

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 5, 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. Adoption of Final Agenda.

Mr. Boyd said he would like to add discussions about the Meadow Creek Parkway and the Western Bypass northern terminus to the end of the meeting. He said he wanted to request Board approval of a resolution from the northern terminus task force committee.

The agenda was accepted as amended.

Agenda Item 5. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Jane Kulow, a County taxpayer, said that she and her family are avid users of the incredibly crowded Crozet Library. She was present to urge the Board to move forward with building the new library. She said the current library is smaller than most Albemarle County homes and is one-tenth the size recommended for the population served. The parking lot is a serious accident waiting to happen besides being inadequate for usage. Ms. Kulow said the collection is one-third smaller than recommended for the population size and is at zero growth management. For a new book to come in, another must go out. If the Board truly cares about growth, break ground on the Crozet/Western Albemarle Library and watch what happens in downtown Crozet. She stated that the library provides a center for the community, and this community has outgrown the current facility. A lot of the residents feel that waiting any longer borders on a breach of trust and is one more manifestation of the inability of the Board of Supervisors to follow through on needed projects in a timely manner. Ms. Kulow said that any further delay is a failure of the County to provide its citizens with the basic services this County promises.

Mr. Mark Kastan said that he is the Executive Director of the Colonnades – a senior living retirement community with over 360 residents and over 185 full-time employees. Mr. Kastan said he fears the building of the bypass will ruin their business and possibly close them down as it would be built 1,000 feet behind the entrance to their skilled nursing neighborhood on the south side of their independent living community. He stated that one of their main selling points is the peaceful tranquility and beautiful views, which could disappear if the bypass is built. Mr. Kastan said people are already asking how the bypass will affect the community and their potential for losing business has already started. He stated that at the very least they should have input into the part of the plans that will encompass their community, and asked if the bypass is built there should be sound barriers, landscaping to minimize noise and views, building on the far western side of Stillhouse Mountain and not on top, building the elevated bypass portions out of their view, and implementing preventative measures to stop runoff and pollution due to construction. Mr. Kastan said they have been an asset to the community for the past 20 years, supporting local causes that fight cancer, Alzheimer's and other major diseases, as well as paying taxes and providing jobs. He stated they are a model business and asked the Board to make the right decisions to keep the Colonnades a viable business.

Mr. Rooker asked if Mr. Kastan was aware of the committee to address the portion of the bypass that is in the Jack Jouett District, noting that Nancy Goodrich from the Colonnades is on the committee. He said he would like to have a copy of Mr. Kastan's letter for their meeting next week.

Mr. Kastan said he appreciated the support.

Mr. Tom Loach, a resident of Crozet, read a portion of a letter from the Director of the Jefferson-Madison Regional Library that indicated that the Crozet Branch Library circulation was up 29.2% over the previous year. The collection size is also limited and the Library cannot hold any more material. For every book added to Crozet, they have to remove one which results in a static state of collection size. Mr. Loach said that the demands for expanded library services are growing in the Crozet community. He noted that the letter was dated December 8, 1993 and was part of the first Crozet Community Study, which identified the need for library services. Mr. Loach said the community was told that support for libraries and infrastructure would be part and parcel of their master plan, adding that the Board has already approved enough housing to support the population in the first master plan – with the new master plan including enough for 17,000 residents.

Ms. Elly Tucker said she and her husband, Bill, have lived in Albemarle for almost 40 years. She said that in 1986 VDOT began to evaluate the possibility of building an expressway along the existing Route 29 corridor. After studying the proposal for a Western Bypass it was deemed to be an ineffective and outdated roadway and was doomed to fail. Ms. Tucker asked Mr. Boyd, Mr. Thomas, Mr. Snow and Mr. Dorrier why they think this road, which was obsolete 25 years ago, is now a good idea. She asked why they were helping VDOT hide the real costs of this road, and asked them if they really think building the cheapest version of this substandard roadway would make people happy. Ms. Tucker said the VDOT folks have apparently duped four of the Supervisors and want to build this road at any cost – with extra costs likely funneled back to localities. She asked where is Albemarle going to come up with \$200 million - from schools, social services and raising taxes so that truly only the most affluent would be able to live in Albemarle County. She said that Mr. Mac Lafferty, who represents CHART on the MPO, stated the situation as it stands now when he said, "I have a problem when you have a populous that came out two to one against it, and we didn't address a single concern that they had." Ms. Tucker asked the Board if their position would be that of Mr. Boyd's – that the public needs to get out of the way. She gave a warning to the residents of Hollymead and Forest Lakes: "These same Supervisors, if not ousted, will sell you out too if they can get money from the state to do it."

Mr. John Savage, a resident of western Albemarle County, encouraged the Board to move forward with the Crozet Library. Mr. Savage said the present building that the Crozet Library occupies has been in use since 1984. The growth in that area since then has been encouraged by the Board yet the residents are still saddled with this miniscule facility to serve the needs of the community. He stated that the staff does a great job in providing services to the community, noting that more than 12,000 books were read by children in the summer reading program. Mr. Savage said the Board has the opportunity to borrow at historically low rates, with construction costs at their lowest in decades, so it is economically effective to move forward at this time.

Mr. Charles Battig addressed the Board, stating that Lexington, Virginia and Norman, Oklahoma, had both dropped out of ICLEI. Mr. Battig presented information from reports that he indicated had no consistent documentation of greenhouse gas levels and what was causing them. He asked how the County measures climate although no one has given him a definition on how the climate has changed. He noted that the Thomas Jefferson Planning District had a student project underway to "tell us what is livability," adding that it is not a core function of local governments to set emission standards.

Ms. Liz Palmer, a resident of the Samuel Miller District, said she was here to address concerns about the Western Bypass. She mentioned a report she had heard on the Tapenzee Bridge – which was built in 1955 by the then-governor of New York as a three-mile stretch over the Hudson River because he needed the toll money to finance the NY throughway. Ms. Palmer said today the bridge is the poster child for America's crumbling infrastructure, with the estimated replacement cost at \$16 billion. Ms. Palmer said that the Governor of Virginia does not have the money to build the Western Bypass correctly. He wants to get it built for political reasons. She stated that even in the best of circumstances the bypass would increase sedimentation in the watershed, and it is known how much it costs to remove it and how much damage it does. Ms. Palmer urged the Board not to cut corners on this road and to find the extra money before committing to build. She asked that the Board insist on a proper design for the bridge and make sure that their children and grandchildren are not left with a major bill.

Mr. George Larie, a 23 year resident of the County, said that CATCO got FOIA documents indicating the bypass cost was two to three times what Secretary of Transportation Connaughton presented to the CTB back in July. Mr. Larie said when the Secretary was questioned about that disparity he indicated it was because the estimate was based upon "a new design," yet the project manager for the job – Harold Jones – stated that VDOT was using their 1997 plans. He stated that Secretary Connaughton has said the money would be saved by using the design build method, although VDOT documents state the method is more costly than traditional approaches in designing and building roads. Mr. Larie said the property value of what must be taken for right of way for the bypass exceeds \$120 million, according to VDOT estimates, which would amount to about \$900,000 in property taxes every year – not even including lower property values for homes and land near the bypass. He stated that the actions of four Board members are allowing VDOT to move forward in a fiscally imprudent and improper way to construct a roadway that will forever scar the face of Albemarle County and that will not solve the traffic problem on the Route 29 corridor. Through their actions they are assuring Albemarle County lower tax revenues forever, a loss that will negatively impact all members of the community.

Mr. Milton Moore addressed the Board, stating he has lived in the community for 23 years and has opposed the bypass for at least 20 of those years. Mr. Moore said he has served on the CHART Committee and went to all design advisory meetings, a citizens committee with a VDOT member, and everything was transparent throughout the process. There was nothing done behind the scenes. He stated that the bypass was rejected for valid reasons that have not change. Four Board members worked behind the scenes with Secretary Connaughton to revive a destructive road that is not a bypass, and they pulled a sneaky deal on June 8th. Mr. Moore said in a June email, the authors questioned Mr. Sundra of the necessity for public input and an environmental assessment and it is apparent that the cost does not matter. He stated that a design build method is being used to rush the project through. He wonders if VDOT has known all along who the contractor would be which would be just another behind the scenes part of a done deal. Mr. Moore said that future funds would continue to be added as necessary to complete the project, even if it takes \$500 million.

Mr. Moore said if there is karma, he hopes the four Board members who revived this destructive road will spend your next lives struck in traffic on the bypass which they designed and built.

Mr. Carl Pomeroy addressed the Board, stating he is a resident of western Albemarle here to speak about the Crozet Library. Mr. Pomeroy said the library is woefully undersized and heavily used, and there is an opportunity now to move forward with construction of a new library – which would spur local development. He stated they have support of independent private enterprise, including a developer who has put forth a plan to adhere to and compliment the design of the new Crozet Library. Mr. Pomeroy said the economic situation with low construction costs means this is the time for the Board to act and spur the needed development in downtown Crozet. He asked the Board to make a decision soon to support the funding of the library.

Ms. Jane Porter Fogelman addressed the Board, stating that she is a native of the area with her family being here since the late 1600s. Ms. Fogelman said she has been selling real estate here for the last 35 years, and it is reprehensible that the Board has held a portion of the County hostage for over 20 years because of the bypass. She stated that people have watched their property values remain stagnant and now plummet. It is totally unfair. Ms. Fogelman asked the Board to publish a list of facts about the bypass, as there are a great many people who do not know the facts. They do not know how little of the Route 29 corridor this actually covers. She said there is so much innuendo circulating around the cost and asked them to publish a list of supportable facts so people can see what is being requested in the RFP. She said that they all know that the bypass is a totally ridiculous idea actually, but she asked that the Board give the people that elected them the ability to see the actual facts.

Ms. Susan Reid, President of the Woodbrook Community Association, said the Board voted unanimously in April 2010 to end a sidewalk from Arden Place at the Carmike terminus. There was supposed to be a gravel area for maintenance of the stormwater management area and nothing beyond that. Ms. Reid said it was quite a surprise at the grand opening of Arden Place to see that the sidewalk goes at least 200 feet beyond the terminus and is paved all the way. She stated when the Association brought this to the Supervisors' attention, they were told they were "confused" and perhaps there was a site plan adjustment or an administrative override. Ms. Reid said if that is the case, why bother with the charade of a public meeting. She said the issue was voted down once before and then quietly brought up again and voted yes in a meeting with no notice to the Woodbrook citizens, with a subsequent vote to stop the sidewalk at the terminus. It begins to sound like someone has an agenda to put in a sidewalk to Woodbrook and perhaps later, a road. The issue is that someone built something that was not approved by the Board. Ms. Reid said a meeting with the Director of Community Development and a Planner did not clear the matter up at all, and this is in no way a road that is meant to be temporary. In fact many of the trees that were cut down to do this were in the Woodlands preservation area. She stated that Woodbrook residents were told the County would not know whose property the sidewalk was on until the whole project was finished, and whether or not the Board supports the sidewalk or not, citizens should be concerned. Apparently a "no" in public can become a "yes" in private." Ms. Reid said they have a petition signed by over 100 people to tear the sidewalk down and the Board needs to fix the project to the specifications that were voted on and documented in a public meeting. The entire Board all voted on this and all have a responsibility to see that it is done correctly.

Ms. Emerald Young, a County resident, said that she is here to ask the Board to revoke its approval of the Route 29 Bypass, based upon the new VDOT office estimates – which have gone from \$244 million to \$383-\$585 million. That is quite a big gap from the original estimate. Ms. Young said at this time, when federal monies are very unstable and the Governor's budget is based largely on bonds, this is a very high risk financial project. She asked the Board to be fiscally conservative and revoke their support, adding that the threat to the water supply is an ongoing problem.

Mr. Morgan Butler, speaking on behalf of the Southern Environmental Law Center, said that haste makes waste, and not surprisingly questions continue to surface about the 29 Bypass proposal. Mr. Butler said several speakers today have expressed concern about the cost uncertainties of the bypass to taxpayers – uncertainty even from VDOT's own engineers. He stated that similar questions surround other important issues that should have been nailed down long before the project got to this point. Mr. Butler said there is still no known design for the northern and southern interchanges or how they will impact the community. He stated that local task force recommendations are nice, but since local leaders have already signed off on the project VDOT is free to reject those recommendations – as they have made clear. Mr. Butler also stated that no meaningful traffic modeling has been undertaken on this project for over 15 years, so despite the fact hundreds of millions of tax dollars are at stake there is very little idea as to what this project will do to reduce congestion. Past studies show little benefit, and it is hard to believe a request for proposals has been issued with such important information still lacking. He also said there is much more known now about important environmental issues, including how exposure to vehicle emissions can harm the health of children and elderly people – yet the process has not slowed down long enough to examine how those effects might impact children attending the six schools located along its proposed route.

Mr. Butler said at the last meeting, [the four Supervisors] voted against a resolution that would have called on VDOT to get answers to questions like these before it enters into a contract, and two Supervisors on the MPO missed another chance last week to improve the process. They urge the Board

to do more to protect local concerns and make sure that better information is available before a contract is signed. Mr. Butler said that just getting out of the way is not responsible leadership.

Mr. Daniel Bowman, a County resident, addressed the Board, stating that he is Vice-President of ASAP – Advocates for a Sustainable Albemarle Population. He said there is no need to repeat the many objections to the Western Bypass, but noted that the [four Board members] have not responded to the substantive issues that have been raised in opposition. Mr. Bowman said they claim to be fiscal conservatives, but this project flies in the face of any definition or any concept of the term that he has ever heard. He stated that the least they owe the citizens of Albemarle is an explanation of how much it will cost each of them to build this bypass. Mr. Bowman emphasized that he pays state and federal taxes, so they would be paying for it one way or another. He said that he thinks it is the Board's responsibility to tell the citizens how much it is going to cost if they plan to go ahead and build this thing.

Ms. Dolores Rogers addressed the Board, stating that she is a resident of southern Albemarle in the Scottsville District. She said it has come to her attention that the Board is considering \$25,000 for an additional Scottsville police officer – but staff has said it is not a necessary expenditure. Ms. Rogers said she lives in a cottage on six acres by herself on a stretch of James River Road where there have been several serious accidents, and the first people on the scene if she has a 911 emergency would be Scottsville police officers – with assistance from the County police force not arriving for about 42 minutes. She stated that \$25,000 for one officer “is a win-win” that might help save lives and keep residents safe.

Mr. Jeff Werner, of the Piedmont Environmental Council, said that the reason people are upset with the Western Bypass is there is the significant missing information. Mr. Werner said since June, it has been evident how “unconcerned” Board members are about community concerns, with Mr. Boyd stating last week the job of citizens was “to get out of the way.” He stated that County residents and taxpayers have decided they will not get out of the way, and the Board members need to read the RFP. Mr. Werner said in the FOIA documents is a deleted slide that says, “the bypass will not eliminate need for major improvements on Route 29 business corridor.” He said that in discussing the design build process on June 30, VDOT discussed the design build contract and found one pro, seven cons, with the seventh being “this is likely the most expensive option.”

Mr. Werner said he has presented a matrix that addresses the risks and the estimates, which was derived from the chief engineers and chief staff. He stated that Board members “fear VDOT might withdraw this deal. This is 100% political. This Board does not have to ask VDOT questions, it can demand them of them. Mr. Werner said the chief engineer wrote he “did not feel comfortable” with the district engineer's estimates from April. He said they have said it is for a new design, but there is no mention of that anywhere. Mr. Werner said that by not demanding facts and information from VDOT, everyone on the Board are complicit in this sham being forced upon this community and the taxpayers of Virginia.

Mr. Boyd commented that Mr. Werner was quoting him out of context. He asked where the comment was in reference to that he said “they have to get out of the way”. Mr. Werner responded that the comment was in *The Daily Progress* last Tuesday, in a box in the upper corner.

Ms. Tammy Moses said that she is a resident of Albemarle County and a native of Charlottesville. She said that she is here again to oppose the bypass. Ms. Moses said that what is missing from the process is due diligence, accountability and transparency. She stated that no due diligence has been undertaken here and any attempt to do so has been shot down by Board members in favor of the bypass. Ms. Moses said this project has a 20-year old plan, a 20-year old budget and an 18-year old environmental assessment. She asked if, as business folks, would they run your business this way. She asked if they do not run their own businesses this way, why do they run the County's business this way.

Ms. Moses said there is no money in the economy, and schools are short about \$1 million – but apparently that is not an important issue, as the bypass will come close to six schools. She stated that the VDOT estimates are as high as \$585 million, and asked Mr. Boyd why he did not request more information for the MPO prior to committing to such a large outlay. Ms. Moses said that Board members have said they trust Secretary Connaughton, but trust has nothing to do with it. Business is business, and it needs to be in writing. Due diligence needs to be on all levels. The Board needs to reassess its decision on the bypass and request a full Environmental Impact Study. She stated that many citizens are suffering and it is time to change the Board dynamic.

Ms. Lainey Kaminer addressed the Board, stating she is a 40-year resident of the County. Ms. Kaminer said she has recently been in a meeting with concerned citizens of the Jack Jouett District and two VDOT representatives discussing the proposed Western Bypass. Bids will be going out within a matter of weeks with an award given in early 2012. She stated that VDOT does not have any updated engineering drawings since 1997, does not know what the termini will look like, does not know what the road would cost, does not know the updated environmental impact on the community, and does not have an updated destination study or traffic count for the road. How can a road costing between a quarter billion dollars and one-half a billion dollars be built not knowing these vital questions? Ms. Kaminer said that no design build project of this magnitude has been constructed in the Commonwealth of Virginia. Albemarle will be the guinea pigs. She asked what the rush is. She also said there is no guarantee that the entire cost of the road plus the improvements to Route 29 North will be funded. No one seems to

know. Ms. Kaminer said this Board purports to be against wasteful spending and for job creation, but the project is too big for local contractors and thus will not be a big money-maker for the community. She asked that the Board reconsider this wasteful spending.

Mr. Pete Whitt addressed the Board and congratulated Mr. Foley for lining up the end of the fiscal year with a \$9.932 million surplus.

Mr. Neil Williamson, of the Free Enterprise Forum, said that he knows the hours of public input they have withstood with regard to the Western Bypass. He said that each Board member has made a very conscious decision based on their background and thinking, and he appreciates that decision.

Mr. Tim Tolson, a resident of Western Albemarle, said that he is here to speak in support of building the Crozet Library now. Growth is already in this part of the County. Mr. Tolson said house transactions are up over last year in Crozet, the median sales price for single-family homes and townhomes is up. He stated that they are supporting the tax base but are not getting the infrastructure that was discussed by Mr. Loach as a need pointed out 18 years ago. Mr. Tolson said the County's own 1999 study showed a larger library was needed in the Crozet/Western Albemarle region within two years. In 2004, the County started a process for the new library. He asked the Board to explain why seven years later he is here urging them to start building a new library. Every other surrounding county has built a library within that time period. He stated that the Crozet Library is the only branch in the system that had an increased circulation over the last year, and the reading program had 630 children operating out of a 1,700-foot library. Mr. Tolson noted that Mr. Snow was there over the summer and saw how crowded it was. He asked the Board to build their library now.

Dr. George Politis, a physician at U.Va., addressed the Board, stating that he is a pediatrician with training in public health. He is present to speak about the Route 29 bypass. Dr. Politis said he attended the MPO meeting in July, and is concerned that the bypass was pushed through without proper consideration of the environmental impact on the children and teachers who would spend a large amount of time near the road. He said there is a growing body of evidence that there are detrimental health effects on people who are in close proximity to such highways, including development of asthma, aggravation of existing asthma and bronchitis, poor lung function, coronary artery disease and possibly cancer. Dr. Politis said the World Health Organization and the Academy of Pediatrics have published statements that say it is detrimental for children to be in close proximity to these types of highways, and the American Lung Association and Centers for Disease Control published similar concerns. He added that the Health Effects Institute published a large document recently that summarized an enormous body of evidence that indicates there are detrimental effects possibly as far away as a mile from such roadways. Dr. Politis said the road could not be completely evaluated until it is built, and this project has not been properly designed to incorporate public input from parents whose children would be in close proximity to the schools. He also expressed concern about the cost and urged them to reevaluate the proposition.

Mr. Boyd said he is concerned that citizens have said there has not been Board responsiveness to questions being raised. He stated that the bid has gone out as a design build project which is designed to bring it in at less cost. The Secretary of Transportation has identified two projects in Northern Virginia that have been built that way – including the I-495 Bypass, which came in at \$1.5 billion less than the VDOT engineers had predicted the cost would be. Mr. Boyd said the design build is supposed to come back in December with actual figures. He stated the Board unanimously passed a resolution that said no construction was to begin until the environmental study was done and traffic study updates were in. This Board is watching and working closely with VDOT. Mr. Boyd said he and Mr. Rooker have both put task forces together that are providing citizen input directly to the engineers about the design. There will be an addendum put forth in November which will again allow some citizen input to VDOT. This project is far from being settled. If the project comes in at twice the costs they would have to completely rethink the whole project. He said that it is premature to take a position on this stuff without this information that the citizens keep asking for, which will be available in a relatively short time period.

Ms. Mallek stated that for the addendum in November, it needs to be definitive that there would be no demolition of houses and new destruction of forests in advance of other things coming forward, noting that the Secretary has said he wants to proceed with demolition immediately. She said that she will be working on a Board statement with regard to that issue.

Mr. Snow said he would like to discuss the Arden Place path relative to Woodbrook at the end of the meeting.

Mr. Rooker commented that a huge percentage of the bypass will be located in his district. He said that the document from VDOT that was distributed – Route 29 Bypass Preliminary Major Risks Items that was done in July – is worth reviewing, because it categorizes them by likelihood of impact. Item #4 – The interchanges at each end may require approval from FHWA in the form of interchange justification reports and revised Limited Access breaks. This could result in extensive review time, design adjustments and associated delay and cost - is rated as high risk, high likelihood and high impact. Item #3 states that "The southern interchange at Route 250 was originally designed to accommodate 2022

traffic volumes. New traffic projections could overload the current design (weave between Ivy Road interchange and EB to NB flyover directional ramp)".

Mr. Rooker stated that one of the highest cost items in the original estimate was the southern interchange, and VDOT is now trying to find ways to reduce its size and cost – but VDOT is now pointing out that the original large design was "questionable" in terms of its ability to handle the traffic movement patterns. Mr. Rooker said he is concerned that there would be a lot of money spent to achieve a failing level of service. He stated that the Secretary said this would be under construction by the end of the year, and has said "thing after thing" that turned out not to be accurate – including his estimate of \$10-\$15 million of right of way, which is now estimated at \$82 million based on the state's own estimate. Mr. Rooker said that in order to get ready for the CTB meeting, he did not disclose internal costs. The fact is, they got it approved before the Commonwealth Transportation Board based upon numbers that he knew were not accurate from his own staff's estimates. Mr. Rooker said the same day Mr. Thomas and Mr. Snow visited with Secretary Connaughton in April, they started distributing memos as to how they would get it approved and through the MPO, the CTB and the Board of Supervisors. This all happened before it was even mentioned to this Board.

Mr. Rooker said from the list Item #7 was identified as high risk, high likelihood and high impact - "Severely compressed schedule drives delivery method, increases the chance of contract errors and compromises our negotiation strength. Single phase, low-bid Design Build contract is likely to create industry criticism due to contract size and short response periods. VDOT has only used this type of contract on small, relatively simple projects. Overlap proposed schedule with Federal Obligation Design Build projects requires participation of less experienced VDOT staff." Mr. Rooker pointed out that VDOT has done PPTA – Public-Private Transportation Act - projects, which are an entirely different format in which the private contractor gets the tolls. There is nobody in the VDOT Culpeper staff who has ever worked on a design build project of any size.

Mr. Mallek said Mr. Utterback indicated the only one they were considering was the interchange at Route 15, which is \$30 million in one spot.

Mr. Boyd said the idea behind design build is to bring the private sector entrepreneurial spirit into the process, and PPTA is a design build under a different name, and they did save one-half the cost of the project from what VDOT had projected. He stated that VDOT may not be the best expert in building roads.

Mr. Rooker said another VDOT document that addresses the pros and cons of the different ways of building roads lists the only "pro" for design build is "speed." He stated that the Secretary has talked about demolishing buildings immediately and had it not been for a strong pushback from people in the Environmental Department he would have started construction immediately – before total costs were even in. Mr. Rooker said he thinks this Board should be looking out for what is going on here.

Mr. Rooker said the County is not in control of whether the road would be built or what the costs might be, but there were statements at the last Board meeting that implied our job is to get out of the way. Mr. Dorrier called it a 'fast-moving train,' and said "we need to get off the tracks." He stated that this project will end up being the highest cost project ever built in this area, will take more real estate value than any projects have in this area, and it is the only major project in his 40 years that has gone through the urban area which will have extremely significant impacts. This Board does not need to get out of the way, instead needs to make certain that if it is done, those impacts are minimal. He also stated that they need to ensure the traffic improvement is achieved, as the State determined before that based on a cost-benefit analysis that it should not be built. Mr. Rooker said he spoke with a contractor recently who characterized the VDOT approach as arriving at the least common denominator road. The contractor can basically do what he wants as long as he stays within the right of way. Mr. Rooker said in his opinion, the Board needs to be careful about what it gets.

Mr. Boyd asked why people who had the information from June waited until now to bring it forward – CATCO, Mr. Rooker, the PEC. This was all provided to them in June.

Ms. Mallek said that is not the case – the FOIA was filed in June.

Mr. Rooker said the documents arrived in August, and they came to CATCO – long after the CTB meeting.

Mr. Boyd commented that people have been flashing them around.

Mr. Rooker stated the document is dated July 26, 2011 – which was after the CTB meeting. As far as he knows, this information was published within days after it was received.

Ms. Mallek said the information was requested after the June 8 meeting. Ms. Mallek commented that she would like to have the rest of discussion at the end of the day.

Mr. Snow said a lot of these issues came up at the recent MPO meeting – with Jim Utterback there. At the meeting Mr. Utterback said the design build quality will be there that is necessary because VDOT has people there for inspections to make sure the asphalt and grading is done properly, and that the work is not done haphazardly. Mr. Utterback also stated that the traffic count for the bypass was noted as 35,000 cars a day coming off of Route 29.

Mr. Rooker said the total traffic on Route 29 in the Hollymead area is only 38,000 at that point.

Mr. Snow said many of these things would not be known until the Environmental Impact Study is done and all the requested modeling is done. Right now it is just pure speculation depending on your point of view and what you want to happen.

Mr. Rooker said VDOT's proposal was to sign a contract that locked in a design of the road long before they got any of that information.

Mr. Snow reiterated that all of the information being discussed has to be in before they can go forward.

Mr. Rooker said if VDOT signs a contract to build this road, they are bound to uphold it. They plan on signing it long before they get the results of any of these things. Mr. Rooker said if it was established, for example, that locating the road near the Albemarle/Greer/Jouett complex would have highly detrimental impacts on the students playing on the playgrounds there – the contract has already been signed. He asked what is it Mr. Snow would propose to do at that point.

Mr. Snow stated there are major roads running past all of the schools all of the time. He did not see any of these people who are opposed to the bypass show up when St. Anne's Bellfield was expanding their facilities to be closer to the major highway.

Mr. Rooker said people used to dump a lot of chemicals in rivers too, so just because things were once done a certain way does not mean it is safe or healthy to do them that way now.

Mr. Snow said they had access to all this information. He also asserted that people could pull any information out to prove any point at any time until you start actually getting things in writing and understand exactly what is happening.

Mr. Rooker asked Mr. Snow if he had read the RFP.

Mr. Snow responded that he had not.

Mr. Rooker said part of the process of educating ourselves about what is going on is reading what is available, going back and reading the actual traffic studies. He said the RFP mentions signalized termini, the potential for at-grade termini, the potential for 24-hour construction, grades as high as 12% where permissible, lighting on bridges and roadways, etc. – and there is no discussion about impacts on wells during construction. He said that this Board needs to pay attention to what is going on here. He stated that someone from County staff needs to go through the RFP to see how it compares with past input provided to make sure that the County is protected. Mr. Rooker emphasized that it needs to be done now as there would need to be change orders to make any alterations after the November addendum.

Mr. Boyd asked if that approach was used for the Meadow Creek Parkway and asked if the County had input on the design of that road because it went right past Charlottesville High School.

Mr. Rooker responded that the County hired its own designer for the County's section of the road. In the case of the bypass VDOT plans to simply take the low bid. He thinks the County needs to have [staff] look at this RFP and go through it, look at the past input the County's had. Some of these things in the RFP are going back to original commitments that were made. He said that when this was originally approved by the CTB the County had required them to make certain commitments 20 years ago, which the State realizes it must adhere to – such as protection of the reservoir.

Mr. Boyd said he thought most of those things were based on public input.

Mr. Rooker said if the Board wants anything above standard that is not already committed from way back 20 years ago, it needs to be all over it now.

Mr. Boyd said he did not think anyone was saying stand down.

Mr. Rooker said that was certainly implied at the last Board meeting.

Mr. Boyd said the *Daily Progress* must have quoted him out of context.

Mr. Rooker said that both Mr. Dorrier and Mr. Boyd said the County should "get out of the way."

Mr. Dorrier said that what he meant was that VDOT has procedures that it uses to protect the public and they answered questions when they were here.

Ms. Mallek said the Board needs to make sure those safety measures are not tossed aside. She reiterated that this conversation needs to end at this time and would continue at the end of the meeting.

Agenda Item No. 6. Recognitions.

Item No. 6a. Proclamation recognizing the 35th Anniversary of AHIP.

Ms. Mallek read the following proclamation and presented it to Jennifer Jacobs:

On behalf of the citizens and the Board of Supervisors of Albemarle County, we recognize and commend:

Albemarle Housing Improvement Program

in celebrating 35 years of service in our community. AHIP is an independent Home Repair Nonprofit which has helped over 2,000 families have safe, decent, and affordable housing.

We are strengthened and enriched as a community by the efforts and dedication of AHIP's staff in providing repairs, rehabilitation, and management of homes for lower-income residents. AHIP's ability to access numerous resources including the use of local volunteers enhances our local investment for this valuable service. As a local government, we could not begin to provide the level of service we receive from the efforts of AHIP.

The Albemarle County Board of Supervisors joins in the celebration and congratulates AHIP for its 35 years of service and expresses its thanks for the outstanding work they continue to do in support of our community.

Signed and sealed this 5th day of October 2011.

Ms. Jacobs, the Executive Director of AHIP, thanked the Board on behalf of AHIP's staff, Board of Directors, and the many citizens who have supported the program. Ms. Jacobs said it is not a given that a locality will support affordable housing efforts or be able to support those efforts, much less emergency home repair and housing rehabilitation efforts which often fly under the radar and are not what typically people talk about when they talk about affordable housing.

AHIP is grateful to the Supervisors, County leadership and staff for recognizing from the very beginning the importance of helping County citizens stay safe, warm and dry in their homes. When families improve substandard living conditions, school achievement increases, job stability and productivity increases, family stability increases, mental and physical health improves, utility costs go down, energy use goes down, property values goes up, neighborhoods improve, children grow up more resilient and senior citizens can age safely, securely and independently in place. That is a lot of good from fixing up a house, not to mention the 96 units of affordable rental housing that AHIP preserved and rehabbed together with the County at Parks Edge Apartments in 2002 or the 88 units of new affordable housing at Treesdale on Rio Road or the approximate \$1 million that AHIP invested in the local economy through the contracting of local subcontractors and the purchase of local business supplies and materials.

Ms. Jacobs thanked everyone for their moral support, financial support, personal enthusiasm, affordable housing expertise, steadiness through this daunting fiscal crisis over the last several years and for helping AHIP keep their neighborhoods and needs safe and healthy in their homes, and for helping AHIP to do such tremendous good since 1976. AHIP is looking forward to the next 35 years.

Mr. Thomas thanked AHIP for doing a good job.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Mr. Dorrier to approve Items 7.1 (as read) through 7.8, and to accept the remaining items as information. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Item No. 7.1. Approval of Minutes: September 21, 2010; May 4, July 13 and August 3, 2011.

Mr. Dorrier had read the minutes of May 4, 2011, and found them to be in order.

Mr. Snow had read the minutes of July 13, 2011, and found them to be in order.

Mr. Thomas had read the minutes of August 3, 2011, pages 1-46 (end Item #15), and found them to be in order.

Mr. Rooker had read the minutes of August 3, 2011, pages 46 (begin Item #15) – end, and found them to be in order.

By the above recorded vote, the Board approved the minutes as read. The remaining minutes were carried forward to the next meeting.

Item No. 7.2. FY 2011 Budget Amendment and Appropriation.

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

The total of the requested FY 2011 appropriations itemized below is \$5,000.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval one (1) FY 2011 appropriations as follows:

- One (1) appropriation (#2011094) totaling \$5,000.00 for School Division grants.

Staff recommends approval of the budget amendment in the amount of \$5,000.00 and the approval of Appropriation #2011094.

Appropriation #2011094		\$5,000.00	
Revenue Source:	Local Grants	\$	5,000.00

This request is to appropriate three grants received by the School Division as approved by the School Board on August 25, 2011.

B.F. Yancey Elementary School has been awarded a grant in the amount of \$3,000.00 from the Laura Bush Foundation for America's Libraries. These funds will be used to refurbish the school's existing library collection with current and relevant titles in designated areas of need.

Baker Butler Elementary School has been awarded a grant in the amount of \$1,000.00 from the Wachovia Wells Fargo Foundation Community Partners Program. These funds will be used to replace a damaged sculpture located in the front of the school and to purchase reading instruction material for grades K-2.

Crozet Elementary School has been awarded a grant in the amount of \$1,000.00 from the William's Foundation. These funds will be used to purchase equipment for the Boys and Girls Lacrosse Program.

By the above recorded vote, the Board approved the budget amendment in the amount of \$5,000.00 and approved Appropriation #2011094.

							APP # 2011-094
							DATE 09/07/2011
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriations from School Board meeting on August 25, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	3104	63104	318000	181212	6599	3,000.00	Revenue
3	3104	63104	318000	189900	6599	2,000.00	Revenue
4	3104	63104	460700	601300	6103	1,000.00	Ed/Rec Supplies
4	3104	63104	460700	601300	6113	3,000.00	Ed/Rec Supplies
4	3104	63104	460700	601300	6117	1,000.00	Ed/Rec Supplies
TOTAL						10,000.00	

Item No. 7.3. Brownfield Assessment EPA Grant Application.

The executive summary states that the Thomas Jefferson Planning District Commission (TJPDC) is seeking \$400,000 in grant-in-aid funding from the Environmental Protection Agency (EPA) to support the Thomas Jefferson Regional Brownfield Assessment Project. No match funding from the County is required for the grant; however, TJPDC has requested that the County provide a letter of support (Attachment A) for this initiative.

Work under this project is proposed to include identifying properties in the TJPDC that possess good redevelopment potential but are afflicted by existing or potential environmental contamination which has resulted in the properties being undesirable for redevelopment. This assessment will begin a process that could ultimately transform these properties to more desirable and marketable sites. Specific tasks of the grant include:

1. Outreach and Education: The TJPDC will reach out to elected officials, planning commissioners, economic development organizations, the business community (especially real estate companies, developers, and banking institutions), and the public to educate them on the challenges and opportunities of brownfields remediation.
2. Regional Inventory: The TJPDC will inventory brownfields with a focus on sites that possess potential for redevelopment.
3. Phase I Environmental Site Assessments (ESAs): The TJPDC, with help from an advisory committee to be comprised of representatives from each locality, will develop criteria to guide the selection of sites from the inventory on which to conduct Phase I ESAs. The TJPDC will hire consultants to conduct the Phase I ESAs.

4. Phase II Environmental Site Assessments: With information gathered from the Phase I ESAs, the advisory committee will select sites on which to conduct Phase II ESAs. The TJPDC will hire consultants to conduct the Phase II ESAs.
5. Remediation Plans: Based on the findings of the Phase II ESAs, the advisory committee will determine which sites the TJPDC should contract with a consultant to develop remediation plans.

At the conclusion of this planning work, the TJPDC will be able to apply for state and federal grants and loans to implement remediation plans and possibly to begin redevelopment planning. Anticipated benefits to the locality from remediation include:

- Brownfield property may be returned to its highest and best use
- Brownfield property may be returned to, or an increased contribution may be made to, the tax base
- A detractor of development for surrounding property is reduced or eliminated
- Jobs are created and/or attracted
- Pressure to grow outward is reduced
- Citizens' exposure risk to environmental contamination is reduced
- Pollution/contamination and the risk of its migration to soil, water, and air is reduced

Because the TJPDC is only seeking a letter of support for its grant application, staff does not anticipate there will be any budget impact to the County through this initiative.

Staff recommends that the Board support the TJPDC's grant application by authorizing the Board chair to sign a letter of support on behalf of the Board (Attachment A).

By the above recorded vote, the Board supported the TJPDC's grant application and authorized the Board Chair to send the following letter of support on behalf of the Board:

"Mr. Steve Williams
Executive Director
Thomas Jefferson Planning District Commission
401 E. Water St.
Charlottesville, VA 22902

Dear Mr. Williams:

The County of Albemarle is pleased to participate in the coalition of localities that are represented in the Thomas Jefferson Planning District Commission's (TJPDC) application to the Environmental Protection Agency for the Thomas Jefferson Regional Brownfield Assessment and Planning Grant. The County shares the TJPDC's commitment to environmental stewardship and community development, both of which will be furthered by this project. We are excited to assist the TJPDC in the inventory and site selection process, and already have sites in mind that would benefit the County, our citizens, and the environment if determined to be eligible for assessment activities. Here, as in many communities, economic opportunities have fallen short of expectations in the recent past. We believe the investment in troubled properties made possible by this funding will result in reinvestment and job creation that would have otherwise not occurred in Albemarle County. Additionally, the project will produce information on our vulnerability to environmental contamination, and establish the necessary steps to clean up pollution that potentially threatens our natural resources, health, and livelihood.

The County sees this project as an opportunity to transform negative aspects of our community into assets, improving the quality of life for our citizens. The TJPDC has conducted work on our behalf many times, and we have found the organization to be a very capable partner. The Commission's quality of work and comprehensive approach to regional issues uniquely qualifies them to undertake this project on behalf of the coalition members, each of which is affected by Brownfields in their communities. For these reasons, we hope you will support the TJPDC's proposal to assess and plan for Brownfields remediation in our region."

Item No. 7.4. Resolution of Intent to Amend County Code Section 18-4.18, Noise (Chapter 18, Zoning).

The executive summary states that before comprehensively amended in 2009, the County's noise regulations in Chapter 7 of the County Code (the "nuisance noise regulations") were primarily based on a standard that prohibited noise levels that were loud, disturbing or raucous so as to disturb or annoy the reasonable person (the "reasonable person standard"). The 2009 amendments replaced the reasonable person standard with an audibility standard. The amendments were necessary because of a Virginia Supreme Court decision earlier that year in which the Court concluded that Virginia Beach's reasonable person standard was unconstitutionally vague.

During the zoning text amendment to the County's farm winery regulations pertaining to outdoor amplified music (County Code § 18-5.1.25) earlier this year, there was significant discussion as to whether sound produced from outdoor amplified music at a farm winery was subject to not only the zoning noise regulations in the Zoning Ordinance, but also the nuisance noise regulations in Chapter 7. There are differences between the two regulatory schemes. The zoning noise regulations use a decibel-based standard (the exception being outdoor amplified music at a farm winery, which uses an audibility standard)

and are enforced by the zoning administrator in a civil proceeding. The nuisance noise regulations in Chapter 7 use an audibility standard (the exception being a catch-all provision prohibiting sound that is 15 or more decibels above the ambient sound levels), are enforced by the police and may result in a criminal prosecution.

When the Board amended the noise regulations for outdoor amplified music at farm wineries in May, 2011, it reaffirmed that sound produced from land uses authorized under the Zoning Ordinance should be regulated under the zoning noise regulations. However, it became apparent to staff that the change in the nuisance noise regulations from the reasonable person standard to the audibility standard in 2009 may have blurred the line as to when the zoning noise regulations in the Zoning Ordinance or the nuisance noise regulations in Chapter 7 applies in certain situations.

The purposes of this ordinance are to better distinguish which sounds are regulated under the nuisance noise regulations in Chapter 7 and which are regulated under the zoning noise regulations in the Zoning Ordinance, and to eliminate any perceived overlap between the two. To accomplish this purpose, this ordinance would amend County Code § 18-4.18.01 to expressly state that the zoning regulations will apply to those uses and activities authorized by the Zoning Ordinance. This ordinance also would amend County Code § 18-4.18.05 to update the language of the exemptions so that it is consistent to the extent possible with the language of the exemptions in County Code § 7-106 adopted in 2009.

No budget impact is expected.

Staff recommends that the Board adopt the attached resolution of intent to amend County Code § 18-4.18, Noise.

By the above recorded vote, the Board adopted the following resolution of intent to amend the County Code:

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the regulation of noise; and

WHEREAS, it may be desirable to amend the noise regulations in the Zoning Ordinance to better distinguish which sounds are regulated under the Zoning Ordinance and which sounds are regulated under the noise regulations in Chapter 7 of the County Code, and to eliminate any perceived overlap between the two; and

WHEREAS, it also may be desirable to amend the noise regulations in the Zoning Ordinance to update the language of the exemptions in County Code § 18-4.18.05 so that it is consistent, to the extent possible, with the language of the exemptions in County Code § 7-106.

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

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

Item No. 7.5. Set public hearing to consider Noise Regulations in Chapter 7 of the County Code (Chapter 7, Health and Safety).

The executive summary states that before comprehensively amended in 2009, the County's noise regulations in Chapter 7 of the County Code (the "nuisance noise regulations") were primarily based on a standard that prohibited noise levels that were loud, disturbing or raucous so as to disturb or annoy the reasonable person (the "reasonable person standard"). The 2009 amendments replaced the reasonable person standard with an audibility standard. The amendments were necessary because of a Virginia Supreme Court decision earlier that year in which the Court concluded that Virginia Beach's reasonable person standard was unconstitutionally vague.

During the zoning text amendment to the County's farm winery regulations pertaining to outdoor amplified music (County Code § 18-5.1.25) earlier this year, there was significant discussion as to whether sound produced from outdoor amplified music at a farm winery was subject to not only the zoning noise regulations in the Zoning Ordinance, but also the nuisance noise regulations in Chapter 7. There are differences between the two regulatory schemes. The zoning noise regulations use a decibel-based standard (the exception being outdoor amplified music at a farm winery, which uses an audibility standard) and are enforced by the zoning administrator in a civil proceeding. The nuisance noise regulations in Chapter 7 use an audibility standard (the exception being a catch-all provision prohibiting sound that is 15 or more decibels above the ambient sound levels) and are enforced by the police and may result in a criminal prosecution.

When the Board amended the noise regulations for outdoor amplified music at farm wineries in May, 2011, it reaffirmed that sound produced from land uses authorized under the Zoning Ordinance should be regulated under the zoning noise regulations. However, it became apparent to staff that the change in the nuisance noise regulations from the reasonable person standard to the audibility standard in

2009 may have blurred the line as to when the zoning noise regulations in the Zoning Ordinance or the nuisance noise regulations in Chapter 7 applies in certain situations.

The purposes of this ordinance are to better distinguish which sounds are regulated under the nuisance noise regulations in Chapter 7 and which are regulated under the zoning noise regulations in the Zoning Ordinance, and to eliminate any perceived overlap between the two. To accomplish this purpose, this ordinance would amend County Code § 7-103 to expressly state that the nuisance noise regulations will apply only when the activity producing the sound is not subject to the zoning noise regulations in the Zoning Ordinance. This ordinance also would amend County Code § 7-106(A) to add outdoor amplified music at a farm winery as an exempt agricultural activity (sound from outdoor amplified music at a farm winery is regulated under the Zoning Ordinance in County Code § 18-5.1.25(e)). Finally, this ordinance would make minor housekeeping amendments to County Code §§ 7-103, 7-105 and 7-106.

No budget impact is expected.

Staff recommends that the Board set the attached ordinance for a public hearing on December 7, 2011.

By the above recorded vote, the Board set this item for public hearing concurrently with Item 7.4.

Item No. 7.6. "Watch for Child Playing" Signage for Reas Ford Lane.

The executive summary states that the residents of properties along Reas Ford Lane and Graemont Lane submitted the attached request to install "Watch for Child Playing" signage on Reas Ford Lane (Attachment A). Reas Ford Lane, located off of Reas Ford Road, approximately 0.7 miles south of Earlysville Volunteer Fire Department (See map -- Attachment B), is a narrow, unpaved road that serves the Graemont subdivision, other homes along the road and Panorama Farm. Special events held at Panorama Farm (i.e., cross country meets and bicycling events) generate increased traffic volume on the road during these special events.

VDOT requires that the Board adopt a resolution approving the placement of a "Watch for Child Playing" sign before it will install a sign.

The County has developed the following criteria for reviewing a "Watch for Child Playing" sign installation request and staff has evaluated this request against these criteria:

"Watch for Child Playing" signs shall be considered on secondary roads.

Reas Ford Lane is in the secondary road system (Route 661).

The request must come from a Homeowner's Association where applicable.

The residents along Reas Ford Lane and Graemont Lane have submitted a request to install signage.

There must be a child activity attraction nearby for the sign to be considered.

There is no formal established child activity attraction such as a park or tot lot on Reas Ford Lane; however, there are no sidewalks along this road and children living in this neighborhood often walk or bike on the road.

The installation of the sign shall not conflict with any existing traffic control devices:

The proposed location of the signage will not conflict with any existing traffic control devices.

This request meets three of the four criteria. While there are no formal/central child activity attractions on the road, given the character of the road (narrow and unpaved), the lack of sidewalks or shoulders, and the use of the road by many drivers attending special events at Panorama Farm who may be unfamiliar with the area, it is staff's opinion that this request for the installation of "Watch for Child Playing" signage has merit in this location.

The cost to install a "Watch for Child Playing" sign is \$150 per sign and VDOT will determine how many signs are appropriate. Typically, VDOT has installed one or two signs for each designated area. This cost will be paid from the County's Six Year Secondary Road Maintenance Fund.

Staff recommends that the Board of Supervisors adopt the attached resolution (Attachment C) approving the installation of "Watch for Child Playing" signage on Reas Ford Lane (Route 661).

By the above recorded vote, the Board adopted the following resolution approving the installation of "Watch for Child Playing" signage on Reas Ford Lane (Route 661):

**RESOLUTION TO APPROVE REQUEST FOR
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON
REAS FORD LANE (ROUTE 661)**

WHEREAS, the residents of Reas Ford Lane are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the neighborhood; and

WHEREAS, children live and play on Reas Ford Lane and the residents believe that a "Watch for Child Playing" sign would help alleviate some of the safety concerns; and

WHEREAS, the residents of Reas Ford Lane have requested that the County take the necessary steps to have a "Watch for Child Playing" sign installed.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the community's request for VDOT to install "Watch for Child Playing" sign(s) on Reas Ford Lane.

Item No. 7.7. Cancel Board of Supervisors October 12, 2011 night meeting.

By the above recorded vote, the Board cancelled its October 12, 2011 night meeting.

Item No. 7.8. VACo Credentials for 2011 Annual Business Meeting of the Virginia Association of Counties.

Due to time constraints this item was moved to the afternoon session

Item No. 7.9. FY11 Preliminary End of Year Financial Report, ***was received for information.***

The executive summary states that the attached Financial Report provides information on the County's General Fund operations and Fund Balance as of June 30, 2011. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year.

(\$ in Millions)

A. Attachment A: Preliminary General Fund Financial Report:

a. Revenues (Preliminary):

State, Federal and Local revenue receipts total \$213.815 million, \$3.231 million (1.5%) more than budget. These revenues, combined with the use of \$2.634 million in transfers from other funds and \$2.889 million of fund balance, total \$219.348 million, which is \$2.949 million (1.4%) more than the current General Fund budget.

Recent national indicators suggest economic growth has slowed. The consensus of economic advisors expects the expansion may continue at a modest, uneven pace with significant downside risk. GDP increased 1.0% for the 2nd quarter and is estimated to increase 1.6% for 2011 and 1.1% for 2012. Retail sales were flat in August. The labor market stalled in August and initial unemployment claims rose to the highest level since June. Unemployment in the U.S. remains flat at 9.1% in August. Overall growth continues to be restrained by cutbacks in government spending as well as struggles in the housing market. On the positive side, business sales are solid rising 0.7% in August. The Conference Board index of leading indicators rose 0.5% in July, its third consecutive monthly increase. Inflation remains contained. The CPI rose 0.4% in August, core inflation without food and energy rose 0.2%.

Following is a brief revenue analysis for the FY11 fiscal year:

- Real Estate Tax revenues total \$111.235 million, \$0.738 million (0.7%) less than Budget, a \$0.077 million decrease from the previous Financial Report. The FY11 Budget was based on negative 0.50% 2011 tax year reassessment rate. The final 2011 tax year reassessment rate was a negative 1.24%. A Tax Year is equivalent to a calendar year. Its effects are realized over 2 consecutive fiscal years with the 1st half in one fiscal year and the 2nd half in the next fiscal year. A 1.0% change in the reassessment rate is equivalent to \$1.303 million in real estate tax revenues for the 2011 tax year.
- Personal Property Tax revenues total \$19.073 million, \$0.111 (0.6%) less than Budget, a \$0.352 million decrease from the previous Financial Report. The impact of the Cash for Clunkers program has faded over time but new sales are mixed due to postponed demand and volatile economic conditions.
- Delinquent Property Taxes & Fees total \$3.686 million, \$1.355 million (58.1%) more than Budget, a \$0.157 million increase over the previous Financial Report. Additional compliance enforcement through the DMV Stop and Department of TAX Set-off Debt programs has generated additional revenues. Delinquent fees previously implemented have also encouraged payment of delinquent taxes to avoid additional fees. Revalidation rollback revenues are reserved and not included in General Fund projections. Conservative budget estimates based on economic projections contributed to the excess over budget.

- Sales Tax revenues total \$12.716 million, \$1.646 million (14.9%) more than Budget, a \$0.034 million decrease from the previous Financial Report. The overall impact is due to both increased consumer purchases as well as auditor findings. Taxpayers continue to be cautious but have begun to slightly increase discretionary spending as the economy improves. The auditor has identified \$0.928 million in misallocated sales tax revenues which have been approved by the state to be transferred to Albemarle from other localities over a six month period with an additional estimated \$0.201 million in process. On-going annual receipts increased approximately \$0.352 million based on the approved adjustments. Significant revenues continue to be lost to internet purchases and retail development in adjacent localities.
 - Business License, BPOL, revenues total \$9.502 million, \$0.177 million (1.9%) more than Budget, a \$0.127 million decrease from the previous Financial Report. Payments are due June 15 which makes forecasting for prior Financial Reports more challenging. BPOL revenues are based on gross receipts for the previous year which usually lag current sales tax revenues by a year.
 - Utility Tax revenues total \$8.978 million, \$0.030 million (0.3%) less than Budget, a \$0.235 million decrease from the previous Financial Report. The decrease is attributed to volatile weather conditions.
 - Other Local Tax revenues total \$9.933 million, \$0.172 million (1.8%) more than Budget, a \$0.268 million increase over the previous Financial Report. The increase is primarily due to increased Public Service tax receipts.
 - State Revenues total \$23.088 million, \$0.402 million (1.8%) more than Budget, a \$0.361 million increase from the previous Financial Report. The increase is primarily due to DSS reimbursements.
 - Federal Revenues total \$4.596 million, \$0.183 million (4.2%) more than Budget, a \$0.030 million decrease from the previous Financial Report. The increase is primarily due to DSS reimbursements.
 - Use of Other Funds transfers total \$2.634 million, \$0.282 million (9.7%), less than Budget, a \$0.208 million increase from the previous Financial Report. The decrease is due to reduced school, stormwater, and proffer transfers.
 - Revenue categories with variances of less than \$0.100 million from Budget have not been analyzed for this report.
- b. Expenditures (Preliminary):
General Fund expenditures, including transfers, total \$209.416 million, a 3.2% savings of \$6.983 million from Budget. In addition to operational savings in many departments, a significant portion of the expenditure savings is attributable to salary lapse and the associated benefit savings such as health insurance and group life insurance as well as the release of the revenue shortfall contingency.
- i. Departmental expenditures total \$76.768 million, a 4.6% savings of \$3.698 million from Budget: The savings are allocated by functional area as follows:
 - Administration expenditures total \$9.950 million, a 5.2% savings of \$0.544 million from Budget.
 - Judicial expenditures total \$3.798 million, a 3.7% savings of \$0.147 million from Budget
 - Public Safety expenditures total \$29.401 million, a 0.4% savings of \$0.112 million from Budget.
 - General Services expenditures total \$4.098 million, a 9.5% savings of \$0.432 million from Budget.
 - Human Services expenditures total \$17.605 million, an 8.5% savings of \$1.636 million from Budget.
 - Parks and Culture expenditures total \$5.948 million, a 4.8% savings of \$0.302 million from Budget.
 - Community Development expenditures total \$5.968 million, an 8.1% savings of \$0.525 million from Budget.
 - ii. Non-Department expenditures consisting of the revenue sharing payment, reserves, and refunds total \$18.790 million, a 10.1% savings of \$2.106 million including release of the revenue contingency reserve.
 - iii. Transfers total \$113.858 million, a 1.0% savings of \$1.179 million:
 - Transfers to the School Division total \$96.058 million as Budgeted.
 - Transfers to the Capital and Debt funds total \$17.801 million, a 6.2% savings of \$1.179 million for a debt transfer which will be reappropriated in FY12.
- c. Revenues less Expenditures:
This report projects that the fiscal year will end with \$9.932 million of revenues in excess of expenditures. Revenues and related transfers are projected to exceed Budget by

\$2.949 million. Expenditures and related transfers are expected to produce \$6.983 million in savings.

B. Attachment B: Preliminary General Fund Budget Comparison Report:

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

Preliminary Revenues:

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

Preliminary Expenditures:

- Judicial, Public Safety, Human Services, and Non-Departmental expenditures show anticipated increases over FY10.
- Administration, General Services, Parks and Culture, Community Development, Non-School and School Transfers show anticipated decreases from FY10.

C. Attachment C: Preliminary Fund Balance Report:

The report indicates that the County:

- Had an Audited FY10 Undesignated Fund Balance of \$24.566 million,
- Appropriated \$2.899 million for Budgeted FY11 Initiatives and Reappropriations,
- Appropriated \$0.250 million for FY12 initiatives,
- Has a remaining June 30, 2010 Fund Balance of \$21.417 million,
- Has Preliminary revenues in excess of expenditures of \$9.932 million,
- Has FY11 revalidation roll-back revenue of \$0.153 million,
- Has estimated FY12 commitments of \$1.564 million,
- Has Policy Fund Balance reserves of \$26.280 million, and
- Has a Preliminary June 30, 2011 Policy Available Fund Balance of \$3.658 million.

The \$26.280 million Policy reserves consist of a 9.0% unrestricted Fund Balance reserve and a 1.0% Stabilization reserve. The unrestricted Fund Balance reserve was increased from 8.0% to 9.0% based on Financial Advisor recommendations. The 1.0% Stabilization reserve was approved with the FY12-FY16 Five Year Financial Plan.

D. Budget Impact:

This Financial Report is based on audited FY10 financial data and twelve months of Preliminary financial data for FY11. This data is the basis of projections for the FY13-FY17 Five Year Financial Plan and FY13 Budget.

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

Item No. 7.10. Board-to-Board Report for October 2011, *A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, was received for information.*

Item No. 7.11. VDOT Culpeper District – Albemarle County Monthly Report for October 2011, **was received for information.**

Agenda Item No. 8. **SP-2011-00012. Locally Grown Festival (Signs #62&64). PROPOSAL:** Special Use Permit to allow a one-time music event for a maximum of 700 people between the hours of 1-9 p.m. in the fall of 2011. ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). SECTION: 10.2.2.42 Temporary events sponsored by local nonprofit organizations. COMPREHENSIVE PLAN LAND USE/DENSITY: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). LOCATION: 5152 Mount Juliet Farm, approximately one-half mile northwest of junction with White Hall Road (810). TAX MAP/PARCEL: 04000000026A1. MAGISTERIAL DISTRICT: White Hall. **(Deferred from September 7, 2011)**

The following executive summary was forwarded to Board members:

On July 12, 2011 the Planning Commission recommended approval with conditions of SP-2011-12 to allow a one-time music event in calendar year 2011 for a maximum of 700 people between the hours of 1pm and sunset.

The Planning Commission requested that staff work with zoning regarding the enforceability of and need for the condition outlined below, which read as follows:

The maximum level of noise shall not exceed 65 dBA as measured from an adjacent property line.

Staff subsequently met with zoning and they stated that removing the condition would be the best course of action since it would eliminate the need for a waiver and make the application subject to existing regulations.

Since the Planning Commission, the applicant has requested that the timeframe for this one-time event be extended to the end of 2012 to allow for greater flexibility as to when the event could be held. Staff has no objection to this request because it does not change the nature of the application or staff's findings that led to the conditions of approval as recommended by the Planning Commission.

Staff recommends approval of SP2011-12, Locally Grown: A Festival of Organic Proportions with the elimination of condition 11 and modification of condition 14, as follows:

1. Development of the use shall be in general accord with the Concept Plan entitled Locally Grown: A Festival of Organic Proportions for SP-2011-12, prepared by Albemarle County Office of Geographic Data Services, and signed by Peter Larson and dated April 18, 2011, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

- location of the temporary parking area
- location of temporary stage

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. A maximum of fifteen (15) vendors shall be allowed to operate during the temporary event.
3. Written approval from the Police Department, Fire and Rescue, and the Health Department shall be required prior to the issuance of a zoning clearance to allow the temporary event use.
4. No tree removal, grading, or disturbance shall take place within the driplines of the trees as shown on the Conceptual Plan. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until a) a survey and fencing have been completed and b) the Planning Director approves a plan which shows the grading or disturbance and the surveyed dripline of the existing trees.
5. The hours of operation for the music shall not begin earlier than 1:00 PM and shall end not later than sunset.
6. Off-site parking shall not be permitted.
7. The maximum number of attendees allowed on the site for the temporary event shall not exceed 700 persons.
8. A minimum of 20 private security, parking, and traffic control staff members shall be required on site on the day of the temporary event.
9. Overnight camping shall be prohibited.
10. Artificial lighting shall not be permitted, provided that flashlights may be used while the site is restored and cleared as provided in Condition 14.
- ~~11. The maximum level of noise shall not exceed 65 dBA as measured from an adjacent property line.~~
12. The applicant shall reseed and restore the parking area as required by the zoning administrator within 30 days of the temporary event.
13. The site shall be restored and cleared of all trash, debris, and structures associated with the event within three days after the temporary event.
14. Special use permit 2011-12 shall be valid for a temporary event to be held not later than December 2012 ~~in 2014~~.

Mr. Wayne Cilimberg, Director of Planning, said this item was deferred from the Board's September 7th meeting. It is a special use permit request for a one-time event that was originally requested for 2011 but is now being asked for 2012 to allow greater flexible. He stated the event is for nonprofit purposes, would allow for up to 700 attendees from early afternoon into the evening, and would be held in a location off of Sugar Hollow Road west of White Hall.

Mr. Cilimberg presented a concept drawing of the event site and several photos from the site, adding that the site is large enough to accommodate the event. He said the event should have minimal impact on the character of the site; no permanent structures are planned to be constructed, and no adjacent properties would be impacted. Mr. Cilimberg said that although there is no direct contribution to Comprehensive Plan goals for the rural areas, locally grown foods would be provided by vendors here. He noted that there would be a significant traffic increase on the day of the event.

Mr. Cilimberg said the Commission had requested that staff consult with Zoning on the noise limit in the application of up to 65 decibels. Zoning staff recommended removing that provision – as no waiver would be required and the current noise ordinance would allow for up to 60 decibels.

Mr. Cilimberg said that staff and the Commission recommend approval with 13 conditions, with the Commission removing a limit on the number of vehicles as well as the decibel limit. He noted that the size of the event would dictate the parking.

Mr. Thomas asked if the decibel limit pertained to amplified music. Mr. Cilimberg explained that amplified music is anticipated, with the decibel limit at 60 dB as measured at the property line – dropping at night to 55 dB.

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

Mr. Peter Larson, the applicant, asked Board members if they had any questions. He added that there is a valley on his property that would contain the stage and help buffer the noise.

Mr. Thomas asked how close the stage is to the neighboring property. Mr. Cilimberg said the closest property line is about 600 feet away.

Mr. Larson said that property is the home of their farm manager and his family, and the amp direction would allow the noise to be pressed into the valley.

Mr. Snow asked if the event would end at around 9:00 p.m. Mr. Larson responded, “yes”.

Ms. Mallek asked if extending the time until 2012 would allow enough time to hold the event. Mr. Larson responded, “yes”.

Ms. Mallek said in the past there have been one time trial runs of these type events. If it is a success would it come back to the Board as an amendment to remove it as a one-time event or would it have to come back as a new special permit request. Mr. Cilimberg said it may come back as a special event rather than a temporary event if they continue it over the years. He added that it would be a new special permit process.

Mr. Boyd asked if there is a process where people can get an ongoing special event for this type operation. Mr. Cilimberg responded that there is that allowance through special events, which occurred with the Crozet Music Festival. Their initial allowance was for one event and then they came back and got the condition amended to allow for events on an ongoing basis. This application was not made as a special event, instead as a temporary event which is somewhat different.

Ms. Mallek noted that the public hearing was held in September so there is no need for another hearing at this time.

Ms. Mallek **moved** to approve SP-2011-00012 subject to the 13 conditions as presented by staff. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The conditions of approval are set out below:)

1. Development of the use shall be in general accord with the Concept Plan entitled Locally Grown: A Festival of Organic Proportions for SP2011-12, prepared by Albemarle County Office of Geographic Data Services, and signed by Peter Larson and dated April 18, 2011, (hereinafter, the “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator.

To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

- location of the temporary parking area
- location of temporary stage

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

2. A maximum of fifteen (15) vendors shall be allowed to operate during the temporary event;
3. Written approval from the Police Department, Fire and Rescue, and the Health Department shall be required prior to the issuance of a zoning clearance to allow the temporary event use;
4. No tree removal, grading, or disturbance shall take place within the driplines of the trees as shown on the Conceptual Plan. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with Section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until a) a survey and fencing have been completed and b) the Planning Director approves a plan which shows the grading or disturbance and the surveyed dripline of the existing trees;
5. The hours of operation for the music shall not begin earlier than 1:00 PM and shall end not later than sunset;
6. Off-site parking shall not be permitted;
7. The maximum number of attendees allowed on the site for the temporary event shall not exceed seven hundred (700) persons;

8. A minimum of twenty (20) private security, parking, and traffic control staff members shall be required on site on the day of the temporary event;
9. Overnight camping shall be prohibited;
10. Artificial lighting shall not be permitted, provided that flashlights may be used while the site is restored and cleared as provided in Condition 14;
11. The applicant shall reseed and restore the parking area as required by the zoning administrator within thirty (30) days of the temporary event;
12. The site shall be restored and cleared of all trash, debris, and structures associated with the event within three (3) days after the temporary event; and
13. Special use permit 2011-12 shall be valid for a temporary event to be held not later than December 2012.

Agenda Item No. 9. **FY 2012 Budget Amendment and Appropriations.** (Advertised in the Daily Progress on September 25, 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 2012 appropriations, itemized below, is \$10,620,331.39. 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 2012 Budget Amendment totals \$10,620,331.39. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

General Fund	\$ 598,430.85
Special Revenue Funds	\$ 1,575,586.82
School Fund	\$ 637,754.92
ECC	\$ 10,925.00
Capital Improvements Funds	\$ 5,969,992.62
Stormwater	\$ 1,827,641.18
TOTAL ESTIMATED EXPENDITURES – All Funds	\$ 10,620,331.39

ESTIMATED REVENUES

Local Revenue (Non-Tax*)	\$ 101,234.50
State Revenue	\$ 625,690.30
Federal Revenue	\$ 1,562,671.29
Loan Proceeds	\$ 2,397,039.62
General Fund Balance	\$ 559,972.59
Other Fund Balances	\$ 5,373,723.09
TOTAL ESTIMATED REVENUES – All Funds	\$ 10,620,331.39

**The local revenue in this amendment includes \$13,797.00 in donations and contributions, \$23,553.00 in insurance receipts, \$60,577.00 in recovered costs, and \$3,307.00 in miscellaneous local revenue.*

The budget amendment is comprised of twenty (24) separate appropriations as follows, 14 of which have already been approved by the Board as indicated below:

Approved August 3, 2011:

- One (1) appropriation (#2012010) totaling \$167,312.71 to the School Capital fund for various Maintenance/Replacement projects and technology upgrades at CATEC;
- One (1) appropriation (#2012011) totaling \$116,453.75 for the ACE program from the Farmland Preservation's Local Purchase of Development Rights (PDR) Program; and
- One (1) appropriation (#2012012) totaling \$100,000.00 to re-appropriate funding for the Grants Leveraging Fund;
- One (1) appropriation (#2012013) totaling \$10,925.00 to re-appropriate reimbursable Emergency Management grants for the Emergency Communications Center (ECC);
- One (1) appropriation (#2012014) totaling \$75,000.00 for a Department of Criminal Justice Services grant awarded to the Commission on Children and Families;

- One (1) appropriation (#2012015) totaling \$74,947.00 for a Department of Criminal Justice Services grant awarded to Offender Aid and Restoration;
- One (1) appropriation (#2012016) totaling \$40,790.00 for a Department of Criminal Justice Services grant awarded to the Police Department;
- One (1) appropriation (#2012017) totaling a net of \$0.00 to adjust the revenue sources supporting the Police Department's Victim Witness Program; and
- One (1) appropriation (#2012018) totaling \$75,000.00 to re-appropriate funding for the Office of Housing's Community Development Fund, formerly titled the Community Development Loan Fund.

Approved September 7, 2011:

- One (1) appropriation (#2012019) totaling \$192,000.00 for parking lot modifications at Stone Robinson Elementary School and Hollymead Elementary School;
- One (1) appropriation (#2012020) totaling \$250,028.10 for a Renewable Energy Resource Center at Henley Middle School;
- One (1) appropriation (#2012021) totaling \$3,032.50 for rental income and expenses related to the Old Crozet Elementary School;
- One (1) appropriation (#2012022) totaling \$193,226.82 for various ECC items, including a maintenance contract, Computer Aided Dispatch Microcomputer replacement, salary increases resulting from reclassifications, resurfacing the ECC parking lot and replacing its HVAC system; and
- One (1) appropriation (#2102023) totaling \$570,000.00 Downtown Crozet Stormwater Wetlands project.

The ten (10) new appropriations requested for Board approval on October 5, 2011 are as follows:

- One (1) appropriation (#2012024) totaling \$2,500.00 for school division donations;
- One (1) appropriation (#2012025) totaling \$4,200.00 for Fire Rescue donations;
- One (1) appropriation (#2012026) totaling \$44,987.26 for the replacement of two vehicles totaled due to storm damage;
- One (1) appropriation (#2012027) totaling \$1,290,012.32 to re-appropriate various grants and seized asset accounts;
- One (1) appropriation (#2012028) totaling \$384,972.59 to re-appropriate funding for various General Fund projects;
- One (1) appropriation (#2012029) totaling \$81,476.00 for a grants awarded to the Sheriff's Office and Police Department;
- One (1) appropriation (#2012030) transferring \$941,080.00 from the Street Improvement-Local balance to the Revenue Sharing Road Program;
- One (1) appropriation (#2012031) totaling \$5,257,752.35 to re-appropriate funding for various General Government CIP projects;
- One (1) appropriation (#2012032) totaling \$428,473.81 to re-appropriate funding for various School CIP projects; and
- One (1) appropriation (#2012033) totaling \$1,257,641.18 to re-appropriate funding for various Stormwater CIP projects.

Additional details for the ten October 5, 2011 appropriation requests are provided in Attachment A.

After the public hearing, staff recommends approval of the FY 2012 Budget Amendment in the amount of \$10,620,331.39 and approval of Appropriations #2012024, #2012025, #2012026, #2012027, #2012028, #2012029, #2012030, #2012031, #2012032, and #2012033 to provide funds for various local government and school projects and programs as described in Attachment A.

Appropriation #2012024	\$2,500.00
Revenue Source: Donations	\$ 2,500.00

This request is to appropriate a donation Murray High School received in the amount of \$2,500.00. The donor has requested that this contribution be used to help fund any educational needs at Murray High School.

Appropriation #2012025	\$3,800.00
Revenue Source: Donations	\$ 3,800.00

This request is to appropriate \$3,800.00 in donations received by the Department of Fire Rescue (FR) for the replacement of worn office chairs and broken recliners at Monticello Fire & Rescue (Station 11). In 1998 a Special Revenue Fund account was established for donations received by FR. This request is to appropriate \$3,800.00 from this account to fund these costs.

Appropriation #2012026	\$44,987.26
Revenue Source	Local Revenue (Insurance receipts) \$ 23,553.00
	Vehicle Replacement Fund Balance \$ 21,434.26

This request is to appropriate \$44,987.26 for the replacement of one totaled vehicle in the Parks and Recreation Department and one totaled vehicle in the Finance Department. Two vehicles were totaled during a recent severe thunderstorm, in which a tree fell on these vehicles while parked at the County Office Building on McIntire Road. These costs will be funded through insurance receipts and the fund balance of the fund used for local government replacement vehicles.

Appropriation #2012027		\$1,290,012.32
Revenue Source	Local Revenue*	\$ 60,852.00
	State Revenue	\$ 57,159.11
	Federal Revenue	\$1,084,426.29
	Other Fund Balance	\$ 87,574.92

*Interest and Recovered Costs

This request is to re-appropriate and appropriate funding associated with twelve grants and one seized asset account. The funding requested for re-appropriation has not been expended as of June 30, 2011. These expenditures are expected to occur in FY 11/12. No additional local funding is required.

- This request is to re-appropriate \$688,735.70 for the Oak Hill Sewer Project. In FY 10/11, \$712,500.00 in Community Development Block Grant (CDBG) funds were obtained and appropriated for the Oak Hill Sewer Project. This project will support the installation of a sanitary sewer system in the Oak Hill neighborhood serving 58 residential units. No expenditures were incurred in this fund in FY 10/11. A portion of these grant funds, (\$33,510.00), were included in the original FY 11/12 budget appropriation. As a result, only the balance of \$678,990.00 is requested to be re-appropriated. In addition, this includes a request to re-appropriate the balance of administrative fees (\$9,745.70) earned for the CDBG funded Crozet Meadows project which can be applied to support the administrative costs associated with the Oak Hill project. The total amount to be re-appropriated into FY 11/12 is \$688,735.70.
- This request is to re-appropriate \$99,300.26, the FY 10/11 balance remaining in seized asset funding received from the Department of Criminal Justice Services for the Police Department and the Commonwealth's Attorney's Office, and to appropriate \$39,375.00 in additional funding anticipated to be received in FY 11/12 for a total appropriation request of \$138,675.26. These monies will be used to purchase evidence equipment and traffic enforcement items for the Police Department and office supplies, furniture, and training/conferences for the Commonwealth's Attorney's office.
- This request is to re-appropriate \$74,239.82, which is the balance remaining of a Department of Criminal Justice Services State Homeland Security Program grant received by the Albemarle County Police Department in FY 10/11. The original grant totaled \$124,400.00. The purpose of this grant is for maintenance and/or replacement of equipment and services purchased through previous Homeland Security grant funding to law enforcement. This includes the replacement/upgrade of 11 mobile data computer set-ups within the mobile data system; the purchase of 12 replacement portable radios; the resupply of digital cameras for police officers; and the replacement of 12 filters for gas masks.
- This request is to re-appropriate \$18,484.30, the remaining balance in Department of Justice grant funding for the investigations of Internet Crimes Against Children. In FY 09/10, the Department of Justice awarded Bedford County a grant to assist in the investigations of Internet Crimes Against Children. Bedford County designated Albemarle County as being an area district in the fight against internet crime and provided Albemarle County with \$80,000.00. Half of the funds are to be used by the Albemarle County Police Department, while the other half is distributed by the Albemarle County Police Department to other agencies.
- This request is to re-appropriate \$70,913.50 in Department of Homeland Security grant funding that has been received by the Fire/Rescue Department in prior fiscal years and to appropriate the fourth year's receipt of this grant in the amount of \$116,000.00 for a total appropriation request of \$186,913.50. In FY 08/09, the Department of Homeland Security awarded the Fire/Rescue Department a grant in the amount of \$392,000.00 to assist in the marketing and advertising components of volunteer recruitment. The funds are slated to be used for advertising and supplies including but not limited to radio, TV, pamphlets, door hangers, banners, etc. The grant is funded over a four-year span. The amount to be brought forward to FY 11/12 is \$70,913.50. In addition, this appropriates the fourth year's grant receipt amount of \$116,000.00 for a total appropriation for FY 11/12 of \$186,913.50.
- This request is to re-appropriate \$4,021.51, the remaining balance of a Commonwealth of Virginia Department of Motor Vehicles (DMV) grant awarded to the Albemarle County Sheriff's Office in FY 10/11. In FY 10/11, the DMV awarded the Albemarle County Sheriff's Office a total grant in the amount of \$19,320.00. The purpose of this grant is to assist in the purchase of radar units as well as funding overtime hours for DUI checkpoints and speed enforcement.
- This request is to re-appropriate a \$25,459.00 U.S. Department of Justice grant awarded to the Albemarle County Police Department in FY 10/11. The purpose of this grant is to assist in funding overtime hours by current officers in support of reducing crime and improving public safety through an increase in Community Policing.
- This request is to re-appropriate \$14,943.17, the remaining balance of a \$45,000.00 grant awarded to the Albemarle County Police Department from the the DMV in FY 10/11. This grant is intended to assist in the purchase of radar units and breath testing units, and to fund overtime hours for DUI checkpoints.
- This request is to re-appropriate \$48,673.74 of a \$113,138.00 grant awarded to the Albemarle County Police Department by the Department of Justice in FY 09/10 to assist in overtime expenses and equipment to support more Community Policing in problem solving, crime prevention, and safety enhancement through working directly with citizens.
- This request is to appropriate \$22,159.11, the remaining balance of a grant that was received by the Albemarle County Department of Social Services (ACDSS). The ACDSS, in partnership with United Way – Thomas Jefferson Area, was awarded grant funds from the Virginia Health Care Foundation (VHCF) for the implementation of Project Connect, VHCF's children's health insurance enrollment initiative. This is a 20-month grant that began on February 1, 2010 and will expire on September 30,

2011. Total grant funds are allocated 60% to the United Way for an Outreach Worker position and 40% to ACDSS for an Eligibility Worker position at UVA Medicaid. This grant is 100% reimbursable.
- This request is to appropriate \$60,577.00 for the cost associated with the Project Director position for the Foothills Child Advocacy Center in FY 11/12. All salary and benefits associated with this position will be reimbursed by Foothills on a quarterly basis
 - This request is to re-appropriate \$3,605.89 in donations for the Albemarle County Fire/Rescue Department. In FY 07/08, the Albemarle County Fire/Rescue Department received \$12,000.00 from the J&E Berkley Foundation. In FY 10/11 a second donation in the amount of \$578.67 was received. These monies are to enable the continuation of a free smoke detector program to bring single family residences into compliance with the National Fire Protection Association (NFPA) recommendations. This program targets households that are at risk and usually cannot afford smoke detectors.
 - This request is to re-appropriate \$3,524.32, the remaining balance of a Department of Criminal Justice grant awarded to the Albemarle County Police Department in FY 10/11. The Department of Criminal Justice awarded the Albemarle County Police Department a grant in the amount of \$63,462.00 with a local match of \$3,340.00 for a total of \$66,802.00. This grant is to upgrade forensic techniques and related technology for improved crime scene investigation, evidence collection, and criminal case development.

Appropriation #2012028 **\$384,972.59**

Revenue Source	GF Fund Balance	\$ 384,972.59
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The following requests are for the re-appropriation of FY 10/11 funds to the following projects:

- Human Resources: This request is to re-appropriate \$3,500.00, which is the anticipated unexpended balance from the County's Total Rewards/Employee Recognition Program to support Countywide employee recognitions in FY 11/12.
- Voter Registration and Elections: This request is to re-appropriate funds for additional election officers working the November 8, 2011 general election, in the amount of \$5,000.00 and funding in the amount of \$26,000.00 for five additional handicapped-accessible voting machines. These additional expenditures are necessitated by the 2011 redistricting, which created four split precincts in the County. Split precincts are those in which some voters vote one ballot and others vote a different ballot depending on the legislative districts in which they reside. These additional election officials and handicapped-accessible voting machines will allow these precincts to continue to be managed pursuant to State Board of Elections guidelines and best practices.
- Fire Rescue: This request is to re-appropriate \$3,339.00 for the replacement of an ID Copier/Datacard Printer and \$97,133.59 related to Volunteer Recruitment and Retention initiatives.
- Economic Opportunity Fund: This request is to re-appropriate \$250,000.00 for the Economic Opportunity Fund. The Fund is to be used as local match for federal or state economic development projects with an emphasis on creating jobs for local County residents.

Appropriation #2012029 **\$81,476.00**

Revenue Source	Federal Revenue	\$ 81,476.00
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This request is to appropriate three grants as described below. Once the grant monies are appropriated, the County Executive will sign the necessary grant award documents and they will be submitted to the funding agency.

- A \$21,600.00 grant (#154AL-2012-52108-4486) has been awarded by the Virginia Department of Motor Vehicles to the Sheriff's Office. The grant requires a local match of \$4,320.00 for a total amount of \$25,920.00. The local match will be provided from the Sheriff's existing budget. The purpose of this grant is to assist in the purchase of radar units as well as funding overtime hours for DUI checkpoints and speed enforcement.
- A \$19,876.00 grant (#2011-DJ-BX-02583) has been awarded by the U.S. Department of Justice to the Albemarle County Police Department. There is no local match. The purpose of this grant is to assist in funding overtime hours by current officers in support of reducing crime and and improvement of public safety for more community policing.
- A \$40,000.00 grant (#154AL-2012-52193-4571) has been awarded by the DMV to the Albemarle County Police Department. The grant requires a local match \$2,204.00 for a total amount of \$42,204.00. The local match will be provided from the Police Department's existing budget. The purpose of this grant is to assist in purchase of radar units as well as funding overtime hours for DUI checkpoints and speed enforcement.

Appropriation #2012030 **\$941,080.00**

TRANSFER OF FUNDS

Revenue Source	Transfer	\$941,080.00
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As approved by the Board at its September 7, 2011 meeting, this request is to transfer \$941,080.00 from the CIP Street Improvement- Local Project balance to the Revenue Sharing Road Program. This will support the County's share of the VDOT Revenue Sharing program match for the Broomley Road Bridge project which is considered one of three high priority bridge projects identified in the County's Priority List of Secondary Road Improvements and in VDOT's Six Year Secondary Construction Program. As approved by the Board on September 7, 2011, this appropriation, combined with the use of the FY 12 Revenue Sharing Program funds (\$484,222) and the re-appropriation of the FY 11 Revenue Sharing Program balance (\$74,698) which is included in the re-appropriation request below will provide the required match (\$1,500,000) to participate in the FY12 VDOT Revenue Sharing Program.

Appropriation #2012031

\$5,257,752.35

General Government Capital Improvement Project Re-Appropriation Requests

Revenue Source	Loan Proceeds	\$2,397,039.62
	State Revenue	\$ 190,000.00
	Other Fund Balance (Proffer)	\$ 64,596.33
	Gen. Gov't. CIP Fund Balance	\$2,606,116.40

Each year, staff presents to the Board a list of General Government Capital Improvement projects to which funds were previously appropriated in the General Government Capital fund in a prior year, and are either: 1) active CIP projects that remain unfinished at year end, 2) routine or on-going maintenance CIP projects/programs that staff recommends should continue to be funded, 3) CIP projects which are planned to be completed in FY 12 or CIP contingencies that staff recommends remain available in the following fiscal year, or 4) CIP project balances that are requested to be reappropriated for other uses. A re-appropriation of those fund balances is necessary to fund the continuation and/or completion of the projects in the next fiscal year.

Re-appropriations requests for active or encumbered General Government CIP Projects:

PROJECT DESCRIPTION	AMOUNT
CityView Project: This request is to re-appropriate \$8,339.32 to support CountyView upgrades as detailed in the CountyView Management Plan including enhancements to the CountyView web application to facilitate public access for viewing/processing applications online. The upgrade is scheduled to be completed and ready for use in September 2012.	\$8,339.32
GIS Project: This request is to re-appropriate \$415,381.86 to fund the priorities identified in the five-year GIS implementation plan and schedule as recommended by the GIS Steering Committee. Funding planned GIS initiatives result in efficiencies with respect to access, use and maintenance of the County's geographic resources.	\$415,381.86
E. Rivanna Tanker 26: This request to re-appropriate \$84,651.28 to support the purchase of the E. Rivanna Tanker; the truck was delivered in late summer and is complete with the exception of minor equipment installation.	\$84,651.28
Crozet Library: This request is to re-appropriate \$580,565.59, the remaining project balance for the library parking lot design and construction and library building design. These funds will support the purchase order balance for the architect/engineer contract, construction contract, change orders, and contingency. The parking lot construction is currently underway and substantial completion is anticipated in October 2011. Completion of the architect/engineer contract will be dependent on funding for the library building.	\$580,565.59
Crozet Main Street: This request is to re-appropriate \$92,084.62, the account balance, for the extension of Library Avenue (aka Crozet Main Street), to the proposed Crozet Eastern Avenue. The current available funds may be used to extend or connect developer-funded/built portions of Library Avenue to existing developments. There is a Zoning Map Amendment (ZMA) currently under review by the County which, if approved, would enable a developer to construct a significant segment of Library Avenue. The connection to Eastern Avenue would be dependent on the design and construction of the proposed Crozet Eastern Avenue roadway, which is not currently funded.	\$92,084.62
Crozet Streetscape Phase II: This request is to re-appropriate \$499,059.33, the remaining project balance, for the relocation of overhead electric and utility lines to underground electric and utility lines along and adjacent to Crozet Avenue, the construction of a new stormwater drainage system, pedestrian/vehicular/streetscape enhancements along Crozet Avenue from the Square to Tabor street, and the first block of 'Main Street' (a.k.a. Library Avenue). These funds will support the purchase order balance for the architect/engineer contract, the pending purchase order for services related to the negotiation and/or coordination of deed and plat signatures for the right-of-way and/or easement dedications, and the utility relocation. Of the twenty-six utility easements that were necessary, only three are outstanding. In addition, staff is working with three owners to obtain the remaining twelve right-of-way/easement dedications. Once all of the easements are finalized, utility re-location and construction bid documents (pedestrian/vehicular/streetscape enhancements) can be finalized. The construction of the first block of Main Street (Library Avenue) is complete and preparation of documents to request VDOT road acceptance is in progress.	\$499,059.33
Ivy Fire Station: This request is to re-appropriate the remaining FY 11 project balance of \$24,602.40 to support the purchase order balance for the architect/engineer contract for programming and schematic design and potential change orders to this contract. Any potential savings will be used toward the final design for the Ivy Fire Station. A lease is in place with UVA for the warehouse where the fire station is to be housed, and construction funding was appropriated in FY12. It is anticipated that construction documents will be completed by mid-December 2011.	\$24,602.40

<p>Pantops Fire Station: This request is to re-appropriate \$10,651.32, the remaining project balance, to support the property dedication to the County for the Pantops fire station; specifically, these funds will be used for any potential costs associated with preparing and obtaining approval of the subdivision plat (surveying, deeds/plats, etc.).</p>	<p>\$10,651.32</p>
<p>Meadow Creek Path: This request is to re-appropriate \$20,000.00, the account balance, to support design and construction of a path connecting Meadow Creek Parkway Phase 1 to neighborhoods on the west side of Rio Road. Design is scheduled to start after the completion of the Meadow Creek Parkway which is anticipated to be in October 2011. At this time, It is unknown if any easements will be required for construction.</p>	<p>\$20,000.00</p>
<p>Sidewalk-Avon Street: This request is to re-appropriate \$70,992.22, the account balance, to support sidewalk and curb and gutter construction at Avon Street from Lakeside Apartments to City limits. The start date is unknown at this time and is dependent on funding for design and construction. The remaining funding required is requested in the FY13 Sidewalk Program CIP Request. It is anticipated that easements will be required for construction.</p>	<p>\$70,992.22</p>
<p>Sidewalk-Route 250/Westminster: This request is to re-appropriate \$18,027.50 from the account balance for completion of 2,786 linear feet of new sidewalk on the north side of the 250 Bypass on Pantops Mountain (from CarMax to Westminster Canterbury). These funds support purchase order balances for the construction and architect/engineer contracts, special inspection and testing, and miscellaneous work (i.e. filling in ravine, mowing, etc.) required to achieve final completion of the project. The project has reached substantial completion.</p> <p>(The remaining project balance, \$62,316.60, is requested to be re-appropriated to the sidewalk contingency - see below).</p>	<p>\$18,027.50</p>
<p>Sidewalk-South Pantops: This request is to re-appropriate \$22,886.03, the remaining project balance, for the construction of 3,500 feet of curb, gutter, and sidewalk along the north side of South Pantops Drive and the west side of State Farm Boulevard. These funds will support design and construction. Final design plans are in progress; they are anticipated to be bid in early FY 2012 but are dependent upon obtaining any easements that may be required.</p>	<p>\$22,886.03</p>
<p>Sidewalk-Crozet Avenue North: This request is to re-appropriate \$10,219.39, the remaining project balance, for the replacement/construction of approximately 1,100 feet of sidewalk and drainage improvements along the West side of Crozet Avenue from Saint George Avenue to Crozet Elementary School. This reappropriation supports the purchase balance on the architect/engineer contract. Design plans are under review. Construction is dependent upon obtaining additional funding and required easements. The additional required funding is included in the FY13 Sidewalk Program CIP Request.</p> <p>For your information, the County also received a state-funded Safe Routes to School Grant (\$190,000.00), which will support a portion of this project budget and will provide an improved pedestrian crossing at the school and extends the sidewalk to Ballard Drive. The grant-funded portion of the project (crosswalks and warning lights/signage) will proceed as the first phase.</p>	<p>\$10,219.56</p>
<p>Sunridge Road: This request is to re-appropriate \$1,761.42, the remaining project balance, for the extension of Sunridge Road within the existing right-of-way serving three parcels and drainage improvements to resolve downstream flooding. These funds will specifically be used for maintenance or to repair any damage until the road is accepted by VDOT. Roadwork is complete and request for road acceptance by VDOT is in progress.</p>	<p>\$1,761.42</p>
<p>COB McIntire Renovations Phase II: This request is to re-appropriate \$5,300.00 for final items related to the recently completed renovation for the Office of Facilities Development (OFD) and the Office of Management and Budget (OMB) offices. These funds will be used to pay for miscellaneous office furnishings.</p>	<p>\$5,300.00</p>
<p>Police Technology Project: This request is to re-appropriate \$293,486.00, the remaining project balance, to support the on-going Police Technology software (Mobile Data Computer Software) system implementation which will begin its 30-day test acceptance test this Fall. Upon successful completion of the test, the payment for the software and for the license fees will be due to the vendor. These funds also support the Police Department's emergency modem/docking station purchases and installations.</p>	<p>\$293,486.00</p>
<p>Police Video Equipment: This request is to re-appropriate \$9,335.40, the remaining project balance, to support the ongoing replacement purchases of video cameras in police vehicles and to fund emergency repairs of video cameras and equipment. Video cameras are a crucial tool in the prosecution of various traffic and criminal cases.</p>	<p>\$9,335.40</p>
<p>Park, Byrom: This request is to re-appropriate a total of \$17,224.53 (\$10,225.11 from tourism funding) to support purchase order balance of the contractor for the completion of Byrom Park amenities, including trail improvements/development and trail signage.</p>	<p>\$17,224.53</p>
<p>Park, Preddy Creek: This request is to re-appropriate \$252.40 to support the purchase order balance of the contractor for completion of the Preddy Creek Park amenities.</p>	<p>\$252.40</p>

Parks Athletic Study/Development: This request is to re-appropriate \$1,800.00 to support athletic field maintenance, which is scheduled for September - December of 2011.	\$1,800.00
Park, Rivanna - Free Bridge Connector: This request is to re-appropriate \$1,003.15 to support trail maintenance and repairs along the Rivanna-Free Bridge Connector.	\$1,003.15
Greenway Program: This request is to re-appropriate \$2,123.00 which will be used for three pedestrian bridges along the Rivanna Greenway. Bids are anticipated to be received by the end of November 2011.	\$2,123.00
Seminole Trail - Engine 82: This request is to re-appropriate \$600,489.00 to support the purchase of Seminole Trail's Engine 82. The engine has been delivered.	\$600,489.00
Records Management System: This request to re-appropriate \$9,950.00 to support the balance of the Laserfische software contract services.	\$9,950.00

Re-appropriations for routine or on-going maintenance General Government CIP Projects:

PROJECT DESCRIPTION	AMOUNT
Voting Machine Replacements: This request is to re-appropriate \$91,175.77 to support the purchase of voting machine replacements over the course of the next several years to meet legal requirements based on anticipated County precincts.	\$91,175.77
Library Maintenance Projects: This request is to re-appropriate \$218,571.49, the remaining project balance, for maintenance projects to be undertaken and/or completed in FY12 for the County's jointly-owned library facilities (Gordon Avenue Library and James Madison Regional Library-Central) such as HVAC updates, brick repairs and elevator upgrades.	\$218,571.49
Streetlights: This request is to re-appropriate \$35,231.74, the project balance, to support the design and installation of streetlights on US 250 West at the Clover Lawn/Harris Teeter/Cory Farms subdivision area to address traffic and pedestrian safety issues.	\$35,231.74

Re-appropriations for General Government planned CIP allocations or contingencies:

PROJECT DESCRIPTION	AMOUNT
Places 29 Master Plan: This request is to re-appropriate \$1,185,000.00 to implement the Places 29 Master Plan, including the location and design of Berkmar Drive extending from the South Fork of the Rivanna River/Western Bypass to Airport Road; priority sidewalk and crosswalk improvements in various locations (including Rio and Hydraulic Roads, Hollymead Community); transit stop improvements (benches, shelters, trash cans, turn-outs); and the Northtown Trail design and construction.	\$1,185,000.00
Pantops Master Plan: This request is to re-appropriate \$198,731.45 to continue implementation of the Pantops Master Plan. Various projects identified include: "priority crosswalk" improvements (at Rt 250/Rt. 20 and Rt. 250/Rolkin intersections); Rt. 250/Rt. 20 intersection improvement design; other pedestrian crossings improvements at various locations; traffic calming/management improvements on connector roads South Pantops Boulevard and Fontana; and construction of the Old Mill Trail and bridge installation.	\$198,731.45
Rivanna Master Plan: This request is to re-appropriate \$50,000.00 to begin implementation of the Rivanna Master Plan. If feasible, future pedestrian/bike connections will be implemented, related to the re-construction of the Route 250 bridge, near the Route 250 bridge over the railroad crossing in Shadwell. Alternatively, these funds could be allocated for needed improvements in other master plans (pedestrian improvements on US250 at Clover Lawn/Harris Teeter in Crozet, walkway improvements connecting to Brownsville/Henley school complex in Crozet, or pedestrian crossings of US 250 in Pantops) or to match VDOT Revenue Sharing Program funding/award for FY 12 or FY 13.	\$50,000.00
Contingency for Master Plans: This request is to re-appropriate \$50,239.61 to either cover needed improvements (pedestrian improvements on US 250 at Clover Lawn/Harris Teeter in Crozet, walkway improvements connecting to Brownsville/Henley school complex in Crozet, pedestrian crossings of US 250 in Pantops) or to match VDOT Revenue Sharing Program funding/award for FY 12 or FY 13.	\$50,239.61
Revenue Sharing Road Program: This request is to re-appropriate a total of \$74,697.90 to support the County's share of the VDOT Revenue Sharing program match for the Broomley Road Bridge project as approved by the Board at its September 7, 2011 meeting.	\$74,697.90
Sidewalk Contingency: This request is to re-appropriate the remaining project balances of two completed sidewalk projects: (a) the Hillsdale sidewalk project in the amount of \$7,595.83 and (b) the Route 250/Westminster sidewalk project in the amount of \$62,316.60. The Sidewalk Contingency supports unforeseen project costs of the current sidewalk projects listed in the "sidewalk construction program" or of sidewalk projects/improvements with no funding that arise as a result of safety issues (e.g. Barracks Road sidewalk to address safety of residents	\$69,912.43

walking to the bus stop at Georgetown Road and Georgetown Road westward to apartment complexes).	
Roadway Landscape Program: This request is to re-appropriate \$100,000.00, the remaining project balance, to be used for improvements to the entrance corridors, specifically median and shoulder landscaping.	\$100,000.00
Keene Landfill: This request is to re-appropriate \$50,000.00, the remaining project balance, to have funds available to respond to environmental issues, emergency environmental engineering services, and/or repairs and maintenance of the closed landfill.	\$50,000.00

The requests below re-appropriate balances of the General Government Capital Improvement Fund remaining as of June 30, 2011.

PROJECT DESCRIPTION	AMOUNT
This request is to re-appropriate \$50,000.00 from the Pantops Master Plan FY 10/11 balance to the Rivanna Trail Bridge (Old Mill Bridge). This funding supports the construction of three pedestrian bridges on the Old Mills Trail along the Pantops/Rivanna Greenway. The project is currently in the design phase and is anticipated to be bid in October and completed in December 2011.	\$50,000.00
Microsoft Upgrade: This re-appropriates \$284,006.03 from the IT ADP Equipment FY 10/11 balance to upgrade (a) SharePoint, the County's major internal collaboration tool, (b) Exchange, the County's e-mail system, and (c) the County's Office Productivity tools such as Word, Excel, PowerPoint, and Access. The County's Information Technology Review Team (ITRT) has identified this upgrade as a high priority. Approval of this appropriation will prevent the need for a FY13 CIP request. Upon approval of this request, all three programs will be evaluated for either on-premise or hosted licensing models. If the ITRT selects the hosted licensing model all three services may be upgraded through the purchase of Office365 E3 with the possibility of implementation by March of 2012. IT estimates that this re-appropriation will provide at least a full year of end-to-end office productivity upgrades and services.	\$284,006.03

Appropriation #2012032 **\$428,473.81**
School Division Capital Improvement Project Re-Appropriation Requests

Revenue Source School CIP Fund Balance \$428,473.81

Each year, staff presents to the Board of Supervisors a list of projects that were appropriated to the School Capital fund in a prior year, but remains unfinished or billing has not been finalized at year end. A re-appropriation of those fund balances is necessary to fund the continuation and/or completion of the projects in the next fiscal year.

PROJECT DESCRIPTION	AMOUNT
Albemarle High School: This request is to re-appropriate \$750.00 to support the Albemarle High School's renovation and addition project. These funds support the purchase order balance for the design/construction administration contract. The project is substantially complete, and the punch list work is anticipated to be completed by June 2012.	750.00
CATEC: This request is to re-appropriate \$3,664.00 to support ongoing work at CATEC. These funds support work that is being done in response to an Americans with Disabilities (ADA) audit. Work is anticipated to be complete by summer 2012	3,664.00
Greer Elementary School: This request is to re-appropriate \$137,225.04 to support the Greer Elementary School's Addition Phase 2 project. These funds support the purchase order balance for the design and support the construction of this project. The project is scheduled to break ground in the Fall of 2011 and to be substantially complete by August 2012.	137,225.04
ADA Improvements: This request is to re-appropriate \$5,284.27 to support Americans with Disabilities Act improvements at various schools. These funds support work that is being done in response to an audit completed by the State. The work will be complete by August 2012.	5,284.27
Vehicle Maintenance Facility: This request is to re-appropriate \$93,057.07 to support the Vehicle Maintenance Facility (VMF) Bus Wash project and subsequent bus wash addition. These funds support the purchase order balance for the design/construction administration (CA) contract and the purchase order balance for the construction contract and change orders. The original project is substantially complete and the addition will be complete by October 2011.	93,057.07
Child Nutrition: This request is to re-appropriate \$1,100.00 to support the pantry shelving project at various schools. These funds support the purchase order balance for the	1,100.00

construction. The project is substantially complete as of August 2011, but it has not been fully billed.	
AHS Track & Tennis: This request is to re-appropriate \$5,694.25 to support the track & tennis court reconstruction project at Albemarle High School. These funds support the purchase order balance for the design of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	5,694.25
MHS Tennis Courts: This request is to re-appropriate \$23,500.00 to support the tennis court resurfacing project at Monticello High School. These funds support the purchase order balance for the construction of the project. The project is substantially complete as of 2011, but it has not been fully billed.	23,500.00
Hollymead Parking Lot Improvements: This request is to re-appropriate \$3,215.00 to support the bus loop project at Hollymead Elementary. These funds support the purchase order balance for the design/CA of the project. The project will be substantially complete by October 2011.	3,215.00
Stony Point Parking Lot Improvements: This request is to re-appropriate \$2,497 to support the parent drop off project at Stony Point Elementary. These funds support the purchase order balance for the design/CA of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	2,497.00
Stony Robinson Parking Lot Improvements: This request is to re-appropriate \$2,817.00 to support the satellite bus parking project at Stone Robinson Elementary. These funds support the purchase order balance for the design/CA of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	2,817.00
Burley MS Asphalt Track: This request is to re-appropriate \$1,368.00 to support the track project at Burley Middle School. These funds support the purchase order balance for the design/CA of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	1,368.00
HVAC Design: This request is to re-appropriate \$3,783.00 to support multiple HVAC projects. These funds support the purchase order balance for the design/CA of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	3,783.00
HVAC Design-Woodbrook Elementary: This request is to re-appropriate \$2,674.00 to support the chiller replacement project at Woodbrook Elementary. These funds support the purchase order balance for the design/CA of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	2,674.00
HVAC Design- Red Hill Elementary: This request is to re-appropriate \$2,681.00 to support the HVAC project at Red Hill Elementary. These funds support the purchase order balance for the design/CA of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	2,681.00
HVAC Design- Greer Elementary: This request is to re-appropriate \$1,541.50 to support the Kitchen AC project at Greer Elementary. These funds support the purchase order balance for the design/CA of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	1,541.50
Energy Conservation: This request is to re-appropriate \$5,204.25 to support the Renewable Energy Resource Center project at Henley Middle School. These funds support the purchase order balance for the design/CA of the project. The project will break ground in October 2011 & will be substantially complete by February 2012.	5,204.25
Greer Elementary HVAC: This request is to re-appropriate \$75,536.17 to support the Kitchen AC project at Greer Elementary. These funds support the purchase order balance for the construction of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	75,536.17
Burley Elementary HVAC: This request is to re-appropriate \$41,745.50 to support the ESOL HVAC project at Burley Middle School. These funds support the purchase order balance for the construction of the project. The project is substantially complete as of August 2011, but it has not been fully billed.	41,745.50
AHS Turf: This request is to re-appropriate \$2,633.95 to support the turf field project at Albemarle High School. These funds support the purchase order balance for the construction of the project. The project is substantially complete, but it has not been fully billed.	2,633.95
WAHS Turf: This request is to re-appropriate \$1,449.87 to support the turf field project at Western Albemarle High School. These funds support the purchase order balance for the construction of the project. The project is substantially complete.	1,449.87

This request also re-appropriates a balance of the School Division Capital Improvement Fund remaining as of June 30, 2011 as follows:

PROJECT DESCRIPTION	AMOUNT
Minor Capital Improvements: This request is to re-appropriate \$11,052.94 from Brownsville Elementary School project to support minor capital improvement projects associated with Americans with Disability Act (ADA) uses at various schools. The State recently conducted an ADA Compliance Audit for the School Division at the high schools and some minor projects are needed for compliance.	11,052.94

Appropriation #2012033 **\$1,257,641.18**

Stormwater Capital Improvement Project Re-Appropriation Requests

Revenue Source Stormwater CIP Fund Balance \$1,257,641.18

Each year, staff presents to the board a list of projects that were appropriated to the Stormwater Capital fund in a prior year, but remains unfinished at year end. A re-appropriation of those remaining balances is necessary to fund the continuation and/or completion of these projects.

PROJECT DESCRIPTION	AMOUNT
COB Parking Lot Biofilters: This request is to re-appropriate the remaining account balance of \$41,793.73 for the completion of the stormwater management of two aisles at the McIntire County Office Building parking lot. Plans include landscaping improvements and a pedestrian walking trail. These funds support purchase order balances for the construction and architect/engineering contracts, change orders, and contingency. Construction was substantially completed in June 2011 and plantings will be completed in the Fall of 2011. Total project completion is anticipated by December 2011, excluding 1-year warranty on plantings.	\$41,793.73
Downtown Crozet Wetlands Stormwater Project: This request is to re-appropriate \$15,074.84, the remaining Downtown Crozet Wetlands account balance in FY 11, for stormwater management through pipe and channel improvements and the construction of a stormwater wetland system to treat runoff from existing and future development in Downtown Crozet. The project is anticipated to be substantially completed in February 2012 based on a notice authorizing work to proceed being issued by the end of September.	\$15,074.84
Woodbrook Lagoon: This request is to re-appropriate \$302,522.90, the remaining account balance, for stormwater management for a 250 acre urban watershed through channel improvements, wetlands, and biofiltration. These funds support purchase order balances for the construction and architect/engineering contracts, change orders, and contingency. This project is under construction and the project is anticipated to be substantially completed in November 2011.	\$302,522.90

This request also re-appropriates balances of the Stormwater Capital Improvement Fund remaining as of June 30, 2011 as follows:

PROJECT DESCRIPTION	AMOUNT
Stormwater Improvement Control Account: This is a request to re-appropriate a total of \$898,249.71 (\$846,221.16 from the Stormwater Control Improvement Account balance and \$52,028.55 from the Turtle Creek Retrofit project balance) so that additional funds are immediately available to support projects that are currently or will be under contract. Funds will support core, essential stormwater improvement projects and/or will be available to address potential Clean Water Act Total Maximum Daily Load (TMDL) mandated requirements.	\$898,249.71

Ms. Allshouse explained these are mostly appropriations for donations and grants, re-appropriations of outstanding purchasing orders that need to be moved forward to FY12, and CIP projects that are underway and not completed by the end of FY11. Approximately \$7 million of the requests are CIP re-appropriations for local government and schools, and stormwater CIP projects. Ms. Allshouse stated that staff recommends that the Board approve the amendment after the public hearing.

Mr. Boyd asked about the master planning allocations for Places 29 and how the \$1,185,000 gets allocated to the different projects mentioned. He is very interested in the Northtown Trail which might be able to get completed with the amount of money available. How would it be decided whether the money would go to sidewalks, the trail, etc.

Ms. Mallek said that same amount of money was considered for designing Berkmar Extended.

Mr. Boyd stated that in focusing on the "doable" projects, it may make sense to do the trail.

Mr. Mark Graham, Director of Community Development, explained that the Places 29 Plan implementation section has a five-year proposal for items including preliminary engineering for Berkmar Extended to show how it would be built moving forward, and for the trails there was the same thing – the idea of getting a plan moving forward.

Mr. Boyd asked if there was a dollar amount for each. Mr. Graham said this amount came from the estimate in the implementation section of the Master Plan.

Mr. Boyd commented that the Pantops master planning group decided to do the sidewalks there with the limited money available, rather than wait for 10 or 20 years until more funding was available for larger projects.

Mr. David Benish, Chief of Planning, explained that the County would likely pursue some enhancement grants or design grants to get a true cost estimate, potentially including public/private partnerships, and when those opportunities become available staff will approach the Budget Office to make their aware of staff's desire. Staff will then come back to the Board with a request to fund a specific project.

Mr. Boyd said the Northtown Trail is a highly desirable project.

Ms. Mallek said she thought the \$1 million would be used for what the developers was supposed to be doing for Berkmar Drive so she is glad to get that understanding.

Mr. Rooker said he would like to see a study done as to how the sidewalk network on Hydraulic Road near Albemarle Place (Shops at Stonefield) might be completed. There are missing links in the sidewalk network as you get close to Albemarle Place.

Mr. Benish stated that in the CIP this year there is a request for sidewalks from Whitewood Road to Commonwealth Drive. He also understands that the Stonefield Development would be providing sidewalks for their frontage.

Mr. Rooker said he does not want to see gaps in sidewalk network, as this would likely become the most densely populated part of the County.

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

Mr. Rooker mentioned that the Woodbrook lagoon was mentioned in this list as well, and residents have expressed concern about its condition.

Mr. Thomas said the lagoon has had some "glitches" in communication and the Board can discuss it further when they discuss Woodbrook.

Mr. Rooker **moved** to approve the FY 2012 Budget amendment in the amount of \$10,620,331.39 and to approve Appropriations #2012024, #2012025, #2012026, #2012027, #2012028, #2012029, #2012030, #2012031, #2012032, and #2012033 to provide funds for various local government and school projects and programs. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

APP #2012-024 DATE 08/03/2011 BATCH NAME							
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Appropriations from School Board meeting on August 25, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	318100	181109	6599	2,500.00	Donation
4	2000	62303	461101	601300	6303	2,500.00	Ed/Rec Supplies
TOTAL						5,000.00	

APP #2012-025 DATE 10/05/2011 BATCH NAME							
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Fire Rescue donations for chair replacement at Monticello (Station 11)							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	1000	32015	432010	800201	1003	3,800.00	
3	1000	51000	351000	512008	9999	3,800.00	Trs. From Contribution Fund
4	8405	93010	493010	930009	9999	3,800.00	Trs to General Fund
3	8405	51000	318000	181114	9999	3,800.00	Contributions
TOTAL						15,200.00	

APP #2012026
 DATE 10/05/2011
 BATCH NAME

COUNTY OF ALBEMARLE
 APPROPRIATION

EXPLANATION: Totaled Vehicle Replacements

ACCOUNT NUMBER							DESCRIPTION
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	
3	9200	19000	319000	190800	9999	23,553.00	Insurance receipts
3	9200	51000	351000	510100	9999	21,434.26	App Fund Balance
4	9200	12144	412560	800500	9999	17,217.26	Finance
4	9200	71012	412560	800500	9999	27,770.00	Parks
TOTAL						89,974.52	

APP #2012027
 DATE 10/05/2011
 BATCH NAME

COUNTY OF ALBEMARLE
 APPROPRIATION

EXPLANATION: Seized asset and grant fund reappropriations

ACCOUNT NUMBER							DESCRIPTION
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	
3	1219	33000	333000	330009	1008	705,000.00	Federal Revenue – CDBG
3	1219	51000	351000	510100	9999	(26,010.00)	Fund Balance
3	1219	51000	351000		1008	9,745.70	Transfer from Crozet Meadows
4	1219	81030	481030	300205	1008	26,235.70	Oak Hill Admin Services
4	1219	81030	481030	950523	1008	662,500.00	Oak Hill Sewer
3	1223	51000	351000	510100	9999	9,745.70	Fund Balance
4	1223	93010	493010			9,745.70	Transfer to Oak Hill Admin Svcs.
3	1234	51000	351000	510100	9999	42,745.52	Fund Balance
3	1234	24000	324000	240403	1003	15,000.00	Aid – State
3	1234	15000	315000	150101	9999	100.00	Interest
4	1234	22010	422010	320000	1002	10,845.52	Temporary Help
4	1234	22010	422010	550100	1002	20,000.00	Travel/Training
4	1234	22010	422010	600100	1002	6,000.00	Office Supplies
4	1234	22010	422010	800200	1002	6,000.00	Furniture/Fixtures
4	1234	22010	422010	800700	1002	15,000.00	ADP Equipment
3	1235	51000	351000	510100	9999	235.64	Fund Balance
3	1235	33000	333000	330205	1003	100.00	Categorical Aid – Federal
3	1235	15000	315000	150101	9999	5.00	Interest
4	1235	39000	439000	580905	1003	340.64	State Seizures
3	1236	51000	351000	510100	9999	52,494.25	Fund Balance
3	1236	24000	324000	240403	1003	20,000.00	Aid – State
3	1236	15000	315000	150101	9999	120.00	Interest
4	1236	39000	439000	580905	1003	72,614.25	State Seizures
3	1238	51000	351000	510100	9999	3,824.85	Fund Balance
3	1238	33000	333000	330216	1003	4,000.00	Categorical Aid – Federal
3	1238	15000	315000	150101	9999	50.00	Interest
4	1238	31013	431010	800100	1003	7,874.85	Machinery & Equipment
3	1515	33000	333000	300001	9999	74,239.82	Grant Revenue – Federal
4	1515	31013	431010	800100	1003	74,239.82	Machinery & Equipment
3	1523	33000	333000	330033	1003	7,784.48	DOJ – Pass Thru
4	1523	31013	431010	120000	1003	2,320.57	Overtime
4	1523	31013	431010	210000	1003	192.23	FICA
4	1523	31013	431010	550403	1003	4,600.73	Travel/Training
4	1523	31013	431010	800201	1003	670.95	Furniture/Fixtures
3	1525	33000	333000	330214	1003	186,913.50	Grant Revenue – Federal
4	1525	31092	432020	360000	1003	186,913.50	Advertising
3	1528	33000	333000	330033	1003	10,699.82	DOJ – Pass Thru
4	1528	39000	439000	560010	1003	10,699.82	Contribution to Other Localities
3	1530	33000	333000	330011	1003	4,021.51	Grant Revenue – Federal
4	1530	21070	421070	120000	1002	1,085.00	Overtime
4	1530	21070	421070	210000	1002	83.00	FICA
4	1530	21070	421070	580000	1002	200.00	Miscellaneous Expenses
4	1530	21070	421070	600800	1002	153.51	Vehicle Fuel
4	1530	21070	421070	600900	1002	2,500.00	Vehicle Repairs
3	1537	33000	333000	300001	1003	25,459.00	Grant Revenue – Federal

4	1537	31013	431010	120000	1003	23,649.79	Overtime Wages
4	1537	31013	431010	210000	1003	1,809.21	FICA
3	1539	33000	333000	330001	1003	14,010.10	Grant Revenue – Federal
3	1539	51000	351000	510100	9999	933.07	Appropriation – Fund Balance
4	1539	31013	431010	120000	1003	10,476.80	Overtime
4	1539	31013	431010	210000	1003	801.48	FICA
4	1539	31013	431010	800100	1003	3,664.89	Machinery & Equipment
3	1543	33000	333000	330001	1003	48,673.74	Grant Revenue – Federal
4	1543	31013	431010	120000	1003	44,441.20	Overtime
4	1543	31013	431010	210000	1003	3,681.38	FICA
4	1543	31013	431010	550100	1003	427.10	Travel/Training
4	1543	31013	431010	800100	1003	124.06	Machinery & Equipment
3	1565	24000	324000	240616	1005	22,159.11	VHCF – Project Connect Grant
4	1565	53153	453010	110000	1005	20,584.40	Salaries – Regular
4	1565	53153	453010	210000	1005	1,574.71	FICA
3	1569	19000	319000	190248	1005	60,577.00	Recovered Costs – Foothills
4	1569	53157	453010	110000	1005	43,350.00	Salaries – Regular
4	1569	53157	453010	210000	1005	3,282.00	FICA
4	1569	53157	453010	221000	1005	6,512.00	VRS
4	1569	53157	453010	231000	1005	7,044.00	Health Insurance
4	1569	53157	453010	232000	1005	265.00	Dental Insurance
4	1569	53157	453010	241000	1005	124.00	VRS Group Life Insurance
3	1576	51000	351000	510100	9999	3,605.89	Appropriation – Fund Balance
4	1576	31092	432010	800100	1003	3,605.89	Machinery & Equipment
3	1584	33000	333000	330412	1003	3,524.32	Grant Revenue – Federal
4	1584	31013	431010	120000	1003	3,254.71	Overtime
4	1584	31013	431010	210000	1003	269.61	FICA
TOTAL						2,599,516.04	

							APP #2012028 DATE 10/05/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: General Fund Reappropriations							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	1000	51000	351000	510100	9999	384,972.59	APPROPRIATION-FUND BAL
4	1000	12030	412030	TBD	1001	3,500.00	TBD-HR
4	1001	13020	413020	312510	1001	5,000.00	ELECTION OFFICIALS
4	1000	13020	413020	331607	1001	26,000.00	R & M-VOTING MACHINES
4	1000	32011	432010	800700	1003	\$3,339.00	ADP EQUIPMENT
4	1000	32020	432020	392000	1003	\$97,133.59	CONTRACTUAL SERVICES
4	1000	99900	499000	999987	9999	\$250,000.00	Job Opportunity Fund
TOTAL						769,945.18	

							APP #2012029 DATE 10/05/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Public Safety (Police and Sheriff) Grants							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	1000					4,320.00	Transfer to fund 1587
4	1000	21070	421070	930200	1002	(4,320.00)	
3	1587	33000	333000	330011	1002	\$21,600.00	Grant revenue - federal
3	1587					\$4,320.00	Transfer from Gen Fund
4	1587	21070	421070	120000	1002	\$16,253.60	Overtime
4	1587	21070	421070	210000	1002	\$1,346.40	FICA
4	1587	21070	421070	600800	1002	\$4,320.00	Vehicle Fuel
4	1587	21070	421070	800311	1002	\$4,000.00	Radar Equipment - New
3	1588	33000	333000	300001	1003	\$19,876.00	Grant Revenue - Federal
4	1588	31013	431010	120000	1003	\$18,355.49	Overtime Wages
4	1588	31013	431010	210000	1003	\$1,520.51	FICA
4	1000					2,204.00	Transfer to fund 1589
4	1000					-\$2,204.00	FICA

3	1589	33000	333000	330011	1003	\$40,000.00	Grant Revenue - DMV Federal
3	1589					\$2,204.00	Transfer From - General Fund
4	1589	31013	431010	120000	1003	\$28,810.00	Overtime
4	1589	31013	431010	210000	1003	\$2,204.00	FICA
4	1589	31013	431010	550100	1003	\$1,780.00	Travel/Training
4	1589	31013	431010	800100	1003	\$9,410.00	Machinery & Equipment
TOTAL						176,000.00	

							APP #2012030 DATE 10/05/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Transfer \$941,080.00 from the Street Improvement-Local balance to the Revenue Sharing Road Program							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	9010	41020	441200	950081	9999	941,080.00	Revenue Sharing Road Program
4	9010	41020	441200	950136	9999	(941,080.00)	St Improvement - Local
TOTAL						0.00	

							APP #2012031 DATE 10/05/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Reappropriating costs related to various uncompleted general government capital projects							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	9010	13020	413020	800736	1170	91,175.77	Voting Machines
4	9010	81010	481020	950178	1240	8,339.32	City View Project
4	9010	81010	481020	950147	1240	415,381.86	GIS Project
4	9010	81110	481020	950550	1240	1,185,000.00	Places 29 Master Plan
4	9010	81110	481020	950560	1240	198,731.45	Pantops Master Plan
4	9010	81110	481020	950565	1240	50,000.00	Rivanna Master Plan
4	9010	81110	499900	999999	9999	50,239.61	Contingency Funds Neighborhood
4	9010	71020	471020	950263	7100	50,000.00	Rivanna Trail Bridges
4	9010	32020	432020	810204	3140	84,651.28	E. Rivanna Tanker 26
4	9010	94160	494070	950114	7140	580,565.59	Crozet Library
4	9010	81010	481020	950199	1240	92,084.62	Crozet Main Street
4	9010	41023	441200	312350	9999	65,000.00	Crozet Stscp Phase II - A/E
4	9010	41023	441200	800670	9999	431,559.33	Crozet Stscp Phase II -
4	9010	41023	441200	800750	9999	2,500.00	Crozet Stscp Phase II -
4	9010	32021	432010	312350	3140	24,602.40	Ivy Fire Station
4	9010	32018	432010	312350	3140	10,651.32	Pantops Fire Station
4	9010	73025	473010	800949	7140	218,571.49	Library Maintenance Projects
4	9010	94020	494040	950061	9999	20,000.00	Meadowcreek Path
4	9010	41020	441200	950081	9999	74,697.90	Revenue Sharing Road Program
4	9010	41350	441200	950511	9999	70,992.22	Sidewalk, Avon Street
4	9010	41350	441200	950516	9999	18,027.50	Sidewalk, Route 250/Westminster
4	9010	41350	441200	999999	9999	69,912.43	Sidewalk, Contingency
4	9010	41350	441200	950510	9999	22,886.03	Sidewalk, South Pnatops
4	9010	41350	441200	950514	9999	10,219.56	Sidewalk, Crozet Ave North
4	9010	41020	441200	950171	9999	1,761.42	Sunridge Road
4	9010	94090	494010	800200	1100	5,000.00	COB McIntire Renov II - Furn/Fixt
4	9010	94090	494010	800605	1100	300.00	COB McIntire Renov II - Const
4	9010	31010	431010	800714	3110	293,486.00	Police Technology Upgrade
4	9010	31010	431010	800733	3110	9,335.40	Police Video Equipment
4	9010	94140	494010	950232	7270	6,999.42	Park, Byrom
4	9010	72030	471010	950177	7270	10,225.11	Tourism -Park, Byrom
4	9010	72030	471010	950233	7280	252.40	Tourism-Park, Preddy Creek
4	9010	71020	471020	950044	7100	1,800.00	Parks & Recreation Athletic Study/ Develop
4	9010	72030	471010	950520	7100	1,003.15	Tourism-Park, Rivanna - Free Bridge Con
4	9010	72030	471010	950026	7100	2,123.00	Tourism-Greenway Program
4	9010					284,006.03	Microsoft Upgrade
4	9010	32020	432020	810806	3140	600,489.00	Seminole Trail - Engine 82
4	9010	41026	441200	800960	9999	35,231.74	Streetlights
4	9010	43100	443200	950169	9999	100,000.00	Roadway Landscape Program
4	9010	42043	442040	950059	1210	50,000.00	Keene Landfill
4	9010	41000	481020	950110	1240	9,950.00	Records Management System
3	9010	41000	341000	410500	9999	2,397,039.62	Loan Proceeds
3	9010	24000	324000	240238	1004	190,000.00	VDOT Safer Routes To Sch Grant
3	9010	51000	351000	512055	9999	64,596.33	Proffer, Avon Park
3	9010	51000	351000	510100	9999	2,606,116.40	Approp Fund Balance
4	8534	93010	493010	930010	9999	64,596.33	Avon Park-Trsf to CIP

3	8534	51000	351000	510100	9999	64,596.33	Avon Pak App F/B
TOTAL						10,644,697.36	

							APP #2012-032 DATE 10/05/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Reappropriating costs related to various uncompleted school capital projects							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	9000	69985	466730	301210	6301	750.00	Albemarle High School Addition
4	9000	69985	466730	800605	6305	3,664.00	CATEC
4	9000	69985	466730	312350	6104	119,234.81	Greer E S
4	9000	69985	466730	800605	6104	17,990.23	Greer E S
4	9000	69980	466730	800665	6599	16,337.21	ADA Improvements
4	9000	69985	466730	800605	6522	84,011.44	VMF
4	9000	69985	466730	312350	6522	9,045.63	VMF
4	9000	69980	466730	950257	6599	1,100.00	Maint: Child Nutrition
4	9000	69980	466780	301210	6301	5,694.25	Maint: AHS Track & Tennis
4	9000	69980	466780	301210	6304	23,500.00	Maint: MHS Tennis Courts
4	9000	69980	466200	800675	6105	3,215.00	Maint: Hollymead Site Improv
4	9000	69980	466200	800675	6111	2,497.00	Maint: Stony Point Site Improv
4	9000	69980	466200	800675	6110	2,817.00	Maint: Stone Robinson Site Improv
4	9000	69980	466780	301210	6251	1,368.00	Maint: Burley Track
4	9000	69980	466760	301210	6599	3,783.00	Maint: HVAC Design
4	9000	69980	466760	301210	6112	2,674.00	Maint: HVAC Design
4	9000	69980	466760	301210	6107	2,681.00	Maint: HVAC Design
4	9000	69980	466760	301210	6104	1,541.50	Maint: HVAC Design
4	9000	69980	466730	950195	6252	5,204.25	Maint: Energy Conservation
4	9000	69980	466760	301210	6104	75,536.17	Maint: Greer HVAC
4	9000	69980	466760	301210	6251	41,745.50	Maint: Burley HVAC
3	9000	69000	351000	510100	6599	424,389.99	Approp Fund Balance
4	9001	69999	466600	950245	6599	2,633.95	AHS Turf Field
3	9001	69999	466600	510100	6599	2,633.95	Approp Fund Balance
4	9002	69999	466600	950245	6599	1,449.87	WAHS Turf Field
3	9002	69999	466600	510100	6599	1,449.87	Approp Fund Balance
TOTAL						856,947.62	

							APP #2012-033 DATE 10/05/2011 BATCH NAME
COUNTY OF ALBEMARLE APPROPRIATION							
EXPLANATION: Reappropriating costs related to various uncompleted stormwater capital projects							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	9100	82063	482040	800975	9999	41,793.73	COB Parking Lot Biofilters
4	9100	82062	482040	312353	9999	8,113.50	Dwntwn Crozet Wetlands-Design
4	9100	82062	482040	800605	9999	4,961.34	Dwntwn Crozet Wetlands-Construction
4	9100	82062	482040	800750	9999	2,000.00	Dwntwn Crozet Wetlands-Property
4	9100	82060	482040	312400	9999	20,000.00	Woodbrook Lagoon-Engineering
4	9100	82060	482040	800605	9999	282,522.90	Woodbrook Lagoon-Construction
4	9100	82040	482040	800975	9999	898,249.71	Stormwater Improvement Control
3	9100	51000	351000	510100	9999	1,257,641.18	Approp Fund Balance
TOTAL						2,515,282.36	

Agenda Item No. 10. **PUBLIC HEARING: WPOA-2011-00001. Water Protection.** Amend Secs. 17-209, Fees, 17-304, Review and approval of stormwater management/BMP plan, 17-310, Fees, 17-321, Types of development which may be allowed in stream buffer by program authority, and 17-322, Mitigation plan if development allowed in stream buffer, of Chapter 17, Water Protection, of the Albemarle County Code. The ordinance would reduce the fee for variances related to erosion and sediment control plans from \$860 to a lesser amount (17-209), amend the procedures for reviewing stormwater management/BMP plans ("SWM plans") (17-304) and mitigation plans (17-322), establish standards when inactive SWM plans and mitigation plans are deemed withdrawn and when approved plans expire (17-304, 17-322), eliminate the fee for certain SWM plan requests and reduce the fee for a mitigation plan from \$860 to a lesser amount (17-310), and amend the regulations delineating the type of development

allowed in the stream buffer (17-321). *(Advertised in the Daily Progress on September 19 and September 26, 2011.)*

The executive summary states that staff periodically reviews water protection regulations to assure they are doing what they were intended to do. Staff has identified three areas of regulation warranting amendment. The proposed ordinance is Attachment A. The September 7, 2011 Executive Summary summarizing the proposed ordinance is Attachment B.

The proposed ordinance would amend the Water Protection Ordinance as follows:

Reduce fees for variances and mitigation plans.

The current variance fee was based on the assumption that variances would require review by multiple staff members and would generally be for complex projects. Staff experience is that variance applications are much smaller and simpler, are primarily intended to accommodate individual sites with tight topography or other unique circumstances, and require only 2-4 hours of staff time to review. Similarly, mitigation plans are usually a simple planting plan that can be incorporated into other plans and require limited staff time to review. The proposed amendments to County Code §§ 17-209 and 17-310 reduces the fee for variances from \$760 to \$150, and also reduces the fee for mitigation plans from \$860 to \$150.

Allow limited disturbance of the outer 50 feet of stream buffers on intermittent streams in the Rural Areas.

Since 1998, the WPO has permitted limited disturbances of the outer 50 feet of stream buffers with mitigation. Stream buffers were first placed on intermittent streams only in the water supply watersheds, however, a 2009 amendment added stream buffers on intermittent streams in all rural areas. The 2009 amendment created uncertainty as to whether any disturbance of stream buffers on intermittent streams in the rural areas was allowed, regardless of mitigation. The proposed amendment to County Code § 17-321 would clarify that limited disturbances of the outer 50 feet of stream buffers on intermittent streams in the rural areas are permitted with mitigation.

Facilitate a coordinated review of stormwater management/BMP plans and mitigation plans.

The current time limits on the approval and re-submittal of erosion and sediment control plans have been difficult to properly implement when owners combine them with stormwater management/BMP plans and mitigation plans into one physical plan set and submit them simultaneously. The proposed amendments to County Code §§ 17-304 and 17-322 would facilitate the coordinated review and action on erosion and sediment control plans, stormwater management/BMP plans, and mitigation plans when they are simultaneously submitted. The proposed amendments also would void dormant applications and approved plans that are not implemented within the periods specified in the regulations.

With an estimate of 5 variance applications and 5 mitigation plans per year, the revenue reduction as a result of the fee changes is estimated at \$6,880.00. Staff notes this amount may be partially offset by an increased number of applications, as some property owners have decided against pursuing an application due to cost. However, fees are required to reflect the County's cost of providing services and the new fees will more accurately reflect the staff time required for these services. The other proposed amendments would not have a budget impact though they would promote the efficient administration of the Water Protection Ordinance.

Staff recommends that, after the public hearing, the Board adopt the proposed ordinance (Attachment A).

Mr. Glenn Brooks, County Engineer, said, in his opinion, the County was charging too much so he is proposing to reduce fees for variations for erosion and sediment control and mitigation plans. He explained that staff effort required is a lot less than anticipated. In addition, there are fewer requests.

Mr. Brooks said the second part was to clarify what disturbances are allowed in stream buffers. In 2009 the County extended buffers on intermittent streams throughout the County – which had a broad impact. He stated that some of the practices being done before that change were more permissive than the Code actually allowed.

Ms. Mallek said that was the whole point in having the change.

Mr. Brooks said it was, but the County was not actually doing that. He presented a map of the Crozet area and noted the stream buffers, which already had been encroached upon by existing development. Mr. Brooks stated there are a lot of cases where people are doing yard work or small modifications to sheds and driveways, and the way the ordinance is written now is very burdensome for them. He said the ordinance currently states that a property owner can do necessary infrastructure for reasonable use of their lot, and that has been interpreted very liberally in the past. Mr. Brooks explained that the County does not prohibit a developer from creating a lot in which all of the yard is in the stream buffer and the house is not because the ordinance says a building site should be out of the buffer – but it doesn't say the lot should be. He showed some new lots in Old Trail in which most of the yard is in stream buffer, adding that the County does not have the expectation nor the manpower to police what people are doing in their yards if, for example, they are trimming vegetation, adding a playground for their children, etc.

Ms. Mallek said they wouldn't want to be in the position of encouraging people to put up a shed because when it floods all of the structure is going to go downstream and run into their neighbor's house.

Mr. Brooks responded that a structure of that type would require a building permit and the permit would get denied. He also said that people don't always know the impact of this when they buy the lot, and the realtors are not going to mention all of the prohibitive uses.

Mr. Thomas asked if realtors had to divulge that kind of information.

Ms. Mallek commented that they do not have to in Virginia.

Mr. Brooks agreed, stating that when he gets calls from people wanting to build something like a deck that extends into a buffer, they are normally shocked when they find out it is a prohibited use and they cannot do it.

Mr. Brooks said it used to be the Natural Resources Manager and Watershed Protection people who would handle these matters, but those positions have been eliminated. He stated that one of the first developments that came in after the ordinance was adopted in 1998 was the development at Highlands and Western Ridge, whereby the County allowed an extensive disturbance of stream buffers under the clause "necessary and reasonable use of the lot" – which was interpreted very liberally. Mr. Brooks presented pictures of property along Route 240, noting the presence of a stormwater management facility that was built for industrial property near the frontage. He said the entire system was piped, as is the trucking facility that has been there since about 1960. Mr. Brooks said when Martha Jefferson came in to build their office, they were allowed to pipe it under their parking lot.

Mr. Brooks said it is a gray area - when do you say a stream is worth saving? If it is already sacrificed on either side and you have an interval in between, do you keep it?" He said there are no rules but he must follow some kind of precedent based on what previous staff had done. Mr. Brooks stated that while there is always a recognition that some stream buffer disturbance would be allowed, he finds it very difficult to define what a reasonable use is and what is not.

Mr. Thomas said he went with Mr. Dave Hirschman to grade and rate streams and asked if that was ever finished.

Mr. Brooks stated that all of the streams are mapped now and are all covered by a buffer, so it was more useful when staff had to decide whether or not a stream was going to be labeled perennial, or when planning what sections would be improved for mitigation purposes. He also presented information on a farm that has Lickinghole Creek along its entire frontage, which is Jarman's Gap Road. In 2009 when the County permitted stream crossings there was a more permissive approach that allowed a by-right disturbance of a stream buffer for a stream crossing. Mr. Brooks said they are proposing to do a family division of Parcel 55 there and if it were divided such that the entrance would be on the right it would be done by-right, but if it were done on the left side where the stream crosses the road it is now a buffer disturbance and not a stream crossing. He asked if he was obligated to deny that request. He noted there is essentially a double standard, where a property owner has to come to the County and ask permission if it doesn't cross the stream – but if it does they can do it by right. Mr. Brooks said he has been using the stream crossing section – 17.320-D – as a guide for what to allow and what not to allow.

Mr. Brooks presented another example with Little Keswick School, which came to the County for an expansion. He said a lot of ponds in the County were built before the Water Protection Ordinance, and almost all of the buildings at the school are in a water protection area – and it is reasonable to allow development in the buffer in this case. Mr. Brooks also said the County tends to let agricultural and forestry uses go, citing Advance Mills as an example. When someone says they are building a pond for agricultural uses staff has not taken the stance where they ask them to prove their assertion.

Ms. Mallek said that with Advance Mills Farm, there was an existing farm road and no way it could be used for anything else.

Mr. Graham said there is no formal way to determine whether the pond is being used for a "farm" or not, but with Advance Mills staff looked at the fact the property was in land use and they were growing corn on the property. He stated that from all evidence on the face of it, it was operating as a legitimate farm. This is a loophole that people recognize in State regulations. Similarly there is nothing that prohibits anyone from clearing all their land and saying they were going to turn it into a pasture. Under existing State regulations, they can tear up their land and do nothing with it for an entire year. The County has no control over that.

Ms. Mallek said she thought there were changes in the forestry regulations that they were not allowed to do the forestry dodge anymore. Mr. Graham responded that that is not considered forestry; it is conversion. If they are doing timber harvesting that is different.

Ms. Mallek said she hopes these regulations can be worked on more. While all Mr. Brooks' examples were reasonable, she does not want a situation where just because a pipe was put in a huge field in Western Ridge 15 years ago it should be done now. She emphasized that the recent round of severe storms has illustrated that these naturally occurring stormwater features and buffers are incredibly important.

Mr. Rooker asked for clarification that there could be one stream crossing to access a parcel, but not a second stream crossing.

Mr. Graham replied that would be a discretionary act by the Authority. Mr. Brooks said it would be him or Mr. Graham trying to decide whether the second crossing was necessary for reasonable use of the

lot. Mr. Brooks said it depends on the case, and some people come in and try to subdivide a lot so the County will have to approve the crossing. Mr. Graham added there are pretty clear standards in the ordinance that speak to what should be considered and it is not just a whim. The ordinance provides good guidance on what they are supposed to look at.

Ms. Mallek said she just wants to make sure staff is not put in a position where they feel they must provide an extra lot for the crossing. She then asked if there are state or engineering requirements for not crossing a dam.

Mr. Brooks said it depends on the size of the dam and whether it is state regulated. It also depends on the standards of the driveway or road crossing the dam. If it is a single driveway for a private residence, the County does not have much say in it.

Mr. Rooker said in all of these cases there is mitigation as part of the project, so the question is what is being looked at as a standard with respect to the mitigation that's required.

Mr. Brooks responded that most of the mitigation is plantings on the final product and erosion control and environmental protections during construction. The County is enforcing the part of the Code added for stream crossings that cites a 2:1 ratio for plantings.

Mr. Rooker commented that the idea is to have at least as good protection or better at the end of the process than at the beginning.

Mr. Brooks said there are a lot of buffers on intermittent streams that do not appear on maps and that can catch people by surprise, which goes back to the question of "when is a stream a stream?"

Mr. Brooks stated the last section pertains to coordinating timelines on plan submittals. In 2009 the County tried to implement a time limit on how long an application can be in process and be left there – and found that two other kinds of plans in the system should be coordinated, as all three needed to be done from the ordinance. It is just trying to get all the plans treated the same.

At this time, the Chair opened the public hearing.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board and complemented staff on the "excellent job" they have done in engaging the development community and the environmental community with the changes. He said when the Water Protection Ordinance was initially passed, he had suggested that a map would show an incredibly shrinking development area. It is his understanding that the Planning Commission will receive a report on that issue on October 11th. Mr. Williamson also expressed concern that there is a one-year deadline on the approval prior to receiving a building permit. He stated that there are times because of federal regulations and loan backlog that a year isn't a very long time to move forward – so perhaps 24-36 months would be a reasonable change.

Mr. Charles Battig asked if the County could calculate the percentage of land that has been taken as buffers, stating that the land becomes "devalued" because it cannot be marketed or built upon. He said that County regulations are devaluing the property. He also asked how wide the buffers are. What happens if the Thomas Jefferson Planning District Commission decides, for example, that the environment deserves buffers twice as wide?

Ms. Mallek said the residents of Western Ridge value their lowland backyards and streams their children can visit.

Mr. Battig said the other person who is not there loses value on his property.

Ms. Mallek commented these are lots that have a house and the property owner would not be building another house on the lot.

Mr. Rooker said he lives within 100 feet of a stream and technically his lot shows up as impacted on the map, but he views it as enhancing the value of his property because it becomes a natural area along the stream.

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

Mr. Rooker commented that staff's proposals make sense because of the lower fees, and the limited disturbance makes sense because the primary goal is protecting the streams. He said that he is convinced that limited disturbance with full mitigation is a good way to approach that, and it does mitigate some of the issues raised with the ability of people to use their properties in certain ways. Mr. Rooker asked Mr. Davis if the one-year issue could be addressed as he does not see why additional time could not be granted to exercise a permit.

Mr. Davis said Mr. Brooks should answer that, as it is his recommendation.

Mr. Brooks said the one-year timeline for an approved plan could certainly be extended, as it was just carried over from the erosion and sediment control plans.

Mr. Davis said there is no state requirement for a timeline, but the idea is not to have dormant plans sitting around for a long time. He thinks the concept of not having dormant plans is an important one.

Ms. Mallek said it may come back to bite them later.

Mr. Brooks mentioned that the State Code has a provision that any project that lies dormant for 90 days before a plan is implemented could be reevaluated by the Program Authority, at his discretion.

Mr. Rooker said two years sounds reasonable here.

Mr. Brooks said staff could go with two years; the shorter provision was because County staff was having difficulty keeping files.

Ms. Mallek said she wanted to keep the erosion control provisions for one year.

Mr. Brooks stated it is more about the planning process, as an applicant will come in and get a site plan, lighting plans, stormwater plans, etc., and get some of those permits approved quickly, but then will be stuck on the details of another requirement.

Mr. Dorrier said the one-year provision is throughout the ordinance.

Mr. Brooks said if the time is lengthened, it should be done uniformly.

Mr. Rooker reiterated that he thinks two years is a reasonable timeframe.

Mr. Snow said he would support that. Mr. Boyd said he would also support it.

Mr. Davis said the ordinance has several sections – 17-322 E and F, and 17-304 F and G – that have reference to effective dates of ordinance. He added that staff's recommendation would be today's date – October 4, 2011, in those insertions. He stated those same sections would need to be changed from one year to two year to coincide with that effective date, as well as the general approval process timeline.

Mr. Rooker **moved** to adopt the proposed ordinance with the changes as outlined by the County Attorney. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

ORDINANCE NO. 11-17(1)

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING ARTICLE II, EROSION AND SEDIMENT CONTROL, AND ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, Article II, Erosion and Sediment Control, and Article III, Stormwater Management and Water Quality, are amended and reordained as follows:

By Amending:

Sec. 17-209	Fees
Sec. 17-304	Review and approval of stormwater management/BMP plan
Sec. 17-310	Fees
Sec. 17-321	Types of development which may be allowed in stream buffer by program authority
Sec. 17-322	Mitigation plan if development allowed in stream buffer

Chapter 17. Water Protection

Article II. Erosion and Sediment Control

Sec. 17-209 Fees.

Each owner seeking approval of an erosion and sediment control plan or entering into an agreement in lieu of a plan shall pay a fee upon submittal of such plan, and shall pay a fee for each reinspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

- | | | |
|----|---|--|
| A. | Land disturbing activity pertaining to single family dwelling unit: | |
| | 1. | Agreement in lieu of a plan if single family dwelling unit located in a residential development: \$150 |
| | 2. | Agreement in lieu of a plan if single family dwelling |

	unit not located in a residential development:	\$150
3.	Plan review for a single family dwelling unit:	\$150
4.	Permit and first year inspection fees for a single family dwelling unit:	\$150
5.	Annual permit renewal and inspection fees for a single family dwelling unit, starting with second year:	\$150
6.	Each reinspection:	\$150
B.	Land disturbing activity pertaining to non-exempt agricultural land:	
1.	Plan review:	\$150 per review
2.	Permit and first year inspection fees:	\$150
3.	Each reinspection:	\$150
4.	Annual permit renewal and inspection fees, starting with second year:	\$150
C.	All other land disturbing activity:	
1.	Plan review, disturbed area less than one acre:	\$150 per review
2.	Permit and first year inspection fees, disturbed area less than one acre:	\$200
3.	Annual permit renewal and inspection fee, disturbed area less than one acre:	\$200
4.	Plan review, disturbed area one acre or larger:	\$300 per review
5.	Permit and first year inspection fees, disturbed area one acre or larger:	\$100 per disturbed acre
6.	Annual permit renewal and inspection fee, disturbed area one acre or larger, starting with second year:	\$100 per disturbed acre
7.	Each reinspection:	\$250
8.	Amendment to approved plan:	\$180 per plan review
D.	Variances:	\$150 per request

(§ 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-91, 3-18-92; § 19.3-17, 2-11-98; Code 1988, §§ 7-4, 19.3-17; Ord. 98-A(1), 8-5-98; Ord. 98-17(1), 11-11-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code § 10.1-562.

Article III. Stormwater Management and Water Quality

Sec. 17-304 Review and approval of stormwater management/BMP plan.

Each stormwater management/BMP plan submitted pursuant to this article shall be reviewed and approved as provided herein:

A. The plan shall be reviewed by the program authority to determine whether it complies with the requirements of section 17-303 and all other requirements of this article.

B. During its review of the plan, the program authority may meet with the owner from time to time to review and discuss the plan with the owner, and shall inform the owner in writing of any modifications, terms, or conditions required to be included in the plan in order for it to be approved.

C. The program authority shall approve or disapprove a plan within sixty (60) days from the date the application was accepted for review; provided that the program authority shall act on any plan that was previously approved within forty-five (45) days after the plan was revised, resubmitted to the program authority, and accepted for review. The decision of the program authority shall be based on the plan's compliance with this article. The decision shall be in writing and shall be served by first class mail to the address provided by the owner in the application for approval of the plan or by personal delivery to the owner. The date of the decision shall be either the date that it is deposited for mailing or the date that it is personally delivered to the owner. If the plan is disapproved, the reasons for such disapproval shall be stated in the decision.

D. Each stormwater management/BMP plan approved by the program authority shall be subject to the following:

1. The owner shall comply with all applicable requirements of the approved plan, this article, the Virginia Stormwater Management Act (Virginia Code §§ 10.1-603.2 et seq.), and the state stormwater management regulations set forth in 4 VAC 50-60-10 et seq.;

2. The owner shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

3. Land development shall be conducted only within the area specified in the approved plan;

4. The rights granted by virtue of the approved plan shall not be transferred, assigned or sold unless a written notice of transfer, assignment or sale is filed with the program authority and the recipient of such rights provides the certification required by paragraph (D)(2);

5. The program authority may require, in conjunction with its approval of a plan, that the owner first enter into a stormwater management/BMP facilities maintenance agreement as provided in section 17-323;

6. The program authority shall be allowed, after giving reasonable notice to the owner, occupier or operator of the land development, to conduct periodic inspections as provided in section 17-324; and

7. The program authority may require, as a condition of plan approval, that the owner enter into a right of entry agreement or grant an easement for purposes of inspection and maintenance. If such agreement or easement is required, the program authority shall not be required to give notice prior to conducting an inspection.

E. Nothing in this section shall require approval of a plan or part thereof that is determined by the program authority to pose a danger to the public health, safety, or general welfare or to deviate from sound engineering practices.

F. An application for a stormwater management/BMP plan that requires modifications, terms or conditions to be included in order for it to be approved as provided in paragraph (B) shall be deemed to be withdrawn if the owner fails to submit a revised plan addressing the omitted modifications, terms or conditions within six (6) months after the owner is informed of the omitted information as provided in paragraph (B); provided that any application for which the program authority informed the owner of omitted modifications, terms or conditions prior to October 5, 2011 shall be deemed withdrawn if the owner fails to submit a revised plan addressing the omitted modifications, terms or conditions by April 5, 2012.

G. An approved stormwater management/BMP plan shall be void if the owner fails to obtain a grading, building or other permit for activities involving land disturbing activities to implement the plan (the "permit") within two (2) years after the date of its approval; provided that any stormwater management/BMP plan approved prior to October 5, 2011 shall be void if the owner fails to obtain a permit by October 5, 2013; and further provided that any stormwater management/BMP plan associated with a subdivision plat or site plan whose period of validity is extended by Virginia Code § 15.2-2209.1(A) shall likewise be extended for the same time period.

(§ 19.1-7, 9-29-77, art. II, § 2, 7-11-90; § 19.1-8, 9-29-77, art. II, § 3, 7-11-90; § 19.3-28, 2-11-98; Code 1988, §§ 19.1-7, 19.1-8, 19.3-28; Ord. 98-A(1), 8-5-98; Ord. 09-17(1), 8-5-09, effective 9-5-09)

State law reference--Va. Code § 10.1-603.8.

Sec. 17-310 Fees.

Each owner seeking approval of a stormwater management/BMP plan shall pay a fee upon submittal of such plan, and shall pay a fee for each inspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

1. Plan review: \$300 per plan review
2. Amendment to approved plan: \$180 per plan review
3. Request for exception (section 17-308): \$240.
4. Each inspection or reinspection: \$60.
5. Mitigation plan (section 17-322): \$150

(§ 19.3-34, 2-11-98; § 19.1-8, 9-29-77, art. II, § 3, 7-11-90; Code 1988, §§ 19.1-8, 19.3-34; Ord. 98-A(1), 8-5-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code § 10.1-603.10.

Sec. 17-321 Types of development which may be allowed in stream buffer by program authority.

Development in a stream buffer may be authorized by the program authority in the circumstances described below, provided that a mitigation plan is submitted to, and approved, by the program authority pursuant to section 17-322:

1. on a lot within the fifty (50) horizontal feet of stream buffer that is the most landward (furthest from the stream) for necessary infrastructure to allow reasonable use of the lot. In all cases under this paragraph, any new building site and sewage disposal system shall be located outside the stream buffer;
2. on a lot on which the development in the stream buffer will consist of a lake, pond, or ecological/wetland restoration project;

3. on a lot on which the development in the stream buffer will consist of the construction and maintenance of a road, street or driveway that would not satisfy the requirements of section 17-320(D) and the program authority determines that the stream buffer would prohibit access to the lot necessary for the lot to be used and developed as permitted in the underlying zoning district and under the applicable regulations of the subdivision ordinance, or to establish more than one stream crossing;

4. on a lot which was of record prior to the date of adoption of this chapter, on which the development in the stream buffer will consist of the construction, installation and maintenance of water and sewer facilities or sewage disposal systems, and the program authority determines that the stream buffer would prohibit the practicable development of such facilities or systems. Any such sewage disposal system must comply with all applicable state laws; and

5. on a lot which was of record prior to the date of adoption of this chapter, if the stream buffer would result in the loss of a building site, and there are no other available building sites outside the stream buffer on the lot, or to allow redevelopment as permitted in the underlying zoning district.

(§ 19.3-45, 2-11-98; § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-45; Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08; Ord. 08-17(2), 5-7-08)

State law reference--Va. Code § 10.1-2108.

Sec. 17-322 Mitigation plan if development allowed in stream buffer.

Each owner who seeks to develop in a stream buffer pursuant to section 17-321 shall submit to the program authority for review and approval a mitigation plan as provided herein:

A. The owner shall submit a mitigation plan that satisfies the applicable requirements of this section, the fee required by section 17-310, and a certification stating that all requirements of the approved plan will be complied with.

B. The mitigation plan shall be reviewed by the program authority to determine whether it complies with the requirements of this section and all other requirements of this article. The program authority shall approve or disapprove a mitigation plan within forty-five (45) days that a complete plan was accepted for review. The decision shall be in writing and shall be communicated to the owner. If the plan is disapproved, the reasons for such disapproval shall be stated in the decision.

C. Each mitigation plan shall:

1. identify the impacts of proposed development on water quality and lands within the stream buffer;

2. ensure that, where development takes place within a stream buffer: (i) the proposed development shall be located on those portions of a site and in a manner that will be least disruptive to the natural functions of the stream buffer; (ii) no more land shall be disturbed than is necessary to allow a development that is permitted in the underlying zoning district under the applicable regulations of the subdivision ordinance; (iii) indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the proposed development; and (iv) the impervious cover shall be minimized consistent with the proposed development;

3. demonstrate and assure that development will be conducted using best management practices; where best management practices require regular or periodic maintenance in order to continue their functions, the program authority may require that the owner enter into an agreement providing for the ongoing maintenance of the plantings in the stream buffer, and may require a bond with surety or other acceptable instrument, which agreement and bond with surety or other acceptable instrument shall be of a substance and in a form approved by the program authority and the county attorney;

4. specify mitigation which will address water quality and stream buffer impacts;

5. contain all other information requested by the program authority; and

6. where an owner seeks to establish more than one stream crossing as provided in section 17-320(D)(6), demonstrate that the environmental impacts from the entire road, street or driveway necessitated by a single stream crossing would be greater than the environmental impacts caused by an additional crossing and its associated road, street or driveway. For the purposes of this subsection, the environmental impacts considered by the program authority include, but are not limited to, impacts to soil, soil erosion, stormwater quantity, water quality, loss of vegetated stream buffer, impacts to stream beds and stream banks, the creation of impervious surfaces, and the disturbance of slopes of twenty-five (25) percent or greater.

D. Each mitigation plan shall be evaluated by the program authority based on the following criteria:

1. whether all reasonable alternatives to development in the stream buffer have been explored and exhausted;

2. whether the development in the stream buffer is the minimum necessary and is conducted in a manner that will be least disruptive to the natural functions of the stream buffer;
3. whether best management practices will effectively mitigate adverse impacts from the encroachment on the stream buffer and its natural functions;
4. whether the design and construction of the development will satisfy the criteria in subsections 17-322(C)(2) and (C)(3); and
5. for driveways, roads and streets, whether their alignment and design are optimized, consistent with all other applicable requirements, to minimize encroachment in the stream buffer and adverse effects on water quality.

E. An application for a mitigation plan that requires modifications to be made in order for it to be approved shall be deemed to be withdrawn if the owner fails to submit a revised plan addressing the omitted modifications within six (6) months after the owner is informed of the omitted information; provided that any application for which the program authority informed the owner of omitted modifications prior to October 5, 2011 shall be deemed withdrawn if the owner fails to submit a revised plan addressing the omitted modifications by April 5, 2012.

F. An approved mitigation plan shall be void if the owner fails to obtain a grading, building or other permit for activities involving land disturbing activities to implement the plan (the "permit") within two (2) years after the date of its approval; provided that any mitigation plan approved prior to October 5, 2011 shall be void if the owner fails to obtain a permit by October 5, 2013; and further provided that any mitigation plan associated with a subdivision plat or site plan whose period of validity is extended by Virginia Code § 15.2-2209.1(A) shall likewise be extended for the same time period.

(§ 19.3-46, 2-11-98; § 19.2-8, 6-19-91, § 8; § 19.1-13, 6-19-91, § 13; Code 1988, §§ 19.1-13, 19.2-8, 19.3-46; Ord. 98-A(1), 8-5-98; Ord. 08-17(2), 5-7-08)

State law reference--Va. Code § 10.1-2108.

(NonAgenda. The Board recessed at 11:16 a.m. and reconvened at 11:33 a.m.

Due to time constraints, Ms. Mallek stated that Agenda Items 18, 19 and 24 would be moved to the afternoon portion of the meeting.

Agenda Item No. 11. **PUBLIC HEARING: ACSA-2011-0003. Arlin Martin.** To amend the Albemarle County Service Authority jurisdictional area boundary to provide "water service to one single-family dwelling only" on Tax Map 56, Parcel 80, an approximately 0.9 acre parcel zoned RA, Rural Areas, located in an area designated as Rural Area in the Comprehensive Plan. White Hall District. *(Advertised in the Daily Progress on September 19 and September 26, 2011.)*

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

Arlin Martin has filed an application requesting public water service for Tax Map 56, Parcel 80. This property represents an approximately 0.9 acre parcel of land zoned RA (Rural Areas) located in a designated Rural Area per the County's Comprehensive Plan (See Location Map, Attachment A). This property is currently in the Albemarle County Service Authority (ACSA) Jurisdictional Area, with a designation for "water only to existing structures." (See Jurisdictional Area Map, Attachment B) The applicant wishes to replace an existing single family residence with a new home on the property.

The Comprehensive Plan's Land Use Plan provides the following concerning water service to the Rural Area:

General Principle: Utilization of central water and/or sewer systems or extension of the public water or sewer into the Rural Area is strongly discouraged except in cases where public health or safety is endangered.

Recommendation: Only allow changes to the Jurisdictional Areas outside of the designated Development Area boundaries in cases where property is: (1) adjacent to existing lines; and, (2) public health or safety is endangered.

In this particular situation the existing house is in a severe state of disrepair and the applicant wishes to replace it with a new single family home. Because the current designation only allows service to the *existing* structure, a new home could not be served. Due to the small size of the parcel (0.946 acres), it will be difficult to safely provide both private well and septic service to this parcel and the new residence. The parcel is currently served by a septic system on-site. It should be noted that the applicant recently received approval of a variance (VA 2010-0004) to further reduce the size of this parcel by 0.106 acre, permitting a boundary line adjustment that transfers this acreage to the adjacent parcel (Parcel 80B), which is currently only 0.378 acres. This will reduce TMP 56-80 to a 0.84 acre parcel. A previous owner of TMP 56-80B received County approval for this boundary adjustment in 1976, but failed to record the plat.

The current "water only to existing structures" designation was placed on this property when the Board established the Jurisdictional Area maps and process in the early 1980s. Staff understands that the "service only to existing structures" designation was generally intended to recognize certain properties that were located outside the Development Area boundaries, but located adjacent to existing service lines, that were already developed in a more urban manner and/or already served by public water (or sewer). However, there is no documentation on file specifically noting the reason why this property has this designation.

While there is no well on the property, there is also no documentation of a health or safety problem with an on-site water source. However, as noted previously, the size of the parcel (either the current 0.946 acres or ultimate 0.84 acres) would make it difficult to provide a well on the property that would be adequately/safely separated from the existing septic system and home.

Staff can identify only one other case similar to this one for a property in the Rural Area. In that case, a building eligible for service under a "water only to existing structure" designation and located on a two-acre parcel off of Georgetown Road was demolished because it was in a severe state of disrepair. The owners, not aware of the jurisdictional area restrictions, subsequently requested a new service designation in 2000 (ACSA Amendment Request, Barbara Flowers) when they decided to build a new house. Because the property was two acres in size, could not be further subdivided, and is located outside of a designated Development Area, making it not likely to be rezoned to a more intensive use, the Board approved a change in the Jurisdictional Area designation on this parcel to "water only to one structure." Similarly, the applicant's property, while zoned RA, Rural Areas: 1) is less than one acre in size; 2) cannot be further subdivided; 3) is unlikely to be rezoned to a more intensive use as it is located in the Comprehensive Plan's Rural Area; and, 4) will be used for one residence, which was the intended service with the original Jurisdictional Area designation. As such, staff finds that a Jurisdictional Area designation for "water service to one single-family dwelling only" would be acceptable.

If the request is approved, the property owner will bear the cost to connect to an adjacent water line.

Mr. Benish said after the public hearing, staff recommends that the Board amend the Jurisdictional Area boundary to provide "water service to one single-family dwelling only" on Tax Map 56, Parcel 80.

The Chair opened the public hearing. None was offered and the Chair closed the public hearing, placing the matter before the Board.

Ms. Mallek **moved** to amend the jurisdictional area boundary of the Albemarle County Service Authority to provide "water service to one-single-family dwelling only" on Tax Map 56, Parcel 80. Mr. Dorrier **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 12. **PUBLIC HEARING: SP-2011-00004. Eagleburger Property AT&T CV352 Tier III PWSF (Signs #106&107).**

PROPOSED: A one hundred and fifty five (155) feet seven (7) inches tall tower with six flush mounted antennas within an existing non-conforming electric power tower and associated ground equipment.

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

SECTION: 10.2.2 (48) which allows for Tier III personal wireless facilities in the RA Zoning District.

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

ENTRANCE CORRIDOR: NO.

LOCATION: 1450 Owensville RD [State Route 678].

TAX MAP/PARCEL: 05800-00-00-06600.

MAGISTERIAL DISTRICT: Samuel Miller.

(Advertised in the Daily Progress on September 19 and September 26, 2011.)

Mr. Bill Fritz, Chief of Current Development, presented a photo of the property's location, noting the presence of a power line. The proposal is for a wireless facility constructed within an existing electrical power tower. He stated that the Board had received a number of emails from the owners of properties that all lie to the southwest of this property.

Mr. Fritz said this is an existing electrical power tower, and this proposal is to construct a monopole within the tower. He stated there are already existing antenna located on the top of the tower and showed a photo of it. Mr. Fritz explained that what is proposed to be constructed is something similar to what he showed in a photo depicting the tower located at the intersection of Route 20 and 250 by the car wash, noting that the difference is the antennae located at the top – with the newer attachment being flush-mounted. This request was reviewed by the Commission, and was recommended unanimously for approval.

Mr. Fritz referenced a copy of the plan and said there would be two arrays of antennae at the top, with two flush-mounted arrays, so it does stick up above the existing tower. He stated that staff recommended approval and noted this is an opportunity site, with the antennae flush mounted, and it does serve a public purpose – similar to the facilities on Route 20 South, as this facility would serve Meriwether Lewis School. Mr. Fritz said an unfavorable factor is that this facility could be seen from Owensville Road.

Mr. Thomas asked if this was similar to the power lines at Pantops near the car wash.

Mr. Fritz said that was the photo he presented. He also stated that after talking with the County Attorney's office, staff established that conditions two and three, outlined in the Commission's action letter, are unnecessary as they restate what is included in the ordinance. Mr. Fritz said staff is recommending that condition #1 be modified to state: "The monopole shall not exceed 155 feet 7 inches at a ground elevation of 649 feet." Also, clarify in condition #2 to state: "The monopole, the antennae, the ground equipment, and landscaping are constructed and installed in general accord with the plans."

Mr. Rooker asked if this facility would have to come down if the power line tower were to come down. Mr. Davis responded that for it to be in general accord with the site plan, it would have to be within the power line structure. Mr. Fritz said staff concurs.

Ms. Mallek asked if "general accord" would work in this circumstance. Mr. Davis said it would.

Mr. Fritz noted that another safety net is the actual provisions in the ordinance that specifies antenna dimensions.

The Chair next opened the public hearing.

The applicant's representative, Ms. Valerie Long, addressed the Board on behalf of AT&T. She said it is an application for a Tier III personal wireless facility. This is one of five sites in the County where the proposed facility is designed and located to provide wireless telecommunication service to a County school. She noted that the County School Division made a significant financial investment in AT&T technology within the last few years and quickly determined that at five of the schools in the more rural areas, there was no service, therefore, the technology did not work. She said that part of this effort is intended to provide GPS information for busses, but without adequate service this process is less effective. They have been working with the County School facilities people for almost a year. They first looked for a facility on Meriwether Lewis Elementary's property. They found that there was not a good location on the school property for a Tier II treetop tower. They then started looking offsite for locations that could locate a wireless facility. Co-location is always their first choice. Ms. Long explained that the closest landowner to the school was the Eagleburger property.

She then provided photos of the site, pointing out the driveway into the property, which would be used as the access road. She pointed out the proposed location of the tower on the site, stating that the pole would run through the middle and the ground equipment would be screened with evergreen shrubbery. She noted that the cables would run down one of the legs of the tower and run underground to the ground equipment. She also provided a photograph of an elevation view. The existing structure is 140 feet tall, with the pole extending 15'7" above the top to have the two sets of panel antennae. Ms. Long stated that originally AT&T would have preferred to locate its antennae on the structures also, but because the tower was not designed to hold the tremendous weight of wireless panel antennae the structural report determined it would not be strong enough to hold AT&T's equipment as well as Verizon's equipment – which is already on the site. That is when AT&T came up with the alternate mounting device, which is a very common approach. Ms. Long said they took a photo and then had a graphics engineer superimpose a tower onto it, and presented a photo simulation from the road of the ground equipment from the road.

Ms. Long stated that the equipment cabinet is about her height, as shown in the picture, and would be screened well. She also presented information on existing wireless coverage and how it would improve with the new facility, noting that comments that Verizon service already existed in this area is irrelevant to this application for a special use permit. Under the Federal Telecommunications Act of 1996, she said, the feds wanted there to be competition between carriers so that consumers would have the benefit of service at lower prices. Ms. Long also emphasized that the County's wireless facility policy speaks clearly to using existing structures, and the Zoning Ordinance directs carriers to the use of existing structures as an incentive – with faster review and approval process with an existing structure. Ms. Long said if AT&T could have figured out how to put the antennae on the existing structure, this would have been a by-right administrative approval process instead of a special use permit.

Ms. Mallek asked if the metal in the pole will weather in the same way of the existing power structure. Ms. Long responded that the plan clearly states that the pole, antenna, and all visible equipment, will be painted to match the same color as the existing structure. The goal is to have it blend in so that in theory it will be no more noticeable than what is currently there.

Mr. Snow commented on the relationship of the tower to the road. Looking at the photograph provided by Ms. Long, Mr. Snow said that he drove on the road yesterday. As the driver is coming from the school, he is in the middle of a turn, and as you drive around the curve, he thinks drivers would be more concerned about vehicles coming towards them than looking upward at the array of antennas. Ms. Long agreed.

The Chair then asked for other comments from the public.

Mr. Thomas Wang addressed the Board, stating that this is a situation of financial benefit for one individual versus what is appropriate and fair for the community. He said this is a 12-story structure and regardless of the fact that it may be contained with an existing power pole, it is nonconforming. His property is adjacent to this site. Mr. Wang said the "opportunity site" exceeds the existing structure by 15 feet, three feet at its top, and everyone who drives this road values it for its views and pastoral setting. He stated that the structure was designed to minimize its visibility, and reinforcing it is unconscionable. Mr. Wang stated that there is a reason the applicant is not presenting a photo of the base of the structure, as the anchor of the structure is obvious from the roadway. He said if a photo is taken of the base of the tower, the addition turns it into an actual structure as opposed to an open space. Mr. Wang stated the fact that local landowners have to bear the burden of either poor planning or AT&T's benefit should not overshadow the defense of neighboring property rights. He said his family was approached a year ago with the same proposal and they said "no" because it would impact the value and quality of the property, but more importantly – the broader community. Mr. Wang said the amount of money being offered to this landowner is significant for a reason – because this thing is a problem – and there are other solutions than such a massive structure to expand their service area. Granted the school is within it, but it clearly helps AT&T competitively in a much broader scope. He stated that the approval would be against the explicit wishes of all adjacent property owners and the entire community because a 12-story structure is visible from far away. This structure would only support the interest of one landowner and AT&T.

Ms. Patricia Owens asked the Board to deny this request. She stated she has lived for 17 years on Owensville Road approximately 75 yards from the existing tower, and while there is a curve when you are driving that limits the view of the tower, however, it does not help when you are outside trying to enjoy your lawn and view. Ms. Owens said this is going to be ugly no matter how it is painted. Her question is why it has to be this particular tower – as there are hundreds of towers running through the right of way already. She stated that her family was also approached by AT&T to put a tower on their property and they also declined the offer. As a real estate broker she knows this is going to devalue all of the properties within sight of the tower. Ms. Owens said there has been some disconnect between County taxpayers and the County itself. As of this morning, it states on the County's website that this project is deferred indefinitely. The website states that it is updated at 7:00 a.m., daily, and it still lists Mr. Gatobu's name as a planner and he is not even employed with the County. She asked the Board to deny the requested. She noted that she had given the Clerk two letters, one from the property owner directly across the street and another property owner two driveways up.

Ms. Charlotte Pluta addressed the Board, stating she is here to represent Gloria Hwang, Jim Hwang and Kerry Tsai Hwang, all of whom live out of state, but are property owners around the Eagleburger parcel. She said they all strongly, strongly contest approval of this AT&T tower.

Ms. Wang said she has been living in the County for 41 years and her lot is next to Mr. Eagleburger's. She said AT&T approached her as well and she turned them down. When you are driving Owensville Road it is beautiful and this is going to ruin it. Ms. Owens stated the structure is visible when you slow down in the curve, and for reasons of visibility and property values she hopes the Board would reconsider this. There are property owners who will be able to see the facility every day. She said all of their land has historical value as it was Meriwether Lewis' farmland, and asked if everyone wants to put this "humongous" structure on this historical land. She asked the Board to take all of this information into its decision making.

Mr. Jeffrey Baker said that he knew both Larry and Maureen Eagleburger. He said that he owns the property next to the Eagleburgers. Mr. Baker said when his family came here in the 1930s, his mother said the property on Owensville Road reminded her of England. He stated that the idea of making the property even uglier than it is with the existing power lines is not appealing. He added that his son now lives in his childhood home here, therefore, he still has an attachment to the property.

Mr. Wyatt Owens, a resident of 1470 Owensville Road, said that the power line is a pretty ugly structure. The property owners do not want to make it any worse than it already is. He said he doesn't understand why AT&T could not have chosen another site, as there are miles of transmission lines in the area. He suggested that if the tower is for the benefit of the school, perhaps it could be placed on that property so the County could reap the financial benefit. He asked the Board to deny the request.

Ms. Long returned to address the Board. She said that AT&T did indeed approach other landowners in the "search ring", and the company has site acquisition brokers who contact landowners within the ring to gauge their interest. She stated that once they have several interested landowners, they do an assessment of each property to determine which spot is most desirable for location. This site was one of two towers that would provide coverage to the school – which was the primary objective. There are other towers that are farther away that might have worked, but the landowners were not interested.

Ms. Long stated that staff has noted that while there would be a minimal amount of additional visibility, the fact that the power structure is there already would minimize that fact. She said this proposal aligns with the Comp Plan's emphasis on taking advantage of existing structures as opportunity sites. She asked for the Board's support.

Ms. Mallek asked if there is any possibility of screening around the base to cover up what they would be adding to help shield it.

Mr. Joe O'Connor, a consultant to AT&T, indicated that in cases of putting a monopole within an existing transmission tower is known as a "Fort Worth" application. He said they are within the transmission line right of way, and that is kept clear cut under the lines.

Mr. Snow said he was thinking of landscaping that is closer to the tower but along the edge of the road to help screen it. He stated that this is the ugliest tower he has ever seen in his life, but it would really be helpful to help screen the base as people would probably not look up in the air if the base were screened.

Ms. Long stated they would go out and assess it. She said that AT&T is working the Eagleburger sons and she thinks they can likely come up with something that is agreeable. She suggested that it be a condition of approval – to find a location that works for landscaping and work with staff to identify the location along the landowner's property to add landscaping. They are also willing to ask Dominion Power if they will allow AT&T to put the landscaping within the easement area.

Mr. Rooker said whatever is planted there would have to start out at a significant height.

Mr. Snow suggested something coming up 12-15 feet to break up the bottom of the tower. He added that when he drove it yesterday he could see the rusted piers and rusted base.

Ms. Long asked if it would be appropriate to use something like arbor vitae, which is what is being used to screen the ground equipment as shown in the picture. She suggested working with Mr. Fritz or the County's landscape planner to come up with a plan to improve the situation with the screening.

Mr. Thomas asked if there is any record of property devaluation, as mentioned by previous speakers.

Ms. Long replied that they hear it a lot, but there is not really any specific data to support it. She said that about two years ago, AT&T had an application in Key West Subdivision with a brown pole painted to look like wood. Ms. Long stated that the neighbors hired an assessor to get an estimate as to the expected decreased property value, but she came back and said that it wasn't accurate – and the Planning Commission agreed with her. She said they compared the brown pole in the woods to some of the big lighted towers in the Jack Jouett District, with those larger towers impacting the resale value of at least one home. Ms. Long stated that is the only example she is aware of where that issue was brought forth as actual data, and the Commission deferred the item for future study but ultimately approved it. She added that there are some people who feel it improves property value to have better wireless service.

Mr. Davis said screening could be added as a condition, and he has some language prepared for that.

Mr. Boyd asked what would happen if the screening cannot be placed because of VDOT right of way or some other factor.

Mr. Davis suggested that the condition state: "Landscaping to screen the base of the tower shall be provided to reasonably screen the visual impacts of the tower. The screening proposal shall be subject to approval of the site plan agent and installed as a condition of the plan approval for the wireless facility." He added that to reasonably screen it, AT&T would be required to do something.

Ms. Long said her only concern is if they put up screening and it doesn't actually help because of angles involved.

Mr. Davis said the words "if possible" could be added after "reasonably screen."

Mr. Rooker mentioned they have control of what's on the Eagleburger property, but not beyond those property lines.

Mr. Davis suggested the following language: "if possible on the subject property."

Ms. Long said perhaps the language could be "to the reasonable satisfaction of the agent" so that staff knows all avenues have been attempted.

Mr. Rooker stated it would be helpful if the screening went up the base a little bit.

Mr. Snow suggested doing plantings of dogwood and redbud, mixed in with evergreens and it would look attractive coming down through the area. He said the existing tower is a terrible eyesore and he doesn't know how this request could devalue property any further than the tower already does.

Ms. Long said AT&T has a landscape architect they have worked with on other sites who could provide suggestions to address those criteria.

Mr. Davis clarified the condition as: "Landscaping to screen the base of the tower shall be provided to reasonably screen the visual impacts of the tower if such screening is reasonably possible on the subject property. The screening proposal shall be subject to approval of the site plan agent and installed as a condition of the plan for the wireless facility." He said this condition would stipulate if it is not possible to install it on the subject property, then no additional screening would be necessary.

Mr. Rooker asked how the Verizon antennae came to be located on this tower.

Mr. Fritz said there was an approval that occurred prior to adoption of existing ordinances, and the reason those antennae are not flush mounted is that they preceded the ordinance.

Mr. Snow stated that the landscaping would make the site better than it is now.

Ms. Mallek pointed out that the Telecommunications Act restricts localities' ability to deal with anything other than aesthetics.

Mr. Davis clarified there would now be three conditions – two that Mr. Fritz presented, plus the third condition as crafted here today.

Mr. Rooker said that the residents who spoke have likely not been involved with towers coming before the Board, but Albemarle has one of the strictest ordinances in the country in terms of trying to protect community aesthetics. He stated that around the country, there are power tower structures with nothing but cell antennae on them. The County does not allow lattice towers to be built solely for the purpose of cell towers. The County's ordinance has been written up by several media outlets as a "model ordinance." Mr. Rooker said the Board must allow AT&T and other carriers to install their facilities, but a reasonable balance must be struck and this is an opportunity site that would eliminate the need for a new free-standing pole. He emphasized that the Board has denied tower requests before because of visual impact, and as Mr. Snow said 95% of any visual impact here is caused by the existing tower – not by the addition of the monopole. He said that he will support the request and he thinks it would be difficult to deny this one in light of the Telecommunications Act.

Mr. Snow then **moved** for approval of SP-2011-00004 subject to the three conditions as outlined. Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The conditions of approval are set out below:)

1. The monopole shall not exceed one hundred fifty-five (155) feet seven (7) inches at a ground elevation of 649.0+/- feet;
2. The monopole, antenna, ground equipment and landscaping shall be constructed and installed in general accord with the plans entitled "Eagleburger Property CV352 Meriwether Lewis Elementary School 1450 Owensville Road Charlottesville, VA 22901 with an Engineer's seal and revised zoning drawings dated 4/12/2011"; and
3. Landscaping to screen the base of the tower shall be provided to reasonably screen the visual impacts of the tower if such screening is reasonably possible on the subject property. The screening proposal shall be subject to approval of the site plan agent and installed as a condition of the plan for the wireless facility.

Agenda Item No. 13. **PUBLIC HEARING: SP-2010-00055. Southern Albemarle Intergenerational Center (SAIC) - Day Care; SP-2010-00056. Southern Albemarle Intergenerational Center (SAIC) - Community Center (Sign #57).**

PROPOSED: SP-2010-00055 - Southern Albemarle Intergenerational Center (SAIC) - Day Care: Child day care (50 children per day) and adult day care (80 adults per day) in new 12,000-square-foot building; SP-2010-00056 - Southern Albemarle Intergenerational Center (SAIC) - Community Center: Community center for dental clinic, community facilities and activities, within new 12,000 square building (same building as SP201000055).

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

SECTION: SP-2010-00055: 10.2.2.7 Day care, child care or nursery facility (reference 5.1.06).

SP-2010-00056: 10.2.2.1 Community center (reference 5.1.04).

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

ENTRANCE CORRIDOR: Yes.

LOCATION: 2256 Irish Rd (Route 6), approximately 1 mile east of the intersection with Porters Rd (Route 627).

TAX MAP/PARCEL: 128000000109A0.

MAGISTERIAL DISTRICT: Scottsville.

(Advertised in the Daily Progress on September 19 and September 26, 2011.)

Mr. Benish said this is a proposal to establish a child daycare and adult daycare facility with a community center and a dental clinic. The property is located on Route 6 (Irish Road) approximately one mile east of the intersection of Porter's Road (Route 627). He said the property is located in the Scottsville District and is designated and zoned rural area, with the 16-acre parcel being primarily wooded.

Mr. Benish stated there is already a 3,500 square foot healthcare facility and associated parking on the site. The property surrounding this parcel is also zoned rural areas – with the area general characterized as farmland and woodland. He noted that the property is located in the Southern Albemarle Historic District, but this building is not contributing to the district.

Mr. Benish said the applicant is requesting a special use permit for a child daycare to accommodate up to 50 children per day year round and adult daycare to accommodate up to 80 attendees per day, with a community center and dental clinic located within. He stated that the staff report covers the hours of operation, employment and maximum attendance. Mr. Benish said there are only

three residents within one-third mile radius of the proposed development. VDOT has indicated that traffic impacts would not create a substantial addition to Irish Road, with about 517 trips added to the existing 1,200 trips on the roadway. He presented a few photos of the existing facility, entrance road and the general area for expansion.

Mr. Benish reported that staff has identified factors favorable to the application as: the parcel is already partially developed with a similar facility, the proposal has only minimal impacts to the character of the site, there are no detrimental impacts to adjacent properties, there is only a minor increase in traffic to existing roads, and the proposed use would serve needs of the rural residents. He said staff has not identified any unfavorable factors and recommends approval of the special use permit as recommended by the Planning Commission, with one condition modified pertaining to form and not substance.

Mr. Dorrier asked if the table of maximum attendance refers to children and adults.

Mr. Benish responded that the 150 is the addition of all three uses on the site, with 80 seniors, 20 staff, and 50 children. He noted that there are state regulations and licensing procedures, adding that there would be additional parking as well.

At this time, the Chair opened the public hearing.

Mr. Chris Murray, Business Development Director for JABA, addressed the Board. Mr. Murray said the proposal before the Board is the result of meetings with Scottsville, Yancey and Walton Schools and the Department of Social Services in 2008. He said the need for quality childcare in Southern Albemarle is significant. JABA would like to combine their Esmont and Scottsville community centers while encouraging intergenerational activity. Mr. Murray stated they are working with the Southern Albemarle Family Practice to share their property as well to help minimize the impact in the area. He said they did a feasibility study and had community meetings that indicated it would be a welcome addition. The project is a continuation of JABA's effort to create intergenerational community centers in its service area. JABA has already done this in the Counties of Louise, Greene and Nelson.

Ms. Mallek said it is a good idea.

Mr. Snow said it looks like a great project.

Mr. Rooker said it is a terrific idea.

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

Mr. Dorrier **moved** to approve SP-2010-00055 subject to the eight conditions as recommended. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Dorrier then **moved** to approve SP-2010-00056 subject to the eight conditions as recommended. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

(The conditions of approval are set out below:)

1. Development of the use shall be in general accord with the Concept Plan entitled Southern Albemarle Intergenerational Center for SP2010-55 and SP2010-56, prepared by Meridian Planning Group, LLC, and dated December 17, 2010, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

- The size and location of the proposed building
- The location of the parking area

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;

2. The hours of operation for the child day care shall not begin earlier than 7:00 AM and shall end not later than 6:00 PM, Monday through Friday;
3. The hours of operation for the community center and the adult daycare shall not begin earlier than 9:00 AM and shall end not later than 9:00 PM, Monday through Saturday;
4. The hours of operation for the dental office shall not begin earlier than 8:00 AM and shall end not later than 5:00 PM, Monday through Friday;

5. The maximum number of employees for the child day care, the community center, and the dental office shall not exceed a total of fifteen (15) on any given day;
6. The maximum number of people allowed the site at any given time shall not exceed one hundred (150);
7. Any outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval; and
8. If the use, structure, or activity for which this special use permit is issued is not commenced by October 1, 2016, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Agenda Item No. 14. **PUBLIC HEARING: ZMA-2010-00009. Republic Capital Amendment (Sign #86).**

PROPOSED: Rezoning of a 20.54 acre site zoned LI Light Industry and HI Heavy Industry, which allows industrial, office, and limited commercial uses (no residential use), to amend proffers. No residential units are proposed.

PROFFERS: Yes.

COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service - warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre).

ENTRANCE CORRIDOR: Yes.

LOCATION: Located on west side of Route 29N, at the intersection with Northside Drive.

TAX MAP/PARCEL: 0320000002200. **MAGISTERIAL DISTRICT:** Rio.

(Advertised in the Daily Progress on September 19 and September 26, 2011.)

Mr. Cilimberg reported that this item was before the Board in June and originated with a request to change the proffer regarding the buffer area adjacent to Airport Acres, and what is before the Board is a concept of how that buffer area would be treated. In the current zoning, he said, it is designated as a four-acre screen buffer and under the proposal and proffer it would be changed to be more definitive in terms of how that area would be treated – but would get rid of the four-acre requirement. Mr. Cilimberg said there would be a 50-foot buffer with a four-foot high planted berm and a building setback of 75 feet. He stated there were other proffer amendments discussed and recommended, and the question of how to accommodate a possible interconnecting road between Route 29 and the University Research Park, which has been addressed through a particular proffer the Planning Commission accepted.

Mr. Cilimberg said the general consensus for changes from that June meeting was that proffer #1 was not necessary and could be eliminated if the applicant chooses. Staff believes it should be eliminated because Section 4.1 of the ordinance supersedes but the applicant has chosen to keep the proffer, which the Board left at the discretion of the applicant. He stated that in 1988 when this was approved, this particular area had limited possibility for public sewer. The Camelot Sewage Treatment Plant was actually accommodating sewage in that area and it had a certain portion of its capacity assigned. He said that he thinks that in part that proffer was intended to make sure that in the development of this property and in the ability to connect to public sewer that there would only be domestic waste sewage on site in a septic system. There is now public sewer available.

In terms of proffer #2, Mr. Cilimberg said the Board had indicated that it should be reworded to use the standard proffer language provided by staff, and that has been reworded.

Proffer #3 was considered to be unnecessary, so the applicant removed it.

Proffer #4, which is now #3 in the current list of proffers - the Board had indicated did not need revision but staff felt clarification was necessary because it refers to contiguous properties and capacity being determined under "existing zoning." He said it is unclear whether that refers to the existing zoning in 1988 or the existing zoning today. The only way to enforce this would be to require a full-blown traffic study with every site plan – so a more clarified proffer could provide for more clarity for staff and the applicant.

Mr. Cilimberg stated that proffer #5, which is now proffer #4, should clarify timing of construction, which has been taken care of.

Proffer #6 should be eliminated if the applicant chooses. Mr. Cilimberg said the applicant has removed that proffer.

He said that proffer #7 should be clarified. This proffer had to do with how the buffer and parking associated with development was being provided. After some discussion with the applicant staff believes the best course of action would be to remove the proffer as long as the adjacent owners in Airport Acres agree that was suitable; they have all provided letters in support of its removal, allowing the buffer proffer to address concerns of the adjacent development.

He stated that proffer #8, which is now proffer #5, should be reworded to use the standard proffer language and the applicant has done that.

Mr. Cilimberg said the proffers have been offered by the applicant to address issues discussed by the Board in June; however, proffers #1 and #4 may be difficult to understand and may complicate enforcement – so there is a recommendation to drop proffer #1 and further amend proffer #4. The Board can approve the proposed rezoning with the proposed proffers if the proffers have addressed the issues previously identified and discussed.

Mr. Rooker asked what the applicant's rationale was for not wanting to amend proffer #1.

Mr. Cilimberg responded that they would need to address why they feel it was still necessary. Staff has indicated to the applicant that Section 4.1 would supersede so the conditions that may have led to that proffer in 1988 would no longer pertain to public sewer in that area.

Ms. Mallek asked if there were a warehouse with a bathroom, if it would be considered domestic waste and thus be within the purview of a septic tank.

Mr. Cilimberg stated that Section 4 of the Zoning Ordinance has indicated that all of the new development in the development areas under urban zoning should hook up to public water and sewer – and hasn't made exceptions for the type, if it is reasonably available and provided at a cost similar to what would be done onsite.

Mr. Thomas asked if the applicant had been notified of these changes previously before it was brought to the Board.

Mr. Cilimberg said staff worked with the applicant during the intervening time and indicated to them that they had addressed the Board's concerns. The proffers they submitted dated September 26, 2011 were what were reviewed with them to address those concerns. He stated that the applicant submitted those proffers and the finalization of the executive summary regarding the project included staff's caution about proffers #1 and #4, and the applicant was provided with that staff report. Staff is trying to advise the Board that both the Board and the applicant should be aware that these two proffers are somewhat problematic.

Mr. Rooker commented that he is not that troubled by the lack of clarity in the proffers, as Section 4.1 is applicable regardless of proffer #1.

Mr. Davis responded that there may be some argument made by this applicant or a future applicant in terms of a vested rights argument, which is contrary to the legal position of the County that the Zoning Ordinance supersedes this proffer. Eliminating this proffer would eliminate that future possibility of litigation.

Mr. Rooker said it would be preferable to eliminate it.

Mr. Thomas said it also makes sense to him to eliminate the proffer.

Mr. Rooker said the Board needs to consider whether the development is better off before or after amendments are made in terms of how it fits in with the community. He stated that the primary reason it is an issue is the buffer reduction, and what has been proposed has been well accepted by the neighbors.

Mr. Boyd asked if there were letters from all the adjacent property owners.

Mr. Cilimberg confirmed that all three have expressed their support.

Mr. Rooker said that proffer #3 would perhaps impose a burden on the applicant, and he is not sure why the applicant would want to retain that. He thinks that it will probably cause the applicant problems at site plan.

Mr. Davis agreed, stating that proffer #3 has not changed since the original proffers, and it could prevent the reasonable development of the property in a timely fashion. He stated that it would most likely require a traffic study and a determination as to whether abutting properties' ultimate capacity already exceeds what the road would support. That is a much more stringent standard than the County would normally use under a site plan process.

Mr. Rooker suggested that the applicant removing proffers #1 and #3.

Mr. Davis said he wasn't sure of staff's position on the traffic impacts that need to be addressed by this project.

Mr. Cilimberg said the road as currently built serves this property and goes up to Hall's, so there are multiple owners on the road, but as long as the ownership covered by this zoning is the only developer of the property they would be required to upgrade the road as part of the site plan process. He stated if there is any kind of multiple ownership, it kicks in what is required offsite for improvements. Mr. Cilimberg said as part of subdivisions, there are requirements for roads to be upgraded to meet the service demands of the multiple lots. He stated that he has not discussed it specifically with site plan staff. He added that before removing proffer #3 it should be clarified as to what the impact is in terms of site plan subdivision review. Mr. Cilimberg said staff had not suggested that it be removed, but suggested instead that it be clarified as to how the capacity would be determined and how development along the road would necessitate improvements.

Mr. Davis stated that this was advertised for public hearing because one was required in order to accept amended proffers.

At this time, the Chair opened the public hearing.

Mr. Blake Hurt addressed the Board, stating that this was what they thought was a "simple process" started 18 months ago when the County indicated they wanted more industrial property, so they decided to change the side setback. He said that they have support of the neighbors and have done exactly what the staff wanted, and they were surprised not to get full support from them. Mr. Hurt said they want public sewer, but it is not on the property. If there were a building that only needed a few bathrooms they could install a small septic system until there is enough building support for connection with public sewer. They already have water. They would like for someone else to pay for the public sewer, but they are willing to participate in paying for it. He also stated they don't want to pay for a big highway study, but until they know what the use is going to be they don't know what the traffic study would be. Mr. Hurt said he is willing to eliminate proffers #1 and #3 right now if the Board is willing to make a deal, but otherwise this is the same ambiguity that existed 20 years ago. He is willing to accept the ambiguity. He emphasized that if the staff does not like the site plan, they will tell the developer. The issues such as traffic could be clarified at the time they have something definite to talk about.

Ms. Marcia Joseph said that she is assisting Mr. Hurt with this project. She said they submitted what they thought was a somewhat simple project last October, and came before the Board on June 1. Ms. Joseph said they worked with staff and submitted proffers, but never received anything from legal stating there was an issue with them. She stated they worked very hard with neighbors on the buffer issue and have agreed to plant some screening trees on their properties. The applicants have gone above and beyond trying to answer all the questions. Ms. Joseph stated it is disconcerting that they have worked so hard on the proffers only to find out just before this meeting that they was a problem.

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

Mr. Cilimberg explained that any evaluation of bringing sewer to this site under Section 4.1 is going to be based on what the cost of bringing the sewer to the site would be versus the cost of onsite, minus hookup fees. He stated that the site plan provisions would require the applicant, without the proffer, to do those things that bring access to the property, and no offsite improvements could be required along Northside Drive. Mr. Cilimberg noted that without proffer #3 there is no way to upgrade Northside Drive if it would need to be upgraded, and having it at least provides a way to require them to prove capacity in each site plan – and that they are not exceeding capacity, but it is not the clearest proffer in terms of enforcement.

Ms. Mallek said she does not understand how the County could hold someone in 2011 who is working on one part of the process to somehow know what the needs are going to be for other properties with different ownership that would be developed in the future.

Mr. Cilimberg stated that the traffic studies would identify what the development accessing the road would create in terms of traffic, and would be evaluated against how the road is built and the capacity of it. If the County does not have something that can allow that evaluation to be made, then it will have to live with the road as is through all the development that takes place there, offsite improvements.

Mr. Rooker said if it is a situation, for example, whereby a developer builds a 20-foot wide public road that is adequate for the site plan they have submitted – but behind their property is a parcel zoned for 200 townhouses – the County could not require the 200 townhouses to upgrade the road.

Mr. Snow asked if a condition could be added to put in a trigger for that to be done at a certain time.

Mr. Rooker said that is what this intends to do, but the better approach would be to accept the proffers as submitted, although there is some ambiguity in proffers #1 and #3. He emphasized that the applicant has made some improvements to the property in his plan, and the County is better off accepting them as is.

Mr. Snow agreed, stating that it is a disservice to the community to create a moving target; i.e., the applicants come in with one request, and then come back and the County changes what it is looking for.

Mr. Rooker commented that staff never really gave any different advice.

Mr. Davis stated that staff's comments are the same today as they were on June 1.

Mr. Snow said when they left the meeting in June, the County specified certain things.

Mr. Davis said they did not address the issues that were raised on June 1. It is, of course, the Board's prerogative to accept these proffers, but the applicant has not addressed the issues that were of concern to him, from a legal perspective, that were raised on June 1.

Mr. Rooker said it is a bit unfair to characterize the issues as having just come up, as they were raised back in June. Mr. Rooker said that given all the discussion, he is comfortable accepting this as submitted.

Mr. Boyd said he can also accept the proffers.

Mr. Thomas then **moved** for approval of ZMA 2010-009 with the proffers dated September 26, 2011. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The proffers are set out below:)

PROFFER STATEMENT

ZMA No. **2010 -0009**

Tax Map and Parcel Number(s): **03200-00-00-02200**

Owner(s) of Record: **Northside Drive LLC**

Date of Proffer Signature: **September 26, 2011**

Northside Drive LLC is the owner (the "Owner") of Tax Map and Parcel Number 03200-00-00-02200 (the "Property") which is the subject of an amended rezoning application ZMA No. 2010 -0009 a project known as Republic Capital Amendment (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily amends the existing proffers as listed below which shall be applied to the Property identified above. These conditions are proffered as a part of the requested proffer and rezoning amendment and the Owner acknowledges that the conditions are reasonable.

1. Prior to the installation of public sewer the uses that will be allowed will be those that do not require public sewer and which can be served by domestic septic fields. The buildings which will be constructed will have less than a total of 225,000 square feet until such public sewer is available.
2. The uses of the Property permitted by right shall be all of those uses allowed by right under section 28.2.1 of Chapter 18, Zoning, of the Albemarle County Code, as that section is in effect on October 5, 2011, a copy of which is attached hereto and incorporated herein as Attachment A, except for:
 - a. Brick Manufacturing (Section 28.2.1(2))
 - b. Concrete Mixing Plants (Section 28.2.1(3))
 - c. Manufacturing of Sewage Disposal Systems (Section 28.2.1(9))
 - d. Manufacturing and Recycling of Tires (Section 28.2.1(10))
 - e. Petroleum, Gasoline, Natural Gas and Manufactured Gas Storage (Section 28.2.1(14))
 - f. Sawmills, and Wood Preserving Operations (Section 28.2.1(16))
3. In the way of road improvements, we proffer to limit development of the property to not exceed the capacity of Northside Drive until such time as the road is improved to accommodate the additional traffic generated by the added development of this rezoning. The capacity of Northside Drive is that capacity which will accommodate the traffic from the contiguous properties if fully developed under the existing zoning.
3. The undisturbed buffer area shall be expanded from the required thirty (30) foot width to a fifty (50) foot width along the boundary line abutting the lots of Airport Acres. Along the shared boundary line from the southeast corner of the property measuring one thousand forty (1,040) feet to the west, in addition to the fifty (50) foot undisturbed buffer, a four (4) foot high berm planted with a double staggered row of four (4) foot to six (6) foot high evergreen trees and shrubs planted fifteen (15) feet on center will be provided. Building setback from the boundary line abutting Airport Acres will be seventy-five (75) feet.

The vegetated berm shall be designed with the first site plan for development on Tax Map 32, Parcel 22 within one hundred fifty (150) feet of the boundary with Airport Acres. The vegetated berm may be installed in phases and shall be completed prior to the issuance of a Certificate of Occupancy for the first building in that phase.
4. If the Owner's final site plans do not include a road connection to the future extension of Lewis and Clark Drive, then the Owner shall reserve a twenty-five (25) foot strip of land along the Property boundary with Tax Map 32 Parcel 22C5 for dedication upon demand by the County for the purpose of constructing a road that extends from Northside Drive to the future extension of Lewis and Clark Drive. The Owner shall dedicate right-of-way within six (6) months following written notice of demand by the County. Such reservation shall remain in place through October 5, 2036. The County must accept the dedication within twelve (12) months following its demand for the dedication. Should this road be removed from the Albemarle County Comprehensive Plan, said reservation shall become null and void, and the Owner or Successors shall retain fee simple ownership of the Parcel.

OWNER

(Signed)

Blake Hurt, President, Northside Drive LLC

(The next two agenda items were discussed concurrently.)

Agenda Item No. 15. **PUBLIC HEARING: SP-2010-038. Badger Industrial (Sign #81).**

PROPOSED: Placement of fill in the floodplain to allow expanded use of industrially zoned property.

ZONING CATEGORY/GENERAL USAGE: LI - Light Industrial - industrial, office, and limited commercial uses (no residential use), EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access, AIA - Airport Impact Area - Overlay to protect the airport and FH - Flood Hazard - Overlay to provide safety and protection from flooding.

SECTION: 30.3.05.2.2 (3), which allows filling of land in the floodway.

COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) and Parks and Greenways - parks; greenways; playgrounds; pedestrian and bicycle paths in the Community of Piney Mountain.

ENTRANCE CORRIDOR: Yes.

LOCATION: This fill is proposed adjacent to the North Fork of the Rivanna River at the former Badger Powhatan site.

TAX MAP/PARCEL: 03200-00-00-005B0.

MAGISTERIAL DISTRICT: Rivanna.

(Advertised in the Daily Progress on September 19 and September 26, 2011.)

Agenda Item No. 16. **Appeal:** Planning Commission denial of Critical Slopes Waiver Request for SP-2010-038 – Badger Industrial Building.

The executive summary forwarded to Board members states that at its August 9, 2011 meeting, the Planning Commission denied the applicant's request for a critical slopes waiver based on the reasons identified in the staff report (Attachment A). The Planning Commission found that a critical slopes waiver: (1) would be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; and (2) would be contrary to sound engineering practices; and further found that none of the specific findings in County Code § 18-4.2.5(a)(3)(a) through (d) required to grant a waiver could be made.

The critical slopes waiver was considered by the Planning Commission in conjunction with Badger Industrial's application for SP-2010-038. County Code § 18-4.2.5(a)(5)(a) provides that a "modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors." Therefore, the appeal of the Planning Commission's decision is automatic.

In considering an appeal of a decision on a critical slopes waiver, the Board may grant or deny the waiver based upon the findings set forth in County Code § 18-4.2.5(a)(3). If the Board decides to grant the waiver, it may impose any conditions it deems necessary for the reasons set forth in County Code § 18-4.2.5(a)(4).

Findings

County Code § 18-4.2.5(a)(3) authorizes the Board to grant a critical slopes waiver if it finds: (1) the waiver "would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties"; (2) "would not be contrary to sound engineering practices"; *and at least one of the following:*

- a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
- b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;
- c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or
- d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

Conditions

County Code § 18-4.2.5(a)(4) authorizes the Board to impose conditions "deemed necessary to protect the public health, safety or welfare and to insure that the development will be consistent with the intent and purposes of section 4.2."

No immediate budget impact is associated with this Executive Summary.

Staff recommends that Badger Industrial's request for a critical slopes waiver be denied for the reasons stated in the staff report and the findings articulated by the Planning Commission.

Mr. Phil Custer, Civil Engineer I, Current Development Division, addressed the Board, stating that this application is for a special use permit for fill in the floodplain and an appeal of the Commission's denial of a critical slopes waiver request for Badger Industrial. The property is located on the east side of Route 29, immediately north of the North Fork of the Rivanna River. He said the property is zoned Light Industrial and an existing warehouse business is currently onsite. Mr. Custer presented a GIS map of the property with the floodplain in blue and the critical slopes in orange. The majority of critical slopes proposed as being disturbed in this application are manmade. He said the remaining critical slopes are found in the stream channel in the floodplain below. Mr. Custer then presented a map of the approved Master Plan from the Comprehensive Plan for the parcel.

Mr. Custer presented the proposed site plan and the proposal calls for the filling of land approximately 180 feet toward the river, with about 900 feet length of fill around the perimeter south and east of the existing building. He stated that what is being proposed now is a 40,000 warehouse, parking, and associated storm management - but this application pertains to the fill. Mr. Custer said staff feels it is necessary to make an important distinction regarding the Flood Hazard Overlay District, which is comprised of floodway and floodway fringe, and each zone has a list of by-right and special use permit uses. He stated that fill is not listed in either character as a by-right use, but is allowed in the floodway fringe by special use permit. He also presented a depiction of the floodway and the floodway fringe and the approved FEMA map for the parcel.

Mr. Custer stated that staff finds unfavorable factors for approval of the applicant's request. The principal factor is the fill within the floodway limits, which is not allowed by ordinance. Another factor is the proposed disturbance of open space. Other secondary factors relate to concerns with the erosion and sediment control plans and the flood models, as well as disturbance of critical slopes. He said on August 9, 2011, the Planning Commission considered the application and recommended denial of the special use permit and denial of the critical slopes waiver. Staff also recommends denial of the request and that the Board upholds the Commission's denial of the critical slopes waiver.

Mr. Rooker said that in order to approve this, the Board would have to act contrary to the ordinance. He commented that he does not know why this is before the Board.

Mr. Fritz stated that the Board could approve a special use permit for fill in the floodway fringe in keeping with the ordinance.

Mr. Custer noted that if the Board approved fill, the building would be out of the floodplain once the fill is installed.

Mr. Fritz clarified that staff contends that the Board cannot approve fill within the floodway in keeping with the ordinance. He added that the applicant does not agree with staff's finding.

Mr. Thomas asked if the floodway is determined by FEMA and when the last time it was studied.

Mr. Custer said it is determined by FEMA and was evaluated in 2005.

Mr. Davis stated that the County is obligated under federal law to have the ordinance in place to disallow filling of the floodway.

Mr. Boyd asked if an applicant could apply to have the floodline adjusted.

Mr. Fritz and Mr. Custer confirmed that they could.

Mr. Dorrier asked if FEMA could make an adjustment to the floodway boundary.

Mr. Davis said if an applicant can demonstrate to FEMA that the floodway physically is wrong, then the maps can be change, but they do not allow filling in the floodway to change it. He added that sometimes the maps are wrong.

Mr. Custer stated that the applicant is requesting action from the County prior to undertaking the FEMA process, on which he will elaborate.

Ms. Mallek pointed out that there were many structures swept away on the Connecticut River just a few weeks ago that were built in this very same process.

The Chair then opened the public hearing and asked the applicant for comments.

Mr. Justin Shimp, with Shimp Engineering, addressed the Board, noting that he is representing the applicant in this proposal. Mr. Shimp said the FEMA Flood Insurance Study says that the floodway "is there to provide the community the opportunity to evaluate any economic gain by using land within the floodplain, and the floodway is the area that is reserved for the floodwaters to pass through." They do not intend to encroach on that area. He stated that the proposal is to seek conditional approval from the Board, as he believes the flood map is wrong. Mr. Shimp stated that the applicant wants to know if the Board view is that using this floodplain land is an appropriate use for expansion of business uses on the Route 29 corridor. The applicant would not be placing any fill within a floodway line as defined by FEMA –

and the approval would be conditional in that if FEMA doesn't agree, the project would be ended. He said that the appeal process is long and difficult and they want the County's buy-in on the land use prior to undertaking any engineering.

Mr. Shimp presented an application plan that showed the existing floodway line and the line where he believes it to be, along with a line showing the area requested for conditional approval. Notes are spelled out on the concept plan to that effect. He stated that special use permits are always approved with some kind of conditions, and the Board grants approvals in the case of stream crossings contingent upon the Army Corps' ruling on whether a stream is perennial or intermittent. Mr. Shimp said the flood hazard maps are "very conservative," and the North Fork Rivanna was modeled at about 12 miles in one study, but there are thousands of feet between the actual locations of study and the flow numbers used were from 1974 – with river flows designated at 30,000 cubic feet per second. He stated there was a similar application approved in 2008.

He also said that the issue of open space arose in the Planning Commission meeting, and this is a privately held open space as drawn in the Comp Plan – which is intended to be a guide. Mr. Shimp presented a picture of Golden Gate Park in San Francisco, an example of useful open space, and said the open space under consideration here is just a few hundred feet from Route 29. He stated that the applicant is seeking determination from the Board that using this "underused bit of property" is appropriate, and the intent is not to cross the floodway boundary line. Mr. Shimp said FEMA would not allow a change in the flood map that does not preserve the flood-carrying capacity of the river, which is not a subjective decision.

Mr. Shimp stated that the benefit of this proposal is that industrial developments are good for the County, and he and the applicant have discussed it with Susan Stimart, the County's Economic Development Facilitator. He said that based on a building of 40,000 square feet, there would be about 75 jobs; the value of the Badger buildings would be \$2 million in increased real estate assessed value. Mr. Shimp stated they have one tenant looking at the space, which is a Department of Defense contracting map company with 40 employees. He also said all Light Industrial space in this County is old, an average age of 37 years, and this would help attract new business to the County. Mr. Shimp said if this project is approved, the applicant would repair a badly eroded gully, and would provide stormwater treatment for the parking onsite.

Mr. Thomas asked if it would cover the body shop's runoff. Mr. Shimp responded "no".

Ms. Mallek responded that they treat their own onsite.

Mr. Shimp presented a concept plan for the development with the 40,000 square foot building. He stated that the application would benefit the community by: 1) improving water quality in the North Fork by treating the water, 2) there are no residents along the river in this area, 3) FEMA regulations will ensure that any increase is minimal, and 4) it would help provide new jobs.

Mr. Lane Bonner said that the applicant is following the spirit of the law and the spirit of the ordinance. To get FEMA approval beforehand would cost about \$100,000. The pipe that comes out spews white foam so the applicant would treat the water before it entered the stream. Mr. Bonner said if the Board wants industrial land that would help increase the tax base and clean existing stormwater, they should vote for it.

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

Mr. Boyd asked what danger the County would be in by approving it on the basis it would be conditioned upon FEMA approval.

Mr. Davis responded that it is inconsistent with the Comp Plan and the Zoning Ordinance, and would not meet any of the criteria for a critical slopes waiver, which is problematic from staff's standpoint.

Mr. Rooker said this would essentially be filling in and building on critical slopes right above the river. He stated that staff recommended against this and the Planning Commission – including Mr. Don Franco and Mr. Cal Morris through precise objections – recommended denial of the application. He commented that it does not seem to be the best way to provide for additional Light Industrial space in the County by approving things right above the river on fills especially if the County is really interested in protecting the river. Also, whoever builds in this location is subject to flooding problems. Mr. Rooker said to it is just not a good idea.

Mr. Boyd asked for an explanation of why the critical slopes should not be approved since the County approves them a lot of the time.

Mr. Davis replied that staff has done that analysis, and this application does not meet any criteria in the ordinance.

Mr. Rooker pointed out that critical slopes waiver approvals are supposed to be ministerial, not discretionary, which is why they are normally approved by the Commission and not the Board.

Mr. Fritz explained that the first policy staff looks at is the Open Space Plan and the Critical Resources Map, and very rarely have critical slopes have been identified as a critical resource as part of a larger system within the open space plan. The one case where approval was recommended was for low

and moderate income for elderly housing along the Rivanna River in the Pantops area. He stated that this area is shown as open space in the Comp Plan and the Places 29 plan. He said that usually with critical slope waivers, they are not identified as critical resources so this boils down to solely the engineering side of the equation.

Mr. Boyd asked if the reason the Board approved the senior housing was because the use was more desirable.

Mr. Fritz responded that the County identified some potential good, just as they have with this application providing industrial uses; but in this case there is an analysis in the staff report of the Economic Development Policy – and it still did not fit that because it includes some adherence to some environmental concerns.

Mr. Rooker said there are two buildings available on Rio Road currently, and he is skeptical that not approving this application is going to be the reason the mapping company does not locate here.

Mr. Boyd asked why these things are not happening.

Ms. Mallek responded that there are factors that are not under the Board's responsibility.

Mr. Rooker said both Peter Jefferson Place and the University Research Park have had excellent leasing years, but generally speaking nationwide it is not lack of available space – it is lack of available businesses to occupy that real estate.

Mr. Boyd stated that business people continue to say there is not adequate industrial space in the County, adding that the community has been flat in private sector job creation for the last 10 years.

Mr. Rooker pointed out that this is also one of the lowest unemployment rates in the country, and the same thing with available residential space holds true for industrial space.

Mr. Boyd said commercial real estate people have said if the County had inventory, they would be coming.

Ms. Mallek stated that the reason people are not coming here is because land is so expensive which is not the realm of the Board. There is no indication that having another building there is going to do anything.

Mr. Boyd said that the Board should not be making those choices.

Mr. Rooker said the one thing the Board should do is stick with the County ordinances.

Ms. Mallek stated that this application calls up two questions, the first being whether the floodplain is a good place to expand light industrial and she would say "no." She said that the County has floodplains for a reason, and FEMA has rules for a reason. Ms. Mallek stated that the open space with the tree canopy is the most important thing to have by the river to protect the soil and erosion reduction. The County's flash flood levels are actually increased over what they were even 10 years ago. She emphasized that there has clearly been a change in the hydrology and weather patterns here, and she does not want to put more and more infrastructure into the floodplain.

Mr. Thomas said the question is whether the County is willing to give them a temporary approval while they are going through FEMA.

Mr. Rooker stated that even with a FEMA approval today, staff would likely have recommended against allowing the fill in this area – as they did not recommend approval of the critical slopes waiver.

Ms. Mallek said it would likely not change her mind, based on staff recommendations.

Mr. Dorrier asked what the County would do with the site were it not to approve this.

Ms. Mallek stated that it is being used now and is perfectly appropriate.

Mr. Rooker said it is not a good idea to approve more building in the floodplain.

Mr. Dorrier said if the applicant can get FEMA approval, he is willing to look at the request.

Mr. Brooks stated there would be two separate applications: one that said the floodway line is incorrect with modeling submitted to show that; and a second application for the fill itself to fill in the floodplain, which is what the special permit is for.

Mr. Snow said the question he has is, as you narrow that space it increases the velocity of the water, and asked what effect it has on the bank across from Badger.

Ms. Mallek responded that it eats into it.

Mr. Snow said it is not designed for it.

Ms. Mallek said the only reason the stone bank directly to the south of the bridge at Proffitt over the North Fork is still there is because it is rock face. She stated that at the North Fork in Earlysville they lost about three acres of lowland on the east side of the river because of a change in the water velocity due to erosion. It also speeds up the water flow which causes an even higher dose of damage for the next person downstream.

Mr. Thomas asked Mr. Shimp to come back up and respond to some of the issues Board members are raising.

Mr. Shimp said all of the factors such as velocity and capacity are reviewed by FEMA engineers and only approved if they are acceptable. He added that the bank on the other side does have a rock face and in his opinion the applicant's fill would make very little difference.

Mr. Rooker said he is not willing to tell the applicant he would support this even if he were to get approval from FEMA on the floodplain lines, because of the impact of the critical slopes and the fill in the floodplain. He does not want to mislead the applicant. He stated that the Commission would likely not approve this even after it came back.

Mr. Thomas asked how the applicant [Ludwig] on 5th Street was able to get fill to build his property.

Mr. Brooks responded that was the Moore's Creek Yacht Club, but that was a slightly different situation because the County had done a lot of its own modeling – and things had been changed because of the building of the 5th Street Bridge. He said they did fill in the floodplain to build a building, but staff did not recommend approval.

Mr. Boyd asked if Avon Park was the same situation.

Ms. Mallek explained they were going to be redoing the old landfill there, which is right on the face of Moore's Creek.

Mr. Fritz said they did not apply for a special use permit, as the rezoning application did not include the necessary special use permits for stream crossings for access – which still must be made and acted upon.

Mr. Brooks added that the floodplain did not propose any buildings; it did have some athletic fields.

Mr. Snow stated that one of the main differences in his mind is this is a major river as opposed to a creek.

Mr. Rooker **moved** to deny SP-2010-0038. Ms. Mallek **seconded** the motion.

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

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

NAYS: Mr. Thomas.

Ms. Mallek then **moved** to uphold the Planning Commission denial of critical slopes waiver request for SP-2010-0038. Mr. Rooker **seconded** the motion.

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

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

NAYS: Mr. Thomas.

Agenda Item No. 17. Town of Scottsville Request for Police Funding.

The following executive summary was forwarded to Board members:

On June 8, 2011, John Snody, Vice Mayor of the Town of Scottsville, submitted a letter (Attachment A) to Supervisor Lindsay Dorrier requesting that the County agree to an annual monetary pledge to the Town of Scottsville that would allow them to upgrade a part-time Scottsville police position to a full time position. The amount requested for this current year is \$25,000. Mr. Snody states that this request, according to statistics he presented, is based on the fact that his police department provides law enforcement services in Albemarle County outside of the Town of Scottsville. According to Vice Mayor Snody, between the period April 1, 2010 to March 31, 2011, his police department responded to 514 calls for service, of which 237, or 46%, were within the Town of Scottsville. The remaining 54% of calls were outside of the Town.

The Albemarle County Police Department appreciates the assistance provided by the Scottsville Police Department (PD); however, a more thorough review of the calls for service data is necessary to fully understand the situation.

The numbers presented in the letter were calculated based on a retrieval of all calls that the Emergency Communications Center (ECC) recorded showing the Scottsville PD having participated in, regardless of the type of call and level of involvement in the call's ultimate outcome. The Scottsville PD might have provided the primary officer, a back-up officer, or may even have been called-off from the incident before or soon after arriving. Most importantly, there was no effort to separate the actual calls for service through the ECC from officer initiated activity reported to the ECC. The most frequently reported officer initiated activities are Traffic Stops and Extra Patrols of an area.

ECC records indicate that between April 2010 and March 2011, the Scottsville PD was the primary responder in 138 calls for Beats 13 and 14, which includes almost 200 miles of Albemarle County north and west of Scottsville. Of those, 76 (55%) were calls from the ECC and the other 62 (45%) were Scottsville officer initiated. The officer initiated activities were primarily Traffic Stops, Extra Patrols, and reporting Traffic Hazards such as disabled vehicles, dead animals, or other objects in the road. These activities covered 52 of the 62 officer initiated activities. The 76 ECC calls for service in these 2 beats in which the Scottsville officers were listed as the primary responder included:

- 14 traffic accidents
- 13 traffic Hazards
- 10 false alarms
- 10 disorders
- 8 assist agency (typically Fire or Rescue)
- 7 suspicious activities
- 5 miscellaneous criminal incidents
- 3 animal control calls
- 2 citizen assists
- 1 each, parking violation, trespass, miscellaneous non-criminal and a B&E report

76 ECC calls in a year averages to fewer than 1.5 calls per week outside of Scottsville.

During this same period (April 2010 – March 2011), the ECC records indicate that the Albemarle County Police Department was the primary responder to 2,063 ECC calls for service in Beats 13 & 14. This averages 39.7 calls per week. Combining these call totals (76 + 2,063) equals 2,139 ECC calls for service in these 2 beats per year. The Scottsville PD was listed as the primary officer in 3.5% of the ECC calls for this area of the County.

During this same 12 month period (April 2010 – March 2011), the ECC data indicates that the Albemarle County and Scottsville PDs responded to 212 calls for service through the ECC for the Town of Scottsville (Beat 21). This averaged to well under 1 (0.06) ECC call for service per day. The County Police were listed as the responder in 120 ECC calls for service and the Scottsville Police in 92 calls indicating that the County actually responded to more calls for service in the Town than its own officers for this period.

Through this more thorough analysis of the data, several important facts are evident as the Board considers this proposal:

1. Many of the calls that Scottsville Police respond to outside of its Town limits are the result of officer initiated activity.
2. Calls where Scottsville Police is the primary responder outside of the Town limits averages 1.5 ECC calls per week. Within the Town limits the calls for service averages 0.06 ECC calls per day.
3. The officer population ratio for the Albemarle County Police Department is 1.2 officers per 1000 (based on 120 officers). The comparative ratio for Scottsville Police is 5 officers per 1000 (based on 3 officers).
4. The officer per square mile ratio for the Albemarle County Police Department is 0.16 officers per square mile. The comparative ratio for the Scottsville Police is 3.0 officers per square mile.

While it is important for the Board to understand the scope and nature of these calls for service, it is equally vital to review how the funding of law enforcement for the Town of Scottsville has been addressed since the Town's annexation of County property in 1993. Pursuant to the provisions of the 1993 Annexation Agreement, the Town assumed sole responsibility for law enforcement within its jurisdictional boundaries effective December 31, 1993. Despite the terms of this agreement, the Town, in 1997, submitted a funding request to the County for police officers for the Town. At that time, the Board denied the request and indicated to the Town that it should limit its responses in the County if this activity was driving the need for additional resources. The Board's previous actions and the terms of the Annexation Agreement emphasize that the County's position has been that Scottsville has the responsibility to provide law enforcement in the Town and that no County dollars are available for Scottsville law enforcement officers.

While the Albemarle County Police Department recognizes and appreciates the assistance provided by the Scottsville Police Department, staff believes that the data does not support the need for County funding of the Scottsville P.D., and that any additional funding to address handling County calls for service should be directed to the Albemarle County Police Department, who has the responsibility for County-wide law enforcement services. Staff also believes that, in reviewing the comparative officer to population ratios of the two police departments, providing funding to Scottsville would not be in the best interest of the County's long term public safety needs.

Should the Board approve this \$25,000 request, an appropriation totaling this amount is required from the FY2011-12 Board Reserve. Moreover, future Boards will need to consider increasing the County's Police Department Budget in ensuing budget years to provide funding for this ongoing obligation.

Staff recommends that the Board not approve Vice Mayor Snoddy's request for funding for the Town of Scottsville Police Department.

The following letter dated June 8, 2011, addressed to the Honorable Lindsay G. Dorrier, Jr., was received from Mr. John R. Snoddy, IV, Vice-Mayor:

"I trust this letter finds you well and enjoying the coming of summer in Scottsville. As you know, the Town of Scottsville's Police Department prides itself on its community involvement, both within the Town limits and in the greater, southern Albemarle area. Within the Town of Scottsville, our three officer department (one Chief, one full-time officer, one part-time officer) ensures public safety at events such as our Batteau Festival, Fourth of July Festival, Scottsville River Run/Walk, Scottsville Beer Festival, and numerous other gatherings and concerts. Beyond the Town limits, our Police Department responds to numerous calls in the southern Albemarle area and works tirelessly to ensure public safety for the area's residents, no matter their address. These calls for service outside of the Town limits are the impetus for my letter.

During the 12-month period between April 1st, 2010 and March 31st, 2011, our Police Department responded to 514 calls for service. Just 237, or 46%, of those calls were within the Town of Scottsville. The nature of the calls outside of the Town limits (54%) range from miscellaneous criminal activity, to breaking and entering, to missing persons. True to our Police Department's commitment to all southern Albemarle citizens and our department's commitment to the Albemarle County Police Department-many of the responses outside of the Town limits fall into the citizen assistance or Albemarle County Police Department assistance categories. While the Town's Police Department finds great professional reward in assisting citizens outside of the Town limits and would like to provide this assistance in perpetuity, this assistance does not come without a cost to the Town and its taxpayers. As such, the Town's Public Safety Committee (PSC) provides the following information and proposal.

- The Town of Scottsville budgets approximately \$60,000 per year for a full-time officer.
- At present, and as noted above, the Town employs one Chief, one full-time officer, and one part-time officer.
- As also noted above, 54% of these officers' time is spent providing public safety to citizens outside of the service area funded by the Town's taxpayers.
- As such, the Town's PSC respectfully requests that the County of Albemarle offset the public safety service outside of the Town of Scottsville with an annual monetary pledge equal to the amount needed to fully transition our part-time officer into a full-time officer. At present, that amount is \$25,000 per year; the remaining \$35,000 is currently generated by tax revenue. Not only will this pledge, and subsequent transition of the officer to full-time status, fund the ongoing service provided to County residents by the Town of Scottsville, it will allow for more frequent and timelier responses to public safety needs within the Town limits and beyond.

As I'm sure you may have questions regarding this request, I propose that you and I meet with our Chief of Police to discuss this letter and any suggestions you might have regarding this issue."

Mr. Steve Sellers, Police Chief, addressed the Board, stating that this is a request from the Scottsville Town Council to provide some funding for the town police department – as 54% of the police incidents handled by town police actually occurred within the County. He said that "Beat 12" is police lingo for the town, and "Beats 13 and 14" refer to the surrounding area that lies in the County, where 54% of police incidents have occurred. Chief Sellers stated that on 76 occasions in a one-year period, the town police responded to incidents based on dispatch calls from the ECC Center, or less than 1.5 incidents per week in the County. During the same period, County police officers were primary responders to 2,063 dispatch calls from ECC in Beats 13 and 14, which is nearly 40 calls per week within those areas. Chief Sellers said that on 62 occasions, town police self-initiated an event. He explained that either ECC dispatches a call, or the officers "roll up on" an event such as a traffic violation or criminal event – and out of 212 calls for service in the town, County police handled 120 within the town limits. Chief Sellers emphasized that the Town of Scottsville provides a service by backing up the County Police when they need it, by assisting with disabled motorists, by being proactive near the town limits into the County; and County Police go into town and handle incidents as well as conducting all serious criminal investigation follow-ups.

Chief Sellers said he has to look at this request from the vision of the entire County and constituents in all magisterial districts. All County residents get a set level of law enforcement service based on available County resources. He stated that people in the southern end of the County, who happen to be in close proximity to the Town of Scottsville, get an extra level of police service because the town elects to have a police department. Chief Sellers said he believes that he and staff have a responsibility to balance the service offered in the County. Chief Sellers stated that for that reason, staff finds that the data provided does not support the need for County funding for the Scottsville Police Department, and it is not in the best interest of the County's overall public safety needs.

Scottsville Vice-Mayor, John Snoddy said the town is extremely grateful for the public safety assistance the County provides. Mr. Snoddy noted that he has provided the Clerk with a resolution

adopted by the Scottsville Town Council, dated September 19th, relative to this request (copy of the resolution is on file in the Clerk's office). Mr. Snoddy said the Scottsville Police Department appreciates its relationship with County Police. The goal of this funding request is not for additional public safety assistance within the Town of Scottsville alone, but for more equitable collaboration and supplemental use of the Scottsville Police Department for the provision of public safety to the southern Albemarle area. He stated that their department is providing significant public safety services and decreased response times to that area. While supportive of this activity, the town wishes to recover the costs associated with it and continue to support the County Police Department. He stated that he has reviewed the ECC data, and County staff noted that during the one-year period in question the Scottsville Police Department was the prime responder in 138 calls for service in Beats 13 and 14 – which do not include the Town of Scottsville, and cover approximately 200 miles in the County north and west of the town. Mr. Snoddy also said that 76 of those 138 primary responder calls were requested by Albemarle County's ECC, and analyzing this data also shows that 27% of all public safety issues were outside of town limits and were incidents where Scottsville police were the primary responders.

He said that of the 277 of total public safety issues outside of the town limits to which the department responded, 50% of them – or 138 – showed Scottsville Police performing that primary responder duty. Mr. Snoddy stated that 76 calls for service by the department were directly requested by ECC in Beats 13 and 14, and all of them saw the department acting as primary responder; 15% of all 514 calls were answered by Scottsville outside of town limits, were directly requested by the County, and saw the department performing primary responder duties. Mr. Snoddy emphasized that the area of Beats 13 and 14 encompasses almost 200 miles, and the Scottsville Police answers calls as primary responder 50% of the time, with 15% of all calls directly requested by the County. He stated that their budget has only \$150,000 per year, so the reason for his visit today is a funding request. Mr. Snoddy said that the executive summary states that the department responds to requests out of town limits as primary responder at an average of 1.5 calls per week, with calls averaging .06 calls per day inside the town limits. He commented that the Scottsville Police Department is being directly requested and used by the County as its primary responder outside of the town 3.6 times more frequently than town residents use its police department.

Mr. Snoddy said the town wishes to continue the working relationship they have with County Police, increase presence in southern Albemarle, and decrease response times to County residents when that service is provided by the Town of Scottsville. He asked the Board to consider the resolution as presented.

Mr. Rooker asked if Scottsville had a separate town real estate tax. Mr. Snoddy responded that it does not.

Mr. Rooker said the town he grew up in had a tax to support their town and their police force. Mr. Snoddy stated that the real estate and personal property taxes are paid to the County. He added that they tax their residents in lesser ways to create their \$150,000 budget for the police department.

Mr. Dorrier asked what the current staff is. Mr. Snoddy said there is one chief, one full-time officer, and one part-time officer.

Mr. Dorrier asked if the request was to make the part-time officer full time. Mr. Snoddy said the request is worded that way to tie the monetary funding to a specific item.

Ms. Mallek commented that the compelling issue for her is the 1.2 officers per 1,000 population in the County, and the 5 officers per 1,000 they already have in Scottsville.

Mr. Rooker said there is some history here related to the 1993 annexation, when Scottsville annexed part of the County – including a shopping center site – and the deal at the time was that they were going to fund their own police force. He stated that the County responds to a lot of calls in the City, and the City police respond to a lot of calls in the County. The County does not pay the City anything, nor does the City pay the County anything. Mr. Rooker said the same mutual arrangement exists with the University. He cannot conclude that the County is getting a better deal, as the County responded to more than half of the incidents in the town itself as primary responder. He emphasized that the County police force is under-manned by 25 officers as it is now, even with the goal being at the low end comparatively throughout the state. Mr. Rooker said that it would be nice to have more officers but the Police Chief has come in and said he is doing his best to balance resources, and he is not going to go against that recommendation.

Mr. Snow stated that he would love to give this to Scottsville if it were his money, but he agrees with what Mr. Rooker has said regarding the lack of adequate coverage throughout the County right now. To give additional money to a segment of the population that the rest of the County is not enjoying would not be, in my opinion, fair. He said he would stick with Chief Sellers' recommendation.

Mr. Dorrier said the town provides support whenever it is needed, and 76 calls came from the ECC – which is a good reason to support this. He also stated that the County pays \$18 million to the City in revenue sharing, which prevented an annexation situation. This is a mutually beneficial arrangement. Mr. Dorrier stated this is a small amount to continue the police support Scottsville needs. He added that he thinks this is different from the rest of the County because it is a town with limited resources. They pay County taxes and expect police protection and schools. It is almost important to note that the County is using the town's police department.

Mr. Davis said when the voluntary boundary line adjustment was negotiated in 1993 this was an issue, and one of the clear terms of the agreement – where the County agreed to give additional land to the town – was that Scottsville would provide at its own cost law enforcement protection in the town. After the agreement went into effect in 1994, he said, there were two or three additional agreements that provided for the Sheriff's Department to serve as the town police force for a few years, and in each of those agreements the County specifically provided, citing to the annexation agreement, that it would not provide funding for town police officers because of the annexation agreement. Mr. Davis stated that in 1997 Scottsville made a similar request, but the Board stated that if additional police were needed because of County service they should curtail that service and provide adequate protection within the Town of Scottsville. This is an issue that prior Boards have dealt with as well.

Mr. Snoddy stated that they are seeking funding for the responses outside of town limits.

Mr. Davis said those are the same arguments made before.

Mr. Boyd said he agrees with the points that had already been made and would also vote against it.

Mr. Rooker **moved** to deny the request for \$25,000 in funding for the Scottsville Police Department. Ms. Mallek **seconded** the motion.

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

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

NAYS: Mr. Dorrier.

Agenda Item No. 18. FY 13 VDOT Revenue Sharing Program, Request for Participation and Recommended Projects for Funding.

Due to time constraints, this item was moved to the afternoon session.

Agenda Item No. 19. FY11/12 and FY 12/13 Revenue Update.

Due to time constraints, this item was moved to the afternoon session.

Agenda Item No. 20. Closed Meeting.

At 2:24 p.m., **motion** was offered by Mr. Thomas, that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees and commissions and a department head appointment; under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice concerning an inter-jurisdictional public safety agreement; and under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice concerning a VDOT road project. Mr. Boyd **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 21. Certify Closed Meeting.

At 3:35 p.m., the Board reconvened into open meeting. Mr. Thomas **moved** that the Board certify by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 27. Comprehensive Regional Water Supply Plan Resolution.

Mr. Tom Frederick, Executive Director of the Rivanna Water and Sewer Authority, said, since his time was limited and if the Board was agreeable, he would discuss the regional water supply plan, adding that the Board had attended a joint meeting with the City in September. He said he would answer any questions the Board had at the end of his presentation. Mr. Frederick, for background purposes, explained that there was a legislative act in 2004 which followed the 2002 drought and that act required all localities in Virginia to adopt a plan that would provide to the Department of Environmental Quality (DEQ) what that locality's future water use projections are and if that supply will be sufficient to meet its needs.

Mr. Frederick stated that, for Crozet and Scottsville, the answer is yes – even for the 50-year forecast, those areas can presently serve existing supply. He added that, for the urban system, the answer is no; the supply is not sufficient. He said the Rivanna Water and Sewer Authority (RWSA) received public comment at their September public meeting and, as part of that process, Rivanna allowed people to submit comments up to one week after that. After September 20, both AECOM Engineering and RWSA staff reviewed all of the public comments and extracted what they felt were questions related to the regional water supply plan and published responses to those questions on Monday morning, of which the Board has received a copy. Mr. Frederick stated that the resolution before the Board today went to City Council at its last meeting and Council decided to hold another public hearing for their citizens, with Council requesting that the RWSA add a footnote stating, “HDR Engineering, Inc. determined in the dredging feasibility study, based on a 2009 bathymetric survey, that there is 859 million gallons of useable storage in the South Fork Rivanna Reservoir.”

Mr. Rooker asked if that number is before or after dredging and asked about the accuracy of that information.

Mr. Frederick responded that the number is before dredging, as it existed in 2009, and is an accurate number.

Mr. Frederick reported that part of City Council’s discussion was whether or not there should be changes in the table. He explained that the table is simply fulfilling DEQ requirements for a list of alternatives and an estimate of safe yield. He said the most recent estimates came from Gannett Fleming’s 2004 study, so that is what is quoted and is in compliance with DEQ requirements. He added that the addition of the footnote changes nothing in the table itself.

Ms. Mallek reiterated that City Council is still going to have another public hearing before signing off on the water supply plan.

Mr. Frederick explained that there was a motion and a second after the public hearing on Monday night, at which time Mayor Norris asked for additional time for review. Mr. Huja agreed to withdraw his motion, and he believes Council will take the matter up again on October 17.

Mr. Foley pointed out that the Board has met the requirements for public hearing with the four boards’ meeting, the resolution has been drafted in consultation with Mr. Davis and all of the other attorneys and the matter is, at this time, before the Board. He said the resolution is pretty standard and completes the planning process of which the County is required to do. He pointed out that this resolution is separate from the dam project.

Mr. Davis noted that the resolution was drafted from a template that was provided by DEQ to Mr. Frederick. He added that the Town of Scottsville has already adopted that prototype resolution and the City Attorney has drafted one similar to what is presented today. All three resolutions are basically the same. The resolution says the Board approves the County’s portion of the water supply planning process, which is what is legally required.

Ms. Mallek **moved** to adopt the resolution as presented, with the footnote. Mr. Snow **seconded** the motion.

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

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

A RESOLUTION APPROVING THE COUNTY OF ALBEMARLE, CITY OF CHARLOTTESVILLE AND TOWN OF SCOTTSVILLE REGIONAL WATER SUPPLY PLAN

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and,

WHEREAS, the County of Albemarle is a participant in the County of Albemarle, City of Charlottesville and Town of Scottsville Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and,

WHEREAS, on Tuesday, September 13, 2011 the County of Albemarle held a public hearing to accept public comment on the Regional Water Supply Plan for Albemarle County, City of Charlottesville, and Town of Scottsville (Regional Water Supply Plan); and,

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby adopts the Regional Water Supply Plan as it pertains to the County of Albemarle. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The County of Albemarle reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted

plan. The County of Albemarle will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the Board of Supervisors intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

Agenda Item No. 26. Rivanna Water and Sewer Authority Quarterly Update, Tom Frederick, Executive Director.

The following report was provided by Mr. Frederick:

"I am planning to brief the Board of Supervisors at the October 5, 2011 Board of Supervisors meeting on the following topics but would be happy to address any other issues brought forward by the Board of Supervisors:

1. Ragged Mountain Dam: Within the past few weeks, we have received approved permits from two state agencies. The Department of Conservation and Recreation's Dam Safety Unit has authorized construction of the new earthen dam and partial breach of the two existing dams, all as prepared by Schnabel, as conforming to dam safety requirements. More recently the Virginia Department of Health (VDH) approved the new water supply intake structure (which is the total extent of their jurisdiction with regard to the dam project). VDH oversees drinking water quality but not dam construction.

Further, DEQ was scheduled to hold a public hearing on September 29 in Lane Auditorium with respect to the proposed modification to the Virginia Water Protection Permit originally approved in 2008. The modification would allow for the initial phase reservoir pool increase of 30 feet along with stream flow release requirements for the initial phase expanded pool that would provide an equivalent downstream flow frequency and duration as was intended by the 2008 permit with the fully expanded reservoir.

Staff expects Schnabel to complete final design of the modifications to the I-64 embankment during the first week of October for submission to VDOT and Federal Highway Administration (FHWA) for approval. A community meeting had also been tentatively set for October 19 at 6:00 pm in Lane Auditorium to discuss this design, pending funding approval by the RWSA Board on September 27. RWSA intends to seek VDOT and FHWA approval by December.

The one significant issue that must be addressed locally is the completion of negotiating a Cost Share Agreement between the City and ACSA, conditions upon which also spill over into a proposed Land Use Agreement between RWSA and the City. Mr. O'Connell, representing ACSA, is involved in those negotiations, has spent many untold hours working toward its completion, and is the best individual to brief you on the status.

The next deadline in our compliance schedule with the Virginia Soil & Water Conservation Board, regarding the safety deficiencies at the existing Ragged Mountain Reservoir site, is to award a construction contract for the new dam by December 2011. To meet that schedule RWSA needs to advertise for bids about November 1. It would be desirable to have the Cost Share Agreement and Land Use Agreement completed by that date, which would suggest these two agreements need to be completed in October.

2. Rivanna Interceptor Pumping: Our consultant for this project, Hazen and Sawyer, has worked very hard in the last two months to develop preliminary engineering on three alternatives for increasing the peak wet weather capacity for pumping wastewater from the Rivanna Interceptor to the Moores Creek WWTP. These alternatives are Concept A (adjacent Woolen Mills), Concept D (State Farm property), and Concept E (tunnel to WWTP property). Evaluation of these alternatives was expected to be completed by the end of September. A community meeting to discuss the cost estimates and schedule, along with architectural renderings, is scheduled for October 20 at 6:00 pm at Lane Auditorium.

It will be very important that there are constructive communications between the County and City representatives this fall to select the preferred alternative from these three alternatives as RWSA is under a Consent Order with DEQ to identify the preferred alternative by December 31, 2011. Significant penalties are possible for violating this schedule. Beyond the penalties, this is an opportunity for this community to back up its verbal promises about environmental protection with action - a commitment to upgrade our wastewater facilities toward keeping our human wastes out of the rivers.

3. Comprehensive Regional Water Plan: RWSA has prepared a regional water supply plan for the County (as well as City and Town of Scottsville) under Virginia regulations that require a plan from all localities. The development required extensive work to gather data from numerous sources, and included a new 50-year water demand analysis for the region prepared through a consultant, AECOM. The regulation's minimum requirements for public outreach is a single public hearing, however, a far more extensive public outreach program was carried out locally. Public Meetings were held on May 26, July 11, July 12, September 12, and September 13 and "office hours" for citizens to speak directly with AECOM were held on May 27 and July 13. A public hearing conducted during the September 13 meeting of "four boards" fulfilled the legal requirement. At the

September 13 meeting the boards requested that written comments be submitted by September 20, and RWSA and AECOM were reviewing comments (as this update was written) with the intent of providing response, where appropriate, by September 30. Albemarle County will be provided a copy of the comments and responses.

The Town Council of Scottsville adopted a resolution approving the plan on September 19 after holding a public hearing on September 12. The Board of Supervisors and City Council will need to adopt a resolution by not later than November 1, 2011 in order that RWSA may submit a signed resolution with all documents to Virginia DEQ by the due date of November 2. RWSA staff is working with County staff to bring this matter before the Supervisors on October 5.

RWSA was asked to prepare this regional plan by the County, City, and Town in 2006. Although the ACSA and RWSA have been involved in this process, it is the localities who must adopt the plan based on Commonwealth law and regulations. This law and the regulations are separate and apart from the federal and state process under the Clean Water Act that led to issued permits for the Ragged Mountain Dam in 2008 and the current permit modification process.

4. Dredging of the South Fork Reservoir: The RWSA Board of Directors received a report from HDR Engineering at the August Board meeting based on a market survey of contractors conducted by HDR. The survey results reaffirmed contractor interest as well as the need for a careful and deliberate process using RWSA's PPEA guidelines, with additional work required before an RFP is issued, including Performance Specifications, an initial draft of a Comprehensive Agreement, and a Proposal Evaluation Plan. At the August meeting the Board of Directors also decided that a Cost Share Agreement between the City and ACSA should be executed before any further work proceeded."

Mr. Frederick mentioned that he has provided the Board with a quarterly update that includes information on the Ragged Mountain Dam, the Rivanna Interceptor Pump Station, and the dredging of the South Fork Reservoir.

Ms. Mallek asked for confirmation that the stream flows, even at the 30-foot rise, would be the highest level as required by the permit, and referenced a recent newspaper article which indicated there would be reduced stream flows until water capacity reached 42 feet.

Mr. Frederick said there have been a few citizens who have taken a contrary position which may have added to some of the confusion, but the consultant took the distribution of stream flows, over time, over the hydrologic record that was represented in the permit issued in 2008 for a full-height dam and matched that curve to set the conditions for the 30-foot dam. It means that the stream flows would be the same. He explained that, when there is less water storage, something has to give, and what gives is the safe yield.

Mr. Rooker asked if a timetable had been set out for all the components of the plan and said it might be helpful to know when those improvements would be brought online, suggesting perhaps a five-year timeframe.

Mr. Frederick said, in 2007, RWSA attempted to initiate a discussion through a public meeting on the phasing of the different components of the water supply plan with the understanding that, at the time, there was overwhelming support; however, RWSA never got an answer to the question and then people got sidetracked with the more current debate. He stated that RWSA staff has a good handle on what needs to be done for the dam construction but, beyond that, there is not a set structure for the rest of the projects. One item that is in the RWSA Capital Improvement Plan (CIP) is, at some point in the near future when the VDOT issue is settled, the acquisition of right of way for a future pipeline, but no date has been set for construction of the pipeline.

Ms. Mallek asked if construction of the pipeline would occur after the 30-foot rise water capacity at Ragged Mountain as opposed to after the 42 feet water capacity.

Mr. Frederick said that question has not yet been settled at this time, adding that there has been, in recent months, a lot of pressure to dredge the South Fork Reservoir and, according to what he understands from the RWSA Board, that is to occur either right after the dam is built or perhaps simultaneously with the dam. He said \$3.5 million has been appropriated based on HDR's cost estimates for the upper portions of the reservoir where the sand recovery is, adding that the RWSA Board is still listening to arguments from the public that, when the RFP goes out, it should allow dredgers to incorporate more than that. Mr. Frederick said it was his opinion that the direction has not been completely settled at this point, however, it appears to him that dredging is being considered simultaneously with the dam. He said dredging was not prohibited by the original plan, but it was not a part of the original plan.

Mr. Frederick reported that Dr. Wexler has been researching advanced methods that have come out of the oil and gas industry whereby it is possible to monitor the conditions of older pipelines using highly sophisticated electronic equipment being put through a pipe to run along with the water so it's not a destructive technique. He said this equipment can provide important information as to pipe health and age in the beta type testing realm and RWSA is following that very closely. Using that type of equipment could potentially lower the cost of the plan by identifying the pipes that need replacing and those that do not. Mr. Frederick stated that, when RWSA gets to the point where they are looking at the design of the pipeline, a lot of similar questions should be asked. Wiley/Wilson was asked a few years ago to independently verify Gannet Fleming's cost estimates for the pipeline and, at that time, RWSA shared with

them some conceptual plans for what would be examined in preliminary design. These projects would be scrutinized in a similar manner. He said cost estimates from 2006 were from a concept level as there was not a budget to design 50 years worth of projects, and priorities could change as those are examined in more detail. Mr. Frederick reported that the Observatory Water Plant is a 1950 water plant which has sand filters, a fairly obsolete technology. That plant is run at a low rate to produce excellent water quality, but the plant cannot be run much over 5mgd without compromising water quality. He stated that when a project is debated for many years, it is easy to forget about other needs that the community has. He added that when he came on the Board, there were many needs that had been put off for a long time and that has been a really big challenge.

Mr. Snow asked if anyone had contacted VDOT about placing the pipeline in the bypass right of way and, if so, would there be any cost savings to doing so.

Mr. Frederick responded that the Authority has requested a seat at the table in those discussions and, should the project move forward through design, RWSA would like to have its interests in pipelines represented in that discussion. He said there is potential, if VDOT were to build the project and were to allow the pipeline in their right of way, that could save some money, but it's too early to tell at this point. Mr. Frederick stated that VDOT has a history of forbidding utilities in their right of way so it may be too early to determine its feasibility.

Mr. Thomas said he had spoken with VDOT as well, and it is up in the air right now. VDOT cannot say yes or no at this point.

Mr. Boyd noted that the RWSA Board, at their last meeting, decided to move forward with the RFP for dredging. He said the RFP would be at the City's expense. He said this is similar to what the Service Authority did with regard to the completion of the design of the dam.

Mr. Rooker said, at this point, there has been no agreement to dredge, only to send out an RFP and see what comes back.

Mr. Boyd said a significant question the Board will be faced with is, if the cost-sharing agreement is not in place by their meeting at the end of this month, RWSA will have to decide whether or not to move forward with the dam RFP.

Agenda Item No. 25. Albemarle County Service Authority Quarterly Update, Gary O'Connell, Executive Director.

The following report was provided to the Board from Mr. O'Connell:

"Thanks again for the opportunity to update the Board at your October 5th meeting as part of our regular quarterly briefings. Below are some highlights of current items for the ACSA:

1. Water Supply - The ACSA funded design for the new earthen dam at Ragged Mountain is being finalized, readying for an early November bidding. As you know we are awaiting approval of the DEQ permit; the public hearing was held on September 29th Negotiations continue on the property use agreement and the cost allocation agreements for the dam and the new pipeline.
2. Capital Projects - Much of our energy is spent on major maintenance and capital construction projects that occur throughout our service area. Here are a few summary highlights:
 - North Fork Regional Sewer Project: Our largest project, to build a new sewer line and two pump stations to serve the northern Route 29 urban corridor; line and pump station work well underway and within schedule.
 - Meadowcreek Sewer Rehabilitation: Work has been completed on the original project; additional work identified and repairs being made in Canterbury Hills, Georgetown Road and University Heights.
 - Hollymead Water Line Replacements: Easy Lane utility work has been completed, Poe's Lane area next replacement project.
 - Water Meter Testing: Outside third-party contractor testing of all our large meters (over 300) and 10% of small residential meters (over 1,600) to be sure they are reading accurately. All large meters have been tested, 20% of the small meter testing is complete.
 - Key West Water Line Replacement: Surveying underway; location design community meeting in the spring.
 - Shopper's World Water Main Relocation: Project underway.
 - St. George Avenue/Buck Road (Crozet) Water Line Replacement: Outdated water line replacement, easements from property owners being obtained.
 - Ashcroft Water Improvements: Tank repairs, pump station and line improvements, recent community meeting well attended, design nearly complete.
 - West Leigh Water Line Replacement: Replacement of outdated lines, design being finalized for project bidding, all easements obtained.
 - Berwick Road Water Line Replacement: Project being bid for construction in January 2012.
 - Glenmore Water Tank: Exploring a ground storage tank, discussing easements.
 - Oak Hill New Sewer Lines: Project bid, under estimates, contractor readying to begin construction on this Community Development Block Grant project in partnership with Albemarle County.

- Crozet Sewer System Repairs: Phase 1 work has been completed; Phase 2 work to identify and repair III (infiltration and inflow) in sewer lines and manholes is well underway, ahead of schedule.
 - Biscuit Run Area Sewer System Repairs: This the next sewer system scheduled for major rehabilitation as part of our 5 multi-year I/I reduction program; system is being inspected (flow meters, smoke testing, TV lines) to identify what rehabilitation and repairs are needed.
3. Active Development Projects: The updated active development report is attached. New this month are water and sewer utility projects at Ashcroft and Old Trail.
 4. ACSA Newsletter: Attached you will find a copy of our new customer newsletter "The Pipeline" that went out this summer. We plan on two customer newsletters a year, with summer and winter editions (next edition in January 2012). We are trying a new way to keep our customers informed of water and sewer issues affecting them. These go out with our monthly billing, so this is a very cost effective way to get this information out to our customers.

Albemarle County Service Authority (ACSA)
Active Private Development Projects
September 2011

- a. Albemarle Place Offsite Sanitary Sewer (Jack Jouett): Sanitary sewer extension to serve the Stonefield development (formerly Albemarle Place). Stonefield is located at the intersection of U.S. Route 29 and Hydraulic Road.
- b. Ashcroft Phase 2 Sections 6 & 7 (Rivanna): Water main extension to serve 14 residences. The project is located at the upper end of Summit Ridge Trail.
- c. Avinity (Scottsville): Water and sewer extensions to serve 100 townhouses and 24 condominiums on Avon Extended just south of Cale Elementary School.
- d. Briarwood Phases 1A-1.1B-1.4 & 8 (Rivanna): Water and sewer main extensions to serve 165 residential units. The RWSA has only issued a flow acceptance for 80 residential units until the North Fork Regional Pump Station and Camelot Pump Station have been placed in service. The project is located in between the existing Briarwood and Camelot subdivisions, across from the entrance to the National Ground Intelligence Center.
- e. Hyland Ridge Offsite Sewer (Rivanna): A sewer main extension to serve 97 single family detached homes on Pantops Mountain, adjacent to Ashcroft Subdivision.
- f. Hyland Ridge On-site Water & Sewer (Rivanna): Phase 1 of the subdivision featuring a water main connection from Fontana Subdivision to serve 21 lots (of 97).
- g. Kia Auto Dealership (Rivanna): Sewer main extension to serve an addition to the existing Kia Auto Dealership on Pantops.
- h. Moore's Creek Water and Sewer Extension Phase 2 (Samuel Miller): Water and sewer main extensions to serve the existing J.W. Sieg facility, as well as other nearby property within the Jurisdictional Area. These properties are located at the southwest corner of the intersection of 1-64 and Rt. 29 South.
- i. Old Trail Village Block 2 (White Hall): Water extension to serve the Lodge at Old Trail, an assisted living facility and nursing care facility in the Village Center.
- j. Old Trail Village, Blocks 4 & 13 (White Hall): Water and sewer extensions to serve 5.4 single family, townhouse and condo units, along with 4,500 square feet of commercial space in the Village Center of Old Trail.
- k. Old Trail Village Block 23 (White Hall): Water and sewer main extensions to serve 13 townhouse units in the Village Center.
- l. Pavilions at Pantops Phases 1 & 2 (Rivanna): Water and sewer extensions to serve 265 townhouse units north of Rt. 250 East and west of Westminster Canterbury in the Pantops area.
- m. Pavilions at Pantops Phase 3 (Rivanna): Water and sewer main extensions to serve 81 townhouse units north of Route 250 East and Westminster Canterbury in the Pantops Area.
- n. Reserve at Belvedere (Rio): Water and sewer main extensions to serve 294 multi-family residential units off Belvedere Boulevard.
- o. Treesdale Park (Rio): Water and sewer main extensions to serve 88 multi-family residential units and a community center fronting on Rio Road just south of Village Square subdivision.
- p. Westhall Phase 5 (White Hall): Water and sewer main extensions to serve 33 single family detached residential units off Park road on (proposed) Summerdean Road.
- q. Whitehouse Commercial (Rivanna): New water mains and a relocated existing sanitary sewer to serve three two-story office buildings at the intersection of Rolkin Road and Olympia Drive.

- r. Wickham Pond Phase 2, Block 1 (White Hall): Water and sewer main extensions to serve 56 single family units south of Route 240 and west of the existing Wickham Pond Subdivision.

Mr. O'Connell addressed the Board, stating that he had submitted a written report to them. He said that staff worked on a cost-sharing agreement over the weekend, and the Albemarle County Service Authority (ACSA) Board held a closed session Monday morning and City Council held a closed session before and after their Monday night meeting. He said there is no official decision yet, but the agreement does include strong trigger language as to the rise and the dam height. He said a number of attorneys are reviewing this agreement so as to ensure the document is as strong as possible.

Ms. Mallek said one of the things the ACSA should consider in the agreement might be to mirror what the County does whereby developers buy in to existing infrastructure so, in the future, if the City changes their mind and wants water, they would be able to buy into the existing infrastructure as well.

Mr. O'Connell stated that there is discussion about a capacity fee that could perhaps enter into the agreement.

Mr. Boyd asked if Mr. O'Connell was aware of information the Mayor brought up at the City Council meeting Monday night.

Mr. O'Connell explained that those items were related to the regional water supply plan, not the cost-sharing agreement, adding that these two items are not related.

Ms. Mallek noted that the newspaper article was not very clear, and Mr. O'Connell said there was an email that had gone out related to responses to citizen questions and suggested edits to the document.

Mr. O'Connell said that the important next date is the end of October, when RWSA will need to decide whether or not to go to bid. If that happens, then that keeps the ACSA on schedule. He said there were some capital projects mentioned in his report to the Board which are updates of projects that are going on in addition to some development related water and sewer projects that are going on. He said he provided the Board with a copy of the latest ACSA newsletter which will go out twice a year in utility bills, adding that this method of communication is a good opportunity to get information out to customers.

Ms. Mallek mentioned that there have been some struggles with Crozet Avenue with some historic cut sewer lines somewhere and she appreciated the fact that Mr. O'Connell took a proactive role in that process.

Mr. Snow asked about the pipeline replacement project at West Leigh and asked where that pipeline runs.

Mr. O'Connell said he would get back to Mr. Snow with specifics to include a map of that pipeline, noting that the project is scheduled to replace an existing pipeline near the dam and runs adjacent to some properties.

Mr. Rooker stated that there was an issue related to metering at the Stonefield shops and asked if Mr. O'Connell had spoken with the developers about that.

Mr. O'Connell responded that he had spoken with the developers and there has also been some correspondence; however, he said he is not sure if the developers are in agreement with ACSA's position.

Mr. Rooker said he was told by the developers right after their meeting that ACSA's position had changed from the initial meeting. He suggested that ACSA staff need to be careful what is told to developers and then change positions after the developers have acted on that initial advice.

Mr. O'Connell stated that in March, his notes indicated that there would be individual meters required for each building. He said the mistake was not to immediately follow up with a letter after the meeting. He said that will be ACSA's procedure going forward.

Mr. Rooker said that the developers told him right after that meeting that master meters would be permissible if Stonefield would be responsible for them.

Mr. Snow asked if someone had an existing master meter with, for example, 16 units on that master meter, and as more property is leased and additions are made to that master meter, would the rate go up or does it take into account that it is a master meter.

Mr. O'Connell said the rate is based on how many gallons flow through the meter, which depends on the size of the water need on the other end and also on the size of the meter. He stated that Stonefield representatives walked away from their meeting with the wrong impression. He explained that if there is a single meter and a fire or a water main breaks, ACSA is not able to shut things off with a master meter as easily as it can with a single meter. He said a single meter does cost more money, but ACSA has also suggested some line reconfiguring which he thinks will help offset those costs.

Mr. Rooker said, from the developers' perspective, the cost is between \$100,000-\$200,000 more, but what troubles him is that it appears to him, based on what he was told after the meeting with the developers, is that the information provided to the developers by ACSA in March had changed.

Mr. O'Connell stated that the hotel is a master meter and is an isolated property, but with the other buildings, there are individual meters per building and that's the way it's been done in other developments within the system. He said there seems to have been a miscommunication, adding that he is sensitive to the development piece given his background.

Mr. O'Connell stated that next time he presents to the Board, he would talk about budget, with most cost increases being on the sewer side, i.e., Moore's Creek, inceptor sewer, and a couple of other sewer related projects. He said once the site issue gets resolved, he can share with the Board more information about the Rivanna Pump Station. Mr. O'Connell reiterated that this will not be a zero increase year and will involve some big dollars. He added that there is probably twice as much money in waste water projects than in the water projects.

Agenda Item No. 22. Boards and Commissions: Vacancies/Appointments.

Mr. Snow **moved** to appoint the following to vacancies on boards and commissions:

APPOINT Miette Michie to the ACE Committee with said term to expire August 1, 2012;

APPOINT George Emmitt to the Pantops Community Advisory Council with said term to expire June 30, 2013; and

REAPPOINT Clifford Buys and Juandiego Wade to the JAUNT Board with said terms to expire September 30, 2015.

Mr. Rooker **seconded** the motion.

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

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

NAYS: None.

Mr. Thomas asked if there were any issues related to Juan Wade representing the County as a member of the JAUNT Board because he is a County employee in addition to being a City resident.

Mr. Rooker asked if there was any jurisdictional limitation on appointees.

Mr. Davis said Mr. Wade has served on that committee in the past because he worked in the Community Development Department and had a relationship to transportation. He confirmed that Mr. Wade is a City resident and, by policy, the Board typically does not appoint people other than County residents, but he said he was not aware of any prohibition of appointing anyone from outside the County on this particular board. He said there are some boards that require residency, but JAUNT is not one of them.

Mr. Thomas said he could not think of a better person to serve on the JAUNT Board.

Mr. Rooker said the social services and transportation connection will be helpful on that particular Board.

Agenda Item No. 23. ~~DIA Update, Phil Roberts, Chief of Field Support Activity.~~ **(Remove from agenda.)**

Agenda Item No. 18. FY 13 VDOT Revenue Sharing Program, Request for Participation and Recommended Projects for Funding.

The following executive summary was forwarded to Board members:

Recently, VDOT advised that its Revenue Sharing Program will be available to localities for FY 13 and established November 1, 2011 as the deadline for receipt of applications/proposals. VDOT is accelerating its application deadline for its FY 13 Program in order to determine the level of state funds needed to maximize local participation in this program. Please see the attached letter from Michael Estes of VDOT for further explanation of this year's application process (Attachment A). For FY 13, it is anticipated that the Revenue Sharing Program will potentially match, dollar-for-dollar up to \$10.0 million, a locality's contribution toward funding transportation projects.

This summer, VDOT awarded the County \$1.5 million in FY 12 Revenue Sharing Program funds. This allocation, along with the County's match, will be utilized for the Broomley Road bridge replacement project. The allocation of Revenue Sharing funds to the Broomley Road bridge project not only insured that this project was fully funded, but also allowed other County funds previously allocated for the bridge project to be reallocated to four (4) Rural Rustic Road paving projects.

Currently, there is approximately \$895,100 available for a FY 13 local match consisting of \$655,170 from the County's Transportation Improvement Program CIP fund and \$239,951 from de-allocated Revenue Sharing Program local matching funds which were not utilized in recently completed projects. This amount is scheduled to be refunded by VDOT to the County this fiscal year.

County and VDOT staff have met to review the FY 13 Revenue Sharing Program requirements and guidelines, the County's priority lists of road projects and State priorities for project funding. As a result of these discussions, staff has determined that the majority of the County's higher priority projects are not at a stage where they can qualify for the FY 13 program (i.e. Hillsdale Drive extension, Berkmar Drive extension and Proffit Road improvements). Staff has identified several potential projects for the FY 13 program which are described later in this report; however, these have not been identified as the County's top priorities and uncertainties associated with project impacts from the Western Bypass Project on one of these (Rio Mills), warrants further consideration and evaluation.

Staff recommends that as the Board considers the County's participation in the FY 13 Program that it remains cognizant of the fact that a very limited pool of funds is available (\$895,100) in the County's Transportation Improvement Program CIP Fund at this time. Moreover, given the County's ongoing financial challenges, it is uncertain as to when additional resources can be allocated to replenish this source of funding. Therefore, obligating all or any portion of this amount toward the FY 13 Program significantly reduces the County's capacity to address other higher priority projects as well as other routine requests for transportation upgrades throughout the County in the short-term.

Based on the limited amount of funding currently available for the required County match, the expected total cost and preliminary stage of development for most of the County's higher priority projects as well as the uncertain status of the State's commitment to local priorities, staff recommends that the County not participate in the Revenue Sharing Program for FY 13. Staff believes that it would be more prudent to reserve the existing limited Transportation Improvement Program funds until next year when the County will have a better understanding of the level of State funding commitments made to high priority local projects (Hillsdale Drive extension, Berkmar Drive extension, etc.). This will allow the County's limited funding resources to be applied more effectively towards implementing these high priority projects.

Should the Board wish to pursue Revenue Sharing Program funds for FY 13, the most viable projects for funding are road paving projects. Staff has identified the following projects for potential funding:

- **Paving of Rio Mills Road (Rt. 643) from the Rockyvale Quarry entrance to US 29.** Rio Mills Road is the highest priority "Regular Paving Project" on the County's Priority List of Secondary Road Improvements and carries 650 trips per day. Rio Mills Road, along with Dickerson Road, functions as a parallel road network to US 29 and provides access to the Hollymead Community and the northern Urban Area. Paving this section of the road would also address safety and maintenance issues related to increased truck traffic on the road from the quarry operation. The estimated project cost is \$3.2 million. It is possible that construction work related to the western bypass could impact improvements made to Rio Mills Road through this project. The project would have to be designed and some property acquisition may be necessary; therefore, the project could be funded over two years, if necessary.
- **Gillum's Ridge Road (Rt. 787) Rural Rustic Road Paving, from Broad Axe Road (Rt. 682) to Dry Bridge Road (Rt. 708).** This project is ranked as the sixth highest project on the "Regular Paving Project" list, but has recently been determined to be eligible for a Rural Rustic Road paving project. The annual average daily traffic on the road is 290 vehicle trips, which would make this section of road the most heavily travelled road on the Rural Rustic Road paving project list. Gillum's Ridge Road connects US 250 to Dry Bridge Road. The section of road from US 250 to Broad Axe Road (Rt. 682) is already paved. The other five projects ranked higher on the Regular Paving Project List have not been determined to be eligible for Rural Rustic Road Paving. VDOT is in the process of re-evaluating the roads on the regular road paving list for eligibility for the Rural Rustic Road paving. The estimated project cost is \$525,000.
- **Pocket Lane (Rt. 703) Rural Rustic Road Paving, from Rt. 715 to its dead end.** This road carries 110 vehicle trips per day and is one of the three highest priority Rural Rustic Road projects not programmed for paving. The estimated project cost is \$500,000.
- **Dick Woods Road (Rt. 637) Rural Rustic Road Paving, from Rt. 691 to Rt. 758.** This road carries 110 vehicle trips per day and is one of the three highest priority Rural Rustic Road projects not programmed for paving. The estimated project cost is \$754,377.

Should the Board decide to pursue FY 13 funding, staff recommends that the level of the County's match be based on the de-allocated Revenue Sharing funds (and minimally supplemented by County funding as necessary) to implement one of the Rural Rustic Paving Projects. Staff would recommend funding for the paving of Gillum's Ridge Road.

Participation in the VDOT Revenue Sharing Program leverages matching funds from VDOT to advance important transportation projects. There is approximately \$895,100 currently available for the required local match: \$655,170 from the Transportation Improvement Program CIP fund (4-9010-41020-441200-950136-9999) and \$239,951 from de-allocated Revenue Sharing Program local matching funds which will be refunded by VDOT to the County this fiscal year. Any additional funding needed for the local match would come from either future CIP allocations approved for FY12/13 for the Revenue Sharing Program participation or from the Neighborhood Plan Implementation Program fund (4-9010-8110-481020-950560-1240) appropriated for implementing Places29 Master Plan priority transportation improvements. However, the Neighborhood Plan Implementation funds should be reserved to the greatest extent possible to fund future efforts to implement the high priority improvements identified in the Places 29 Master Plan (Berkmar Drive extended and/or Hillsdale Drive extended).

County staff is recommending that the County not participate in the Revenue Sharing Program for FY 13. Should the Board decide to pursue FY 13 funding, staff recommends funding for the paving of

Gillum's Ridge Road and directing staff to submit a Detailed Description of Funds Form Application to apply for \$262,000 FY13 Revenue Sharing Program funds requiring a local match of \$262,000.

If the Board approves the County's participation in the Program, staff will prepare a resolution required to be adopted by the Board to formally request to participate in the Program for the Board's consideration at its November 2, 2011 meeting.

Mr. David Benish, Chief of Planning, said today's discussion is to determine whether to apply for the FY 13 Revenue Sharing Program and, if so, what projects the Board wishes staff to pursue. The application process is normally done in the springtime, however, the state has accelerated the process this year to get a better understanding of the amount of funds that will be needed to meet localities' requests as state officials get into their budget process. He said the deadline for applications is November 1; however, the resolution is not due until the following month. He said the Revenue Sharing Program allows for a match of up to \$10 million provided there is a dollar-for-dollar match. Last year, the County was awarded \$1.5 million, which was put toward the Broomley Bridge project and allowed the County to fund some additional rural rustic road paving projects through reallocation of funds.

Mr. Snow stated that, last year, there was concern about the County being able to match the \$1.5 million, but it seems the County was able to come up with those funds without any problem.

Mr. Benish said it wasn't exactly 'no problem' and said the pot of money those funds came from is dwindling. The County has approximately \$895,000 in the Transportation Improvement Program (TIP) fund in the CIP. The County will also receive approximately \$240,000 from de-allocated revenue sharing funds from the state's de-allocation process, which will be received in this fiscal year. He stated that the Virginia Department of Transportation (VDOT) and County staff evaluated the Board priority list for both primary and secondary road improvements and has attached that list to the executive summary. He said most of the higher priority projects aren't really "ripe" for the program this year for various reasons; either there is potential for future state funding, or some projects are cost prohibitive, or others are too early in their development process. Mr. Benish said VDOT prefers that any revenue sharing money start to be expended within two years, and high priority projects come from the list the Board adopted this past spring. Mr. Benish said staff has identified several projects that are potential candidates; however, none of those projects are identified as high priority projects by the Board. He pointed out that there is an interest in unpaved roads, however, those have not been identified as high priority projects by the Board. He stated that obligating any portion of the money to the program this year does reduce the capacity in the near future to address other high priority projects, and staff suggests not participating in revenue sharing this year as it could potentially be used more strategically next year. If the Board chooses to move forward with some projects, staff has identified several unpaved road projects and VDOT has advised staff that those particular projects are the mostly likely and best candidates for this year given their limited cost and timeframe.

Mr. Benish asked the Board if they had any questions or if there were other projects they wanted to consider for revenue sharing.

Ms. Mallek asked if the four projects on the list were priority items.

Mr. Benish explained that Rio Mills is at the top of the list, and Gillum's Ridge is the sixth project on the regular road paving list and was determined to be eligible for rural rustic road paving. He said the other two projects have not yet been determined to be eligible for rural rustic road paving. He stated that Gillum's Ridge has a fairly high traffic volume compared to other rural rustic roads, so that is why it was moved to the top of the list.

Mr. Boyd said, a few years ago, the Board decided not to alter the road sequence because there are some other roads that have been on the list for years, such as Stony Point Pass, which he thought was fourth on the list. He said he thought those projects had already been qualified for rural rustic road paving.

Ms. Mallek stated that the volume of traffic must be taken into consideration because it isn't logical to spend a lot of money on a road with less traffic when there are other roads that have a larger volume of traffic.

Mr. Boyd said if some projects are slated to be skipped over, he is hesitant to vote on anything until he reviews the list.

Mr. Benish referenced Attachment D, page B-1, and said that on the rural rustic road priority list, the first four projects on that list are the ones that are being programmed by VDOT for construction over this fiscal year. He said there may be some complications on Bear Creek Road because of its severe geometrics. He added that staff tries to stay pretty consistent with the list; however, VDOT said they need more time to look at the feasibility of that project.

Ms. Mallek pointed out that Bear Creek Road is listed at 80 cars.

Mr. Boyd said he could understand if Bear Creek Road is being pulled off the list, but he would like to keep other roads from getting bumped every year.

Ms. Mallek stated there were some road projects that didn't qualify, or that didn't have all the signatures necessary and those projects shouldn't be on the list if landowners haven't signed off on the right of way.

Mr. Benish said staff skipped Bear Creek Road and went to the next two projects on the list, which are Pocket Lane and Dick Woods Road.

Mr. Boyd wanted to know where on that list is Gillum's Ridge Road.

Mr. Benish said that Gilliam's Ridge Road, shown on page B-2, is on the regular road paving list, and the County has asked VDOT to reevaluate that list to see if any of those roads are now eligible for rural rustic road paving. Since the County does not do major road paving projects, the Board requested staff re-evaluate the status of these projects, both rural rustic and regular road paving. Over the course of the summer, VDOT determined Gilliam's Ridge Road, the sixth road on the list, could be placed on the rural rustic road list and VDOT estimates the cost of paving to be between \$500,000-\$700,000 including drainage costs.

Mr. Snow said part of that road has been paved and added that one of the problems is the bridge is scheduled to be closed while repairs are being made, therefore, all the cars at Peacock Hill are going to be using Gillum's Ridge Road once that bridge closes.

Mr. Benish explained that staff reviewed the regular road paving list to determine the most viable projects and, because of the cost preference for rural rustic road, Gillum's Ridge Road is the one that staff landed on. He added that the highest priority roads on the list are Pocket Lane and Dick Woods Road. He said this funding is also important for projects the County may want to undertake in the future, adding that he has had preliminary discussions with the City about the possibility of a joint revenue sharing request for Hillsdale Drive in an effort to advance that project, but staff doesn't want to do that until it is known if the Commonwealth Transportation Board (CTB) will be able to fund that project. This project was mentioned during the by-pass discussions, but will depend on matching funds to cover the cost. Most of that project is in the City, so the County's share wouldn't be equal but that has been identified as one example of a high priority project that the County wants to construct which may require the City and the County to advance this project through contributions of funds.

Mr. Boyd said he wanted to be very clear on what staff is shuffling around in order to accomplish these projects; what is getting bumped, what is not getting bumped and why that is happening rather than just picking a couple of projects and making a recommendation.

Mr. Benish stated that another approach would be to wait until spring, as the list is reviewed each year and there would, hopefully, be a report back from VDOT about the eligibility and characteristics of all these roads. He said there could be potential adjustments and the Board could re-prioritize at that point in time.

Mr. Boyd said if that is not delaying projects unreasonably, that makes sense because he wants the public to be able to weigh in. If the public is expecting the Board to weigh in on rural rustic roads and secondary roads, he wants the public to be able to come in and pitch for their road.

Ms. Mallek stated it's important, in the meantime, for staff to verify that those rural rustic roads have landowner signatures completed.

Mr. Benish said there is no right of way required for rural rustic road projects.

Ms. Mallek stated that VDOT would not move forward with rural rustic road paving unless there are signatures from residents along the road, noting that the Dick Woods Road residents had a complete rebellion the last time their road was put on the list because they did not want their road paved.

Mr. Benish said one of the first steps in the rural rustic roads process is, when funding is available, VDOT sends out a letter to let residents know that VDOT staff will be on site to perform environmental evaluations. The County then sends a letter making residents aware of the project and identifying any concerns with the project. That's when County staff determines what the buy-in is from the community. He was unsure if the process requires signatures but staff does try to get comments from all of the property owners along the way to determine their interest in pursuing a project.

Mr. Boyd said if it is necessary to have landowner signatures, he would need to know that because he needs to let his constituents know.

Mr. Davis said signatures are not required for rural rustic road paving projects.

Ms. Mallek stated that signatures might not be required officially, however, she was told, in the last round, signatures were required in order get VDOT to focus their limited resources on a road that has been on the list.

Mr. Davis said Board policy focuses on having staff involvement before it adopts a resolution requesting VDOT to move forward on a project, so if there is citizen opposition, this Board would take that into account before they advance a project. He said he did not believe VDOT requires landowner signatures, however, VDOT does require a resolution from the Board.

Mr. Snow said that VDOT told him that if there was a petition signed by everyone living on a particular road saying they want a particular project; this would expedite the process.

Mr. Davis stated if it's a rural road project, that's the case because it requires acquisition of right of way, and VDOT is counting on those signatures to indicate the right of way would be donated to VDOT, which is a different process than the rural rustic road process.

Mr. Foley said staff will get some clarity from VDOT and follow up with the Board.

Mr. Rooker asked if the revenue sharing money could be used for sidewalk projects as well as road projects, and Mr. Benish said that money could be used for sidewalk projects only if a particular sidewalk is related to a highway project.

Mr. Rooker said the County does have some sidewalk projects that are in the County's master plans and the Board might want to consider using those funds for those projects.

Mr. Boyd said it was his understanding that the County would have trouble coming up with the matching funds and that was the reason the County is considering not applying for revenue sharing funds this year.

Mr. Rooker said this is ultimately up to the Board and the County is still in a position of not taking the funds if it decides not to do so, however, he added that there is some surplus in the current fiscal year. The question, he posed, is whether it would be wise to consider using some of that surplus to apply for revenue sharing funds. He said if the County does not want to take the funds, they do not have to; but he said he believes the County should, at a minimum, apply for it.

Mr. Snow agreed and said the County should at least apply for it.

Mr. Boyd said it seems like a no-brainer. He asked if there was some down-side to the County using these funds for revenue sharing. Can those funds be used for rural rustic road paving, can the County not do other things if the money is put into a pool for matching funds?

Mr. Benish explained that funds are awarded for a specific project for which the County applies; so if there is a notion that the Board hasn't decided how they want to expend the money and they want to do it over multiple projects, it would be best to make a list of multiple projects, but it is his understanding that localities are awarded funds based on projects they asked for because they are evaluated on the type of project that it is.

Mr. Rooker stated that last year, VDOT did not utilize all the revenue sharing money at the state level because so few localities took it. He said those localities who applied for funds got whatever they applied for.

Mr. Benish said localities must make a request for a specific project and added that he didn't believe it is easy to switch projects. He said the money would need to get reallocated to another revenue sharing project because the application requires the locality to be specific about a project.

Mr. Rooker asked if those funds could be spread out over, for instance, four different projects.

Mr. Benish said that is possible if the dollar amounts work. He explained that the role of VDOT staff in developing this application is to keep it consistent with a state project that VDOT understands is a feasible project and the cost estimates are realistic. He stated that the deadline for applications is November 1.

Mr. Davis said the November 1st deadline is for specifying projects for which the Board wishes to apply.

Mr. Rooker said the Board needs to have a list of potential projects identified at their next meeting because it is his opinion that the Board would be remiss if it does not consider taking advantage of these funds.

Mr. Snow agreed and said, last year when the Board was considering \$1.5 million, the Board decided to come up with even more of a match to capture those funds.

Mr. Rooker said the matching money is like selling radio advertisement; once it's gone, it's gone. If the County doesn't go into the pool this year, there won't be any money this year. He added that the County should put itself in a position where it at least has the choice of getting some projects moved forward, even if it may just be sidewalk projects.

Mr. Snow said he is still counting on VDOT to come through with money for the Hillsdale Drive project.

Ms. Mallek stated that VDOT will not put any money into Hillsdale until the right of way issue is resolved.

Mr. Dorrier said it is important that staff put together a list of projects that already have the right of ways. He said it won't do any good to have a list that does not contain projects that do not have right of way issues resolved.

Ms. Mallek said today is the last meeting before the application is due; so this decision needs to be made before the first meeting in November.

Mr. Benish referred the Board to the list of viable projects that was recommended by VDOT for funding this year, adding that staff would have to look into the eligibility of some of the sidewalk projects. He stated there are some projects that could be done. He said most of the projects such as Jarman's Gap Road or Georgetown Road or Sunset Avenue are projects that have not been scoped yet and it is uncertain what the final cost of those projects will be. He added that the sidewalk project alone, without knowing what the ultimate improvement would be, is probably a three or four-year project. He said the County can fund, through the revenue sharing program, long term projects but VDOT is trying to avoid that. The de-allocation process is really driven by the project being ready to get under construction within two years. Mr. Benish said the County does not have many projects that fall into that category. He said one option would be to evaluate the sidewalk list in the Capital Improvements Program to see if any of those projects would be eligible for secondary road funding and he offered to come back to the Board later to show them the list of those priority sidewalk projects.

Ms. Mallek asked if any pedestrian improvements on Rt. 250 would have to be primary money or would that be something in this category, i.e. a crosswalk or a traffic signal.

Mr. Foley suggested bringing this matter up again at the Board's work session next week. He said what Mr. Benish is saying is the projects that VDOT says are qualified are the ones before the Board today, but staff can do a double-check and see whether there are any other opportunities.

Mr. Rooker asked staff to provide the Board with a list of possibilities adding that it was his understanding that certain sidewalk and pedestrian projects could go through the revenue sharing program.

Mr. Benish said the County received revenue sharing money in FY 11 for the Crozet streetscape project, but it was clearly a street improvement project as opposed to replacing existing sidewalks or connecting existing sidewalk sections. He said one thing that staff knows for sure with the program is any project that is deemed maintenance is not eligible for revenue sharing money.

Ms. Mallek said if the enhancement is not there at all, then that might work.

Mr. Foley said the best approach would be for staff to contact VDOT and bring that information back to the Board next week.

Mr. Rooker said it would be a mistake not to take advantage of that money if at all possible.

Ms. Mallek said Rio Mills Road is on the list and does have some issues; however, that project is part of a grander scheme and said she doesn't believe the County should be investing in it right now.

Mr. Foley said staff will plan to bring some information back to the Board on whether or not there are some opportunities and added that staff doesn't want to miss out on those opportunities either.

Agenda Item No. 19. FY11/12 and FY 12/13 Revenue Update.

The following executive summary was forwarded to Board members:

The County has conducted five year financial planning since 2004. This process provides an opportunity for staff and the Board to collectively consider long-range revenue trends and to work towards the balancing of a Five Year Expenditure Plan prior to the development of the County's annual budget. In preparation for the Board's Five Year Financial Planning work sessions which begin in November, 2011, staff has begun a detailed review of the County's revenues. In doing so, staff has developed a clearer sense of what the County's financial situation looks like for the current and upcoming fiscal years.

While it is early in the fiscal year and assumptions could change as new information becomes available, staff believes it is likely that the County will experience a revenue shortfall of approximately \$1.07 Million (-0.5%) in the County's current FY 11/12 Budget. In addition, revenues available for next year's (FY 12/13) budget are estimated to further decrease by an additional \$1.02 Million. These reductions are primarily attributed to an estimated 3% average reduction in 2012 real estate property assessments and an anticipated additional 1.5% reduction in average real estate property tax assessments in 2013.

If the revenues are as currently projected and based on the County's allocation formulas for transfers to the School Division and the County's capital program, these reductions will result in an approximate \$448 thousand decrease in local funding for the School Division and an approximate \$80 thousand decrease in local funding for capital projects in the current fiscal year. In FY 12/13, the local transfer for the School Division could be further reduced by \$188 thousand and funding for the capital program could be reduced by an additional \$30 thousand.

At the Board meeting on October 5, 2011, staff will present additional details about the anticipated changes in the County's real estate tax revenues and provide information on the County's other major sources of revenues.

Staff will continue to closely monitor the County's financial situation. During the Five Year Financial Plan Work Sessions beginning on November 9, 2011, staff will present information to the Board regarding the cumulative effect of reduced real estate tax revenues and will present potential strategies to address the continued decline in real estate values.

As indicated above, anticipated potential decreases in revenues are likely to impact the funding available for local government, as well as the transfers to the School Division and Capital Program. Reductions in real estate tax revenues are anticipated to have a cumulative impact on the County's budget in future years.

Given the uncertainty in the County's current revenue picture, staff intends to strategically assess current local government staff vacancies and to review current levels of service for potential future reductions. Also, staff recommends that the Board not utilize savings from the restructuring of current debt to borrow an additional \$10 Million to support additional capital projects, as discussed during the Davenport presentation in September.

Ms. Lori Allshouse, Director of Budget and Performance Management, addressed the Board, stating that she would like to provide a revenue update and noted that staff has been doing five-year financial planning in Albemarle County since 2004. This planning effort provides staff an opportunity to look further into the revenue picture earlier than those jurisdictions that only do annual budgeting. She said instead of bringing this information to the Board in November as part of its regular work session on the five year plan, staff thought it would be important to give the Board an update today on the revenue picture as it is currently been seen by staff.

This year, the County formed a revenue team that has been working on development of the revenue picture. She said this is a different approach than has been done in the past, and provided information on members of the Revenue Team. She said Mr. Robert Walters, Division Manager of Business Taxation, has been a key person who has been doing revenue projections for the County for many years. Mr. Walters did the lion's share of work on spreadsheets and shared his knowledge with the team on his experience in working with revenues. Ms. Allshouse stated that Mr. Steve Allshouse, Manager of Economic Analysis and Forecasting, has brought an analytical approach to the process and studies the housing market and other economic indicators. She said that Mr. Bob Willingham, the County Assessor, is working in the field with the assessors and is working diligently on the assessment for FY 12. Ms. Betty Burrell, Director of Finance, is relatively new to the County and has brought a fresh perspective to the team and has been doing revenue projections and working in this area for other jurisdictions. Ms. Allshouse stated that Ms. Laura Vinzant drives the five-year financial planning model, the scenarios and the work involved with that plan. She said that Mr. Mark Graham, Director of Community Development, has shared a lot of information about building activity in the County and has brought a good economic, analytical approach which helped the team test some theories and ideas. Ms. Allshouse said the team also coordinated with Mr. Joe Correa, who is Division Manager of Revenue and Taxation. She said Ms. Lee Catlin and Ms. Susan Stimart were an integral part of the team related to business activity and helped ensure the team's projections align with what staff is seeing.

Ms. Allshouse reported that the team developed these projections and offered a note of caution that these projections can change based on information that might be coming down the pike. At this point in the process, staff believes there is a projected revenue decline of \$1.09 million which will affect the current fiscal year. She said staff believes there will be an additional decline of \$1.02 million in FY 12/13 which is the budget that will be put together in the next several months. She stated that this decline is primarily attributed to changes in real estate assessments, with an estimated average 3% reduction in 2012 real estate property assessments and an additional reduction of 1.5% in real estate property assessments in 2013. Ms. Allshouse said this would be offset somewhat by other revenues, and it does affect local government, in addition to the School Division and their capital transfer. Based on these projections, there will be \$448,000 less for the School Division in the current budget and also \$80,000 less for capital in the current budget. For the following year, she said, there would be an additional \$188,000 less for the School Division and \$30,000 less for capital projects in FY 12/13.

Mr. Rooker asked if the 3% reduction is net of new additions and Ms. Allshouse said yes; staff took everything into account and that is where they are landing it.

Ms. Allshouse reviewed major revenue sources with the Board, noting that 80% of the General Fund budget is comprised of five revenue sources: real estate, personal property tax, personal property tax relief, sales tax, and Business and Professional Occupational License (BPOL). She stated that every year at this time, the County looks at the assessments for the next five years as they are working on the five-year model. Ms. Allshouse presented information on last year's real estate tax assessment assumptions, the current year's assumptions, as well as the assumptions for next year and pointed out the large shift in assumptions on real estate tax revenues. She said that the assumptions used for January 2012 are that real estate tax assessments would bottom out and gradually increase in 2013 and onward, but the current assumption for 2011 landed at -1.24%. Ms. Allshouse said, instead of being at 0%, the team thinks it could be -3% for 2012 and -1.5% for 2013 with 0% in 2014 and gradual increases in the out years. Ms. Allshouse stated, when the five year model is presented next month, the Board will see how those assumptions will affect the first two years and then cumulatively and, because it adjusts that way, it affects the whole five year model, and has a more negative effect in the out years. She said that the reassessment rates are not linear and do change over the years and pointed out that rates peaked in 2007, with a 15% assessment increase. She said there was a large drop and a dip below zero beginning in 2009. Ms. Allshouse said the out year projection, in 2014, hits at the zero line and then increases in the

out years. She said the increase in out years is close to the increase it was in the late 1990s. All of this reflects the impact of the recession and the impact it has had on assessments.

Ms. Allshouse presented information on personal property tax and personal property tax relief, noting the actuals and the potential for slight increases identified by the revenue team. Ms. Allshouse said the peak for personal property taxes was 2009, with the projection for reaching that level from this source again being 2015. She stated that the state capped the car tax relief in FY06, and the County receives \$14.8 million.

Mr. Rooker commented that car sales are one area where the economy has been strong.

Ms. Allshouse presented a chart on sales tax in the County, with a line showing actuals and another one showing projections, with sales tax peaking in FY07, and not returning to those levels until FY17, based on projections by the revenue team. She stated that for FY11, the auditor was able to find sales tax that had been submitted to the wrong locality. She said it is possible to collect up to 3 years of back taxes in addition to the current year's taxes. Since that amount is collected in one year, the bottom line does indicate an increase.

Mr. Rooker said the County needs to be aware that inflation is going to continue along at the 2%+ rate.

Ms. Allshouse agreed and said these figures do not include inflation. She presented information on the BPOL taxes and noted that the team expects increases in this area. She said the peak for BPOL was in 2008 and the team does not see those revenues returning to that level until 2015.

Ms. Mallek asked if Ms. Allshouse was aware of the General Assembly action last year to change that to net receipts versus gross receipts. She said it would certainly be fairer to all of the businesses concerned but it would be a big change to the County, perhaps an 80% loss to the County.

Ms. Allshouse replied that staff is aware of that information, however, they have received no new information to date.

Ms. Allshouse said the projected decline in real estate values would impact the current budget as well as next year's budget and would have a cumulative, negative effect on revenues in the out years based on early planning projections. Ms. Allshouse reviewed the information she had given previously, noting that sales tax revenues are not projected to return to the 2007 level until 2017. The BPOL revenues are not projected to return to the 2008 level until 2015. Personal property revenues are not projected to return to the 2009 level until FY 15. There is also continued decline anticipated in state and federal revenues as well. Ms. Allshouse stated that staff would continue to monitor the fiscal situation and would present to the Board again in November during the five-year financial plan work sessions. She said staff is strategically assessing vacancies and current levels of service for potential future reductions and will provide a more comprehensive picture of the potential strategies in November.

Mr. Boyd said it would be more meaningful to him if this information included a percentage of growth, instead of basing everything on peak.

Ms. Allshouse stated that is a good point. She said there are lots of different ways to look at it and that report is how fiscal year 2011 landed, which did give the team a lot of insight on the future going forward.

Ms. Mallek agreed that this was a somewhat negative outlook, but in reading the staff report, she felt more optimistic.

Mr. Foley said the combination of those declines in real estate values along with the very modest increases in the other sources, means that the County is staying flat. When staff talks about opening a new fire station and doing some of those other things, they are not looking at the other side of the equation. When staff gets to the five year plan, the revenue report today is not going to support some of the natural changes in expenditures that would fund just a modest salary increase or opening a fire station. That will be the rest of the story in the five year plan. This is just setting the stage that these revenues are going to require the County to reallocate some expenditures or come up with some more revenues, because it's not going to support basic changes in expenditures.

Ms. Mallek agreed with Mr. Rooker's statement about inflation, which everyone has been predicting for about three years. She said the County has already missed part of the window on capturing low interest rates on the construction costs. She said this is the cost of not doing what the County knows it has to do and then having to pay twice as much for it in a couple of years.

Mr. Boyd asked for a line chart showing projected income and said he would find that helpful.

Mr. Foley said when the five-year plan comes to the Board in November, it will need to consider how to measure those very modest revenues against the things that are going on in the future. In spite of it not being anything like it has been in years past, staff felt it was important to let the Board know how that could possibly play out.

Mr. Rooker said that nationally, over the past year, medical plan premiums have increased by approximately 7.5% on average and when that increase gets into the 7% or 8% range that is a significant number and the federal stimulus money going to the schools gets dropped off. He said the County will

need to look at both sides of the equation and understand what schools look like in terms of some of their revenue sources other than relying on local government.

Mr. Foley stated that the biggest change here is the County had hoped real estate values would have already bottomed out, and would have slowly started to help offset some of those increased expenditures going out, but since real estate values have dropped like they have, it means that other increases in other areas, in trying to make up the difference, does create this imbalance.

Ms. Mallek said that affordable homes are snapped up immediately, but there are thousands of \$400,000 to \$600,000 homes that aren't moving, and this indicates to her that overbuilding has occurred in the wrong category.

Ms. Allshouse stated that staff has one item that would require action from the Board. Given the uncertainty of the current revenue picture, staff is recommending that the Board not utilize the savings from the restructuring of current CIP debt to borrow an additional \$10 million to support additional capital projects, as was discussed during the Davenport presentation in September.

Mr. Dorrier agreed, stating that more debt would just mean more problems in the future.

Ms. Allshouse said restructuring of debt itself would be helpful though. When staff saw the changes in revenue, they realized that restructuring the debt would save money.

Mr. Foley stated that staff's recommendation is to hold on to the capital savings rather than immediately reallocating it until the Board gets a look at the five year plan in November.

Mr. Rooker noted that it takes about \$1 million to service a \$10 million capital project.

Ms. Allshouse said, on October 12, the Board would have two County departments present information on their budgets, the Department of Social Services and Information Technology Department, followed by a joint work session with the School Board on compensation and benefits. She stated that on November 9, the five-year financial plan work sessions would begin, with November 10 being a work session with the School Division on their five-year plan. Ms. Allshouse stated that on December 7 and 14, the Board would have work sessions to finalize the five-year financial plan, which is the launch pad for the annual budgeting process.

Agenda Item No. 24. Annual Update on Economic Vitality Action Plan.

The following executive summary was forwarded to Board members:

The Board of Supervisors adopted an Economic Vitality Action Plan ("Plan") on August 4, 2010, following extensive public discussion and review. That plan established a schedule for staff to provide quarterly reports to the Board on staff's progress and activities related to the Action Plan. Staff will present a report on the first full year of plan implementation at this meeting. This item is related to one of Albemarle County's Strategic Action Plan Goals - FY 10/11- FY 11/12: *Goal 3: By June 30, 2012, the County and its partners will complete the first two year's activities identified in the County's Economic Vitality Action Plan.*

The Board reviewed and endorsed a three-year work plan in November, 2010 (see Attachment A), which outlines the implementation of the Economic Vitality Action Plan (Attachment B). The first year of implementation has focused on several key areas:

- (1) Establishing the basic functions of a more focused, proactive economic development effort, including systematic business retention and business start-up/expansion/attraction services.
- (2) Establishing the County as a "convener, facilitator and catalyst" through strengthening relationships, building networks, and linking resources to meet the needs of businesses.
- (3) Achieving meaningful regulatory reform that streamlines process while maintaining the quality and high standards called for in the Comprehensive Plan and desired by the community.

Below is a summary of the status, activity highlights, and next steps for each of the plan's five objectives.

Objective 1 - Improve Business Climate and Image

Status of objective: Strategies/actions for this objective are on track in accordance with the work plan. Visibility, outreach and interaction efforts will continue as ongoing functions of the County's economic development effort.

Highlights:

- A listening tour that included face to face meetings with 17 local, regional and state partners
- Completion of Phase I of the website enhancement: Phase II is underway
- Four quarterly roundtable sessions with staff and the business community focusing on small business issues, UVA partnerships, school/business partnerships and industrial sites and buildings

- Increased interaction with state partners:
 - **Virginia Department of Business Assistance (DBA)** – County staff met with the Director of the DBA, Peter Su, and his staff to discuss the County's action plan and possible partnerships.
 - **Virginia Economic Development Partnership (VEDP)** – County staff hosted VEDP staff on several familiarization tours of County sites, updated the Albemarle Community Profile on the VEDP website, and participated in ongoing conversations about new business prospects.
 - **Virginia Department of Agriculture & Consumer Services (VDACS)** – County staff participated in a state-wide agri-business forum to showcase partnership in the Brew Ridge Trail and Monticello Artisan Trail, and maintained membership with the VA Agricultural Development Officers (VADO).
- Strengthening relationships with local groups:
 - **Charlottesville Business Innovation Council (CBIC)** – The County is expanding its support of the Tech Tour
 - **VA Bio** – The County is partnering with the County school division and VA Bio on student mentoring and career exploration in the biotech fields.

Next Steps: Completing Phase II of the website upgrade, continuing quarterly roundtables

Objective 2 - Simplify and Create Certainty - Continued regulatory reform

Status of objective: Strategies/actions for this objective are on track in accordance with the work-plan.

Highlights:

- The County has improved and simplified application procedures for entrance corridor development, with new Architectural Review Board (ARB) process improvements approved in May 2110.
- The Board, Planning Commission and ARB held a work session on August 3, 2011 to discuss changes in development review processes. The Board has directed staff to proceed with the recommended changes which are intended to reduce unnecessary and burdensome regulations and shorten approval times.
- County sign regulation amendments to simplify and improve the sign review and approval process were recommended for approval by the Planning Commission on September 13, 2011.
- County staff has produced a small business toolkit for the website upgrade to assist small business owners who are interested in starting, relocating, or expanding their businesses in Albemarle County

Next Steps: County Code amendments for administrative approvals are scheduled to be presented to the Planning Commission in October, 2011; the sign ordinance recommended for approval by the PC is scheduled to be presented to the Board on November 2, 2011.

Objective 3 - Support Quality Job Opportunities

Status of objective: Strategies/actions for this objective are on track in accordance with the work plan.

Highlights:

- **CustomInk** – This company expanded its operation into Albemarle County, utilizing an existing industrial building, with plans to create 110 local jobs in the next three years.
- **MicroAire** – MicroAire announced its purchase of the former USPS building and planned expansion of its operations to bring \$8 million to the local economy and create 51 new local jobs aided by the Governor's Opportunity Fund and the County's Economic Opportunity Fund.
- **Other job gains** – The Defense Intelligence Agency completed its move and brought 800 new jobs, Martha Jefferson Hospital's new facility brought 1,600 new jobs and an additional 150 jobs are expected from the Virginia Jobs Investment Program grant recipients within the next three years.
- **Target Industry Study** – Regional target industry study is being conducted by the Thomas Jefferson Partnership for Economic Development (TJPED)
- **Board of Supervisors/School Board Business Leaders Roundtable** – A joint meeting was held with community business leaders focusing on local workplaces and workforce issues and needs in the community and identifying opportunities to strengthen community/business partnerships.
- **Albemarle Business First** – Business First team members began making targeted calls in April, 2011 and now have reached out to over 50 of the County's existing local businesses

Next Steps: Completing the target industry study is the first step of an existing business analysis and workforce study, following up on school board meeting, evaluating the first year of "Biz First" business retention program.

Objective 4 - Expand Industrial Land Options

Status of objective: Several strategies/actions are still underway

Highlights:

- **Light and Heavy Industrial districts' uses** – Staff finished with research and expect to have a recommendation to the Planning Commission by late Fall, 2011.
- **Industrial districts' commercial and industrial setbacks and buffers** – The Planning Commission held a work session on January 11, 2011. Staff addressed questions and comments from the Planning Commission and are working on providing additional information for future Planning Commission consideration.
- **Industrial districts' performance standards.** Now revised.

Next Steps: Discussion of industrial uses and districts with the Planning Commission, evaluation of properties to be voluntarily rezoned to a new LI district, holding an industrial roundtable for the Comprehensive Plan update.

Objective 5 - Promote Rural Economy/Tourism

Status of objective: Strategies/actions for this objective are on track in accordance with the work plan.

Highlights:

- **Home occupations** – The Board adopted an ordinance amendment to reduce the fees and approval time for home-based business applications on January 9, 2011.
- **Farm Winery Zoning** - The Board adopted an ordinance amendment to change the farm winery zoning regulations to use a decibel noise standard on March 9, 2011.
- **Monticello Artisans Trail** – The County worked with a contractor to print the brochures, distribute the signs and launch the website, and in partnership with the Charlottesville Albemarle Convention and Visitor's Bureau (CACVB), has hosted familiarization tours for the area's tourism ambassadors; the official program launch is planned for mid-Fall, 2011.
- **Agricultural Economy Roundtable** - County staff held a roundtable to review agri-tourism activities and emerging trends in the state. Insights will be addressed as part of the Comprehensive Plan update.
- **The Local Food Hub** - The County co-sponsored the 2011 Community Food Awards to support Local Food Hub operations.
- **Winebloggers Conference** – Albemarle County teamed with the CACVB, Monticello and the Omni to host a press conference and to pursue other publicity initiatives to promote the annual Winebloggers Conference in July, 2011 in the community.

Next Steps: Agri-business roundtables for Comp Plan update, Monticello Artisan Trail launch

Data reporting

As stated in the Plan, it is critical that the County regularly monitor and assess the economy and the local business climate in order to proactively and effectively promote economic vitality. The most recent quarterly indicators report, which includes several annual measures, is attached. Staff has included farm winery sales data to monitor agricultural economy activity.

No immediate budget impact is associated with this Executive Summary.

No action is required by the Board of Supervisors regarding this item.

Ms. Catlin addressed the Board, stating that she would like to review the status of the Economic Vitality work plan and give a 'high-level view' of the successes and challenges the plan has encountered over the first year. She said she would like to review the dashboard type items that have helped staff keep the plan on track. She said that staff presented a three-year plan to the Board last year, and would like to provide the Board with milestones for the first year and the status of those efforts. Ms. Catlin said the first year of the work plan was to put in place a more focused, proactive economic development effort, and some systematic business retention and business start-up expansion and attraction support services which the County did not have to that point. Another key component of the first year was to establish the County's relationships with others and achieve meaningful regulatory reform to streamline processes while protecting quality and standards. Ms. Catlin stated that when all action items and objectives are labeled 'complete,' it means the initial effort has been successfully launched and will be ongoing.

Ms. Catlin said objective #1, "Improving Business Climate and Image," is on track to be accomplished in the first year of the work plan. Ms. Catlin said one of the items that staff is continuing to work on is establishing a single point of contact for businesses with Community Development because staff believes that liaison role is very important, and that will be implemented fairly soon. She stated that the highlights under that objective included the listening tour, the quarterly roundtables, and the partner interaction at the local and state level, both in the visibility and in staff's learning. Ms. Catlin said they are in the process of the phase two website upgrade. She said everything staff is seeing and hearing indicates that the County's website is the main portal for a lot of businesses as they make selections about where they come, where they grow or where they expand, so staff is making sure that stays very dynamic and up to date. She said efforts are being made to continue with the roundtables, because those have been very beneficial. Related to the website upgrade, Ms. Catlin presented an image of the existing website and a depiction of what staff is moving toward. She stated that the new site will be more attractive, robust, informative site that would present a better presence and better portal for people in an existing business or a business that is looking to start up, someone looking to expand, etc. Whatever the business need might be, staff believes this is moving the County toward a website that will be more effective.

Ms. Mallek asked if the economic vitality site would be part of the community profile and Ms. Catlin responded that the community profile would be an element of the website. She said when a visitor hits on the business page on the website, perhaps looking for economic development or any kind of business activity, this would be much more of the look of what they would get than what they have right now.

Mr. Boyd asked, in addition to demographics, will there be information on economic indicators on the website and Ms. Catlin responded that there would be.

Ms. Catlin said objective #2, "Simplify and Create Certainty in the Development Review Process," will be continuously evaluated; however, staff feels they are on track with the work plan. She stated that there is a list of items in the Board's packet which has been addressed. She added that staff has developed a small business toolkit to help people navigate through the development review process if someone wants to start up a business, expand or locate a business in the County. Ms. Catlin said that administrative and legislative process improvements are continuing to move along and will be going to the Planning Commission soon. She said the sign ordinance is in process of being reviewed and the Board will be seeing that very soon as well. Ms. Catlin added that she is not sure how well staff has communicated what the changes are and how these changes impact the development and business community, so she and Ms. Stimart agree that education and outreach in this area is very important. Being able to communicate those changes effectively with the business community and making sure everyone can take advantage of them is vital. She said it also might be a good time to step back and do an assessment to make sure everyone is up to speed with the changes and then look ahead to determine if there are areas that need to be looked at and focused on in this continual improvement area.

Mr. Boyd asked about the outcomes of the roundtable meetings with the agri-businesses and real estate sectors, adding that there were many good ideas that came out of those meetings and he wanted to know if there has been any follow-up on what the County is doing about those ideas.

Ms. Catlin stated that she would share summaries of those meetings with the Board. She said staff has been spending time looking at those summaries as they prepare for the Comp Plan updates and some of the other types of activities. She added that those comments have been very helpful and staff is already using some of those ideas, i.e., student mentoring and career exposure initiatives that were generated from the school/business roundtable.

Mr. Boyd said he would like to see the summaries because he was not able to attend all of the meetings. He said there was a long list of ideas and comments that were put forward and he thought that information would be helpful for the Board to hear about the outcomes that came out of those meetings. He said he was very impressed with the school/business roundtable, and thought the Board should consider doing something similar with the business community.

Mr. Snow said he would like to see the outcomes, as well as what the County has done to address some of the ideas that were put forward.

Ms. Catlin said the Board will be receiving recommendations and having a discussion on November 1st regarding student mentoring, career exposure and shadowing, etc. She said the Board will have an opportunity to see that but, in the meantime, she will provide the Board with other roundtable information and where things stand with those.

Ms. Catlin said now that the County has gotten through the first year of the Economic Vitality Plan, staff wants to get feedback from the business community to determine how these efforts have met their expectations. She said having that kind of discussion with businesses might be a good way to follow up.

Mr. Boyd said it is very important to concentrate not only on education issues but to talk about some of the other issues, i.e., land use, legislative issues and those types of things which seem to sometimes get forgotten.

Ms. Catlin said that objective #3, "Supporting Quality Employment Opportunities," is also on track with the centerpiece being the target industry study which is underway. Ms. Catlin stated that, in late October, consultant teams will begin workforce analysis interviewing, and, by January 2012, the Board will see a report on the target industry; with an interim work product that will help staff with some of the Comp Plan update work that might be happening before that report is complete. She commended Ms. Stimart for her work with "Business First," a business retention effort. Ms. Stimart has been working with Thomas Jefferson Partnership for Economic Development (TJPED) and representatives from the Virginia Department of Business Assistance in Richmond to focus on businesses here in the community. She said staff looked at all the businesses that are in the County, established a tiered system of who to talk to first, second, third to identify which businesses had opportunities or concerns or industry clusters that are important in the County. Ms. Stimart is spending a lot of time on the ground with those folks, hearing from them, feeding that information to county staff so that staff can get a sense of what business people are dealing with out in the community.

Mr. Snow asked who took over TJPED after Mr. Mike Harvey left.

Ms. Catlin replied that Mr. Tim O'Brien was appointed interim director while a formal job search is conducted.

Ms. Catlin mentioned some exciting job gains in the last year, i.e., Micro-Aire and some other businesses, noting that there are several exciting initiatives with the school/business partnership and she will provide the Board with an update in November.

Ms. Catlin said the next steps, with regard to the target industry study, will include an existing business analysis currently underway, the workforce study which is coming soon, and continued business retention efforts mainly through Business First.

Mr. Rooker asked if there was an outline of what's being done under the target industry study.

Ms. Catlin said she would re-send the RFP to the Board noting that staff will be doing an assets inventory both at the regional level and at the county level through research and a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis. She added that the Board will be invited to one of the SWOT sessions in early November.

Ms. Stimart reported that for objective #4, "Industrial Land Inventory," there were three main projects: a zoning text amendment for LI and HI districts, a voluntary rezoning of rural area zoned properties in the development areas to LI zoning, and updating the Comp Plan to provide an expanded industrial service inventory. She said staff has completed research and analysis of the zoning text amendment (ZTA) piece and that is now being prepared for the Planning Commission work session in late November. When that is finished and adopted, the amendment will be taken to the community for the voluntary rezoning project. For the Comp Plan update process, she said staff will hold a November 28 roundtable to focus industrial land considerations on what can be done with the Comp Plan.

Ms. Catlin said staff would like to reconvene the group that met a month ago to focus more specifically on issues related to the Comp Plan that may be impacting some of the issues that they were talking about, challenges, etc.

Ms. Stimart stated that a follow-up roundtable discussion of agribusiness considerations is scheduled for November 1, and important activities this year included local food hubs, community food awards which is expected to be an annual process to help bolster that program, the National Winebloggers Conference, and completion of the Monticello Artisan Trail, with a formal launch planned for October 20. She said the overall impact is the inclusion of 96 local businesses in the rural areas, the Village of Crozet, the Town of Scottsville, and each business now has its own custom webpage and brochure. Ms. Stimart stated that benefits from the Virginia Tourism Corporation, CACVB marketing and Nelson County tourism marketing were derived from a \$1,000 matching fund grant.

Ms. Catlin said, in looking at the past year, the positives demonstrated good strategic focus and a general direction in moving more proactively toward economic vitality. She said new commercial development includes the Shops at Stonefield, Kohl's, the second Village Center at Old Trail, and Rivanna Plaza. She stated that it's been a year of expansion of community assets, considering the work associated with the Shops of Stonefield such as Route 29 improvements and water and sewer upgrades, Jarman's Gap Road and Georgetown Road which are completed or under way, the new state-of-art Martha Jefferson Hospital, the Lodge at Old Trail, both of which demonstrate some new investment in the community and exciting job potential. In addition, Library Avenue and the parking lot in Crozet, and Fiber Light's fiber-optic network is on track at the City lines; so the entire fiber optic system is in place and moving along. Ms. Catlin said staff has seen some exciting progress in leveraging outside resources with the Virginia Jobs Investment Grant Program providing resources to support up to 288 new jobs in the community over the next three years, with reimbursement at a rate of \$500 and \$1,000 per job. She stated that the County brought in a GOF award of \$100,000 to support the Micro-Aire expansion, the workforce center received a \$25,000 award based on the fact that they are a high performing workforce center in the state, and the County's \$25,000 investment to the regional target industry study, the first locality to do this in the TJPED region, has now provided the momentum for this project that stands at a combined research budget of \$150,000 from all TJPED partners. That was a leverage that is going to provide the County with a much more robust study for the community based on the investment that the Board made. She said that the plan is focused on career ladder jobs, and Micro Aire and Custom Inc. would bring a total of over 150 new jobs to the community in the next three or four years, and those are the kinds of career-ladder good wage jobs that the County wants to see here.

Ms. Catlin said that another positive area is the regulatory reform efforts that will help streamline processes while protecting standards and quality, i.e., action this year on ARB processes, signage regulations, farm winery noise restrictions, administrative and ministerial application process improvements, and industrial uses and performance standards.

Ms. Stimart reported that the challenges staff has identified include "lack of product," which will continue to be addressed through the Comp Plan process and the Business First outreach in an effort to learn what this area's entrepreneurial community needs. She said staff can learn through these meetings that there is a growth plan two years down the road which can give staff enough time to work through development review procedures in an adequate manner. She said that message is getting out to the development community. She said that the second challenge is the current state of the economy, and the County would have to work as best as it can with a contracting lending environment. One of the recent closures was the result of a New Jersey firm purchasing a ten-year old biotech company, which affected ten jobs for Albemarle, fifteen jobs for the City. That is the sort of thing the County cannot control.

Ms. Catlin stated that when the Economic Vitality Plan was adopted, staff realized there was not going to be a magic way to overcome or buck the overriding macro trends but staff thinks it is important to

be opportunistic now so, when things do pick up, the County can be strategic about how to take advantage of that.

Ms. Stimart said the competitive environment is something of which the County should be aware. Some of the County's neighboring communities are looking at some more innovative approaches such as property tax refunds for three or more years and/or raising BPOL exemption thresholds, which are incentives that Albemarle County has not considered. This will obviously have an effect on how businesses view the climate. Despite the Rivanna Station expansion, the County has realized some job losses. She stated that Northrup Grumman had to do some restructuring, which affected about 70 employees and a food distribution facility recently closed at Mill Creek.

Mr. Rooker commented that he is concerned about how defense cutbacks might affect the Department of Defense agencies that have located here.

Ms. Catlin responded that the federal budget is, indeed, a concern in that area.

Mr. Boyd pointed out that there is an ebb and flow to jobs here, so there is a need to be working to backfill lost jobs, which should be part of what the County is trying to do.

Ms. Catlin referenced Mark Crowell's recent talk, saying one of the things he spoke about is "churn" which promotes the idea that one always has to be working just to stay in the same place, let alone get ahead and that is a very good point, as Mr. Boyd mentioned.

Mr. Rooker stated that the target industry study would hopefully focus on the kinds of businesses that are likely to stay in this community. He said Albemarle County is never going to be the low-cost place to be, but there are things Albemarle County has to sell.

Mr. Boyd said this is why he has been pushing for the list of assets; because that identifies the types of amenities Albemarle County has to offer that will attract the right types of businesses, with the University topping that list.

Ms. Mallek said that the state's current administration is quickly backing away from the one-stop centers, having already closed the facility at Region Nine, which serves the Culpeper/northern region. She said there is some push back but there is no one at the cabinet level who seems to care, as in the previous administration. The Virginia Employment Commission (VEC) has already pulled out of things and, as soon as she gets more information together, she will forward that to the Board. She hopes to have an affirmative response to this situation because this has been a fantastically successful effort here. She added that people who need a job cannot go running all over the countryside trying to find a job.

Mr. Allshouse handed out an update to what the Board received in their packets, which was information that had just become available. As he mentioned to the Board the last time he made a presentation to them, there would likely be a number of conflicting economic indicators, and that is certainly the case with the current recovery. Mr. Allshouse said the quarterly economic indicator report reveals that sales tax revenue has increased, although a good portion of that has been due to the efforts of the business tax auditor. He stated that hotel and motel tax and meals taxes are also up, and the auditor said there is actually robust growth in these two tourism revenue streams. Regarding jobs and income, Mr. Allshouse said there is a relatively low unemployment rate, down to 4.7% in quarter two of calendar year 2011 which is one of the lowest in the state, but the natural County unemployment rate is about 3 to 3 ½%. He stated that staff is continuing to track the number of business licenses that are outstanding in the County and the number of new business licenses, but he does not have a full year of data at this point. He said that number is the highest since he's been tracking this data; 4,389 business licenses outstanding which is the highest it has been in the past year, and is another good sign. Mr. Allshouse said some of those may be one-time licenses, but this is the best metric available to gauge new business development in the County.

Mr. Allshouse said one of the negatives in the on-going recovery is the real estate market. He said this would likely be an issue for the next few years, and, in quarter 3 of calendar year 2011, there continues to be a surplus of housing for sale in the single-family detached market. He stated that the metric he has discussed in the past is inventory, and there is an 11-month supply as of the end of the 3rd quarter, which is up from about 8.5 months in the 2nd quarter. Mr. Allshouse said he and others believe the real estate market on the residential side is still weak and will remain so for some time.

Mr. Rooker said there are some new houses being built, so the 3% assumption in the average residential real estate value must be closer to 4% when factoring that in.

Mr. Allshouse said he would have to go back and review that, and added that some parts of the local housing market are actually healthier than that. He reported that a recent article in The Daily Progress indicated that this area had one of the healthiest real estate markets in the country but if one looks at the report behind the headline, what the writer is talking about is new construction. The article was really talking about the construction industry and the underlying report was saying it was primarily the single-family attached market, which is consistent with what he is seeing. Mr. Allshouse said a six month supply on the residential side is considered to be a balanced market by most real estate market professionals and, while there isn't a huge glut of housing at this point, there is concern there will be some downward pressure on housing prices for the foreseeable future. He stated that staff has seen a fairly sharp drop in the dollar value of new commercial building permits over the last year, which is a bit misleading because the County is coming off of a fairly robust amount of construction, i.e., the Martha Jefferson Hospital, UVA's Northridge and some related activity. With regard to wine production in the

County, Mr. Allshouse noted that wine liters are subject to excise tax once it leaves the winery storage areas, so those numbers give staff a certain idea about changes in production and this will continue to be monitored since wineries are an important part of the County's agricultural economy.

Mr. Thomas stated that Mr. Trump has put all of the Kluge Winery employees back to work.

Mr. Allshouse reported that the private sector job space is at 66.6%, which is down slightly from the previous year, and is typical when coming out of a recession. He said total assessed value of taxable property is down, commercial zoning clearances are down, BPOL tax is down, and machinery and tools tax revenue is down substantially because manufacturing has been lost over the past year; however, that might be due to possible delinquencies or unutilized equipment, which is not taxed. Mr. Allshouse stated that, in tracking real estate tax revenue, the tax split is about 75% residential and 25% commercial. He said, in some jurisdictions, multi-family units are thrown into the commercial side. If the County did that, those numbers would be closer to a 70/30 split on the real estate tax revenue metric. Historically, in looking at 2nd quarter data, between 2008 and 2009 when the recession kicked in, unemployment did not increase as steeply as it did at the state level and across the country, probably in large part due to the University and the UVA Medical Center. Because the County's economy is not growing rapidly enough to soak up a lot of that unemployment, staff is continuing to see some improvement but it is not coming down very rapidly. Mr. Allshouse said that jobs in the County over a five-year period peaked in 2007 and dropped in 2008 and 2009, and staff is now seeing a modest recovery. The VEC data includes both part-time and full-time employment so it is good to see the job numbers going up but it is not clear if that is due to a large increase in full time positions or whether there are more part-time positions being added to the mix. He stated that private sector jobs have hovered around the high 60% to low 70% range, but it has gone down over the recession years and vacillates over time, currently in the mid 60s and he expects that to go up again as the County begins to see the recovery. Mr. Allshouse said total assessed value of taxable property has obviously been going down. He said staff is hoping for a recovery, but it might take a few years to happen. Building permit activity spiked in 2009 related to work going on at Martha Jefferson Hospital and UVA Northridge. There has been a drop since then in 2010 and those numbers are below the 2006 number. He pointed out that the Martha Jefferson Hospital and UVA Northridge is institutional space and will not generate as much real property tax revenue as other types of private office buildings or retail space but it does generate other types of revenue. In terms of Martha Jefferson Hospital, there are some private clinics that will be taxed at the market rate. He stated that the hotel/motel tax actually went up during the recession, between 2007 and 2008, subsequently declined and now is starting to creep back up. The reason for the spike in 2008 is unknown, although there is a theory that people in the mid-Atlantic region might have been taking more local trips rather than going outside the region. The meals tax had a similar story.

In wrapping up, Mr. Allshouse asked if the Board is interested in quarterly updates or if an annual reporting system was preferred.

Mr. Thomas said he would like to receive information quarterly due to the current economic situation.

Mr. Allshouse asked if the Board would also like a full presentation of the data as presented today or was there a preference in receiving the information as a consent item.

Ms. Mallek responded that she would prefer to have a full presentation.

Ms. Catlin concluded the presentation with some upcoming dates: the Monticello Artisan Trail launch on October 20; the LI roundtable for the Comp Plan and the school/business follow up on the initiatives on November 1. She said the agribusiness roundtable for the Comp Plan is scheduled for November 28.

Ms. Mallek asked about the discussion on wetland banking in the agribusiness discussions.

Ms. Catlin said that item will be covered in the next round of discussions. The November 28th meeting will focus more on rural business opportunities.

Agenda Item No. 28. Board of Supervisors' June 30, 2011 Strategic Plan Strategy Session Report.

The following executive summary was forwarded to Board members:

The Board of Supervisors has formally engaged in the County's strategic planning efforts since 2001. The County's FY07– FY10 Strategic Plan, in which the Board directed staff to focus on enhancing the County's quality of life, protecting its natural resources, managing growth, developing infrastructure, and creating a long-range, comprehensive funding strategy formally ended on June 30, 2010. The on-going work to achieve those goals and objectives continues to be incorporated into the County's regular operations.

Last year, the County made adjustments to its strategic planning processes and time schedule to be more agile and to best position the County to address challenges created by difficult economic times. Based on the Board's guidance, the County developed a more succinct two-year strategic action plan to focus Board and staff efforts on the County's most immediate and critical needs. Work on the five goals identified by that strategic action plan continues through FY 11/12.

Earlier this year, the Board concurred with staff's recommendation to return to the County's previous long-range strategic planning format beginning in FY 12/13. The Board provided direction and guidance for the development of the FY 12/13 – FY 16/17 Strategic Plan during a strategic planning session held on June 30, 2011.

At its June 30th strategic planning session, the Board reflected on past accomplishments, reviewed the results of the County's 2011 citizen survey, conducted an environmental scan and participated in a visioning session led by Ron Carlee of ICMA. As a result of these activities, the Board reaffirmed the County's mission and values and prioritized the County's top strategic focus areas for the next five years and asked staff to bring back a draft vision statement and draft goal statements based on the guidance provided.

The County's FY 12/13 -- FY 16/17 Strategic Plan will be more comprehensive than past plans. While the Plan will continue to focus on setting broad community priorities as informed and directed by the Board ("external component"), it will also focus on the organization's internal high performance efforts based on feedback and direction provided by both the Board and staff ("internal component"). To that end, County staff has also been developing an "internally-focused" goal for the organization. When complete, this information will be merged with the results of the Board's strategic planning session and also provided for the Board review. It will include the two areas of emphasis identified by the Board at the Retreat: Assuring excellent customer service and increased efforts to support and recognize staff. At this time, staff recommends the following Vision Statement and six goals be approved to be included in the County's FY 12/13 – FY 16/17 Strategic Plan:

Vision Statement: A thriving county, anchored by a strong economy and excellent education system that honors its rural heritage, scenic beauty and natural resources while fostering attractive and vibrant communities.

Mission Statement: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

Values: Integrity, Innovation, Stewardship and Learning

Goal Statements:

- Provide excellent educational opportunities to all Albemarle County residents
- Provide community facilities that meet existing and future needs
- Encourage a diverse and vibrant local economy
- Protect the County's natural and scenic resources
- Ensure the health and safety of the community
- Promote citizen ownership of community challenges

After the Board's approval of the County's Vision and the six Goal Statements, staff will develop strategic objectives and action plans for every goal, while continuing its efforts to complete the work outlined in the County's current two year strategic action plan.

The County's current Economic Vitality Action Plan, already underway, will be incorporated into this Strategic Plan, under the Goal entitled: "Encourage a diverse and vibrant local economy." Staff will present draft strategic objectives for the remaining goals to the Board for the Board's review and approval in January 2012. The final draft of the FY 12/13 – FY 16/17 Strategic Plan will be provided to the Board for review and final approval in May 2012.

The FY 12/13 – FY 16/17 Strategic Action Plan will provide direction for the County's Five-Year Financial Plan and annual budget processes.

Staff recommends that the Board approve the Vision and six Goals for inclusion in the FY 12/13 – FY 16/17 Strategic Plan.

Mr. Foley said he would briefly review the result of staff's work based on the strategic planning session held on June 30, focusing primarily on the vision statement and six goal areas developed at that meeting. He said the Board confirmed the mission statement and values at the June session, adding that staff has been doing strategic planning since 2001 and this is the development of a five year plan from FY13-17. Mr. Foley also stated that the Board provided input to staff regarding assuring excellent customer service, increasing efforts to support and recognize staff, and staff is in the process of internally focusing on the organization and performance excellence. He said the information before the Board today was developed using results from the citizens' survey along with an environmental scan and a visioning exercise that was done with Ron Carlee of ICMA. Mr. Foley said the process today will be to work on objectives and action plans, with the objectives tied to those goals coming back to the Board in January. He said he hopes to get the Board's endorsement of the goals, objectives and action plans with the idea that the strategic plan would be finalized by the end of the fiscal year so that staff will have a plan to begin fiscal year 2013 and going forward for the next five years.

Mr. Foley pointed out that these are challenging items to think about because the Board is thinking about cutting budgets, but it is the idea that this economy will change and turn and it will be important for the Board to identify what the future should look like for Albemarle County, what is most important to the Board. He said Ms. Catlin has done some work to try to get everyone out of the doldrums and try to get everyone lifted up to think about vision. Mr. Foley said the County's Leadership Council has

participated in this exercise in an effort to try to get them in that same mindset because, even though times are difficult and the trends tell us that the economy is not going to turn around quickly, the County can still be creative and move forward. He said the Board has given some direction on the goals and vision and, at this point, he asked for the Board's input on the goals specifically.

Ms. Catlin stated that, in the Board's strategic planning session, Mr. Carlee asked two County interns to talk about "their Albemarle" in 2040, and she presented a video depicting that vision. After playing the video, she asked Board members to consider the vision statement: "Being the thriving county, anchored by a strong economy, an excellent education system that honors its rural heritage, scenic beauty, and natural resources while fostering attractive and vibrant communities." She asked the Board if that statement accurately captured what the Board was trying to say in that conversation. She referred to the 'bubbles and circles' that were used to identify what was important to the Board. Those items were what staff heard the Board say was important, but she wanted to give the Board a chance to comment on that and then go through the goal statements. In looking at the vision statement in the executive summary, Ms. Catlin asked if that captured what the Board meant or is there something in the statement that just doesn't ring true as a vision for the County.

Ms. Mallek said it's a great summary, short and understandable and brings together all of the different focus points that need to be considered.

Mr. Dorrier asked about the word 'walk-able.'

Ms. Catlin said phrases like attractive and vibrant communities, and the concept of pedestrian friendly or walkable communities are all addressed in the County's Comp Plan, and considered to be a part of that document.

Ms. Mallek said the Board must consider the whole community, not just growth areas.

Mr. Rooker said he thought the statement captured what the Board thought.

Mr. Boyd said he thought the statement was excellent too; however, in thinking about rural heritage, he said he is not seeing the word 'history.' He said history is not just all rural; it is similar when one is talking about heritage.

Mr. Rooker suggested changing "natural resources" to "natural and historic resources."

Ms. Catlin moved to the goal statements and asked if those identified in the executive summary were the most important and compelling and ones that staff should focus on over the next five years.

Mr. Rooker said, in light of the previous comment, bullet #4 should say "natural, historic and scenic resources."

Mr. Boyd stated that he would like the last bullet, "promote citizen ownership of community challenges," to include language used at the strategic planning session, i.e., "promote a culture of self-reliance and individual responsibilities." He said that would be a much clearer statement.

Mr. Foley said staff picked up the concept of "ownership" from some further discussion at that session.

Mr. Boyd suggested changing the goal to, "Promote citizen ownership through a culture of self-reliance and individual responsibilities."

Ms. Mallek stated the goal is to have the community involved, to help out and to volunteer. She added that Mr. Boyd's statement is more "do it on your own, because government is not going to help."

Mr. Boyd said the point is that government is not the answer to everything, and that is what individual responsibility means. He added that he believes that is a culture that has been lost.

Mr. Rooker suggested the following statement, "Promote individual responsibility and citizen ownership of community challenges."

Mr. Boyd agreed with the word-smithing, but also stated that he did not want to lose the point that people should begin to realize that government cannot solve all of their problems and said this is a culture that people have been heading toward for many years.

Ms. Catlin said, on the objectives that will be brought back to the Board in January, staff will flesh that language out a bit and, at that time, the Board will have an opportunity to ensure the objectives are directing that goal in a way that the Board intends it to go.

Mr. Boyd said the issue is more than just community volunteering.

Mr. Rooker pointed out that, because this is a process of goal-setting for county government, it should be approached from that angle. He said the Board needs to approach this from the perspective of who Albemarle County is, adding that the Board can only speak for county government, not for every citizen individually.

Mr. Snow said he liked the statement as it was re-crafted.

Mr. Catlin said staff will make those changes the Board has requested and this item will come back to them in January for another review.

Ms. Mallek commented that the video shown to the Board today would be a great addition to the County's website.

(Set out below is the following language modified by the Board for inclusion in the FY 12/13 - FY 16/17 Strategic Plan:)

Vision, Mission, Values and Goals for FY 12/13 – FY 16/17 Strategic Plan

Vision Statement: A thriving county, anchored by a strong economy and excellent education system that honors its rural heritage, scenic beauty and natural and historic resources while fostering attractive and vibrant communities.

Mission Statement: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

Values: Integrity, Innovation, Stewardship and Learning

Goal Statements:

- Provide excellent educational opportunities to all Albemarle County residents
- Provide community facilities that meet existing and future needs
- Encourage a diverse and vibrant local economy
- Protect the County's natural, historic, and scenic resources
- Ensure the health and safety of the community
- Promote individual responsibility and citizen ownership of community challenges

Agenda Item No. 29. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd said he would, at the present time, defer his item on the Meadow Creek Parkway.

Mr. Boyd reported that the task force working on the northern terminus of the Western Bypass developed four recommendations they want to have addressed by VDOT: (1) location of road should be south of Ashwood Boulevard; (2) construction should be done mainly on the west side of Route 29; (3) no additional signals added to the terminus, and (3) no u-turns. He said he would like to get the consensus of the Board to push that forward to VDOT because if these recommendations have the emphasis of this Board, it will mean more than just coming from the task force. He pointed out that the task force passed a resolution unanimously supporting those 4 recommendations and asked how it should be submitted to VDOT.

Mr. Rooker said the resolution should accompany a letter to VDOT which would state that the resolution was approved by the Board of Supervisors. Items for consideration in the resolution should include language about location of interchanges and on which side of Rt. 29 the work should occur. He added that the resolution should indicate that the by-pass will be consistent with producing a level of service of at least "c" in the design. He said the RFP should also include having no less than a service level "c" at the termini in the design. Mr. Rooker said the Board would not want to have all this money spent and then end up with a design that doesn't work well.

Mr. Boyd suggested Mr. Rooker include those suggestions in the Jack Jouett Task Force's conclusions because it wasn't something brought forward in the Northern Terminus Task Force. What he is trying to do is convey what his task force decided as a group and said he did not want to amend the resolution without conferring with his task force.

Mr. Rooker said his task force's report would be finished closer to the November deadline, adding that he would like the interchange locations in the Northern Terminus Task Force's recommendations to state, "consistent with producing a level of service of at least "c" in the design." He stated that the RFP should require that level of service at the termini because it would be undesirable to spend all of this money and not have the traffic flow improved.

Mr. Boyd stated that the level "c" standard is in the RFP.

Mr. Rooker responded that the designers have a lot of latitude in what they're doing, and the Board should be sure the level "c" standard is met.

Ms. Mallek asked if the Board agreed with her concern about the demolitions.

Mr. Thomas said he understood that two homes have already been torn down.

Ms. Mallek stated she doesn't understand why there wouldn't be an injunction to stop that work and asked if a demolition permit is required by the County in order for the work to proceed.

Mr. Davis said, since VDOT already owns those properties, they would not be required to obtain a demolition permit.

Ms. Mallek said that, once the swaths of disaster are there, it poisons the whole atmosphere of people having any confidence that they will get something that's decent.

Mr. Boyd stated that, during discussions with engineers, VDOT has said many of the houses were in a state of disrepair and are at a place where they do not have to maintain those properties anymore.

Mr. Rooker said that most of those houses in his district are clearly not falling apart. He stated that VDOT shouldn't be taking houses down before they know what the project costs will be.

Ms. Mallek added that VDOT should also have approval from the FHWA before anything destructive is done, which is a huge hurdle that they cannot perceive if they don't have approval. She said she understood there is design work that needs to happen, but if the FHWA approval is not there, these things should not be happening. She asked Mr. Thomas to get more information on what's going on. The reason she is alarmed is because that is what the Secretary of Transportation said he was going to do.

Mr. Thomas agreed to gather the facts.

Ms. Mallek said the State Water Control Board has adopted all of the changes in policy that were recommended by the Department of Environmental Quality during their two-year study of how they would implement differently the mess they were handed by the Department of Health, so many of the initiatives the County was working on seem to have been adopted although it is unclear yet how those would be implemented. She said she forwarded the ordinance from Rappahannock to Mr. Davis and, at some point after Mr. Davis has had a chance to determine if it is worthwhile, she would like the Board to consider it.

Mr. Thomas reported that he met two nights ago with Mr. Fritz, Mr. Graham and about 25-30 Woodbrook residents because the Arden Place walkway has gone beyond the road going into the Carmike parking lot, which is considered the "emergency exit." He said the path was supposed to stop there but the storm water retention pond must be maintained and, in order for the County to have access for maintenance, the 8 ft. path to the pond is acceptable, but the pavement extending beyond that point, approximately 150 ft., has caused concern. He said this path does not go anywhere near Woodbrook or the lagoon so Mr. Thomas and staff are scheduled to meet Friday morning with the developer to determine what the developer might be able to do to remedy the problem, and this is the only issue the Woodbrook residents are concerned about.

Mr. Snow asked how it got to this point.

Mr. Graham said the developer was building the county trail and the developers just kept going.

Mr. Thomas said the meeting lasted about 45 minutes and it got to the point where no one was getting anywhere. The residents were stuck in what they wanted the County to do to return it to the original design. Mr. Thomas suggested holding a meeting and he believes they can get this issue resolved so that Woodbrook residents will be happy, and the developer will be happy. It is a beautiful development.

Ms. Mallek said she didn't understand why this was a bad thing. She said the extra paved path goes to the north and could connect to the grassy path that would go back into Arden Place. She asked who the owner of the property is.

Mr. Graham said there is a portion of Arden Place which is dedicated to the County as open space and it appears that the developer built the access road and extended path down to the limits of the County's property. It does not go to Woodbrook; that was part of Arden Place.

Ms. Mallek said it's open space, it belongs to the County and asked how that would be bad for the County. She said the path allows people to walk on county property, county open space; it is not going toward Woodbrook. It's going the other direction, if she understands it correctly.

Mr. Thomas stated that the only thing the County needs for maintenance of the storm water is the path that is paved, which wasn't supposed to be paved, however, the Woodbrook people are all right with that.

Mr. Davis pointed out that the Board action on that issue didn't specify what the surface should be, but the site plan that was submitted did show it as gravel, the minimum requirement for an access path. He said if the developers had shown it as paved, the site plan process would have approved it as paved.

Mr. Rooker said he walked the path, and it is a lovely path that goes right by a stream. He stated that it's going to be a terrific amenity for the people who live there because the only other place people have to walk is along Rio Road.

Mr. Graham presented a map of the area, noting the road connecting into the Carmike parking lot and the green area is what has been dedicated to the County for open space. He pointed out the area approved for the County trail, stating that the developer was required to build a path for storm water access but, for some reason, the developer's crew built the path right up to the County's open space line. Mr. Graham stated that the Woodbrook residents are upset about that one portion.

Mr. Thomas said he has told residents that the path is not a detriment to Woodbrook, it's an asset which provides the County easy access so as to keep the storm water cleaned out.

Ms. Mallek said residents wouldn't like it if that area were inaccessible when there was a backup and pointed out that they cannot have both sides of the argument.

Mr. Snow said there will still be a path there, it just won't be paved and that is what they are angry about.

Mr. Rooker stated that this was a hotly debated issue when it came before the Board, and it should have been built as approved; however, the Board did not specify where the path would go. They specified the width of it.

Ms. Mallek said the Board did not specify paved or gravel.

Mr. Rooker said the path is paved and it's lovely and a paved path is better than a gravel path in terms of maintenance.

Mr. Graham said the Board did specify that the public trail would end at the access road, as a part of building a storm water facility, and is a requirement for access and the Board agreed that there should be access to the storm water facility. He said the Board also requested that the developer barricade this access in an effort to create a distinction between that and the public trail, which has been done with two posts and a chain.

Mr. Thomas stated that the people have been so impatient, however, he believes that this issue will be resolved very shortly.

Mr. Rooker said the path is a very nice amenity for the people who will be moving into those apartments.

Mr. Snow said the bottom line is Woodbrook residents don't trust the County and fear that a road might be put in there.

Mr. Graham stated the entire issue revolves around the fact that the developer built this access pathway farther than what was shown on the approved site plan and the only question, at this point, is whether they can amend their site plan to show it being longer, or whether the County will demand that the developers rip out what has been built.

Mr. Rooker said the section that is not part of the path is actually storm water access.

Mr. Graham said staff sees the path as a good thing as far as allowing equipment to move to the far side of the storm water management area, and he supports that as being a necessary access.

Mr. Davis pointed out that he is not aware of anything in the ordinance that would prohibit the developers from building this trail, except that it's on County property.

Mr. Thomas and Mr. Graham said the path is on Arden Place property.

Mr. Graham said the part the developers built on appears to be on Arden Place property, not on County property.

Mr. Davis said if the path is on Arden Place's property, he is not sure what in the ordinance would prevent them from building it.

Mr. Fritz stated there is a portion of the path that is on County property, but beyond that, it appears to be on Arden Place property.

Mr. Graham said the County portion is in a storm water easement which allows them to be able to use it to access their facility.

Mr. Davis stated the developer doesn't have a right to build any further on County property than what they agreed to do, but on their own property there is nothing that prohibits a trail on that property. It is a by-right use at this point.

Ms. Mallek said that's the solution to the issue. This is private property that belongs to Arden Place.

Mr. Thomas stated that he has tried that argument; however, he is hopeful that this issue will be resolved on Friday.

Mr. Thomas said that Rockydale has been a thorn in the side of neighbors there because the noise is excessive, although the quarry has been operating well within the parameters of decibel levels and hours. He stated that the quarry operators are going to stop their construction and drilling at 5:00 or 6:00 p.m. every day and are also going to purchase some equipment which will be enclosed and is designed to quiet the crusher. This equipment will also have some rubber coating to quiet the sound of rock hitting against metal.

Mr. Thomas said the police have been monitoring Rio Mills Road, but the speed limit is 55 mph – and it is not really posted. He stated that he is working with residents to get a petition to reduce the speed limit to 35 mph, which will make it safer.

Ms. Mallek said there are school buses that travel down that road and trucks have to stop in a dip for them, but can't always see them.

Mr. Rooker noted that the Board had passed a requirement for posting all unpaved roads at 35 mph, so the unpaved portion of the road has a 35 mph speed limit and the paved portion has a 55 mph speed limit.

Mr. Davis stated that the Board would need to petition VDOT to do a traffic study.

Mr. Thomas agreed, and Mr. Crim stated he would take care of that. Referring back to the Rockydale issue, Mr. Thomas asked if the County could petition VMME in the future to put a 10-year sundown date on their work.

Mr. Davis pointed out that the property is zoned as a by-right use in a natural resources overlay extraction area so it has the proper zoning and it's a by-right use and Rockydale has a vested right to continue with that use even if the zoning is changed unless work is discontinued for more than two years.

Ms. Mallek said work was discontinued for more than two years but Rockydale kept the license going by just paying the fee even though they were completely inactive for 25 years.

Mr. Davis said the County has no control over the license and the fact that they discontinued the use did not matter because the zoning did not change; the zoning still exists. If the zoning had been repealed and there existed a non-conforming use, they would have lost their right to come back and do it, but it is a conforming, by-right use.

Ms. Mallek stated that the County does have influence with the noise issue. She said those kinds of things are addressed in the County's local ordinances and staff does not have to rely on anyone else's numbers.

Mr. Davis said those regulations are in the zoning ordinance and they are grandfathered from any changes that would take place which affects their ability to operate so there is nothing the County can do to change the operation by rezoning as long as they continue their work.

Mr. Thomas said his question was not meant to stop operations, but in the future, if another similar operation comes along and it's licensed back, he asked if the County could petition VMME for a ten-year sundown date so that it could not operate unused.

Mr. Davis said that is not something the County regulates.

Mr. Thomas said he would not like to see this happen again, because it just fell into everyone's lap.

Ms. Mallek said the same thing is happening at Red Hill, with no way to stop it.

Mr. Rooker commented that he represented someone near the quarry on Rio Mills Road and they had a difficult time selling their home because the quarry operation affected the price of the home. He believes that this work is having an impact on the value of properties in that area.

Ms. Mallek and Mr. Snow stated they would be attending the VACO Conference on Tuesday, and asked who else would be in attendance at that meeting. Mr. Dorrier stated that he planned to attend the conference.

It was the **consensus** of the Board that Ms. Mallek be the Voting Delegate and Mr. Snow be the alternate delegate.

Ms. Mallek announced that she was just recently appointed to the Energy, Environment and Land Use Committee for NACo with meetings held in Washington, D.C. and will provide reports to the Board going forward.

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Agenda Item No. 30. Adjourn to October 12, 2011, 2:00 p.m., Room 241.

At 6:30 p.m., Mr. Rooker **moved** to adjourn to October 12, 2011 in Room 241. Mr. Dorrier **seconded** the motion.

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

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

Chairman

Approved by Board

Date: 03/07/2012

Initials: EWJ
