

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 2, 2011, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:04 a.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Recognitions.

Item No. 4a. Introduction of Steve Sellers, Chief of Police.

Mr. Foley introduced Mr. Steve Sellers as Albemarle County's new Chief of Police. Mr. Sellers was a 28 year veteran of the Fairfax County Police Department where he served as Deputy Chief.

Police Chief Sellers greeted the Board and said it is an honor to serve the County and Board. He said that he looks forward to spending time with each Board member to discuss prime issues in their district.

Ms. Mallek thanked Mr. Sellers for the outreach he has already done in the community.

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

Mr. Snow reported that he had attended a Historic Preservation Committee recently where they discussed opening the Old Jail for Historic Preservation Week. The Committee understands that the Jail is not in good shape, but the group felt it would be a good opportunity for the public to see the Jail and hopefully generate some interest in fundraising for purchase by the Albemarle Historical Society. He said that he feels the Jail needs to be assessed for its safety and the County needs to work to find ways to make the preservation happen. He added that the Jail would be open on or around March 24. He asked that staff look into the possibility of this.

Mr. Foley responded that staff would take a quick look and see how they can help make it work.

Mr. Snow noted that he had been in regular contact with Mr. Steven Meeks of the Historical Society. In addition Mr. Jeff Werner serves as Secretary and he is present today.

Mr. Snow also reported that he had received a note from a constituent with some suggestions of things that would be helpful to the budget. He forwarded the comments to Mr. Foley.

Mr. Snow said he also received comments about providing dual-lane bike paths in some of the newer areas such as Granger and Fontaine. He asked that the information be passed on to Community Development and that after someone looks into this, that they respond to him so he can contact the constituent.

Mr. Foley said that staff would get back with him when they get some information.

Mr. Rooker commented that the constituent letter pertained mostly to schools, so he forwarded it to Ms. Diantha McKeel, who had responded and was planning a more detailed response. When he gets a copy of the response he will forward it on to the other members of the Board.

Mr. Snow stated that one of the things discussed with the School Board last year was running things past those members instead of just handling it at the Board of Supervisors level.

Mr. Rooker noted that he usually sends information like this to both Ms. McKeel – who represents his district – and to Ms. Pam Moran, and apparently Ms. Moran or someone from the School Board is planning to respond.

Ms. Mallek reported that on February 24th information was distributed at the Energy Symposium, held here at the County Office Building. There were approximately 100 attendees and there was information presented on different ways communities consume energy and local programs that help people with weatherization for their homes, commercial and multi-family buildings. Ms. Mallek noted that they had an assessment done at their home, which is only 25 years old, and she was shocked at the air

leakage. There are very simple, affordable things that they plan to do right away to make their home more efficient. The whole goal of the LEAP Program is to help people make the most cost effective choices.

Mr. Rooker commented that four or five months ago they tried to do this, but he had difficulty getting the assessment company to respond.

Ms. Mallek noted that they now have more people who are certified to do the inspections including the followup.

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

Mr. Charles Battig said that last month he presented Board members with a comprehensive set of documents detailing the County's 2007 initial and continuing participation in the U.S. Cool Counties Climate Stabilization Declaration. The copies of the County's own Executive Summary reports specifically and repeatedly noted the County and City participation and adoption of the specific requirements of ICLEI (International Council for Local Environmental Initiatives) and its mandated "Five Milestone" approach. Documentation was included showing the link between ICLEI and its participation in the formation of the United Nations Agenda 21 sustainability proclamation of 1992. Mr. Battig said these are undeniable facts.

Mr. Battig said that today he will focus on the documented County goal of the reduction of greenhouse gas emissions of 80% by 2050. This is an arbitrary goal. He asked why not 90% or the Al Gore goal of 100%. As a means to influence the climate, it is meaningless. Water vapor is the number one greenhouse gas, not carbon dioxide. By 2050 who of us here will be around to defend or explain away this goal, or the wasted money and time pursuing it. He said that he has provided each Board member with a 34 page, independent scientific report titled "*Observed Climate Change and the Negligible Global Effect of Greenhouse-gas Emission Limits in the State of Virginia.*" He would offer a friendly challenge to Board members to do their homework and read it. To get Board members started he read a portion of the "Summary for Policymakers": "*cessation of all of Virginia's CO2 emissions would result in...a global temperature reduction by 2050 of 0.0022 C.*"

The goals of the County supported Local Climate Action Planning Process as required by ICLEI and its stakeholders were presented in Lane auditorium February 24th as step three of the "Five Milestone" ICLEI protocol. Two presentations combined a maximum of climate scare disinformation with a minimum of validated science. The retreat to a claim of scientific consensus to support the notion of a climate crisis was offered without recognition that there are other contrary opinions; see page 31 of the handout: "at least 800 Virginia scientists are joined by over 31,000 scientists who have signed the Oregon petition stating that the U.N.'s human-caused global warming hypothesis is without scientific validity." Using climate scare stories and invalid climate models in an attempt to motivate action does a grave disservice to the simple concept of saving money by cost-effective, voluntary measures, or businesses making more money by adopting cost-effective processes. The short time frame of human memory and life span result in an overemphasis on short term observations and a lack of appreciation of the longer historical climate record. Claims of more pollution? In 2010 the EPA reported continuing improvements in air quality with emissions of the six most common pollutants down 60% since 1970. The choice of Wal-Mart as an example of new business thinking was odd since Wal-Mart has just reported its worst sales slump ever, related in part to its foray into organic food marketing. The Montreal Ozone Protocol of 30 years ago, touted as an environmental success story, has actually resulted in the substitution of the more potent greenhouse gas (HCF) for the more benign (CFC); Ozone blocks UVB; skin melanomas are related to UVA which is not blocked by ozone.

Mr. Battig said the U.N.'s Intergovernmental Panel on Climate Change, the British Meteorologic Office, and the U.S. temperature agencies all confirm the fact that, in spite of increasing CO2 levels, there has been no significant global warming since 1998, and that we are in a ten plus year period of modest global cooling. This fact was greeted with disbelief by a speaker parroting the claim of an architectural website that "buildings are the largest contributor to climate change." Questions about the effects of solar, cosmic particles, water vapor, and Milankovich cycles were unanswered. No acknowledgement of the benefits of higher CO2 levels or warmer weather. No acknowledgement that in the 1960s that the major climate concern was global cooling and crop failures.

Mr. Battig said that as the County struggles with falling revenue, he urged that it save funds spent on the ICLEI agenda. Be aware of the TJDPC shadow government, now funded with nearly \$1,000,000 of Federal money, and be ready to defend the private property rights and choices of County taxpayers against those using sustainability to legislate them away.

Mr. Jeff Werner, Piedmont Environmental Council, said that the Historic Preservation Society would like the opportunity to give the community access to the Old Jail and talk about the history of the building. He thinks that if they are going to see something happen with the building, the community will need to contribute to getting it done. It is his understanding that Mr. Meeks is researching the cost of an insurance policy for the Old Jail and public access.

Mr. Werner also said that in response to Mr. Battig's claims, he does not necessarily know what "conspiracy" might be underfoot with ICLEI. PEC has been trying to change some people's minds about things for 30 years, but they have not taken over anything. He stated that Albemarle has reduced its energy consumption by 22% which is real money and cleaner air. He encouraged Board members to look at this pragmatically and not in a more complicated way.

Mr. Boyd asked why the County was not allowing access to the Jail. Mr. Snow responded that it is due to safety reasons.

Mr. Boyd asked who makes the determination regarding safety.

Mr. Foley said that he would need to look into it more closely. The County would like to make this work but there are issues due to deterioration. He added that if there are problems that make entry very difficult, he would let them know next week.

Mr. Boyd commented that if the building is so dangerous that they do not want people to go into it, then it will be a significant restoration project and cost quite a bit of money.

Mr. Foley said that the direction from the Board is that the County will not spend any more on it and that the County will turn it over to the Historical Society. Staff will be providing the Board with an update when the study from the Historical Society comes back.

Mr. Rooker commented that a tour of the building might assist with kicking off the fundraiser.

Mr. Boyd said the Board also talked about whether there is a private enterprise that may be interested in converting the building into something that would be historically preserved.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker to approve the Consent Agenda. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Item No. 7.1 Approval of Minutes: March 17(A), March 31, August 4, September 1, October 12(A), October 13(A), October 13(N), November 10(A), November 11(A), and December 13, 2010.

Mr. Boyd had read the minutes of March 17(A), 2010, and August 4, 2010, pages 1-30 (end Item #12) and found them to be in order.

Mr. Dorrier had read the minutes of March 31, 2010, October 13(A), 2010, November 10(A), 2010, and December 13, 2010, and found them to be in order.

Mr. Thomas had read the minutes of August 4, 2010, pages 30 (begin Item #12) - end, and November 11(A), 2010, and found them to be in order.

Mr. Snow had read the minutes of September 1, 2010, pages 1-43, and found them to be in order.

Mr. Rooker had read the minutes of September 1, 2010, pages 44 – end, and October 12(A), 2010, and found them to be in order.

Ms. Mallek had read the minutes of October 13(N), 2010, and found them to be in order.

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

Item No 7.2. Board Policy Related to Volunteer Fire Rescue Funding.

The executive summary states that on March 1, 2006 the Board of Supervisors, by unanimous vote, adopted the Albemarle County Fire Rescue Advisory Board's (ACFRAB) Policy SAP-DEP-007, "Volunteer Funding", as an official County policy. In addition to providing direction for determining eligible annual County funding support for volunteer fire/rescue station operations, this policy establishes protocol for the acquisition of apparatus to support volunteer fire/rescue departments.

The intent of this action was to ensure that all future capital purchases for volunteer fire/rescue stations would be handled by the County and prioritized in the Board's adopted Capital Improvement Plan (CIP) and that all such acquired equipment would be co-titled in the County and volunteer station's name. Because the Board formally adopted this policy, and has subsequently appropriated public funds through its adopted CIP, all purchased apparatus for the system is required to comply with the Virginia Public Procurement Act (VPPA).

On July 7, 2010, the Board approved a request from the Western Albemarle Rescue Squad (WARS) for a reimbursement donation totaling \$91,186 for funds expended by it to re-chassis an existing ambulance unit, remove and replace radio systems and to recondition a monitor/defibrillator. WARS made the request for reimbursement mainly because there was a misunderstanding of the County volunteer apparatus procurement process. Therefore, the Board requested that staff further revise the "Volunteer Funding" policy to include a clear process for volunteer stations to follow for the procurement of vehicles and apparatus.

Fire Rescue staff, in collaboration with County Finance staff and the ACFRAB, revised the "Volunteer Funding" policy to include a step-by step vehicle and apparatus procurement process. The

ACFRAB approved the revised policy with no further revisions during its regular meeting on October 27, 2010.

Staff indicates no budget impact and recommends that the Board adopt the amended "Volunteer Funding" policy as the County policy for funding volunteer capital purchases.

By the above-recorded vote, the Board adopted the amended Volunteer Funding policy as the County policy for funding volunteer capital purchases:

	
STANDARD ADMINISTRATIVE POLICY	
Subject:	Volunteer Funding
Reference Number:	SAP-DEP-007
Effective Date:	1 December 2003
Last Revision Date:	27 October 2010

Purpose:

The purpose of this policy is to outline the funding policies for volunteer fire departments and rescue squads.

Background:

This policy was adopted by the Albemarle County Fire Rescue Advisory Board (ACFRAB) at the November 2003 meeting, approved by the Board of Supervisors on 23 February 2006, and revised September 2010.

Definitions:

Basic Operating Costs: Basic operating costs include building utility costs, buildings & grounds maintenance, communications, fire suppression, emergency medical & rescue services, vehicle expenses, administrative expenses, training, and uniforms.

One-Time Costs: One-time costs include major vehicle repair, hoses, nozzles, ladders, self-contained breathing apparatus, personal protective equipment & gear, radio purchases, pager purchases, defibrillators, cascade equipment & compressors, kitchen appliances, rescue equipment, building repairs & improvements (paving, HVAC, etc.).

Policy:

- ix. Basic Operating Costs
 - a. Annual funding of basic operating costs will be provided as a quarterly contribution to each volunteer station.
 - b. The funding will be based on an annual review by ACFRAB and the County of Albemarle.
 - c. An annual audited report will be provided to the County as part of the annual budget process.
 - d. The annual Profit and Loss statements will be submitted per the annual schedule and in a standard format
 - e. Future adjustments of budgeted operating costs will be based on an audited history of the previous years.

- x. One-Time Costs
 - a. One-time costs should be identified separately from operating costs and will be considered for funding separately from the annual operating contribution. These may be submitted at any time during the year and will be considered on a case-by-case basis.

- xi. Fundraising Costs
 - a. The following costs associated with fundraising are not included as a basic operating cost: painting & repairs to space, expendable items for space, janitorial items for space, office supplies, postage, printing, professional services, and/or licenses.

- xii. Consolidated Purchase of Goods & Services
 - a. ACFRAB will strive to consolidate the purchase of goods and services to achieve better pricing. As consolidation occurs, the line items associated with consolidated goods and services will be eliminated or will reflect the revised price structure.
 - b. Items to be considered for consolidation include the following:
 - i. Long Distance Telephone Service
 - ii. Fuel Oil
 - iii. Fuel for Apparatus
 - iv. Trash Disposal
 - v. Linen Service
 - vi. Radio/Pager Repair
 - vii. Small Tools & Equipment
 - viii. EMS Supplies
 - ix. Vehicle Repairs Outside the County Vehicle Maintenance Facility
 - x. Uniforms

- c. Foam is provided to stations by the County; thus, no additional funds will be provided for such.
 - d. Self-contained breathing apparatus (SCBA) maintenance is funded by the County; thus, no additional funds will be provided for such.
- xiii. Loan Payments
 - a. Outside loan payments obtained before 2003 are considered a basic operating cost. Outside loans after 2003 will not be considered a basic operating cost.
- xiv. Capital Expenses
 - a. Buildings - The County will consider participating in the construction or improvement of volunteer stations on a case-by-case basis
 - b. Vehicles and Apparatus
 - i. The ACFRAB Apparatus Fleet Plan establishes the basis for replacement of emergency vehicles.
 - ii. A Capital Improvement Program (CIP) for emergency vehicle replacement will be developed and recommended by ACFRAB according to the regular schedule established by the County.
 - iii. The vehicle replacement schedule will be based upon consideration of vehicle age, mileage and mechanical condition.
 - iv. The County will fund replacement of emergency vehicles (including chassis replacement and/or refurbishment) based on ACFRAB adopted standard specifications or alternatives specifically approved by the County operations chief.
 - v. Any variation from, or addition to, the adopted specifications will be a cost directly born by the volunteer department.
 - vi. Vehicles that are funded by the County, in part or in whole, must be procured under the direction of the County Purchasing Office. All vehicle purchases must comply with the Virginia Procurement Act, and County Purchasing Policies which require one of the following:
 - a. Competitive bid or proposal process
 - b. Use of an applicable governmental contract through cooperative procurement
 - c. A qualified sole source procurement (in cases where a unique vendor is required and compelling circumstances are documented).
 - vii. Vehicles purchased with County funds shall be co-titled to the volunteer department and the County of Albemarle
 - viii. When a volunteer department is ready to initiate a vehicle purchase (or refurbishment), the department chief or designee shall contact the County Fire Rescue operations chief and request initiation of a procurement process.
 - ix. The operations chief shall verify that adequate CIP budget funds have been appropriated and consult County Purchasing about the appropriate purchasing method. When the best method has been determined, and all related requirements for that method have been met, the operations chief will submit a purchase requisition to County Purchasing for action.
 - x. Supplemental equipment procurement using County funds must also comply with County purchasing requirements.
 - xi. During production of fire and rescue vehicles, the volunteer department chief or designee will typically coordinate any pre-construction, post-paint and/or final acceptance visits with the manufacturer.
 - xii. Production change orders must be reviewed and approved by the County operations chief. Failure to do so will result in the volunteer department being responsible for all associated costs.
 - xiii. Once a new or refurbished vehicle has been accepted by the volunteer department, the volunteer chief shall notify the County operations chief of final acceptance and approval for payment. Prior to delivery of the vehicle, the volunteer department and County operations chief must communicate about any issues that might prevent acceptance and cooperate to resolve any such issues in advance of delivery. When the vendor invoice has been received and approved by the County operations chief, the operations chief will forward authorization for payment to County Finance. If the invoice is

received in advance of final acceptance, a check for the payment may be prepared and held by the operations chief, pending final acceptance notification from the volunteer department chief.

- xiv. Upon notification of final acceptance, the County operations chief shall notify the County's volunteer department vehicle insurance policy agent of the addition to initiate proper insurance coverage.
- xv. Upon receipt of payment, the vendor shall provide the County operations chief with notice of payment received and provide the vehicle Manufacturer's Statement of Origin (MSO). The MSO shall list the volunteer department and the "County of Albemarle" as co-owners.
- xvi. After delivery of a new vehicle, the volunteer department chief or designee typically coordinates supplemental equipment mounting and installation, including communications equipment. It may be appropriate to include some or all of these costs in the vehicle's replacement budget, as funding is available. This activity must be reviewed by the County operations chief in advance for funding consideration and any necessary procurement action(s).
- xvii. When a new vehicle is ready for DMV registration and titling, the volunteer chief or designee should notify the County operations chief, who will provide a packet with:
 - 1. A DMV title application with County (co-owner) information
 - 2. A copy of the vendor invoice
 - 3. The vehicle Manufacturer's Statement of Origin.

The volunteer chief or designee can then take this material to the DMV for processing. "Volunteer Emergency Vehicle" license plates should be utilized.

- xviii. A copy of the DMV title shall be returned to the County operations chief.
- xix. Requests for reimbursement involving vehicle purchases, refurbishment or supplemental equipment "after the fact" are not allowable.
- xx. Once a County-purchased apparatus is sold at the end of its useful life, the proceeds after the sale will go back to the individual volunteer department. If the volunteer department originally upgraded the apparatus being sold, the volunteer department will receive the percentage of the proceeds used for the upgrade to use at their discretion. The remainder of the proceeds will go back to the volunteer department and must be used to upgrade the new apparatus.

Example: Apparatus cost at time of purchase is \$200,000. The volunteer department added \$20,000 in upgrades (10% of the total price). The apparatus is sold at the end of its useful life for \$5,000. The volunteer department will receive the upgraded percentage (10% or \$500) to use at their discretion. The remainder (\$4,500) must be used to upgrade the cost of the new apparatus.

Master Chart of Basic Operating Costs:

Building Utility Costs	1a Electricity
	1b Fuel Oil or Gas (for heat, cooking, etc.)
	1c Water & Sewer
	1d Cable TV/DSS: Basic level of cable or DSS at the established cost according to the Office of Management & Budget (OMB) worksheet. May also include internet costs.
	1e Trash Disposal
	1f Other
Buildings & Grounds Maintenance	2a Building Maintenance (routine HVAC, plumbing, generator repairs, painting, cleaning supplies, paper products, oil trap service, water and septic system maintenance, etc.)
	2c Building Supplies (cleaning supplies, paper products, light bulbs, etc.)
	2d Linen Service (only provided for stations with duty crews)
Communications	3a Telephone (land-based) including land-line costs. May also include internet costs.
	3b Mobile Telephone (expense for each front-line apparatus & two chief officers at the established cost according to the OMB worksheet.

	<p>3c Alphanumeric Pagers (expense for each front-line apparatus and two chief officers) at the established cost according to the OMB worksheet.</p> <p>Front line apparatus includes engines, tankers, brush trucks, and a first due EMS response vehicle. Although not further defined by the committee, the volunteer funding policy implies that ambulances, squads/special rescue, and first due EMS response vehicles are included for rescue squads.</p>
	3d Radio and Pager Repairs & Replacement (Includes County 800 MHz system as well as mobile and portable radios on other systems necessary to support mutual aid operations)
	3g Other
Operations (Fire Suppression & EMS)	4a General Supplies (stay-dry, fire-line tape, supplies for the Haz Mat unit @ St-4 & the Haz Mat trailer @ St-7, etc.)
	4b Small Tools (generally, tools and equipment less than \$500)
	4c Maintenance (maintenance and service of portable pumps, equipment, extrication equipment, hydraulic pumps, cascade systems, etc.)
	4d Meals for Duty Crews (allowance for duty crew meals only provided for stations with duty crews at the established cost according to the OMB worksheet.)
	<p>One meal per 8 hour shift is to be used as a budget figure. Although most evening crews are 12 hours, it usually includes only one meal. Requested departures from this will be considered on a case-by-case basis. Include specific request information in Explanation/Justification column on budget spreadsheet.</p> <p>4f Other</p>
Emergency Medical & Rescue Services	5a General Supplies (generally, cost of disposable supplies)
	5b Small Equipment (generally, tools and equipment less than \$500)
	5c Maintenance (maintenance and service of defibrillators, etc.)
	5d Other
Vehicle Expenses	6a Fuel (includes gas & diesel)
	6b Preventative Maintenance (includes funds that were reimbursed by the County.)
	6c Repairs (Stations shall deduct insurance reimbursements from repairs to vehicles before declaring repair costs.)
	6d Other
Administrative Expenses	7a Office Supplies
	7b Postage
	7c Printing
	7d Dues
	7e Professional Services (accounting, etc.) Audit services only.
	7f Licenses
	7g Other
Training	8a Training (includes tuition, books, instructor expenses, etc.) at the established cost according to the OMB worksheet.
	8b Subscriptions
	8c Travel (includes lodging, meals, and mileage costs associated with out-of-town training) at the established cost according to the OMB worksheet.
	8d Other
Uniforms	9a Uniforms (includes the cost for any station-provided duty uniforms and dress uniforms) for two chief officers at the established cost according to the OMB worksheet.
Loans	Building
	Apparatus

Reference:

- ACFRAB Annual Budget Timeline, Deadline, & Expectations
- OMB Volunteer Operating Costs Worksheet

Item No 7.3. Hillsdale Drive Extension Project.

The executive summary states that this project, which would extend the existing Hillsdale Drive in the County to Hydraulic Road in the City, has been identified as a high priority transportation project by the County, the City and the Metropolitan Planning Organization (MPO). The project is located mostly in the City; however, the portion of the project from north of the Pepsi plant and the post office to just north of the Hillsdale Drive intersection with Greenbrier Drive is located in the County. The project is being managed by the City in cooperation with the Virginia Department of Transportation and will be funded with VDOT Urban System funds; no Secondary Six Year Road Construction Program funds (VDOT funding for County roads) are anticipated to be used on the project.

A public hearing was held on the design of the Hillsdale Drive extended project on November 16, 2010. Based on the input from this public hearing, other earlier public input processes, and input from the project Advisory Committee, a project design has been recommended for approval as outlined in the attached report prepared for City Council to consider at its February 22, 2011 meeting (Attachment I). Please note that only the parts of the report to City Council that are relevant to the project in the County have been provided as attachments to this Executive Summary. For the section of the project located in the County, the major features of the proposed design include:

- The relocation of a short length of Hillsdale Drive north of Greenbrier Drive to create a new four-way intersection at the current location of the Greenbrier Drive/Pepsi Place intersection. This necessitates the relocation of the existing stormwater retention pond in this area (Attachment A, Board #1).

Please note that Attachment I describes this segment of Hillsdale Drive as having a roadway cross-section consisting of one travel lane in each direction, dedicated turn lanes, on-road bike lanes, and 5-foot wide sidewalks on both sides of the road. This is a modification to what is shown on the "Design Public Hearing Display" (Attachment A, Board #1) for this section of road. The attached display depicts an earlier proposal for a 10-foot wide multi-use path to accommodate bikes (and no on-road bike lanes).

- The remaining section of the project in the County, from Greenbrier Drive to the City corporate limits will have a roadway cross-section consisting of two through lanes, turn lanes, on-street parking, a 5-foot wide sidewalk on the west side of the road, a 10-foot wide multi-use path on the east side of the road to accommodate both bikes and pedestrians, and "sharrow" bike markings on the road in lieu of on-road bike lanes.

County staff supports the design features for the project as recommended by City staff and the project Advisory Committee (and as described above). City Council is scheduled to review the proposed road design and to hold a public hearing on February 22, 2011. Staff anticipates City Council will approve the proposed design features as recommended by City staff.

The project will be funded with VDOT Urban System funds; no Secondary Six Year Road Construction Program funds (VDOT funding for County roads) are anticipated to be used on the project.

Staff recommends that the Board adopt the attached Resolution (Attachment II) approving the major design features identified in Attachment I for the Hillsdale Drive Extension Project.

By the above-recorded vote, the Board adopted the following resolution approving the major design features identified in Attachment I for the Hillsdale Drive Extension Project:

**RESOLUTION TO APPROVE THE DESIGN
OF THE HILLSDALE DRIVE EXTENSION PROJECT**

WHEREAS, a Design Public Hearing was conducted on November 16, 2010 in the County of Albemarle at the Senior Center located at 1180 Pepsi Place, near Hillsdale Drive's alignment, by representatives of the City of Charlottesville after due and proper notice for the purpose of considering the proposed design of the Hillsdale Drive Extension Project, under State project number U000-104-119, PE-101, RW-201, C-501 and Federal project number STP-5104 (151), in the City of Charlottesville and County of Albemarle, at which hearing renderings, plan sets, environmental documentation and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, the City Council had previously requested the Virginia Department of Transportation to program this project; and

WHEREAS, representatives of the City of Charlottesville and Albemarle County were present and participated in said hearing; and

WHEREAS, the Metropolitan Planning Organization's (MPO) adopted regional long range transportation plan and the Albemarle County's Comprehensive Plan identify this project as an important transportation network improvement to address transportation demands; and

WHEREAS, the Albemarle County Board of Supervisors has identified this project as a high priority project which, along with other priority transportation network improvements, will address local and regional traffic demands; and

WHEREAS, members of the Albemarle County Board of Supervisors and County staff were members of the project Advisory Committee and participated in the public input and design development processes.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the major design features of the proposed project as presented at the Public Hearing with the following two adjustments based on public comment: 1) adding sharrows to the plans to highlight the presence of bicyclists while encouraging them to better position themselves in the travel lane, and 2) removing the shared use path along the storm water management pond at the northern end of the termini and replacing it with on-road bike lanes to better transition bicyclists at the Greenbrier intersection.

Item No 7.4. Towncenter Drive Road Name Change.

The executive summary states that Pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests shall be forwarded to the Board for approval upon validation of the following:

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

A majority of the landowners of the properties served by Towncenter Drive submitted a request to change the road name of Towncenter Drive to Towncenter Boulevard (Attachment A). Staff has reviewed the road type designators and the portion of Towncenter Drive at the intersection of Seminole Trail (Rt 29) and has determined that it is consistent with the description of “boulevard” as referenced in the Manual’s guidelines. A map showing the location of the road is attached (Attachment B).

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

Staff recommends that the Board approve changing the road name of Towncenter Drive to Towncenter Boulevard and authorize staff to implement the change.

By the above recorded vote, the Board approved changing the road name of Towncenter Drive to Towncenter Boulevard and to authorize staff to implement the change.

Item No 7.5. Resolution Supporting a Certificate of Public Need for a Nursing Home Facility in the County of Albemarle, Virginia.

By the above-recorded vote, the Board adopted the following resolution:

RESOLUTION SUPPORTING A CERTIFICATE OF PUBLIC NEED FOR A NURSING HOME FACILITY IN THE COUNTY OF ALBEMARLE, VIRGINIA

WHEREAS, the Virginia Commissioner of Health (the “Commissioner”) has issued a Request for Applications for a Certificate of Public Need (“COPN”) for 60 nursing home beds in Planning District Ten, which is comprised of the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson and the City of Charlottesville; and

WHEREAS, the facility can be located in any jurisdiction in Planning District Ten based on the Commissioner’s award of application; and

WHEREAS, the Virginia Employment Commission forecasts that the senior population (aged 70 and over) in Albemarle County will grow by 33% between 2010 and 2020; and

WHEREAS, the last new nursing home built in Albemarle County was in 2004, and the senior population in Albemarle continues to be the County’s fastest-growing population segment; and

WHEREAS, in 2009, the average occupancy in Albemarle County/City of Charlottesville nursing homes was 92%, demonstrating a need for additional capacity in the community; and

WHEREAS, increasing the number of nursing home beds in Albemarle County would provide more options for seniors and their families to consider as their health care needs change, and would improve the delivery of services to County residents; and

WHEREAS, a nursing home facility that is a for-profit enterprise would contribute to the local tax base that supports County services; and

WHEREAS, it is anticipated that a new nursing home facility would provide full-time and part-time job opportunities to Albemarle County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County does hereby endorse and support the issuance of a Certificate of Public Need for a nursing home facility in Albemarle County to meet the needs and interests of the County's senior population and directs the County Executive to send a certified copy of this Resolution to the Commissioner.

Item No 7.6. Copy of letter dated January 28, 2011 from Mr. Francis H. MacCall, Senior Planner, to Mr. James W. Sams, **re: LOD-2010-00013 – OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Tax Map 122, Parcel 33 (Property of The MARION LEE SAMS FAMILY TRUST) - Scottsville Magisterial District, was received for information.**

Item No 7.7 Copy of letter dated February 9, 2011 from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Barracks Road Land Trust, c/o Dr. Charles W. Hurt, Trustee, **re: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 60, Parcel 68 (Property of Barracks Road Land Trust) - Jack Jouett Magisterial District, was received for information.**

Agenda Item No. 8. Board-to-Board, *Monthly Communications Report from School Board*, Steve Koleszar, School Board Chairman.

Mr. Steve Koleszar said he has provided Board members with a handout outlining a lot of what is going on in the schools. The schools continue to win a number of awards. Last night he was at Albemarle High School where they had a dinner for the National Merit Finalists; Albemarle had five. In December the School Board held its legislative meeting. They also went down to the General Assembly; the Governor's budget was not approved by the House. The budget ended up ultimately being closer to the Senate version. They do not know what the dollars will mean. When he makes the School Board's budget presentation next week, he will provide up-to-date numbers. He thinks that what has passed the General Assembly is probably \$2.5 million more for education than what the School Board budget currently shows.

Mr. Koleszar reported that he went on a tour of Hollymead Elementary with Representative Robert Hurt, who was blown away by the quality of education in the school.

He stated that the School Board has hired a new Chief Information Officer. The School Board also recently approved the concept of cycling operational audits of departments, as they did with transportation – which saved about \$1.5 million over two years.

Mr. Koleszar said that Dr. Bruce Benson has been working with Mr. Foley on revamping Human Resources. The next operational audit would focus on technology. The Board is holding a work session in April on technology, on where it needs to go and how they can become more efficient in the way they use educational technology. The process will probably take about a year but will result in long term savings for the taxpayers.

Mr. Koleszar stated that this year there has been a major problem with the student information system, causing hardship for teachers and other issues. The School Board first became aware of it last year, but they are receiving bi-weekly reports and hope to have the problems resolved in the near future.

Mr. Koleszar asked that if Board members have questions on the School Board's budget that they email him in advance so that he will be prepared to respond at the budget work session.

Mr. Koleszar thanked Board members for visiting the schools as they enjoy showing them off.

Mr. Snow thanked Mr. Koleszar for attending the town hall meeting with him, and thanked the schools for their work on cutting expenses.

Mr. Rooker commented that there seems to be good news from the State on funding.

Mr. Koleszar agreed, but cautioned that it seems to be one-time money.

Mr. Snow commented that that was the same case last year.

Mr. Boyd commented that he thinks the one-time money is overused.

Mr. Koleszar said the School Board held a work session last week on the School calendar. One topic was working on "virtual snow days," whereby students would still be "in school" when they are snowed in – with or without internet access.

Mr. Boyd commented that you can get connectivity through Wii and other games.

Mr. Rooker asked if the requirement for physical education extension time passed the General Assembly. Mr. Koleszar responded that it did pass although he is not sure about the final wording. Most elementary schools have 120 minutes of physical education which will require some adjustments. If they must have true "P.E." he thinks it will create some problems for the system. It does look like it will be a

problem at the middle school. The House budget initially voted against funding P.E. teachers, but yet physical education is mandated through the SOQs at 90 minutes per day for middle school students. He hopes that the State will allow the school system the flexibility to make it physical activity.

Mr. Rooker asked if any thought was given to extending the school day. Mr. Koleszar responded that that was not discussed because it would create a lot of transportation issues.

Ms. Mallek asked if high school students are required to participate in P.E. Mr. Koleszar responded "yes"; it is a requirement for freshmen and sophomores whether they participate in athletics or not.

Ms. Mallek commented that she enjoyed listening in on the School Board's meeting with business leaders.

Mr. Koleszar responded that the business group has asked for a future meeting, and his thought is that it would be better to have it as a joint meeting with the Board of Supervisors.

Agenda Item No. 9. Target Industry Study.

The executive summary forwarded to Board members states that the Economic Vitality Action Plan, adopted in August, 2010, identifies the need for a target industry study as part of Objective 3 which is focused on working with our strategic partners to provide a diverse array of quality career ladder employment opportunities for our resident workforce. One of the strategies under that objective is described as follows:

Promote Targeted Business and Investment: Create an environment that supports companies and entrepreneurs that achieve Albemarle County's business development objectives:

Action: Determine target enterprises; work with a broad-based task force to determine the region's target enterprise sectors. These enterprise targets will be the primary focus of the entrepreneurial support, existing business services, site selection assistance, and workforce development efforts.

This item will describe a target industry study and propose an approach for such a study for Albemarle County.

It is important that the target industry study, like all components of the Economic Vitality Action Plan, work within the framework of the County's Comprehensive Plan. Any discussion of a target industry study should start with the economic development goal established in this document. The Economic Development Policy chapter of the County's Comprehensive Plan (updated March, 2009) states a clear goal for the County's economic vitality efforts that will guide the outcomes of the study:

Maintain a strong and sustainable economy: 1) benefiting County citizens and existing businesses and providing diversified economic opportunities; 2) supportive of the County's Growth Management Policy and consistent with the other Comprehensive Plan goals; and, 3) taking into consideration the greater Charlottesville Metropolitan region.

Target industry analysis identifies industries (or types of industries) that have the strongest potential to succeed in a specific economic region or that offer the best prospects for "good jobs," meaning jobs that offer a higher quality of life (security, higher wages, training, flexibility, etc). "Good jobs" will be defined by entry level and the individual need of the worker as well as the need and impact on the community. A target industry study can be the basis for strategic economic development and will help Albemarle County to assess and leverage its unique assets to provide economic vitality and diversification and to develop a place-specific strategy that supports the County's long term quality of life goal. A study matches locality economic characteristics, resources and advantages with general location and work force requirements for desired industry segments based on a community's preferences.

Completion of a target industry study will aid the efficiency and effectiveness of the County's economic development efforts by steering its limited energy and resources toward those enterprises that have been identified as most likely to succeed based on the County's capabilities, the external environment and compatibility with the County's character, goals, objectives and preferences. It is important to stress that a target industry study has great value in business retention and in helping to support existing County enterprises.

Benefits/Outcomes of a Target Industry Study

A target industry study can help the County accomplish the following:

- diversify the economic base
- expand quality job opportunities and match them to its existing labor force
- build upon the assets and existing strengths of the County
- support "economic gardening", cultivating the success of home grown businesses
- bring new capital investment into the County
- nurture "compatible" enterprises
- attract, retain and develop human capital that is innovative and entrepreneurial

The following outcomes can be expected:

- The results, or outcomes, will include a list of industries and industry sizes that are best suited to the local economic climate, and that are consistent with other Comprehensive Plan goals regarding resource and environment protection.
- The results will include a matrix of the strongest candidates that will most likely benefit from local support (work force training, availability of zoned land, etc.) and a rough idea of what building sizes and land requirements will be needed over time to maintain local economic vitality for the community's commercial base.
- The study findings will identify the County's assets or "magnets" that help key industry flourish in these economic times.

The target industry study should be viewed primarily as a guide to be used in combination with other available information. Industry trends and innovations will clearly drive corporate expansions well after the completion of the study. It's important to recognize that the target industry study is only a guide for identifying which industries best meet the County's objectives and fit its existing assets while at the same time providing commercial tax revenues and career ladder jobs.

Key Components of a Target Industry Study

The following components are important elements of a target industry study. Opportunities for public input and stakeholder involvement are included.

Conduct a community strengths, weaknesses, opportunities, threats (SWOT) assessment

– Develop a community economic profile with background data based on a combination of research and public input. This would involve local leaders, stakeholders, focus groups, economic allies from outside the County, and others as appropriate. (*lead - in-house with local partners*)

Identify key competitive assets – Work from the SWOT results to identify the community's key assets, for example, labor force availability and skill levels, access to markets, natural resources, quality of life, education, etc. (*lead –TJPED to assist with labor force analysis*)

Analyze existing economic base – Analyze existing business clusters/businesses that are currently thriving to develop a profile of the County's existing economic base. A cluster analysis is used to identify groups of industries whose synergies are likely to nurture further expansion with the goal of identifying high potential current and emerging clusters. (*lead – consultant*)

Develop recommended targets – Identify industry groups that are a good match based on criteria developed by the County in consultation with community stakeholders to create a mix that will: 1) enhance and add to the diversity of the current business population; 2) increase essential tax base; 3) pursue highest quality of jobs and investments; and 4) provide overall balanced approach to economic vitality within guidance of County policies. (*lead –consultant*)

Peer community review – Research localities that are similar in economics and demographics or are regular competitors to understand how the County can be most successful in nurturing desired enterprise clusters. (*lead –in-house*)

Develop recommendations – Determine what actions will best support the County's Economic Development Goal and the Economic Vitality Action Plan based on the results of the target industry study. (*lead –in-house*)

The next steps in moving forward with the target industry study are for staff to prepare an RFP for a consultant and to work with TJPED and other local partners to begin the SWOT process. Staff is aware of the need to coordinate this study with the Comprehensive Plan update, and the Director of Community Development will be sharing this sequencing with the Board at a future meeting.

Staff estimates that the consultant portion of a target industry study would cost approximately \$25,000, depending on the level of support that can be provided by the Thomas Jefferson Partnership for Economic Development. Staff is working with the TJPED to see if the labor analysis portion of the study can be done regionally with costs shared between participating jurisdictions. Staff recommends that the Board direct staff to initiate a target industry study based on the proposed approach.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, stated that Ms. Susan Stimart, Economic Development Facilitator, and Mr. Mike Harvey, of TJPED, were also present to discuss this item. She said that the Economic Vitality Action Plan adopted last month identifies the need for a target industry study as part of one of the objectives that focused on working with strategic partners to provide a diverse array of quality, career-ladder jobs. She said that one of the strategies under that objective was to promote targeted business and investment, with an associated action of performing a targeted industry study.

Ms. Catlin stated that such a study would work within the framework of the County's Comprehensive Plan and there was much discussion of that as the plan was being adopted. She said that the Economic Development Policy chapter of the Comp Plan does state a clear goal for economic vitality efforts and would guide the outcomes of the study: maintaining a strong sustainable economy, benefitting County citizens and existing businesses, providing diversified economic opportunities, supporting the

County's Growth Management Policy and consistent with other Comp Plan goals, and taking into consideration the greater Charlottesville metropolitan region.

Ms. Catlin stated that target industry analysis identifies the industries and enterprises that have the strongest potential to succeed in a specific economic region or that offer the best prospects for "good jobs," those that offer higher quality of life, security, higher wages, training, flexibility, etc. She noted that a target industry study can be the basis for a more strategic approach to economic development and will help the County understand and leverage its unique assets to provide vitality and diversification of the economic base and develop a "place-specific strategy" that supports a quality of life residents value. Ms. Catlin added that completion of this study will allow staff to be more efficient and effective with limited resources by maintaining focus on enterprises that have been identified through this very comprehensive process.

Ms. Catlin explained that the benefits from such a study would include diversifying the economic base so as not to get overly dependent on a particular sector, expanding quality job opportunities and ensuring that they are matched with the existing labor force, building on assets and existing strengths, and bringing new capital investment into the County. She mentioned Mr. Mark Crowell's talk on "economic gardening," which is built upon growing and cultivating the success of home-grown businesses so resources are not spent so much in luring people here. In terms of outcomes from a study, Ms. Catlin said they would have a list of the kinds of industries that would be best suited to the local economic climate that are consistent with Comp Plan goals regarding resource and environment protection, etc. Another outcome would include a list of candidate industries that would also provide a sense of what they need over time to maintain their economic vitality – building sizes, land requirements, and other things that help inform the County as to how those targeted businesses can be successful. It would also provide implementation strategies, if there are some things the community needs to do to move forward in this area.

Ms. Catlin reported that the key elements to be included in this study include a SWOT analysis – which helps develop a community profile through research and public input, involving local leaders, stakeholders, focus groups, economic allies from inside and outside the County, and others would help establish the strengths, weaknesses, opportunities and threats related to economic vitality. She said that this could be done in-house with the help of local partners like TJPED and others. Taking the results of the SWOT analysis, she said, they would then move to the stage of identifying the key competitive assets that define Albemarle County such as labor force availability, skill levels, access to markets, natural resources, quality of life and education – which TJPED would probably take the lead on.

Ms. Catlin explained that the next step would be analyzing the existing economic base and evaluating the existing businesses and clusters to understand more about that base, and identifying groups of industries that have synergies and can nurture further expansion – which would likely require a consultant. She said that the next step would be to develop recommended targets and look to the industry groups that would be a good match based on criteria the County and stakeholders would develop – including a mix that would add diversity to the current business population, increase the tax base, provide the highest quality jobs, provide a balanced approach to economic vitality within the guidance of County policies, etc.

Ms. Catlin said that the next step in the process would be a peer community review, which would involve looking at comparable communities and also those that would be considered to be regular competitors for the kinds of businesses the County is most interested in nurturing. She stated that the final result would be developing recommendations and recommended actions.

Ms. Catlin stated that the first step in the process would be preparing an RFP for the consultant portions of the study and working with TJPED and other partners to begin the SWOT process. She emphasized that this study needs to be coordinated with the Comp Plan update so that it informs that updating. She noted that Mr. Mark Graham would be coming to the Board in the near future so that Board members can better understand how those two things work together. Ms. Catlin said that staff's recommendation is to have the Board direct staff to initiate the study as it is presented.

Mr. Snow commented that it is a great plan, adding that there must be a clearly defined target.

Mr. Dorrier said that the intelligence community is already a targeted industry given their growing presence in the community.

Ms. Catlin agreed, noting that they are very high on the list and would be one of the types of industries that staff would consider to be part of the County's desired cluster.

Mr. Boyd stated that not all jobs are high-quality and high-paying, and what is key to keeping those other businesses here is ensuring there are not regulatory obstacles to "mom and pop" type stores.

Ms. Catlin said that how high-quality jobs are defined may have more to do with security, opportunity for advancement, and pay above what people are making now versus what they might make at a new job. There is room in the definition of high-quality to make sure that they are addressing the needs across the spectrum.

Mr. Boyd commented that encouraging entrepreneurship can only be accomplished by reducing their costs to operate.

Mr. Dorrier said he does not see the University of Virginia mentioned anywhere. Ms. Catlin responded that the University is considered a partner and will be brought into the discussions early in the process.

Mr. Rooker noted that the County is going to be spending \$25,000 on this study and should proceed carefully with the study. He said that he received a message from the Library Board today indicating they would need \$33,000 above what they have now in order to provide limited services in Crozet. Mr. Rooker stated that he has supported the target industry approach to "shoot with a rifle as opposed to a shotgun," adding that people seem to bristle at government becoming involved – unless it is something they support. He also asked if the Darden School could possibly take this on as a project, which would include involvement from U.Va. – a prime generator of entrepreneurs who would create and staff businesses. Mr. Rooker also said that the Weldon Cooper and TJPED may already have some of the information considered in the study process. He emphasized that there may be a way to go about this that could save the County money.

Mr. Dorrier commented that that was an excellent idea.

Ms. Catlin responded that they would be relying on some of that existing research, but the timeliness issue might present a challenge if it is to fit within time parameters.

Mr. Rooker said that his idea was to have someone call the Dean of Darden School to discuss the possibilities with him.

Ms. Mallek asked if any of this budget was intended to enhance or expand TJPED's work.

Ms. Catlin responded that there has been a regional effort on the labor force analysis to get other partners engaged.

Mr. Harvey said that TJPED has hit dead ends with both Darden School and Weldon Cooper Center on this in the past. The cost component of the study is the workforce analysis piece because it involves primary data gathering. He said that one component of the study is surveying the local resident population to understand what skill sets are available in the local population, then matching industries that best fit with the existing skill sets instead of attracting outside workers. Mr. Harvey stated that a survey he did in Knoxville of 1,200 households cost approximately \$110,000, and he has proposed it locally and was given an estimated cost from Ms. Sharon Younger of \$79,000. He also said that Darden could possibly pick portions of the study to do, adding that Weldon Cooper was no less expensive than Ms. Younger's quote and had not done this type of study before. Mr. Harvey emphasized that there are many different components to the study including the workforce analysis, a cluster analysis, an entrepreneurial assessment and a technology assessment – with consideration later in the process as to how they fit in the Comp Plan.

Mr. Snow asked how long it would take to complete the study. Mr. Harvey responded that five years ago it took 90-120 days in Knoxville, but with increased cell phone usage it may be more difficult to get survey data.

Mr. Foley said that the Board's primary consideration for this meeting is the approach and scope of the work, as it is important to design a process that includes community involvement in selecting industries. He stated that 30-60 days is aggressive if public input is to be included, adding that staff and the plan team will pursue every available resource to avoid having to spend County money on it.

Mr. Harvey commented that he has received unofficial interest from Nelson and Orange counties in participating, and his goal is to have the study wrapped up by the end of the calendar year.

Mr. Rooker said that he supports the plan given the stated priorities of saving money on the County allocation and the interest in utilizing U.Va., which will be a long-term partner in the process.

Ms. Mallek stated that she wants to ensure that the jobs are going to stay here and not move onto Mexico, adding that she appreciates using someone who has done this beforehand as a consultant.

Mr. Boyd commented that he would like to see it wrapped up sooner than the end of the year but understands Mr. Harvey's points with the process. He also said that he would want there to be a "marketing piece" on Albemarle County to come out of this.

Ms. Catlin responded that there would definitely be a clear list of assets generated from this process.

Mr. Harvey said that there has been a strong interest in the area from outside from organic food producers, but they currently cannot be accommodated, and those things can converge as part of this study.

Mr. Rooker asked about federal funding for the one-stop center.

Mr. Harvey replied that TJPED, Vice President, Tim O'Brien is visiting D.C. with the entire Virginia delegation to speak with them about that, noting that HR-1 eliminated the Workforce Investment Act funding – which would be very detrimental to this community as it would defund the workforce center as a whole and shutting down 3,000 centers across the nation. He said that 80% of dollars go to training, and the unemployed use that center regularly – so without it they will begin to flood the libraries again. Mr.

Harvey stated that there are a lot of repeat visits, which reflects the dislocation that happened in the recession.

Ms. Mallek said that some of the classes now include simple tasks such as learning how to use a mouse, which they must be able to do to apply for a new job.

Mr. Harvey reported that last year 3,000 people went through classes, with many of them learning how to apply for jobs online. He added that it has really opened his eyes to a whole new world.

Mr. Snow then **moved** to direct staff to initiate a target industry study based on the process described in this meeting. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 10. Update on Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

The executive summary forwarded to the Board states that in 2008, the County secured a federal grant in the amount of \$392,000 to develop a marketing and advertising program to promote the recruitment and retention of volunteer fire and rescue personnel serving the County.

Funding for this initiative was provided through the Department of Homeland Security's Staffing for Adequate Fire and Emergency Response (SAFER) Program and is available for use by the County through June 2012. Responsibility for the coordination of this initiative was initially vested in the Volunteer and Fire Captain's position in the Albemarle County Department of Fire/Rescue (ACFR). In early 2010, the County's Human Resources (HR) Department assumed oversight of the program subsequent to the Volunteer and Fire Captain leaving county employment and this position being frozen. Transfer of program responsibilities to HR was completed subsequent to receiving the approval of both ACFR and the Albemarle County Fire Rescue Advisory Board (ACFRAB). At that point in time, approximately \$5,000 had been spent on two radio advertising campaigns and there were no plans in place to utilize the remaining \$387,000 grant fund balance.

At the request of the Board, this executive summary provides a detailed overview of how this grant program is being administered and its success measured.

HR initially undertook a comprehensive assessment of all stations in order to understand and become knowledgeable about their specific community-based staffing needs and recruitment challenges. To aid in this process, the Department of Homeland Security and the ACFRAB agreed to amend the grant to allow for the funding of a part-time employee to assist HR in grant management and program development. Based upon the feedback obtained from ACFRAB and individual volunteer stations, an advertising and marketing program was created to enhance awareness of the mission of volunteer stations and need for personnel to join and serve in this essential public safety function.

In addition to the comprehensive assessment described above, the following tasks have been achieved to date:

- A compilation and summary of all information obtained in the station assessment was presented to the ACFRAB. This presentation provided information that assisted HR and the contracted advertising agency in creating slogans, themes and advertising concepts that would best meet the identified goals and needs.
- HR and the ACFRAB agreed that the advertising agency should develop advertisements with HR input and approval of the station recruitment and retention officers.
- "JOIN" was chosen as the campaign slogan, with the purpose of advertising to community members that otherwise would not have the opportunity to learn about the need for volunteers in the County's Fire and Rescue system. To provide uniform information to potential volunteers at one location, a single website was created that includes information about the different volunteer stations, such as their geographical location, duty requirements, training requirements and call volume. This allows the potential volunteer to determine the "best fit" to complement his/her lifestyle. HR acknowledges that the individual stations desire to maintain their autonomy and the purpose of the website is to be the conduit from the advertisement to the individual station.
- Recognizing the desire of the stations to maintain their own application processes, the decision was made by the ACFRAB to not centralize the applications and to rely on station recruitment and retention officers to monitor the recruitment and application process.
- The www.joinalbemarle.org website and all print, radio and television advertising were launched as scheduled on November 24, 2010.
- The measurement tool used is a monthly report, in spreadsheet form, from the stations that includes the number of inquiries, applications, and registrations for an Emergency Medical Technician class and/or a fire academy. The first assessment of data was to take place on January 1, 2011. As of January 25th, seven of the twelve stations had reported. According to the ACFR's application process, 17 applications have been submitted. However, not all stations utilize this application software.

- As of January 25th, the campaign website (jainalbemarle.org) has had the following activity:
 - 1,266 visits, 1,079 visitors
 - Average time spent on website is 1:57 (average is 2 minutes according to Google)
 - Average page views per visit is 3.26

The initial grant award was \$392,000, to be provided to the County in four annual installments over a four-year period, ending July 2012. Currently the County has utilized \$200,661.15, leaving a balance of \$191,338.85 to be used through July 2012. A majority of those funds, \$180,705.05, were used to fund the production, design and labor costs for advertisements and website development. No additional funds are required from the County.

Mr. Foley noted that Mr. Brodie Downs, HR Manager for Local Government, has been instrumental in the effort to help the fire and rescue system pursue grants. Ms. Mallek pointed out that Mr. Downs also has worked with the Volunteer stations in classes for personnel on management practices.

Mr. Downs said that he would provide an overview of the SAFER grant administration process. He reported that the process began with goals to enhance the ability to begin the public campaign quickly and effectively: 1) to make the program encapsulate the model system envisioned in the Fire and Rescue Department mission statement; 2) to meet specific needs of each of the 12 stations, focusing on meeting their different needs while attracting prospective volunteers to the stations; and 3) improving branding, which was done through a part-time marketing analyst funded through a grant in 2009. Mr. Downs said that they assessed each station individually over the course of a month, learning about demographics, staffing levels and desired levels, and current recruitment practices. He stated that HR then began to work with a design company to come up with a “slogo” and a brand, with “JOIN” being the outcome unanimously agreed upon by station recruitment and retention officers.

Mr. Downs said that they felt they could meet the needs of all stations by unifying their recruitment approach, so the campaign focused on better use of the web for the long term as it provides detail on call volumes, etc., that would be available to prospective volunteers. Regarding advertisements, he said, they directed people to the website also. Mr. Downs said that the challenge was to craft ads for EMS personnel, as there are “very different personality types” that volunteer in this capacity versus fire suppression. He stated that the goal was to inundate the market with ads with a target date for release of mid-November 2010, which was accomplished, aimed at those who would be “long-term investors” in the program.

Mr. Downs stated that the process is about 96 days underway, with the first two months having inquiries tracked by phone, email, and walk-ins; they also tracked the number of applications in class as well as academy registrations – such as a fire academy in the County. He noted that the process was agreed upon by all stations, and getting the data has been a little bit of a struggle with all of the stations. Mr. Downs said that he has broached the subject with all of the advisory board chiefs, and they are working together on some provisions and changes to streamline the process for efficiency. He added that they would also be discussing a means to judge the impact of a joint campaign with the currently used anecdotal methodology.

Mr. Rooker commented that the ads are very well done and wondered if they were being run by local media as PSAs.

Mr. Downs responded that the ratio is 2:1, so they are getting about one-half for free. He also confirmed that some stations have yet to respond to inquiries for feedback, but most have replied through the County’s application system or the tracking mechanism that has been put in place.

Ms. Mallek stated that 1,200 hits on the website for this is pretty astonishing and for some people it may be a more lengthy decision process in deciding to join. She added that she is pleased there have been 17 applications thus far.

Mr. Boyd emphasized that it is critical to get the data before moving on.

Mr. Rooker said that the County is spending \$300,000 to help achieve volunteer applications at the stations and he is kind of stunned that there are only seven out of twelve volunteer stations reporting.

Mr. Downs stated that one recommendation regarding tracking was to have a centralized application process – and all but two stations use this process. He said that seven stations have provided a spreadsheet of applications, but more reliable data can be gleaned from the centralized system.

Mr. Downs stated that they have had 1,522 total visits from 1,307 unique visitors based on IP addresses, and Google Analytics is being used to track this data. Approximately two minutes is spent on the site. He noted that there is a 50% bounce rate, which is very low in comparison to average web visits. Mr. Downs said that when a person logs onto “jainalbemarle.org,” they visit an average of three pages – and the hits for individual station pages range from 10 to 309.

Mr. Downs reported that the original grant award was for \$392,000. Approximately \$5,000 was used prior to Fall 2009 when HR assumed grant management. Funds expended to date are about \$200,661.15, leaving approximately \$191,000 remaining for the final year.

Mr. Rooker asked if the program is in place the way they want it so that remaining funds can be spent on advertising. Mr. Down said that they did a lot with advertising and those spots are paid up

through the fiscal year, adding that the second phase will include a new wave in the fall that targets U.Va. students and others for the fall and spring academies.

Mr. Boyd asked if more time will be spent on the website. Mr. Downs responded that when someone spends two minutes on a website that is considered success. They do not plan to do anything to it at this time.

Mr. Rooker asked if there are any plans for internet or mobile advertising. Mr. Downs stated that one of the second focuses is also to enhance the experience when an individual goes into the station, enriching the grassroots methodology that has worked so well for so long. He said that they are also looking to synchronize individual station community events with the campaign. They also currently use the internet for some advertising.

Mr. Rooker mentioned that there is a local company called "Cardigan Networks" that started here and is building a big participation among students and younger people, and they will take an affiliation group and create specials just for them by way of store and restaurant discounts, etc.

Mr. Boyd said he thinks that is an excellent point and social networking is also important in targeting this age group.

Mr. Downs commented that they are trying to focus on long term advertising that will impact the ability to recruit continuously to the system.

Mr. Rooker added that one of the advantages of social networking is the cost efficiency of the message going out. It is very expensive to continue a long term campaign through traditional media.

Mr. Snow asked if any of the 17 applicants had actually come into the system and started work.

Mr. Downs responded "no". There are now 25 applicants, and the turnaround time for a fire suppression volunteer includes about eight months for academy and fire tack being four months – with EMT also being four months. He added that every station has different protocols and policies for how applicants are voted on and accepted, but from his understanding most of the 25 seem very positive.

Ms. Mallek noted that visitors to the Earlysville station come and meet the membership so the applicant is prepared and has as much information as possible. She added that it is a very welcoming process. She also added that many of the volunteers are in a family tradition. The program to expand to those who do not have a family engagement, but might find it fascinating and start the tradition in their family is a wonderful opportunity.

Mr. Downs said that he has spoken with FEMA about other localities that have this grant, and established that this is consistent with what other jurisdictions see. He said he also has a call into Prince William Fire Department to see how they are using the grant, noting that his understanding is they are using it exclusively for advertising.

Ms. Mallek asked that he check with Prince William to see what other incentives they are providing for their volunteers.

Mr. Downs stated that the recommendations are to enhance the grassroots experience that has been so effective in areas like Crozet, and to implement the second phase of advertising as well as looking into the Board's suggestions regarding networking. Staff is also looking at a centralized application process so they can have a better accurate, timely and increased efficiency.

Mr. Rooker said that this has been a very well organized campaign, and they deserve to be commended for how it has been handled.

Ms. Mallek noted that the Recruitment and Retention Committee has worked hard on this and have been complimentary of Mr. Downs' efforts as well. She said that the Committee wants to keep good statistics and get good results.

Mr. Boyd commented that at some point the focus should be on recruitment of volunteers for the Ivy station, which is scheduled to open in 2013.

Mr. Foley responded that there is a whole approach being designed specifically for that purpose.

Mr. Foley noted that Mr. Downs is also a fire/rescue volunteer in addition to his position in Human Resources.

Agenda Item No. 11. Update on Volunteer Incentive Program (VIP).

The executive summary forwarded to Board members states that during the FY09 budget process, the Board appropriated \$157,000 to fund the first phase of a Volunteer Incentive Program (VIP). The VIP funding was requested to help ensure the success and sustainability of the County's current volunteer-based fire and emergency medical services (EMS) delivery system through a multi-layered incentive program, including the Officer Development Program (ODP). Once designed and implemented, the Albemarle County Fire Rescue Advisory Board (ACFRAB) has committed to supporting the ODP by

setting a participation goal. During its September 2009 meeting, the ACFRAB adopted a goal of having 75% of Fire/EMS system officers obtain the training during its initial delivery.

At the March 2009 Board meeting, the Board allocated funds to implement a training phase of the VIP. This phase was to consist of soft and hard skill development of supervisory personnel and to increase the baseline offerings of opportunities to become certified as an Emergency Medical Technician.

Once the funds were appropriated, a steering committee was formed with representation from both Fire Rescue staff and the County's volunteer personnel. From this committee, a request for proposals was created and approved through the ACFRAB approval process and was placed out for bid with proposals due by January 1st, 2010.

Two companies responded to the RFP, and the steering committee evaluated both companies for compliance with the RFP. One proposal fully met the scope of the RFP, and the steering committee requested that the contract be awarded based on unique qualifications. Working within procurement regulations, a decision was made to notify both companies of the intent to award based on the unique qualifications of the winning proposal. Delays occurred during this phase because of the complex scheduling requirements of the steering committee and the vendors; the procurement regulations associated with seeking a "uniquely qualified" designation; and the timetables for ACFRAB input and guidance.

The contract was awarded to Emergency Services Consulting Incorporated in October, 2010. Full implementation of the contract is projected for completion within an 18 month timeframe, with the first phase implementation beginning in the first quarter of 2011. A project kick-off meeting was held in December 2010 to obtain input as to the details of how to conduct the needs assessment.

Currently, the needs assessment is underway, with a series of town-hall meetings being conducted in mid-February. Emergency Services Consulting is now soliciting input to identify the specific needs of development of volunteers, and will analyze the feedback received in preparation for the development phase of the project. The development is expected to last between 3 and 6 months, with a projected date for initial delivery in the third quarter of 2011.

Staff anticipates that the funds currently appropriated will cover the expected costs associated with the project and that there will be no additional budget impact.

Deputy Fire Chief John O'Prandy said that he is presenting an update on the Volunteer Incentive Program, which will ultimately deliver much needed leadership and management training for volunteer managers. He said that currently the training division offers annual training for basic, entry level positions but there is no focus on basic training for volunteer leaders or managers at the supervisory level – instead relying on State regional programs and State funding, which doesn't necessarily meet local needs as far as the complex arrangement of volunteers and paid staff nor is it offered at a schedule conducive to volunteers. Mr. O'Prandy stated that the officer development component of that is designed to address those two issues, and is currently on track to be completed within the next 18 months with the first program offered in fall 2011 followed by a train the trainer approach.

Mr. Rooker asked about the status of the \$157,000. Mr. O'Prandy noted that the consultant just began work in December and there have been four meetings throughout the County as well as a kickoff meeting seeking volunteer participation on the program and their goals and objectives. They will start to see a drawdown of the funds as the consultant continues work.

Ms. Mallek asked if the consultant will be designing the classes specifically to meet the needs expressed in the meetings. Mr. O'Prandy responded, "yes". He added that providing adequate training for managers and leaders should have a positive impact on volunteer retention levels.

Mr. Thomas asked if there are plans to conduct the citizenship classes again. Mr. O'Prandy responded that there are, with a citizens' fire academy beginning in May.

Mr. Boyd thanked Mr. O'Prandy for his thorough yet concise presentation.

NonAgenda. At 10:38 a.m., the Board took a recess and reconvened at 10:49 a.m.

Agenda Item No. 12. **Public Hearing:** FY11 Budget Amendment and Appropriations.
(Advertised in the Daily Progress on February 20, 2011.)

Ms. Lori Allshouse, Director of Budget and Performance Management, summarized the following executive summary which was forwarded to Board members:

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

The total of the new requested FY 2011 appropriations, itemized below, is \$3,810,593.94. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2011 Budget Amendment totals \$3,810,593.94. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

General Fund	\$	229,879.29
Special Revenue Funds	\$	1,077,559.63
School Fund	\$	159,370.16
School Programs	\$	186,234.65
Capital Improvements Funds	\$	2,129,895.21
CCF Funds	\$	27,655.00
TOTAL ESTIMATED EXPENDITURES – All Funds	\$	3,810,593.94

ESTIMATED REVENUES

Local Revenues (Fees, Contributions, Donations)	\$	1,157,241.10
State Revenue	\$	752,500.00
Federal Revenue	\$	443,637.12
Loan Proceeds	\$	1,250,820.21
Proffer Revenue	\$	3,521.97
Other Fund Balances	\$	202,873.54
TOTAL ESTIMATED REVENUES – All Funds	\$	3,810,593.94

The budget amendment is comprised of twenty-two (22) separate appropriations as follows, 17 of which have already been approved by the Board as indicated below:

Approved November 3, 2010:

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

Approved December 1, 2010:

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

Approved January 5, 2011:

- 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.

Approved January 12, 2011:

- One (1) appropriation (#2011062) totaling \$11,276.00 to provide a part-time officer working under supervision of the Sheriff's Office for Offender Aid and Restoration's Drug Court program.

Approved February 2, 2011

- One (1) appropriation (#2011049) totaling \$60,577.00 for a Program Coordinator with the Foothills Child Advocacy Center; these costs will be 100% reimbursed by Foothills;
- One (1) appropriation (#2011060) totaling \$5,000.00 for a contribution to the Sheriff's department;
- One (1) appropriation (#2011061) totaling \$712,500.00 in Community Development Block Grant (CDBG) funding for the installation of a sanitary sewer system in the Oak Hill neighborhood;
- One (1) appropriation (#2011063) totaling \$175,730.29 in received proffers and CDBG funds for affordable housing programs; and
- One (1) appropriation (#2011064) totaling \$3,000.00 from the Board's contingency reserve to the Board of Supervisors for legislative services provided by the Virginia Association of Counties during the 2011 General Assembly session. This appropriation will not increase the total County budget.

The five (5) new appropriations requested for Board approval on March 2 are as follows:

- One (1) appropriation (#2011065) totaling \$124,440.00 for a Homeland Security grant for the Police Department;
- One (1) appropriation (#2011066) totaling \$1,250,820.21 for General Government CIP;

- Two (2) appropriations (#2011067 and #2011069) totaling \$29,452.77 for various school programs, and
- One (1) appropriation (#2011068) totaling \$5,300 for donations to the Fire Rescue Department.

Additional details for the five March 2, 2011 appropriation requests are provided in Attachment A.

After the public hearing, staff recommends approval of the FY 2011 Budget Amendment in the amount of \$3,810,593.94 and approval of Appropriations #2011065, #2011066, #2011067, #2011068 and #2011069 to provide funds for various local government and school projects and programs as described in Attachment A.

Attachment A

Appropriation #2011065		\$124,440.00
Revenue Source:	Federal Revenue	\$ 124,440.00

The Police Department, through the Department of Criminal Justice Services, has been awarded a \$124,440 2010 State Homeland Security Program Grant. This grant will provide for the maintenance and/or replacement of equipment purchased with previous Homeland Security grant funding to law enforcement, including the replacement/upgrade of 11 mobile data computer set-ups; 12 replacement portable radios; resupplying Patrol Officers with digital cameras; and 12 replacement filters for gas masks. There is no local match for this grant.

Appropriation #2011066		\$1,250,820.21
Revenue Source:	Loan Proceeds	\$1,250,820.21

This appropriation is the follow-up action to previously approved appropriation 2010-103 which temporarily transferred funds from the General Government CIP fund balance to the School's CIP Fund balance to maintain positive balances in the funds until receipt of VPSA loan proceeds. Although Appropriation 2010-103 appropriated \$1,423,032 to the School's CIP Fund balance, only \$1,250,820.21, the amount actually needed, was transferred. The VPSA loan proceeds have been received, and this request is to transfer the amount equivalent to the actual transfer back to the General Government CIP to restore the original fund balance.

Appropriation #2011067		\$19,802.77
Revenue Source:	Local Revenue	\$ 19,802.77

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 November 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.

This request also appropriates the following donations:

Henley Middle School received a donation in the amount of \$1,847.77 from Henley's Parent and Teacher Support Organization. The donor has requested that their contribution be used to help fund the "Enrichment Time before 9" program for the month of November at Henley Middle School.

Crozet Elementary School received donations totaling \$655.00. These donations were made to honor Mrs. Patricia Ann Byrom who was a Title I, Special Education elementary school teacher who taught and retired from Crozet Elementary School. Memorial contributions were requested to be made to fund Title I programs at Crozet Elementary School.

Appropriation #2011068		\$5,300.00
Revenue Source:	Local Revenue	\$ 5,300.00

The County has received a donation of \$5,300.00 designated for the Fire Rescue Department. This appropriation will fund additional car seats and booster seats for the Child Safety Seat Program (\$2,500.00) and a replacement icemaker for the Monticello Fire & Rescue station (\$2,800.00).

Appropriation #2011069		\$9,650.00
Revenue Source:	Local Revenue	\$ 9,650.00

This request is for various School Division grant and donation appropriations as follows:

Burley Middle School has been awarded a grant in the amount of \$5,500.00 from the Community Endowment Fund in the Charlottesville Area Community Foundation. These funds will be used to purchase a WeatherBug Weather Station. This equipment will help students discover the intricacies of meteorology and the connection between science and math. In addition WeatherBug Education has awarded a matching grant that will lower the purchasing price of the equipment by \$1,000.00.

Stony Point Elementary School has been awarded a grant in the amount of \$1,600.00 from the Bama Works Fund of the Dave Matthews Band in the Charlottesville Area Community Foundation. These funds will be used to pay the stipend for a professional songwriter. The goal of this project is to capture students' interests and hook them into Language Arts Literacy by using music and singing.

Stone Robinson Elementary School has been awarded a grant in the amount of \$1,000.00 from the Virginia Organizing Project. These funds will be used towards the purchase of pedometers for students. The goal of this project is to educate students on the importance of core muscles strength, exercise and burning calories. This will be tracked through the use of pedometers.

Monticello High School has been awarded a grant in the amount of \$750.00 from the ExxonMobil Educational Alliance Program. These funds will be used to purchase digital cameras, video cameras and accessories for the school's new Media Production Lab. This equipment will allow students and teachers to learn the 21st century skills of using technology to think critically and create information in a digital visual format to solve problems and communicate in our global economy.

Henley Middle School has been awarded a Grow Veggies for QuickStart grant in the amount of \$500.00 from QuickStart Tennis of Central Virginia with the support of the Junior League of Charlottesville. These funds will be used to transform the underused, interior courtyard into the Hornets' N.E.S.T. (Nature, Environment, Studio and Teaching) which will include a lean-to greenhouse, raised beds, pergola, bleacher seating, picnic tables, commemorative benches, and art murals and will primarily serve kids who study art, science, health and physical education.

Cale Elementary School received a donation in the amount of \$100.00 from Mrs. Donna P. Cognata. The donor has requested that this contribution be used to help the Cale Chamber Singers buy new chorus risers at Cale Elementary School.

Brownsville Elementary School has received donations totaling \$200.00. Timothy and Gwendolyn Holtsclaw donated \$100.00. They made this contribution in memory of Jeanette and T. R. Fuller, grandparents of Amanda Fuller. Amanda is a teacher at Brownsville Elementary. The donor requested that their contribution be used to purchase instructional supplies needed at Brownsville Elementary. The Whitney and Anne Stone Foundation donated \$100.00 and asked that its contribution go towards the Food Hub, which is a student snack program at Brownsville Elementary School.

The Chair opened the public hearing. No one came forward to speak and the public hearing was closed.

Mr. Rooker **moved** to approve the budget amendment in the amount of \$3,810,593.94 and to approve Appropriations #201165, #201166, #201167, #201168 and #201169. Mr. Thomas **seconded** the motion.

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

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

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011065
 DATE 3/2/2011
 BATCH#**

EXPLANATION: Police DCJS/Homeland Security Grant

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1515	33000	300001	Revenue - Federal	J 2	\$124,440.00		
1	1515	31013	800100	Machinery & Equipment	J 1	\$124,440.00		
	1515		0501	Est. Revenue			124,440.00	
			0701	Appropriation				124,440.00
TOTAL						248,880.00	124,440.00	124,440.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011066
 DATE 3/2/2011
 BATCH#**

EXPLANATION: Follow-Up Action per previously approved Appropriation 2010-103
 Return temporary FY10 CIP School Fund Transfer from General Government CIP Fund

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	9000	41000	410500	Loan Proceeds	J 2	1,250,820.21		
1	9000	93010	930010	Transfer-To GG CIP	J 1	1,250,820.21		
	9000		0501	EST. REVENUE			1,250,820.21	
			0702	APPROPRIATION				1,250,820.21

2	9010	51000	512033	Transfer-From SCH CIP	J	2	1,250,820.21		
2	9010	51000	510100	Transfer-F/B	J	2	-1,250,820.21		
TOTAL							2,501,640.42	1,250,820.21	1,250,820.21

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011067
 DATE 3/2/2011
 BATCH#**

EXPLANATION: School Board Meeting - January 13, 2011

					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	18100	181109	Donation	J	2	2,502.77		
1	2115	62420	300201	Parts & Maintenance - DP	J	1	17,300.00		
1	2252	61101	160300	Stipends - Instructional	J	1	1,716.46		
1	2252	61101	210000	FICA	J	1	131.31		
1	2203	61101	601200	Books & Subscriptions	J	1	655.00		
	2000		0501	EST. REVENUE				19,802.77	
			0702	APPROPRIATION				19,802.77	
TOTAL							39,605.54	19,802.77	19,802.77

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011068
 DATE 3/2/2011
 BATCH#**

EXPLANATION: Fire Rescue Donations

					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	8405	18000	18114	Donations-Fire/Rescue	J	2	\$5,300.00		
1	8405	93010		TRANS - General Fund	J	1	\$5,300.00		
	8405		0501	Est. Revenue				\$5,300.00	
			0701	Appropriation				\$5,300.00	
2	1000	51000	512008	TRS. FR. CONTRIBUTION FD	J	2	\$5,300.00		
1	1000	32015	800201	Ice Maker Installation	J	1	\$2,800.00		
1	1000	32015	561415	Child Safety Seat Supplies	J	1	\$2,500.00		
	1576		0501	Est. Revenue				\$5,300.00	
			0701	Appropriation				\$5,300.00	
TOTAL							21,200.00	10,600.00	10,600.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

**APP #2011069
 DATE 3/2/2011
 BATCH#**

EXPLANATION: School Board Meeting - January 27, 2011

					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	Donation	J	2	300.00		
1	2202	61101	600200	Food Service & Supplies	J	1	100.00		
1	2202	61101	601300	Ed/Rec Supplies	J	1	100.00		
1	2214	61101	800200	Furniture & Fixtures	J	1	100.00		
	2000		0501	EST. REVENUE				300.00	
			0702	APPROPRIATION				300.00	
2	3104	18000	181240	Local Revenue	J	2	7,100.00		
2	3104	18000	189900	Local Revenue	J	2	2,250.00		
1	3104	60210	601300	Ed/Rec Supplies	J	1	1,000.00		
1	3104	60211	312500	Prof Svcs - Instructional	J	1	1,600.00		
1	3104	60251	601300	Ed/Rec Supplies	J	1	5,500.00		
1	3104	60252	601300	Ed/Rec Supplies	J	1	500.00		
1	3104	60304	601300	Ed/Rec Supplies	J	1	750.00		
	3104		0501	EST. REVENUE				9,350.00	
			0702	APPROPRIATION				9,350.00	
TOTAL							19,300.00	9,650.00	9,650.00

Agenda Item No. 13. **Public Hearing:** To consider entering into a lease with the Lewis and Clark Exploratory Center for office space in the McIntire County Office Building. (*Advertised in the Daily Progress on February 21, 2011.*)

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

In 2005, the Board approved a lease with the Lewis & Clark Exploratory Center, Inc. to temporarily lease office space in the McIntire County Office Building (COB). This space was located on the first floor in the north wing and had been recently vacated when the Police Department moved to COB-5th. The rent was set at a nominal amount to temporarily accommodate this new entity. After the renovation of the north wing for the Community Development Department, the Lewis & Clark Exploratory Center moved into a 169 square foot office on the second floor of COB McIntire near the lobby. The term of the temporary lease was from June 1, 2005 through December 31, 2005 unless extended or sooner terminated. This tenancy has continued without either party taking the necessary steps to extend it. In a recent review of the use of County office space, it was determined that there was not a proper lease in place for the tenant.

Staff has worked with the Lewis & Clark Exploratory Center to draft a new lease (Attachment A). The term of the proposed lease shall be from January 1, 2011 through June 30, 2012, when the Center expects to move into its new facility currently under construction at Darden Towe Park. The rent and other terms of the agreement are proposed to be consistent with other leases of COB space. The County Attorney's office has reviewed and approved the proposed lease.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to entering a lease for County-owned real property.

Approval of the proposed lease would generate an additional \$3,036.42 in annual revenue through June 30, 2012.

Mr. Foley said that staff recommends that, after the public hearing, the Board approve the lease and authorize the County Executive to sign the lease on behalf of the County.

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

Mr. Rooker **moved** to approve the lease and to authorize the County Executive to sign the lease on behalf of the County. Mr. Dorrier **seconded** the motion.

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

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

NAYS: None.

(Note: The lease is set out below:)

AGREEMENT OF LEASE

THIS LEASE AGREEMENT is made as of January 1, 2011 by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and LEWIS & CLARK EXPLORATORY CENTER, INC., Tenant.

ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the rents and covenants herein set forth, Landlord hereby leases to Tenant, and Tenant hereby rents from Landlord, the premises described on Exhibit A attached hereto and made a part hereof together with any and all improvements thereon (the "Leased Premises"). The Leased Premises shall be occupied by the Lewis & Clark Exploratory Center, Inc.

ARTICLE II. TITLE: QUIET ENJOYMENT

So long as Tenant is not in default hereunder, Tenant shall have peaceful and quiet enjoyment, use and possession of the Leased Premises without hindrance on the part of the Landlord or anyone claiming by, through, or under Landlord.

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease shall commence on January 1, 2011 (the "Date of Commencement") and shall expire June 30, 2012. All references to the "term" of this Lease shall, unless the context indicates a different meaning, be deemed to be a reference to the term described herein.

Section 3.2. Renewal. This Lease may be renewed for an additional period as may be mutually agreed by the Landlord and Tenant. If renewal is not agreed upon by the Landlord and Tenant, this Lease shall expire upon expiration of the initial term.

ARTICLE IV. RENT

Section 4.1. Annual Rent. Commencing upon the Date of Commencement, during the first year of this Lease, Tenant agrees to pay to Landlord annual rent of \$3,036.42, payable in equal monthly installments, in advance, on the first day of each month during the term hereof.

After the initial year of this Lease, the rent for any subsequent years of the Lease shall be indexed for inflation and shall be calculated by first establishing a fraction, the numerator of which shall be the level of the CPI Index (as defined herein) as of the first day of that month which is two months before the month in which the Date of Commencement occurs in the subsequent years, and the denominator of which shall be the level of the CPI Index as of the first day of that month which is two months before the initial Date of Commencement. The resulting fraction shall be multiplied by the rent agreed upon or established for the first year of the term of the Lease to determine the annual rent due for the year. The rental figure shall be revised each year based upon this formula. The CPI Index shall be the U.S. Bureau of Labor Statistics Consumer Price Index (all items, all urban consumers, 1982-1984 = 100). If the CPI Index shall be discontinued, Landlord shall designate an appropriate substitute index or formula having the same general acceptance as to use and reliability as the CPI Index and such substitute shall be used as if originally designated herein. Notwithstanding the foregoing, in no event shall the rent due for any lease year decrease below the rent payable for the first year.

Section 4.2. Address for Rent Payment. All payments of rent due Landlord pursuant to Section 4.1 shall be made to Landlord at the address specified in Section 18.3, or to such other party or at such other address as hereinafter may be designated by Landlord by written notice delivered to Tenant at least ten (10) days prior to the next ensuing monthly rental payment date.

ARTICLE V. UTILITIES AND SERVICES

Landlord shall provide water, sewer, electricity, heating and cooling, trash collection and janitorial services at no additional cost to Tenant. Tenant shall provide telephone and all other services.

ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. Tenant shall have use of the Leased Premises for offices. Tenant shall also have use of the lunchroom, restrooms, elevators and main entry corridors, which areas will not be calculated in the gross square footage for rental purposes.

Section 6.2. Parking. Tenant shall be entitled to the use of parking spaces in the lower parking lot and an access easement to the Leased Premises.

ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

Section 7.1. Installation by Tenant.

(a) Tenant may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements which do not damage or alter the Leased Premises, provided that Landlord's consent shall have first been obtained in writing, and provided that Tenant shall obtain all required governmental permits for such alterations, additions or improvements.

(b) Tenant may, from time to time, make interior structural alterations, additions or improvements, only with Landlord's prior written consent to plans and specifications therefore, which consent shall not be unreasonably withheld. Upon the expiration or sooner termination of this Lease, Landlord shall have the option (exercisable upon sixty (60) days notice to Tenant except in the case of a termination of this Lease due to a default by Tenant, in which case no such notice shall be required) to require Tenant to remove at Tenant's sole cost and expense any and all improvements made by Tenant to the Leased Premises or to elect to keep such improvement as Landlord's property. In the event Tenant is required to remove any improvements, (i) Tenant shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if Tenant fails to properly remove such improvements or provide for the repair of the Leased Premises, Landlord may perform the same at Tenant's cost and expense.

Section 7.2. Signs. Tenant shall have the right to place signs on the interior or exterior of the Leased Premises with the prior written approval of Landlord.

ARTICLE VIII MAINTENANCE OF LEASED PREMISES

Section 8.1. Maintenance. Landlord shall be responsible for all repairs and maintenance for the Leased Premises, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, air conditioning, plate glass and windows. Notwithstanding the foregoing, Tenant shall be responsible for all maintenance and repairs necessitated by the negligence of Tenant, its employees and invitees.

Section 8.2. Right of Entry. Landlord reserves the right for itself, its agents and employees to enter upon the Leased Premises at any reasonable time to make repairs, alterations or improvements; provided, however, that such repairs, alterations, or improvements shall not unreasonably interfere with Tenant's operations. Such right to enter shall also include the right to enter upon the Leased Premises for the purposes of inspection.

Section 8.3. Surrender of Leased Premises. At the expiration of the tenancy hereby created, Tenant shall surrender the Leased Premises and all keys for the Leased Premises to Landlord at the place then fixed for the payment of rent and shall inform Landlord of all combinations on locks, safes and vaults, if any, which Landlord has granted permission to have left in the Leased Premises. At such time, the Leased Premises shall be broom clean and in good condition and repair, commensurate with its age. If Tenant leaves any of Tenant's personal property in the Leased Premises, Landlord, at its option, may remove and store any or all of such property at Tenant's expense or may deem the same abandoned and, in such event, the property deemed abandoned shall become the property of Landlord.

ARTICLE IX. INSURANCE

Section 9.1. Liability Insurance of Tenant. Tenant covenants and agrees that it will, at all times during the term of this Lease, keep in full force and effect a policy of public liability and property damage insurance with respect to the Leased Premises and the business operated by Tenant and any sub-tenants of Tenant on the Leased Premises in which the limits of public liability for bodily injury and property damage shall not be less than One Million Dollars (\$1,000,000) per accident, combined single limit. The policy shall name the Landlord as an additional insured. The policy shall provide that the insurance thereunder shall not be cancelled until thirty (30) days after written notice thereof to all named insureds.

Section 9.2. Fire and Extended Coverage. Landlord agrees that it will, during the initial and any renewal term of this Lease, insure and keep insured, for the benefit of Landlord and its respective successors in interest, the Leased Premises, or any portion thereof then in being. Such policy shall contain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage," as the same may exist from time to time. Landlord agrees to name Tenant as an additional insured on such policy, as its interest may appear.

Section 9.3. Evidence of Insurance. Copies of policies of insurance (or certificates of the insurers) for insurance required to be maintained by Tenant and Landlord pursuant to Sections 9.1 and 9.2 shall be delivered by Landlord or Tenant, as the case may be, to the other upon the issuance of such insurance and thereafter not less than thirty (30) days prior to the expiration dates thereof.

Section 9.4. Waiver of Subrogation. Tenant hereby releases the Landlord from any and all liability or responsibility to Tenant or anyone claiming through or under it, by way of subrogation or otherwise, from any loss or damage to property caused by any peril insured under Tenant's policies of insurance covering such property (but only to the extent of the insurance proceeds payable under such policies), even if such loss or damage is attributable to the fault or negligence of Landlord, or anyone for whom Landlord may be responsible; provided, however, that this release shall be applicable and in force and effect only with respect to loss or damage occurring during such time as any such release shall not adversely affect or impair the releasor's policies or insurance or prejudice the right of the releasor to recover thereunder.

ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. Tenant shall not commit or suffer to be committed any waste or any nuisance upon the Leased Premises.

Section 10.2. Governmental Regulations. During the term of this Lease, Tenant shall, at Tenant's sole cost and expense, comply with all of the requirements of all county, municipal, state, federal and other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to the Leased Premises or Tenant's use and occupancy thereof.

ARTICLE XI. FIRE OR OTHER CASUALTY

If the Leased Premises shall be damaged so as to render two-thirds (2/3) or more of the Leased Premises untenantable by fire or other casualty insured against under the insurance required to be carried by Landlord pursuant to Section 9.2, Landlord may elect to either terminate this Lease as of the date of damage or repair the Leased Premises. Unless Landlord elects to terminate this Lease, such damage or destruction shall in no way annul or void this Lease except that Tenant shall be entitled to a proportionate reduction of the rent payable under Article IV while such repairs are being made, such proportionate reduction to be based upon the proportion of the Leased Premises rendered untenantable as a result of such damage. Notwithstanding the foregoing, if any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, Tenant may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to Landlord.

ARTICLE XII CONDEMNATION

If the whole or any part of the Leased Premises shall be taken under the power of eminent domain, then this Lease shall terminate as to the part so taken on the day when Tenant is required to yield possession thereof, the Landlord shall make such repairs and alterations as may be necessary in order to restore the part not taken to useful condition; and the rent payable under Article IV shall be reduced proportionately as to the portion of the Leased Premises so taken. If the amount of the Leased Premises so taken is such as to impair substantially the usefulness of the Leased Premises for the purposes for which the same are hereby leased, then either party shall have the option to terminate this Lease as of the date when Tenant is required to yield possession.

ARTICLE XIII DEFAULT OF TENANT

Section 13.1. Default. The occurrence of any of the following shall be deemed a "default" under this Lease:

(a) Tenant fails to pay when due any amount of rent, additional rent or other monies due under this Lease, including Articles IV and V, and such payment is not received by Landlord within ten (10) days after written notice of such failure is received by Tenant; or

(b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from Landlord.

Section 13.2. Remedies. In the event of any default or breach hereof by Tenant, Landlord shall have the right (in addition to all other rights and remedies provided by law) to terminate this Lease or to re-enter and take possession of the Leased Premises, peaceably or by force, and to remove any property therein without liability for damage to and without obligation to store such property, but may store the same at Tenant's expense, and to collect from Tenant all rent then due and which would accrue for the unexpired portion of the term hereof, together with reasonable attorney's fees. In addition, in the event of a failure to pay rent, additional rent or other money within five (5) days of its due date, Tenant shall pay to Landlord the greater of Twenty-Five and no/100 Dollars (\$25.00) or one half (1/2) of one percent (1%) of such sum for each day after the fifth day such rent or other money is late.

ARTICLE XIV HOLDING OVER, ASSIGNS, SUCCESSORS

Section 14.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of Landlord, shall be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and shall otherwise be on the terms and conditions herein specified as far as applicable. If Tenant remains in possession *without* Landlord's consent after expiration of the term of this Lease Agreement or its termination, the Tenant shall pay to Landlord its damages, reasonable attorney's fees and court costs in any action for possession. Tenant shall pay to Landlord as liquidated damages a sum equal to 110% of the Base Rent then applicable for each month or portion thereof Tenant shall retain possession of the Premises or any part thereof after the termination of this Lease.

Section 14.2. Showing the Leased Premises. During the last ninety (90) days of the term hereof, Tenant shall allow Landlord, or its agents, to show the Leased Premises to prospective tenants or purchasers at such times as Landlord may reasonably desire.

Section 14.3. Successors. All rights and liabilities herein given to, or imposed upon the respective parties hereto, shall extend to and bind the heirs, executors, administrators, successors and permitted assigns of the parties. All covenants, representations and agreements of Landlord shall be deemed the covenants, representations and agreements of the fee owner from time to time of the Leased Premises and Landlord shall be automatically released of all liability under this Lease from and after the date of any sale by Landlord of the Leased Premises. All covenants, representations and agreements of Tenant shall be deemed the covenants, representations, and agreements of the occupant or occupants of the Leased Premises.

ARTICLE XV. BROKER'S FEES

Tenant and Landlord hereby warrant that there are no brokerage commissions due in connection with this Lease.

ARTICLE XVI. NO ASSIGNMENT

Tenant shall not assign this Lease or sublet all or any portion of the Leased Premises, either directly or indirectly, without the prior written consent of Landlord. No assignment, sublease or transfer of this Lease by Tenant shall (i) be effective unless and until the assignee, subtenant or transferee expressly assumes in writing Tenant's obligations under this Lease, or (ii) relieve Tenant of its obligations hereunder, and Tenant shall thereafter remain liable for the obligations of the Tenant under this Lease whether arising before or after such assignment, sublease or transfer.

ARTICLE XVII. SUBORDINATION OF LEASE

This Lease and all rights of Tenant hereunder are and shall be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Leased Premises, including any and all renewals, replacements, modifications, substitutions, supplements and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, Tenant shall promptly upon the request of Landlord execute and deliver an instrument in recordable form satisfactory to Landlord evidencing such subordination; and if Tenant fails to execute, acknowledge or deliver any such instrument within ten (10) days after request therefor, Tenant hereby irrevocably constitutes and appoints Landlord as Tenant's attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any such instruments on behalf of Tenant. Tenant further agrees that in the event any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, Tenant shall not withhold or delay its consent thereto.

ARTICLE XVIII. MISCELLANEOUS

Section 18.1. Waiver. The waiver by Landlord or Tenant of any breach of any term, covenant or condition contained herein shall not be deemed to be a waiver of such term, covenant, or condition or any

subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of rent hereunder by Landlord or Tenant, respectively, shall not be deemed to be a waiver of any breach by Tenant or Landlord, respectively, of any term, covenant or condition of this Lease regardless of knowledge of such breach at the time of acceptance or payment of such rent. No covenant, term, or condition of this Lease shall be deemed to have been waived by Tenant or Landlord unless the waiver be in writing signed by the party to be charged thereby.

Section 18.2. Entire Agreement. This Lease, and the Exhibits attached hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between Landlord and Tenant concerning the Leased Premises; and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced in writing and signed by them.

Section 18.3. Notices. Any notice, demand, request or other instrument which may be, or is required to be given under this Lease, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

- (a) if to Landlord, at
County of Albemarle
County Executive's Office
401 McIntire Road
Charlottesville, Virginia 22902
or at such other address as Landlord may designate by written notice;
- (b) if to Tenant, at
Lewis & Clark Exploratory Center
Suite 231
401 McIntire Rd
Charlottesville, VA 22902
or at such other address as Landlord may designate by written notice;

Section 18.4. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way do they affect this Lease.

Section 18.5. Partial Invalidity. If any term, covenant or condition of this Lease, or the application thereof, to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant, or condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

Section 18.6. Recording. Upon request of either party, a memorandum of lease will be executed and recorded. Such memorandum shall contain any provisions of this Lease which either party requests except for the provisions of Article IV, which shall not be included. The cost of recording such memorandum of lease or a short form hereof shall be borne by the party requesting such recordation.

Section 18.7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Section 18.8. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

TENANT
LEWIS & CLARK EXPLORATORY CENTER, INC.

By: _____
Christopher McLean, President

LANDLORD

This Lease is executed on behalf of the County of Albemarle by Thomas C. Foley, County Executive, following a duly-held public hearing, and pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Thomas C. Foley, County Executive

EXHIBIT A

DESCRIPTION OF LEASED PREMISES

All that certain portion of the Albemarle County Office Building, located at 401 McIntire Road, Charlottesville, Virginia, shown as the shaded "Leased Space" on the attached floor plan titled "2nd Floor Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia," and being 168.69 square feet of office space, more or less.

Agenda Item No. 14. **Public Hearing:** To consider granting a cable easement to CenturyLink within the Boulders Road public right-of-way, owned by the County (TMP 03200-00-00-005C3). (Advertised in the Daily Progress on February 21, 2011.)

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

Central Telephone Company of Virginia, doing business as CenturyLink, requested last year that the County grant a 10-foot wide easement directly across Boulders Road, a public right-of-way owned by the County (TMP 03200-00-00-005C3). Boulders Road was dedicated to the County and is not yet in the secondary system of state highways. After conducting a public hearing on December 1, 2011, the Board approved the request and authorized the County Executive to sign the deed of easement subject to approval by the County Attorney of the final documents. During the preparation of the easement plat, however, the surveyor discovered that the underground communication line and easement was also actually within the public right-of-way between the point where the easement crossed Boulders Road most of the way to the intersection with US-29 (see Attachment B).

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveyance of any interest in County-owned real property. Because the easement as currently proposed now includes an easement for the communication line running the length of the right-of-way, it differs significantly from what was originally requested and previously approved. The proposed easement cannot be granted without an additional public hearing and approval by the Board. The granting of this revised easement would not prevent Boulders Road from being accepted into the secondary system.

Staff indicates that there will be no budget impact.

Mr. Foley said staff recommends that, after holding the required public hearing, the Board approve the proposed easement in its new location, and authorize the County Executive to sign the deed of easement on behalf of the County after the deed has been approved in substance and in form by the County Attorney.

Mr. Rooker asked if this was an underground easement. Mr. Davis responded, "yes".

The Chair opened the public hearing. No public comment was offered, the Chair closed the public hearing and the matter was placed before the Board.

Mr. Boyd **moved** to authorize the County Executive to sign the proposed easement in its new location and to authorize the County Executive to sign the deed of easement on behalf of the County after the deed has been approved in substance and in form by the County Attorney. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

(Note: The easement is set out below:)

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

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

DEED OF EASEMENT

THIS DEED OF EASEMENT, is made and entered into on this _____ day of _____, 2011, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantor, hereinafter referred to as the "County," and **CENTRAL TELEPHONE COMPANY OF VIRGINIA**, doing business as **CENTURYLINK**, whose address is 100 Century Link Drive, Monroe, Louisiana, 71203, Grantee, hereinafter referred to as "CenturyLink."

WITNESSETH:

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

A permanent easement in the public right-of-way known as Boulders Road in Albemarle County, Virginia, as shown on the plat of Commonwealth Land Surveying, LLC., dated February 8, 2011, entitled "Plat Showing 10' Wide Century Link Easement" (hereinafter referred to as the "Plat").

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

This Easement shall be subject to the following:

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

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

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

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

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

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

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

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

c. Continuing Obligations of CenturyLink to the County. After VDOT or such other public entity has issued the required Permits, CenturyLink shall be subject to the following conditions, notwithstanding any quitclaim of its interests to VDOT or such other public entity, and these conditions shall be continuing obligations of CenturyLink:

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

2. In the event that the County or such other public entity becomes responsible for the maintenance of Boulders Road and the County or such other public entity requires, for its purposes, that CenturyLink alter, change, adjust, or relocate the Improvements, across or under Boulders Road, the cost to alter, change, adjust, or relocate the Improvements shall be the sole responsibility of CenturyLink. Neither the County nor such other public entity shall be responsible or liable to CenturyLink or its successors or assigns for any costs associated with altering, changing, adjusting or relocating the then-existing Improvements as may be required herein. In addition, neither the County nor such other public entity shall be obligated to compensate or reimburse CenturyLink or its successors or assigns for any increased or

decreased cost or value associated with either the Improvements resulting from such alteration, change, adjustment or relocation. The requirements of this paragraph 6(c)(2) shall not apply if VDOT, such other public entity, or the County is either required by law to pay for such costs or is authorized and elects to pay for such costs.

The County, acting by and through its County Executive, duly authorized by action of the Albemarle County Board of Supervisors on March 2, 2011, does hereby convey the interest in real estate made by this deed.

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

WITNESS the following signatures.

GRANTOR:

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Thomas C. Foley, County Executive

GRANTEE: CENTRAL TELEPHONE COMPANY OF VIRGINIA, doing business as CENTURYLINK

By: _____
Name: _____
Title: _____

Agenda Item No. 15. Little Keswick School, Request for Exception (WPO 17-308).

Mr. Glenn Brooks, County Engineer, summarized the following executive summary:

Little Keswick School, a boarding school for special needs children, has been in operation since 1963. An aerial photo from the applicant's website, www.littlekeswickschool.net, is attached (Attachment A). The Water Protection Ordinance was amended in 2008 to require buffers on intermittent streams in the rural areas. This created buffer requirements on the stream and lake on the Little Keswick School property as shown on the attached County map in Attachment B. This site has a previously planned expansion that extends into this buffer area. The Water Protection Ordinance provides for exceptions to be granted by the Board in these circumstances.

In this case, the existing school campus had plans for expansion prior to the ordinance making this a protected stream buffer. The requirement of the stream buffer is preventing them from achieving their long term goals for the campus. The planned expansion specifically includes a dorm building and adjustment of the riding ring. The applicant's request is attached as Exhibit C. The man-made pond, an amenity to the campus, has substantially expanded the buffer area, as that buffer is measured from the edge of the pond. Rather than reducing the pond, which would be an allowable alternative that would eliminate the stream buffer from the building area, staff supports this exception request to extend the disturbance into the buffer area. The pond itself will act as a collection and settlement area for sediment and many pollutants, and the added mitigation planting will offset any impervious area additions.

Section 17-308(C) of the Water Protection Ordinance allows exceptions to be granted by the Board provided that:

1. A stormwater management/BMP plan has been submitted to the program authority for review in accordance with this article; the plan demonstrates that reasonable alternatives to the exception have been considered and determined to not be feasible through attempts to meet the provisions of this article, the use of non-structural measures as provided in section 17-313, the use of a mitigation plan as provided in section 17-322, or by other means;
2. The exception requested is the minimum necessary to afford relief;
3. Reasonable and appropriate conditions are imposed as necessary to ensure that the purposes of this article are satisfied; and
4. The basis for the request is not economic hardship, which shall be deemed an insufficient reason to grant an exception.

Staff has reviewed this matter and finds that all of these conditions have been satisfied. Namely, a plan has been submitted and reviewed that meets the requirements of condition one (1) and that the exception requested is the minimum necessary to afford relief. Staff is recommending to the Board that Little Keswick School be required to have both its Erosion and Sediment Control Plan and Stream Buffer Management Plan approved by the County Engineer. Staff believes that this recommendation is necessary in order to ensure that the purposes of the requirements are satisfied. Finally, staff finds that the basis for the request is not an economic hardship.

Costs for the plan reviews and inspections are offset by the fees in the Water Protection Ordinance, meaning no additional funding is necessary as a result of staff's recommendation.

Staff recommends approval of the applicant's request to grant a stream buffer exception (Exhibit C), subject to County Engineer approval of an Erosion and Sediment Control Plan and a Stream Buffer Mitigation Plan.

Mr. Brooks said that the applicant would like to extend an existing building that is in the stream buffer as of 2008 when the County changed the ordinance to include intermittent streams in the rural area.

Mr. Brooks said that the ordinance change caught a large part of the campus within a new buffer area, and the school plans to enlarge their dorms to the existing school building and move the riding ring over to accommodate the expansion. He presented a County aerial showing the parcels the school owns and a picture of the stream buffers the County has established – with the one over the pond itself and the stream being new as of 2008. Mr. Brooks said that an alternative would be to reduce the size of the pond, but rather than request that he felt it was wise to approve an exception in this case. He noted that the campus has been around since the 1960s and the ordinance caught them well after that time period.

Mr. Rooker noted that the pond serves as a detention basin, and it does fulfill that purpose – with limited sediment loads or pollutants going beyond the pond.

Mr. Brooks reiterated that the staff recommendation is for approval, with some standard conditions for erosion control and mitigation – with a mitigation plan being part of the waiver request anyway. He also said that the applicant would be requesting some fee waivers for the sediment control plan, and said he could possibly do that as part of the mitigation plan as this is a borderline disturbance.

Mr. Mark Columbus, Headmaster of Little Keswick School, addressed the Board. Mr. Columbus reported that the school has 34 boys who come from all over the U.S. and abroad, who have learning and social difficulties. He said that there is a difference in the school's approach because when the facilities were initially put in there wasn't a water protection ordinance in place. They are not increasing enrollment, but are attempting to get better single and double occupancy rooms for the students that reside at the school. Mr. Columbus stated that the original building, designed with the Department of Education, was even more into the stream buffer – and they were able to minimize that by moving it back into the campus with an "L" line of sight and redesigning the building.

Mr. Brian Smith, the Engineer, said that he is assisting with the mitigation plan and if an erosion control plan is necessary. He stated that the mitigation plan has already been submitted to the County and is currently under review. Regarding erosion control, Mr. Smith said that they do not the exact amount of disturbance, but the footprint of the new building would be 3,000 square feet and moving the riding ring would involve having the sand scraped off and piled up on the new building side, then re-graded and put into grass seed. He stated that the amount of disturbance of actual dirt would probably be less than the 10,000 square feet threshold but that isn't known for certain yet.

Ms. Mallek asked if any impervious structures are being created with regard to the ring relocation. Mr. Smith responded, "no"; the actual ring gets smaller in size.

Mr. Boyd asked if there is an erosion problem brought about by the amount of sand that is there. Mr. Smith responded that the riding rings are usually very flat, so it does not typically create a problem.

Mr. Boyd asked Mr. Brooks comments about not requiring a stream buffer mitigation plan.

Mr. Brooks responded that staff has to require a stream buffer mitigation plan with any disturbance of the stream buffer. He said that the fee for a mitigation plan is about \$800, with a fee for an erosion and sediment control plan being \$350 plus \$100 per acre based on the acreage.

Mr. Davis said that there is no way for the Board to waive that fee, but the condition could be modified to say "an erosion and sediment control plan, if necessary" and a stream buffer mitigation plan – so that Mr. Brooks could make that determination. If an erosion and sediment control plan is not needed then there would be no fee involved with the plan, but a mitigation plan would still be required.

Mr. Brooks explained that typically an applicant is required to do erosion control measures anyway, but he can get those measures as part of a mitigation plan.

Mr. Boyd said that the school is an asset to the community, so whatever can be done to keep operating costs down is a benefit to them and the community.

Mr. Boyd then **moved** to approve the applicant's request to grant a stream buffer exception subject to County Engineer approval of an Erosion and Sediment Control Plan and, if necessary, a Stream Buffer Mitigation Plan. Mr. Snow **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 16. Adoption of 2011 Redistricting Guidelines.

The executive summary provided to Board members states that at the December 1, 2010 Board meeting, the Board adopted a redistricting schedule and directed staff to proceed under the proposed preliminary redistricting guidelines.

On January 20, 2011, staff held a public meeting in order to provide information and obtain public input about the redistricting process and its requirements (Attachment B), the redistricting schedule, and the proposed redistricting guidelines. Seventeen (17) members of the public attended this informational meeting. Attachment C summarizes the comments that were provided to staff.

The proposed redistricting guidelines (Attachment A) assure that the County complies with State and Federal laws in the redistricting process on the issues of establishing magisterial district and precinct boundaries and identifying qualifying polling places. The redistricting guidelines adopted by the Board will be used to draft proposed new election districts, precincts and polling places that may be required as a result of the 2010 census.

The guidelines are based primarily on the guidelines adopted by the Board for the 2001 redistricting process; however, they have been updated to assure that they comply with current State and Federal laws. They also have been reorganized since the preliminary guidelines were provided to the Board at the December 1, 2010 meeting.

A comment was received from the public at the January 20, 2011 meeting objecting to the County guideline that discourages boundary changes that result in two incumbent members of the Board of Supervisors or the School Board being assigned to the same district (Attachment A, Magisterial District Guideline No. 14). The individual making this comment indicated that this guideline should be deleted because it protects incumbents and the County should not engage in this practice. Preserving incumbency is one of several "traditional redistricting principles" recognized by the United States Supreme Court and it serves to protect the voters from being removed from a representative that they have elected and with whom they have a constituent relationship. Therefore, staff recommends that the guideline not be deleted.

Redistricting is already incorporated into various offices' and departments' work plans. The adoption of the redistricting guidelines will have no budget impact. Staff recommends that the Board adopt the proposed redistricting guidelines.

Mr. Greg Kamptner, Deputy County Attorney, reported that this is the next step in the redistricting process that began last September. In December staff presented the proposed redistricting guidelines and schedule. Since that meeting, he said, there was a public meeting held on December 20, 2010 to solicit input from the public on the guidelines and to introduce them to the process. Mr. Kamptner reported that they received one comment specific to the proposed guidelines, as noted in the last paragraph of the discussion section, which pertained to the local guideline in which there is a policy of protecting incumbents within the magisterial districts. He said that the particular commenter recommended that particular guideline be removed because it protects incumbents, but staff recommends it be preserved as it has been recognized by the U.S. Supreme Court as one of a number of traditional redistricting principals – serving to protect the voters from being removed from a representative that they have elected and with whom they have a constituent relationship.

He said that the only changes to the proposed guidelines before the Board today are reorganizing them in a way that breaks them down by federal law, state law, and local consideration – which staff felt made it easier for staff and the public to follow what they are doing and why. Mr. Kamptner stated that staff recommends adoption of the guidelines, and in April they would come back to the Board with a redistricting plan.

Ms. Mallek asked if a map would be presented in April. Mr. Davis stated that at that time there would be a proposed plan that shows all the new lines being suggested in the redistricting process.

Ms. Mallek asked if staff will also be presenting text descriptions. Mr. Davis said he does not think staff will have the final text lines, but they plan to break out the areas that are being changed. They will have a detailed map that will show neighborhoods and streets.

Mr. Kamptner said that staff thinks they may have some draft text descriptions to assist in identifying locations.

Mr. Dorrier asked how the candidates for this year's election know their district. Mr. Davis said that the schedule proposes that the Board adopt the redistricting ordinance in May, and it would then be submitted to the Justice Department for preclearance – which typically takes 60-90 days. When the Justice Department gives final approval to the adopted redistricting plan that will be the date that district lines will be established. The Board will have a pretty clear idea of what they will be when the ordinance is adopted in May and there will be a public hearing on the redistricting ordinance.

Mr. Dorrier noted that political parties will hold their caucuses in the summer. Ms. Mallek said those will probably be held in August.

Mr. Rooker asked if the County had ever had a redistricting plan that was sent back. Mr. Davis responded that Albemarle has not. He added that the General Assembly's redistricting process would start in April and end in July. He said that it would have some impact on Albemarle's final ordinance if there are conflicts, but staff is not envisioning any significant problems.

Mr. Rooker **moved** to adopt the proposed redistricting guidelines, with staff proceeding to prepare a proposed plan. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

(Note: The redistricting guidelines are set out below:)

Redistricting Guidelines

Purpose: These redistricting guidelines will guide staff and inform the public of the applicable criteria to be considered for redistricting as staff prepares to develop the 2011 redistricting ordinance, which will amend Article I, Elections, of Chapter 2, Administration, of the County Code.

Introduction: These guidelines are divided into three sections – those that pertain to establishing the boundaries for the County's magisterial districts, those that pertain to the criteria for precincts and those that pertain to the criteria for polling places. Some of these guidelines are requirements of State or Federal law. Other guidelines are based on local considerations (e.g., maintain six magisterial districts) applied by the Board in prior redistricting years.

Magisterial District Guidelines

Federal Law

1. Establish population equality among the magisterial districts as nearly as practicable, with a goal of having a deviation in population not to exceed +/-5%, in order to assure representation in proportion to the population of the district. (*White v. Regester*, 412 U.S. 755 (1973) (allowing some minor variation from population equality; also, United States Constitution, Article I, § 2, Virginia Constitution, Article VII, § 5 and Virginia Code §§ 24.2-304.1(B))
2. Assure that any change in a magisterial district boundary does not have the effect of denying or abridging the right to vote on account of race, color or status as a member of a language minority group. (Section 2 of the Voting Rights Act of 1965)
3. Assure that no protected class identified in Guideline 12 loses voting strength under the new redistricting plan. (Section 5 of the Voting Rights Act of 1965)

State Law and State-Level Redistricting Criteria

4. Maintain geographical compactness in each magisterial district. (Virginia Code § 24.2-304.1(B); Virginia Code § 24.2-305(A); also, Virginia Constitution, Article VII, § 5)
5. Maintain geographical contiguity in each magisterial district. (Virginia Code § 24.2-304.1(B); Virginia Code § 24.2-305(A); also, Virginia Constitution, Article VII, § 5)
6. Assure magisterial districts have clearly observable boundaries, which include: (i) any named road or street; (ii) road or highway which is part of the federal, state primary or state secondary road system; (iii) any river, stream or drainage feature shown as a polygon boundary on the TIGER/line files of the Census Bureau; or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by VDOT, on a USGS topographical map, or as a polygon boundary on the TIGER/line files of the Census Bureau. (Virginia Code § 24.2-305(A) and (B))
7. Use only 2010 census data for the County. (Virginia Code § 24.2-304.1(C))
8. Factors to consider include, but are not limited to, economic, social and cultural factors, geographical features, and service delivery areas. (Based on Virginia Senate and House 2001 Redistricting Criteria)
9. If there is a conflict between Guidelines 1, 2, 3, 4, 5 or 6 and Guidelines 8, 10, 11, 12, 13, 14, 15 or 16, priority shall be given to Guidelines 1, 2, 3, 4, 5 or 6 because they are based on Federal and State law requirements. (Based on Virginia Senate and House 2001 Redistricting Criteria) If there is a conflict within Guidelines 1 through 6, priority shall be given to population equality, compliance with the United States and Virginia Constitutions, and compliance with the Voting Rights Act.

County Considerations

10. Maintain six magisterial districts.
11. Have each magisterial district contain both urban and rural areas of the County.
12. Minimize changes to existing magisterial district boundaries.
13. Preserve communities of interest, including neighborhoods, within the same magisterial district.
14. Avoid the pairing of incumbent members of the Board of Supervisors or the School Board in the same magisterial district.
15. Avoid splitting census blocks to assure the accuracy of the census data.

16. Preserve the historic core of existing magisterial districts.

Precinct Guidelines

State Guidelines and State-Level Redistricting Criteria

1. In no event shall a precinct have fewer than 100 registered voters nor more than 5,000 registered voters. (Virginia Code § 24.2-307)
2. Each precinct shall be wholly contained within a magisterial district. (Virginia Code § 24.2-307)
3. Maintain geographical compactness in each precinct. (Virginia Code § 24.2-305(A))
4. Maintain geographical contiguity in each precinct. (Virginia Code § 24.2-305(A))
5. Assure precincts have clearly observable boundaries, which include: (i) any named road or street; (ii) road or highway which is part of the federal, state primary or state secondary road system; (iii) any river, stream or drainage feature shown as a polygon boundary on the TIGER/line files of the Census Bureau; or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by VDOT, on a USGS topographical map, or as a polygon boundary on the TIGER/line files of the Census Bureau. (Virginia Code § 24.2-305(A) and (B))
6. If there is a conflict between Guidelines 1, 2, 3, 4 or 5 and Guidelines 7 or 8, priority shall be given to Guidelines 1, 2, 3, 4 or 5 because they are based on State law requirements. (Based on Virginia Senate and House 2001 Redistricting Criteria)

County Considerations

7. The target size of a precinct shall be not more than 2,500 registered voters
8. Avoid splitting precincts with Virginia Senate and House of Delegates district lines and United States House of Representatives district lines.

Polling Place Guidelines

State Guidelines and State-Level Redistricting Criteria

1. Each precinct shall have one polling place. (Virginia Code § 24.2-307)
2. If a polling place cannot be located within the precinct, it shall be located within one mile (as measured in a straight line) from the precinct boundary. (Virginia Code § 24.2-310(A))
3. Each polling place should be located in a public building whenever practicable. (Virginia Code § 24.2-310(B))
4. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural or similar nature unless the State Board of Elections has approved the use of the building because no other building meeting the accessibility requirements set forth in Guideline 5 is available. (Virginia Code § 24.2-310.1)
5. Each polling place shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (Virginia Code § 51.5-1 *et seq.*), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee *et seq.*), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 *et seq.*). (Virginia Code § 24.2-310(C))
6. If there is a conflict between Guidelines 2, 3, 4 or 5 and Guidelines 7, 8 or 9, priority shall be given to Guidelines 2, 3, 4 or 5 because they are based on State law requirements. (Based on Virginia Senate and House 2001 Redistricting Criteria)

County Considerations

7. Each polling place should be centrally located within the precinct so that the maximum travel time for a voter does not exceed 20 minutes.
8. Existing polling places should be maintained, provided that they satisfy Guidelines 2, 3, 4 and 5.
9. Polling places should be located where public transportation is available, where appropriate.

Agenda Item No. 16a. Resolution Supporting the Implementation of the Community Water Supply Plan.

Mr. Foley reported that this resolution is the result of the Board's decision last Friday during the budget overview, where they requested staff to put together a resolution clarifying their position on the Community Water Supply implementation and next steps. Based on that direction, he said, he and Mr.

Davis drafted a resolution and received input from Mr. Gary O'Connell, of the Albemarle County Service Authority, and Mr. Tom Frederick, Rivanna Water and Sewer Authority, as well as input from Board members to come up with the draft as presented.

Mr. Foley noted that the draft resolution acknowledges appreciation to Charlottesville City Council for its support for construction of an earthen dam at an initial pool height of 30 feet as a component of the Community Water Supply Plan. He said that the Board expressed its preference for a one-phased, 42-foot dam supporting a 42-foot height, but also agreed to support a phased approach to construction of the new earthen dam with the dam structure in the first phase at the height that will support raising the existing Ragged Mountain Reservoir normal pool elevation by 30 feet.

Mr. Foley noted that the Board states through this resolution that it supports "specific and objective conditions" to ensure that when the urban water demand approaches a pre-defined threshold that the RWSA shall have the right to automatically proceed to increase the normal pool height at the Ragged Mountain Reservoir up to a total pool height of 42 feet at the direction of the Rivanna Board without the need to acquire any additional property necessary for the implementation of this future phase. He said that the resolution encourages all parties involved in this project to move expeditiously to get it to construction to take advantage of the bidding climate and low financing rates.

Mr. Rooker said staff did a good job incorporating what the Board discussed at its prior meeting.

Mr. Foley commented that the resolution posted on the website and the one the Board received is the one presented today.

Mr. Thomas asked if the statement in the ninth paragraph "RWSA shall have the right to automatically..." is enforceable.

Mr. Davis stated that this resolution tries to capture that there is an approved plan that, when the threshold demand is met, would allow the Rivanna Water and Sewer Authority Board to move forward with the second phase of the dam without having to acquire any property from the City or anyone else that might complicate the path forward.

Mr. Boyd asked if that agreement would be included in the easement. Mr. Davis explained that there would be two agreements going forward: a document acquiring the property rights necessary to go forward – which is between the City and RWSA, and a second document - cost-sharing agreement between the ACSA, the City, and RWSA that deals with issues not covered in the property acquisition document.

Mr. Rooker said he thinks what is most important at this point is to have a plan that goes forward reasonably quickly. There are dam safety issues that currently exist that won't get solved until there is an agreement in place with the City. There are some aspects of the dam currently under design that need to be changed to accommodate this and that needs to get going in the right direction as quickly as possible. He thinks the Board is trying to tie up all the loose ends that exist that prevent them from putting out a RFP. This resolution helps move in that direction. There is also the property rights agreement, etc.

Mr. Foley pointed out that finalizing the form of the property rights is the next issue – which the attorneys are working on now, followed by the cost allocation plan.

Mr. Boyd commented that he is troubled by this resolution, primarily because the City has reneged on other agreements in the past such as the Solid Waste Agreement. He wants a document that is legally binding that some Council at a later date cannot change its mind about.

Mr. Rooker commented that this resolution does not legally bind the City or the County. It indicates a desire to move forward as a community.

Mr. Boyd said that he personally thinks this is a fiscally irresponsible approach for County citizens to take which is why he probably will not support it. He also expressed concern about the guidelines from State regulatory authorities to provide designs for a dam by May 1st, and said he would like to see anything agreed upon with the City conditioned on the fact that these issues would be resolved within a reasonable amount of time. The Board's offer to go along with the City's latest proposal should be predicated on the fact that this can be resolved within that timeframe, and if not the Board should withdraw its support.

Mr. Davis stated that staff tried to reflect that in the resolution without putting hard and fast deadlines in it, as the timelines are still being worked on by Mr. Frederick and others. The intent of this resolution is that all the parties move forward expeditiously to meet all those deadlines.

Mr. Boyd emphasized that the County's negotiating point ought to be based on the condition that this be resolved within a period of time, and setting a deadline would be appropriate. It is really the legal requirements that have to be worked out and agreed on.

Mr. Davis responded that he thinks they all recognize that and they are taking an aggressive path toward trying to get these issues resolved.

Mr. Thomas asked if Mr. Frederick would know the timelines.

Mr. Foley responded that he is developing those now, as Mr. Boyd had requested at the last meeting some more specific target dates.

Mr. Rooker suggested that the language in the last part of the resolution be changed to say "This resolution is conditioned upon all parties moving expeditiously in addressing..."

Mr. Boyd commented that he still didn't feel this quite hit the mark, adding that there should be some specific dates put in. The dates should be what would be a reasonable amount of time to get this resolved.

Mr. Frederick noted that there is already one date imposed on them, as by April 30 all decisions necessary in order to submit final design plans to the Department of Conservation and Recreation for approval would need to be met.

Mr. Davis pointed out that it is already reflected in the resolution's last paragraph because it is a requirement of the dam safety issue, but if Mr. Frederick is comfortable with that date it could be specifically included.

Mr. Frederick noted that there are a lot of other things that would need to be worked out, and since last week's Council meeting a lot of progress has been made as it has enabled City staff to get some direction in order to move forward. He mentioned a meeting that took place yesterday with Mr. Davis and some other counsel where a lot of progress was made, but no hard and fast deadlines were set in that area. Mr. Frederick said it might not be constructive at this point to try to set hard and fast deadlines but let the conversations continue.

Mr. Foley asked if there are any decisions or actions needed in order to get to that April 30 date.

Mr. Frederick responded that a significant amount of work needs to be done in a few areas, including use of the City's land – which could be as simple as a two-party agreement between the City and Rivanna that gives permission to use the land to build a new earthen dam; and the cost allocation agreement, which is a big issue and was deemed necessary before the City will act on the land use issue. He said that Mr. O'Connell is working very hard in that area and is actively encouraging City staff to do the same. Rivanna is a party in all cost allocation agreements, but they traditionally stay out of percentage negotiations and let it be between the ACSA and the City since those are the paying customers, and Rivanna focuses on the mechanics of making that what they agree to can work.

Mr. Boyd stated that the ACSA has been pushing for this allocation agreement and the City has been dragging its feet, and it concerns him that they may not be genuine in their approach.

Mr. Frederick said that what he heard agreed to yesterday was an effort to work on both fronts at the same time – the issues related to the land and the issues related to the cost allocation. He stated that from a political standpoint, the two actions can be brought to the City at the same date – but the land action should not be brought to City Council before the cost allocation agreement.

Mr. Boyd asked what the obstacles are in coming that agreement. Mr. Frederick responded that a lot from a general perspective is who pays what percentage.

Mr. Rooker suggested that if there is no agreement on the height, there will not be an impetus to get this done. They need to eliminate these loose ends one at a time. He stated that if this one can be taken care of, the cost-sharing agreement can be pursued. This is not a binding contract. The ACS has to agree on the cost-sharing agreement as well as them. It is two-sided.

Mr. Boyd said that the cost differential is so miniscule between a 30-foot and 42-foot rise, he does not see why it is a stumbling block with a cost allocation.

Mr. Rooker stated that if the County was the only party making the decision, the dam would be built at 42 feet in one phase, but they have a partner that is not going to agree to that. He emphasized that the City has come a long way from where they were two months ago, and this plan does provide a lot of additional water for the community in the first phase – along with objective criteria put in as to when an additional phase would rise the dam to accommodate needs beyond the first phase. He said that his fear here is, if they do not move forward, they will end up with no agreement at all.

Mr. Boyd said it scares him to think that this may be another "good faith effort" by the County that won't be reciprocated by the City.

Mr. Snow said that the County must move ahead though, and at some point a decision needs to be made. He added that the economics and ecology of this make sense to build the dam to the greater height, but the County needs to go ahead and move the resolution on.

Ms. Mallek commented that there have been concessions made on both sides, and she views this as a phase one of the water supply plan. She said that the 30-foot pool rise to her is an interim step that will lessen the impact on natural river flow, which will help maintain the water supply for rural residents and the downstream needs for other communities below the dam. It is not just the fish and the little insects they are talking about. They are talking about a whole environment to be better off. She looks forward to getting all of these other issues nailed down so that they can continue to live up to their commitment to the watershed and to the citizens.

Mr. Thomas asked if the County would be making the decision on when the height is increased.

Ms. Mallek explained that the resolution states that the RWSA would have the right to automatically proceed, because all of the details are going to be worked out now.

Mr. Foley added that the language states, "...without the need to acquire additional property rights necessary to expand in that phase," and the attorneys are working out the best mechanism to ensure that is put in place.

Ms. Mallek pointed out that the regulators have some concerns as well, so perhaps the remediation for the long-term should be done from the beginning so they are able to sign off on a future increase in water level without further processing requirements.

Mr. Rooker responded that the remediation that has been proffered contemplates the ultimate build-out of the reservoir.

Mr. Frederick said that he expects a decision to come before the RWSA Board that considers whether the entire mitigation plan should be done, and what legal mechanisms will allow those additional credits to be reserved for the future – or if the mitigation plan itself should be built in phases. He added that the only risk involved is that future regulation that cannot be foreseen may make future mitigation requirements more stringent, which might mean that the plan crafted today would not be sufficient. Mr. Frederick emphasized that it is very speculative and cannot really be solved today.

Mr. Boyd asked if it is possible to ask for a permit that allows for a range between 30 and 42 feet.

Mr. Frederick responded that the approved permit documents provide the conditions for a 42-foot reservoir, and the RWSA is not asking to remove those from the permit document but is suggesting adding conditions for the 30-foot pool to provide local flexibility to make that decision without it being overseen by a regulatory agency. That is how RWSA is going to prepare the documents.

Mr. Rooker **moved** to adopt the proposed resolution as presented with a change in the last paragraph so that it would read: "Be it further resolved that this resolution is contingent upon all parties moving expeditiously to address all remaining issues necessary to begin construction of the new earthen dam to meet the Commonwealth of Virginia dam safety requirements and to ensure the project takes full advantage of the current bidding climate and low financing rates." Ms. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Boyd.

(Note: The adopted resolution is set out below:)

RESOLUTION SUPPORTING THE IMPLEMENTATION OF THE COMMUNITY WATER SUPPLY PLAN

WHEREAS, in June 2006 the Albemarle County Board of Supervisors, Charlottesville City Council, the Rivanna Water and Sewer Authority (RWSA) and the Albemarle County Service Authority approved a local Water Supply Plan; and

WHEREAS, in 2008 the RWSA received the State and Federal permits necessary to implement the Water Supply Plan; and

WHEREAS, the approved Water Supply Plan will ensure an adequate supply of potable water for the Charlottesville-Albemarle community for the next 50 years; and

WHEREAS, Albemarle County continues to support the approved Water Supply Plan for the long term water supply needs of the community; and

WHEREAS, the Board of Supervisors wishes to reaffirm its support for full implementation of the Water Supply Plan; and

WHEREAS, the Board of Supervisors has preferred and continues to prefer that the new earthen dam be constructed in one phase to accommodate an increase in pool height of 42 feet, but acknowledges and recognizes that both the City and County need to agree upon the phasing issue in order to cooperatively and expeditiously move forward with the project; and

WHEREAS, time is of the essence to take advantage of the current cost savings in the construction market and to meet the Commonwealth of Virginia dam safety requirements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors expresses its appreciation to the Charlottesville City Council for its support for construction of a new earthen dam at an initial pool height of 30 feet as a component of the Water Supply Plan; and

BE IT FURTHER RESOLVED that, in consideration for the preference of City Council to limit the initial height of the new earthen dam to the height necessary for an initial pool height of 30 feet and in the spirit of cooperation, the Board will support this phased approach to the construction of the new earthen dam, with the dam structure in the first phase at the height that supports raising the existing Ragged Mountain Reservoir normal pool elevation by 30 feet (Phase 1); and

BE IT FURTHER RESOLVED that the Board supports specific and objective conditions to assure that when the urban system water demand approaches a predefined threshold, that the RWSA shall have the right to automatically proceed to increase the normal pool height at the Ragged Mountain Reservoir up to a total pool height of 42 feet at the direction of the RWSA Board without the need to acquire any additional property rights necessary for the implementation of this future phase; and

BE IT FURTHER RESOLVED that this Resolution is contingent upon all parties moving expeditiously to address all remaining issues necessary to begin construction of the new earthen dam to meet the Commonwealth of Virginia dam safety requirements and to ensure the project takes full advantage of the current bidding climate and low financing rates.

Non-Agenda. Ms. Mallek noted that Board members would receive information in their packets next week the Jail Re-entry Summit to be held later in March.

Mr. Foley said the Board will also receive a request on March 9th to contribute \$3,000.00 towards that being held as a statewide event.

Agenda Item No. 17. Closed Meeting.

At 11:47 a.m., **motion** was offered by Mr. Thomas that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to the collection of a local tax; and under Subsection (7) to consult with legal counsel regarding pending litigation related to a zoning decision. Mr. Rooker **seconded** the motion). Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 18. Certify Closed Meeting.

At 1:04 p.m., the Board reconvened into open meeting. Mr. Thomas **moved** that the Board certified by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 19. Boards and Commissions: Vacancies/Appointments.

Motion was then offered by Mr. Snow to make the following appointments/reappointments:

- **appoint** Jason Woodfin to the Acquisition of Conservation Easements (ACE) Committee with said term to expire August 1, 2013;
- **appoint** Charles Gross to the Housing Committee with said term to expire December 31, 2013;
- **appoint** David Ward to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire December 31, 2012;
- **appoint** Jane Williamson to the Places29 Community Advisory Council;
- **appoint** Cyndi Burton, Betsy Gohdes-Baten, Dottie Martin, Neil Means, Carole Milks, Dennis Odinov, Paula Pagonakis, Rick Randolph, and Richard Wagaman to the Village of Rivanna Community Advisory Council;
- **reappoint** John Mattern to the Agricultural and Forestal District Advisory Committee with said term to expire April 17, 2015; and
- **reappoint** Meg Holden to the Crozet Community Advisory Council with said term to expire March 31, 2013.

Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 20. From the Board: Matters not Listed on the Agenda.

Mr. Thomas announced that he has a meeting with the Rio Heights community (Penn Park Lane) on March 11th at Aldersgate United Methodist Church with Sgt. Chiarappa and two patrolmen, who have

been responding to problems on that street. Reconstruction of the interceptor line has caused a lot of issues.

(Note: The Board took a recess at 1:05 p.m.)

Agenda Item No. 21. Call to Order.

At 6:02 p.m., the Chair called the meeting back to order.

Agenda Item No. 22. Pledge of Allegiance.
Agenda Item No. 23. Moment of Silence.

Agenda Item No. 24. Proclamation recognizing the 17th Annual Virginia Festival of the Book.

Ms. Mallek read the following proclamation recognizing the 17th Annual Virginia Festival of the Book:

Virginia Festival of the Book

WHEREAS, Albemarle County is committed to promoting reading, writing, and storytelling within and outside its borders; and

WHEREAS, our devotion to literacy and our support of literature has attracted over 1,000 writers and tens of thousands of readers to our VIRGINIA FESTIVAL OF THE BOOK; and

WHEREAS, the VIRGINIA FESTIVAL OF THE BOOK celebrates the power of books and publishing; and

WHEREAS, businesses, cultural and civic organizations, and individuals have contributed to the ongoing success of the VIRGINIA FESTIVAL OF THE BOOK; and

WHEREAS, the citizens of the County of Albemarle and Virginia, and the world, have made the VIRGINIA FESTIVAL OF THE BOOK the best book festival in the country;

NOW, THEREFORE, I, Ann Mallek, Chair, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim Wednesday, March 16, 2011 through Sunday, March 20, 2011 as the Seventeenth Annual

VIRGINIA FESTIVAL OF THE BOOK

and encourage community members to participate fully in the wide range of available events and activities.

Ms Mallek then read the following letter of thanks to career and volunteer firefighters for their devotion and actions in protecting the community during the weekend fires of February 19, 2011:

“On behalf of the Albemarle County Board of Supervisors, we want to express our great appreciation for the effort and dedication displayed by you during last weekend’s wildfires. Because of the weather conditions and the significant number of fires needing response, we know that everyone’s resources were stretched thin and yet all situations were handled with great professionalism and courage.

We know valiant efforts were needed on the larger fires that threatened homes and other significant structures and properties. While some measure of property damage is unavoidable, no one was injured and only one barn was lost, a true testament to the skills and effective response of our local fire and rescue companies. All of our residents can take great comfort in knowing that their families and their homes are protected by you, the highest quality of emergency responders.

Albemarle County is so fortunate to enjoy the services of our volunteer and career staff who keep community safety and protection as their primary focus. We appreciate the work done every day, and are particularly grateful for the extraordinary efforts during the past week. Please accept our thanks for a job well done.”

Agenda Item No. 25. **Public Hearing** to receive comments on the County Executive’s FY 2011/2012 Recommended Budget. (*Advertised in the Daily Progress on February 27 and March 1, 2011.*)

Mr. Foley said he is pleased to present the FY 12 recommended operating and capital budgets for the fiscal year beginning July 1, 2011. The total budget recommended expenditures is \$301,078,469. He said that the budget is balanced on the current tax rate of 74.2 cents, resulting in a tax decrease for the average homeowner for the second year in a row. Mr. Foley stated that the total operating expenditures increases only \$17,000 out of the \$301 million. The difference in the budget relates to the capital

program. There are no additional staffing expenses for General Government. All position changes have been achieved by reallocation from existing positions and funds to address priorities. He said that the budget stabilizes the organization in terms of core services and focuses on planning for the future rather than creating obligations that will have to be dealt with in the next fiscal year. Mr. Foley stated that staff feels the budget is responsive to the economic times, but also begins the process of planning for and looking to the future.

Mr. Foley presented a review of previous years' budgets, noting that the overall budget has been reduced by \$41 million from FY09 to FY11. He reported that the County's major sources of revenue have dropped dramatically during this period, with sales tax down 21.2%, personal property tax down 16.6% during this period, and state revenues down 9% during this period. Mr. Foley stated that the value of properties during this time period have declined 7%, having a significant impact on revenue from real estate tax. He added that revenue sharing to the City has gone up 35% over this timeframe.

Mr. Foley stated that it's impossible to make these budget reductions without significant impacts, but the County has been able to respond to the dramatic times by embracing four key concepts: transformation, innovation, stewardship, and partnerships. He said that as part of the transformation local government staffing is down to the FY 02 levels, and during this period eliminated or froze 66 total positions in County government – with 61 totally eliminated. Mr. Foley stated that the Capital Improvement Program is down about \$160 million since FY08, with Community Development staffing having been reduced by 30% since FY07.

During this period, he said, the County has looked to be more innovative in how they do things – and both the Social Services and Human Resources departments have both received the Senate Productivity and Quality Award for Organizational Excellence. Mr. Foley said that the County underwent a Resource Management Study several years ago and has implemented 84% of those recommendations. There have also been other vacancies outside of those eliminated that the County has had to shift in order to provide basic services. Mr. Foley stated that the County has looked for alternative revenue sources during this time period and has implemented EMS cost recovery, implemented more aggressive auditing to bring in sales tax revenue, restructured building fees, and has pursued more grants to help pay for services. He also said that the County has implemented the Access Albemarle system to improve efficiency, and the County continues to be named in the top ten nationally for digital government services. Mr. Foley noted that the County's Family Support Program has won an award from the Alliance for Innovation during this period.

Mr. Foley reported that stewardship is at the core of what local government does in land use and a number of other areas. During this time period being discussed the County has decreased the tax burden on citizens while increasing tax relief for the elderly and disabled from \$600,000 to \$1 million. He said that the County's per capita spending has been among the lowest in Virginia on a per average basis and it remains one of just 3% of counties nationwide with a double AAA bond rating, allowing borrowing at the lowest interest rates possible. Mr. Foley stated that energy consumption in local government buildings has been reduced by 22% over this time period. He also said that master planning for development areas, which has focused on land use efficiency, has been completed for three major projects – the Places 29 Master Plan, Village of Rivanna, and five year revision to the Crozet Master Plan.

Mr. Foley stated that partnerships have become increasingly important during the difficult budget time, and the County has continued and enhanced shared services with the School Division. He said that there are more partnerships here than are found in most communities, with shared services for human resources, legal, finance, and capital programs rather than having that duplicated on each side. Mr. Foley stated that the County has continued to work cooperatively with U.Va., with a \$2 million savings realized by having the County lease a building from the University for \$1 a year for the Ivy fire station. He also said that the County has established a grant leveraging fund to bring down more grant funds, conservation easements have been increased to over 81,000 in 2010, and the visitors' entrance in the County building is now manned by the Visitors Bureau rather than County staff.

Mr. Foley said that last year the budget process focused on significant reductions and repositioning of staff and services because the County faced a second year of major revenue declines. This year many local revenue sources have stabilized and while the County has not regained those lost revenues, it is not faced with the unprecedented imbalances of the past two budgets. He said that there is still uncertainty with state and federal revenue, but there has been some encouraging news from the state recently on school funding. The great majority of service level reductions required by past budgets have not been restored in this budget. The County is basically maintaining the level of service. Mr. Foley stated that the County is focusing on suring up services, particularly in public safety. He said that it is difficult to move forward in this environment and put together a budget for the future without establishing some clear goals in developing the budget: to fund basic obligations and core services; to continue to provide financial stability through careful fiscal stewardship; to support the continued transformation of the organization; and to look forward to the future with innovation, high performance and economic vitality.

Mr. Foley presented a breakdown of revenues and all the sources that come in for provision of services, noting that property taxes continue to comprise the largest portion of income – over 65% of revenues, with state revenues representing approximately 22%. He said that 60% of total expenditures are school-related, including School Division operations, capital program, and debt service; 33.7% of the total is General Government operations including public safety, etc.; the remainder is the revenue-sharing amount sent to the City each year.

Mr. Foley stated that the budget represents an increase of \$8.8 million, or 3% - with \$7.6 million of the increase is from bond proceeds for one-time capital projects. He said that operating expenditures

have only increased by \$17,000. This budget is balanced on the current tax rate for the second year in a row. State revenues have declined by about 5% or \$3.4 million across all funds, with the majority being reductions by the State for school aid. Mr. Foley stated that General Government operations are up 1.1%, going primarily to support school system and public safety operations – with school operations up 0.7%, representing the County's total funding to the school system based on the approved 60/40 split. He said that with positive signs from the state, the number will go up fairly significantly. Mr. Foley noted that the budget includes a Capital Improvement Program that is primarily focused on maintenance with the exception of the Ivy Fire and Rescue Station and a second phase addition to the Greer Elementary School.

Mr. Foley reported that the County is beginning to experience stabilization with general fund revenues and the picture is improving compared to the last several years, but there is not an actual recovery of those revenues so the County is operating on a different base. He said that the stabilization in the proposed budget is reflected with revenues overall in the general fund being up 1.1%, real estate values declining 1.25% overall, and other sources remaining flat. Mr. Foley added that sales tax is showing some positive signs of improvement. He reported that the average home value last year was about \$297,000, and that has declined to approximately \$292,000. Mr. Foley said that since the tax rate has not be increased in the proposed budget it will result in an average \$36 savings to the average homeowner in the County and an average \$90 savings last year. Mr. Foley stated that the general fund expenditures has increased by approximately \$2.3 million, but also reflects significant reallocation of funding across departments to support priority needs and core services. He said that the largest increases in the general fund are going to support the school system and public safety operations.

He reported that the budget funds basic obligations and core services by providing 60% of all new revenues to the School Division, a policy that has been in place for a long time; public safety personnel cost increases are reflected in this budget; debt service has increased \$17.2 million for previous construction projects; City revenue sharing has decreased slightly but still accounts for \$18.1 million of expenditures, and most community agencies will receive a 1% increase in funding this year – they received no increase last year.

Mr. Foley stated that the budget is focused on core public safety and financial management needs. This budget provides some additional staffing, overtime and training to meet critical needs – including some new police officers, provides additional funding for contractual obligations where there have been increases from community public safety agencies – such as increases to the Regional Jail, the Emergency Communications Center (ECC), the SPCA, and projected increases in the fire contract with the City which helps to provide fire services throughout the County.

He said that the second goal is to ensure financial stability through careful fiscal stewardship. For the first time, this budget establishes a 1% stabilization fund and \$744,000 in ongoing revenues as a contingency for continued downfall in state or federal revenues or changes at the local level. Mr. Foley stated that the budget projects strong fund balances to protect the County's AAA bond rating and reflects some known state and federal budget impacts, with a conservative position being taken to protect against further downfall. He said that the budget establishes a vehicle maintenance fund at a higher level than in the past to ensure that the money is there to replace vehicles when needed instead of having to buy many in one particular year. Mr. Foley stated that the budget decreases employer healthcare contributions, resulting in a \$275,000 savings.

Mr. Foley stated that the budget also supports the continued transformation of the organization, with repositioning of staff to support core services without a net increase in staffing expenses. He said that it eliminates three additional positions for a total of 66 eliminated or frozen, including some management staff positions, Director of Facilities Development, a Deputy Parks and Recreation Director and Records Clerk in the Police Department. Mr. Foley indicated that it does allow for unfreezing of two police officer positions and a Deputy Director of Social Services to support essential services. In the Finance Department, he said, it unfreezes an account clerk and reallocates a position from the County Executive's office to the Finance operation to help keep them sured up in terms of core services. He noted that the budget also restructures the County's fleet management operations, consolidating it into an overall County operation. The budget continues to target expenditure reductions in operational areas including Parks and Recreation and Community Development Departments as well as other areas for potential savings.

Mr. Foley stated that the budget looks forward with innovation, high performance and economic vitality. This budget reserves funding for the operation of the Ivy Fire Station which will begin in FY13. He said that construction is expected to be completed in FY12, with funding set aside now for staffing in the future. Mr. Foley said that the budget streamlines work functions through new online systems – both internally and externally – and supports the Board's goal for economic vitality. He stated that the Board has been trying to invest in generating an improved economic climate and this budget continues funding for the Economic Opportunity Fund, sets aside money that might support job credits for new businesses coming in and it adds funding for a target industry study to try to attract the right kind of industry for Albemarle County. Mr. Foley said that the budget also retains contributions to the Chamber of Commerce, Visitors Bureau, Thomas Jefferson Partnership for Economic Development and Piedmont Workforce Network. He added that it also supports reallocation of staff to better foster the economic vitality efforts. Because of the County's focus on high performance requires well-qualified staff, Mr. Foley said that the budget also includes a 1% market increase for staff, the first permanent pay increase staff has received in three years.

Mr. Foley reported that the total School budget in terms of its operating division is \$145 million, which represents an increase in local transfer of \$1.2 million or 1.2% and total general fund support of

\$97.2 million. He said that the budget also reflects a funding gap of about \$3.8 million between what the School Board has requested and what is in the budget currently, which Mr. Foley said the County hopes to fill with additional state revenues and decisions on any local revenue that can be increased or any additional one-time monies that might help fill that gap.

Mr. Foley reported that the Capital budget for FY12 is projected to total \$18.1 million, funded by loan proceeds and capital reserves without a lot of local revenues assigned except to pay debt service. He said that it continues to reflect the magnitude of reductions from the past two years, with \$160 million cut out of capital over the past few years. Mr. Foley stated that the Capital program focuses on maintenance but does include the two projects previously mentioned and increased debt service for school and court projects that have already been put in place.

Mr. Foley said when he started his presentation he focused on the concept of transformation. He thinks that the things he covered today by the goals and areas where reductions have been made clearly demonstrates that the County has been about transformation, stewardship, innovation and partnerships during the last two years and would need to continue doing that while moving forward. As they go forward in this proposed budget, in terms of the budget and general operations on a day-to-day basis, they are focused and committed to embracing high performance.

In conclusion, Mr. Foley said this budget does a good job of meeting the goals that were established as it was developed. The budget meets basic obligations and core services by supporting the school system and keeping operational expenditures flat except for capital borrowing, focuses on financial stability by creating a stabilization fund, provides a tax decrease for the second year in a row, and does not add additional staff expenses. The budget also continues transformation by creatively repositioning staff rather than adding staff to a total 66 positions that have been eliminated or frozen. He stated that the budget is forward looking in preparing for the future by setting aside money for a future fire station and supporting the Economic Vitality Action Plan.

Mr. Foley said that this is the first of two public hearings, with the second one slated for March 30, 2011 and several budget work sessions in between. The first budget work session will be held on March 7, 2011. He noted that the Board plans to have a final vote on the budget and tax rate on April 6, 2011. This meeting tonight invites public comment for use in those work sessions.

Ms. Mallek said everyone appreciates the effort of staff throughout the last months to be rigorous in their approach to the budget, to work with School Division staff, and to make sure that the Board has the very best information possible. The Board has stepped up its activity beginning last fall to have meetings earlier, to increase the number of contacts with the School Board, to help each branch of government understand the dilemmas of the other, and to enable them to do a better and have higher performance for themselves this year. She said that it is important to hear from the public and to help the Board to focus on items of particular interest.

Mr. Thomas thanked staff for putting together a fantastic budget.

Mr. Dorrier asked what the population of Albemarle is currently. Mr. Davis responded that the County population is 98,970. Mr. Rooker indicated that it had increased about 17% over the past 10 years.

The Chair opened the public hearing.

Mr. Dave Oberg said that he has been accused recently of being "evil," and has also been called greedy and a thug. He does not think he is any of those things. He said that he hopes the conversations that have happened in other places around the country regarding public employees being "lazy" or "greedy," won't start to happen here. Mr. Oberg stated that there is nothing personal with the disagreements, and 99% of people are good people. The Board members are doing a good job. He hopes that they can keep that perspective as they go forward and be grateful to public employees, and be grateful to the people who are watching the public employees and making sure that they are all doing a good job, and holding themselves accountable.

Mr. Steve Gisendaner addressed the Board, stating that the projected shortfall for schools for next year is \$13 million. Each year he reminds Board members that the decisions they make each year will come back and haunt them the next year. He asked if the Board is planning for that in the future or if they are just playing politics and "kicking the ball down the road." He emphasized that a budget says a lot about what a community values and it is a moral document. He asked if policemen are more important than open space; are schools more important than jails; and are the less fortunate important as the more fortunate. He asked if this is a budget this Board can stand behind every day.

Mr. Gregory Quinn said that he appreciates what the Board is doing but believes they are "putting their building on sand." Mr. Quinn asked about any studies being done regarding illegal immigration, noting that it has taken jobs away from local contractors. He said that if sovereign citizens and businesses here can't make a living because the County won't enforce the law, the budget will be difficult in the long run. Mr. Quinn also commented about Medicaid rolls growing exponentially, which he would address with Board members individually.

Ms. Margie Shepherd said that she is speaking for herself and also on behalf of the Albemarle Education Association. She told a story of her father, Bill Walsh, who was an FBI agent working on mafia and organized crime cases. Ms. Sheppard said that sometimes jobs can be crazy so long you think it is normal, and normal for County schools last year meant bigger classes, more classes, different levels, a

35% pay cut for stipends, no money in staff development, no raises, school work on Saturdays and Sundays, and little back up. Normal became exhausted and demoralized. She stated that when people are clamoring for low taxes at the national and state levels it means responsibility gets passed onto the local level. When the Board lowers taxes, they put the responsibilities onto the backs of all the people working to make this County great - the children in the County, teachers, custodians, bus drivers, administrators, etc. , She asked the Board to "repair the damage" before crazy is the new normal. If the state pulls out more money, the Board needs to repair it anyway. If the Board continues to make these reductions, the County will be heading towards a third world school system, not a world class school system. She asked the Board to do the right thing and fix what is broken.

Mr. Keith Drake addressed the Board, stating that he is Chairman of the Truth in Taxation Alliance, and the low turnout tonight shows that the Board and Mr. Foley have done a good job. He is encouraged that the County Executive's budget proposes no change in the tax rate resulting in a slight decrease for the average homeowner. Mr. Drake asked if every operational efficiency has been implemented, noting that the County has adopted 84% of the resource management review findings but the schools' resource utilization study outcomes have not been brought forth. He also said that his organization asked for results from the program and service review done about four years ago, whereby each division was asked to propose how to cut 10% from its budget. His organization asked for the results of that review but was denied access to the information. Mr. Drake stated that between FY04 and FY11, the County staff grew from 531 to 576 employees – about an 8.5% increase – but employee benefits grew from \$6.0 million to almost \$13.0 million, 114% increase. Benefit growth outpaced staff growth by a 13:1 margin and even with inflation that is eye opening. He also said that in last year's Human Resources budget there were five managers compensated at over \$130,000 each and the ratio was 3:1 staff to manager. In this year's proposed budget, they added a couple of managers and reduced one staff resulting in a ratio of 2:1. No business would operate that way and County government should not be expected to operate that way. Mr. Drake stated that he started a political action committee – IMPACT ('m Paying Additional County Taxes) as an easy venue for people to donate to County government, but only one donation was received for \$25 to the School Division. He asked the Board and County staff to keep up the good work.

Ms. Betty Sevachko said that she is present to plead her case not to raise her tax burden, as she lives on a fixed income. She said that she is 64 and single, and has to make cuts to meet her budget. The cost of food, gas and other essentially are increasing. Ms. Sevachko stated that governments have failed to live within their means and now the taxpayers are paying the price. She said that not until government is spending every penny of tax money effectively and efficiently should they even discuss raising the tax rate or increasing the tax burden. In these tough economic times the County needs to do more to ensure that each penny is spent in a fiscally responsible manner. She said that many years ago she worked for John Kluge, a former County resident and taxpayer. While in his home he had a jar of pennies and when she asked him about those pennies he said it was a reminder of his motto that if you watch the pennies, the dollars will take care of themselves. She asked the Board to think outside the tax box and insure that County pennies are spent effectively and efficiently for the taxpayers needs and not wants.

Ms. Jane Kulow, President of Albemarle County Schools Parent Council, said she would focus on three aspects of County schools: the immediate need for funding, the ongoing need for recurring funding, and the contribution of a quality education to the County's economic growth. Ms. Kulow said that in the immediate, County schools need use of a portion of the fund surplus in order to restore funding for teachers cut in this fiscal year, which will address the high number of classrooms and teacher/student ratio. If the State legislative budget prevails, it will help provide some of that funding deficit, but the remainder needs to be allocated from the County's surplus funds. She stated that recurring funding continues to take a hit from the State, and it has been reported that some funding has been transferred to one-time funding. Ms. Kulow said that with increased enrollment and increased benefit costs, the schools needs the Board to meet the need for recurring funding for employee compensation and ongoing expenses. She added that the schools also need the Board to appreciate them as integral to economic growth, as one of the main attractions for potential industry is top-notch schools. Ms. Kulow stated that at last fall's School Board work session on "aligning Albemarle," many of the top employers expressed their support for a great education system – and the DIA quoted three concerns their employees had about relocating: can I sell my house, can my spouse get a job, and what is the quality of the schools. The County needs the Board's attention to economic growth to acknowledge the necessity of high quality schools in their plans. Schools are educators of the workforce, critical for recruiting the best and the brightest and they are vital to attracting new industry. She said that often parents, students, and teachers get "dismissed" when speaking with the Board about education – as if they are a "special interest group" – but funding a quality education is in the economic interest of all of Albemarle County. She urged the Board to support the voice of business and community leaders all of whom have stressed the importance of high quality education through the economic development of the community.

Ms. Audrey Welborn, a resident of the Jack Jouett District, said that she was impressed with tonight's presentation and appreciates all the work that went into the County Executive's presentation. She said that she is also thankful the tax rate has stayed the same. She stated that the cost of fuel and other goods is going up steadily, and she hopes that the County will make sure that everything that can be cut will be cut without unduly compromising what the County needs to do for its schools and the services. Ms. Welborn said she spoke a couple weeks ago about ICLEI and asked if there is funding in the budget for it for the coming year.

Ms. Mary Anne Ducette, a resident of the White Hall District, thanked the Board and staff for coming up with a budget that held the line again this year. She lives on a fixed income and her salary does not increase and she is being forced to change her lifestyle. She said that while she supports having

a good education system and other things, there are a lot of people in the community who currently have no work at all or are underemployed.

Ms. Courtney Erickson addressed the Board, stating that she is an 8th grader at Henley Middle School and is thankful for the technology at her school – which some of her cousins in other states do not have. She also said that she has cousins whose physical education has been cut, so they are doing exercises in their classrooms and doing art at lunchtime – with no additional time for extracurricular classes. She said that she is fortunate to have all these resources in her school.

Ms. Barb Rosen, a teacher in the County school system, said that the reason there is a low turnout tonight is because people are feeling comfortable this year and don't have concerns. She stated that "everything is not OK," and it's going to be really bad next year. Ms. Rosen said that the schools made it OK this year, but next year that would not be the case. She invited "all of the people with orange signs" at this hearing tonight to come and spend a week in a classroom and see the cuts and see how teachers are working with fewer materials. Ms. Rosen pointed out that teachers are also on a fixed income. She is 46, do not have social security, and do not have any other resources to get money. She has not had a raise in three years and health insurance costs increasing. She has three jobs to make ends meet and still tries to be the best teacher she can be. She said that Albemarle is one of the wealthiest counties in the State, yet has one of the lowest tax rates. She said that she does not think schools can survive during these times with just a blackboard and a piece of chalk. It is important to teach the children to survive and be leaders in the 21st Century. Ms. Rosen stated that she shaved her head this week as part of an effort to raise \$20,000 for the American Heart Association and hopes that she doesn't have to raise \$20,000 next year for her job.

Ms. Dawn Greco, PTO President at Broaddus Wood Elementary School, said that the budget process has been very confusing. Ms. Greco said that it seems the money is here and then it's gone, and she is concerned about the impact of a \$3.8 million shortfall. She has been before this Board many times asking it to support the Superintendent's budget, but feels that her plea falls on death ears. Maybe people are not here tonight because nobody is listening. She stated that her kids go to great schools but they could be better as the teachers are overworked, overburdened and stressed. The Board's job is to set priorities for what is important in this County and there is nothing that is more important than the education of the children. She asked the Board to take her comments into consideration.

There being no further public comments, the Chair closed the public hearing.

Mr. Rooker acknowledged that the process is confusing, as a significant portion of the School budget is State revenues – and the State only recently came to a conclusion on its budget. He said that from the schools' perspective there is good news from the State as the \$3.8 million deficit would likely be covered in part from \$2.5 million more from the State than expected – and the remainder coming out of the schools' contingency fund. Mr. Rooker emphasized that revenue has to be dealt with year to year, even though the County has a five-year financial plan. He said that last year the County thought this year would be bad for school funding, but it has turned out not to be as bad as anticipated.

Mr. Dorrier commented that seniors are also in dire financial straits, having to make choices between food and medicine, and there are a number of people here tonight who are on fixed incomes. He emphasized that the tax rate needs to be comparable to deal with that situation.

Mr. Snow said that the Board does listen in these meetings and tries to balance the needs of all constituents with the money that is available so as not to place undue burdens on citizens who cannot afford additional taxes.

Mr. Boyd stated that Albemarle County is the most "sustainable funding" source that the School system or any operation has. The County is not the surprise point every year. The sources of one time funds come at the state level and the national level. He added that the County cannot be expected to make up for State shortfalls every year, and the only way it can be done is raising the tax rate – which then burdens another sector of the community. The Supervisors continuously tries to balance what is the appropriate thing to do. It does bother him when people come forward and say that the Board does not recognize how important the education system is to the economic vitality of the area as the Board is aware of its importance and how it must be maintained. The difficult part is translating that into a dollar figure.

Mr. Thomas said that economic vitality is at the top of the Board's list, and the Board does not shun education at all.

Agenda Item No. 26. Adjourn to March 3, 2011, 3:00 p.m., Room 241.

At 7:19 p.m., Mr. Boyd **moved** to adjourn the Board meeting until March 3, 2011, 3:00 p.m., Room 241 for a work session on fire and rescue. Ms. Mallek **seconded** the motion.

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

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

Chairman

Approved by Board
Date: 11/02/2011
Initials: EWJ