

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 7, 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 H. Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

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

Agenda Item No. 1. Call to Order.

The meeting was called to order at 9:02 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. Snow said he had additional items to discuss that could be considered in conjunction with the cell tower agenda item.

Ms. Mallek announced that there would be further discussion about the Crozet Library to be considered under the Five-Year Financial Plan item at 2:30 p.m.

There being no additions or changes, the final agenda was accepted.

Agenda Item No. 5. Recognitions.

There were none and this item was removed from the agenda.

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

Mr. Douglas Forrester said that he has served as Pastor of Crozet United Methodist Church, located at the corner of Crozet Avenue and Jarmans Gap Road, since July 2005. He said his wife, Tracy, is a fourth grade teacher at Brownsville Elementary School and his oldest daughter, Ellen, is a student at Crozet Elementary, where he serves as a volunteer for the Eagle Time program, and he is the Chaplain of the Crozet Volunteer Fire Department. Mr. Forrester said upon moving to the area, he learned about the County's plans to revitalize and sustain the downtown area, including plans for a library. He and his congregation were told that the County's interest in a new Crozet Library extended beyond simply providing additional space for books, and that research had shown that one of the best things local government can provide to an aging downtown community is a library. A new library would help maintain the vitality of the old downtown even as development shifted to Old Trail. The population of Crozet has increased, doubling between the last two Censuses. As Old Trail continues to develop, there will continue to be the need for a new larger library. The community has outgrown the Crozet Elementary School; there is a need to renovate Brownsville; there is a need to widen Jarmans Gap Road; and now that they need a new streetscape project, no one should be surprised that the community has outgrown the library. Libraries are a great cultural equalizer that provides education to people of all income and strata and he thinks that the Board needs to keep this promise that was made to them and build Crozet Library.

Mr. George Larie, a County resident, speaking on behalf of CATCO, said through the Freedom of Information Act CATCO recently obtained a document dated September 12, 2011 from FHWA Administrator, Irene Rico, requesting that VDOT suspend all right of way activities in the Route 29 Bypass corridor – including moving three family cemeteries on properties previously acquired. He stated that VDOT has already begun acquisition procedures for right of acquisition on six parcels in the center section, including about 15 acres of County school property. Mr. Larie said the FHWA has also requested that all demolition work on structures in the corridor be suspended because they “do not want the acquisition of additional properties or the relocation of any utilities to bring into question whether legitimate or not the objectivity of the environmental process.” He said that CATCO applauds this decision, noting that it has been 18 years since the FHWA approved the final environmental impact statement and conditions are now drastically different. Mr. Larie stated that CATCO contends that a full environmental impact statement should be performed, rather than the much less rigorous environmental assessment consistently and fervently pushed by VDOT.

Dr. Charles Battig addressed the Board, but had technical difficulties with his presentation and was asked to allow other speakers to proceed while his issues were resolved.

Mr. Karl Pomeroy addressed the Board, stating that there are members of the community who want to tie the building of the Crozet Library with the functioning of fire stations. He stated that the library

should stand by itself and not be tied to other issues in the County. Everyone went through the process of building up Crozet and designating it as a growth area. Now is the time to build the library.

Mr. Phil Best said that he moved back to the County two years ago – specifically to Crozet because the County built a high school there and had made a plan to develop the area. The County provided infrastructure – sewage, water, utilities, roads – but it now needs a library. He said the library is currently appropriate for a town of about 5,000, but is inadequate for the current community. Currently if he wants to read in a library he has to travel to Charlottesville. He asked that the Board fulfill its promise that it made to the community.

Mr. Alex Gianitsaris addressed the Board, stating that the County should finish the library because it has started it and has committed to it. He said the library itself is not a divisive issue and the idea of building it in Western Albemarle is not political, but the details boil down to the money. People support libraries and it continues a connection with schools. Mr. Gianitsaris stated that this could be an example for children as to finishing things you start.

Mr. Timothy Hulbert, a resident of 2246 Brandywine Drive, said he works for the Charlottesville Regional Chamber of Commerce. He stated that he is present to address two issues. The first is to encourage the opening of a safe Meadow Creek Parkway. Secondly, he sits on the Charlottesville Albemarle Convention and Visitors Bureau, and yesterday the CACVB approved a resolution that was sent to this Board stating that they have a plan over the next several years to draw down their accumulated fund balance; it should not have happened or gotten that big. Those monies are dedicated for tourism, marketing and promotion by agreement and by formula. He asked that the Board not remove that money from the Visitors Bureau; that is also the position of the Chamber of Commerce. The Chamber would oppose any move by the County or City to return that money back into the General Fund.

Mr. Rooker asked if the plan to use that money had been put in writing yet.

Mr. Hulbert responded that the detail plan is not in writing, but the actions are moving forward; it is a matter of weeks before that happens. The CACVB are resolute in accomplishing that. The CACVB has been lax in oversight in staffing and timing – but is committed to seeing it through. He emphasized that 10,000 people work in the tourism industry locally and this is one of the best investments the County makes. The County should not penalize the Visitors Bureau by taking that money and spending it on things other than tourism, marketing and promotion.

Mr. Rooker said it would be helpful to have a detailed plan, as this item is up for discussion later in the meeting.

Mr. Hulbert responded that staff is working on that now, with a plan to provide more aggressive efforts in targeted markets.

Mr. Ryan Hubbard, Vice-Chair for Finance of the CACVB, said he would present their resolution regarding targeted marketing use and drawdown of CACVB accumulated funds. He then read the following resolution:

Resolution: CACVB Board of Directors
Targeted Marketing Use & Draw-down of CACVB Accumulated Fund Balance

WHEREAS, the Charlottesville - Albemarle Convention & Visitors Bureau, mission is *"to enhance the economic prosperity of City and County by promoting, selling and marketing the City of Charlottesville and County of Albemarle, as a destination, in pursuit of the meetings and tourism markets;"*

WHEREAS, the Charlottesville - Albemarle Convention & Visitors Bureau is governed by agreement between County of Albemarle and the City of Charlottesville with the advice and guidance from a CACVB Board of Directors and is administered, by agreement with the County of Albemarle, by the City of Charlottesville as a City administrative bureau;

WHEREAS, due to challenges related to administrative measures and oversight, the CACVB has accumulated a substantial Fund Balance of Albemarle County and City of Charlottesville dedicated tourism promotion funds;

WHEREAS, the CACVB Board of Directors has directed the CACVB Director and staff to develop, within a short period of time, a targeted marketing action plan, with specific performance metrics where applicable, to augment targeted direct marketing of tourism attractions, festivals, events, locations, shopping, entertainment, agri-tourism, recreation and other identified tourism assets while drawing down the accumulated Fund Balance from its present level to an operational level of between 15% - 20% of annual operating budget levels within a period not to exceed three (3) years;

WHEREAS, the CACVB Board of Directors will ensure that future fund balances will not exceed 20% of the CACVB annual budget;

WHEREAS, the CACVB Board of Directors is resolute in its conviction that dedicated local direct tourism promotion funding - as compared to local general fund revenues - should and must be expended

only for direct tourism promotion and is not to be available for fiscal relief to County of Albemarle and the City of Charlottesville; and,

BE IT RESOLVED by the Board of Directors of the Charlottesville Albemarle Convention and Visitors Bureau, to convey these concerns and our reaffirmation to oversee this important direction for the Charlottesville - Albemarle Convention & Visitors Bureau, to the Albemarle County Board of Supervisors and Charlottesville City Council.

Ms. Mallek emphasized that she would like to see specifics as to what is in it for the County, as this is an issue she has been raising for four years without any response.

Mr. Daniel Bowman addressed the Board, stating that he is Vice-President for ASAP – Advocates for a Sustainable Albemarle Population. He said the group opposes the proposed Western Bypass, and there are no arguments out there in favor of building it as it is currently designed – nor are there any arguments against the reasons for opposition. Mr. Bowman emphasized that the reasons are all “emotional,” and people just want to see something happen even though it is not the right thing. He mentioned a similar road project in Portland, Oregon in the mid-1907’s, whereby local officials were able to retain funding and reassign it for a more useful project. Mr. Bowman emphasized that this Board could reprogram that money to Places 29 projects, as all the groundwork has been done on that.

Ms. Jane Kulow said that she and her family are frequent patrons of the Crozet Library. Ms. Kulow presented ten reasons why the library should be built: the current library was too small for the population served before the master plan; the new library would allow the physically handicapped to navigate the aisles in a wheelchair; the new parking lot would have room for more than six cars; instead of limiting the creative cost-effective community building programming the librarians offer, the new library would give Crozet and Western Albemarle room to grow; new books could be added to the shelves without needing to get rid of current favorites; a new library could provide a focal point for revitalizing Crozet’s downtown; the librarians would not have to count heads due to fire safety lots; it would give Library Avenue a reason for being; the Board of Supervisors did promise to build the library and lastly, the Board has the opportunity to do the right thing, spur economic growth, hire local contractors and construct a building at a discount in one swoop. She urged the Board to build the library.

Ms. Ann Taylor, a resident of Keswick, said that she works for the Thomas Jefferson Foundation and is a Board member of the CACVB Board. She said that she was present to endorse the previous statements regarding support of a focused tourism marketing plan with the accumulated funds. Tourism is a growth industry for Charlottesville and Albemarle. There are 10,000 jobs in the region generally, 5,000 in Charlottesville and Albemarle; and more than \$420,000 in direct visitors spending; it has been the bright spot in the local economic picture. Monticello has a stake in that; they are committed to help market the region and will spend in excess of several \$100,000 next year drawing visitors specifically from Washington in conjunction with the major exhibition at the Smithsonian. They will be announcing in about ten days, as part of this marketing plan, a cooperative grant program which has drawn \$50,000 from the Virginia Tourism Corporation to market the “Presidents Passport”. They need the City and County through the CACVB to be an active partner in that effort.

Ms. Renate Weber addressed the Board and asked for the Board’s support of the Crozet Library for all the many reasons it has already heard.

Dr. Charles Battig again addressed the Board, and continued with a previous power point presentation entitled “Stewardship Strategic Plan”. He stated that IPCC is a “discredited organization” and there is a “nonexistent climate change,” emphasizing that the human component has been highly overestimated. He also said that the County is basing its LCAPP policies on a “biased, nonscientific group.”

Mr. Rooker asked if there was someone who could explain the CACVB marketing budget of \$200,000 annually that had accumulated over the years, asking how this \$700,000 would be incrementally used in order to enhance a marketing budget that previously had not reached the \$200,000 level. He said it would be helpful to understand how this pot of money could be used when the \$200,000 in the operating budget has not even been fully spent.

Mr. Kurt Burkhart, of the CACVB, responded that over a number of years there have been an accumulation of funds that have gone from year to year. The CACVB have gone through several staff reorganizations and there have been several positions carried over that impacted the budget carryover. He said they would have an announcement soon regarding a “major spend” on search engine and search marketing, with completion anticipated before Christmas of this year. Mr. Hubbard stated that they have planned to develop a new visitors’ guide that could cost upwards of \$100,000, and up to now they have overestimated their printing and postage needs. He said that a large portion of the funds are related to staff salary and benefits that have been carried over. He emphasized that if they work within a strategic plan and implement a more aggressive marketing campaign, it would help the overall tourism effort – which provides both revenue and jobs. He asked the Board to give them a chance to work through this. They are about to get into more specifics where they can share what they plan to spend in what areas.

Ms. Mallek said it would be nice to know the CACVB's current marketing plan. Mr. Burkhart said they can provide that information.

Mr. Foley said Ms. Catlin would be sharing some information about this later in the afternoon.

Agenda Item No. 7. Consent Agenda.

Mr. Boyd said he needed to pull the minutes of March 9A, 2011. He added that he had a clarifying question about Item 7.6 regarding the fund balance and reserve policy requirements, noting that the balance is at \$31.872 million with requirements of \$23.652 million.

Mr. Foley explained that it is based on getting to 10%, and said he had a specific slide on this information for the work session later in the afternoon. He added that the uncommitted amount currently totaling about \$3.6 million or 1.7%.

Ms. Mallek asked why there was a surplus in the Health Department budget.

Dr. Lillian Peake, Director of the Thomas Jefferson Health District, explained that the State held part of the Department's retirement benefits. The State has been doing that for several years and then rolling them over to meet their year-end budgets, but this is the last year that will happen. In July, the Department had to make payments from last year; they have been carrying over part of the money every year so that they make sure they have the money to make the payments. She also said they are working with the County on a community health needs assessment and have hired a part-time person to help with that project. The other funds are going to assist with that project.

In terms of health outreach, vaccinations, dental, etc., Ms. Mallek asked if that was all maxed out as far as services and there are no unfilled parts of that from last year's budget. Dr. Peake said that is correct.

Motion was offered by Mr. Rooker to approve Items 7.1 (as amended) through 7.4, and to accept the remaining items on the Consent Agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 7.1. Approval of Minutes: March 9, September 7 and September 14, 2011.

Mr. Snow had read his portion of the minutes of September 7, 2011, pages 1–33 (end with Item #11), and found them to be in order.

Mr. Thomas had read his portion of the minutes of September 7, 2011, pages 33 (beginning with Item #11) – end, and found them to be in order.

Mr. Rooker had read the minutes of September 14(A), 2011, and found them to be in order.

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

Item No. 7.2. FY 2012 Budget Amendment and Appropriations.

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

The total of the requested FY 2012 appropriations itemized below is \$179,325.81. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of five (5) FY 2012 appropriations as follows:

- One (2) appropriations (#2012040 and #2012042) totaling \$70,150.81 for various school programs;
- One (1) appropriation (#2012041) totaling \$49,175.00 for the State Criminal Alien Assistance Program;
- One (1) appropriation (#2012043) amending the scope of a Police grant approved and appropriated on October 5, 2011 as part of appropriation #2012027. This adjustment will not increase the total budget; and
- One (1) appropriation (#2012044) totaling \$60,000.00 for repairs to the Emergency Communication Center's Bi-Directional Amplifiers system.

Staff recommends approval of the appropriations #2012040, #2012041, #2012042, #2012043, and #2012044.

Appropriation #2012040 **\$64,400.81**

Revenue Source: Local Grants \$ 1,000.00

This request is to appropriate one grant received by the School Division as approved by the School Board on October 13, 2011.

Meriwether Lewis Elementary School has been awarded a grant in the amount of \$1,000.00 from the Community Obesity Task Force. These funds will be used to hold a Health and Fitness Fair for all students during the current school year. Items purchased will be various-size exercise balls, pedometers, and exercise bands.

Revenue Source: Grant Fund Balances \$ 63,400.81

This request is to re-appropriate grant funds received by the School Division as approved by the School Board on October 13, 2011.

The Miscellaneous Grant fund is used to track competitive grants that are typically \$5,000.00 or less. The funds received are primarily from local organizations and occasionally from state or federal subsidiaries. Various miscellaneous grants have an unexpended fund balance. This request is to re-appropriate \$63,400.81 in available funds for use in FY 11/12. The funds will be used for field trip expenses, staff development, guest speakers, and to purchase educational and recreational supplies.

Appropriation #2012041 **\$49,175.00**

Revenue Source: Federal Revenue \$ 49,175.00

This request is to appropriate a \$49,175.00 reimbursement from the State Criminal Alien Assistance Program (SCAAP). SCAAP reimburses localities for compensation expenses incurred by correctional officers supervising aliens in local and regional jail facilities. Program revenues received from the state are appropriated from the locality's General Fund to the correctional facility (Albemarle Charlottesville Regional Jail) for qualifying expenses incurred.

Appropriation #2012042 **\$5,750.00**

Revenue Source: Grant Fund Balances \$ 3,000.00

This request is to re-appropriate grant funds received by the School Division as approved by the School Board on November 10, 2011.

The Miscellaneous Grant fund is used to track competitive grants that are typically \$5,000 or less. The funds received by the School Division are primarily from local organizations and occasionally from state or federal subsidiaries. Various Miscellaneous Grants have an unexpended fund balance. This agenda is to re-appropriate available funds for FY 10/11. The funds were used for field trip expenses and to purchase educational & recreational supplies in FY 10/11. The re-appropriation request for these funds is normally requested much earlier in the fiscal year. The School Division is submitting this request at this time due to a clerical error.

Revenue Source: Local Revenue (Donations) \$ 2,750.00

This request is to re-appropriate grant funds received by the School Division as approved by the School Board on November 10, 2011.

Murray High School received a donation in the amount of \$250.00 from Don Soechiting Gutterworks and Julie Harlan, who are local community members. The donors requested that this contribution be used to help fund any educational needs at Murray High School.

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

Appropriation #2012043 **\$0.00**

This request is to change the scope of use for a U.S. Department of Justice grant award received by the County. On October 5, 2011 the Board approved Appropriation #2012027, which included the re-appropriation of a \$25,459.00 U.S. Department of Justice grant (#2010-DJ-BX-0920) awarded to the Albemarle County Police Department in FY 10/11 to fund overtime hours for current officers working to reduce crime and improve public safety through an increase in Community Policing.

On November 3, 2011 the Police Department received approval from the grant funding agency to change the scope of the grant from community policing overtime activities to the purchase, installation, implementation and use of a crime analysis and mapping system. This system will enhance problem recognition and response. It also has a citizen access module, available through the internet that will allow citizens to research and print maps of reported incidents in a chosen area. In addition, this system will have some matching components from the same vendor as the Charlottesville Police Department's crime analysis package. This will enable faster recognition and closer coordination of a regional response to crime problems, and contribute to the faster development of a regional COMPSTAT system for early

recognition, response, evaluation and related follow-up on regional safety issues and threats. This change in scope will not increase the total budget.

Appropriation #2012044 **\$60,000.00**
Revenue Source: ECC 800 MHz Fund Balance \$ 60,000.00

At its meeting on November 15, 2011, the Emergency Communication Center's (ECC) Management Board approved an expenditure of \$60,000.00 and is requesting that the County, acting as fiscal agent for the ECC, make an appropriation from ECC's available fund balance. This request is for repairs to the ECC's Bi-Directional Amplifiers (BDA) system. The BDA In-Building System equipment has been installed in 26 public buildings to help provide a better radio signal within the structures. Several of those devices are not working properly.

By the above-recorded vote, the Board approved the FY 2012 budget amendment in the amount of \$179,325.81 and approved Appropriations #2012040, #2012041, #2012042, #2012043, and #2012044.

							APP #2012-040
							DATE 12/07/2011
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriations from School Board meeting on October 13, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	3104	63104	318000	189900	6599	1,000.00	Misc. Grant Revenue
3	3104	63104	351000	510100	6599	63,400.81	Use of Fund Balance
4	3104	63104	460700	601300	6106	1,000.00	Ed & Rec Supplies - Meriwether Lewis
4	3104	63104	460700	312500	6101	1,300.00	Prof Services-Instr.-Broadus Wood
4	3104	63104	460700	601300	6101	80.75	Ed & Rec Supplies - Broadus Wood
4	3104	63104	460700	312500	6103	325.00	Prof Services-Instr.-Crozet
4	3104	63104	460700	601300	6103	398.67	Ed & Rec Supplies-Crozet
4	3104	63104	460700	420100	6104	1,222.00	Field Trips - Greer
4	3104	63104	460700	601300	6104	4,981.60	Ed & Rec Supplies-Greer
4	3104	63104	460700	312500	6105	1,150.00	Prof Services-Instr.-Hollymead
4	3104	63104	460700	601300	6105	2,042.46	Ed & Rec Supplies-Hollymead
4	3104	63104	460700	601300	6106	531.73	Ed & Rec Supplies-Meriwether Lewis
4	3104	63104	460700	601300	6107	369.12	Ed & Rec Supplies-Red Hill
4	3104	63104	460700	420100	6109	353.78	Field Trips - Scottsville
4	3104	63104	460700	601300	6109	4,105.29	Ed & Rec Supplies-Scottsville
4	3104	63104	460700	601300	6110	206.49	Ed & Rec Supplies-Stone Robinson
4	3104	63104	460700	601300	6111	5.31	Ed & Rec Supplies-Stony Point
4	3104	63104	460700	601300	6112	1,351.05	Ed & Rec Supplies-Woodbrook
4	3104	63104	460700	601300	6113	3,367.86	Ed & Rec Supplies-Yancey
4	3104	63104	460700	601300	6114	332.17	Ed & Rec Supplies-Cale
4	3104	63104	460700	312500	6116	200.00	Prof Services-Instr.-Agnor Hurt
4	3104	63104	460700	601300	6116	3,051.99	Ed & Rec Supplies-Agnor Hurt
4	3104	63104	460700	601300	6115	1,600.49	Ed & Rec Supplies
4	3104	63104	460700	601300	6117	2,371.81	Ed & Rec Supplies-Baker Butler
4	3104	63104	460700	601300	6251	30.56	Ed & Rec Supplies-Burley
4	3104	63104	460700	312500	6252	4,641.77	Prof Services-Instr.-Henley
4	3104	63104	460700	601300	6252	517.72	Ed& Rec Supplies-Henley
4	3104	63104	460700	601300	6253	1,484.73	Ed & Rec Supplies-Jack Jouett
4	3104	63104	460700	601300	6302	1,350.00	Ed & Rec Supplies-Western High
4	3104	63104	460700	601300	6304	3,415.37	Ed & Rec Supplies-Monticello High
4	3104	63104	461101	601300	2411	15,146.84	Ed & Rec Supplies-Community Eng
4	3104	63104	461311	580500	2411	7,466.25	Staff Development-Community Eng
TOTAL						128,801.62	

							APP #2012-041
							DATE 12/07/2011
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: SCAAP Grant							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	1000	33000	333000	330085	1003	49,175.00	Federal Revenue - SCAAP
4	1000	33020	433020	700002	1003	49,175.00	Regional Jail
TOTAL						98,350.00	

APP #2012-042							
DATE 12/07/2011							
BATCH NAME							
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriations from School Board meeting on November 10, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	3104	63104	351000	51010	6599	3,000.00	Fund Balance
4	3104	63104	460700	420100	6104	1,994.25	Field Trips - Greer
4	3104	63104	460700	601300	6101	1,005.75	Ed & Rec Supplies - Broadus Wood
3	2000	62000	318100	181109	6599	2,750.00	Donations
4	2000	62303	461411	580000	6303	250.00	Miscellaneous Expenses
4	2000	62207	461101	420100	6107	2,500.00	Field Trips
TOTAL						11,500.00	

APP #2012-043							
DATE 12/07/2011							
BATCH NAME							
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Police Grant Adjustment							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	1537	31013	431010	120000	1003	-\$23,649.79	Overtime Wages
4	1537	31013	431010	210000	1003	-\$1,809.21	FICA
4	1537	31013	431010	317000	1003	\$25,459.00	Other Professional Services
TOTAL						0.00	

APP #2012044							
DATE 12/07/2011							
BATCH NAME							
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: ECC Appropriations							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	4110	51000	351000	510100	9999	60,000.00	App fund Balance
4	4110	31060	435600	800314	1003	60,000.00	BDA - Repairs
TOTAL						120,000.00	

Item No. 7.3. WPO-2008-00079, WPO-2010-00052 and WPO-2010-00066 (Moores Creek Treatment Plant); WPO-2008-00080 (Pavilions at Pantops Phase 3) – Request to extend deadline for installing permanent vegetation.

The executive summary states that with one exception not applicable here, County Code § 17-207(B)(2) requires that permanent vegetation be installed on all denuded areas within nine (9) months after the date the land disturbing activity commenced. For those land disturbance permits that were issued prior to adopting this provision, such as those that are the subjects of these requests, the 9-month period began to run when the permits were renewed. County Code § 17-207(B)(3) allows the Program Authority to extend the deadline for up to six months and the Board to extend the deadline beyond that period.

The Board may grant an extension under County Code § 17-207(B)(3)(b) if it finds: (1) the additional time is necessary due to factors beyond the control of the owner; (2) the owner had made good faith efforts to comply with the time limit; and (3) the owner has plans to effectively control or has effectively controlled erosion and sedimentation on the property during the land disturbing activity. In granting an extension, the Board must set a new time limit and may impose other reasonable conditions.

The Rivanna Water and Sewer Authority (“RWSA”) has requested an extension for its Moores Creek Wastewater Treatment Plan project and the Owner of Pavilions at Pantops has requested an extension for Phase 3 of that project. The letters requesting extensions are attached (Attachments A and B). Both requests are eligible to have an extension and both are asking for an extension beyond what the Program Authority is authorized to grant.

Moore's Creek Wastewater Treatment Plant

The original land disturbance permit was issued in May 2009 and was renewed on May 15, 2010. The total project area is approximately 17 acres. The condition of the property with respect to compliance with the Water Protection Ordinance is that it has erosion and sediment control measures in place that comply with the state requirements, but does not have permanent vegetation established in areas of recent and ongoing work.

The additional time to plant permanent vegetation is necessary because the project is not complete and additional disturbances are planned. The RWSA has made good faith efforts to comply with the time limit by matting slopes, closing out areas where work has moved on, and complying with all requests of the erosion control inspector. The RWSA's plans have effectively controlled erosion and sedimentation and will continue to do so during the land disturbing activity. When this project was approved, which was prior to the adoption of this regulation, it was planned to be a four year project and RWSA has diligently pursued completion of this work.

Based on staff's analysis, it appears the necessary findings have been satisfied and the Board may approve an extension. Staff recommends that the Board extend the deadline for installing permanent vegetation until January 31, 2013 with no other conditions.

Pavilions at Pantops Phase 3

The original land disturbance permit was issued in April 2010 and was renewed on April 2, 2011. The total project area is approximately 10 acres. The condition of the property with respect to compliance with the Water Protection Ordinance is good, in that most areas are permanently vegetated, with the exception of the slope and pad area where work is currently underway.

The additional time to plant permanent vegetation is necessary because significant time was unexpectedly needed to remove rock to install utilities and foundations. The Owner has diligently made efforts to comply with the time limit by vegetating most of those areas that have reached final grade. The Owner's plans have effectively controlled erosion and sedimentation and will continue to do so during the land disturbing activity. The last of the rock excavation is expected to occur this fall, which should allow completion in the spring.

Based on staff's analysis, it appears the necessary findings have been satisfied and the Board may approve an extension. Staff recommends that the Board extend the deadline for installing permanent vegetation until April 30, 2012 with no other conditions.

No budget impact is anticipated. An extension request does generate additional revenue in the form of permit extensions, but the revenue is offset by costs for inspecting the work for this time extension.

Staff recommends that the Board:

1. Approve the RWSA's request to extend the deadline for installing permanent vegetation for the Moore's Creek Wastewater Treatment Plant project until January 31, 2013 with no other conditions.
2. Approve CEVA Contractors, Inc.'s request to extend the deadline for installing permanent vegetation for the Pavilion at Pantops Phase 3 project until April 30, 2012 with no other conditions.

By the above-recorded vote, the Board approved the RWSA's request to extend the deadline for installing permanent vegetation for the Moore's Creek Wastewater Treatment Plant until January 31, 2013 with no other conditions, and approved CEVA Contractors, Inc.'s request to extend the deadline for installing permanent vegetation for the Pavilions at Pantops Phase 3 until April 30, 2012 with no other conditions.

Agenda Item No. 7.4. Fiscal Year 2012 County of Albemarle & State Health Department Local Government Agreement.

The executive summary stated that *Virginia Code* § 32.1-31 allows local governing bodies to enter into contracts with the State Board of Health for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the State Board and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Thomas Jefferson Health District (TJHD), in cooperation with the Virginia Department of Health, is the primary provider of public health services and programs for Albemarle County and surrounding localities. TJHD offers specific health programs targeted at preventing and controlling infectious diseases as well as initiatives aimed at improving the health of low income women, children and infants. In addition, the Health District provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the State, County and other neighboring jurisdictions. Non-local funding for these TJHD programs is provided by the Commonwealth of Virginia, grants and income from local fees charged to individual clients. The localities served by TJHD provide matching local funds for the allocations made by the state and allocate resources for Local-Only Programs such as food safety. The Virginia Department of Health requires that local governments enter into agreements stipulating the scope of health services to be provided by the TJHD to citizens in their respective jurisdictions. The FY12 agreement (Attachment A) has been reviewed and

approved as to form by the County Attorney's Office. Attachment B is an attachment to the Agreement, and sets forth services to be provided by the TJHD.

The TJHD is requesting to use previous fiscal year allocations and to reallocate current year funds to meet current funding obligations/initiatives. The FY2011 year-end settlement process for the TJHD resulted in a \$9,236 surplus for the County. A portion of this resulted from 2010 General Assembly legislation delaying fourth quarter FY2011 employer Virginia Retirement System (VRS) contributions, retiree health credit, group life insurance and long-term disability contributions until fiscal year 2012. The County's share is \$4,622 and the TJHD is requesting that the County authorize the retention of these funds to cover the costs of the delayed FY2011 fourth quarter employer benefit contributions. The TJHD is also requesting that the County agree that the remaining \$4,614 can be utilized to defray the costs associated with conducting the Albemarle County Community Health Assessment. Completing this assessment and developing a Community Health Improvement Plan are required by the Public Health Accreditation Board for TJHD to become an accredited local health department. Finally, the TJHD has received its FY12 final allocation from the state and more general funds were allocated by the General Assembly than anticipated. With this increase in state general funds, the current year local match requirement has increased by 0.971% or \$5,165. To compensate for this change, TJHD is proposing to shift the amount of the increased local match amount from local-only funds. This is reflected in the proposed local government agreement that is attached. The reallocations do not change the total allocation of \$551,444 in the current County budget and do not impact services.

The County's original FY12 appropriation for the Thomas Jefferson Health District totaled \$551,444, of which \$531,676 represented the County's required match for Cooperative State and Local Matched Programs. The balance of funds from the County (\$19,768) was allocated to the Local-Only (Unmatched) food inspection program and the City/County Public Health initiative.

Based on the vital nature of the services provided by the TJHD, staff recommends that the Board approve the Fiscal Year 2012 County of Albemarle & State Health Department Local Government Agreement (Attachment A) and that it authorize the County Executive to execute that Agreement.

By the above-recorded vote, the Board approved the Fiscal Year 2012 County of Albemarle & State Health Department Local Government Agreement and authorized the County Executive to execute that agreement.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Albemarle County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the **Code of Virginia** (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed **\$656,140**, from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Albemarle County** will provide by appropriation and in equal quarterly payments a sum of **\$536,842** local matching funds and **\$14,602** one-hundred percent local funds for a total of **\$551,444** local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Charlottesville-Albemarle Health Department**, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins **July 1, 2011**. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
 - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the

terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Albemarle County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
 - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
 3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Karen Remley, MD, MBA, FAAP
State Health Commissioner
Virginia Department of Health

Local authorizing officer signature

Authorizing officer printed name

Authorizing officer title

Date

Date

Approved as to form by the Office of the Attorney General on August 29, 2011.

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

LGA-Revised August 2011

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Childhood Immunizations As provided for in 32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54			X
CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All

Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements 32.1-65 and 32.1-69			X
Well child care up to age __ (enter year) Board of Health	X		
WIC Federal grant requirement		X	
EPSDT DMAS MOA			X
Blood lead level testing CDC			X
Outreach			X
Community Education 32.1-11.3 and 32.1-23			X
Pre-school Physicals for school entry 22.1-270			X
Disabled disability Waiver Screenings DMAS MOA			X
Services for Children with Special health care needs Title V, Social Security Act			X
Child restraints in motor vehicles 46.2-1095, 46.2-1097			X
Babycare DMAS MOA			X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
MATERNAL HEALTH SERVICES			
Prenatal and post partum care for low risk and intermediate risk women 32.1-77, Title V, Social Security Act			X (Louisa)
Babycare Services DMAS MOA		X	
WIC Federal grant requirement		X	
FAMILY PLANING SERVICES			
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies.	
Ice cream/frozen desserts MOA Agriculture	X
Investigation of communicable diseases 32.1-35 and 32.1-39	X
Marinas 32.1-246	X
Migrant labor camps 32.1-203-32.1-211	X
Milk 3.2-5130, 3.2-5206, 3.2-5208	X
Alternative discharging sewage systems 32.1-163, 32.1-163.2, and 32.1-164	X
On-site sewage disposal 32.1-163	X
Rabies control 3.2-6500 et seq.	X
Restaurants/eating establishments 35.1-14	X
Sanitary surveys	X
Single home sewage discharge 32.1-164	X
Hotels/Motels 35.1.13	X
Water supply sanitation	X
Wells 32.1-176.2	X
Homes for adults DSS MOA	X
Juvenile Justice Institutions 35.1-23	X
Jail Inspections DOC MOA	X
Daycare centers DSS MOA	X
Radon 32.1-229	X
Summer camps/ Campgrounds 35.1-16 and 35.1-17	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Medicaid Nursing Home Screening DMAS MOA	X
Comprehensive Services Act 2.2-5201-2.2-5211	X
Vital Records (Death Certificates) 32.1-254-255, 272	X
Early Intervention Services	X
Refugee Health Screenings	X
Safe Sleep Program	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
COMMUNICABLE DISEASE SERVICES			
Foreign Travel Immunizations			X
CHILD HEALTH SERVICES			
School health services			
Sick child care			
Other:			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Funds for deliveries			
Funds for special tests and drugs			
Diagnosis, treatment, and referral for gynecological problems			
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Other:			

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
GENERAL MEDICAL SERVICES	Income A only	Defined by Federal Regulations	All
Activities of Daily Living			
Community Education			X
General Clinic Services			
Outreach			
Occupational health services			
Personal care			
Pharmacy services-Alternate Drug Delivery Site			
Hypertension screening, referral, and counseling			
Respite care services			
Other:			
SPECIALTY CLINIC SERVICES (List)	Income A only	Defined by Federal Regulations	All

DENTAL HEALTH SERVICES	WIC Clients	Defined by Federal Regulations	All
Preventive Clinic Services - Children			
Preventive Clinic Services - Adults			
Restorative Clinic Services			
Community Education			
Other: Bright Smiles Program (Greene, Louisa, Fluvanna, Nelson)	X		

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED
 UNDER LOCAL ORDINANCE

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite
Accident Prevention		
Air Pollution		
Bird Control		
Employee Physicals		
General Environmental		
Housing - BOCA & local building codes		
Insect control		
Noise		
Plumbing		
Radiological Health		
Rodent Control		
Solid Waste		
Swimming facilities		
Weeds		
Smoking Ordinances	Charlottesville Albemarle	Sec. 24.1-11 Sec. 7.300-310
Other environmental services (identify)		

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED UNDER
 LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
Employee physicals			

Primary care for inmates in local jails or correctional institutions			
Other medical services (List)			
Other (please list)			

Item No. 7.5. Board-to-Board - Albemarle County School Board Monthly Report for December 2011, **was received for information.**

Item No. 7.6. FY12 First Quarter Financial Report, **was received for information.**

The attached Financial Report provides information on the County's General Fund operations and Fund Balance as of September 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: General Fund Financial Report:

a. Revenues:

Revenues, excluding Transfers and Fund Balance Appropriations, are estimated to total \$212.364 million, \$0.540 million (-0.3%) less than appropriations of \$212.904 million. Combined with the use of \$2.701 million in transfers from other funds and \$0.714 million in fund balance, Revenues, Transfers, and Use of Fund Balance will total \$215.779 million, \$0.543 million (-0.3%) less than Budget.

Revenue estimates included in this report are preliminary and based on two months of actual receipts for the fiscal year. For the most part, July tax receipts are based on June levies and have been accrued back to FY11 based on generally accepted accounting principles. The revenue estimates that will be presented with the Second Quarter Financial Report will be significant because December tax collections will be realized.

Recent economic data reflects a very volatile economy; particularly at the international level as several European countries struggle to meet their financial obligations. There is concern that the deterioration of credit markets in Europe will drag the American economy into a downward spiral. Current mixed national economic indicators point to a cautious modest expansion. The unemployment rate decreased to 9.0 percent, yet the economy is not creating enough jobs to bring the unemployment rate down significantly. Leading indicators rose in September, yet the index of consumer confidence plunged in October. Retail sales increased 0.5% in October, yet the increase in real disposable income continues to increase at a snail's pace. The economy is in for a continued bumpy ride over the short-term but should continue to grow in the long-term.

Following is a brief revenue analysis for FY12:

- Real Estate Tax revenues are projected to be \$1.185 million (-1.1%) less than Budget. The FY12 Budget was based on a negative 0.50% reassessment rate for both the 2011 and 2012 tax years. The final 2011 reassessment rate was a negative 1.24%. The 2012 reassessment rate is currently estimated to be a negative 3.0%. The reassessment period is for a tax year which is equivalent to a calendar year. Its effects are realized over two consecutive fiscal years with the 1st half received in one fiscal year and the 2nd half received in the next fiscal year. A 1.0% change in the reassessment rate is equivalent to \$1.264 million in real estate tax revenues for the 2012 tax year.
- Personal Property Tax revenues are estimated to be \$0.228 (-1.2%) less than Budget. New car sales have just started to improve due to postponed demand and improved economic conditions, but not quite at the rate anticipated during the Budget preparation process.
- Delinquent Property Taxes and Fees are estimated to exceed Budget by \$0.901 million (33.2%). Significant revenues from 2009 real estate tax sales will be released after a mandatory two year holdback period expires. Additional compliance enforcement through the DMV Stop and Department of TAX Set-off Debt programs has generated additional revenues. Delinquent tax collection 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.
- Sales Tax revenues are estimated to be \$0.359 million (-3.0%) less than Budget. The economic recovery is slowly materializing, but at less than the anticipated rate of growth. Taxpayers continue to be cautious, but have begun to slightly increase discretionary spending as the economy improves. Significant revenues continue to be lost to internet purchases and consumer purchases in adjacent localities. The Business Tax Auditor has substantially completed his analysis of current and prior sales tax accounts for proper allocation. He will continue to monitor new business registrations and tax allocations as he shifts his emphasis to ensuring compliance with commercial licensing and property tax assessments.

- Food and Beverage Tax revenues are estimated to exceed Budget by \$0.400 million (7.4%). Consumers are beginning to spend more at restaurants as they continue to minimize other types of discretionary spending.
- Other Local Tax revenues are estimated to exceed Budget by \$0.206 million (2.1%), primarily due to increased Circuit Court Clerk fees resulting from increased refinancing activity and fees.
- Other Local Revenues are estimated to exceed Budget by \$0.128 million (2.5%) due to greater than anticipated development fees and traffic enforcement fines.
- Federal Revenues are estimated to be \$0.329 million (-7.0%) less than Budget due to less than anticipated Public Assistance reimbursements.
- Revenue categories with variances of less than \$0.100 million from Budget have not been analyzed for this report.

b. Expenditures:

General Fund expenditures, including transfers, are expected to total \$215.394 million, a 0.4% savings of \$0.928 million from Budget. The savings projection includes salary lapse and release of the revenue shortfall contingency offset by a potential CIP transfer.

- i. Departmental expenditures are expected to total \$79.684 million, a 1.4% savings of \$1.143 million from Budget. The savings are allocated by functional categories as follows:
 - Administration expenditures are expected to total \$10.427 million, a 1.5% savings of \$0.163 million from Budget.
 - Judicial expenditures are expected to total \$3.851 million, a 0.6% savings of \$0.024 million from Budget.
 - Public Safety expenditures are expected to total \$30.179 million, a 1.5% savings of \$0.470 million from Budget.
 - Public Works expenditures are expected to total \$4.264 million, a 2.9% savings of \$0.127 million from Budget.
 - Human Services expenditures are expected to total \$18.749 million, a 1.3% savings of \$0.244 million from Budget.
 - Parks and Culture expenditures are expected to total \$6.192 million, a 0.7% savings of \$0.045 million from Budget.
 - Community Development expenditures are expected to total \$6.022 million, a 1.2% savings of \$0.071 million from Budget.
- ii. Non-Department expenditures consisting of the revenue sharing payment, reserves, and refunds are expected to total \$19.813 million, a 2.3% savings of \$0.459 million including release of the revenue contingency reserve.
- iii. Transfers are expected to total \$115.897 million, a tentative 0.6% overage of \$0.674 million:
 - Transfer to the School Division is expected to be \$96.878 million, a 0.4% savings of \$0.418 million from Budget.
 - Transfers to the Capital and Debt funds are expected to total \$19.069 million, a tentative overage of \$1.092 million from Budget due to a potential CIP transfer anticipated as a result of the delayed debt issuance.

c. Revenues less Expenditures:

This report projects that the fiscal year will end with \$0.385 million of revenues in excess of expenditures. Revenues and related transfers are projected to be \$0.543 million less than Budget. Expenditures and related transfers are expected to produce \$0.928 million in savings.

B. Attachment B: General Fund Budget Comparison Report:

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

Revenues:

- Personal Property Tax, Business License Tax, Utility Tax, Food and Beverage Tax, Other Local Taxes, and Transfers show positive growth over FY11.
- Real Estate, Sales Tax, Other Local Revenue, State Revenue, Federal Revenue, and Use of Fund Balance show decreases from FY11.

Expenditures:

- All categories show anticipated increases over FY11.
- No categories show anticipated decreases from FY11.

C. Attachment C: Fund Balance Report:

The report indicates that the County:

- Has an Unaudited FY11 Undesignated Fund Balance of \$31.872 million,
- Appropriated \$0.714 million for Budgeted FY12 Initiatives and Reappropriations,
- Has a remaining June 30, 2011 Fund Balance of \$31.158 million,

- Anticipates a \$1.092 million CIP transfer for the delayed FY11 debt issuance,
- Has a Proposed June 30, 2011 Fund Balance of \$30.066 million,
- Has Policy required reserves of \$23.652 million,
- Has a Proposed additional Policy reserve of \$2.628 million, and
- Has Proposed Policy June 30, 2011 available funds of \$3.786 million.

The \$23.652 million Policy reserve consists of the 8.0% net General Government and School Operating Budget requirement and the 1.0% Revenue Stabilization reserve established by the Board of Supervisors as part of the FY12 Budget process. Based on the recommendations of the County's Financial Advisors, staff is proposing an additional 1% (\$2.628 million) reserve, increasing the total Policy reserve to \$26.280 million. With this adjustment, the June 30, 2011 available Fund Balance would be \$2.976 million.

D. Budget Impact:

This Financial Report is based on unaudited FY11 financial data and three months of financial data for FY12.

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

Item No. 7.7. VDOT Culpeper District – Albemarle County Monthly Report for December 2011, ***was received for information.***

Item No. 7.8. Copy of letter dated November 22, 2011, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Dr. Joseph W. May, ***re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS – Tax Map 65, Parcel 14A (property of Joseph W. May) – Rivanna Magisterial District, was received for information.***

Item No. 7.9. Copy of letter dated November 22, 2011, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Mr. Brian S. Ray, ***re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS – Tax Map 88, Parcel 5 & 42A (property of David H. Bass & Nancy K. Bass) – Samuel Miller Magisterial District, was received for information.***

Item No. 7.10. Copy of letter dated November 22, 2011, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, to Virginia Land Trust, c/o Mr. Greg Baldwin, ***re: OFFICIAL DETERMINATION OF PARCEL OF RECORD – Tax Map 79, Parcel 23 (portion) (property of Virginia Land Trust) – Scottsville Magisterial District, was received for information.***

(Due to being ahead of the scheduled for advertised public hearings, the Board took up Agenda Item No. 14 at this time.)

Agenda Item No. 14. Opening of the County's Portion of the Meadow Creek Parkway.

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

Construction of the County's portion of the Meadow Creek Parkway was completed in October of this year. Due to the long awaited opening of this road, the significant investment made to complete it and the positive experience citizens had when it was opened temporarily in October of 2010 for six weeks, County citizens have been requesting that the road be opened for public use as soon as possible. An additional consideration is that residents living near the County terminus of the Parkway have expressed safety concerns because of the temporary measures put in place by VDOT prior to the opening of the road.

While there has been much discussion about not opening the County's portion of the Parkway until all three sections of the road (the County's portion, McIntire Extended in the City, and the planned interchange at McIntire and the 250 Bypass) are complete, this would result in a delay in opening the County portion of the road by approximately four years. In addition to the continuing safety concerns of citizens with this delay, VDOT has also indicated that the lack of use of the road for this period of time would likely result in surface deterioration, ultimately requiring that additional County secondary road funds be used to resurface the road when all portions are complete. As the Board is aware, when the County portion of the road was originally authorized to proceed, no one anticipated a four year delay to complete the other two sections of the road.

Beginning this past spring, Delegate Toscano initiated a series of informal meetings with County, City and VDOT officials to discuss and help advance important regional road projects. The purpose of these meetings was to identify and attempt to come to resolution on any outstanding issues that might delay the projects moving forward. These informal meetings included consideration of the opening of the Meadow Creek Parkway. As was discussed at the Board of Supervisors meeting on November 2, 2011, a study was underway to determine traffic impacts on the immediate road network adjacent to the new intersection of the Meadow Creek Parkway and Melbourne Road and the intersection of Melbourne Road and Park Street. VDOT had previously studied those areas and determined that the Parkway could be

safely opened. Because of questions raised by the City regarding the timing of VDOT's previous study and assessment of impacts, it was agreed that additional traffic counts would be made prior to further consideration by the informal group. Because this work was underway at the time of the discussion by the Board on November 2nd, the Board agreed to defer consideration of a resolution requesting that the Meadow Creek Parkway be opened to December 7th.

The informal group met again on November 15, 2011 to consider the latest information jointly developed by the City and VDOT. Based on this additional study, it was determined that, while the traffic counts were slightly higher (~10%), it did not change VDOT's conclusions regarding the safety of opening the Parkway. While VDOT agrees that improvements identified in its original analysis are needed to improve traffic conditions, these are improvements that have been needed for some time and do not necessitate a delay in the opening of the Parkway because of any Parkway-caused safety concerns. City representatives at the meeting felt that these improvements should be made prior to opening the County's portion of the Parkway. During the meeting, VDOT agreed to work with the City to help advance the identified improvements. This matter is scheduled to be before City Council on December 5, 2011 for it to reconsider its previous position that no portion of the Parkway should be opened until all sections are complete. This discussion will include consideration of the latest information from City staff and VDOT regarding the improvements identified to address traffic flow.

VDOT has indicated that it would open the County's portion of the Parkway upon the request of the County and VDOT's determination that it is safe to do so.

Failure to open the County's portion of the Meadow Creek Parkway over the next four years could result in the need to resurface the road, requiring the allocation of additional County secondary road funds that would otherwise be spent on current or future road projects.

Mr. Foley noted that the resolution before the Board emphasizes the Board's concern about safety and requests that the road only be opened after VDOT determines it is safety, but does request that the road be opened.

Mr. Rooker said the resolution requests that the Parkway be opened to the public "as soon as it is safe to travel," and the determination is VDOT's. He supports moving forward with the resolution. He stated that the Board abided by its agreement to wait for information to come back, and it didn't show anything alarming regarding safety impacts of the traffic in that area.

Ms. Mallek said the Board needs to urge VDOT to work with the City to make the striping improvements that they indicate they could make very quickly.

Mr. Boyd said he has no problem with encouraging VDOT to work with the City, but that should not have any bearing on the opening of the County's portion of the road, as long as VDOT determines it is not a safety issue.

Mr. Thomas said he also supports the resolution.

Motion was then offered by Mr. Boyd to adopt the resolution as presented requesting the opening of the Meadow Creek Parkway. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

RESOLUTION TO REQUEST THE OPENING OF THE MEADOW CREEK PARKWAY

WHEREAS, the construction of the County's portion of the Meadow Creek Parkway has been completed at a cost of approximately thirty-two million dollars (\$32,000,000), and is ready to be opened for the benefit of the traveling public; and

WHEREAS, this road has been identified as a priority project in the County for over forty years and is a key element of a successfully functioning road network for the greater community; and

WHEREAS, the current temporary traffic signal at the entrance to Dunlora necessitated by the closure of Meadow Creek Parkway is causing both inconvenience and a potential safety hazard by creating a traffic backup during peak travel times; and

WHEREAS, the construction of the Treesdale apartments and other planned and current development along Rio Road will continue to exacerbate this traffic congestion; and

WHEREAS, opening the parkway will provide local residents with access to the forty acre park and pedestrian/bike trail system linking the City and the County which are valuable and important amenities that are currently not able to be utilized; and

WHEREAS, leaving the road dormant for additional time now that it is complete will lead to its deterioration over time resulting in the need for additional maintenance and repair at taxpayer expense; and

WHEREAS, the timely opening of this needed road will be in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors does hereby request that the Virginia Department of Transportation open the County's portion of the Meadow Creek Parkway to the public as soon as it is safe to travel.

(NonAgenda. At 9:50 a.m., the Board took a recess and reconvened at 10:07 a.m.)

(The next five agenda items were considered together.)

Agenda Item No. 8. **Public Hearing: AFD-2011-00006**. Addition of the following parcel(s) to the **Sugar Hollow Agricultural and Forestal District** (Albemarle County Code § 3-226): Tax map 26, parcel 10G. The parcel proposed for addition is approximately 8.56 acres in size and located on Carrs Ridge Rd approximately 0.5 miles northwest of its intersection with Sugar Ridge Road (Route 674). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this addition. (*Advertised in the Daily Progress on November 21 and November 28, 2011.*)

Agenda Item No. 9. **Public Hearing: AFD-2011-00007**. Creation of the **Glen Oaks Agricultural and Forestal District**. The parcels that would compose the proposed District are Tax Map 94, Parcels 15A1 and 15A2. The proposed District would be approximately 257.17 acres in size and located on an un-named private road approximately 0.75 miles beyond the end of Running Deer Dr (Route 808). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this district. (*Advertised in the Daily Progress on November 21 and November 28, 2011.*)

Agenda Item No. 10. **Public Hearing: AFD-2011-00008**. Addition of the following parcel(s) to the **Keswick Agricultural and Forestal District** (Albemarle County Code § 3-219): Tax map 81, parcels 74 and 79. The parcel proposed for addition are approximately 57.27 acres in size and located on Barn Field Dr, approximately 1 mile from its intersection with Clarks Tract Rd (Route 648). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this addition. (*Advertised in the Daily Progress on November 21 and November 28, 2011.*)

Agenda Item No. 11. **Public Hearing: AFD-2011-00009**. Addition of the following parcel to the **Blue Run Agricultural and Forestal District** (Albemarle County Code § 3-208): Tax map 22, parcel 10. The parcel proposed for addition is approximately 28.765 acres in size and is located on Burnley Station Road, approximately 3.3 miles west of its intersection with Stony Point Road (Route 20). The Albemarle County Agricultural and Forestal Advisory Committee recommended denial of this addition. (*Advertised in the Daily Progress on November 21 and November 28, 2011.*)

Agenda Item No. 12. **Public Hearing: AFD-2011-00010**. Addition of the following parcel to the **Bucks Elbow Mountain Agricultural and Forestal District** (Albemarle County Code § 3-209.5): Tax map 39, parcel 1D. The parcel proposed for addition is approximately 11 acres in size and located on Bucks Elbow Mtn Rd approximately 1.5 miles northeast of its intersection with Jarmans Gap Rd (Route 611). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this addition. (*Advertised in the Daily Progress on November 21 and November 28, 2011.*)

Mr. Cilimberg reported that this is the group of district requests for the fall of this year, the first of which being in the Sugar Hollow District and encompassing about 8.5 acres in the heart of the district. He said that the AFD Advisory Committee and Planning Commission unanimously recommend this addition.

Mr. Cilimberg reported that there is also a recommendation to create a new district east of the Rivanna Village and Glenmore and adjacent to conservation easements along the Rivanna River, totaling about 257 acres, called the "Glen Oaks District," which also received unanimous approval.

He said there is a 57-acre addition to the southeast core of the Keswick District, again with unanimous approval from both the Advisory Committee and Planning Commission.

Mr. Cilimberg stated that the Blue Run addition of 28.5 acres now qualified for addition to this district, although it is more than a mile from the core, because State provisions allow for "forestally significant land" to be added. He said the Advisory Committee felt they had insufficient information on that property, but further analysis showed the history of the property as used for boarding and stabling horses – with the landowner's intent to keep the property intact. Mr. Cilimberg stated that the property also contains prime and locally important soils, so based on those factors the Planning Commission found the addition to be significant as ag/forestal and thus recommended approval.

He stated that the Buck's Elbow addition is about 11 acres in the heart of the district, with the unanimous recommendation of both the Committee and the Commission.

Mr. Boyd asked if land use qualifications were separate from ag/forestal requirements.

Mr. Davis explained that a landowner does not have to be in an ag/forestal district to get land use taxation for agriculture or forestry, but to obtain land use taxation benefits for open space one way to qualify would be to have land in a district and enter into a limitation of use agreement with the County.

Mr. Boyd said if there would be a financial impact related to these decisions, it should be discussed when the Board has discussions of economic policies because if they know this would result in significant reduction of property tax revenue it should be considered as a budget impact.

Ms. Mallek said the reason a lot of property owners put land into a district is because it cannot be used in other ways due to its topography.

Mr. Boyd responded that it should just be a point of reference if the real intent is to put it into open space and it reduces tax revenues.

Mr. Foley clarified that what he was seeking is the value on change in assessment.

Mr. Cilimberg added that it could not be done through Community Development as it was a tax issue.

Mr. Boyd said it could be discussed with the quarterly economic report as it definitely has an impact on revenue. It is a number that he thinks the County should be tracking and keeping up with.

Mr. Rooker said he would also like to see the information periodically; a total report on properties in land use and the cost to the County in lost tax revenues and how that has changed.

Mr. Foley stated that what he means is a "macro-level" look at properties in land use and how much revenue they would otherwise generate because of reduced value.

Ms. Mallek said she does not think it is fair to "raise a shadow" that these properties are somehow not doing what they are supposed to do, and an opposite column needs to be the dollar value of ecological value, stormwater control, TMDL reduction, etc. She added that it is a much bigger picture than saying "if that were covered with apartments, the County would make a lot more money".

Mr. Boyd stated that that wasn't what he was saying, nor does he want that to happen.

Ms. Mallek responded that she wasn't sure why he was bringing it up in the context of lost tax revenue, as it seems to imply that agricultural use is bad.

Mr. Boyd said he was just trying to get a handle on how much movement the County has in its budget that is impacted by properties moving in and out of land use; not individual properties but total dollar value. The information can be part of the quarterly economic report.

Mr. Rooker said he thinks it is helpful to know how that number impacts the County's budget from year to year economically.

Mr. Davis reiterated that putting a property into an ag/forestal district does not equate with putting it in land use, as it would otherwise have to qualify for that taxation. He said that the alternative for someone qualifying for open space would be to put their land in permanent conservation easement, and if it otherwise qualified for land use taxation it would have land use value attached to it – but this is just a process to classify land, not an equivalent to accepting property into land use.

Mr. Cilimberg added that this doesn't presuppose that everyone would ask for land use, and there is also the open space agreement that can be a direct agreement with the County and doesn't require an ag/forestal district. He said the action the Board would want to take after this public hearing is adoption of the proposed ordinance, which lists all the districts and additions as well as creation of the new district.

The Chair opened the public hearing and public comment was invited.

Mr. Neil Williamson addressed the Board, stating that the Free Enterprise Forum was encouraged by the Commission's action with regard to rural economic sustainability. The Commission seems to recognize that while land is in land use, it can be economically sustainable. The Free Enterprise Forum provided a slide presentation outlining seven or eight different opportunities. There was a property owner who came forward who was prohibited by the County from renting those out for less than 30 days at a time. These are interesting and important ways to maintain open space. With each of those houses on 21 acres, he anticipates the traffic impacts to be minor. As the Board looks at the 95% of the County that is the rural areas, he applauds the Board for considering the rural economic sustainability.

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

Motion was offered by Mr. Rooker to adopt the proposed ordinance and make the finding required for the Blue Run Ag/Forestal District to be added into the system. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

In terms of the Blue Run Ag/Forestal District, Mr. Thomas commented that the Advisory Committee had an extended conversation on the property and unanimously decided not to include it because of its location.

Ms. Mallek pointed out that the Commission had discussed it based on soil information.

Mr. Rooker noted that the information was not originally available, but once it was made available the finding was to include it.

Mr. Cilimberg said that the Committee decided they did not have sufficient information to determine it was agriculturally and forestally significant, but the Commission made the determination based on further research.

Mr. Dorrier said the Commission had a lengthy discussion related to Mr. Williamson's comments and he would like for all Board members to get a copy of the document from Ms. Linda Porterfield to Mr. Tom Sullivan regarding rental properties.

Mr. Cilimberg noted that staff would also address some of these issues during the Comp Plan discussion in February 2012.

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

ORDINANCE NO. 11-03(4)

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

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

By Amending:

3-208 Blue Run Agricultural and Forestal District
3-209.5 Buck's Elbow Mountain Agricultural and Forestal District
3-219 Keswick Agricultural and Forestal District
3-226 Sugar Hollow Agricultural and Forestal District

By Adding:

3-213.5 Glen Oaks Agricultural and Forestal District

**CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS
DIVISION 2. DISTRICTS**

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

The district known as the "Blue Run Agricultural and Forestal District" consists of the following described properties: Tax map 22, parcel 10; tax map 35, parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 41A, 41E, 43; tax map 36, parcels 6A, 9, 20; tax map 49, parcels 4A1, 4A5, 24, 24A, 24B; tax map 50, parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B; tax map 51, parcels 13, 14. This district, created on June 18, 1986 for not more than 8 years, since amended at its last review on July 10, 2002 to continue for not more than 10 years, shall next be reviewed prior to July 10, 2012.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11)

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

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

(Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11)

Sec. 3-213.5 Glen Oaks Agricultural and Forestal District.

The district known as the "Glen Oaks Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 94, parcels 15A1, 15A2. This district, created on December 7, 2011 for not more than 10 years, shall next be reviewed prior to December 7, 2021.

(Ord. 11-3(4), 12-7-11)

Sec. 3-219 Keswick Agricultural and Forestal District.

The district known as the "Keswick Agricultural and Forestal District" consists of the following described properties: Tax map 48, parcels 30, 30A, 30B, 30C, 30D, 30E; tax map 63, parcels 39, 39A, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11 12, 13, 13A, 14; tax map 65, parcels 13, 31C1, 31C3, 31D, 32; tax map 79, parcel 46; tax map 80, parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 182A, 183, 183A, 190, 192, 194; tax map 81, parcels 1, 8A, 15A6, 15B, 63, 74, 79. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 3, 2004, shall next be reviewed prior to November 3, 2014.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11)

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

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

(11-17-93; Code 1988, § 2.1-4(q); Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11)

Agenda Item No. 13. WPO-2007-00104 (Hyland Ridge Subdivision) – Request to extend deadline for installing permanent vegetation.

The following executive summary was forwarded to Board members:

With one exception not applicable here, County Code § 17-207(B)(2) requires that permanent vegetation be installed on all denuded areas within nine (9) months after the date the land disturbing activity commenced. For those land disturbance permits that were issued prior to adopting this provision, such as the permit that is the subject of this request, the 9-month period began to run when the permits were renewed. County Code § 17-207(B)(3) allows the Program Authority to extend the deadline for up to six months and the Board to extend the deadline beyond that period.

The Board may grant an extension under County Code § 17-207(B)(3)(b) if it finds: (1) the additional time is necessary due to factors beyond the control of the owner; (2) the owner had made good faith efforts to comply with the time limit; and (3) the owner has plans to effectively control or has effectively controlled erosion and sedimentation on the property during the land disturbing activity. In granting an extension, the Board must set a new time limit and may impose other reasonable conditions.

Having been cited for violating Section 17-207(B)(2), the Owner has requested an extension for its Hyland Ridge Subdivision project. The landowner's letter requesting an extension is attached (Attachment A). The Owner is asking for an extension beyond what the Program Authority is authorized to grant.

This project no longer appears to be moving towards completion as a residential subdivision per the approved preliminary subdivision plat. The Owner has experienced difficulty in obtaining a dedicated public right of way from Fontana Subdivision, which prevents it from being able to obtain final subdivision plat approval and to subdivide the property. Staff is working with the Owner and with the Fontana developer to resolve the public right of way issue, which includes abating a violation of the Subdivision Ordinance in the portion of Fontana in which the public right of way would be located. Additionally, the Owner has not constructed a single house. After three and one-half years since work commenced, most of the work for grading this site and establishing the stormwater utilities and roads for the first phase has been completed, but there has been no effort to complete the work in the remaining phases. Currently, the site appears to be primarily used as a dirt, stone and mulch stockpile area for other projects. Rock excavation and processing occurred onsite in the past, which led to complaints from neighboring property owners that the Owner was operating a quarry. The property also appears to be used to temporarily store construction equipment. The public right of way issue with Fontana must be resolved before this project can proceed as planned, and staff and the Owner are seeking an expeditious resolution.

In considering an extension to the Erosion and Sediment Control Permit, Section 17-207(13)(3)(b) provides that the Board must make three findings. Those findings and staff's analysis of those findings are as follows:

(i) the additional time is necessary due to factors beyond the control of the owner;

The Owner's request indicates part of the issue has been the difficulty in obtaining a dedicated public right of way from the adjoining property owner. While staff agrees this factor has affected the Owner's ability to create lots and build houses, staff does not agree that it has affected the Owner's ability to complete grading of the project and establish permanent vegetation. This conclusion is supported by the fact that the Owner has had unrestricted access to the property,

moving a large number of trucks and equipment in and out of the project, and using the property as both an area to waste dirt and as a source of dirt for other projects.

(ii) the owner had made good faith efforts to comply with the time limit; and

Staff would agree that the Owner is interested in proceeding to completion of the project; but the absence of a dedicated public right of way to the subdivision has not kept it from proceeding to stabilize the site. Staff believes three and one-half years is already longer than this work should require.

(iii) the owner has plans to effectively control or has effectively controlled erosion and sedimentation on the property during the land disturbing activity.

The Owner has measures that can be implemented to control erosion and sedimentation on the property for an extension of the land disturbing activity.

Based on the above analysis, staff concluded that the evidence supports only one of the three findings.

Finally, Section 17-207(B)(3)(b) provides that the Board is to place a time limit on an approved extension and may include reasonable conditions as part of granting the extension. While staff does not support this extension request, if the Board concludes that the evidence supports all three findings and determines that an extension request is justified, staff recommends the following conditions of approval.

1. Because there are two growing seasons for grasses in this area (March to May or September to November), staff would recommend that the time limit for an extension focus on installing permanent vegetation at the start of a growing season. The best circumstance would be to require permanent vegetation be completely installed no later than April 1, 2012.
2. The ongoing trucking of material to and from the site continues to generate neighborhood questions as to whether this site is being operated as a borrow or waste area rather than being developed for a residential subdivision. Staff believes those concerns are a result of the grading activity. Staff would recommend a condition of approval that requires the remaining grading activity to be balanced on site, with the possibility of importing material only where the County's Program Authority determines there is not suitable material onsite.
3. Because one of the Board's considerations is that the Owner effectively control erosion and sedimentation, a condition requiring the Owner to provide documentation as to its control may be appropriate. Staff would recommend a condition of approval that the Owner's Responsible Land Disturber conduct weekly inspections and inspections within 24 hours following measurable rainfall, with an inspection report provided to the County inspector.
4. Recognizing that the equipment noise generated over years of activity has been an ongoing neighborhood concern, staff would recommend limiting the grading activity to between 8:00 a.m. and 6:00 p.m. on weekdays. This assures staff will be available to address neighborhood concerns.

The WPO requires yearly renewal fees of \$100 per disturbed acre. With a current disturbance in excess of 30 acres, denial of this request effectively reduces County revenue by over \$3,000 per year.

Staff does not believe the owner has satisfied two of the three findings required for the Board to grant an extension. Staff therefore recommends denial of this request.

Should the Board determine that all three of the findings required for granting an extension have been adequately satisfied and it desires to grant an extension, staff recommends that the Board include the following conditions.

The Owner's deadline for installing permanent vegetation in Hyland Ridge subdivision shall be extended until April 1, 2012, subject to the following conditions:

1. The installation of all required permanent vegetation shall be completed by not later than April 1, 2012.
2. No grading material shall be brought to the site without prior approval by the Program Authority, upon a demonstration by the Owner that there is insufficient suitable material onsite.
3. The Owner's Responsible Land Disturber shall conduct weekly inspections and inspections within 24 hours following measurable precipitation. The Owner's Responsible Land Disturber shall submit an inspection report after each inspection to the Program Authority within seven days after each inspection. The inspection report shall contain the information required by the Program Authority.
4. All grading on the site shall not begin before 8:00 a.m. and shall end on or before 6:00 p.m. each day, Monday through Friday. No grading on the site shall occur on Saturdays and Sundays.

Mr. Brooks reported that this is the first extension request under the Water Protection Ordinance that the Board has heard. The program began after the ordinance was adopted in September 2009 with a year delay in implementing the program to give existing projects a chance to come up to speed on new guidelines. He said the County sent out warning notices in May 2011 telling people they needed to comply with new regulations, and this project was on the list as it has a more detailed timeline than those on the Consent Agenda today. Mr. Brooks explained that the project began in April 2008 and was renewed just prior to the warning notices being issued. The County didn't receive the request on time so staff stopped work on the project with an official stop work notice through the Inspections Division. The County received the letter requesting an extension after that. He said it did not come in on the timeline required by the ordinance, as it stipulates that the request be made two months prior to the deadline. Because these are ongoing projects, Mr. Brooks stated that the County Attorney agreed this project could go to public hearing in spite of that.

Mr. Rooker asked if that was an ordinance requirement, and asked how it could be arbitrarily decided whether or not a timeline for a waiver request would be enforced. He asked if that sets a precedent.

Mr. Davis said it doesn't necessarily set a precedent, and when staff looked at this particular situation the deadline had not been clearly communicated to the applicant so it was decided to be a matter for the Board to resolve.

Mr. Brooks noted that the warning notices didn't specify a date for each applicant in each letter, but generally gave timelines of when the ordinance section was adopted.

Mr. Snow asked what the options are in this case.

Mr. Brooks responded that it is something the Board should discuss as it is a difficult part of implementing this ordinance provision. Staff issued a stop work order requesting the developer to stabilize their site or turn in a waiver request. He said if they are beyond the timeline and a date was specified in a letter to them, the County could say they do not have the option to go before the Board anymore – but staff isn't sure if that was the Board's intention.

Ms. Mallek said she thinks the Board's intent was that the work needed to be done, and if it had had an extension of three months to get the season to change that was what it intended – but not that there was going to be a constant revolving door to come in here.

Mr. Snow added that he would not want it to completely stop the project either, after so much had been invested in it.

Ms. Mallek said there is more to the project than this aspect.

Mr. Brooks said he had to separate generalities from this particular issue.

Mr. Rooker said the staff report indicated that "the project no longer appears to be moving toward completion as a residential subdivision per the approved preliminary subdivision plat." He asked how long the residents there should be subjected to an open pit site with trucks moving in and out, when the developers are not moving forward with the development. The whole idea of stabilization of the site is to protect neighboring areas from runoff and aesthetics.

Mr. Snow stated that was the situation at Hollymead. Mr. Rooker agreed.

Mr. Boyd commented that there was a lawsuit involved with the Highland project.

Ms. Mallek said that doesn't prevent a hydro-seeder from going in there to cover the cleared land, as the pictures indicate the potential for a lot of sludge.

Mr. Brooks noted that the pictures were taken when the staff report was written, about three months ago, so one issue would be whether work should be continued while a developer waits to get on the Board's agenda. Staff did not feel they should shut the work down while they had the request in and was waiting to get before the Board.

Ms. Mallek said it almost makes it better for the applicant to wait until they expire as opposed to complying and being a timely waiver request because they get an extra four months of waiting around time. That is setting a trap for the County to fall into which she is trying not to let happen.

Mr. Brooks also pointed out that the ordinance doesn't provide for a situation whereby the work is stopped and the permit is finished and the site is stabilized and bonds are released – as the applicant can immediately get another permit.

Mr. Rooker said they would have to get another bond, and the goal is site stabilization.

Mr. Davis explained that if the Board denies the extension the developer could be cited for violation of the ordinance, and what actually happens onsite would likely be the same whether it is denied or granted as the next growing season is not until April. The County will require them to stabilize the site either way, and there's no intention that they can't proceed with their project when they could meet the ordinance requirements. He commented that this was an awkward enforcement action and the County

needs to tighten up its timeline for enforcement procedures, noting that this is the first batch of these that had come forward. He thinks the County can do better in the enforcement sequence. The question is whether the Board wants to grant an extension and have the applicant under conditions that they will implement and will be closely monitored for this project to be brought into compliance by the spring, or to cite them for a violation and the County would take enforcement action to bring them into compliance by the spring.

Mr. Snow stated that he understood there had been stabilization work done since October.

Ms. Mallek asked if the truck and borrow dumping had stopped.

Mr. Boyd said the only advantage he saw was to stop the truck and borrow, and if the developer could start building he would support that – but not for the site to be used for truck and borrow.

Mr. Rooker asked what would happen if the applicant didn't meet the requirement in the spring when the growing season arrived, and asked if the County would be in a better or worse position for having not found them in non-compliance.

Mr. Davis responded that at that time they would be in violation of conditions and would be cited for violation of the ordinance, with no further requests permitted for extension.

Mr. Boyd asked if the developer would be prevented from getting back to work on their site, once their lawsuit was settled, if the Board were to deny this request.

Mr. Davis explained that Mr. Brooks would have to evaluate whether the site had been stabilized properly prior to considering a new application for a land disturbing permit, adding that staff would use some common sense in approaching that.

Ms. Mallek asked if there were also temporary vegetation requirements in addition to permanent requirements. She asked where is the gap in the ordinance that prevents the County from making them cover this.

Mr. Brooks responded that it is covered, mostly with straw.

Ms. Mallek said she saw about five acres of mud in the photos.

Mr. Brooks said most of the project is all under straw, and more of the site had been covered since the photos were taken. He also stated that in his opinion the project had been used as a contractor's storage yard for quite some time.

Mr. Rooker said what bothers him the most about this is the fact the site had been actively used for something it wasn't zoned for, at the back of a residential development.

Mr. Boyd said that was his main concern also.

Mr. Brooks said the reason staff didn't feel they could approve the request is because the site was being used for other purposes, and there was the added complication of not being able to obtain access and right of way through Fontana because of difficulties with the owner there. He stated if the request were denied they could get permits with new plats and bonds to establish homebuilding. The developer could get a building permit on the lot now as a private driveway. When most builders start a subdivision, they will build one or two houses, which is their by-right use on the parcel, without subdividing. They will then come in with a subdivision later and build more houses based on their subdivision plats and road bonding, etc. His attempt would be to have it happen in smaller phases and have less disturbance which is what they would try for in the future if it was all stabilized to a point where it could be left alone. The letter from the contractors cites two reasons: the lawsuit and the size of the job is rather large for them. Mr. Brooks stated that Mr. Graham attempted to address that through his recommended conditions should the Board approve this request.

Mr. Brooks reported that there are three conditions the Board must consider for a waiver request: the additional time is necessary due to factors beyond the control of the owner, which should be separated into erosion control and subdivision needs. He emphasized that the stabilization part is a separate matter and the applicant could have stabilized the site sooner and minimized work involving other projects that kept this site open.

Ms. Mallek asked how they accessed the site.

Mr. Brooks responded that construction access is not the same as residential access. They had agreements with the Fontana's developer, Mr. Nichols initially – but the two parties have since "fallen out" and are suing one another.

Mr. Boyd said his understanding is they need dedication in order to take the next step and start building the subdivision.

Mr. Brooks said the second condition is that the owner has made "good faith efforts" to comply with the time limit, which is open to interpretation – but issuance of a stop work order indicates a "no" to that question. He stated the third condition is that the owner has plans to effectively control erosion and

sedimentation on the property during land-disturbing activity, which the applicant has complied with. Mr. Brooks noted that the erosion control measures are only about 60% effective so there would still be some sedimentation.

Mr. Rooker asked about the limitation on grading activity, given that the applicant hasn't really been proceeding with the plan.

Mr. Brooks said they had been proceeding with the plan as far as grading in the back of the site, and some activity needs to occur before it can be seeded. To get it seeded, they would basically need to do surface grading first.

At this time the Chair asked for public comment.

Mr. Tucker Hurt addressed the Board on behalf of the owner. Mr. Hurt emphasized that the developer has spent \$1 million every year on this project, specifically for site work construction. He acknowledged that there had been a lot of export, but the plan called for 100,000 cubic yards of export from the site and they hit 80,000 cubic yards of rock. Indicating on the map before the Board, Mr. Hurt stated that there were about 30 feet of cut over 10 acres and it is currently on grade.

He said that a big part of the problem with this has been the grading needed to comply with the overlot grading, with the main result being that there are sections of fill and sections of cut that were not in the same place – so that required a tremendous amount of grading up front versus phasing, and that was approved before the nine month time limit was approved. Mr. Hurt reported that they have disturbed about 25 acres of the project and about 20 of those are now stabilized in final form. It has taken a lot longer than they expected and could have been done faster; \$1 million a year is a lot for them, especially when the access is not guaranteed. He stated that there would be a court case in April that would hopefully resolve the situation, but they are hopeful it might be settled through alternative means such as the County requiring right of way dedication or compromise with the Fontana landowner.

Mr. Rooker asked what would happen if they lose the court case and don't have the access. Mr. Hurt responded that they would have to do a lot of thinking; he is not sure what would happen. They would certainly stabilize the site. He stated that they are confident that the deed is clear and that they should win.

Mr. Hurt reported that factors out of their control have included the fact that the ordinance was approved after their plan, there were 80,000 cubic yards of rock, they have hit about 40,000 cubic yards of unsuitable soils, they had an overlot grading plan stipulation that has required them to do the whole project at once, and they have struggled with the access issue. He asked if any other approvals would be negated if the extension were not granted.

Mr. Brooks responded that they would have to do a new erosion and sediment plan for a new permit, but all other permits would still be valid. He noted that the final subdivision plat had never been approved because there is no access and dedication.

Mr. Davis indicated that it would require all work to stop on the site other than corrective measures, and the applicant could be subject to both criminal and civil penalties, and injunctive relief from the County if it went to court and had the court order them to do specific things. He said they would have to apply for a new plan after they permanently stabilized this site, which would be subject to whatever terms and conditions were required by the ordinance.

Mr. Hurt stated that they had factors beyond their control; they designed this based on an open ended timeline; and they have made good faith efforts. They have spent millions of dollars to get this project underway, and this would just mean additional expense on a project already burdened by factors out of their control.

Mr. Rooker asked if these conditions would be everything the County would seek in the case of an injunction. Mr. Davis responded that they would be, adding that the conditions recommended by staff would deal with the issues identified as problematic onsite.

Mr. Rooker said it is the equivalent of a settlement, and the County's concern is the site.

Mr. Davis said the ordinance allows the Board to grant an extension and requires them to impose a deadline, which is April 1 in this case, and the other conditions address other site problems.

Mr. Rooker stated that it seems to make more sense to get the situation resolved with conditions than to cite the applicant with a violation and go to court.

Mr. Snow agreed.

Mr. Boyd agreed and said there has been lots of back and forth with Fontana residents over the years, adding that he was in favor of providing relief for the people there. He stated that he is concerned about the truck and borrow accusations also.

Mr. Hurt responded that they had encountered significant amounts of unsuitable fill so they have had to export and import materials, but they have always made an effort not to do it during school bus hours and have complied with the noise ordinance. There have been a lot of trucks on the site. He said

there is a lot of work left and if hours were restricted it would make it even more difficult to meet the deadline. The Board may be setting them up to fail on the time limits if their work hours are restricted. Mr. Hurt suggested restricting the trucking, adding that the stone extracted was used on other projects but was not VDOT certified.

Ms. Mallek asked if that was a permitted gravel pit as part of the project. Mr. Hurt said he thinks they worked something out that was approved.

Mr. Graham said it was never cited as a violation of the Zoning Ordinance, but there was a lot of question about whether it went beyond what is normally part of construction activity and the applicant agreed to modify the operation.

Mr. Hurt noted that crushing the rock made it much more portable and significant export on the site meant fewer trucks. He said they could live with the condition regarding the truck and borrow.

Mr. Rooker said that would make a difference to the people living in Fontana.

Ms. Mallek said Condition #2 needed to be enhanced to ensure there would be no more import and export.

Mr. Hurt asked what happens if they hit an unsuitable soil.

Ms. Mallek asked when they hit something like that if it indicates their initial plan needs to be changed. The applicant has been fussing with this for four years, and perhaps that would have been another way to do it.

Mr. Hurt responded that it is a huge process to change a plan, and in this case they felt this was a more efficient way to proceed. He added that it would be unworkable to have a prohibition on importing or exporting stone, and they would not be able to complete the project.

Mr. Rooker said Condition #2 was designed to deal with that issue, but it doesn't address exporting – and the site was being used to crush rock and function as a quarry to remove it. Staff would recommend a condition of approval that requires the remaining grading activity be balanced on the site with the possibility of exporting or importing material only when the County's program authority determines there are not suitable materials on site.

Mr. Brooks suggested having the condition state that "no grading materials shall be brought to the site or exported from the site."

Ms. Mallek commented that it is unfair to neighbors to sell the resources first, make money, and then come back in five years later and bring more back in.

Mr. Hurt responded that this site was approved with significant export, and he doesn't understand why anyone would care if it was stone or dirt.

Mr. Boyd said this could easily be solved if there were another construction route that didn't require them going through Fontana.

Mr. Hurt said there are no owners who would give up the right of way to do that.

Mr. Boyd said he does not want to shift it to Franklin Subdivision, but there is a family connection. Mr. Hurt commented that they are also not happy with the neighboring construction.

Ms. Mallek stated that the term "overlot grading" had been mentioned several times as the reason for these issues, and asked staff if this plan was approved in 2008 before changes were made to those requirements.

Mr. Graham confirmed that this plan was approved before the ordinance was amended to include the nine-month requirement, and the overlot grading is incidental to what is going on onsite. It costs them a lot more but it provides an enormous benefit to the project. He said they basically have pad-ready sites, for the houses when they come in, that are close to grade now.

Mr. Rooker said that nothing prevents an applicant for having an overlot grading plan done in phases.

Mr. Hurt responded that if they had known then what they know now they would have phased it, but the way the fill is structured they needed to use the rest of the site. He said they are happy to stabilize it now, but they would need to finish it after the access issue is resolved in April. He would ask for three or six months after time which would allow them to get the site to a mature position to sell lots.

Ms. Mallek said there should be grass planted before then. Mr. Hurt responded that the grass has already been planted. He added that by and large it is stabilized now; 20 out of 25 acres is stabilized. He said they cannot do any more work until the extension is granted, and they need more time than April 1.

Ms. Mallek said that when the airport was extending the runway there were torrential rains and not one erosion problem occurred because they planted as they graded. She would like to see everyone rise up to that level. She asked if it would be possible to limit the area onsite that this applicant could work on.

Mr. Brooks responded that they would have to start with a new plan to limit the area. He added that he is not clear as to what needs to be done after the April deadline that cannot be done before the deadline.

Mr. Hurt stated that they are about halfway done, and there is a lot left to be done. Aspen Drive is not complete. He said the water line comes down Aspen Lane and that grading needs to happen. There is about \$4 million worth of work left.

Mr. Rooker said he is more convinced now of the need for a new plan that would include phasing as to how the work and the stabilization would take place. He asked if the Board can require a revised plan.

Mr. Graham stated that the April 1 date effectively does that, and they could come back to staff with a new plan if they satisfy the condition to complete the seeding.

Mr. Davis said if they cannot complete it by April 1, their remedy is to bring an amended plan forward that could be approved by staff.

Mr. Hurt said that was fine.

Mr. Rooker stated that the Board should make a motion to allow the waiver subject to the four conditions with the second condition altered as proposed by Mr. Brooks.

Mr. Davis suggested that the second condition be amended to state: "No grading material shall be imported or exported to or from the site without prior approval of the program authority upon a demonstration by the owner that there is a demonstrated, site-related need to do so."

Mr. Brooks said he thought they were going to eliminate the last clause.

Ms. Mallek said it would end then after "program authority."

Mr. Brooks said he would prefer that it end with "from the site."

Mr. Davis asked the Board for clarification as to whether they want all importing or exporting of site material prohibited completely or only if it is determined to be necessary for the site.

Mr. Boyd said he would prefer that it be allowed if determined to be necessary.

Mr. Rooker agreed.

Mr. Davis said Mr. Brooks would have to make the determination as to whether or not it is a site necessary importing or exporting of material, or whether they are doing it for some other reason of convenience for the developer.

Ms. Mallek asked how that would work as a process.

Mr. Brooks said the devil is in the details and he would be looking for documentation as to soil quality.

Mr. Davis added that the owner would need to document and demonstrate for Mr. Brooks that it is necessary to have material imported or exported.

Mr. Hurt said he could live with that.

Ms. Mallek asked about modification to the first condition to stipulate the need for phasing going forward.

Mr. Davis said that wouldn't be necessary as the condition already states the applicant needs to install permanent vegetation by April 1, and if for some reason they cannot meet that the burden is on them to produce a new plan to meet ordinance requirements.

Mr. Rooker said the applicant has indicated they cannot meet that timeframe, so they would come back with a more phased plan in the future if they cannot.

Mr. Snow asked the applicant to show the current pictures. Mr. Hurt provided pictures and described the photos.

In terms of enforcement, Ms. Mallek asked about the check schedule for things such as drainage, basins, etc. Mr. Graham responded that erosion and sediment control regulations have minimum standards and they are inspected on a regular basis by the Inspectors following storms.

Mr. Brooks noted the location of large sediment basins right above the streams, and said the question remains as to whether the applicant would need to remove them if the site is finished in April or if they should remain for future work. He added that it really depends on what the new plans are going to show. He said he is not really clear on what grading needs to be done.

Mr. Hurt stated that over 50% of the grading has been done, but a lot of work still remains. He then asked if they were allowed to continue non-site work if the permit expires such as concrete work or stone work.

Mr. Graham said there are provisions for activities not included, such as building of houses or a roadway already under stone.

Mr. Brooks added that something under a building permit could be approved, but the rest of it would be taken out of the area of the existing permit once it is stabilized.

Mr. Rooker said the applicant will need to work with staff on some of these things.

Motion was then offered by Mr. Boyd to approve the request to extend the installation of permanent vegetation in Hyland Ridge Subdivision until April 1, 2012 subject to four conditions, with condition #2 as modified by the County Attorney. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The conditions of approval are set out below:)

1. The installation of all required permanent vegetation shall be completed by not later than April 1, 2012.
2. No grading material shall be imported or exported to or from the site without prior approval by the Program Authority, upon a demonstration by the Owner that there is a demonstrated site related need to do so.
3. The Owner's Responsible Land Disturber shall conduct weekly inspections and inspections within 24 hours following measurable precipitation. The Owner's Responsible Land Disturber shall submit an inspection report after each inspection to the Program Authority within seven days after each inspection. The inspection report shall contain the information required by the Program Authority.
4. All grading on the site shall not begin before 8:00 a.m. and shall end on or before 6:00 p.m. each day, Monday through Friday. No grading on the site shall occur on Saturdays and Sundays.

Agenda Item No. 15. Fire Services Agreement Between the City of Charlottesville and Albemarle County.

The following executive summary was forwarded to Board members:

In May of 2000, the County entered into an agreement with the City of Charlottesville for the provision of fire and emergency services for defined response areas of the County. The fire services agreement was not intended to be a long term solution for the County, but rather to provide coverage while the County developed its fire rescue system to more effectively address current and future service needs. The agreement was for an initial term of 10 years beginning July 1, 2000 and expiring June 30, 2010. In 2008, the agreement was amended to allow the County to extend the term of the agreement for up to three additional terms expiring June 30, 2013. The County has extended the agreement under existing terms twice, most recently in December of 2010 when the agreement was extended through June 30, 2012. In 2010, the agreement was again amended to allow the extension of the agreement for an additional five year term. If the agreement is extended beyond June 30, 2013, pursuant to the terms of the amended agreement, it would end on June 30, 2018 unless terminated by the City or County with two years advance notice.

The need to provide fire rescue services to the County urban areas around the City, including the Ivy area, was originally identified in a 1994 report to the Board (commonly referred to as the "Deatley report"). Over the years, priority was given to open the Monticello and Hollymead stations with the Ivy and Pantops stations being delayed, mainly due to economic conditions.

During last year's budget work session, the Board became aware that the City's response times to the Ivy area would significantly increase (it is estimated that the response time to Neighborhood 6 would increase to 8:54 minutes) once the City relocates its fire station from Ivy Road in the County to Fontaine Avenue in the City. Given the planned relocation of the City's fire station and the critical need to provide protection to Ivy and the surrounding development areas, the Board directed staff to prepare to end the fire service agreement and redirect the related funding to construct and staff the East Ivy Fire Rescue station.

Fire Services Agreement Overview

In general, the fire services agreement allows for up to two City fire engine companies to respond to County fire and emergency incidents in certain predetermined areas of the County. During FY11, the City responded to approximately 1,800 calls for service in the County, with the highest concentration of calls generated from the County's development areas surrounding the City.

The cost for services is basically determined by adding a base annual payment plus a per call charge. Both the base annual payment and the per call charge are increased by 5% annually. The chart below illustrates the call load and net cost/budgeted amount since the agreement was approved in 2000:

	FY01	FY12	FY16 <i>(estimate if contract were extended)</i>
Net Call load	2,425	1,800	1,800
Net Cost/Budgeted Amount	\$644,427	\$845,638	\$1,027,878

Evolution of Albemarle County Fire Rescue System

The County's Fire Rescue system has evolved significantly over the last 14 years pursuant to a plan to improve the system to meet current and future service needs. The 1997 Deatley report indicated that there were approximately 500 fire and rescue volunteers serving from seven volunteer fire stations and three volunteer rescue stations at that time. By 2000, when the fire services agreement was initially negotiated, daytime career staff (12 personnel) had been hired to supplement volunteer forces in three of the fire stations, but rescue stations had yet to request assistance. The County's fire rescue system still lacked the resources needed to provide primary fire rescue coverage, particularly in the contiguous development areas around the City and extending north on Seminole Trail to the Hollymead area. One fire station, the Seminole Trail Volunteer Fire Department, was located within those development areas. The lack of basic fire station coverage required the establishment of the fire services agreement, signed in 2000.

Today the fire and rescue system in Albemarle County has matured considerably. Primary service is provided by more than 700 volunteers and 80 career personnel. The County has constructed two additional fire rescue stations within the development areas: Monticello Fire Rescue in 2003 and Hollymead Fire Rescue in 2008. With the addition of the East Ivy Station in 2013, four stations will be located within the contiguous development areas around the City and north on Seminole Trail, up from only one in 2000. At the request of volunteer stations, the County has hired additional career staff for one additional fire station and two rescue stations to provide supplemental daylight staffing. In addition, day shifts for career staff in all stations were extended to ensure coverage from 6:00 a.m. to 6:00 p.m. five days per week, covering more daytime hours in volunteer stations.

Financially, the County has invested a significant amount of operational and capital funding in the fire rescue system. Since 2000, the County has funded the basic operating costs for volunteer stations, hired 62 career personnel for staffing and administrative duties and invested over \$16 million in capital funds to replace fire and rescue apparatus. Because of the evolving nature and needs of this system, Fire Rescue's operating budget has increased from \$2.4 million in FY00 to \$8.7 million in FY12.

Albemarle County Fire Rescue System	Comparison	
	2000	2013
Fire and Rescue Stations	10	13
Fire Stations in Contiguous Development Areas around City	1	4
Stations with Career Staff	3	9
Fire and Rescue Volunteers ¹	500	Over 700
Fire Rescue Career Personnel (operations & administration)	17	87 ²
Operating budget	\$2.4 million	\$8.7 million ³

Notes

- 1 – Total volunteers in year 2000 derived from 1994 Deatley Report – unclear if number included operational and administrative volunteers; 2013 volunteers include both operational and administrative personnel
- 2 - Includes 8 FTEs for Ivy staff
- 3 – Budget in FY12

Transition to an Automatic Aid Relationship with the City

County and City fire rescue staff have met on a number of occasions to discuss the concept of transitioning to an automatic aide arrangement between the City and County departments. Under an automatic aid agreement, County and City units would respond to first alarm assignments in the County/City under predetermined conditions and at no cost. Augusta County and the City of Waynesboro have recently entered into an automatic aide agreement.

The key to establishing a mutually beneficial automatic aide agreement is to balance the workload so that no one jurisdiction is unfairly burdened. During 2011, the City responded to 1,800 unit calls for service in the County and the County responded to approximately 100 unit calls for service in the City. Of the 1,800 unit calls for service in the County, approximately 900 calls were EMS related and about 75 calls were to a report of a building fire.

Staff believes there are opportunities to balance the County/City workload by modifying dispatch procedures and shifting lower priority calls currently covered by the City under the fire services agreement to existing County stations while retaining procedures to send the maximum resources for higher priority calls such as building fires. If the Board chooses to terminate the current fire services agreement, staff will continue to work with City fire staff to plan and implement an automatic aid agreement.

The FY12 budgeted amount for the fire services agreement is \$845,638.

Staff recommends that the Board give notice to the City to extend the fire services agreement through June 30, 2013 and to terminate the fire services agreement effective at midnight on June 30,

2013 and direct staff to work with City fire staff to plan and implement an automatic aid agreement to be effective upon termination of the fire services agreement.

Fire Chief Dan Eggleston addressed the Board, stating that the County has been working over the last 11 years to develop the County's fire and rescue system to better serve citizens. While the City's fire services agreement has helped the County during its development, the County is prepared to end the contract and move to no-cost, automatic aid agreement that is mutually beneficial. He reported that he would present on the development of the County fire and rescue system, including the planned Ivy station, and will end with asking the Board to take action to extend the fire services agreement through June 29, 2013 and then give notice to terminate the agreement effective at midnight on June 29, 2013.

Chief Eggleston reported that in 1991 with the Comp Plan update, staff identified that in order to support the Board's land use policy they needed to construct fire/rescue stations to provide urban level of services in development areas. In 1994 a comprehensive study of the fire/rescue system was performed that reaffirmed the need for the stations and identified some other critical needs required to support the system. He stated that the stations were again reaffirmed and in a 2007 regional fire and rescue study was conducted by Matrix Consulting. Chief Eggleston noted that in 1998 the stations were budgeted for in the Capital Improvements Program, with only one fire station as the County approached the year 2000 – Seminole Trail – located in the contiguous development area surrounding the City. He said that Neighborhoods 1 and 2 were adequately covered, but other development areas along with the densely populated area of Ivy were underserved. In 2000 the County didn't have the resources to address fire and rescue needs – so the best option at the time was to contract with the City to provide coverage primarily in development areas.

Chief Eggleston stated that the City fire services contract allows for up to two engine companies to respond to the County in predefined areas, and during the first year of the contract the City responded to about 2,400 County calls at a cost of about \$650,000 annually; last year the City responded to about 1,800 County calls and the cost was \$845,000. He said when the contract was first negotiated in 2000, the Board did not intend for it to be a long-term strategy – but would allow time for the County to develop its fire and rescue system and then transition to an automatic aid agreement. Chief Eggleston said that in 2002, the County opened the Monticello Station to provide service to the southern development areas and surrounding rural areas; in 2008 the County opened the Hollymead Station to provide service to the northern 29 development areas and surrounding rural areas. Around the same time frame, he said, the planning work done by staff and the volunteer chiefs began to produce some positive results: the County increased volunteers through its marketing and recruitment campaigns; it developed a more formal volunteer fire academy and expanded EMS training courses; it increased operational funding for volunteer stations; it replaced aging apparatus and enhanced the overall fire/rescue fleet; it enhanced career staffing at Earlysville, Stony Point and Seminole Trail volunteer fire departments; and it provided additional daytime career staffing to the Charlottesville/Albemarle Rescue Squad, the Scottsville Volunteer Rescue Squad, and East Rivanna Volunteer Fire Department.

He said that the County was well underway in developing its system when the economic downturn caused it to eliminate the fire/rescue CIP, which indefinitely deferred the Ivy and Pantops stations - and the Board decided to extend the existing contract under the current terms. Chief Eggleston said that last year the Board and staff became aware of the City's plans to relocate their Ivy Road Station in the County to Fontaine Avenue in the City, and the Board was concerned about increased response times due to the relocation. Given the critical need to provide protection to development areas in Ivy, he said, the Board directed staff to prepare to end the fire services agreement and redirect the related funding to construct and staff the Ivy station. Staff then began developing plans for the Ivy station and began to explore options to transition from the City contract to an automatic aid agreement. Part of the transition plan involves opening the Ivy station in 2013 – about the same time the City relocates its station to Fontaine Avenue.

Chief Eggleston stated that the Ivy station will cover a large portion of the area previously covered by the City and would provide needed services to densely populated areas of Ivy, but there are still some fringe areas covered by the contract that need to be addressed. He said that the key to transitioning to an automatic aid agreement is to balance the workload so that no one jurisdiction is unfairly burdened, so the transition plan is built on three sets of principles to help balance the call load: shifting some of the City contract calls to County stations, requesting City coverage for fringe areas where they are much closer with joint responses to priority multi-unit calls, and continuing to assist the City with emergency responses, station fill-ins and special events. Chief Eggleston said staff remains concerned about service to the Pantops area, and staff would be coming forward with a plan to implement daytime ambulance and service on Pantops in conjunction with Martha Jefferson.

He concluded by stating that the County's fire/rescue system has developed significantly over the last 11 years. They have added stations to the development areas and invested a significant amount of funding for volunteer support, apparatus and career staffing. They must move forward with the Ivy station at about the same time the City relocates to Fontaine Avenue to ensure that the County provides consistent and uninterrupted coverage that the citizens expect. Chief Eggleston said that at this time, he recommends that the County give notice first to extend the fire services agreement through June 29, 2013 with termination effective at midnight that date. Chief Eggleston emphasized that this action is by no means an end to a long and valuable relationship with the City Fire Department, but instead is a transition to a partnership that is a model used by many localities across the country.

Mr. Rooker asked if for some reason the County decided not to terminate between now and June 29, 2013 it could change its course.

Mr. Davis explained that the second amended agreement to the fire contract states that unless it is terminated by June 30, 2013 it automatically extends for another five years. The contract does not specify a deadline for terminating it prior to June 30, 2013, but the City has expressed a desire to have as much notice as possible. The intent of the recommendation is to give that notice now. If circumstances change, it would simply require entering into another agreement. He said that if the second amended agreement went into effect, it requires a two-year notice to cancel the agreement.

Mr. Foley noted that they are in the same position as the County as far as planning for the next fiscal year, which is when the impact would be.

Ms. Mallek asked Chief Eggleston if staff felt that moving the station a mile and a half from Station Ten to Fontaine would significantly change the availability of coverage for the urban ring where it meets with Seminole.

Chief Eggleston responded that it is slightly over two miles and would impact Neighborhood Six as well as creating a large gap in the Ivy area, adding that a number of parcels in that area would see a reduction in service when the City's station moves. He also said that there would be approximately 220 homes that would go from a five to a ten on the insurance spectrum because of the distance from a fire station.

Mr. Snow noted that a good portion of the Ivy Station would be funded from the savings on the City contract.

Ms. Mallek asked Chief Eggleston about the transition plan with the City.

Chief Eggleston responded that the first meeting with the City and County representatives would be held next week, and this past week at the FEMS Board meeting, they established a subcommittee to help during the transition process – with 18 months to work out an agreement.

Mr. Rooker said that part of doing this involves making changes in dispatch, given that a lot of the calls were not high level emergency calls – with many of them being false alarms.

Chief Eggleston said not every call would be an urgent call, and there is plenty of opportunity to reprioritize calls, and still rely on the closest units to respond to priority, life-threatening type calls.

Ms. Mallek said that citizens have told her that they do not want to see County engines going past a City station, so the process needs to be efficient.

Chief Eggleston said the County is more integrated than ever with the City system, and there is even more work being done to take a regional approach with this plan being part of the evolution.

Motion was then offered by Mr. Rooker to give notice to the City to extend the fire services agreement through June 30, 2013, to terminate the fire services agreement effective at midnight on June 30, 2013, and to direct staff to work with City fire staff to plan and implement an automatic aid agreement to be effective upon termination of the fire services agreement.

Mr. Davis suggested amending the June 30 dates to June 29, considering the word "by" as interpreted as "on or before." There is some contrary authority that says the word "by" means "before".

Mr. Rooker **amended his motion** to reflect the date to be June 29, 2013 in both instances.

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

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

NAYS: None.

Ms. Mallek commented that she would like to learn more about what Martha Jefferson Hospital is providing for ambulance service, as she does not want the County to end up providing free transport for hospital patients.

Mr. Boyd said he had initiated the question with Martha Jefferson; they didn't come to the County.

Ms. Mallek said apparently Martha Jefferson does not have its own ambulances to transport people from their hospital.

Chief Eggleston clarified that the County is not licensed to transport between facilities and are not even licensed to do that.

Mr. Foley commented that hospitals typically provide that type service; they do not provide EMS service to emergency calls.

Chief Eggleston wished Mr. Dorrier a happy retirement and said it had been an honor to work with him.

Mr. Dorrier thanked him and told him to keep up the good work with the volunteers.

Agenda Item No. 16. Wireless Policy/Regulations Update.

Mr. Bill Fritz, Chief of Special Projects, summarized the following executive summary that was forwarded to Board members:

The deployment of infrastructure for wireless technology first became a significant issue for the County in the 1990's. By the late 1990's approximately 25% of all special use permit applications were for antennas to provide cellular phone service ("wireless facilities"). In December 2000, the Board adopted the Personal Wireless Services Facilities Policy to address this growing industry (Attachment A). This policy was a major undertaking involving the use of an outside consultant and numerous public roundtables and worksessions with the Planning Commission and the Board. The policy was used to develop ordinance amendments resulting in the County's current method of reviewing wireless facilities. In staff's opinion, the policy and ordinance amendments were extremely successful in reducing review times, increasing predictability in review and minimizing the adverse visual impacts that can be associated with wireless facilities.

As wireless systems have matured, the use of wireless technology has rapidly expanded. With changes in technology (smart phones), the citizens of the County began to use wireless services in ways not fully envisioned in the current policy, which has significantly increased the demand for wireless facilities. The wireless industry is again expanding in a manner similar to the growth seen in the 1990s. However, the County has not undertaken any significant review of the policy or the ordinance since their original adoption. Several members of the wireless industry have provided comments indicating that the County's existing policy and regulations are unnecessarily impeding the deployment of new technology, and that some of the County's processes may be inconsistent with recent FCC rulings pertaining to timing action on wireless applications. These comments from the wireless industry are very similar to those received in the 1990s. The current policy has functioned well for the County for 10 years, however, with the changes in technology and the way that wireless is used, it is staff's opinion that revisiting the County's policy and regulations for wireless facilities is warranted.

In revisiting the policy and regulations, staff recommends that the County undertake the following proposed steps:

1. Consider updating the policy and regulations to reflect changes in technology, and to incorporate any relevant and applicable FCC rulings. Staff believes this is a fairly narrow and technical review that could be accomplished within a few months by staff with the assistance of a qualified consultant, and without an extensive public engagement process.
2. Consider revising the policy and regulations to address any changes in the desire of the community for the regulation of wireless facilities. Staff believes this would require a much broader review to address whether the community's perception of wireless facilities has changed since the original policy was adopted. Following the process from the original policy development, staff anticipates that this would require a significant public engagement effort.
3. Consider revising the existing tiered review system to reflect and incorporate the proposed changes identified in steps 1 and 2 above. The extent of this work would depend on the outcome of the preceding two steps. Most of the effort would be associated with preparing materials for the Planning Commission and the Board, and addressing the direction they provide.

These three steps are the same steps undertaken by the County when it first developed the wireless policy and regulations. The first step is to understand the current and expected near future state of wireless technology. Once this is understood, the County can participate in a meaningful discussion with the industry and the public to ascertain the goals of all parties. Staff believes that the industry and the public want reliable wireless services in all parts of the County without sacrificing those unique features of Albemarle County that make it such a special place.

Next, the need for review of the wireless policy and regulations would need to be prioritized against other Community Development initiatives. Community Development reviews its work program with the Board annually to establish priorities, and there is currently a backlog of priority initiatives awaiting staff resources (e.g. critical slopes, Rural Areas churches). The work program was last updated in September 2011 (Attachment B), and the next annual Board review is planned for February 2012. Staff notes that all available resources are currently working on changes to the development review processes and the Comprehensive Plan update and it will likely be February or March before a concerted effort on the wireless policy could begin without putting those efforts aside. The current policy and ordinance does provide a means to address the industry's needs and the application workload has not become overwhelming as it had in the 1990's. Staff's perspective is that this initiative would likely provide significant benefits by updating the policy and streamlining the review process, but that there is not a crisis. Because staff views this effort as important, but not critical, staff recommends that the Board weigh the importance of this initiative against other priorities. As the annual Community Development

work program review is scheduled for February, staff would incorporate any guidance provided today into a recommended work program.

During the development of the wireless policy, it was known that at some point technology was going to change and a review of the wireless policy and the corresponding regulations would be required. In response to this, the closing statement of the wireless policy is "Please remember that planning for Albemarle County is a work in progress. County officials and staff invite you to send your comments and suggestions for this Wireless Policy..."

The services of a consultant to advise the Board and staff on policy and technical issues would be needed for this initiative. Staff has initiated discussions with the consultant who assisted in the development of the original policy to develop an estimate of likely costs. (Attachment C). From this, it is anticipated that a review of the technical and legal issues (1 & 2, draft proposal) would require approximately \$20,000, and that expanded public input for policy and regulatory changes (3, 4 & 5, draft proposal) would require approximately \$30,000, allowing for one site visit by the consultant for each phase of this work. Staff notes that while this draft proposal helped define the anticipated cost, the public procurement process must be followed and an appropriation would be needed prior to contracting this service. Staff recommends this effort be funded through the Board reserves if the Board wishes to pursue this initiative in FY 12. If the Board wishes to pursue this initiative in a future fiscal year, staff would recommend including this funding as part of that fiscal year's proposed budget.

Staff recommends that the Board provide guidance to staff on the appropriate priority for this initiative relative to other initiatives currently in the Community Development work program.

1. As noted in the discussion, it is anticipated that work on this initiative could begin as early as February or March without impacting current efforts. Staff will include the Board's prioritization as part of the Community Development work program annual review in February.
2. If the Board is interested in proceeding with this initiative as soon as possible, the Board should direct staff to proceed with soliciting consultant services and to bring forth an appropriation request to the Board from its reserve fund once a proposed contract has been developed. The Board will also need to determine what items in the work program should be delayed.

Mr. Fritz added that staff has noticed an increase in the number of applications it has been receiving for tower permits and has considered revisiting the policy and regulations adopted in 2000 to reflect changes in technology and FCC rulings and changes in the desire of the community for the regulation of wireless policies. Mr. Fritz emphasized that the policy does not disallow any type of use. There are three tiers of approval ranging from administrative review (building permits) for Tier One, Tier Two are for treetop towers reviewed by the Planning Commission and Tier Three encompasses everything else. He reported that staff re-contacted the consultant who was used in 2000 for the development of the wireless policy to find out the cost of hiring a consultant to help accelerate the review process. There are several options in the Board's packet ranging from \$20,000 to \$30,000 – with \$48,000 being a more comprehensive review.

Mr. Fritz stated that, at its meeting last night, by a vote of 7:0, the Planning Commission made a recommendation to the Board to adopt a resolution of intent to study the Wireless Cell Tower Policy and Ordinance due to changes in technology, as follows:

- The Planning Commission would like the wireless cell tower ordinance updated to be fast tracked.
- There could be economic repercussions from that as far as the county is concerned. However, there are numerous entities in the county who will donate their time to work on the ordinance. Therefore, the County does not have to spend money on consultants.

Mr. Rooker said this has been discussed before and there are two competing public interests: protecting the aesthetic beauty of the County, which has prompted a number of court cases. He said the County's ordinance has not been successfully challenged by anyone. This ordinance was written up by numerous media as a model ordinance that should be used everywhere. Mr. Rooker mentioned that industry people had come before the County at that time and said that service could not be provided if the ordinance were adopted, but the County retained an expert and used his guidance to work through those issues to craft an ordinance that achieved a good balance. He said that as time went on it was discovered almost all of the applications required special use permits so the County created a tiered system to develop standard sets of conditions to provide some certainty to applicants.

Mr. Rooker stated that over the last five year the County received 70 applications, and only two of them were denied. He also mentioned the large number of residents that came out from the Samuel Miller District to express concern about the location of a tower within the power line grid, and the current policy provides an outlet for people to air their concerns. The tower request was approved with some changes, which also made citizens feel better about the approval. Mr. Rooker said that the industry is stating that they cannot provide 4G under the existing ordinance, and the Board should look at that to ensure that is the case – and to do that a non-interested party should be consulted. He is supportive of re-examining things in a thoughtful way and acquiring some expertise.

Mr. Snow said he has no problem with taking a thoughtful approach to this, but his concern is the two-thirds of the County that does not have wireless coverage.

Mr. Rooker pointed out that there is a difference between cell and internet coverage.

Mr. Snow said if there is good cell coverage, you can create hot spots with 3G or 4G. He would like to see what the County could do to fast track getting cell coverage in the entire County, noting that he met company representatives at the VaCo conference who would be here Thursday to talk with officials about how to build a cell tower that looks like a tree to collocate service from different carriers. The company will take care of getting carriers to go on the tower and once the tower is paid for, they are willing to split the revenues with the County. He does not know to what extent they will go into remote areas.

Mr. Rooker asked if there had been any discussion of the desire of carriers to provide the service in remote areas, as that seems to be the issue.

Mr. Snow said that is one of the problems.

Ms. Mallek said the Planning District looked at that about two years ago and last year, and tried to offer a larger area, hoping they could attract some bids. No carriers were interested in doing anything without stimulus money as an incentive. The County really is over that barrel. She added that without changing the priority list, staff would do an initial look, look at the gaps, and then consider hiring a consultant.

Mr. Snow stated that he received a call this morning from citizen in Batesville who wanted Verizon service, but was told he could not get it because Century Link was there.

Mr. Rooker explained that there is no restriction on Verizon providing service anywhere it wanted to locate, but the problem has been a lack of incentive on the part of major carriers because they cannot justify the cost of locating there.

Mr. Snow said he understood the problem, but wanted to know how they could overcome it.

Mr. Rooker stated that Bristol had pursued and received a lot of grants in order to provide expanded service.

Mr. Snow said he would like to see a committee formed with Verizon, Century Link, and other interested parties to study this issue and make some recommendations.

Mr. Thomas commented that the technology has changed and it really needs to be looked at.

Mr. Davis emphasized that this is still a market and profit-driven industry, and unless a company can make a profit or are required to provide service, it is going to be difficult to accomplish that. He said that staff is trying to put in, at the County regulatory level, a reasonable means to address the visual concerns and not be an impediment to the industry. The key to being able to do that is to have an understanding of what the actual needs are of the industry in order that staff can determine what regulatory burdens it can address.

Mr. Snow asked why the County was catering to the industry when they were not reciprocating, and asked if it would be possible not to approve any new facilities until the issue is resolved.

Mr. Davis explained that the Board does not regulate service; it only deals with land use issues. The County does not have that authority at the local level.

Mr. Boyd said he agrees with Mr. Rooker's original comments, but to minimize staff time it would be helpful to have staff look at Item #2 under the proposed consultant's work plan: "How changes in wireless will impact the regulation of deployment by the County" at a cost of \$9,000. It seems like that ought to be a first step. Item #1: "Review of existing wireless policy and ordinance" seems to be working and he does not know why they would spend money on that item.

Mr. Rooker agreed, adding that it is necessary to get neutral, third-party input to evaluate what is needed for service in balance with the desire to preserve community aesthetics.

Mr. Boyd asked if it would require a lot of staff time to get this done.

Mr. Graham responded that the procurement for the consultant's work could be handled fairly easily, and that is all front end work that should be done before staff gets involved.

Mr. Dorrier commented that there are citizens who are willing to subsidize the cost of improved internet service, noting a letter he had received from Mr. Tom Sullivan.

Mr. Rooker said there is nothing preventing him from getting service there if he can get VDOT right-of-way.

Mr. Davis explained that Mr. Sullivan has proposed paving a road that the County had previously not supported paving in exchange for providing services to adjacent property owners to entice them to support paving the road. The County does not have a part in providing broadband service.

Mr. Boyd said he agrees the evaluation should be done by an independent consultant, but perhaps input from cell tower providers would be helpful in the process.

Mr. Foley noted that there is a proposed process included in the staff report, and doing the up-front analysis would provide a good base of information.

Mr. Boyd added that he wasn't sure if the scope of work would answer all questions, and it might benefit the County to talk with providers also.

Mr. Rooker said the providers could certainly send in some suggestions as to anything that should be added.

Mr. Thomas stated that he would like someone to come before the Board to brief them on technology and where it is headed.

Ms. Valerie Long said that she represents AT&T and inTelos on wireless facilities. She stated that there are a number of very simple, extremely non-controversial tweaks to the ordinance in terms of procedure, process, application requirements, that could be made very, very quickly at no cost to the County in terms of consultants. There would also only be a little staff time required. She has been submitting suggestions for the last several years of which most staff has been supportive. She said there are many procedural changes to the ordinance that would save County staff an inordinate amount of time. There is currently duplication of staff time required, duplication of resources, applications that come to the Board that probably do not need to come to the Board; they require additional staff reports and public hearing times, not to mention the expense to the applicants. Ms. Long stated that part of the reason wireless providers can't afford to locate in rural areas is because they spend so much money on the application process. If the process could be streamlined on the front end it would save everyone a lot of time and money. The Board could also take a look at some broader issues. Last night the Planning Commission was unanimous in their meeting regarding the possibility for quick fixes.

Mr. Rooker responded that it would be helpful if she would send out the specific items to which she is referring.

Ms. Long commented that it does not make sense to spend money on a consultant when the staff has the knowledge and expertise on the ordinance. She added that there should also be broad community input from all varieties and stakeholders on some of the bigger policy issues.

Mr. Boyd said that is why he wanted to focus on looking at technological changes in the industry and how that might impact local policies.

Ms. Mallek commented that one facet is the outside fixes, and the other is the inside fixes via County processes.

Mr. Rooker stated it would be helpful to have Ms. Long's list of items that could be quick fixes. It would also be helpful to provide an outside view of issues such as tower height, what technologies require today, how other communities are dealing with those technologies, how the technologies impact the need for tower height, etc. This would help the Board make an informed decision.

Ms. Long said she still felt the County could get what it needed from staff and stakeholders in the community without going to an outside consultant.

Mr. Foley suggested having staff get those items in writing from Ms. Long to assess their simplicity prior to giving them to the Board.

Mr. Graham noted that the \$9,000 estimate was part of a larger proposal, and said something in the range of \$12,000 would be a more reasonable appropriation.

Mr. Foley suggested authorizing up to \$12,000 from the Board's reserve to move this forward.

Motion was offered by Mr. Boyd to appropriate up to \$12,000 from the Board's Reserve Fund to proceed with Task 2 per the draft proposal. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Snow reiterated that one of his top priorities is to try to get cell and internet service in his district, and he would like to discuss in the future what could be done to facilitate this.

Mr. Foley and Mr. Graham said they could start that conversation with the consultants to get the ball rolling.

Mr. Boyd said that perhaps the County may have to pursue grants, as Mr. Rooker had mentioned.

Mr. Rooker said the Planning District went after a grant for this exact purpose.

Ms. Mallek explained that the County did pursue several grants but did not get any because they are designed for the poorer, more rural counties.

Mr. Snow commented that if part of the issue is state or federal regulations that should be discussed with providers to help facilitate getting the service.

Mr. Rooker responded that he is not aware of any regulations that would prohibit that; it is purely a matter of economics.

Mr. Snow stated that the person that called him from Batesville said that Verizon was not permitted to operate in the area because Century Link was already there.

Ms. Mallek said there is not really any regulated competition; it is more of a cultural territory whereby companies won't step over the line.

Mr. Snow asked what could be done about it.

Mr. Rooker stated that the communities that have solved this problem have done so with grants.

Mr. Foley said the first step would be to do some research and then proceed from there.

Agenda Item No. 17. Closed Meeting.

At 12:18 p.m., a **motion** was offered by Mr. Thomas that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees and commissions, under subsection (3) to discuss the sale of publicly held property; and under subsection (7) to consult with legal counsel and staff regarding matters of pending litigation.. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 18. Certify Closed Meeting.

At 1:54 p.m., the Board reconvened into open meeting. Mr. Thomas **moved** that the Board certified by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

Mr. Snow **moved to appoint** Mr. Ronald Cottrell to the Pantops Community Advisory Council with said term to expire June 20, 2013. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 20a. Presentation of JAUNT Annual Report.

Ms. Donna Shaunessy, Executive Director of Jefferson Area United Transportation (JAUNT), said her presentation is a slightly belated end of year report. JAUNT's fiscal year ended June 30, 2011; however, due to scheduling, she is only now able to share with the Board how they ended up their fiscal year. She thanked the Board for their financial support in addition to their appointments of four citizens to the JAUNT Board. She said Bobby Burke is an Albemarle County member and is in the audience. She said each of the members that the Board reports - Ray East, Bobby Burke, Cliff Buys and Juan Wade - have one area of expertise that is really critical as the agency moves forward and each brings different perspectives. She said Cliff Buys is the financial expert, and play an important role on the Board. She reported that JAUNT had its highest number of trips - 318,000 total - in FY11. She reported that public service continues to increase. In terms of ridership numbers, Albemarle County has now overtaken Charlottesville and is growing at a faster rate. Some of the other counties are growing at a really fast rate as well. Buckingham County was added in 2007, which is yet another part of the support and services that JAUNT provides. One advantage to having Buckingham as part of the JAUNT family is the fact that lots of those routes that come in from Buckingham can help Albemarle folks and the County does not have to pay for them. It is another resource that they can offer.

Mr. Thomas asked why Nelson County ridership decreased so significantly.

Ms. Shaunessy explained that JAUNT used to provide bus service for employees of Wintergreen, but the Wintergreen folks thought they could provide the service more cheaply; however, they realized they had made a big mistake and has now turned the service back over to JAUNT.

Ms. Shaunessy stated that an ongoing challenge is getting people where they need to be on time, as there are many riders that have a wide variety of issues, that need additional assistance; however, last year JAUNT, went from 88% to 90% on-time ridership across 2,500 square miles. One statistic that is not noted is their ability to get people to their appointments on time in virtually 99.7% of the cases and that has been true for the last 3-5 years, a critical factor in getting people to work on time, to their doctor on time. Ms. Shaunessy said it often takes many phone calls to make a JAUNT trip happen adding that their reservations staff handled almost 70,000 calls with dispatchers handling over 122,000 calls. She stated that the need for operations staff is one reason why the service is somewhat expensive, and said it can also be time consuming for drivers to find people in remote areas or drivers who need to provide special assistance to a rider with special needs. Each bus is equipped with a GPS system, an AVL device and a computer so it is possible to determine where every vehicle is at any given moment.

Ms. Shaunessy reported that local monies comprised 40% of JAUNT's budget, the largest percentage, with federal money providing the second largest amount and that is holding steady, and state funding is declining and currently at 14%. She said that fares and agency service continue to maintain the same percentage of JAUNT's funding. Ms. Shaunessy said that Albemarle provides the most local funding because they have the largest ridership, and Nelson County's share also includes Wintergreen and helps to support the routes in that part of Albemarle County. She reported that total expenses for FY11 were \$7.5 million, which is larger than usual because of new vehicle purchases that were greatly needed. She said federal money supports 80% of that cost; state dollars make up approximately 10%; so JAUNT was able to invest in some newer vehicles which helped lower operating costs. Ms. Shaunessy noted that the organization did end up a bit in the hole at the end of their fiscal year due to some issues they had to deal with last year.

Ms. Shaunessy stated that other accomplishments of the year were producing a transit development plan, which was state mandated. The state paid for the consultant, and Mr. Rooker was one of the stakeholders interviewed for the plan. She said that one of the great products that came as a result of the process was improved mapping that has enabled the agency to design more efficient commuter routes, adding that several routes were adjusted this year to go to the new Martha Jefferson Hospital. Ms. Shaunessy said that ADA service has continued to grow in the County over the years, increasing 33% over the past five years and, through federal law, an ADA passenger can call at the very end of a business day for an early morning pick up the next day.

Mr. Boyd asked for clarification as to that federal requirement.

Ms. Shaunessy confirmed if a locality has CAT service, then JAUNT must adhere to that policy because it receives federal dollars, which also controls how much JAUNT can charge.

Ms. Shaunessy reported that the rural services...there are two main services they provide: the blue line is the door to door service which can obviously change day to day. Then, there is the pure demand response where someone calls and can be picked up at any time, at any place. We try to channel as many people as we can in the rural routes because they are way more efficient and less expensive. What that means is, when someone calls from Crozet and wants to be picked up at 11 a.m., a dispatcher tells them that Crozet is not running at 11, but offers the service at either 10 or 12. Because the fares are different, there is a price incentive. Regarding transportation for the human services agency transportation, JAUNT got started as a dispatch center for human service agencies and then we took on the public later, so that is really close to their hearts; however, that service has fallen off over the years as agencies have decided that their folks are really public riders who can pay their own way. She said the agencies pay \$47 per hour to use the service, with the vast majority, 77%, are people who are riding to sheltered workshops and doctors appointments covered under the Medicaid program. She said the County does not pay for those trips; however, she said it could be part of the County's federal and state taxes. She said, over the summer, a PVCC shuttle and a PVCC summer camp shuttle was added. She said there are also lots of small agency programs; UVA social work occasionally wants to pay for their folks to ride, patients being discharged, etc. Under the PACEM program, if folks are traveling to or from an Albemarle church for the night during the winter, that is also part of the Albemarle County trip package, however, the County does not pay for that service. She mentioned that there are commuter routes to Wintergreen which are year-round, and they are gearing up to add another day of service for the winter ski season. She said the vast majority of Wintergreen riders are from Albemarle County, catching the bus at Barracks Road. Wintergreen pays for that, it's a corporate contribution. She said they added something similar to Shenandoah National Park just for the summer. Aramark gave some corporate contribution in order to bring people to work at Big Meadows. These folks tend to be clients referred to JAUNT by the international rescue committee, a population who, for various reasons, sometimes has trouble finding jobs. Ms. Shaunessy also mentioned that, in conjunction with Jefferson Area Board for Aging (JABA), JAUNT has a state grant to provide senior shopping trips with the local match coming from JABA and not from the County, with the busses taking seniors to farmer's markets, produce stands, and fun field trips. She also said that one of their JAUNT drivers, Brian Cropp, a Scottsville resident won the statewide rodeo this year.

Ms. Shaunessy presented the annual survey results just from Albemarle riders, noting that 100% said JAUNT provides prompt, courteous service, 100% said drivers drive safely, and 99% said drivers make them wear their seatbelts. She said the survey also asked if riders felt the service was reasonably priced, and 91% said yes with another 3% saying the trips were free for them.

Regarding the transit development plan, Ms. Shaunessy reported that JAUNT would need to expand if CAT service also expands and, outside of Albemarle, the recommendations are to add commuter routes from Waynesboro, Louisa, and Crozet all of which would benefit Albemarle services. She said the plan also recommends adding more mid-day routes from the outlying areas for sheltered workshops, doctor appointments, etc., adding that JAUNT received federal dollars which enabled them to add a mid-day service from Nelson County. Ms. Shaunessy stated that JAUNT Friends, their private nonprofit, just celebrated their 35th anniversary by raising \$3,500 and that arm of the agency is not staffed. She said this money allowed JAUNT to provide 98 books of tickets to people this year to those who cannot afford the fare, noting that for people who ride to sheltered workshops the cost to ride may be what they make in a given day.

Mr. Dorrier asked how long vehicles last and how often JAUNT services them.

Ms. Shaunessy responded that vehicles are serviced every 4,000 miles, and it's unpredictable how long they last – with 250,000 miles being the upper maximum – adding that 80% of the funding comes from the federal government. She also said the vans get only 8 or 9 miles to the gallon, with three out of four staff vehicles being hybrids. Ms. Shaunessy stated that JAUNT could convert the vehicles over to natural gas, but the cost would be \$100,000 per vehicle.

Mr. Rooker said that natural gas vehicles purchased new would not have that conversion cost.

Ms. Shaunessy said they have looked into purchasing natural gas vans, but there isn't much of a market for them and hence they are not as available.

Mr. Boyd asked if most counties provide a JAUNT-like service.

Ms. Shaunessy responded that more and more localities – such as Altavista – are adding services like JAUNT, as many companies such as factories are saying they won't locate in a community unless there is public transportation. It was their economic development people that lobbied for the service.

Mr. Boyd commented that the County needs to be aware of the shrinking state and federal dollars and to be aware of the possibility of increasing responsibility for the locality, which may not have the tax base to support such programs.

Agenda Item No. 20b. JAUNT FY12 Supplemental Funding Request.

The following executive summary was forwarded to Board members:

The Board's adopted FY2012 budget included \$922,025 of funding to JAUNT for operation of its public transportation services in the County. During public work sessions held on the County's FY2012 budget, the Board considered the impact of rising fuel prices on JAUNT's operation. Based on input from JAUNT, the Board considered whether to request JAUNT's Board to raise rates for rural customers by \$1.00 each way and institute a \$0.50 charge for transportation to Jefferson Area Board for Aging (JABA) facilities to offset rising fuel costs over and above the requested \$922,025.

Because fuel prices had decreased somewhat by the time the Board adopted its budget, fare changes and reduced services were not implemented by JAUNT; however, this agency acknowledged that it might have to approach the County during FY2012 to request supplemental funding and/or reconsider fare and service changes should fuel prices escalate. In June 2011, JAUNT forwarded a letter to the County indicating that since fuel prices had once again started to increase, it anticipated a \$250,000 shortfall in its FY2012 budget and indicated that the County's share of this amount would be \$71,000. JAUNT forwarded this letter to its five other member jurisdictions, and all but Albemarle and Charlottesville increased funding or fares and/or reduced service frequency to offset anticipated fuel increases to effectively reduce the overall shortfall by \$135,000. Charlottesville and Albemarle did not take action on the request and instead advised JAUNT to monitor its fuel prices in the first quarter of the fiscal year.

In October 2011, JAUNT provided the City and County with updated information indicating that fuel prices continued to exceed what was expected in its budget, creating an anticipated shortfall of \$120,000. The County's expected share of this shortfall is \$58,000. The City has agreed to fund its \$61,000 share of the anticipated shortfall.

In developing its FY12 budget, JAUNT assumed its cost of fuel to be \$2.54/gallon. Throughout the first four (4) months of this fiscal year, JAUNT's cost of fuel has averaged approximately \$2.90/gallon – a variance of \$0.46 per gallon on average. JAUNT consumes approximately 270,000 gallons of fuel each year for its operations. The variance in price factored by usage yields the expected \$120,000 shortfall.

In FY2011, JAUNT experienced a \$240,000 budget shortfall requiring its Board to utilize its fund balance to offset this shortage, leaving approximately \$555,000 in reserves to provide adequate cash flow and to address contingencies. At this level of fund balance the JAUNT Board maintains approximately ten (10) percent in reserves, which is reasonable and appropriate for a fund balance reserve.

Albemarle County rural area fares have not been increased since 1994 while other rural counties have agreed to either fare increases and/or service reductions during this 17-year period. JAUNT

estimates that if rural area fares were increased by \$1.00 and a \$0.50 per trip charge to JABA sites instituted, an additional \$24,000/year in revenue would be generated to offset the increasing cost of fuel.

Should the Board of Supervisors authorize supplemental funding for JAUNT in FY2012 to offset the rising cost of fuel, funding will have to be appropriated from the Board's "Reserve for Contingencies" fund. Currently, a balance of \$723,631 exists in this account.

Staff recommends that the Board authorize the appropriation of \$58,000 from its Reserve for Contingencies Fund to supplement its FY2012 funding to JAUNT by approving the attached budget amendment (Attachment A) in the amount of \$58,000.00 and approving Appropriation #2012045. This appropriation is for the anticipated County share of JAUNT's budget shortfall in the current year due to escalating fuel costs. Staff further recommends that the Board request that JAUNT build its FY2013 funding request based upon increasing fares in the rural area by \$1.00 and instituting a charge of \$0.50 per trip to JABA sites.

Mr. Elliott reported that, in the Board's FY12 budget work sessions last March when JAUNT's funding request was reviewed, there was a lot of discussion about the funding allocation and assumptions for fuel pricing that was made as part of their budget request. He said, at the time the Board adopted its FY 12 budget, fuel prices had moderated somewhat and the County agreed informally that, if fuel price increases reoccurred, the County would consider their request during the current fiscal year. Mr. Elliott stated that fuel costs have, in fact, started to increase again. JAUNT contacted not only Albemarle County, but all of the jurisdictions that JAUNT services. He reported that all jurisdictions with the exception of Charlottesville and Albemarle either raised fares, reduced services, or made modifications in funding levels. He said that it was the opinion of City staff and County staff to take a 'wait and see' approach and reevaluate in the fall. He added that Ms. Shaunessy came back in October with fuel assumptions at \$2.40-\$2.45 per gallon. He said that fuel prices have actually risen to \$2.90-\$3.00 per gallon. Mr. Elliott noted that JAUNT ended FY11 with a \$200,000+ deficit and utilized JAUNT's existing fund balance to cover that shortfall; however, they are hesitant to dip into their fund balance any further.

Mr. Elliott said that Ms. Shaunessy indicated the JAUNT Board was awaiting the County's decision as to whether to increase fares in the rural areas and begin charging fares to JABA sites. Mr. Elliott said the fare information provided was intended to give the Board a comparative look at rural route payments, noting that Albemarle's fares today, before any rate increase, are above the median of other rural routes. He added that, even with fare increases and charging 50 cents to JABA sites, there would only be an \$8,000 impact toward overall funding. He stated that, based on conversations with JAUNT and discussions with the City, staff is recommending an allocation of \$58,000 from the Board's reserve, which has a balance of about \$723,000 currently, to make up the shortfall. Mr. Elliott said if it's the Board's desire for JAUNT to adjust their FY13 budget to include fare increases and charges to JABA, there is the option to do that. He also stated that, based on the populations served, the more lead time the better for potential fare increases so that word can get out.

Mr. Rooker asked about the difference between proposed fares of \$3.60 versus \$5.20 for the general public.

Ms. Shaunessy explained that approximately 90% of riders are either over 60 or have a disability, and those who do not fall into either one of those categories are considered general public.

Mr. Rooker said, at one time, there was an estimate of how fare increases would impact ridership, and asked if an analysis on that information had been done this time.

Ms. Shaunessy responded that sometimes the fare increases make no difference, with Louisa having more people riding even after the fare increased for the mid-day route. She said that Fluvanna seniors are now being charged 50 cents each way to ride to the Senior Center, and attendance there is off 25%, with those seniors stating they can't afford \$1 a day even though they think it is a reasonable charge.

Mr. Dorrier asked about the decline in human services agency funding.

Ms. Shaunessy explained that Medicaid has been using for-profit companies to provide transportation, so there has been a big drop-off in the number of those riders, and a few other agencies have decided not to provide transportation anymore because their budgets are tight as well.

Mr. Boyd asked if JAUNT had reserves set aside to deal with fuel price increases.

Mr. Shaunessy said that the JAUNT Board has, indeed, discussed it, however, they have not had extra funds to put into a reserve as of yet. She said that is definitely in the program, but they have to have a good enough year to be able to build a reserve.

Mr. Dorrier stated that this is one of the more popular services offered, and he would be in favor of using Board reserves to help with the deficit.

Motion was offered by Mr. Dorrier to authorize the appropriation of \$58,000 from its Reserve for Contingencies Fund to supplement its FY2012 funding to JAUNT by approving the budget amendment in the amount of \$58,000.00 and approving Appropriation #2012045. (This appropriation is for the anticipated County share of JAUNT's budget shortfall in the current year due to escalating fuel costs.) Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Davis pointed out that the other item JAUNT was looking for direction on was the possible fare increase being part of the budget-building process for FY13.

Ms. Mallek said she thought that was inherent in the recommendation.

Mr. Foley responded that staff would just take that as a consensus.

Mr. Rooker noted that the County's fares had not been increased since 1994.

							APP #2012045
							DATE 12/07/2011
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: JAUNT							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
4	1000	99900	499000	999990	9999	-58,000.00	CONTIN-BUDGET ADJUSTMENTS
4	1000	59000	459000	563300	1005	58,000.00	JAUNT
TOTAL						0.00	

Agenda Item No. 21. Presentation from Cate Wyatt, President of the Journey Through Hallowed Ground.

Ms. Cate McGinnis Wyatt addressed the Board, stating that she is president of the Journey Through Hallowed Ground Partnership, which is comprised of fellow Boards and Councils and other stakeholders, and covers a swath of land stretching from Albemarle County to Adams County, PA. Ms. Wyatt said Journey has trustees and advisors as well as active standing committees that work to create the its programs, including directors of tourism from each of the CVBs in the 15 counties in the four-state area. She stated that the Leadership Council is comprised of representatives from each of the elected bodies, the Educational Committee is comprised of school systems' directors of curriculum development, and there is also a National Scenic Byway Oversight Committee, a Living Legacy Tree Planting Committee and an Audit Committee.

Ms. Wyatt reported that Congress designated this region in 2008 as the 38th National Heritage Area, because what's at stake is not only erasing or changing American heritage but also compromising the area's largest economic engine in this 4-state region which is tourism, a \$3 billion business within just the 15 counties and accounts for 54,000 jobs. She stated that, prior to beginning this collaborative effort, visitation to every site was trending downward, but by re-branding the region and letting people know they could travel one road to see all of this history and heritage, those statistics have turned around. Ms. Wyatt stated that, in the past year, the Journey was awarded the first "Hall of Fame" award from the First Lady's Foundation for Economic Development Initiatives, and their first ad campaign began: 400 Years on One Tank of Gas.

Ms. Wyatt showed the Board three 30-second ads which were produced in partnership with all the partners and members of the Destination Marketing Organization Committee using funds that were raised from individuals and a 3:1 matching grant from the VTC. Ms. Wyatt noted that visitation to most of the sites shown in the ads spiked after the campaign, although it can't be pinpointed as the only reason for the increase. She said the ads cost \$100,000 but they got \$250,000 worth of coverage over six weeks because they are a nonprofit, and noted they had terrific partnership from radio and TV from Philadelphia to Richmond to Albemarle. Ms. Wyatt said that the Journey also approached Warner Brothers, as they own both *Gods and Generals* and *Gettysburg*, and the director of those movies is one of the Journey's advisors. She stated that Warner Brothers agreed to do a limited, special edition DVD boxed set, with National Geographic creating a map of all the Civil War battlefields on one side with the Journey Through Hallowed Ground on the other. Ms. Wyatt mentioned that there are now 50,000 copies of the collector's edition set worldwide. She said they offer free maps to anyone who logs onto the website and requests them, and they are getting an enormous number of requests from people who have purchased the boxed set.

Ms. Wyatt reported that the Journey has brought to Albemarle County the "Of the Student, By the Student, For the Student" project, a \$40,000 partnership with the public school systems and involves Monticello inviting middle school students to talk about what they found most interesting about Monticello and Thomas Jefferson. In collaboration with the school system, she said they celebrated their sixth year with the "Extreme Journey" summer camp, which had 22 campers, and they are already setting up registration for next year's camp. She said they underwrite the camp at a cost of approximately \$30,000. Ms. Wyatt stated that the Journey has concluded their second year of "Teach American History," which brings teachers from the Virginia Beach area to Albemarle so they may learn and experience the history here. She said that the Journey hosts lectures throughout the region, bringing in a variety of speakers on

a number of topics related to their focus. Ms. Wyatt stated that the Journey hosted its annual meeting at Monticello, bringing in Richard Dreyfuss and partners from U.Va. and the Darden School, and also brought in "Bike Virginia" which brought in over \$1.5 million over several days.

Ms. Wyatt noted that the Director of the National Park Service created a video that became required viewing for the Park Service, stating that the Journey is the best public/private partnership the Park Service has and one that should be emulated. Ms. Wyatt reported that the Alliance of National Heritage Areas would be hosted in Charlottesville this spring, bringing people in from all over the country. She said the Journey is the 99th road in the country designated by the Secretary of Transportation as an important destination in and of itself. She pointed out that this designation was an arduous process that included 60 community input sessions over 20 months and that the plan just won the national award for the finest plan in the country. Ms. Wyatt also mentioned that part of the plan specified that all of the communities wanted to have a collaborative landscaping plan, and it was agreed that they should work together to plant one tree for each of the 620,000 men who died in the Civil War with the plantings to be along this national scenic byway from Monticello to Gettysburg. She stated that the Journey has now raised \$500,000 largely through private funds for the engineering design work for this project, and issued a national RFP which resulted in selection of Roadside and Harwell. Ms. Wyatt said this would move into a pilot project that would begin in March 2012.

Ms. Wyatt reported that the Journey has raised \$1.6 million through a grant which will be used for way-finding signs that will help people know when they have arrived to a natural heritage area, and those signs would be similar to the brown history signs currently found in certain travel areas. She stated that the plan now is to include fewer signs in an effort to reduce clutter, and focus instead on smart phone apps that would be augmented with brochures. Ms. Wyatt said they have raised 80% of all funds needed, and have broken down, by county, the number of signs desired and the total cost, with Albemarle's 15 signs costing \$175,000 of which \$140,000 already raised.

Ms. Wyatt stated that, over the past five to six years, the Journey has raised and expended \$1.7 million in direct services to Albemarle County alone and, to date, direct contributions from the County have been about \$10,000. Ms. Wyatt explained that the next step would be to move forward with the design of the gateway signage, and encouraged the Board to participate in upcoming leadership council and destination marketing committee meetings. She said the living legacy tree planting program committee and way-finding review teams also meet quarterly. Ms. Wyatt closed with a quote from one of the summer camp participants after they were asked what they liked best about the camp: "Is that a trick question? I loved it all."

Ms. Mallek thanked Ms. Wyatt for coming to the meeting and sharing information.

Mr. Rooker asked Ms. Wyatt what the Journey was looking for from the County, and mentioned the \$35,000 match for signs.

Ms. Wyatt responded that the whole plan was designed with input from localities and business owners, and the match for the grant application is \$35,000. She said the Journey has had to work with each state in order to get one application into the Federal Highway Administration, and they were thrilled to be selected as one of the top choices. Ms. Wyatt stated that in order to install these signs, she has requested funding from the General Assembly but this request may not be successful. She said there might be ways to raise the monies other than directly from County funds.

Mr. Dorrier asked if they were getting money from Monticello.

Ms. Wyatt responded that they have not requested it, but Monticello has done a lot for the Journey; however, Monticello is a very strong partner which has allowed them to save money and to make money through various functions held at Monticello.

Mr. Rooker asked if the local school system contributed to the summer camp expenses.

Ms. Wyatt responded that the Journey pays for the teachers and buses, but gets to use school facilities free of charge.

(NonAgenda. At 3:06 p.m., the Board took a recess and reconvened at 3:15 p.m.)

Agenda Item No. 22. Five-Year Financial Plan Work Session.

Mr. Foley reported that there have been some inaccuracies in media reports regarding dollar amounts that might be returned to the County and City from the Charlottesville/Albemarle Convention & Visitors Bureau (CACVB), and stated that the correct amount is \$250,000 to each locality. He also said that the resolution before the Board is not very clear as it pertains to what money is dedicated for what purposes. He explained that the CACVB Board serves somewhat like a City/County department in that they are not an independent entity with certain obligations on the money. Mr. Foley emphasized that the investment the Board has made in tourism is an important one and has a return to the community, but staff will address why this particular proposal was put into the five-year financial plan. He said there is \$50,000 planned to come back to the County and the City in each of the years of the five-year plan, and asked Ms. Catlin to explain the logic of the proposal and added that Mr. Davis would then clarify the organizational agreement that exists as it pertains to the use of that money.

Ms. Catlin said there was a lot of work that went into scrutinizing expenditures for the five-year plan in an effort to ensure that money was used in the best and most effective way, adding that the County has had to refine its approach to community agencies with a focus on performance, core services and fund balances. She stated that this process caused staff to focus on the very significant fund balance that has been accumulated by the CACVB over the past two years. She said that, when staff first presented the five year financial plan to the Board in November, the consideration of drawing down that fund balance to a 20% level and sharing the funds beyond that level with the City of Charlottesville to support tourism initiatives at the jurisdictional level, was brought up. She pointed out that this approach was one that was agreed upon and endorsed by the City Manager's Office. Ms. Catlin said the examination of the CACVB fund balance was part of an overall scrutiny of departmental fund balances, which are redirected if funds are unspent and ensures those unspent funds are put to their best use. The rationale for that redirection being that excessive fund balances beyond a reasonable level is taxpayer money which is not being used efficiently and effectively. She added that staff believes it is incumbent upon them to take a careful look at that issue and bring it back to the Board for discussion.

Ms. Catlin stated that the CACVB fund balance is currently at approximately \$770,000 or 65% of the CACVB's total operating budget. She pointed out that, even through the recession, the County has maintained its strong financial commitment to tourism marketing through an agreement with the CACVB to provide funding. She said there is no mechanism in the agreement that sets an appropriate fund balance level or disperses funds in excess of a reasonable level, so that needs to be considered as part of this discussion and process going forward. Ms. Catlin said the CACVB would need to spend about \$500,000 to draw the fund balance down to a 20% level and, in this year's approved budget, they have \$400,000 dedicated to direct marketing funding with about 21% spent to date. She said staff felt that was a considerable amount of funding to be expended for tourism marketing. She stated that the reason this was brought to the Board's attention was to emphasize that the overall visitor experience in the community is not just dependent on direct marketing, but also relies on the ability to deliver quality facilities and programs in areas such as parks and boat launches and trails and bike lanes.

Ms. Catlin stated that discussing expending excessive CACVB fund balance on the types of projects that contribute to a positive visitor impression and lead to repeat visitation is an option staff felt was important for the Board to consider, given the very challenging economic times. She emphasized that the proposal brought forth is not meant to be punitive but reflects staff's desire to ensure those funds are working actively in whatever way is best to support tourism initiatives in the County.

Mr. Rooker said that money sitting in an account somewhere is not encouraging tourism.

Ms. Catlin stated that the CACVB has stated they are committed to a direct marketing program and expending the funds, so that commitment is coming forward from them.

Mr. Rooker said that the presentation from Journey Through Hallowed Ground demonstrates the type of program the CACVB should be supporting. He said that initiative is an example of one having a big imprint on tourism throughout a large corridor and one that allows the County to tie in and leverage some local dollars in a way that might bring more tourism to this area. He emphasized that the main point he wanted to make is not who spends the dollars, but that the dollars get spent in a way that's effective, and in a way that the County is comfortable with. Mr. Rooker stated that he is bothered by the CACVB's promise of a plan and its failure to deliver on it. He said he would like to ensure that there is a good, effective plan in place to leverage those dollars for the community's good.

Ms. Catlin agreed, stating staff brought this to the Board's attention in an effort to ensure those dollars are working hard in whatever way they need to.

Mr. Boyd asked if the Board should delay action on this item until the CACVB brings their plan back, which they had indicated would be ready before Christmas.

Ms. Mallek stated that, if the marketing plan that has been promised would be ready by the January 4 meeting, that's acceptable to her.

Mr. Boyd asked for a refresher as to how the tourism dollars are allocated.

Mr. Davis explained that the County is enabled to have a 5% transit occupancy tax, and the limitation is that the first 2% can be used for general fund purposes with the remaining 3% being designated and spent solely for tourism and travel, marketing of tourism or initiatives that attract travelers to the County and generate tourism revenues. He stated that the tax subject to the limitation could be spent on a broad range of tourism related projects, such as certain Acquisition of Conservation Easements (ACE) properties that qualify if they have tourism value, in addition to park improvements, road improvements, and festivals of which all qualify for the 3% funding.

Mr. Rooker asked if there is a legal requirement to have a Convention and Visitors Bureau.

Mr. Davis responded that there is not, adding that the City or the County could have a Visitors Bureau as a department of government and there are many localities that do, but state law also allows for two localities to enter into a joint exercise of powers agreement whereby those functions could be done jointly, which is what Albemarle and Charlottesville have done in the formation of the CACVB. He explained that the City acts as fiscal agent and, in the agreement, the funding formula stipulates that 30% of the City's and County's prior year's transient occupancy tax revenue will be appropriated for the CACVB function. He said that equates to 1.5% of the 3% of what is dedicated to tourism funding. Mr. Davis

stated that there is no legal requirement that the money be spent by the CACVB, and the County could request that money back with the only limitation being the requirement of the 3% being spent on tourism-related initiatives, which is much broader than just promoting tourism. He said that in the current budget part of the 3% goes into funding parks and recreation functions and some other specified events related to tourism, with the 2% being General Fund money as has been done in the past.

Mr. Boyd stated that one of his first committee roles was serving on the CACVB before the structure was modified. He explain that the County decided, at that time, to make it less of a political committee; so a restructuring was done that included benchmarks and, at times, the CACVB was exceeding those benchmarks. He said that has tapered off somewhat in the last couple of years. He said he would be willing to give the CACVB an opportunity to come back to the Board with a plan, and doesn't want to get into a pattern of drawing back dollars because those funds had not been expended. Mr. Boyd also stated that he agreed with Mr. Rooker that better reporting was needed, including an update on an annual basis.

Mr. Foley said another item to be considered was whether the current agreement needed any amendment, such as a fund balance level cutoff that would return money to the County if the dollars were not spent. He stated that the Economic Vitality Action Plan speaks to tourism and the rural economy as part of the plan, and the question might be how some of those goals could be accomplished.

Mr. Boyd said he agreed, but said he is willing to wait for the CACVB to come back with a plan, perhaps with a self-policing mechanism included.

Mr. Foley stated that his goal was to provide some background for the Board while they wait for the proposal to come back from the CACVB, but pointed out that staff did include some of the money in other areas of the five-year plan.

Mr. Snow asked if the Journey Through Hallowed Ground was being funded by the County.

Mr. Foley replied that the County was not funding that program.

Mr. Snow said he would like to see that initiative included in the proposal.

Ms. Catlin stated that a direct marketing plan from CACVB and the Board would include elements like that, and perhaps some shifting of funds toward other established events such as local festivals.

Mr. Rooker said it's a small part of the overall five-year plan and he is willing to wait until the beginning of the New Year when CACVB has had a chance to respond to some of the issues raised at today's meeting.

Ms. Mallek agreed, but said she has a very high performance bar on what's expected and she doesn't want this issue to disappear into the Board's six-month calendar. She said suggestions have been provided, but those have never gone anywhere and she would like to see that stopped, because the County is providing many hundreds of thousands of dollars to this operation and the Board should demand some results. In addition, Ms. Mallek emphasized that the County's name is nowhere on the CACVB's website front page.

Mr. Boyd agreed and said he had been a part of the discussion to change the name.

Ms. Catlin stated that there would likely not be a full-blown marketing plan ready from the CACVB but certainly some outline and steps can come back.

Ms. Mallek said the CACVB promised a marketing plan would be ready in two weeks.

Mr. Foley said that staff would provide an update at the January meeting, and this is just part of the process that must be considered. He added that there is positive reaction from CACVB and they recognize that some of the tourism type items that the County has been funding in the past are appropriate things that CACVB should be funding in the future.

Mr. Foley reported that staff would provide the rest of the five-year plan review, including some new information on a VRS rate increase that has become available since the Board last met and added that the anticipated outcome would be Board approval on a five-year financial plan and, in turn, provide guidance for the development of the FY13 budget. He said that staff would like some direction from the Board on their top priorities for the next five years in addition to a recommended tax rate which the Board feels is appropriate to achieve those goals. Based on the Board's direction, staff can then determine what the final numbers will be in the five year plan.

Mr. Foley stated that the County held the line on taxes in FY10, reduced taxes the last two fiscal years, reduced the budget by \$30 million, and eliminated 66 permanent positions which put the County back to the FY02 per capita staff level. He said the County has repositioned 22 positions beyond those 66 within the organization to core services, reduced the volume of capital projects in the five years by \$118 million, reduced local support to the School System by \$4 million or 4% and, during this period, increased revenue sharing to the City by 33% or \$4.5 million. Mr. Foley stated that the County has focused on efficiencies and utilized other revenue sources such as grants to offset that loss, privatized and restructured operations, reduced and eliminated services, increased the use of volunteers and interns, enhanced the use of technology, and has continued to scrutinize expenditures at every opportunity. Mr.

Foley mentioned that the County did a program and service review of all programs and services, had a consultant do a resource management review to look at efficiency of spending, and began the process of doing zero-based budget review by department, as well as scrutinized all available fund balances. He stated that the County has cut back and become more efficient, showing responsiveness to the economic downturn from reducing taxes during a time of revenue decline to the restructuring and repositioning of the entire organization.

Mr. Foley said that staff developed two scenarios for the five-year financial plan, with the principle issue being whether to provide a third year of tax reductions and move forward on a status quo basis or to hold the line on taxes through an equalized tax rate and attempt to make some modest progress on the Board's priorities and on a few of the demands which the County is facing. He stated that it's important to note, for the five-year plan period, that the reductions and repositioning continue, taxes for the average homeowner are maintained below the FY09 level and efforts to collect misdirected and delinquent tax revenues have been maximized. Mr. Foley said the plan also begins preparing for anticipated state and federal revenue reductions and continues to focus on alternative revenue sources such as EMS revenue. He stated that staff has already assumed there must be four more eliminated positions, which would be accomplished through restructuring and attrition so there would be no layoffs. Mr. Foley said it restructures or has reductions in funding for community agencies, addresses new obligations and mandates for local government, increases reliance on grants, volunteers and partnerships, continues the scrutiny of all available fund balances, and reallocates to core services, and addresses new financial targets to protect the County's AAA bond rating. He emphasized that this five year plan could not have been balanced without continued repositioning efforts and restructuring.

Mr. Rooker asked about the possibility of fewer grants being available, especially on the federal side, as budget cuts become more of a reality.

Mr. Foley responded that staff has discussed that possibility and there are some assumptions in this budget that rely solely on grants, adding that there is some risk there and some challenges ahead.

Mr. Boyd asked if those grant-funded items are considered core government functions.

Mr. Foley responded that that item would be considered an enhancement to be moved into a core function of generating its own revenue as well as bringing some benefit to other core functions. Staff is looking for a transformation in that operation so it can be self-reliant. He stated that the organization in question is the Commission on Children and Families (CCF) which, at one time, managed CSA funds and coordinated a big community process, and has now been shifted or streamlined. Staff has discussed this matter with the CCF staff so they are aware of situation.

Mr. Boyd commented that the non-core or enhanced services would need to be identified first, before reductions are made to core services such as public safety and education.

Mr. Foley said staff has provided that type of review in the budget document, however, some will have to be a judgment call by the Board as to its values and priorities. He stated that staff has already eliminated enhancements, and CCF, a joint operation with the City and one of the last things to go. He said staff is open to more discussion with the Board on that as it figures out how to go forward in the future. With the initiatives staff has done in the last three to four years and what is looming over the next five years, staff is already relying on any enhancement the County has. He pointed out that there are four positions that will have to be restructured or moved forward in a different way. Staff will look to the Board on how it would like to move forward on these issues.

Mr. Snow asked if the Festival of the Book and the Virginia Film Festival have been funded by the County or the CACVB.

Mr. Foley responded that the County has funded those two items out of the General Fund but, in the five years going forward, the responsibility has been shifted to the CACVB. He said that the CACVB has stated they feel it's an appropriate use of their funds, but they may differ on which items they feel are tourism related and there will be some discussions going forward. Mr. Foley said staff would provide a list items that have been shifted out of the County's budget.

Mr. Foley reported that there is nothing in the five-year plan that allows for any additional funding to the School System to assist them in dealing with the VRS rate increase which is an issue that they will have to face. He pointed out that there is a huge difference between the current rate and the equalized rate in terms of what the Schools would receive in General Fund dollars to support the potential VRS rate increase. He said, on the local government side, the impact could be \$825,000. Because Schools have many more employees than Local Government, the impact on them will be significant. He added that Schools will actually see less money by about \$250,000 in FY13 because of the decline in property values, which affects the funding formula. Mr. Foley noted that the General Assembly may give Schools some relief, but that is unknown at this time and something the School Division will have very little control over. He pointed out, of all the things going on in the budget, the Board may ask Schools to handle that issue within the funds that are allocated to them; the VRS rate is one that the County will have to think about as the Board considers what the tax rate should be. Schools may be able to make adjustments in their budget for other things and may even be willing to look at the 17 positions that were funded with one-time monies last year.

Mr. Foley clarified that the \$5.3 million gap identified in school funding does not take capital money into account. He pointed out that the Capital Improvement Program (CIP) will be presented to the

Board next week and the Board will see that Schools are proposing moving the cost of buses over to the CIP, where there is currently no funding for that item. He explained that, policy-wise, the Board can opt to move in a different direction but wanted to make Board Members aware of the impact which is to move \$1 million over to the CIP. He added that the Oversight Committee's recommendation supposes that there will be funding coming from the School System or some other place to pay for those buses, however, the School System has not indicated they will provide funds at this stage.

Mr. Boyd said he had expressed concern last year about of the 17 positions being funded with stimulus dollars, and the Schools assured the Board that the teachers would be temporary. He added that Schools are now turning around and doing exactly what he thought they would do in saying these are positions they cannot do away with.

Ms. Mallek agreed that those teachers were hired that way and were told the positions would only be there for two years, and said she doesn't feel an obligation to sweep them into the regular budget without a very good explanation.

Mr. Rooker said, even if those teachers are let go, there is still a \$5.3 million shortfall.

Mr. Foley stated that the School Board would need to provide more detail, but they have communicated that they thought the Board had encouraged them to use fund balance money to get them through another year.

Mr. Foley presented a 'watch list' of some significant issues that may be on the horizon, such as VRS for Schools, funding for capital needs for both local government and schools, school enrollment trends, the Chesapeake Bay TMDL mandate, reductions in state and federal funding and the possibility of devolution of the secondary road system to local government. Mr. Foley said that staff has set aside some funds to address the reductions in the first year but, for the long term, staff would need to see how it affects the County, particularly in the area of Social Services and Education. He stated that, even under the equalized rate, the plan was a very modest one adding that, while staff factored in an increased cost of \$600,000 for VRS rates, that amount ended up being more than twice that amount. Mr. Foley noted that the VRS rate is increasing from 15.14% to 18.99%. He said group life insurance rates would be increasing from .28% to 1.32%. He stated that there has been an \$825,000 impact from when the Board met just a few weeks ago, and the VRS item had already moved up by 15% in staff's budget. Mr. Foley said that a 1.5% salary increase is included in FY13, approximately a \$600,000 increase, so cuts in services of about \$225,000 would be needed if the tax rate were to remain the same. Under the equalized rate, he said staff would not be able to accommodate several items. Mr. Foley said every locality and every school system in the state will be hit with this. He pointed out that this is a reality that staff was not aware of about a month ago.

Mr. Foley emphasized that the two things staff needed from the Board were what its most important priorities were, and what rate would be necessary to support those items. He said the two scenarios presented to the Board by staff included reducing taxes for a third year or holding the line on taxes.

Mr. Boyd asked if the Crozet Library could still be done under the equalized rate, or if it would fall off the list.

Mr. Foley responded that, after the VRS rate increase under the scenarios provided earlier, with a 0% increase in salaries for the first year required to offset the VRS increase, there would still need to be \$225,000 in cuts. With a 1% increase, he said, there would need to be \$400,000 to the bottom line cut. He stated that with the equalized rate, staff could take the salary increase from 2% in the original model and move it to 1%, with the EMS service at Pantops and the library operating costs being removed, and the County would still have to come up with \$125,000 in reductions. At the equalized rate, he said, there is an assumption that half a penny of the equalized rate is dedicated to capital, which means the County could fund the library construction, the firing range and the engine on the capital side, but there wouldn't be enough money on the operating side to cover the library operations.

Mr. Snow asked what percentage of the \$200,000 is the library's total budget.

Mr. Elliott said the total operating allocation the County provides to JMRL is about \$3.2 million, and their overall operating budget is around \$5.5 million, therefore, the Crozet Library operating costs would increase by approximately \$200,000.

Mr. Snow said that local government and schools have come up with ways to restructure positions in order to reduce their budgets, and perhaps the library could come up with a way to get that extra \$200,000 to solve the operating end of it.

Mr. Foley said that would assume the equalized the tax rate, which the Board would have to agree to move forward on.

Mr. Rooker stated that the County did not fully implement EMS charges, but is about halfway there, adding that there is over \$1 million a year that the County could be obtaining by charging Medicaid and Medicare and insurance companies for EMS services. He said that he and Ms. Mallek attended a TJPDC meeting in which each county reported on what they did in their area. Louisa County said they have 13 separate volunteer units and just passed an ordinance requiring all separate companies to come under the ordinance and all charge for service, which they said has been working very well. Louisa

obtained an option by which they did not have to bill citizens for EMS transport services, billing only insurance companies, Medicaid and Medicare. The opinion is citizens are already paying for the service through taxes and he said the County should take a hard look at an ordinance requiring companies to charge for transport. Mr. Rooker stated that about 90% of the country live in areas where they are billed for those services, and, for whatever reason, the County seems to be behind the curve on this.

Ms. Mallek said the County was told it had to bill every person, and if the County can go on the same program that Louisa County has, that would erase most of the resistance.

Mr. Rooker suggested obtaining an opinion that stated the program would not be out of compliance because it didn't bill citizens directly. He said a compassionate billing system is in place now and seems to be working pretty well; there haven't been complaints.

Mr. Snow said he had someone come into his office recently and complain about it but, once he understood the cost of the apparatus and the expense to keep the department running, he felt very comfortable with it.

Ms. Mallek suggested that Mr. Foley talk with Maurice Jones because, if the City and County both went together on this, it would remove the problem at CARS, noting that City Council was resistant to having their citizens billed. She would like to know if the City would be resistant if they knew their residents would not be billed and thought that would help alleviate some hurdles.

Mr. Boyd asked how much does the City contribute to emergency services.

Mr. Thomas said the City does not contribute anything, other than the property for the building.

Mr. Boyd said, when this issue was discussed previously, those revenues were going to go back to the rescue squads.

Mr. Rooker said this option would eliminate the subsidy that the County is presently paying.

Mr. Boyd said he would have a hard time explaining to his constituents in Rivanna that EMS services, a core service, would be removed from Pantops in order to support a bigger library in Crozet.

Mr. Rooker said that the change in billing would provide the money needed to support emergency services.

Mr. Foley said if the Board wanted to make an adjustment to this plan that works toward implementation of EMS fees in other parts of the County, staff can go back and calculate it and fold it into the plan. That will actually help balance out getting the person on Pantops and also work toward the timing for Crozet Library operating expenses.

Mr. Boyd said the County could either change its ordinance, which requires everyone to charge the fees to the insurance companies, Medicaid or Medicare or it could simply hold back its support for CARS and WARS and use that money to support Pantops. The better option would be the first one because those entities would continue to get the same funding and the County would get some extra funding to supplement services where those are needed.

Mr. Foley said the County has 2-3 career staff running out of the CARS volunteer station. He said another scenario could be the allocation of a person to Pantops and then the County wouldn't need the \$85,000. If, however, CARS chooses not to participate, the County would need to decide how to proceed at that point.

Mr. Rooker noted that there would be no cost to citizens in billing insurance companies, adding that the County has a significant commitment to emergency services of all kinds in this community, however, this idea of billing would allow the County to recover a small portion of the operations of those services. He pointed out that it would be fiscally irresponsible not move forward with this idea and stated that the County needs to have the will and resolve to get this thing done in the same way that surrounding communities have done.

Mr. Thomas said the County would need to initiate the conversation with both squads.

Mr. Davis noted that the only complicating factor on the Inspector General's opinion, which would allow the County not to bill private individuals for any unpaid amounts not covered by insurance, is that it would only apply to citizens in Albemarle County. He said that, under the County-operated revenue recovery system, if one of the County squads ran into the City, they would still have to bill City residents for any unpaid amounts.

Mr. Rooker said that's the same way it works reciprocally with other localities that make runs into Albemarle County.

Mr. Davis pointed out that the County would need to design a specific system before it asks for a formal opinion on the legality of this. He added that the opinion should be based on the facts that are in operation. As long as the County knows what it is going to implement, then it can request an opinion for that scenario.

Mr. Rooker said the County needs to focus on the fiscal reality here and not get bogged down in months and months of discussion, as it has done in the past. In one such meeting, he was told by both the CARS and WARS representatives that, once the County had its program in place for 2 or 3 months and they see how it was operating, they would join in. He stated that that has not happened. He noted that Louisa County was able to put this billing system into place within a year.

Mr. Foley said if the Board wants to pursue this direction, staff could come back next week with some more information on EMS billing and show them the scenario in the first year. He said he would also speak with Mr. Davis to determine how long he would need to develop an opinion.

Mr. Foley stated that he also understood the Board to say that it wanted to look into having the library participate in the Crozet Library operating cost, so staff would need to assume some reduction in what is being provided to the library system now with reallocation to Crozet. He said that it's all one big pot of money, with the library expected to do the reallocation.

Mr. Snow said that it would be a scenario that the Library Board should consider and they should come back to the Board with what they believe is possible on their end.

Mr. Rooker said that a lot of this is personnel expense, so it would be incumbent upon the library to recruit as many volunteers as possible.

Ms. Mallek responded that there's no doubt they would make that effort, noting that the staff request is only 1.5 personnel.

Mr. Davis pointed out that there is a difference as to how libraries are funded, with Crozet and Scottsville being 100% county-funded under the agreement and Northside, Downtown and Gordon Avenue libraries being jointly funded between the City and County by a formula. He said when the Library Board reduces funding for the shared libraries, it also reduces the funding obligation of the City for those shared libraries. He pointed out that the only library expense the County pays 100% for that could be reduced would be libraries at Scottsville and/or Crozet.

Ms. Mallek asked for an explanation of the County's intent for the library to absorb the \$200,000.

Mr. Foley said there is an extra cost with the \$200,000; either the County would need to have more revenues coming in to offset it or leave the funding as is and expect the Library to incorporate that amount into their total budget. The Library would think of this as a 'cut' because it would be a new expense.

Mr. Davis pointed out that it would require the Library to cut services at the shared libraries, which would affect other jurisdictions.

Ms. Mallek commented that the Library may be able to increase the number of volunteers because there would be adequate space to handle the increase in volunteers. She said she was under the impression that there would be a capability to cover the extra staffing requirement in the early years.

Mr. Foley said, if he is to come back next week with a five year plan that is balanced, there would need to be an off-setting revenue for that \$200,000. He said he would have to figure out a "no increase" for the library to include an assumption that, by the third year, there would be \$200,000 to open the Library in the model. He pointed out that the key is that the library operating impact is not until the second or third year, depending on the construction schedule so, for next year, the biggest issue is whether there is support for an equalized tax rate. He said he has heard there is support for moving ahead with EMS billing as soon as possible, including operating costs for the Crozet Library which is currently not funded, and there is also the question about the market moving on salaries because staff's straw man shows that changing from 2% to 1%. He asked the Board to give him some direction because, to the School Board's understanding, staff said the percentage should be somewhere between 1% and 2%; with 2% being the higher end based on World at Work. That percentage is one for the Board to give direction on; however, none of this works without the equalized rate.

Mr. Snow said he would support building a budget on the equalized rate.

Mr. Rooker said he agreed, and mentioned previous discussions of establishing a formula approach to setting tax rates based on maintaining equalization, adjusting upward based on changes in population growth or other factors. He stated that the Board has been subject to people coming in and talking about tax rates and not a lot about equalization because it better suits their argument. He stated that he supports the equalized rate along with exploring the idea of a formula approach going forward. Mr. Rooker emphasized that the Board always reserves the right not to follow that rate if there is some type of emergency but said doing that would allow for easier, smoother financial planning.

Ms. Mallek commented that perhaps a 1% increase is a better starting point for building a budget.

Mr. Rooker mentioned a list of items that are not being taken into consideration, such as TMDL expenses, which are not reflected in this five-year plan.

Mr. Dorrier asked if lay-offs were a possibility.

Mr. Foley said staff would have to look at county services in a much more in-depth way than they have done in the past because there have been so many cuts made up to this point over the last several years, and this would require staff to go to the next level in looking at services. He stated that there are people involved in services so, at the current rate, that would be very challenging. He said he would hope that the County would not have to go there but this would depend on how the Board wants to approach this issue. He added that staff would have to go back and do some thinking about other options at that point.

Mr. Dorrier said he could support an equalized tax rate, as the County has cut taxes two years in a row and held steady one year. He stated that he doesn't like to increase taxes, and the Board is a fairly conservative group, but equalizing the rate would prevent the County from having to lose personnel.

Ms. Mallek stated that supporting an equalized tax rate does not mean opening up the floodgates for all sorts of wild spending, and the County would continue to be frugal as it has been for the last four years.

Mr. Boyd asked what equalizing the rate would mean in year two and also over the five years.

Mr. Foley stated that, in the five-year plan, the tax rate would stay at that level throughout the period.

Mr. Boyd said his only reservation in supporting the equalized rate is that the County would build a budget around that rate, rather than building a budget based on core services.

Mr. Foley stated that the items on the watch list are real things, particularly as it relates to state and federal reductions, so the County would have to continue to plan for those. He also said that human services is the only area in which the County is above its benchmark localities, and this plan reduces those but there could be further ways to go, so staff needs to look very carefully at that with the option remaining in the future for further adjustments.

Mr. Boyd said he would go along with the equalized rate for the time being, but said he would still be asking a lot of questions about the actual budget going forward.

Mr. Rooker said those are discussions that will be important to have but the Board should not forget the school side of the ledger, because they are looking at a massive deficit without the equalized tax rate.

Mr. Thomas stated that he would also support looking at the scenario with an equalized rate.

Mr. Foley briefly reviewed the items to be reflected in the budget using the equalized rate. He added that staff will look into the EMS revenue and how much that would generate. He said the idea is to attempt to fund all the things the County was funding under the equalized rate before today with the VRS rate impact, including the library operations, EMS service at Pantops, and the dedicated half cent to capital among other items.

Mr. Rooker emphasized that he would like to see an effort toward reducing the library operating costs as much as possible through volunteer efforts. He said the citizens of Crozet have shown huge support for getting that done, but the Board needs to be looking at them and saying, 'help out on the operating side by having a significant recruitment effort to reduce that operating expense.'

Mr. Foley said he would suggest drafting a letter on this because of the controversy around this and making sure it is very clear what the Board's position is, but staff will follow up on that and bring it back to the Board at the next meeting to make sure that is what the Board intends.

Mr. Boyd commented that the size of the Crozet Library does not need to be a "Taj Mahal" and stated that anything that could be done to reduce those costs would save debt service.

Mr. Rooker said the design has already been done and it has been determined that the size of the building is a reasonable size for that community, especially if the County wants to build something that will be serviceable 15-20 years from now.

Ms. Mallek stated staff has been paying close attention to costs, and the whole idea of building it now is to save on construction costs.

Mr. Snow said he would like to see it go out for bid as soon as possible, with bidders bidding on the project as drawn. He did not want to see the overall integrity of the building diminished but with an eye to savings wherever possible.

Ms. Mallek pointed out that, over the last several months, there had been value engineering done on the project, and the cost has come down another million dollars.

Mr. Letteri added that value engineering had, indeed, been done and Mr. Snow's suggestion would be to ask architects to include a series of deduct alternates so that builders have an opportunity to reduce items in the plan as they go out.

Mr. Boyd said he doesn't want the situation to be like the Hollymead Fire Station, which he thought was way over-built.

Ms. Mallek said value engineering was used on that building as well.

Mr. Rooker stated that the exterior of that building was dictated by the Research Park, however, the interior is not at all over the top adding that he thought it is very utilitarian. He mentioned the inclusion of sleeping quarters in the firehouse, which the County had thought would save money in the long term.

Mr. Boyd said, if one compares that building to the Stony Point Fire House, there is a lot more cost involved.

Mr. Foley asked for confirmation that the Board was asking staff to proceed with the bidding and construction of the Crozet Library.

Mr. Boyd stated that the CIP would need to be approved first.

Ms. Mallek said the project would need to go out to bid first in order to come up with an accurate estimate for it to be put into the CIP.

Mr. Thomas stated that putting the project out to bid would boost the morale of the people in Crozet and provide some enthusiasm for raising money.

Mr. Rooker said that sending an RFP out is not the same as signing a contract. He said he supported putting a RFP out.

Mr. Letteri stated that bidding a project of this complexity is quite an undertaking for various construction firms in the area, and he said he wouldn't want to ask the firms to do that until funds are appropriated.

Mr. Rooker said the County never appropriates funds before a project is bid.

Mr. Foley said the question is not about the appropriation, but whether the Board would make a motion to proceed with the bidding and construction of the Crozet Library. He stated that the financial plan assumptions just approved by the Board, regardless of what the Oversight Committee recommends next week, means the Board is putting forth a plan that says the County is moving forward on the new library.

Mr. Boyd stated that the CIP process should be undertaken first, and that is scheduled to occur next week. He said he would like to go through that process before the Board votes on the library.

Ms. Mallek said there are five companies in town who are dying to bid on this project and said those firms understand the uncertainty of preparing a bid that might not win.

Mr. Rooker noted that if bids come back 50% higher than expected, the County wouldn't go forward.

Mr. Davis emphasized that the legal requirement is that, prior to executing the contract, the money must be appropriated, and Mr. Letteri's point is that it's vital to have a commitment to the project publicly so that all bidders would feel it's worth their time to bid the project, which is a complicated process.

Mr. Boyd said what's being considered is approving a financial plan along with the first step of appropriating funds for it, which is two different things and he could not support it tonight.

Mr. Rooker stated that it's not an agreement to appropriate funds and, like everything else the Board puts in plans, there should be some movement on the part of the County to allow the library to get going based on the assumption that if the money is there, it would go forward. He added that it is our highest priority project along with these other two projects that are in there.

Mr. Snow said he would support it along with a note in the documents pertaining to value engineering and deduct alternatives, adding that he was sensitive to what Mr. Boyd said as well.

Mr. Foley stated that the other alternative would be for staff to come back next week with the five-year financial plan that would provide clarification of the Board's action.

Motion was offered by Ms. Mallek to direct staff to prepare the RFP bid package for the Crozet Library with the information as recommended by Mr. Snow regarding cost savings. Mr. Rooker **seconded** the motion.

Mr. Boyd asked how long it would take to prepare the RFP.

Mr. Letteri replied that the plans are at about 98-99% and it would take staff about another month to put the information together.

Mr. Foley said, if the Board moves forward with bidding the library project, the only question would be whether or not the Board approves the construction in the budget because it does not exist in any budget.

Mr. Rooker said he does not recall any capital project whereby a bid package had prospective bidders coming back and asking if it would be in the next budget. He said the County has a record of bidding out projects, signing contracts, and going forward with projects. He added that he didn't think that the County would have people run away from bidding on this project because of the wording of the resolution that takes place tonight.

Mr. Foley agreed, and said the five-year plan would also reflect it.

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

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

NAYS: None.

Agenda Item No. 23. From the Board: Matters not Listed on the Agenda.

There were none.

Agenda Item No. 24. Adjourn.

At 4:53 p.m., **motion** was entered by Mr. Rooker to adjourn the Board meeting to December 14, 2011 at 3:00 p.m. in Room 241 of the County Building. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Chairman

Approved by Board
Date: 04/11/2012
Initials: