonight at 6:00 p.m.

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Mr. Thomas reported that next Thursday night, he and Mr. Boyd, would be attending a meeting in Dunlora Subdivision with Ms. Karen Kilby from VDOT, and Mr. Jack Kelsey from County Engineering to discuss the Meadow Creek Parkway and the entrance into Dunlora.

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Mr. Boyd said that he has been asked to serve on the Virginia Department of Conservation and Recreation Technical Advisory Committee which would be studying uses for the Biscuit Run State Park site. He stated that the first meeting would be held January 24, 2011 from 7:00 p.m. to 9:00 p.m. at COB-5<sup>th</sup> Street COB. Ms. Mallek indicated that she had also been asked to serve on the Committee.

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Mr. Boyd said he has scheduled a town hall meeting with at Hollymead Elementary School on January 27, 2011 from 7:00 p.m. to 9:00 p.m. to have a communication directly with the community over the expanded growth area in the Places 29 Master Plan.

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Mr. Boyd said that last year the Board discussed zero-based budgeting and did a modified version for several departments. There has been a lot of discussion about mandates. In preparation for this year's budget, he would like to see presentations of individual departmental budgets broken down into three categories: mandates by state and federal regulations, mandates by Board policies and principles, and discretionary funds. He asked for concurrence from other Board members.

Mr. Rooker stated that it is a good idea as staff has provided lists of mandates in the past. He noted that Fairfax County creates a booklet that includes all state and federal mandates. He suggested that Board members go to the Fairfax County website to look at that information. As he recalls, over one-third of their budget is attributed to mandates. Mr. Rooker said that perhaps staff could provide a summary approach that follows this format.

Mr. Boyd clarified that he would like to go through this on a department by department basis, as he is trying to get a feel for the balance of which things are dictated by federal or state mandates, County policy, or discretionary spending.

Ms. Mallek agreed that this information would be very helpful in public meetings to help provide more concrete dollars that are built into the budget.

Mr. Foley said that staff should be able to get this information, as they already have a lot of it compiled.

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Mr. Snow stated that he would like to see the Board move toward more of a paperless program instead of generating and copying the vast amount of paper for agenda packets.

Mr. Rooker responded that in the past it has been the option of each Supervisor. Board members could get a copy of the electronic information and download it from online. He noted that the School Board members go online during their meetings for information. He commented that he has tried to use electronic information during meetings before and he does not like it. When he is in a meeting with the School Board it seems they are working on the computer and missing part of the conversation. He also said that he likes to flag things, circle them, and make comments, and it is harder to find information on the computer. For him personally, he still wants to receive paper copies.

Mr. Thomas said he feels the same as Mr. Rooker, but if there was a way to flag items on the computer, he would be interested in going paperless, as long as it is not an expensive system. He asked what the savings would be for going paperless.

Ms. Mallek mentioned that two years ago staff investigated this, and found out that it would cost more to transition to a computer system based on what the School Board did. She added that this should not be taken up as a budget savings at this time, because it will not save money.

Mr. Foley commented that it also depends on what Board members are trying to achieve, adding that the School Board has set up a rather sophisticated system. He said that staff could certainly look at it again.

Mr. Snow said that he would like that as he believes it would ultimately save money and staff time.

Ms. Jordan noted that staff is currently in the process of considering this and would be getting back with the Board with some findings.

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Ms. Mallek stated that she is optimistic about 2011 because of the significant successes the County had in 2010 at a time when the economy was languishing. She emphasized that staff has been creative and nimble in adjusting to change and thanked them for their efforts on the Board and community's behalf. Ms. Mallek said that through citizen involvement and debate, a broadly supported Economic Vitality Plan has been initiated, which focuses attention on local businesses and rural enterprises as well as the workforce, while considering neighborhoods and natural resources. She pointed out that one of these activities, the Artisan Trail Network, will be fully launched this spring, bringing web-based exposure and sales enhancement for many local producers and crafters who wish to sell directly to consumers and receive visits to their farms and studios. Ms. Mallek noted that the project is

funded with a 1:18 ratio of County money to state money. Newly adopted farm sales and farmers' market ordinances provide performance expectations that protect neighbors and sellers alike. She said that this year the County will focus on further improvements to the regulations for farm-based events and agri-tourism as well as home occupations.

Following last year's success with the Crozet Master Plan and soon to be adopted Places 29 Master Plan, Ms. Mallek said the soon review of the Comprehensive Plan will engage citizens in the consideration of changes to this important document. Ms. Mallek stated that citizens have spoken out about local government and school issues, attended town halls, sent emails, and have found their voices, and the County is better for it. Ms. Mallek emphasized that as the budget process begins, the County builds on the foundation of many joint meetings between the School Board and Board of Supervisors, with a better understanding of the entire organization and its needs. She stated that the County is looking to the future as the economy improves to find ways to restart the capital program to address the infrastructure needs of the community. She added that she is optimistic because of her nature and because it is warranted, as there is much for which to be proud.

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

Ms. Karen Kilby, of VDoT, said she was present to introduce Mr. David Crim, VDoT's newly Residency Maintenance Manager in Charlottesville. Mr. Allan Sumpter was transferred to VDoT's Bristol District. Mr. Crim is a Virginia native and VMI graduate, then went to Georgia DOT for a 30-year career before returning to Virginia. She said that Mr. Crim would handle maintenance and traffic matters, but she would still be the liaison for the Six-Year Plan and other planning aspects.

Mr. Crim said that he has been retired from the Georgia DOT for about a year but he is glad to be back at work, particularly in transportation. He said that safety and mobility are cornerstones of VDoT's mission and customer service is a primary focus. VDoT wants to provide the County with the service it deserves. He asked the Board to contact the agency anytime they have a transportation concern or problem.

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Mr. Morgan Butler, of the Southern Environmental Law Center, first welcomed Mr. Foley as the new County Executive. Mr. Butler said that as the Board considers Places 29 later in their meeting, the SELC would like to address changes to the text proposed by County staff after the November meeting in response to concerns from the business community and the proposed expansion across from Forest Lakes. He said that the SELC was very disappointed to see the extent of the changes to the language that reference grade-separated interchanges, as his recollection from the November meeting is that staff had proposed softening references to grade separations in response to concerns from the business community. Mr. Butler stated that staff had said they were going to change the wording from required or recommended to potential or possible grade separations. He said that this was a compromise approach that reflected the business communities concern about putting perceived encumbrances on properties while balancing the fact that traffic modeling has consistently shown that congestion on Route 29 cannot be reduced with separating the grades at a few key locations, and it will have to be one of the options on the table when improvements are considered in more detail. Mr. Butler pointed out that the changes go well beyond what was said at the November meeting, and most references to grade-separated interchanges have simply been deleted. He said that while this may satisfy Route 29 business owners, it ignores traffic modeling, the long range transportation plan, and the approach the County has pursued for decades. Mr. Butler stated that these references must be restored, and the description of the Rio small area plan in Chapter Eight should state at a minimum that grade separation will be among the options considered during the small area planning process.

Regarding the proposed expansion across from Forest Lakes, Mr. Butler stated that it appears that a property owner has now suggested a revised proposal but very few details have been released to the public. He said that all he has been able to gather is that the expansion area is smaller but still envisions a big box with surrounding commercial, with the shopping center connecting directly to Route 29 near the existing Ashwood Boulevard. Mr. Butler emphasized that despite the Board's best intentions and any qualifying language that might be inserted into the Master Plan, this expansion would prematurely open the door to another major traffic generator connecting directly onto Route 29, yet the revised concept seems to be based entirely on this direct connection. He added there is no pretending it will be built after the parallel road and the rest of the required improvements are in place. Mr. Butler said that the SELC urges the Board not to revisit their prior position on this as it is a recipe for more of what has created much of the congestion that already exists on Route 29.

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Mr. Scott Elliff, representing the Forest Lakes Community Association, reiterated the Association's strong opposition to the proposed Hollymead growth area expansion. Mr. Elliff said that two of their board members spoke at the Board's November meeting and presented a petition with over 100 signatures including reasons for opposition. He stated that they left that meeting with the understanding that the proposal had been dropped, but they have subsequently understood that it is back on the table or some variant of it. Mr. Elliff stated that Places 29 was chartered to help fix traffic problems, not create new ones. There is already a 20-year supply of approved but un-built development, and the Ashwood intersection is already a dangerous one. He said that they have been told that this first step does not approve any development per se, but the Association is stating unequivocally that they do not need it, they do not want it, and they do not want the Board to vote for it. Mr. Elliff stated that they have also been told that all kinds of proffers and concessions would be extracted, but they have heard all this before. He said that the strategy of handing developers what they want now to somehow make them more inclined to

provide generous funding for the infrastructure for the whole area of town does not make any sense. Mr. Elliff added that clear history is that a series of small incremental actions are taken and the next thing you know, inexorably, they have big, dense, undesirable, and unplanned incremental new development. Mr. Elliff said that the worse-case scenario here is the most likely scenario with development coming in and the infrastructure never getting built, with proffers not made or watered down at every step along the way. Ultimately, they end up with what they have now miles and miles of unplanned development that clogs Route 29.

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Mr. Derek Duval said that he is a Forest Lakes homeowner and he is not all bent out of shape and disgruntled. He said that he is also a small business owner here and he chose this county for very specific reasons, adding that he thinks paying the current level of taxes is fair enough to be in such a great place. Mr. Duval stated that he is here to ask the Board for thoughtful, transparent, and meaningful discussions about how these developments will be planned and implemented. He commented that every time he drives up Route 29 North and sees the memorial in the median that marks the tragic death of a teenage community member, he thinks a lot more about the safety of his own children and all the residents in the community than he thinks how nice it would be to have a Costco and another Starbucks.

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Mr. John Scott said that he is a 30+ year member of the building community, a resident of Forest Lakes, and is here to speak against this development proposal. He said that the safety of the intersection at Ashwood Boulevard is the primary concern, and although it has been improved there was just an accident there a few days ago. Mr. Scott said that this is a better intersection than it was, but adding more development is going to make it worse. He asked the Board to require that the infrastructure necessary to support the expansion is in place before anything gets built.

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Ms. Grace Zisk said that she lives in Forest Lakes South and agrees with the previous speakers in opposition to this development. Ms. Zisk emphasized that all of Albemarle County is not as desirable as it used to be with all of the overdevelopment and the ruining of the natural beauty, which this will certainly do as they go out of Forest Lakes South. She also said that she is confused about the process, asking why only Mr. Boyd is associated with this. Ms. Zisk asked if this is a Board issue or is this a personal idea also. Ms. Zisk also asked why this meeting was called when there is a January 27 meeting scheduled when they can learn more facts. She asked why there are already details about a big box store if this is just a rezoning issue. She added that the increased population in the County is putting a real stress on all infrastructure, water, transportation, and education. She added that she hope the residents will hear from all of the Board members about this with more transparency.

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Mr. Mike Warlick said that he also lives in Forest Lakes. He said that he does not see the need to add to the growth area when there is so much commercial land already. Mr. Warlick said that he moved here about 10 years ago after being in the military and living in many different places. He stated that it did not take him long to realize how special Albemarle County was. One of the reasons that struck him was how Albemarle protected its resources and how there was a commitment to containing growth. He added that he has lived in many towns where there is no zoning, where new buildings are built and old ones are abandoned. Mr. Warlick stated that he also grew up in Atlanta, and wherever there is open space, it is going to be developed. Mr. Warlick added that he hopes Albemarle is not going in that direction. He said that he has concerns about the direction the Board may be going here, adding that there is great concern about the aesthetics of the community. Mr. Warlick emphasized that there is no need to expand the growth area, as Hollymead and North Pointe have not been fully developed yet.

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Ms. Mallek recognized seven students from Monticello High School that have been involved in the CAP project.

Mr. Hunter Dickerson said that they are part of the Monticello High School CAP project team. The project is about the rebuilding of the Ragged Mountain Dam. He said that the group is in favor of the dam, as it is a more future-proof plan. In speaking with a member of the Virginia League of Women Voters the CAP team learned that building on top of the old dam would not be a good idea because the dam is old and already has leaks. He stated that the group concluded that building a new earthen dam for the community's water plan would be better for the years to come.

Ms. Marbella Nharea said that the CAP team believes strongly that the Board of Supervisors is right about rebuilding the dam, perhaps they should still meet more with City Council. The team went to go visit the dam and it does not really seem very worth keeping since there is all the erosion going on and stuff.

Mr. Boyd and Mr. Snow thanked the students for getting involved with this project.

Mr. Rooker commented that the Board has met with the City several times about the water plan, but the question was whether it was appropriate to have a DEQ official act as a mediator in a meeting and the Board did not think that was an appropriate way to proceed. He added that the Board continues to be available to meet with the City.

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Mr. Jeff Werner, of Piedmont Environmental Council, said that he applauds the involvement of the Monticello students. Mr. Werner said that everyone is entitled to their opinion but people are not entitled

to their own facts. In terms of the community water supply plan, members of City Council refer to bits and pieces of rhetoric, partial truths, and pure fiction as they ignore recommendations of very expensive and qualified consultants. Mr. Werner stated that with Places 29, involving almost 20 years of analysis related to the congestion on Route 29, it is puzzling as to why specific recommendations are either diluted to irrelevance or dismissed entirely. He pointed out that almost 20 years ago VDOT evaluated the Route 29 corridor and offered specific recommendations on what would be needed to address local traffic congestion. During the recent analysis and modeling completed for Places 29, Mr. Werner said, VDOT and the consultants again reached the same conclusion, without grade-separated interchanges at key intersections, traffic congestion on Route 29 will become intolerable.

Mr. Werner said it is clear in the Places 29 technical documents that even with these grade-separated interchanges and the other improvements recommended in the access management plan, this corridor will not become a high-speed highway. Mr. Werner emphasized that it is inaccurate to suggest that these improvements will result in a highway through Albemarle's commercial corridor. He stated that if the corridor is the economic engine and commercial downtown, he does not understand why the Board would ignore the improvements necessary to keep traffic moving within the corridor and able to access these businesses. Mr. Werner noted that in sections of the Places 29 Master Plan, he counted at least 24 places where grade-separated interchanges are struck from the draft. He also pointed out that on page 8.2, the sentence stating that VDOT's recommendations for the interchanges has been modified to suggest VDOT proposes only major improvements. Mr. Werner said that the traffic modeling and conclusions of qualified consultants did not recommend major improvements, they recommended that grade separated interchanges were necessary to maintain the flow of traffic on Route 29. He added that the Board should retain this statement of fact from VDOT and then have the courage to add that it is the Board's opinion that planning for gridlock is the preferred solution. He also said that PEC maintains that an expansion at Ashwood Boulevard in this location, at this time, is inappropriate.

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Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board, stating that the Places 29 Master Plan has been a long process. Six years ago he was one of the original stakeholders charged with discussing the mission statement, which became a contentious issue that was ultimately agreed upon. Mr. Williamson said that today the Board has before them the same type of language in a much longer form, and there are improvements he would like included that will probably not be made. He stated that the focus from this Board seems to be do the doable, put those things forward that can be accomplished. He stated that it is important that everyone have their own opinions and facts but also have an understanding of reality. Mr. Williamson said that the discussion regarding expansion of the development area is a very positive discussion that should involve the entire community.

In terms of the Board's upcoming discussion on the advisory councils, Mr. Williamson said the Forum has been concerned that CPAs asking for adjustments in the development areas have been pushed off to these citizen bodies that do not really have the background in planning. He stated that the Free Enterprise Forum would like for the Commission and Board to ask for those opinions but to move the CPAs through the proper channels and not include them in regular updates. It is a separate item and will allow the community a public opportunity to review a full proposal. The Free Enterprise Forum does not have an opinion on restoration of the development area as it is something the community needs to decide. The Master Plan is a guide and no development plan for the expansion has been put forth yet.

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Mr. Rooker commented that the Places 29 Plan has been proceeding for several years and the comment that the South Hollymead expansion was sprung at the last minute is not entirely accurate. The Board has held several meetings over the past year as has the Planning Commission at which this potential growth area has been discussed. Members of this Board has weighed in at those meetings and expressed their opinions. He stated that the decision has not been made on final adoption of the plan which will come back to the Board for vote in February. Mr. Rooker added in the interim, there are a few decisions left to be made in the plan and two of those decisions have to do with additional proposed growth areas. He emphasized that there has been no lack of discussion on those things; there just has not been a decision made yet.

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Agenda Item No. 13. Consent Agenda. Mr. Rooker **moved** to approve Items 13.1 through 13.5 on the Consent Agenda and to accept the remaining items for information. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 13.1. Approval of Minutes: November 10, 2010.

Mr. Dorrier had read the minutes of November 10, 2010 and found them to be in order.

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

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Item No. 13.2. 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 is \$293,174.82. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of three (3) FY 2011 appropriations as follows:

- One (1) appropriation (#2011057) totaling \$174,463.96 to re-appropriate miscellaneous public safety grants;
- One (1) appropriation (#2011058) totaling \$35,373.00 for the FY2010 State Criminal Alien Assistance Program; and
- One (1) appropriation (#2011059) totaling \$83,337.86 for various school programs.

Staff recommends approval of the budget amendment in the amount of \$293,174.82 and the approval of Appropriations #2011057, #2011058, and #2011059.

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<b><u>Appropriation #2011057</u></b>		<b><u>\$174,463.96</u></b>
Revenue Source:	Federal Revenue	\$ 166,453.74
	Fund Balance	\$ 8,010.22

The following public safety grants had not expended all funding as of June 30, 2010 and will require re-appropriation. No additional local funding is required.

- In FY 09/10, the Department of Justice awarded Bedford County a grant to assist in the investigations of Internet Crimes against Children. Bedford has designated Albemarle County as being an area district in the fight against internet crime and allocated Albemarle County with \$40,000.00. The amount of funds available to bring forward into FY 10/11 is \$24,183.96.
- In FY 09/10, the Department of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$45,000.00 with a local match of \$2,429.70, and an "in-kind" local match of \$7,390.00. The purpose of this grant is to assist in overtime expenses, training, and equipment for traffic safety. The amount of funds available to bring forward into FY 10/11 is \$14,290.90.
- In FY 07/08, the Department of Homeland Security awarded the Fire/Rescue Department a grant in the amount of \$309,168.00 with a local match of \$77,292.00 for a total grant in the amount of \$386,460.00. This grant assists in the purchase of safe and compliant personal protective equipment. The amount of funds available to bring forward into FY 10/11 is \$8,010.22.
- The U.S. Department of Justice awarded the Albemarle County Police Department several grants to assist in overtime expenses and equipment to support Community Policing.
  - Grant #2009-SB-B9-1924 totaled \$113,138.00. The amount of funds available to bring forward into FY 10/11 is \$105,120.42.
  - Grant #2009-DJ-BX-0648 totaled \$27,623.00. The amount of funds available to bring forward into FY 10/11 is \$19,366.27.
  - Grant #2007-DJ-BX-0694 totaled \$23,557.00. The amount of funds available to bring forward into FY 10/11 is \$3,492.19.

<b><u>Appropriation #2011058</u></b>		<b><u>\$35,373.00</u></b>
Revenue Source:	Federal Revenue	\$ 35,373.00

The State Criminal Alien Assistance Program (SCAAP) reimburses localities for compensation expenses incurred by correctional officers supervising aliens in local and regional jail facilities. Program revenues are provided to a locality's General Fund, which are then paid to the correctional facility (Albemarle Charlottesville Regional Jail) for the expenses incurred. This request is to appropriate the \$35,373.00 SCAAP reimbursement.

<b><u>Appropriation #2011059</u></b>		<b><u>\$83,337.86</u></b>
Revenue Source:	Local Revenue	\$ 43,337.86
	State Revenue	\$ 40,000.00

National Board Certification is an extensive year-long assessment of actual teaching practices based upon high and rigorous standards established by the National Board for Professional Teaching Standards (NBPTS). Through this certification process, teachers document their subject matter knowledge; provide evidence that they know how to teach their subjects to students most effectively; and demonstrate their ability to manage and measure student learning. In Albemarle County's School Division, there are 15 teachers that meet these certification standards. In recognition of this achievement, the Department of Education issues the National Board Incentive Bonus Payments to these teachers. An initial award is set at \$5,000 (pre-tax) with a subsequent annual award of \$2,500 (pre-tax) for the life of the certificate (10 years). The funds are electronically transferred to the Albemarle County School Division to be disbursed to the teachers. The total of the bonuses and FICA is \$40,000.00.

Henley Middle School has received donations totaling \$1,988.17 from Henley's Parent and Teacher Support Organization. The donor has requested that the contribution be used to help fund the "Enrichment Time before 9" program for the month of October at Henley Middle School.

The Virginia School Board Association (VSBA) has agreed to pay the substitute teacher compensation and FICA for one day for Nancy Markos at Broadus Wood Elementary School to attend the VSBA convention. VSBA provided a payment in the amount of \$72.00.

Murray Elementary School received a donation in the amount of \$21,765.00 from the Virginia L. Murray PTO. The donor has requested that this contribution be used to help purchase additional technology resources for Murray Elementary School.

Woodbrook Elementary School received a donation in the amount of \$1,912.69 from Woodbrook Elementary PTO. The donor has requested that this contribution be used to help with the cost of school-wide field trips at Woodbrook Elementary School.

Stone Robinson Elementary School received a donation in the amount of \$300.00 from parents and students at Stone Robinson. The donors have requested that this contribution be used to purchase instructional supplies for the preschool special education classroom at Stone Robinson Elementary School.

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 October 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, and social networking and user profiles.

**By the above-recorded vote, the Board approved the budget amendment in the amount of \$293,174.82 and approved Appropriations #2011057, #2011058, and #2011059.**

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011057  
 DATE 1/5/2011  
 BATCH#**

**EXPLANATION:** Re-appropriate miscellaneous public safety grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1523	33000	330003	DOJ Pass-thru: Bedford	J 2	\$24,183.96		
1	1523	31013	120000	Overtime	J 1	\$14,399.10		
1	1523	31013	210000	FICA	J 1	\$1,192.78		
1	1523	31013	550403	Training	J 1	\$7,399.36		
1	1523	31013	800100	Machinery & Equipment	J 1	\$1,192.72		
	1523		0501	Est. Revenue			24,183.96	
			0701	Appropriation				24,183.96
2	1534	33000	330011	Revenue-Federal DMV Grants	J 2	\$14,290.90		
1	1534	31013	120000	Overtime	J 1	\$12,586.00		
1	1534	31013	210000	FICA	J 1	\$1,042.59		
1	1534	31013	550100	Training	J 1	\$571.36		
1	1534	31013	800100	Machinery & Equipment	J 1	\$90.95		
	1534		0501	Est. Revenue			14,290.90	
			0701	Appropriation				14,290.90
2	1536	33000	300001	Revenue-Federal	J 2	\$19,366.27		
1	1536	31013	120000	Overtime	J 1	\$17,884.75		
1	1536	31013	210000	FICA	J 1	\$1,481.52		
	1536		0501	Est. Revenue			19,366.27	
			0701	Appropriation				19,366.27
2	1538	33000	300001	Revenue-Federal	J 2	\$3,492.19		
1	1538	31013	120000	Overtime	J 1	\$3,225.04		
1	1358	31013	210000	FICA	J 1	\$267.15		
	1358		0501	Est. Revenue			3,492.19	
			0701	Appropriation				3,492.19
2	1540	51000	510100	Appropriation - Fund Balance	J 2	\$8,010.22		
1	1540	32015	800100	Machinery & Equipment	J 1	\$8,010.22		
	1540		0501	Est. Revenue			8,010.22	
			0701	Appropriation				8,010.22

2	1543	33000	330001	Revenue-Federal	J	2	\$105,120.42		
1	1543	31013	120000	Overtime	J	1	\$67,682.00		
1	1543	31013	210000	FICA	J	1	\$5,178.00		
1	1543	31013	880100	Machinery & Equipment	J	1	\$32,260.42		
	1543		0501	Est. Revenue				105,120.42	
			0701	Appropriation					105,120.42
<b>TOTAL</b>							<b>348,927.92</b>	<b>174,463.96</b>	<b>174,463.96</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011058  
 DATE 1/5/2011  
 BATCH#**

**EXPLANATION:** FY10 State Criminal Alien Asst. Program

					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	1000	33000	330085	Federal Revenue - SCAAP	J	2	35,373.00		
1	1000	33020	700002	Regional Jail	J	1	35,373.00		
	1000		0501	Est. Revenue				35,373.00	
			0701	Appropriation					35,373.00
<b>TOTAL</b>						<b>70,746.00</b>	<b>35,373.00</b>	<b>35,373.00</b>	

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #2011059  
 DATE 1/5/2011  
 BATCH#**

**EXPLANATION:** Appropriations from School Board's December 9, 2010 meeting

					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	2000	15000	150510	Royalties-Cable	J	2	\$17,300.00		
2	2000	18000	189900	Miscellaneous Revenue	J	2	\$72.00		
2	2000	18100	181109	Donation	J	2	\$25,965.86		
2	2000	24000	240218	Nat'l Brd Cert Stipnd-St	J	2	\$40,000.00		
1	2100	61101	160210	Stipend-Nat'l Cert-St	J	1	\$37,157.45		
1	2100	61101	210000	FICA	J	1	\$2,842.55		
1	2115	62420	300201	Parts & Maintenance-DP	J	1	\$17,300.00		
1	2201	61101	601300	Ed/Rec Supplies	J	1	\$72.00		
1	2210	61102	601300	Ed/Rec Supplies	J	1	\$300.00		
1	2212	61101	137100	Driver Wages	J	1	\$709.98		
1	2212	61101	210000	FICA	J	1	\$54.31		
1	2212	61101	420100	Mileage	J	1	\$1,148.40		
1	2215	61411	800700	Data Processing Equip - New	J	1	\$21,765.00		
1	2252	61101	160300	Stipends-Staff/Cur. Dev	J	1	\$1,846.88		
1	2252	61101	210000	FICA	J	1	\$141.29		
			0501	Est. Revenue				83,337.86	
			0701	Appropriation					83,337.86
<b>TOTAL</b>						<b>166,675.72</b>	<b>83,337.86</b>	<b>83,337.86</b>	

Item No. 13.3. Resolution of Intent to Amend Zoning Regulations Relating to Outdoor Amplified Music at Farm Wineries.

The executive summary states that on May 5, 2010, the Board amended County Code § 18-5.1.25, pertaining to the regulation of farm wineries. County Code § 18-5.1.25(e) established the following standard for sound from outdoor amplified music:

Sound generated by outdoor amplified music shall not be audible: (i) from a distance of one hundred (100) feet or more from the property line of the farm winery on which the device is located; or (ii) from inside a dwelling unit.

On December 2, 2010, Staff held a public roundtable to receive input from representatives of the farm winery industry, the public and others as to how the new farm winery regulations were working after the first season. Staff received significant public input during the December 2, 2010 roundtable and the standard for outdoor amplified music ended up being the primary focus of the roundtable. The participants requested that the County revisit the standard for sound from outdoor amplified music and, in particular, its implementation and enforcement, even though complaints of noise from outdoor amplified music during the past season were limited to a single farm winery.

The audibility standard in County Code § 18-5.1.25 is borrowed from the audibility standard for certain regulated sounds in the County's general noise regulations in Chapter 7 of the County Code. The audibility standard, however, is a unique standard within the Zoning Ordinance, which otherwise uses decibel-based standards for noise generated by various regulated land uses (County Code § 18-4.18).

For example, if the Rural Areas or a residential zoning district is the receiving zone, the permitted noise level (in decibels) is 60 dBA during the day (7:00 a.m. to 10:00 p.m.) and 55 dBA at night (10:00 p.m. to 7:00 a.m.). Noise levels are measured using a sound level meter under prescribed procedures.

The attached resolution of intent (Attachment A) would initiate the study of a new standard for outdoor amplified music at a farm winery. The development of a recommended standard would include considering the needs of the farm winery industry to preserve its economic vitality, the effect of outdoor amplified music on residents living near farm wineries, and the need for a standard that is reasonable, effective and efficient in its administration and enforcement.

The Planning Commission has scheduled a work session for this issue on January 18, 2011.

By better addressing administration and enforcement of this regulation, the resulting amendment is not expected to have a negative budget impact and may result in minor staff time savings over the administration of the current regulations.

Staff recommends that the Board adopt the attached Resolution of Intent.

**By the above-recorded vote, the Board adopted the following Resolution of Intent:**

#### **RESOLUTION OF INTENT**

**WHEREAS**, County Code § 18-5.1.25(e) establishes the standard for sound generated from outdoor amplified music at a farm winery, which is based on the audibility of the sound by a person of normal hearing from specified locations; and

**WHEREAS**, the standard is unique among the noise standards for land uses regulated under the Zoning Ordinance, which are otherwise decibel-based standards in County Code § 4.18; and

**WHEREAS**, it is desired to consider a new standard for outdoor amplified music at a farm winery considering the needs of the farm winery industry to preserve its economic vitality, the effect of outdoor amplified music on residents living near farm wineries, and the need for a standard that is reasonable, effective and efficient in its administration and enforcement.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend County Code §§ 18-4.18, 18-5.1.25 and any other regulations of Chapter 18, Zoning, of the County Code deemed appropriate to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

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Item No. 13.4. Acquisition of Conservation Easements (ACE) Update for FY 2009-10 Applicant Class.

The executive summary states that *Albemarle County Code* § A.1-111(D) requires each landowner who desires to sell a conservation easement to submit a written offer to the County to sell the easement for a fixed price, determined by an appraisal and subject to an adjustment based on adjusted gross income. The easement is also subject to the terms and conditions contained in a proposed deed of easement negotiated by the parties. *Albemarle County Code* § A.1-111(E) further requires that, if the Board accepts the offer, it must do so in writing and only after an action by the Board authorizing acceptance. The Board is not required to accept an offer to sell a conservation easement and nothing in the ACE ordinance obligates the Board to purchase a conservation easement on any property that meets the minimum number of qualifying points. Under *Albemarle County Code* § A.1-109(E), the Albemarle County Public Recreational Facilities Authority ("PRFA") or the Virginia Outdoors Foundation ("VOF") may be co-holders of the easements.

On October 6, 2010, the Board approved the ACE Committee's recommendations to: 1) approve three (3) appraisals by Pape and Company for applications from the year FY 10 applicant pool (see Attachment A); 2) approve the purchase of ACE easements on the top three ranked properties from the year FY 10 applicant pool: the Lively, Pugh/Stanson, and Barksdale properties; and 3) authorize staff to invite these three applicants to make written offers to sell conservation easements to the County. Of the three initial invitees, only Ms. Pugh and Ms. Stanson submitted a written offer to sell their easement to the County. The owners of the other two properties decided not to sell conservation easements to the County.

Of the five remaining applicants from the FY2010 applicant pool, four scored high enough on the ranking criteria to be eligible for an ACE easement: Thurman, Rives, Rushia, and Nash/Violette. At the time these applicants were presented to the Board on April 7, 2010, appraisals were not recommended due to an anticipated lack of funding. However, the withdrawal of two higher-ranked applicants (Lively and Barksdale) has now made the acquisition of some or all of these remaining easements possible.

With \$538,918 of remaining funds from FY 2010, \$350,000 from the FY 2011 appropriation, and \$143,832 from two grants from the Office of Farmland Preservation, the ACE Program has a total of \$1,032,750 available for easement acquisitions.

Ms. Pugh and Ms. Stanerson have offered to sell their conservation easement at a cost of \$162,500 (see Attachment B). The ACE Committee recommends the purchase of this easement over the Pugh/Stanerson property. Acquisition of this easement would eliminate five development rights and the property has significant tourism value. The acquisition of this easement would also result in the following resource protection:

- Protection of 96.22 acres of farm and forestland
- 970 feet of state road frontage
- 4,029 feet of riparian buffer
- 3,350 feet of common boundary with other protected lands
- 49 acres of "prime" farm and forestland

As for additional acquisitions, based on the final ranking order and eligibility status of the Round 10 properties, the ACE Committee recommends that the Board authorize staff to order appraisals for all four remaining eligible properties: Thurman, Rives, Rushia, and Nash/Violette. Although the total ACE budget for FY 2009-10 may ultimately prove insufficient for purchasing easements on all four properties, it is prudent to obtain appraisals or updates on more properties than funding will allow in the event that additional funding becomes available or some higher ranking applicants withdraw their application from the Program.

Funding for the purchase of these conservation easements comes from the CIP-Planning-Conservation budget (line-item 9010-81010-580409). Staff will continue to pursue outside funding sources to supplement the ACE Program funding. Sources of potential outside funding include the Office of Farmland Preservation, the Preservation Trust Fund, the Virginia Land Conservation Foundation, and the Farm and Ranchlands Protection Program.

Staff recommends that the Board adopt the attached Resolution (Attachment C) accepting' the offer of Ms. Pugh and Ms. Stanerson, who are approved FY 2009-10 applicants, to sell conservation easements to the County, for \$162,500, subject to the terms and conditions contained in the deed of easement, and authorize the County Executive to sign the final deed of easement in a form acceptable to the County Attorney for this property.

Staff further recommends that the Board:

- 1) Identify the Thurman, Rives, Rushia, and Nash/Violette properties as those on which it desires to purchase conservation easements; and
- 2) Authorize staff to order appraisals or updates for the Thurman, Rives, Rushia, and Nash/Violette properties.

**By the above-recorded vote, the Board adopted the following Resolution accepting the offer of Ms. Pugh and Ms. Stanerson, who are approved FY 2009-10 applicants, to sell conservation easements to the County, for \$162,500, subject to the terms and conditions contained in the deed of easement, and authorized the County Executive to sign the final deed of easement in a form acceptable to the County Attorney for this property; identified the Thurman, Rives, Rushia, and Nash/Violette properties as those on which it desires to purchase conservation easements; and authorized staff to order appraisals or updates for the Thurman, Rives, Rushia, and Nash/Violette properties.**

**RESOLUTION ACCEPTING OFFER TO SELL  
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

**WHEREAS**, the County has received an offer to sell a conservation easement under the ACE Program from the owners of the following property:

<u>Applicant</u>	<u>Tax Map</u>	<u>Acreage</u>	<u>Amount</u>
Ethel Pugh/Stanerson (Ivy)	TM 56, Parcel 25C	96.220	\$162,500

**WHEREAS**, the owners offered to sell a conservation easement on the property described above to the County for the purchase price indicated above, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County's invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors hereby accepts the offer to sell a conservation easement for the property described above at the amount indicated above, and authorizes the County Executive to execute all documents necessary for completing this acquisition.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owners of the property identified herein, or the appropriate contact person.

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Item No. 13.5. Set public hearing for proposed revision of Precious Metals Ordinance.

The executive summary states that during its July 7, 2010 meeting, the Board heard concerns from a citizen regarding itinerant dealers of precious metals operating at temporary locations in the

County. Based on this input, the Board requested staff to review the County Code as it relates to the sale/exchange of precious metals and offer suggested amendments to address itinerant dealers.

Although precious metals dealers are regulated by state law, localities can adopt local ordinances that parallel state requirements or impose more stringent rules. Consistent with the provisions of *Virginia Code* § 54.1-4108(E), the County's existing ordinance requires that dealers conduct their business exclusively from a fixed and permanent location specified in their application for a permit. However, the current ordinance does not clearly specify whether only the *location* itself must be fixed and permanent, or whether the dealer's *operations* there must likewise be fixed and permanent. This question arises when, for example, an itinerant dealer holds a weekend event in a hotel conference room. While the hotel building itself is fixed and permanent, the dealer's operations there are not.

In the last two years, the County's Police Department issued a total of ten permits to dealers doing business in Albemarle County.

Staff has completed its review of the existing County ordinance and proposes that the Board amend the County Code to more consistently parallel the intent of the Virginia Code. Specifically, *Virginia Code* § 54.1-4104(A) already requires dealers to retain all purchased precious metals or gems, *and not remove them from the jurisdiction*, for a minimum of ten calendar days. Judging from this retention requirement, state law clearly intends that dealers' operations, not just their location, be fixed and permanent.

The revised ordinance (Attachment A) recommends revisions to four sections of the Albemarle County Code, Chapter 12, Regulated Enterprises, Article III, Dealers in Precious Metals:

1. Definition of "fixed and permanent location" (§ 12-300(3)) – The proposed ordinance would make "fixed and permanent location" a defined term, meaning a location in the county at which the dealer conducts a regular and continuous course of dealing for thirty consecutive days or more, with Saturdays, Sundays and recognized holidays excepted. A fixed and permanent location may include a location leased or otherwise obtained from another person on a temporary or seasonal basis. This language is patterned after the term "definite place of business" in *Virginia Code* § 58.1-3700.1 applicable to business licenses.
2. New application requirements (§ 12-302(A)) – The proposed ordinance would add a number of requirements to the dealer's license application, namely:
  - a. Requiring the full name, any aliases, address, age, date of birth, sex and fingerprints of not just the dealer (as currently required), but also of any agents of the dealer doing business in the County.
  - b. Specifying the dealer's hours of operations – to facilitate enforcement
  - c. Specifying the location in the County where all precious metals or gems purchased will be retained, as required.
  - d. Furnishing a zoning clearance to verify that the dealer's business is permitted under the applicable county zoning regulations.
3. Notification of business closings; location of business (§ 12-302(D)) – Additionally, to facilitate enforcement, the proposed ordinance would require the dealer to notify the chief of police of all closings and re-openings of the business of the dealer if the business were not open for business to conduct purchases without interruption, with Saturdays, Sundays and recognized holidays excepted. This section would also restate the requirement that the dealer's use must be permitted under the applicable county zoning regulations.
4. Mandatory two-year revocation following a second conviction (§ 12-307) – The proposed ordinance would follow a 2010 amendment to *Virginia Code* § 54.1-4110, requiring a mandatory two-year revocation of a dealer's license following a second conviction for violating any provisions of the ordinance.
5. Retention and accessibility of all precious metals or gems purchased (§ 12-311(C)) – The proposed ordinance would re-emphasize the requirement that all precious metals or gems purchased be retained in the jurisdiction, and would require the dealer to make them available for inspection by law enforcement.

The complete Article regulating dealers in precious metals is attached for reference and information (Attachment B).

Though the proposed ordinance would require the Police Department to revise the license application for precious metals dealers, the Police are already responsible for enforcing the existing precious metals ordinance. Staff does not foresee the cost of enforcement increasing under the proposed ordinance.

Staff recommends that the Board direct staff to advertise the attached proposed ordinance for public hearing at the February 2, 2011 Board meeting.

**By the above-recorded vote, the Board directed staff to advertise the proposed ordinance for public hearing at the February 2, 2011 Board meeting.**

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Item No. 13.6. CSA Management Update, *was received for information.*

The executive summary states that in February 2009, the Board accepted the findings of the County's Resource Management Review Study ("RMRS") which evaluated the efficiency of County services. One of the recommendations from the RMRS was for the County and the City to determine

whether the Commission on Children and Families (“CCF”) should continue to provide Comprehensive Services Act (“CSA”) administrative support to both jurisdictions. In May 2009, the Board conducted a work session to review and discuss the findings of the RMRS and directed staff to evaluate the recommendations regarding the CCF. As a result of this action, a committee was formed to complete a study on this matter in collaboration with the City. The committee recommended that the CCF no longer provide CSA administrative support as well as the Community Policy Management Team (CPMT) duties for the County and the City consistent with the findings of the RMRS. The study group further recommended that the County and the City form their own respective CPMTs, separate from the CCF and retain their state CSA administrative funding rather than pooling it for the CCF. In January 2010, the committee submitted its recommendations to the County Executive and the City Manager. Both incorporated this recommendation into their 2011-2012 proposed budgets, which were ultimately adopted in April 2010 by the Board and City Council respectively. An amendment to the Agreement between the County and the City regarding CCF was approved by the Board at its May 12, 2010 meeting. CSA administrative duties were transferred to the respective County and City Departments of Social Services (“DSS”) on July 1, 2010. The Board requested a report regarding the outcome of the first six months of the new structure.

Staff from the County and City DSS and CCF met between March and July, 2010 to plan how to accomplish the transition of duties from the CCF in a seamless manner. A timeline with associated tasks was created that included the development of internal DSS processes as well as tasks such as the transition and ongoing management of vendor contracts, files and case records, the CPMT website, CSA policies and the Family Assessment and Planning Team (“FAPT”) scheduling docket. A communication strategy was implemented to ensure stakeholders were well informed of the changes and the impact to their respective agencies, and appropriate contact information was provided. CSA Coordinators were hired in both the County and City DSS, and the CPMT held its first meeting under the new structure in July.

One of the recommendations from the RMRS study was to reorganize the administration of CSA so those managing the process had access to all County and City financial records and had an understanding of CSA and social service policy so that the system could be streamlined. An example of a streamlined process is the new FAPT docketing schedule that is now automated through the DSS Thomas Brothers Financial system. This has enabled greater efficiency in the scheduling process and also has eliminated the production of a manual report for FAPT members. Another example of a streamlined process is the development of an automated system through SharePoint for managing the vendor terms and conditions process. Required vendor information, including copies of licenses, service rates, etc, are now posted electronically and are readily available to both County and City staff who need access. And finally, with a more comprehensive understanding of both CSA and DSS policies, the CSA Coordinators have been able to more effectively review service plans and supporting documentation for CSA compliance and address any issues or needed corrections with case managers prior to FAPT meetings. This has increased the efficiency of the FAPT meetings by decreasing the amount of time that is spent on paperwork and compliance issues, enabling FAPT members to more readily focus their efforts on service planning. In addition, with this increased capacity to combine functions, the CSA Coordinators are now able to perform all the necessary administrative functions required at the FAPT meetings that previously necessitated two CCF staff members.

The new CSA Coordinators have also been working to bring the CPMT into better compliance with state policies on fiscal authorizations, parental co-pays, provider and parental representation and CSA administrative policies. A more comprehensive annual service gap review was also completed and a new website is in production.

Currently the CPMT is in the process of reducing the number of ad hoc work groups and developing a revised charge for the Program Subcommittee to help them target their work on service and program creation, enhancements and improvements.

CPMT has not yet developed a formal feedback survey for stakeholders about the changes that have taken place, but plan to do so by the end of the first year. CSA staff for both the City and County are receiving positive feedback about the changes.

In its report to the County Executive and City Manager in January 2010, the study team estimated that the County could realize savings of approximately \$26,000 with the proposed shift in responsibilities from the CCF to DSS. These savings were incorporated into the final budget for FY11.

This report is for information only.

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Item No. 13.7. ~~Resource Management Update.~~ **(moved to regular agenda)**

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Item No. 13.8. Annual Report on Wind Turbines permitted since Ordinance adopted, was *received for information.*

The executive summary states that on December 10, 2009, the Board adopted ZTA2009-001, which allowed small wind turbines by right on property zoned Rural Areas. The Board also directed staff to provide it with a report on the small wind turbines approved in the first year after the adoption of the ordinance. This executive summary is to provide that report to the Board.

There have been no small wind turbines approved since the ordinance was adopted. In December 2009, Community Development received two applications for small wind turbines, however, both applications were denied because the height of the proposed wind turbine exceeded that allowed by the Zoning Ordinance. The Zoning Ordinance does not provide for a modification or waiver of the height requirement.

Staff met with several potential applicants in 2010, but after reviewing the requirements of the small wind turbine regulations, those individuals did not submit applications, and no other applications have been received. It is staff's opinion that the lack of adequate winds and the maximum height of thirty five feet have limited the cost effectiveness of investing in a small wind turbine for potential applicants.

Staff recognizes the height of wind turbines was a controversial issue when this ordinance was considered in 2009. Staff does not believe an amendment to the height requirement would prove any less controversial today. As staff has seen little demand for increasing the height of wind turbines and staff resources are overextended, staff does not recommend undertaking an amendment to the wind turbine standards at this time.

This executive summary is for information only. No action is required at this time.

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Agenda Item No. 14. **PUBLIC HEARING: PROJECT: SP-2010-00026. Pink Ribbon Polo (Signs #63&64).**

**PROPOSED:** Amend SP-2006-000003 to remove condition of approval #4 which requires submittal of application by November 3, 2010, to renew the special use permit by five years (May 3, 2011) from the date of the approval.

LOCATION: 6640 Roseland Farm, Crozet (King Family Vineyards) south west intersection of Jarmen's Gap Rd. ( Rt. 691) and Half Mile Branch Rd. (Rt. 684).

TAX MAP/PARCEL: 05500000008000 and 05500000008100.

MAGISTERIAL DISTRICT: White Hall.

(Advertised in the Daily Progress on December 20 and December 27, 2010.)

Mr. Cilimberg reported that in the original approval of this special use permit there was a condition requiring that after five years an extension of the permit or a permanent allowance to address impacts from the event be evaluated. The applicant is requesting that the condition be removed. He stated that there have been no public complaints, incidents, or accidents reported by County departments, and no functional issues with the entrance. This is also an easement property and the Virginia Outdoors Foundation does not have an objection. Mr. Cilimberg said that staff and the Planning Commission recommend that this be reapproved with three conditions, removing the fourth condition requiring re-approval.

Mr. Boyd asked about the annual approval in the third condition. Mr. Cilimberg responded that it relates to a zoning clearance that the Zoning Administrator reviews to make sure that all appropriate accommodations for the event are being provided.

Mr. Thomas said that he has spoken with numerous people who live near this Crozet area farm, and they are all in support of the application. Ms. Mallek stated that she has heard the same.

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

Ms. Mallek **moved** for approval of SP-2010-0026 subject to the three conditions as outlined by staff. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

1. Special Use Permit 2010-00026 shall be developed in general accord with the sketch plan submitted March 16, 2005, prepared by the Pink Ribbon Polo Committee, and titled "American Cancer Society, Pink Ribbon Polo, SP2006-03" (Attachment A-1 and A-2 [of the April 25, 2006, report]). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;
  2. The event shall be held once (1) a year between the dates of May 30<sup>th</sup> and July 1. The event shall be limited to the hours of 10:00 am and 6:00 pm. Amplified sounds shall be limited to the National Anthem and announcements related to the polo game. The applicant shall arrange for traffic control personnel to be placed at all locations and for what period of time the Albemarle County Police Department deems necessary; and
  3. Annual approval of a zoning compliance clearance for not more than two thousand (2,000) attendees is required prior to commencing this use each year. The applicant shall apply for the zoning clearance no later than three (3) weeks prior to the date for the event. Zoning approval will be contingent upon the Zoning Administrator determining that the provisions in Section 5.1.27 of the Albemarle County Code and all conditions of this special use permit have been satisfied and on confirmation from the Health Department, as well as the Departments of Fire/Rescue and Police, that they have been contacted by the applicant and can recommend approval.
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Agenda Item No. 15. Discussion: Community Advisory Councils, Lee Catlin.

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

The County has experienced significant budget reduction impacts to both County staffing levels and to the CIP budget over the last several years. Staff has had several discussions with the Board regarding the best way to meet the challenge of maintaining the County's strong commitment to effective and sustainable community engagement through Board appointed committees at a time when the County has reduced staffing in Community Development and Community Engagement. These discussions led to a staff recommendation for restructuring the appointed community advisory councils, which the Board approved at its September 1, 2010 meeting. The changes approved by the Board included:

- One meeting annually with all councils jointly assembled to discuss issues of interest common to all development area residents. This annual meeting would serve as the only meeting for the Village of Rivanna due to its size and lack of any master plan implementation projects.
- Two or three other meetings throughout the year would be scheduled for the Crozet, Pantops and Places29 councils depending on need and implementation activity. Staff would also continue to hold project specific community meetings when necessary in addition to these regular meetings.
- New councils formed in the future would abide by these procedures, and the procedures will be revisited as the number of councils increases and the staffing situation changes.
- Between meetings staff would support the councils' communications role by providing appropriate updates regarding development activity and capital project status and would continue using electronic tools such as master plan websites and A-mail updates to provide information.
- If councils were to meet more frequently than outlined above without staff present, they would need to be mindful of their obligation to meet FOIA and other legal requirements and also realize that current staffing is very challenged to support additional work generated as a result of such meetings.

Since the Board approved this approach, the Planning Commission requested that the Board reconsider appointing a community advisory council for the Village of Rivanna in the interest of fairness and equity among development areas with an adopted master plan. In response the Board requested staff to bring the community advisory council issue back before them at this meeting.

In light of current resource limitations, staff's support of the advisory councils is based on the councils' roles as defined by the Board's charge, with a primary focus on projects and issues specifically related to the implementation of the master plans. That role was approved by the Board in September as follows:

*The Advisory Councils will provide feedback and input to County staff and the Board of Supervisors on county efforts related to implementation of the Master Plan, in accordance with established county procedures. Advisory Council members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, business people, and representatives of community groups a chance to be engaged and to be heard in a constructive and meaningful way.*

The restructuring plan approved in September did not recommend appointment of a community advisory council for the Village of Rivanna because implementation activity related to that master plan, particularly public infrastructure projects, was very limited and did not appear to justify the need for such a group. However, if the Board's intent is to provide equity among all master plan communities regarding advisory councils, staff supports the appointment of a Village of Rivanna Community Advisory Council to operate under the same mission, charge and procedures as the other appointed councils with the understanding that, as with other councils, staff's support will be limited.

Staff is anxious to support the important work of the community advisory councils to the greatest extent possible while recognizing the very real and significant resource limitations imposed by the current budget situation. Staff's recommendation to the Board in September reflected that reality by outlining how staff felt they could reasonably support the three existing councils without considering the impact of a council for the Village of Rivanna. If the Board wishes to appoint that council, staff would suggest the following changes to what was previously approved as a way to provide support to all four councils within existing resources:

- Individual meetings with each council involving staff would be reduced to 1 – 2 per year instead of 2 – 3 per year as approved in September – additional meetings would be scheduled as necessary for project-specific issues.
- Administrative support including updates to websites, issuing A Mails, and updates regarding development activity and capital project status may be delayed.
- As workload increases/shifts for Community Development and other involved staff, this approach may need to be revisited in the future.

Staff understands that additional meetings of the community advisory councils may be desired for purposes beyond specific master plan implementation issues in which staff would not be involved, and

believes it is important to establish the framework within which the councils can meet legal requirements for those meetings. For those additional meetings to take place, the councils would have to assure that all legal requirements for open meetings of public bodies are met (guidelines regarding open meeting requirements are provided in Attachment A) and agendas and minutes of all meetings are provided to staff in a timely manner to post on websites.

Staff is committed to making this approach work and to adequately supporting the appointed councils. We do want to express our concern that by spreading resources to cover four advisory councils, we may not be as able to maintain the productive, fulfilling connections we would like to with each of these groups – there is a point at which the groups could become ineffective and frustrated if their desire for involvement and their legitimate information needs are not being met by staff. We will monitor this over the next year to see how the approach is working. If the Board desires staff involvement beyond what is recommended above, additional resources or changes in work plan priorities will need to be identified to support that workload.

Community Engagement was identified as a watch list item during the recent Five Year Financial Plan process and resource needs for this program will be monitored as the year progresses to see whether demands of the program exceed available capacity.

Ms. Catlin said staff recommends that the Board appoint a community advisory council for the Village of Rivanna and adopt the revisions recommended above regarding staff support to the advisory councils.

Mr. Thomas asked about the impact of forming a Places 29 council, noting that he would like to see a variety of representation from all up and down the Route 29 corridor, instead of two councils. Ms. Catlin responded that staff would like to see one council for Places 29 with representation throughout the area.

Mr. Boyd commented that this goes beyond just staff time as there is also a demand for resources, adding that he hopes the impact of the Places 29 council will not just be another layer in the process for comprehensive plan amendments and re-zonings. Ms. Catlin responded that staff has not envisioned that as a role of the councils, but sometimes developers have found it helpful to come to those groups to get feedback and input. She added that staff does not want to set them up as a barrier or a hurdle or a requirement that has to happen. There has been some valuable in having some discussion with the councils of development projects.

Ms. Mallek mentioned that the Crozet Community Advisory Council is a very diverse group that was carefully chosen to represent a broad spectrum of the community, and that is where the value has come for projects of all sorts. She added that it is a wonderful communication tool. She also said that it is important for the group to get an email from Community Development when there are proposed land use changes, so that the information is presented early enough and clearly. It is a way to get out accurate information.

Mr. Boyd said that it is to the developer's advantage, but he does not want it to be perceived as a step in the process.

Ms. Mallek responded that in Crozet, what is often said is they were appointed to advise, and nobody has to pay any attention, but this is their chance to give their view.

Mr. Dorrier commented that it is not only an issue of fairness, but it is also an issue of master planning. He stated that in order to develop a good master plan the County needs to have an advisory council as part of that process. Mr. Dorrier added that if the Board denies the Village of Rivanna an opportunity to have an advisory council, it would be putting the process at risk. He then asked why Places 29 has 19 members.

Ms. Catlin responded that no one has been appointed to Places 29 yet. Ms. Mallek added that the council will have 15 members, the same as Crozet Advisory Council.

Mr. Rooker agreed with Mr. Dorrier, stating that the Board was under the impression that there was not any developable land left in Rivanna Village when the original decision was made, but found out subsequently that there is more land to the east that may ultimately be developed. He said that there is an issue of fairness and there ought to be some mechanism for the residents of Rivanna to provide input into rezoning of additional property there, but it needs to be understood that there is a large growth area with lots of activity that is going to impact the need for staffing to deal with issues that arise. Mr. Rooker mentioned that the Crozet Council met frequently over the last five years, and Ms. Mallek pointed out that it was about 60 meetings.

Mr. Thomas said that it is difficult to get people out to meetings, but these council members have been very involved. He noted that Glenmore has a very active homeowners association that wanted to have input there. That is when Mr. Steve Runkle ultimately pulled back his application and redid it.

Mr. Rooker stated that he supports what is presented here, but there is some obligation to make this a successful venture for participants and it may need some additional resources. He emphasized that staff has made it very clear that they may not have the resources to keep these groups effective. He added that the Board just needs to keep an eye on that as it develops. He added that he was not talking about going out and hiring additional staff.

Mr. Boyd pointed out that the Pantops Council is moving ahead with meetings on its own, and they are functioning without much staff involvement. He added that he sees a wealth of difference between what is happening in Pantops and what is happening in Crozet. The Pantops Council does not try to hold up developments. He said that none of the proposed developments were sent to that group to review and comment prior to being applied for.

Mr. Rooker said that there is no legal requirement for a developer to take a proposal to an advisory council. He does not think a developer should be penalized for not doing so. He said he does not think there are even sufficient resources to have council members learn all of the aspects of a potential development and make an opinion. He stated that he is more interested in having these groups weigh in on priorities such as sidewalk placement and other infrastructure.

Ms. Catlin commented that when this structure was established and put into the Comp Plan the assumption was that there would be a staff planner for each master plan area, with a Community Engagement Specialist on staff. She added that County staff has moved very far away from that. Staff's concern is that even though the groups can be self-sufficient, and are encouraged to do that, at some point they need and deserve interaction with staff, information from staff, responsiveness from staff, engagement with staff. Ms. Catlin staff does not want to set something up that will be a frustration when groups get to that point and are not able to get the guidance they need to be productive and successful. The groups do get expectations and get excited when they are appointed.

Ms. Mallek pointed out that when the councils get adequate information initially and then share it amongst the people in their locality, it saves hundreds of phone calls to Community Development. She stated that she thinks it is also going to be an efficiency thing as well. She mentioned that the Crozet Council created a Crozet Trails Group out of the meetings there, with Mr. Dan Mahon of County staff. The Trails Group has made a huge impact on developing trails in the community. It is worth a few phone calls and a few meetings.

Mr. Boyd said he agrees with adding the Rivanna Council.

Mr. Foley said that staff would let the Board know if there are challenges with the master planning process and will keep communicating with them on it.

Mr. Dorrier **moved** to create an advisory council for the Village of Rivanna and to adopt the recommended revisions regarding staff support to the advisory councils.

Ms. Catlin stated that staff would wait until the Places 29 and Village of Rivanna councils are appointed, then have the annual meeting and work with each council to set up a schedule for individual meetings, along with providing the tools they need to meet on their own.

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

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

**(Note: Revisions to Community Advisory Councils:)**

1. Individual meetings with each council involving staff would be reduced to 1 – 2 per year instead of 2 – 3 per year as approved in September – additional meetings would be scheduled as necessary for project-specific issues.
2. Administrative support including updates to websites, issuing A Mails, and updates regarding development activity and capital project status may be delayed.
3. As workload increases/shifts for Community Development and other involved staff, this approach may need to be revisited in the future.

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Agenda Item No. 16. Ordinance Amendment – Chapter 4, Animals and Fowl.

Mr. Bryan Elliott, Assistant County Executive, summarized the following executive summary which was forwarded to Board members:

On July 8, 2009 the Board adopted a comprehensive amendment to Chapter 4, Animals and Fowl, of the Albemarle County Code to bring the County's animal laws into conformance with State law. The comprehensive amendment included the adoption of animal welfare laws.

Last year, Board members received requests and petitions from the public to consider adopting an ordinance to regulate the number of hours a dog may be tethered. On October 6, 2010, staff recommended that the Board amend specific definitions of the animal ordinance to better address the reported welfare concerns, rather than adopt a tethering ordinance. See the attached October 6 executive summary (Attachment B). The Board decided not to pursue adopting a tethering ordinance. Instead, the Board directed staff to prepare a draft ordinance to amend the definitions of "adequate shelter", "adequate space", and "treatment/adequate treatment". The Board also asked staff to look into requiring a "pulley-only" system for dogs that are tethered.

The attached draft ordinance (Attachment A) would amend Section 4-100 Definitions, of Chapter 4, Animals and Fowl of the Albemarle County Code. Specifically, proposed amendments to the definitions of "adequate shelter", "adequate space", and "treatment/adequate treatment" are as follows:

- **4-100(5) Adequate shelter**—amended to provide examples of structures that are not adequate shelters. Such inadequate shelters include metal barrels, plastic barrels, airline crates, carrying crates, and dog houses with no floors. This amendment addresses reported animal shelter concerns.
- **4-100(6) Adequate space**—amended to further define the length and weight of a tether and/or a running line. Specifically, the allowable length of a tether for an animal is increased from three (3) times the length of the animal to five (5) times the length of the animal, and such tether must have a swivel at both ends, weigh no more than 1/8 the animals' weight, and multiple animals shall have their own tether. A pulley or running line shall be at least fifteen (15) feet in length, and less than seven (7) feet above the ground in such a manner to protect the animal from injury and prevent the line from becoming entangled with other objects or animals. When there is more than one animal on a pulley or running line, then each animal shall have its own tether on the pulley or running line. This amendment addresses reported animal welfare concerns.
- **4-100(38) Treatment or adequate treatment**—amended to state that tethering a dog six months old or younger, and tethering a female dog in heat is not deemed to be adequate treatment. It is also amended to include ways in which an animal may be transported in an open-bed truck in order for such transportation to be deemed adequate treatment of the animal. This amendment addresses reported animal welfare concerns.

While the ACOs can adequately handle most reported welfare concerns under the existing County animal laws, amendments to these definitions provide the ACOs additional tools when responding to animal welfare calls and greater clarity to animal owners and concerned citizens.

Staff does not recommend an ordinance that would require a "pulley-only" system. Requiring a "pulley-only" system for any tethered dog would be difficult to enforce, may be an impractical requirement for some dog owners to abide by given the limited backyard sizes of some dog owners, and in some circumstances may be unsafe for the dog(s). A pulley system with multiple dogs could potentially be unsafe, as pulley lines or tethers on the lines could easily become entangled if used by multiple dogs at once. There are no other localities in Virginia that require a pulley-only system in lieu of tethering a dog to a stationary object. Staff supports greater specificity in the minimum requirements of pulley systems, as set forth above in the proposed amendment to the definition of "adequate space" but does not advocate a pulley system requirement.

Staff anticipates limited additional enforcement by animal control officers under the proposed ordinance and, therefore, does not anticipate a significant budget impact.

If however, the Board adopted a pulley-only ordinance, or an ordinance that had more extensive regulations, it could create a significant increase in calls for enforcement and have a budget impact. The Police Department currently has four ACOs that are responsible for a very heavy call volume. Any significant increase to their calls for service would require another ACO to be hired at the following costs:

***Total salary and benefits for ACO (\$43,246.57) + Operating and Capital Costs (\$47,600) + Overtime (\$3,000) = \$93,846.57***

In addition, there is currently only one ACO on duty in the evenings and none on the weekends. A pulley-only ordinance, or more extensive regulations, could increase the call volume on the weekends to necessitate either moving one of the current daylight officers to weekend coverage or using a new officer to handle weekends and assist on evenings. Moving an ACO off of the regular Monday-Friday daylight coverage would create a significant delay in answering calls for service and conducting follow-up investigations during the Monday-Friday daylight shift.

Mr. Elliott said staff recommends that the Board set a February 2, 2010 public hearing for the attached ordinance.

Mr. Elliott said staff is also proposing that a better coding of animal welfare calls be established, so that staff can report to the Board on the specific number of tethering calls. Mr. Elliott said that this would be similar to the process for the noise ordinance, relating to real data collected.

Mr. Elliott reported that the proposed language was shared with many people in the community, who provided feedback to the County, which included comments that indicated this is a first good step that could be monitored after implementation. He noted that several members of the County's ACO staff are present if Board members have questions.

Ms. Mallek said that there was some discussion previously about establishing an expert panel consisting of veterinarians, animal breeders, etc., but there is no mention of that in this proposal. She added that if a year is going to be taken to study this, it seems to be important to establish a group of people to advise the County in the same way the City did. She added otherwise, a year from now the County could be in the same situation and not have the kind of consensus that it needs behind what kind of changes need to be made.

Mr. Rooker asked if there would be staffing needed for this committee.

Ms. Mallek replied that there would be no reason why they could not meet on their own to provide background related to certain questions, noting that these are people that already work with the animal control officers.

Mr. Rooker said that there were multiple emails generated by one group that has a strong interest in this matter and has brought forth very good information for the Board, but he wants to make sure that the committee is truly a cross-section of people in the community and not just an extension of one group. He stated that in order to do that, the Board would probably need to appoint such a committee, which means there would be requirements as far as reporting and staff involvement. He stated that his concern again is kind of what they just went through. Mr. Rooker asked if the Board is going to continue to fragment resources away from things where we have already undertaken an obligation, like master planning. Mr. Rooker added that the comments were basically against tethering and supportive of the proposed amendment except for that issue and it seems to him that is what it is going to come back to. He said that he is not sure a group needs to be appointed to create all those processes to have the tethering issue come back when this amendment addresses the majority of issues raised.

Ms. Mallek stated that the goal of the people who had suggested this was to build a consensus across the spectrum with all different types of animal owners so that it would be much less time and to assist the animal control officers.

Mr. Boyd commented that the Board has already had this discussion, including model ordinances, and he thinks that the Board should move forward to public hearing now.

Mr. Rooker said that it would be a big mistake not to adopt this and get it in place, to instead wait another year or year and a half.

Ms. Mallek responded that she does not want to slow down the adoption of this, but is supportive of a group to go along with the ordinance.

Mr. Rooker said that at the public hearing people could weigh in on the establishment of an advisory committee, and that could be had as a separate discussion.

Mr. Boyd **moved** to set a public hearing date of February 2, 2011 to consider adoption of the proposed ordinance as presented by staff. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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Agenda Item No. 17. General District Court/Circuit Court Study, Bill Letteri.

Mr. Bill Letteri, Assistant County Executive, summarized the following executive summary which was forwarded to Board members:

Concern for the adequacy of the County's General District Court (GDC) and Circuit Court (CC) space needs was recognized as early as the late 1990's and precipitated the "Charlottesville – Albemarle Court Study" completed in March of 2001 and, more recently, the "Feasibility Study for the Use of the Levy Building as a General District Court Facility" in 2010. Both studies acknowledge the now acute needs of the GDC and the long term impracticality of continuing GDC operations in the existing Albemarle County Courthouse, along with the CC, Clerk and Commonwealth's Attorney operations.

In July of 2004, the County entered into a joint agreement with the City of Charlottesville to purchase, among other properties, the Levy Opera House for use by the jointly operated Juvenile and Domestic Relations District Court (JDRC) during the construction of the new JDRC facility, but also as a possible future location for a combined County and City GDC operation. The 2010 study was designed to more extensively evaluate the feasibility of a joint GDC operation or, alternatively, how the Levy facility might accommodate a County-only GDC operation.

The study concluded that the Levy facility is not well suited or large enough for a combined GDC operation. In addition, the City concluded that it did not anticipate the need to relocate and expand its existing GDC facility, located in City Hall, based on recent case load trends. The study did find that a County-only GDC could be accommodated at the Levy site with renovation and new construction to meet the County's long term GDC space needs.

Before the County decides how to address its GDC and CC space needs, staff recommends that the County first decide whether it wishes to continue its investment to keep the Court operations in Downtown Charlottesville or to relocate. Many factors will influence this decision, including initial capital outlay, proximity of court operations, parking, long-term need projections, historical/legal significance of the existing County Courthouse, construction/site difficulty and challenges, availability/suitability of alternative sites, etc. The importance of this decision cannot be overstated given the financial magnitude and long term operational implications of either decision.

Staff proposes the engagement of an Architectural/Engineering firm with specific background and expertise in planning, evaluating and designing Court facilities. This limited, phase I study would provide sufficient information to help the County determine its next step in addressing the GDC and CC space needs. The specific scope of work would include, but not necessarily be limited to:

- Review of previous court studies, including the “Charlottesville-Albemarle Courts Study, Phase I” dated March 2001, and the “County of Albemarle/City of Charlottesville Feasibility Study for Use of the Levy Building as a General District Court Facility”, dated April 29, 2010;
- Review of all previous facilities condition assessment reports on the County Courthouse;
- Review of existing conditions and capacities at each of the County’s three courts;
- Evaluation of County caseload trends and expected space needs for each of the three county courts, to include related clerk, sheriff and Commonwealth’s Attorney operations;
- Interviews with Judges, Clerks, Commonwealth’s Attorney, Sheriff, and other personnel involved in court operations;
- Identification and evaluation of alternative sites to accommodate limited court functions or a combined court complex;
- Development of conceptual plans for renovations or new construction;
- Development of “order of magnitude” cost estimates for each of the options;
- Formal presentation of study results, in the form of a written report and oral presentation to staff and the County Board of Supervisors.

If the Board approves moving forward with a study, staff will recommend using the \$35,800 in existing funds in the County’s “Court Square Enhancement” account to support all or part of this study. An additional appropriation, if required, will be requested following fee negotiations for the study.

Staff recommends Board authorization to proceed with selection and negotiation with an architectural firm or individual to perform the above referenced services. Once negotiations conclude and a reasonable fee is established, staff will bring this back to the Board for final approval, an additional appropriation request, if needed, and authorization to proceed with the work as outlined above.

Mr. Snow asked if the Levy building is currently owned jointly by the County and the City. He asked what the total cost was. Mr. Letteri responded that it is owned jointly and cost approximately \$2.5 million each which includes the Levy complex and later office additions, the Jessup Home, which is now being rented, and a parking lot on 7<sup>th</sup> & Market Streets. He said that some of these locations were considered for a combined district court operation in 2007.

Mr. Rooker asked what the rent the Jessup Home brings in. Mr. Letteri replied that it is about \$70,000 per year.

Mr. Letteri said that the existing courthouse combines both Circuit Court and District Court operations, and both Clerk’s offices associated with those, the Commonwealth Attorney’s office, and some space for the Sheriff’s department. He added that some of the space is vacant since they were able to move their operations over into the new J&DR court. Staff believes the space is insufficient to handle current and future anticipated needs. The County needs to evaluate what its next options are.

Mr. Letteri presented a chart showing how spaces are currently utilized in the existing courthouse building, and based upon various studies conducted in 2001 and later, staff projects that there is a need of about 43,000 square feet, or 25,000 additional square feet total over the next 20 years. He said that based on trends in caseloads, this would be adequate space for the 20 years and reasonably beyond.

Mr. Dorrier commented that he thinks the space needs will increase beyond the 20 years. Mr. Letteri said it is hard to make a prediction beyond 20 years.

Mr. Boyd asked if the J&DR Court has adequate space now. Mr. Letteri responded that based upon caseload trends from 2001, it should be adequate for the next 10 years. He stated that what is proposed for further study is consideration of caseload trends for all court systems to ensure that making the decision to invest further downtown is the best decision. Other factors that are involved in the decision are parking, proximity to other courts, operational issues, etc., and the J&DR court.

Mr. Foley said that is why this needs to be looked at in detail now, so that there is not ten years of planning followed by five years to get it completed and then only five years left in the 20-year projection.

Mr. Rooker commented that is what happened with the J&DR court, with only 12-13 years of projected use. He added that he thinks they need to be looking at a longer horizon than maybe 20 years.

Mr. Foley stated that this will mean looking at all options, in and out of town.

Mr. Dorrier said this fits in with what other counties are doing – Fairfax, Chesterfield, Henrico – they all have their own independent court complexes.

Mr. Foley added that the County also needs to look objectively at the rationale in renovating older facilities versus new ones built on flat land.

Mr. Thomas commented that it is difficult to even get into the Circuit Court Clerk’s office, adding that it is a disaster in there; it is just so packed. He asked where it would be enlarged if it stayed in that location.

Mr. Letteri explained that the concept would be to move the General District Court and its operations and the Commonwealth Attorney’s office out of the County courthouse, which would provide

enough space there for Circuit Court operations. He said that then the Levy building would need to be radically renovated for General District Court operations. He added that that would likely be a very expensive proposition with many complications. It may well in the short run be less of an investment than building a courts complex elsewhere, but the question is, is that adequate for the County's long-term future needs. He added that it is a difficult and complex question to answer.

Ms. Mallek commented that it may be less efficient to operate compared to a new building.

Mr. Boyd asked if there is study money left over from the J&DR court, about \$34,000, that is intended to be used for this study. Mr. Boyd also said that this study must be done, and he is glad that it will be done based on County needs and not involve the City.

Mr. Rooker said that the staff report says that one of the first decisions to be made is whether the County continues its investment to keep its court operations in downtown Charlottesville or to relocate. He said that he wants to make sure that is the focus of the study. He added once you make that decision, it kind of then dictates what takes place after that.

Mr. Letteri stated that staff would try to leverage the work of the recent study that was done to understand how the Levy building could be used as a County only facility. The next question is how that compares with moving some or all courts to another location.

Mr. Rooker asked if the Levy Opera House is on the National Register of Historic Places, because there would be a process to take place if any work were done on the exterior of that building.

Mr. Letteri responded that this was acknowledged in some of the plans relating to how it might be used, adding that the historic portion of the building would be used as a queuing and waiting area for the courts, with the balance of the site renovated for the court facilities.

Ms. Mallek said that the criteria for possible relocation elsewhere, it is important that it be on a transit line. She cited the example of the Social Security office moving out to Pantops when there was no bus service there.

Mr. Letteri stated that among the locations considered would be properties the County already owns that could possibly be redeveloped. He then presented a slide of caseload trends. He added that the purpose of his presentation today was to obtain authorization to conduct a limited scope study which would evaluate facility/location options and assess/compare financial investment of utilizing downtown facilities versus moving the County General District and Circuit Courts to another location.

Mr. Dorrier said that it seems the County already did a study like this.

Mr. Letteri explained that in 2001 an extensive joint study with the City was done, and at the time the decision was to remain downtown at least for the first phase, the J&DR component. He said that the County did entertain the idea of moving to other locations, but there was no commitment at that time as to what to do with the General District and Circuit Court operations.

Mr. Foley emphasized that the process followed this time is different, as it is important to get some good objective data first before a committee starts looking at it. From there, he said, the Board can decide if they want to follow a different process.

Mr. Rooker said that the decision on the J&DR Court and its operations is somewhat different than the decision to be made on the General District and Circuit Courts. He added that decision has been made, and it has been implemented, but the Board still needs to make a decision about what to do with the other courts.

Mr. Letteri stated that the study would generate several options that could be brought back to the Board for their consideration. Phase I of the study would determine the next steps to address General District and Circuit Court needs including: re-evaluation of caseload trends to confirm space needs requirements for the next 20 years; compare investment impact of maintaining downtown court space in the Levy Building versus other alternatives and provide recommendations to the Board for Circuit and General District Court options. He added that today staff requests that the Board authorize it to issue limited scope RFP; authorize staff to select A/E firm and negotiate a fee; direct staff to bring back recommendation and fee proposal to Board for approval; and authorize staff to use \$35,800 in "Court Square Enhancement" account to use for this purpose in existing funds. He added that if necessary, an additional appropriation may be requested following fee negotiations.

Ms. Mallek then **moved** to authorize staff to issue a limited scope RFP; to select an architectural and engineering firm and negotiate a fee; to request staff to bring back a recommendation and fee proposal to the Board for approval; and to approve the use of \$35,800 in the "Court Square Enhancement" account for this purpose. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Boyd asked when Mr. Letteri might be back before the Board with additional information.

Mr. Letteri responded that he expects it to take 30 days to issue the RFP and begin to accept proposals, another 30 days to select a finalist and negotiate a fee, with the proposal coming back to the Board in March or April. He added that the study itself should take four to six months.

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Agenda Item No. 18. CIP Funding Strategy, Bill Letteri.

Mr. Letteri said that there have been a number of work sessions and discussions this past year on the CIP. At the Board's retreat in June, in recognition of a very decreased capital program, the Board asked staff to proceed with forming a team and evaluating various funding options for increasing the funding to the capital program. He said that there is largely a maintenance only program which is adequate to address maintenance needs of existing facilities, but the Capital Fund does not address long-term growth needs or quality of life issues. Mr. Letteri reported that they formed a committee of department heads to provide information and background experience, along with the two Assistant County Executives, himself, Facilities Development, staff from Community Development, Legal, Finance and OMB. He stated that they looked at many things but decided to categorize the issues into four or five categories. Staff hopes today to discuss four to five potential funding sources to be considered for capital and to see Board direction on which funding source alternatives to pursue further.

Mr. Letteri reported that the committee looked at several areas of consideration: 1) financing options – management of debt and how it might be restructured to add capacity to the capital program; 2) district/impact/use taxes or fees - designed to target specific services provided to certain regions and to consider a tax associated with those services; 3) grants/donations; 4) dedicated revenues/taxes/bond referendum - to go directly to capital; 5) and others including property/asset sales, proffer policy and revenue sharing.

Mr. Letteri commented that there are a number of financing options to consider. Sometimes they are fancy ways of shifting the burden or the timing of when the debt is paid. They often find that financial programs end up costing more in the long term. In recent years the VPSA programming packaging has been a very attractive way to go in financing as it provides a level reduction and curtailment of debt at very attractive rates. He stated that it could add capacity to the capital fund but at long-term additional cost. There is a consideration about financing that relates to the current market and the climate now is unprecedented so it may be better to borrow now.

Mr. Letteri said that there are some other programs related to the financing issue such as PPEA, with public-private partnerships which involves private construction companies or developers that provide a building and then lease it back to the locality. He said that some of these programs are attractive to localities with limited capital resources or organizations that do not have the ability to execute projects and oversee design and construction. He added that the County does not have a problem with accessing capital, but the question is funding.

Mr. Snow asked Mr. Letteri if he has taken into account the burden it places on the debt versus the favorable bidding climate to see what the trade off might be.

Mr. Letteri replied that staff has looked at that. They would want to look at specific projects, the volume of the projects, and the savings that might be attributed. Generally bidding today means reductions of 20%-30% in construction costs, which would translate into a significant amount of savings over time, but in order to take advantage of that today the revenue is needed to address the debt service even though it is reduced debt service.

Mr. Rooker mentioned that the advantage of the lease-back arrangements is that the private investor can take advantage of the depreciation, but the County cannot, so there is a significant amount of yield that is lost when that option is not taken, depending on whom the investor is and their tax circumstances.

Mr. Letteri said that there are several components to be considered as a locality is having to pay for a company's capital and expertise in managing design and construction, but there are savings in tax benefits accrued to the developer. He added that it is really a question of do they outweigh the fees associated with their being involved.

Mr. Boyd said that there is no way to really speculate without putting a deal together.

Mr. Letteri stated that he did discuss this with a development firm in Richmond with respect to the Crozet Library project and they ran some pro formas that showed savings for the County, and some of the assumptions that went into that had to do with the ability to execute the project far faster than the County would be able to. He added that he disagreed with some of those assumptions, which were critical to it being in the firm's favor.

Mr. Letteri stated that the Board and staff have talked a lot about district and use taxes. One of the benefits of this approach is that the taxes are directly tied to a benefit received, although there are parity issues between districts and issues of precedent to be considered. He said that one example of this would be having a fire station already built in one area, and then charging a tax to build one in another district.

Mr. Rooker commented that he finds this potential scenario to be problematic.

Mr. Letteri said that as staff has researched other jurisdictions around the state, there are numerous examples of how this has been done, and there may be circumstances where there are services provided that may be candidates for this. Staff is just providing an overview of options.

Mr. Foley stated that there could be a County wide tax district, such as a fire/rescue district, so that there is a dedicated revenue amount for one specific service.

Mr. Letteri reported that the County is well poised to take advantage of grant and donation opportunities as they become available. Staff is looking at policies as related to grants, in addition to establishing a Grants Opportunity Fund. He said that it is anticipated that grants for public safety, education, technology, etc. will continue.

Mr. Letteri stated that another area of consideration was dedication of a portion of tax revenue for capital, which has been done in the past such as dedication of operations surpluses, and one option would be dedicating a penny of the tax rate to the Capital Fund. He said that he has included bond referendums in this category.

Mr. Foley mentioned that most localities that go through bond referendum have educational material that addresses whether their boards have done an evaluation of the impact on the tax rate, but that is not something that can legally be put on the ballot. He said that James City County had many meetings where their board developed the language for the question, and ended up having to remove reference to the impact on the tax rate.

Ms. Mallek commented that it is not really different from having town hall meetings and ultimately agreeing to add two cents to the tax rate for capital.

Mr. Davis noted that there may be a slightly more favorable bond rate on a General Obligation Bond approved by referendum, but that difference has been pretty marginal.

Mr. Rooker pointed out that there is an educational component involved in a bond referendum project, which has a significant associated expense.

Mr. Foley said that the County's financial advisors should probably take a look at this again in the current market, as they evaluated it about six years ago and determined that the margin was not great. He stated that the question for the Board to really consider is whether they want to put the question out to the voters.

Mr. Boyd stated that he recalls the discussion from a few years ago, and for a \$100 million bond issue there was only a \$250,000 savings over the entire bond period, although that might be different now.

Mr. Letteri said that another funding strategy considered was the property sale issue, which would be a one-time infusion of cash that would not support debt service over time, but there is not a market condition currently that is conducive to selling property. He reported that another option considered has been modifications to the County's Proffer Policy to increase revenues to capital. A committee has been formed to analyze that in detail. He also stated that with revenue sharing there may be opportunities to explore projects of mutual value with the City.

Mr. Letteri emphasized that there is no magic solution with any of these possibilities, but there may be opportunities in each area. Staff is seeking guidance from the Board on whether there are any areas to completely avoid or if there are areas the Board is inclined to pursue.

Mr. Boyd said that he would like to line up the projects that should be getting done but do not have adequate funding so that costs can be assigned to them.

Mr. Foley stated that if there are things here that the Board does not favor, it would be helpful for staff to know going forward. When comparing Albemarle to other localities just as a part of doing business, bond referendums are fairly standard in most of those places. He said that the County has not explored that in a while, and perhaps it is something to be looked at more closely. If the County does not see some dramatic changes in revenues, then some different thinking is going to have to go on, so looking more closely at whether you want to put that out to the voters, as one example, is important. He added that staff could bring back more information on County-wide tax districts.

Mr. Dorrier asked how much could be borrowed without threatening the AAA-bond rating. Mr. Foley responded that the County has a lot of capacity without jeopardizing that, and it is just a matter of being able to pay it back.

Mr. Snow emphasized that in order to pay it back, the County would have to raise taxes, and he would rather have a bond referendum to let the voters decide. He added the voters understand the need for schools, the need for roads and improvements, etc., that needs to be done, but put the burden on them to make that decision.

Mr. Rooker agreed with Mr. Boyd's suggestion to lay the projects back out for review and try to come up with a financial strategy to accomplish them.

Mr. Boyd asked what the trend line is on debt service. He added that some of these capital projects will also increase operating expenses and the Board needs that impact.

Ms. Mallek commented that this information might dictate which project can be done first, because there may be measurable operating differences.

Mr. Foley said that the information is in the five-year plan now and would be easy to put together.

Mr. Dorrier mentioned that the CIP Committee has analyzed 20 or 30 projects, so that information is also readily available.

Ms. Mallek asked when the more thorough CIP information would be available. Mr. Foley responded that it would be presented in March as a work session.

Mr. Boyd commented that he sees these things as very different, as the CIP is current revenue driven versus what future options might be for the long term.

Mr. Dorrier said that he would like to see an analysis of how much would be saved by doing projects now versus later. He would also like to have an analysis of how many jobs created by doing these projects.

Mr. Rooker commented that there would need to be some assumptions built in, but project costs could be estimated if 25% savings and interest rate savings are realized. He said that there has also been a lot of discussion about changing the tax code and going to a different form of taxation. One of the things that have been considered for elimination is the exclusion from income for interest on municipal debt, which would raise interest rates substantially for localities. Mr. Rooker stated that this could potentially throw the market into a complete uproar.

Mr. Foley said that staff would work on putting together a separate work session with the County's financial advisors participating, because this is really about setting a new direction for the future.

Ms. Mallek commented that when the Board was considering the properties it owns, there were certainly some that were small pieces that might not be useable, but she is not in favor of selling off large parcels at this point, given the situation with the courts.

Mr. Letteri stated that the last time the Board considered this, they had talked about a few properties to be brought back and staff would be doing that in the next several months.

Mr. Dorrier mentioned that Mr. Thomas had spoken with Mayor Dave Norris about several issues such as water, fire and rescue, and several other areas of possible collaboration.

Mr. Thomas responded that revenue sharing was one of those topics, and Mr. Norris' suggestion was to consider ways to share revenue with the money the County is paying the City. Mr. Thomas said that CATEC and transit were two ideas, adding that Mayor Norris then asked if the Board members would consider compromising on the dam. Mr. Thomas stated that in polling other Board members, he determined that the only possibility for flexibility was the dam height.

Mr. Letteri thanked the Board for its comments and said staff would be coming back with the analysis.

Mr. Rooker commented that the Board could consider selling the Levy Opera House if the courts do not go downtown.

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Agenda Item No. 19. Closed Meeting.

At 11:28 a.m., Mr. Thomas **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711.A of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, commissions, and an administrative position; and under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to an inter-jurisdictional agreement with the City of Charlottesville. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 20. Certify Closed Meeting.

At 2:00 p.m., Mr. Thomas **moved** that the Board certify by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 21. Boards and Commissions: Vacancies/Appointments.

Mr. Snow **moved** to appoint Bill Letteri as the new Assistant County Executive for Financial and Management Services effective January 1, 2011. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Mr. Snow **moved** the following appointments/reappointments:

**appoint** Marcia Joseph to the Charlottesville Area Community Foundation Governing Board with said term to expire December 31, 2013; and

**appoint** Joseph Barnes, Hawkins Dale, Scott Elliff, Joan Graves, Brian Johnson, Tim Kaczmarek, George Larie, Charles Lebo, Christopher Lee, Cynthia Neff, Jeff Pixton, Joel Spring, Henry Weinschenk, and Lloyd Wood to the Places29 Community Advisory Council.

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

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

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Mr. Snow **moved** the following appointments/reappointments:

**reappoint** Scott Goodman as the Jack Jouett representative to the Economic Development Authority with said term to expire January 19, 2015;

**reappoint** Mitchell Neuman as the At-Large representative to the Economic Development Authority with said term to expire January 19, 2015;

**reappoint** Julia Monteith as the UVA representative to the Planning Commission with said term to expire December 31, 2012;

**reappoint** John deKoven Bowen and Sherry Buttrick to the Public Facility Authority with said terms to expire December 13, 2013;

**reappoint** Mike Gaffney as Chairman and Joint City/County representative on the Rivanna Solid Waste Authority and Rivanna Water and Sewer Authority with said terms to expire December 31, 2012;

**appoint** Marcia Joseph to the Housing Committee to serve as the Habitat representative.

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

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

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Mr. Snow **moved** to appoint Dennis Rooker as the Board representative to the Thomas Jefferson Planning District Commission and Duane Snow as the Board representative to the MPO.

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

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

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Agenda Item No. 22. Presentation: Piedmont View-Transmission Line Expansion, F. Scott Reed.

Mr. Reed said he serves as External Affairs Representative for DominionVirginia Power, and today he has with him Ms. Carla Pickard, of Transmission Communications, and Mr. Courtney Fisher, of the Transmitting Permitting Group. Mr. Reed welcomed Mr. Foley in his new role and thanked Ms. Mallek for inviting them to be here today to talk about the Hollymead Transmission project. Mr. Reed said his presentation will include a project overview, meeting demand, technical problem, community input, timeline, SCC process, what can be expected, and then respond to questions.

Mr. Reed presented a picture of a power generation plant, explaining that high voltage transmission lines come out of the plant and feed a network around the service territory and feed a transmission distribution substation. At that point, he said, the voltage is lowered down to distribution line voltage and those are the lines that are visible along the streets throughout the City and County. The lines feed homes and businesses. Mr. Reed explained that what he is addressing today is transmission lines,

specifically the line running from Cismont across the Southwest Mountains to the Proffit delivery point, which feeds the Rappahannock Electric Cooperative, and ending at the Hollymead substation that feeds the high-growth area along the Route 29 corridor.

He reported that this transmission line is a radio line that is fed from a network transmission system with a tap radio line, a single circuit that is plugged into the radio line for Hollymead. Mr. Reed said that approximately 65 structures comprise the majority of the line from Cismont to Proffit Road, running through a 120-foot right of way then transferring to a different structure type, taller but narrower structures. After Proffit Road, it runs through the Forest Lakes Subdivision.

Mr. Reed explained that in 1980 the average U.S. household had three electrical products in their home, and in 2010 that number climbed to 25. He stated that there has been approximately 75% growth in service that is fed from the Hollymead substation, and by 2012 the system will exceed 100 megawatts, at peak demand fed by this line. Mr. Reed said that the line itself can carry more than that but the North American Electric Reliability Commission requires that any radio lines should not exceed this level – 100 megawatts. He stated that the solution is to create a network system so that transmission is not dependent on one single radio line. Mr. Reed mentioned that this project was identified in 2010 through PJM, a regional transmission operator who manages the network, and would reach a critical state by 2014.

He said that under the conventional system, Dominion would identify a need and then engineers would design a solution to meet that need. Dominion then holds an open house in order to provide public input, with modifications made as practicable and the application then submitted to the SCC. Mr. Reed stated that in this case, Dominion has decided to pilot a new process whereby public input is gathered early in the stage before engineers have settled on a particular solution. He said that Dominion partnered with UVA's Institute for Environmental Negotiation, which helped lead this project. Dominion concurred that the best way to solicit feedback would be to form a community advisory group. Mr. Reed stated that the body was established and has strong, diverse representation (landowners, community leaders, environmental organizations, commercial interests), with five CAG meetings over the course of their work and an open house held in late November. A final report is currently being developed and expected to be issued sometime this month.

Mr. Reed reported that the goals for this project were made clear to CAG from its inception: fully engage the diverse community stakeholders in offering their informed advice and develop some lessons that could potentially be applied to future projects. Mr. Reed stated that there was no goal of reaching consensus to get everyone on board with one particular design solution. He said that after a significant time investment and results of the CAG process, Dominion developed numerous options and refined them down to a list of five that made the most sense, which were put into a comparative matrix that considered impact to businesses, homes, the environment, etc. Due to more substantial impacts to homes and businesses from two particular options (D & E), he said, Dominion did not consider those any further so when the open house was held there were three structure types, all of which would cross the existing right of way. He explained that the report due in January would summarize all of these processes, but no consensus was reached on location or design.

Mr. Reed reported that some key themes did emerge from the process, including a strong preference for keeping the structures low through the Southwest Mountains, consideration of hybrid solution as being the most appropriate, and encouragement for further work by Dominion to more fully incorporate this community design, which it has done. He said that in January the report is due from the Institute for Environmental Negotiation; in February, Dominion will file this application with the State Corporation Commission; and in mid-2011 it is hoped that the SCC will accept public comment and issue public hearings along with a notice to proceed and begin construction in 2012, and energizing the line in 2014. Mr. Reed emphasized that the CAG process and the open house is not the end of opportunity for public comment, as there is ample additional opportunity as the SCC process begins.

He said that one consensus the CAG reached was that nobody liked option A, which involved keeping the existing structures that run through the right of way and building an identical structure alongside, requiring 80 additional feet of right of way. Mr. Reed stated that they did come up with option B, which is a three-poled structure that keeps the lines as low as possible but does require an additional 30 feet of right of way and an average height of 67 feet compared to the existing structure of 62 feet. He said that option C is a monopole structure similar to what goes through Forest Lakes now, requiring no additional right of way but considerably taller at 105 feet. Mr. Reed stated that the other alternative developed since the CAG completed its work involves a double-pole structure that lowers it considerably and requires no additional right of way, with structures at 80 feet.

Mr. Reed concluded by stating that the demand growth in this area is considerable, and Dominion cannot make a commitment to use the CAG process with other projects although it was a healthy process. Mr. Reed commented that the project manager, Les O'Donnell, would say occasionally that this pioneering stuff is hard.

Ms. Mallek asked if the application was based on the combined pole structure hybrid. Mr. Reed responded that the decision has not yet been made, but structure types will be finalized soon and CAG input will be strongly considered.

Mr. Rooker asked if CAG has seen the new structure. Mr. Reed replied that they have, although the process is fast-moving and it was just at 10:00 a.m. today that the most recent changes were submitted. It has only recently been validated that this is a possibility.

Mr. Rooker asked if there is any reason why this system would not be used as replacement for the 105-foot pole structures in other locations. Mr. Reed responded that CAG only saw this option two days ago, so it was not in the menu of options. If he is being asked if CAG preferred Option C which is the tall monopole, there were some people who thought it made the most sense. He added that Dominion told CAG that Option C was the only option going through Forest Lakes Subdivision because of right of way constraints.

Mr. Rooker clarified that his question was why another option would even be considered in areas where the no right of way option could occur. Mr. Reed said that the only reservation is that some people would rather look at a single structure than two side by side, even though the two can be put in the same right of way.

Mr. Boyd commented that he has heard from many people from the CAG group, and there has been a diversity of opinion in what they would like to see.

Ms. Mallek stated that one agreement point was that the width of the right of way is preferred to be as narrow as possible. Everybody asked about undergrounding but that was expensive.

Mr. Thomas said that the one problem with the trees being too close to the structures in a narrow right of way is that the wires get knocked out when it snows. Mr. Reed responded that those are distribution lines with maintenance being just an operational matter of keeping trees away.

Mr. Thomas pointed out that sometimes a residential area will OK a wider swatch. Mr. Reed said that Dominion often finds themselves in that dilemma.

Ms. Mallek stated that in this process the group learned a lot about how vegetation is maintained under lines so that plantings are for trees that top out at the right height and will not require cutting or spraying.

Mr. Reed mentioned that the website for this project is full of content and includes all meeting minutes, summaries, and presentations dom.com, keyword: Hollymead.

Mr. Rooker asked that when the final plan is chosen, Dominion provide Board members a map of what is being done and what area is affected. Mr. Reed agreed to do so.

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Agenda Item No. 23. Presentation: Department of Social Services Advisory Board Annual Report.

Ms. Wanda Kucera, Chair, said that this presentation is a specific duty performed on an annual basis. She introduced Board members, Janet Morrow and Claude Foster, as well as Director of Social Services, Kathy Ralston.

Ms. Kucera reported that on the third page of their report there is a letter from the Advisory Board, outlining their activities for FY10, which were all geared toward developing innovative strategies for program delivery and meeting as many standards and goals for quality service to customers as possible. She said that on the fourth page there are 11 performance indicators of a total of 38, that the leadership at DSS selected to focus on in order to demonstrate performance that would represent as close to state and federal mandates as possible. She noted that not all standards were made this year. Ms. Kucera reported that there was a large increase in Medicaid claims and Medicaid renewals this year, and although the standards were not made the percentages did increase from FY09 to FY10. She said that another challenging category was VIEW participants, which are clients measured to remain employed in their jobs three months after their initial placement. Ms. Kucera emphasized that this group is particularly hard to place, the first to be let go and the last to be hired especially in a tight economy. She stated that when considering the percentages from the previous year, there was improvement in services and staff's performance with this group was remarkable.

Ms. Kucera said that with adult protective services, focusing on adults who are at risk, the County was 7.7% below the projected goal but still improved over the last year. She reported that there is a huge positive difference in the percentage of foster children receiving monthly visits from their caseworkers; the State goal of 29% is expected to increase this fiscal year, which should not be an issue for DSS because they are well above the mandate. Ms. Kucera stated that the local child protective services goal requires that 90% of children have the required number of monthly contacts from their case workers; the local department goal is an expansion on the state goal of 80%. Regarding the final outcome measure of ensuring that the Department is a good financial steward of resources allocated, she said that monthly financials are supposed to be completed within 10 days of the close of the previous month, but for two months there were severe staffing shortages that put the system out of synch and affected the overall standard for the year.

Ms. Mallek asked if there was a big increase in the caseload for adult protective services because of the economy. Ms. Kucera responded, "yes", and there is a graph that addresses some of that.

Ms. Kucera added that almost all the benefit programs had caseload increases this year, including food stamps, energy assistance, TANF, and Medicaid. She also mentioned that there was an increased number of burials in FY 2010, and the State is going to be phasing that program out in FY 2011 so Albemarle DSS will not be involved in the process of burying indigent citizens.

Ms. Kucera reported that the number of children in foster care went down, which is positive news. She stated that in the past fiscal year, \$89.5 million was brought into the community through various programs, with 92.3% of the money allocated to DSS was state and federal with 7.7% being local. Ms. Kucera said that these monies go to things such as food, shelter, retail goods, etc., not savings accounts.

Ms. Kucera thanked the Board for its support. She said that those on the DSS Advisory Board appreciate the opportunity to work with the Director and staff. Ms. Kucera commented that she continues to be amazed at how diligently staff works and the quality and care they show to their customers, noting that they seem to take great pride in their jobs and do everything possible to treat people with dignity. She said that the jobs are very difficult and this has been a particularly trying year.

Mr. Dorrier asked what percentage of the clients are new residents of Albemarle County. Ms. Kucera responded that there is a lot of in and out because of the way the County boundaries are with all of the neighboring counties and location of the City.

Ms. Ralston stated that DSS does not track that, but said that people do not come into the County to get TANF because the County's benefits are lower than the City's. In addition the County's Medicaid eligibility criteria is more difficult. She said that although she does not have the data to support it, she would guess that most recipients are long-term residents.

Mr. Snow asked who would help with indigent burial if the State and County would not be doing it. Ms. Kucera reported that the Sheriff's office would be handling that and she is not sure where that money would be coming from. She added that Mr. Martin Burkes, a funeral director, serves on the DSS Board, and through their conversations, it was noted that the allocation does not really cover the entire cost. The allocation was only between \$400 to \$500.

Mr. Snow asked what the total number of cases is through the DSS office. Ms. Ralston responded that they have a difficult time getting that unduplicated count from the State on a regular basis, but the estimate is approximately 10,000 cases per year. She added that even if a client missed a few months they would still be one case. People could get energy assistance, child care, Medicaid, and other assistance, but they would only count them once in that 10,000.

Mr. Rooker noted that if you take the Medicaid portion out, the County provides about one-third of the total DSS budget.

Ms. Kucera commented that she has lived in other areas where the locality has not been as generous.

Mr. Rooker asked what the average period of time for TANF qualification is. Ms. Ralston said that in the past it has been an average of two years, and the federal law does not allow people to stay on for more than five years, although the feds failed to put a tracking system in so there is no reciprocity with other states. They can only track it if the person stays in Virginia.

Ms. Mallek thanked the Advisory Board for all their work.

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Agenda Item No. 24. Quarterly Updates:

Item No. 24a. Albemarle County Service Authority, Gary O'Connell.

Mr. O'Connell then presented the following memorandum which was forwarded to Board members:

"We want to thank the Board for your recent approval to extend the term for the ACSA to 2054. As part of our long term financing for the North Fork Regional Sewer Project, this was a necessary step to secure that financing.

Below are some highlights of current items for the ACSA:

- North Fork Regional Pump Station and Sewer Force Main Project: We have completed the bidding and financing for this major project for the ACSA, our largest ever. We were very pleased that the contract is 30% under our estimates, which result in millions of dollars in savings. This is a sign that this is a great time to bid major capital projects. We secured great long term financing at a net 2.99% rate. This \$10.3 million project serves the northern 29 corridor and allows us to handle the future sewer needs of proposed development. A Special Rate District has been established so that new growth in this area will pay their respective share of the project costs. Our schedule calls for early 2011 construction to begin, so you will begin seeing very visible construction activity on the pump stations at North Fork and Camelot, and on the sewer pipe line project up 29 North.
- Earthen Dam at Ragged Mountain: As you are aware, the ACSA Board agreed to fund for Rivanna the work with Schnabel Engineering so that the engineering and design work can continue on schedule on the new earthen dam at Ragged Mountain. About 15% of the 180 day work schedule has been completed. The ACSA Board is receiving written monthly update reports and there are regular progress meetings occurring. The RWSA is managing this contract, as approved by the RWSA Board.

- FY 2012 Budget and Water and Sewer Rates: As with the County government, we are in the beginning stages of developing our budget and rates. Given that 2/3 of our budget is based on the wholesale water and sewer rates of the RWSA, our budget schedule follows that so we have complete rate information for the ACSA retail rates. The ACSA Board will begin review of the budget in April, with adoption of the budget and rates and fees in June.

Since most of our work involves construction and capital projects, let me outline briefly some of the projects we have underway throughout our service area:

- St. George Avenue-Buck Road (Crozet) Water Main Replacement Project: Completing design for spring bidding. (He noted that a series of meetings with property owners are currently taking place.)
- Berwick Road-Boar's Head/Ednam Waterline Replacement: Design underway; winter 2012 project.
- Canterbury Hills Waterline Replacement: The waterline work has been completed and we are switching customers over to the new main. (He noted that everyone has been switched over now.)
- Glenmore Tank: Study phase has been completed; in early 2011 we will be having discussions with the East Rivanna Volunteers (fire station prime site) and with the residents. This project for emergency and fire flow storage, if we should have a break on the single one mile line to Glenmore. (Ms. Mallek asked if a gravity feed is going to be needed. Mr. O'Connell said it is high enough and an elevated tank will take care of it. They will be flying a balloon at some point to show the residents the exact height.)
- West Leigh Water Study: New lines to be constructed to create interconnections and looping in the system for emergency backup and fire flow.
- Hardware Street: Water main extension to create a secondary feed to downtown.
- Scottsville Sewer: In design for repairs and rehabilitation of an older system.
- Buckingham Circle: Water line replacement. (He added that the Authority had looked at a sewer line replacement here but there was not a lot of interest so it is unlikely that there will be new sewer lines to replace the septic.)
- Oak Hill Sewer: A partnership with Albemarle County utilizing CDBG funding; working with residents to obtain the easements to go to construction. (He added that it is becoming very difficult to get the easements.)
- Crozet Sewer: Two phases of study and rehabilitation work; Phase I has been completed; the study work for Phase II underway that will complete our system rehabilitation work under this project.
- Meadowcreek Sewer: Major sewer line rehabilitation and replacement project; much of the rehabilitation work complete, final design for the sections of sewer line replacement out for bids.
- Redfields Pump Station: Work has been completed.
- Hollymead Waterline Replacement: Ten streets, work completed on Golden Tree Place, Sourwood Place and White Oak Lane.
- Water Tanks: Inspections on four tanks in mid-January.
- Active Private Development Projects: I have attached our December listing of private development under construction that the ACSA is inspecting."

Mr. Rooker said that he has had constituents raise the issue with the Glenmore tank as to whether the Authority should be spending money for a tank in a gated, private community that does not have public roads. He asked if there is anything unusual about what is being done there versus what is being done in other parts of the County.

Mr. O'Connell responded that this is a good question and one that the ACSA Board has considered for some time. He explained that this process is known as redundancy, as there needs to be an alternative water source in neighborhoods fed by a single line. Mr. O'Connell said that there was a tank considered for West Leigh, and a pipe would likely be needed to provide an alternate source for Key West. He said that their Board took the position that these are costs for the Authority that are part of the overall system costs, adding that if areas such as Scottsville and Crozet had to stand alone the rates would be enormous. The Authority has tried to have a unitary rate system as much as possible.

Mr. Rooker asked if neighborhoods like Canterbury Hills had the same type of redundancy. Mr. O'Connell responded that the Authority is trying to create it, and most of the time piping can handle it but in some cases a tank is needed. He said that what makes Glenmore unique is that the tanks are expensive and the fact that there is only a single long-running line, like Key West.

Mr. Rooker asked if areas such as Carrsbrook already have redundancy and if they do not, why would it be provided to more remote areas. Mr. O'Connell explained that the ACSA is trying to create it throughout the system, either through replacements or specific projects.

Mr. Rooker said that it would be helpful to see a map showing areas that have redundancy and those that do not, especially when constituents ask. Mr. Snow commented that the rate payers are paying connection fees, weekly water bills, etc. It is not as if Glenmore installed this all free for the residents.

Mr. O'Connell stated that the three main areas that need it are West Leigh, Key West, and Glenmore, and there are also a lot of water main replacements planned for older subdivisions such as Canterbury Hills, Hollymead, etc. He added that he would provide a list and maps.

Mr. Rooker mentioned that it was highlighted and featured in the news, so it would be helpful if the Board had more information. Mr. O'Connell agreed to provide that to the Board.

In terms of the Crozet sewer, Ms. Mallek asked if Phase II included holding tanks at Meechums. Mr. O'Connell said at this time the Authority does not think that will be needed. Rivanna is doing similar work at the interceptor line to identify any problem areas.

Mr. O'Connell then presented Board members with a list of ACSA active development projects (copy on file in Clerk's office).

Ms. Mallek asked if the Service Authority still has delivery capacity in Crozet. Mr. O'Connell said "yes" for all the development that has been brought forward. They could have an issue if a major development comes in over the next year or two. After the RWSA and ACSA complete their study work for Crozet the hope is that they will have identified and addressed available infiltration and inflow. He stated that the only potential issue is if Old Trail would suddenly start booming, but up to now it has been a manageable step by step process.

Ms. Mallek asked if it is actually ACSA employees who do projects such as the line replacements. Mr. O'Connell responded that ordinarily staff does the maintenance work. The Authority contracts out new work for larger replacement projects, but where it is cost effective they will do the work themselves, such as the current Hollymead line work.

Ms. Mallek asked if the cost allocation formula for the new dam had been addressed recently. Mr. O'Connell responded that there is some momentum to get it moving, and there seems to be enough interest now to rework the cost allocation plan. He added that it is a very complicated issue. He said that there would probably need to be a new agreement with the University, and they have some of their own numbers that the City has been using based on their development plans for the next 10-20 years. He added that has got to be factored into the equation of growth paying for the supply that is needed for growth. Mr. O'Connell further added a piece of that is going to be the University, probably a pretty significant piece.

Mr. Boyd commented that he appreciates that the ACSA is paying attention to infrastructure and ensuring that it is being maintained and updated.

Mr. O'Connell responded that in the past few years the effort has become even more aggressive, and it has taken some rate increases to do that.

Mr. Rooker mentioned the ACSA's savings on the North Fork pumping station as a reason to move forward with the community water supply plan. He added that he is concerned that the community is, by not going forward with an approved project, leaving a huge amount of savings on the table that everyone might find is not there a year from now or two years from now. He added that the City's seemingly preferred approach of dredging and raising the dam a small amount would require an entirely new application process, which is a 2+ year process, even though they have said before that they would not pursue anything requiring a new application.

Mr. O'Connell encouraged the Board to wait for the City's final position, which they would discuss at their January 18 meeting. He thinks they may be headed towards an alternate dam design which the City believes is a lot less expensive.

Mr. Rooker said that there is the issue of what should be built in terms of height and capacity, and the approach favored by the Mayor and advertised as a lower cost really is not because the cost of building a lower dam or raising the existing one plus dredging is much more expensive than building a higher dam to begin with. He said that the lowest estimate he has seen for a one-time dredge is \$35 million, which is more costly than taking the 13 feet up to 42 feet, thus providing six times the capacity. Mr. Rooker stated that the decision about whether to add to the existing dam versus building a new one is a real threshold decision, and the plan to raise the existing dam's height seems to be based upon fairly sketchy engineering information. He said that the independent review committee has indicated that it is not necessarily a wise decision to build upon the existing structure because of the dam's age and condition, and it should not be based on the opinion of a firm that may get the bid.

Mr. O'Connell said that the City's question is whether it is feasible to do, and they are very early in their study. He added that he is assuming the City Council would have in front of them consideration of paying extra money to take this further along.

Mr. Rooker commented that there have been people complaining about spending extra money, but they have been the ones demanding that the studies be done. He added that the delay is going to cost the community millions of dollars.

Mr. O'Connell stated that the Service Authority Board is moving forward to stay on a schedule that by the end of May there would be a design that Rivanna staff is working with Schnabel on, and the Service Authority is funding, for an earthen dam at Ragged Mountain. They are also trying to work through the permitting issues. He said that whatever is happening with Black & Veatch and other proposals is not hindering the earthen dam at Ragged Mountain from moving forward, and it is on schedule.

Mr. Boyd said that he watched the last City Council meeting and discussion of whether the Board is willing to sit down with them and talk about this issue, and what the County is opposed to is having it mediated by DEQ. He commented that this meeting should take place as soon as possible. Mr. Boyd

said he does not think the Board can wait weeks to schedule that meeting. He suggested that either the County Executive or Chair contact the Mayor and schedule a meeting.

Mr. Rooker agreed, adding that the County viewed the proposal to have DEQ mediate as causing significant delay in the process, and it would involve having the entity that ultimately makes the decision on any application get involved as a mediator, which is an inappropriate role to put them in.

Mr. O'Connell said that there are enough voices on Council to make that happen.

Mr. Thomas stated that he agrees with Mr. Rooker's points.

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Item No. 24b. Rivanna Water and Sewer Authority, Tom Frederick.

Mr. Frederick summarized the following memorandum which was forwarded to Board members:

"First, I want to welcome and congratulate Mr. Foley as he becomes the new County Executive this week. One of the many benefits of his new position is that he becomes the newest member of the RWSA and RSWA Boards of Directors, positioning him to reflect the voice of the Supervisors on these Boards.

I am planning to brief the Board of Supervisors at the January 5, 2011 on several topics summarized below. I will be happy to address specific questions from the Supervisors on other desired topics as well and will entertain requests submitted in advance that may require preparation. I appreciate the opportunity to continue to play a role in serving the infrastructure needs of Albemarle County.

1. Community Water Supply: The Board of Supervisors is very well informed on this issue and has stated its position clearly, both as an insert to the property tax bills to County citizens issued in November as well as an early December letter to Mr. David Paylor at DEQ. The RWSA Board is divided regarding whether to implement the permitted 2006 Plan through a new earthen dam or seek other modifications to the state and federal permits. This division reflects the responsibilities of three of the seven Board members to vote as directed by elected officials along with two other members who are themselves elected officials, so a resolution to the current impasse becomes primarily about the differences between the Board of Supervisors and the City Council. Reflecting on the September 21 joint boards meeting, there is agreement on most of the items in City Council's September 20 resolution, but key differences remain in these areas: what type of dam to build and how high to build it; how high to initially raise the normal water level at Ragged Mountain; and how to address dredging the South Fork Reservoir.

In November 2010 the Virginia Soil & Water Conservation Board received a recommendation from the Virginia Dam Safety staff to extend conditional operating certificates for the two existing Ragged Mountain Dams (scheduled to expire November 30) by one year, but chose instead to limit the extension to six months, also calling on RWSA to complete final design of the locally chosen dam safety remediation measures by the end of April 2011 and obtain permits for construction by May 2011. *It would be very challenging to meet the May milestone date even if a decision were made immediately on a specific initial pool height for a new earthen dam, and every day we lose by not deciding will further reduce the likelihood of success.* One specific milestone in our contract with Schnabel is for us to direct them on the initial pool height by January 19 or grant them additional time for completion of final design.

2. Solid Waste Services: RSWA's present Local Government Support Agreement with Albemarle County and the City of Charlottesville, as amended, was scheduled to expire on December 31, 2010. The RSWA Board of Directors in November authorized the Executive Director to continue to maintain current operations as of January 1, 2011 with the expectation that a new amendment or new contract would be negotiated and executed early in the new year. We understand that the City has authorized further extension of its support for the recycling programs, which includes special events (HHW, Amnesty Days) at the Ivy Material Utilization Center (MUC) but not the regular day-to-day programs at the MUC. RSWA is prepared to discuss with the County as early as convenient the terms the County desires for the MUC for the next year.
3. Wastewater Projects: RWSA continues to invest a significant amount of effort on its goals to develop an improved wastewater system. The Wastewater Treatment Plant (WWTP) Upgrade continues to be constructed ahead of schedule. One contract under the Meadow Creek Interceptor replacement is on schedule with the second contract about one month behind, and staff continues to encourage efforts to restore the schedule and complete this project by late summer 2011. There are also numerous efforts throughout the system to provide pipeline inspections and repairs to reduce rainwater derived inflow and infiltration. Bids will be received to expand the Moores Creek Pumping Station in January and public outreach efforts have been initiated associated with the development and screening of alternatives for increasing pumping capacity between the Rivanna Interceptor and the WWTP.
4. Water Distribution Projects: A replacement for the old and deficient water pumping station to serve higher pressure zone along the western edge of the urban area (roughly

from the Albemarle High School area to the Ivy Road area) is under design with bidding expected by next spring. In addition, an engineering contract has recently been developed for renewing the Alderman Road Pump Station which principally serves the University of Virginia. A future water transmission main to link areas served by the North Fork and South Fork WTPs remains on hold pending resolution of a corridor for a future Berkmar Drive Extended; this link is crucial to providing reliable back-up service to growing areas near the Airport and north of Airport Road. An alternate route for this link can be developed if the Berkmar corridor is not going to be resolved in the near term, but other alternatives will be longer in length and more costly to implement.”

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Mr. Frederick said that Rivanna is also working to keep maintenance of the system up, adding that he is pleased to see progress made on the wastewater side. He reported that the wastewater plant is moving ahead of schedule, and the RWSA is working with the consultant to put three of its five aeration tanks into advanced nutrient removal mode, so that nitrogen and phosphorus will be removed from water. Mr. Frederick said that is a pretty exciting thing for our staff. He added that the full plant is not online yet, but there are plans to get parts of the plant on the advanced nutrient treatment system.

Mr. Snow asked what happens to the nitrogen and phosphorous once it is removed. Mr. Frederick replied that the phosphorus is tied up in the biosolids and the nitrogen turns into a gas that goes into the atmosphere. He said that the biosolids are composted in Waverly, Virginia, by McGill Environmental Systems which has control over it once it leaves the RWSA. It also means that when they market the finished product and sell it, they get the revenue back, and is how they make their money. Mr. Frederick stated that he would like to offer compost here, because it used to be done here, but there was a very attractive price with McGill. He added that he is happy that the product is able to be put back into the soil.

Ms. Mallek commented that it works well when they are composted, but not when they are directly delivered into fields. Mr. Frederick said that the composted product is more advanced.

Mr. Frederick said RWSA has completed the right of way clearing in Crozet, and the pipeline rehabilitation contractor can now begin the process of inspecting the pipeline internally, going through any identified defects and making any needed repairs. Mr. Frederick said that it would take several months for that process to be completed, but once that is done the RWSA can monitor the collective progress through meters in the pipe and an assessment can be made as to whether further measures are needed to ensure adequate capacity. He stated that a judgment about an equalization tank would be forthcoming after that initial analysis is done.

In terms of the Alderman Road and Albemarle High School pump stations, Mr. Rooker asked if there is a possibility of relocating the pump stations elsewhere. Mr. Frederick replied “yes” for the one serving the Canterbury neighborhood. The new pump station would be built at the base of the tank near the South Fork water treatment plant behind the Doubletree Hotel on land the County already owns. The Alderman Road pump station location would likely remain the same.

Mr. Frederick said that the RWSA sees a major need for redundancy to get water from the North Fork area and the South Fork area. The North Fork treatment plant gets its supply from the river in an area encompassing Hollymead Town Center and all areas north of Proffit Road and Airport Road. He added that is a fast growing area. They do not see the North Fork treatment plant as ever being expanded. Mr. Frederick stated it can now treat two million gallons a day, but the issue is during a drought there are periods of time when there are not two million gallons of water in the North Fork River to safely withdraw. Mr. Frederick emphasized that the solution is not expanding the system, but tying the two systems together below Airport and Proffit Road with the area north of it so water can be delivered from the South Fork. He mentioned the major break on the transmission main leaving the North Fork plant, draining the Piney Mountain tank and causing the RWSA to issue a water advisory. He added that they do not like that nor do not want that. Mr. Frederick stated that RWSA wants redundancy, and a link from south to north would immediately provide that redundancy when something goes wrong. He said that if there is a Berkmar Road Extended corridor into the town center area, that is by far the best place to put the new water line needed to link the two systems, preferably in the shoulder and not under the asphalt. He added that RWSA does not have that corridor yet and it would be helpful if the Board have opportunities to have conversations where it can negotiate that corridor. He also added that if a road is ever built in the area in the future there is going to be substantial grading and RWSA wants the water line to be where the new grade lines would be, not the location of the existing lines.

Mr. Rooker asked about the possibility of going along the existing Route 29 corridor, running a line underneath the bridge.

Mr. Frederick said that the Authority asked VDoT for permission to run a new water line in the Route 29 corridor and they said no. VDoT said the line would have to be outside of the corridor. When you get outside of the corridor you get into a change in grade lines. He stated that if the area is ever redeveloped for commercial purposes there would be substantial regrading, which would require changing the elevations and essentially building another line. Mr. Frederick said that another option would be going along Rio Mills Road for a distance then coming back across, but the Board has not been in favor of putting distribution lines in areas that are not part of the jurisdictional area. He stated that another approach would be coming east of Route 29 and going up toward Forest Lakes Subdivision, but that would create some disturbances within that residential area. Mr. Frederick added RWSA has held the project up in anticipation that maybe there might be some decisions on Berkmar Drive. Any other alternative RWSA looks at from the standpoint of the cost of building a water line will be more expensive.

Mr. Boyd asked about engineering design allocations since Berkmar Drive was already decided to be a high priority project with Places 29. Mr. David Benish, Chief of Planning, responded that it would provide the opportunity to coordinate with this project.

Mr. Boyd said that he thought there was some CIP money to do the location study for the bridge. Mr. Benish responded that there are existing appropriations for neighborhood plan implementation, which is about \$1.0 million, and some of the justification in carrying that over was for priority projects once they were established.

Mr. Rooker commented that he has been a strong supporter of that project and others prioritized in Places 29, but if you consider the priority order in terms of traffic numbers, cost-benefit analysis, etc., the widening project is the most efficient for moving traffic in that area. He added that if this is something that RWSA wants to get done in the next five years, he thinks it is highly unlikely the County is going to have construction funds for a bridge and road there. They are talking about \$50.0 million or so. If RWSA is talking about a 20-year project, or even a 15-year project, it might be realistic. To tie the RWSA to that project may not be the best approach if there are other ways of solving the issue. When the problems arose with VDOT regarding getting into the right of way perhaps the Board could be of help. He does not think that issue was brought to the Board. Mr. Rooker said that if that is the best way to bring the line in, the County needs to sit down with VDOT and work with them on allowing the project to go where it makes the most sense for the community from a cost standpoint, even if legislative help is needed.

Mr. Boyd stated that he thought it was a policy decision VDOT recently adopted. Mr. Frederick said that his understanding is the policy relates to major transportation corridors, as they do not want to permit another water line in the Route 29 corridor. He added that is a viable and acceptable route if RWSA can overcome the VDOT policy issue. If Board assistance is possible he would encourage and welcome it.

Mr. Rooker commented that there is a difference between a water line that runs underneath the road and one that runs in the right of way, as Route 29 has some pretty significant right of way available.

Ms. Mallek asked if there was a preference as to above or below the dam, as far as the outtake for the pipe. Mr. Frederick responded that the pipe will need to come under the river and below the dam because it needs to be connected with the South Fork plant. He added that RWSA do not want to go under the reservoir; that is not a good option.

Mr. Rooker asked if Forest Lakes is served by the North Fork treatment plant. Mr. Frederick responded that most of Forest Lakes is served from the South Fork plant, but there is a division between the lower and higher pressure zone in the Timberwood area. He added that it has been determined that a substantial portion of the land north of Airport Road can be served on the same pressure zone that the South Fork is on now, which is desirable because it would be less risky than high pressure that can break pipes and cause leakage.

Mr. Frederick said that he would be meeting with Mr. Mark Graham regarding solid waste services, and the Authority looks forward to negotiating services for the future.

Mr. Rooker asked if limits on the waste treatment plant would be within the acceptable ranges in the TMDL plan filed and if they are acceptable to the EPA. Mr. Frederick responded that the TMDL establishes an initial allocation to plants in Virginia, including the RWSA's plant. The current upgrade in construction would be able to meet and exceed those ranges. He said that the TMDL calls for a reevaluation of the chlorophyll standard for the lower James River, which will affect the acceptable nutrient limits generated from the river above. Mr. Frederick stated that Virginia would be restudying their chlorophyll standard in 2016. The EPA included an aggregate waste load allocation number in their TMDL that says they expect these additional pounds to be removed by some combination of treatment plants. He said that if the science on chlorophyll says the EPA is being too aggressive, then there is room to discuss backing off and establishing allocations that truly meet the need and not waste money doing something that is not providing environmental benefit.

Ms. Mallek commented that there might be credits to sell if the RWSA standards are better than the required limits.

Mr. Rooker said that the further chlorophyll goes in the water, the more it dissipates, so it may have less impact coming from a great distance than if it were put in more closely. Mr. Frederick explained that with respect to nitrogen that is the case as it travels over distance. The County is given an allowance for that, with experts calculating that about 60% of the nitrogen put into the Rivanna River makes it to the mouth of the James River.

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Agenda Item No. 24c. Resource Management Review Update.

Mr. Foley said that staff's objective is to try to complete all of the action items and recommendations, and the Board's input would be necessary to see what expectations are on these items. He said that staff has changed the format to be more clear on status and has taken a different approach to ensure that the Board is getting the most up to date information on these items. He then summarized the following executive summary which was forwarded to Board members:

"In 2008, the County retained the Commonwealth Educational Policy Institute (CEPI) at Virginia Commonwealth University to assess the effectiveness of the manner in which it utilizes its financial,

human, and capital resources. This top-to-bottom analysis of the County's administrative and operational support systems was conducted to determine if current programs and services are being delivered in the most efficient and effective manner possible. On February 11, 2009 CEPI presented 148 observations and recommendations to the Board for consideration. Overall, their findings provided a positive assessment of County operations, programs and service delivery methods.

Subsequent to publication of CEPI's report, staff consolidated similar or related recommendations in order to improve the clarity of the report's findings and allow for better management of and reporting on the status of recommendations. This effort resulted in the number of recommendations being reduced from 148 to 85 and established a method for categorizing the findings based on their status. A list of the recommendations included in each category is available in Attachment A to this report. To date, 52 of the 85 recommendations (61%) have been resolved either by implementation or continuing existing County processes or practices (pages 13-16). Another 18 recommendations (21%) are in the process of being implemented (pages 3-7) while 5 require additional resources (pages 8-9). These five matters are reviewed in the context of both the County's annual Five-Year Financial Plan and annual budget processes. Ten (10) of the recommendations will require further evaluation by staff before they can be considered for implementation (pages 10-12). Staff will proceed with these evaluations as soon as possible, recognizing that existing staffing levels in some departments and the scope of organizational change required by certain recommendations will determine their timing for implementation.

Staff has provided quarterly updates to the Board of Supervisors on the status of these recommendations since February 2009, and the report presented herein provides an up to date status as of November 2010. Staff will continue to provide quarterly updates to the Board on the status and results of the Resource Management Review's recommendations.

During its February 2009 presentation, CEPI presented eleven (11) key recommendations they considered to be the most important for the Board to consider. Below is an update on those key recommendations, which are also highlighted in the attachment:

1. Increase auditing of sales tax and business license reports as it relates to locality designation by filling the vacant auditor position in the Finance Department -- *Complete*
2. Change the school funding formula to reflect the difference each year between school enrollment change and County population change – *Board decided to not modify the existing policy regarding the 60/40 split of new revenues, but consideration of an appropriate amount of school fund balance to maintain on an annual basis is still under consideration.*
3. Adopt a more comprehensive economic development plan that will enhance revenues of the County. Constantly monitor the revenue mix between residential and commercial/industrial property – *Adopted by the Board in the Summer of 2010 - Complete*
4. Access Albemarle is a critical business system need. Give it a higher priority and increase the project implementation effort with an additional focus on reassurance for the customers of the system – *All specific recommendations for improvement have been addressed and considered complete, various components of the system are operational and full implementation of Access Albemarle is slated for the 4<sup>th</sup> quarter of 2011.*
5. Analyze the VERIP program to ensure the cost benefit of the plan – *Board adopted changes to plan in 2009 and will phase out the stipend benefit by 2016*
6. Examine the Comprehensive Services Act (CSA) administration with the city to determine the appropriate structure to balance costs and services – *Board approved the County's Department of Social Services assuming the responsibility for CSA in 2010. A six (6) month assessment of the revised service delivery methodology will be presented to the Board in January 2011 - Complete*
7. Move forward with EMS Revenue Recovery and Fire and Rescue Ordinance to clearly define roles and responsibilities -- *EMS Cost Recovery implemented by County-owned units and Scottsville Rescue Volunteer Squad in February 2010. Public hearing on a proposed Fire/Rescue Ordinance held by Board in August 2010; however, Ordinance was not adopted. Committee work continues on developing a Collaborative Fire Chief Ordinance.*
8. Establish performance-based contracts for outside agencies rather than formula-based contracts – *Assessment of Agency funding being conducted by Commission on Children & Families (CCF) with results expected for use in FY13 budget process. Reviews of other agency contracts to be conducted as staffing permits.*
9. Examine possible merger of City and County Parks and Recreation functions where feasible – *Partnership opportunities with the City are examined whenever possible and entered into when practical. Some examples of current cooperative ventures include the Darden Towe Park operation, athletic programs/leagues, therapeutic recreation program offerings, Ivy Creek Natural Area, McIntire SkatePark, special events (ie. annual Easter egg hunt & Hershey track meet) and athletic field scheduling.*
10. Evaluate feasibility of a regional approach to Section 8 Housing Administration – *Office of Housing staff determined that it was not feasible to regionalize with Nelson, Fluvanna, Greene, Orange, Madison and Louisa counties due to cost of system upgrades by each locality and lack of ability to provide reserve funding for overall voucher program - Complete*
11. Continue to move forward with the County Performance Management System and the continuous improvement philosophy – *Performance management system website to be launched in January 2011 - Complete*

As noted above, seven (7) of these key recommendations have been completed, the Board decided to not act on one (1) of the recommendations, and the remainder are in various phases of implementation.

During the Board's consideration of staff's update to this study in October 2010, several members requested that the format of the table summarizing the status of the report's recommendations be modified to indicate progress/action since filing of previous updates. Attachment A has been reformatted to note changes/updates to these action items.

There is no budget impact in analyzing the report's recommendations at this time. Recommendations that will require additional resources to analyze or implement beyond the reallocation of existing resources will be brought to the Board for discussion and action.

This update is presented for the Board's information."

Regarding Item #9, Mr. Foley stated that staff came to the Board a few months ago with a zero-based look at the Parks and Recreation Department, including a comparison with benchmark localities, and it was established that the County has a very lean and efficient operation with top ranking in the state in terms of cost per capita. Mr. Foley asked if the Board expects more work on items like that or if Board members are satisfied staff has evaluated it appropriately and is satisfied with the current structure because merging the operations might drive up County costs. This is an item that staff would like to check off as being complete because it has been evaluated. He added that the Resource Management Study is coming to completion with the exception of a few items that staff needs more direction or discussion by the Board.

Ms. Mallek said that she does not know why a third study would be needed on Parks and Rec given that the efficiency has been established. Mr. Snow said he agrees.

Mr. Foley responded that staff would certainly like to check it off the list, but added that they would continue to look at regional opportunities.

Mr. Rooker said that as far as the recommendation, it has been completed. He stated that an idea that has surfaced before is an area-wide recreation pass so that citizens in the City and County for one fee can utilize facilities. That is something he would like to see implemented. Mr. Foley responded that it can be pursued with Mr. Crickenberger, but for now the department merger issue could be put to rest.

Mr. Foley added that when staff brings the next quarterly report forward, it will include the issues that the Board can sign off on and finalize.

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Agenda Item No. 25. **Work Session: CPA-2005-010. Places29 Master Plan.** (continued from December 1, 2010).

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

"On November 10, 2010, the Board held a public hearing on the Places29 Master Plan and directed staff to make further revisions to the text to address remaining references to certain road improvements, particularly related to grade separations and certain parallel road improvements, and to delete information related to taxing district funding concepts.

Staff has made a number of changes in the Master Plan based on the Board's direction and other input, as follows:

1. Chapter 1 of the Master Plan has been revised to include the section on "How to Use this Plan" that was formerly at the end of Chapter 4. Having this section appear first will make it easier for users of the Plan to understand how it works without having to read the entire plan. This change was made based on public comments/suggestions received since the Board's public hearing. Because this is only a format change and not a substantive change to the text of the Master Plan, this revision is not provided in this packet.
2. Chapter 4 has been revised to reflect changes in the Small Area Plan process, to rephrase/remove references to the grade separations and ring roads, and to delete the "How to" section. Selected pages showing these revisions are attached.
3. Chapter 8 has been revised to remove the references to taxing districts, to rephrase/remove references to the grade separations and ring roads, and to clarify how much of the four essential transportation projects will be done during the first five years of Plan implementation. Selected pages showing these revisions are attached.
4. The List of Implementation Projects at the end of Chapter 8 has been revised to reflect the changes in Appendix 2, Implementation Project Descriptions. A revised List is attached.
5. Appendix 2, Implementation Project Descriptions has been revised to reflect changes in the Small Area Planning processes and short- and long-term details regarding the transportation projects. A revised Appendix is attached.

Final direction is needed from the Board on whether the Board supports the inclusion of the Hollymead Southern Expansion Area or the Piney Mountain Expansion Area in land designated as Development Areas.

As requested by the Board, staff has provided as attachments only those pages which have been modified as noted above.

There is no direct budget impact.

Staff requests direction from the Board as to whether these changes meet the Board's expectations. Staff also requests direction from the Board on whether to include the Hollymead Southern Expansion Area or the Piney Mountain Expansion Area in land designated as Development Areas.

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Mr. Benish said that the intent from the latest round of changes focuses on the Board's top four priority items for implementation over the next five years with the expectation of reevaluation of the transportation analysis in the five-year update of the master plan. Mr. Benish stated that staff also considered reducing the level of specificity about certain types of projects in the master plan and providing more general references to areas where major improvements are necessary, and leaving a description in the appendix as to how those improvements might take place.

He said that the goals for today include completion of discussion of the expansion areas and additional information was requested from the DIA regarding their interest in potential expansions around the military base. Mr. Benish stated that the DIA has indicated that they take no formal position on those types of requests, so it is unlikely that it can be established whether they are opposed or in favor of the expansion.

Mr. Thomas said that he read a piece recently that said the DIA had indicated it would not interfere with any possible development around that property.

Ms. Mallek stated that in the conversation she had with the General in the opening of the JOUAF building, she asked specifically about expansion plans and he said it was clearly their preference not to have anybody higher or close to their boundary for security reasons and also for electronic security reasons. She said that she feels it would be a mistake for allowing other uses that might hem them in, for their comfort value and for their ability to expand easily if they so choose as they are a strong asset to the community.

Mr. Rooker said that the current Commandant spoke at a recent PACC meeting and said that the facility can be as big as the community will allow it to be, because the functions they are performing will expand and other units could be brought here in the future. He stated that the Commandant said that their employees talk about how much they like the community and made it clear that potential expansion is something that they contemplate. Mr. Rooker said that if the property is put into the growth area, the cost to the government is potentially driven up, which is the same situation that happened with the initial development. Also, if something else is built there, it will hem them in.

Mr. Boyd stated that if the growth area is expanded, there seems to be an assumption that something will be built there.

Mr. Rooker responded that if there is designation in the Comprehensive Plan with a reasonable degree of specificity and someone comes in with a rezoning request that matches that and community facilities are adequate, it would be very difficult to turn it down. He added that it would be different if the Commandant had said that there were no plans to expand.

Mr. Thomas said that the property owner's hands are tied, and he cannot do anything with that property.

Mr. Rooker replied that he is paying taxes at a rural area rate and he can do whatever he wants within that designation. He said that the question is whether the designation is changed to something that allows more dense development on that piece of land, adding that he is just thinking out loud and he has not entirely sorted it out in his own mind.

Mr. Thomas said that he hopes there is space built for contractors that might work with DIA.

Mr. Rooker pointed out that the research park is a well-designed development that still has a lot of space to fill up with contractors.

Ms. Mallek stated that the process for changing the Comprehensive Plan emphasizes a need in the community for the use being contemplated in the change, and she certainly does not see that here.

Mr. Boyd said that it is not this Board's purview to pick winners and losers, as this is a free market system that they ought to facilitate as long as it is not destructive to the County's overall plans. He added that he is not buying this whole thing about having too much development area already available because he thinks that should fall into the free market system. Mr. Boyd stated that the Board should not be legislating that from here or from Washington, Richmond or anywhere really.

Mr. Rooker asked Mr. Boyd if he believes in zoning. Mr. Boyd replied, "yes". Mr. Rooker said that zoning is a legislative decision. Mr. Boyd responded that this is not zoning, it relates to designated growth areas which the County has a net loss of.

Ms. Mallek pointed out that the Comp Plan is step one to a rezoning.

Mr. Rooker said that under Mr. Boyd's theory, any farm that comes in ought to be able to put a plant on it because the Board should not be in the business of deciding how and where growth takes place. He stated that there is a lot of space for contractors right across the street.

Mr. Boyd said that those spots are only available for land leases and companies have been lost because they do not fit the UVA. mold.

Mr. Snow said that what he is hearing Mr. Rooker say is that if the DIA wanted to come in, that would be OK, but if somebody else wanted to do it he is not in favor of it.

Mr. Rooker pointed out that the federal government is not bound by land use rules and regulations, and the second question is whether the County wants to hem the DIA in. He stated that is a consideration. Mr. Rooker asked should the Board do that.

Mr. Dorrier said that he does not feel that he has enough information to make that decision.

Mr. Davis commented that it has been difficult to get the government's position on this, but based on the sales document he has seen their position is that they would not object to any future rezoning as long as it did not interfere with the use and enjoyment of their operations, but they reserve the right to object to any future rezoning if it did. He said that perhaps their contractual position has tied their hands regarding commenting on the Comprehensive Plan. He added they have to make a determination of whether or not it interferes with the use and enjoyment of their operation, which makes sense.

Mr. Boyd said that they have contracted with the private sector to build office buildings that is part of their use and enjoyment; that is already happening there.

Mr. Rooker responded that the Board approved that on an expedited basis.

Mr. Boyd stated that the big question here is whether that is a reasonable place for the growth area to expand, adding that there has been a net loss to the growth area through Biscuit Run and 78 acres lost with the Pantops Master Plan.

Mr. Rooker said that the County did not take out Biscuit Run, the owners did.

Ms. Mallek stated that if there is going to be additional growth, it should not be in the northern part that is already congested, and Biscuit Run is in the southern part of the County.

Mr. Thomas asked what difference it would make, because if DIA objects the owner cannot put it in.

Mr. Rooker responded that DIA reserves the right to only object to a rezoning that affects the use and enjoyment of their property, not the right to stop it. He added they do not have a veto power.

Mr. Dorrier commented that the County should ensure the highest and best use of available land, and policies should be geared to that. He added that he thinks if the Board makes it too restrictive right now then it is just setting itself back from a prime entity that has come to Albemarle County. There are major components of the federal government in the County and the Board needs to gear its policies somewhat to satisfying the needs of the federal government. Mr. Dorrier added that if the Board does not do that, these entities are going to move somewhere else.

Mr. Thomas suggested that the Board do a straw poll.

Mr. Thomas, Mr. Snow, and Mr. Boyd all said they are in favor of adding it to the growth area.

Ms. Mallek and Mr. Rooker said they are not. Mr. Rooker said that he believes it would unreasonably hem in potential expansion of the facility there, among other things.

Mr. Dorrier said that he is in favor of putting it in.

Ms. Mallek and Mr. Rooker expressed surprise at his choice, because he had just said that he did not want to hem the DIA in.

Mr. Rooker said that the second question to be answered is what the appropriate designation is for the property in the master plan.

Mr. Boyd asked, what is all the designated area around it?

Mr. Benish responded that this particular area has industrial designation to reflect the NGIC site, the remainder of it is Rural Area, with the very northern tip of it bordering Neighborhood Density Residential. He said that what is proposed on the site is Neighborhood Residential, which is primarily residential for the area that would not be the NGIC-zoned land.

Mr. Boyd confirmed that it would still be Rural Area zoning.

Ms. Mallek said that perhaps the designation should be industrial so as not to hem in DIA.

Mr. Benish commented that the NGIC was most concerned about large commercial buildings, and were less concerned with residential. He said that industrial would also be a satisfactory designation, but staff leaned toward residential based on earlier comments. He added that either one could work.

Mr. Rooker said that he would be in favor of residential as the DIA has expressed an interest in not having industrial and commercial nearby.

Mr. Thomas and Mr. Snow said they agree.

Mr. Benish clarified that the conversations leading to that impression happened when the County was investigating putting a greenway along the river, and representatives at NGIC at that time were most concerned about the existing buildings across the river. He stated that is old information; staff leaned to residential in part because of that old information it had.

Ms. Mallek asked if a two-story limit is what would be expected.

Mr. Benish replied that the Comp Plan designation is very general and open toward the net density, so there could be an apartment building but what is more likely is a townhouse type of development.

Mr. Boyd said that he recalled some discussion of a barracks as part of the DIA for the transitioning military families. Ms. Mallek said that she had also heard that for one of the buildings at the end of Boulders Road.

Mr. Rooker asked Mr. Benish how this property would be accessed in relation to the existing DIA facilities.

Mr. Benish referenced a map presented, noting the road system in place for NGIC and pointing out the road network for Piney Mountain, which could extend north with spurs from it extending to serve other areas outside the base. He said that the road goes through some private property and the buildings in that area are leased, and you can travel some distance without reaching a gate, but once you turn off from that you end up at a leased, secured facility or on lands owned by the federal government. Mr. Benish pointed out that the general concept for the Piney Mountain development area is that the public road system is going to be the spine system serving the general Piney Mountain area, so an access would be built off of that and around the base into that area. He said that this area is more constrained than some of the areas suggested by the property owner. The property owner did have preferences about a number of different areas. Mr. Benish noted on the map the area with the most development potential, including some along the lake, and there would likely be a road put in along the lake.

Mr. Rooker mentioned that the road would go right up against the DIA property, and it seems that it would be an area of logical expansion for their facility as they are constrained in the other direction by the lake.

Mr. Benish pointed out the non-base piece of the property, which encompasses about 45 acres, 30 acres of which is developable.

Mr. Rooker said, he does not see this as highly objectionable as an addition to the growth area. He added that he does not think it is a smart move given the potential expansion.

Mr. Boyd said staff's recommendation is fine.

Mr. Benish stated that the remaining question relates to the Hollymead South expansion.

Mr. Boyd commented that he has received a lot of emails on this issue and is not prepared at this point to even take a consensus vote. He asked how difficult it would be for staff to bring this back for the final vote discussion with this being either in or out.

Mr. Benish responded that if the Board wanted to do a lesser area, staff would have to draft another map and have some direction about what that area would be, so that would be a change. He also said that with this expansion area there was text that set out certain expectations for the development of it, and unless the Board has different expectations for the land use for the reduced area there may need to be some changes to it. Mr. Benish said that if it is the same concept, a mixed-use development that would allow for one big box, there may just be some minor changes needed.

Ms. Mallek asked why a new public hearing is not being considered, since it seems there is a lot of information that may be different. She stated that the Board has been talking about everything based upon the public hearing as was taken in November. Ms. Mallek added that the Board talked about the things in December, and the decision today was supposed to be whether to include it as is for the vote only in February, not to start with a brand new description, size, and everything else. Ms. Mallek said she is obviously in the dark about a lot of things and would like to find out what is going on.

Mr. Snow said that he would like to put it in as an expansion area, noting that the worst area on Route 29 is Hollymead going into Forest Lakes. He stated that his priority is to fix that area. The 29 Master Plan states that in order to get Berkmar Drive completed, including the bridge, is going to take a combination of state, local, and private enterprises working together to pull this off. He cannot see any private money coming in to help Berkmar Drive unless there are opportunities for growth there once it is done. Mr. Snow said that he knows there is a lot of concern that the infrastructure will not be there before

whatever development takes place. He added that he believes that the Board should go ahead and put the area into the growth area but with the stipulation, like Rivanna Village, that the infrastructure had to be built first. That also includes the extension of Berkmar and the bridge.

Mr. Rooker asked if that includes the Berkmar bridge, if the rezoning would not be allowed to take place until that is built. Mr. Rooker said that if this is approved in the growth area, the developer will likely attempt a connection through Ashwood.

Mr. Snow said that he wants it to be set up like Rivanna Village, whereby the development can only go forward if the infrastructure is in place. He thinks there is a major safety problem and a major traffic problem out there on Route 29 that needs to be solved, and he only sees it happening with everyone working together to complete that extension.

Ms. Mallek asked how this would be carried out, noting that as part of the rezoning for 2004 there was a requirement for a connector road to the Airport that still is not open. She asked how the Board can possibly be assured that something like this is going to be developed when they are talking about a Comp Plan thing, not a zoning thing.

Mr. Snow stated that maybe it could be assigned during the proffer phase, but he feels it should be out there to let private enterprises know that it is available if they are willing to contribute to the infrastructure.

Ms. Mallek said that she had this discussion with a developer two years ago about putting it in writing, but he was not willing to do that. She also stated that a lot of the destination draw that would be put on the property would use up the capacity probably years before the road is built.

Mr. Snow said he does not agree with that.

Mr. Rooker commented that these are all valid points, but he does not want to lose sight of the fact that traffic modeling has shown repeatedly that the widening of Route 29 is of primary importance to improve traffic flow.

Mr. Snow agreed, but said he would still like to see Berkmar and the bridge as priorities. He added that that is why he wants to put it in there.

Mr. Rooker asked what exactly is being put in, as there apparently was some kind of revision of the proposal, the amount of acreage and the boundaries.

Mr. Boyd said that the only thing voted on was the number of acres.

Mr. Snow stated that there has not really been a suggested use for this property.

Mr. Benish pointed out there has been no change in the 140 acres for the area in question, but after a conversation at a Board meeting he went to talk to the property owner to discuss the Piney Mountain expansion and he indicated that a lesser area would be acceptable to him but they only talked generally about what that was. Mr. Benish said that there was a straw poll done in November, then a decision to go back and look at the minutes to provide some direction on what to do with Hollymead, but staff has not done anything else.

Mr. Snow said that he recalled an earlier vote to put it in.

Ms. Mallek clarified that in November the public left the meeting seeing a 4:2 vote for not putting it in.

Mr. Cilimberg said that that was the actual public hearing, and the officially proposed area is on the Board's screens at this meeting.

Mr. Rooker asked what the smaller area is that the developer is interested in.

Mr. Benish responded that the developer said that a smaller area was better and access to Ashwood Boulevard would be important. He said that on a cursory level, it seems the acreage is about 40-50 acres gross.

Mr. Thomas commented that the area may be as low as 32 acres.

Mr. Rooker said in order to build the road the area has a lot of terrain change and other owners. The likelihood then of getting the road built all the way from the river and the bridge is not very good.

Mr. Dorrier asked who is paying for it. He asked further if the cost was \$50.0 million for the bridge and the road.

Mr. Rooker responded that he has never heard of anyone coming forward and say they would contribute any substantial portion of that. He added that they are talking about making a change in the designation of 140 acres. At some point the developer came in and said he would be happy with the 40 or 50 acres or whatever.

Mr. Boyd said that this is not about what the developer wants, but it is about improving the intersection at Ashwood Boulevard and about getting Berkmar Drive Extended done. He added that is what this is about for me, to improve it, not to make it worse. Mr. Boyd stated that is not what my constituents believe, but that is what the fact is, this is about getting this done.

Ms. Mallek asked if enough proffers would be generated from one big store to make those things happen. Mr. Boyd responded that he does not think he would approve it if that was all there was to it.

Mr. Boyd added that if the developer would contribute some, along with VDOT and the County, then Berkmar Extended could be built and the Ashwood Boulevard intersection could be improved.

Ms. Mallek asked what the jug handle needed to cross over at Ashwood Boulevard would cost, noting that she was guessing \$25.0 million.

Mr. Rooker pointed out that it is a nightmare for the people who live there, if that is what gets done. He said that they would have an entrance out onto Route 29 with a single stop light.

Mr. Boyd said that he would never approve that and that is not what they are asking to approve.

Mr. Snow said that the same thing just happened with Rivanna Village, with an approval that was contingent on the infrastructure getting done.

Mr. Rooker pointed out that there is no additional growth as part of that. He added that growth was approved and rezoned beforehand. Mr. Rooker also said that he does not agree with expansion of the growth area because of reasons he set out before, including the fact that there is already two million square feet of commercial approved in the Route 29 corridor that is not yet built out, and a primary consideration for expanding the growth area is whether there is a need. He added that is about 25-30 years of potential absorption of commercial that is already approved. Mr. Rooker stated that it would be hard for him to understand how you satisfy the requirement that there be a need.

Mr. Rooker said that part of the idea of approving the 5<sup>th</sup> Street shopping area was to keep people from having to travel up Route 29 North, but the chance that will actually happen keeps going down every time something else is approved. He added that is reality.

Mr. Boyd asked why it goes down.

Ms. Mallek responded that there are not enough tenants to go around for Albemarle Place, North Pointe, Avon Park, etc.

Mr. Boyd said that he has been told that it is because the developer cannot afford the proffers.

Mr. Rooker stated that the conversation he has had with that developer has to do with tenants, adding that the same thing was experienced with Albemarle Place. He added the holdup has been, principally, trying to get tenants in a difficult circumstance.

Mr. Snow reiterated that the Board is not approving any development, but is just saying that the property is approved for development providing that the proffers are met. He stated that their number one goal is to get Route 29 widened and at the top of that list is getting Berkmar Drive in. He added that when the economic conditions allow it and the deals put together, it would already be in the master plan and ready to go forward. With economic conditions and already approved land that is available, it may be a while, but it would be in the master plan.

Mr. Dorrier said that the North Albemarle Business Association stated that this was one of the five projects they felt was doable, and the Board agreed.

Mr. Rooker pointed out that the transportation projects are not necessarily linked to approving the growth area. He stated that he understands Mr. Snow's position and there is some logic behind it, but he does not think it is time to do this. Mr. Rooker added that if there is going to be a change to the master plan to include this in the growth area, he would hope that there would be specific language which would make it clear, that this area would not be approved for rezoning until such time as Berkmar Extended and the bridge and the connection of Berkmar all the way down is made.

Mr. Snow said those are all part of the deal.

Mr. Thomas said he does not think this Board will see it come to fruition. He added that it is a lot of land that has to be purchased and rezoned, but it has got to go all the way to the river, and you have to have a starting point.

Mr. Rooker asked if Mr. Thomas would agree with Mr. Snow's position that the property would not be rezoned until such time as the Berkmar Extended is approved and the funding is available to make it go forward, as a condition of the rezoning.

Mr. Cilimberg responded said that the language regarding development of this area of expansion being tied to infrastructure improvements was already in what was taken to public hearing. He added that staff has written language that actually says that that area would not develop without improvements to Berkmar, Route 29, and there are a couple of others as well.

Mr. Benish noted that the language can be found on Page 3 of Attachment 3, behind the Implementation section.

Ms. Mallek read that "The expansion area is not within a priority area for public capital investment and land use activity. Approval of any development within this new expansion area, as with other lands within the non-priority areas, will be predicated on the completion of a number of transportation and infrastructure improvements needed to support development here. They are: widening to six lanes of 29, including the grade-separation jug-handled road system at US 29 and Ashwood Boulevard; extension of Berkmar Drive north across South Fork Rivanna River to Meeting Street; construction of east-west road from 29 to Earlysville Road; construction of a road connection Rio Mills to Berkmar. All of these are needed to better distribute traffic generated from within this expansion area to various roads in the network and minimize the impact to 29."

Ms. Mallek said that this is nice Comprehensive Plan language, but her concern is that it becomes stuck like glue to this decision. She said that she has seen lots of times where language is put somewhere but people go off and do something else.

Mr. Cilimberg stated that staff's evaluations of projects that come before the County are based in large part on the Comprehensive Plans or Master Plans. Staff uses those as a basis because that is the policy they have to go from and that is where staff starts in making recommendations to the Planning Commission and ultimately the Board on how a project should be approved or not. Beyond that, it's the Commission and Board that make the decisions as to how they interpret or decide to apply the language. Staff's review of language like this would say you have to have those projects in place before they could recommend approval. He said how a future Commission or Board views it would be based on what they decide at the time.

Ms. Mallek emphasized that this is not any kind of long-term protection.

Mr. Boyd said that no matter what is done today, a future Board can always change it.

Mr. Rooker stated that there is an automatic five-year update of the Comprehensive Plan, and the likelihood that these improvements are going to be funded in the next five years is zero. He asked what the rush is here with trying to change the Comprehensive Plan and why put it in there now.

Mr. Snow responded that there is no rush but it sends a signal to a developer that collaboration is needed in order to get Berkmar Drive done.

Mr. Rooker said that the language is in the proposal, as Ms. Mallek read.

Mr. Snow stated that people are starting to push for a faster route through Charlottesville and some are talking about a bypass again. If the Board presents this to VDoT showing a plan that takes a certain amount of traffic off of Route 29 by widening and completing these parallel roads, the County has an argument that may help get additional funding to do it.

Ms. Mallek said that these have been in the County's long-range plan since 2002 and VDoT definitely knows about the importance of this road network. The County does not need another set of stores there to get that information across to them.

Mr. Rooker noted that VDoT participated in all of the CHART work, studies, and modeling that showed how these roads work. He suggested the Board take a straw poll. He asked Mr. Boyd about a timeframe for a decision.

Mr. Boyd responded that he has a meeting set with Forest Lakes residents and doesn't want to take a straw poll vote until he has heard from them.

Mr. Cilimberg said that if one option is expanding, and the other option is not expanding, then staff is in a pretty good position to have it done by February and could be covered within the public hearing, but if it is something in between then it may require a different hearing. He clarified that the Board's public hearing included the language that Ms. Mallek read regarding needed road improvements.

Mr. Benish commented that the Board has not yet discussed the changes to text.

Referring to the draft document, Mr. Boyd said, in the top paragraph on page 4-45, there is mention of reserving the right for the Northern Free State Road. He said he thought that had been dropped out of planning a long time ago. Forest Lakes residents were concerned that this would run along Ashwood Boulevard and connecting to Polo Grounds Road was one of the alternatives.

Ms. Mallek said that she recalled what was taken out as being the diagonal roadway going through South Forest Lakes to Polo Ground Road, but what was not taken out was the road from Belvedere to the river. In her mind North Free State Road is the place beyond what Belvedere was built. When she was on CHART looking at this, until Belvedere came along to build the whole southern half of that road, the whole thing was in the long range plan.

Mr. Benish stated that the idea was to reserve it for a long-term future possibility.

Referring to page 8-3, Mr. Boyd asked why it was necessary to have the disclaimer section on the Western Bypass in this document.

Mr. Benish responded that it was recommended by the Planning Commission, as they wanted a statement on the status of it.

Mr. Boyd commented that this says it would only be built once a series of intersections are built across Route 29, etc., and he does not understand why it should be included.

Mr. Benish said that it was intended to document the history of the bypass and its status.

Mr. Rooker emphasized that this is just a summary of what has happened with regard to the Western Bypass.

Mr. Dorrier said that it should be called a historical sketch.

Mr. Thomas said that this references a sequence of requirements needed before the last step, the bypass.

Mr. Cilimberg clarified that this was a resolution agreed to by the City, County, and University in the early 1990s, so this is just stating what was actually approved by those bodies, and the Planning Commission recommended that it be included.

Mr. Boyd asked what their purpose was in putting the language in the master plan.

Mr. Benish replied that the Commission felt it was important to document the history of decisions and agreements that had been made in the past on how to implement the bypass.

Ms. Mallek said that one reason to have it included is that a person who is new to the community would think that nothing had been done to study the transportation network or to address the bypass issue.

Mr. Rooker stated that the reason the CTB recommended that all of those improvements take place first was because traffic studies showed it did not matter if a bypass was built if traffic failed in the Route 29 corridor. He added that they approved at the Commonwealth Transportation Board was a series of improvement because the traffic study showed those were needed. Mr. Rooker said there is only one way he knows of that you will ever be able to solve the east-west movement problems across Route 29, and that is to build some kind of interchange that allows that traffic to move across there without having to stop at Route 29, and Route 29 not to have to stop for the east-west traffic. The more people that build out the more traffic they have going east-west.

Mr. Boyd said that he is not sure if commuter traffic coming into UVA is considered local traffic, but the traffic between Polo Grounds and Hollymead Town Center on Route 29 is coming to Charlottesville to work. He stated that he thinks that this old data is not really adequately addressing that. Mr. Boyd added that he knows that they use models, but he thinks when the Census information comes out there will be some better data. He does not think that having that information from 20 years ago needs to be in this plan moving forward.

Mr. Rooker stated that this is simply including the history of what happened.

Mr. Boyd said that the information has been used to say when the County did Places 29 it ignored the 250 Bypass or parallel road or another parkway to move local traffic back and forth; that was left out maybe because of this historical data.

Ms. Mallek responded, "no", it was left out because when the modeling was run for the Ruckersville Expressway they found that it was completely not effective for the money it was going to cost to build it.

Mr. Rooker explained that there has been traffic modeling done a number of times based upon population dispersion and it does not show that there would be any kind of reasonable cost-benefit justification for what you are talking about. He added that is why VDOT staff does not support it. Mr. Rooker stated that is why Mr. Whit Clement, who was from Danville and became Secretary of Transportation, one year into his term said that road makes absolutely no sense. Mr. Rooker added that Mr. Ken White, the last CTB representative from Lynchburg, said the exact same thing and the last two Commissioners of Transportation have come up here and looked at it and said it does not make any sense. He said that the \$250.0 million needed is more than the area is going to get, total, over the next 30-40 years in all transportation money.

Mr. Boyd said he just thinks that if they are going to sit around here as a County and say "until we have the panacea plan, the plan that is going to solve all of the 29 problems" that we are not going to do anything about it. He thinks that is sticking your head in the sand a little bit.

Ms. Mallek responded that the County has been doing things all along, and will continue to do things all along.

Mr. Boyd asked what they have done. He added that they widened Route 29 twenty years ago and has done nothing since then. They cannot get Hillsdale Drive or the BestBuy ramp done.

Ms. Mallek said that a lot of work has been done on Hillsdale and it is ready to move.

Mr. Rooker said the area has plenty of projects that have been traffic modeled and cost benefited to determine how they move traffic in the area, and the fact is they require funding. The Board has pretty much eliminated transportation funding from the County's budget because it does not have the money; the State has also.

Mr. Boyd said several years ago people in the County puts their minds to getting three projects done several years ago - the Meadow Creek Parkway, Jarman's Gap, and Georgetown. Those things are getting done by taking whatever small resources were available. He added that they need to do the same to get Route 29 widened, to get Berkmar done, and the new five projects.

Ms. Mallek responded that the Route 29 widening has been on top of the list since 2002. The Board has not been obstructing that in any way.

Mr. Rooker mentioned some of the projects he has been involved with over the last 10 years to try to get traffic moving on Route 29, noting that Albemarle Place is building an additional lane on Route 29 from the Waffle House to Hydraulic Road and a new intersection at Hydraulic Road as well as a proffered lane to extend that lane down to the Route 250 bypass, which is the biggest chokepoint in the County.

Mr. Boyd asked if traffic models indicate that those adjustments would solve the traffic problems there. Mr. Rooker responded that nothing would solve the traffic problems but those adjustments would substantially improve the traffic flow in that area. The Hillsdale connector, for a cost of about \$20 million, takes about 12,000 vehicles per day off of Route 29 at its most busy place, and \$10 million was supposed to be provided by private developers/owners. He thinks that is a good bang for the buck.

Mr. Boyd asked when Hillsdale would get done. Mr. Rooker asked what he has done to get money for those projects. Mr. Boyd said that it is the same situation with Meadow Creek; it is up to the City.

Mr. Rooker said the County does not lack for a plan; it lacks for money to execute. He said that he invites anybody on the Board to participate in trying to get funds to get any of these projects done that they all agree need to be done.

Mr. Cilimberg asked if there are any more recommended text changes.

Referring to the bottom of page 4-28, Mr. Rooker said they removed language that said "ultimately when the amount of traffic exceeds what can be accommodated within that grade intersection, grade separations are expected to be necessary". He said that the Board agreed to soften the language, not completely remove all references to grade separation, and what would be reasonable to include would be "ultimately when the amount of traffic exceeds what can be accommodated within that grade intersection, grade separation may be considered". Mr. Rooker said that there was a comment made earlier about VDOT's traffic findings and he thinks the Board members would be putting their heads in the sand, and removing the references to grade-separated interchanges.

Mr. Cilimberg responded that there is a transportation study that VDOT paid a fair amount of money for that identified the need for interchanges, and staff does not really transition from that to the actual recommended projects in this document right now. He said that he and Mr. Benish have been working on language that essentially says the need has been identified but those projects are not being pursued at this point and will be reevaluated as part of the five-year updates so that there is a link. He asked if that wording would be reasonable.

Mr. Rooker suggested that what can be said is that projects have been identified from a cost benefit analysis, in the short and medium term, that are going to better address traffic needs.

Mr. Cilimberg said staff hopes to get any text changes back to the Board to look at prior to the February meeting.

Mr. Boyd said he thought they were going to remove the majority of the references to the interchanges.

Mr. Rooker commented that they have been removed. He added that there needs to be some bridge language that makes it clear. At some point, if your traffic does not work at all, if your east-west traffic is completely stopped and you are not willing to look at what needs to be done at that time, he does not think you would have got a plan that ultimately the State buys into. Mr. Rooker added you are not going to get money for traffic improvements if you have got your head in the sand.

Mr. Boyd said that he has a real problem with setting up that section of road as being the through traffic Route 29 alternative. If this is going to be a main street there should be a different approach other than grade-separated interchanges.

Ms. Mallek stated that there is a grade separation at Park Street.

Mr. Rooker commented that the County does have the only eight-lane section of Route 29 in the state, and it certainly cannot be compared to Main Street Charlottesville, but the strategy has been to try to accommodate through traffic with improvements to Route 29 as much as possible and to create a decent design off of Route 29 along with parallel roads to serve new areas of development so the local traffic will mostly use parallel roads such as Hillsdale connector.

Mr. Thomas stated that Commonwealth Drive is a disaster right now because people are coming off of Route 29 and taking Commonwealth Drive up to Rio Road.

Mr. Rooker said that he travels it about every day and does not see a lot of traffic on it.

There was no further discussion at this time.

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Agenda Item No. 26. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd asked about scheduling a joint meeting with City Council for next week. He added that even if all Board members cannot be present, it is important that a meeting be held. Mr. Foley said the staff will contact City Council and then call a special meeting of the Board, if necessary.

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Agenda Item No. 27. Adjourn.

There being no further business the meeting adjourned at 5:16 p.m.

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Chairman

Approved by Board
Date: 07/13/2011
Initials: EWJ