

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 4, 2012 at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Christopher J. Dumler, Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

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

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

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

Agenda Item No. 4. Adoption of Final Agenda (moved to Item 11a).

Annual Organization

Agenda Item No. 5. Election of Chairman.

Mr. Foley reported that the first item of business was election of Chair. He explained that he would call for nominations of the Chair, which would not need a second, followed by a vote on each nomination in the order it was made until a Chair is elected. He said if the process did not result in the election of a Chair, the most recently elected Chair would serve until such time as a new Chair is elected.

Mr. Foley opened the floor for nominations.

Mr. Boyd offered **motion** to nominate Mr. Snow for Chair, noting that the Board had traditionally moved the Vice-Chair up after a two-year period. He reminded Board members that they have always tried to keep this as a non-political issue, and he thinks they need to continue that tradition.

Mr. Foley asked if there were any other nominations for Chair. There were none, and Mr. Foley closed the nominations and called for a vote on the election of Mr. Snow as Chair for 2012. Roll was called and the motion failed by the following recorded vote:

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

Mr. Foley said that the result of the vote was a 3:3 tie, and asked if there were any other nominations for Chair.

Mr. Rooker offered **motion** to nominate Mr. Snow as Chair, Mr. Dumler for Vice-Chair, and Mr. Thomas and Ms. Mallek as representatives on the MPO.

Mr. Foley asked Mr. Davis to clarify the procedures for the nomination process.

Mr. Davis explained that Mr. Rooker's nomination was not consistent with the Board's Rules of Order, however, if the motion is seconded and a majority approves the vote there would be no illegality to the motion. If there is a second the motion could proceed under State law.

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

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

Mr. Foley added that the previous motion fails due to a tie vote. He asked if there were any further nominations for Chair for Calendar Year 2012.

Mr. Boyd commented that what has happened here was a real travesty, as three members of the Board were playing politics with a decision they have always kept out of the political scene. He said that two years ago when he skirted with the idea of moving away from tradition, all Board members emphasized that this was not a political issue and that they should not politicize the Chair. The current process had been followed for a long time. Everyone came together and elected Ms. Mallek by unanimous vote and he thinks it is appropriate that they do the same today. Previously Mr. Rooker called it a crass political move to go away from the tradition of electing the Chair based on seniority and a two year process

Ms. Mallek stated that over the last few weeks people have asked her how she thought the 3:3 split might affect their work and said she thought the Board would work well together, as they have in the past, when in most instances they have four, five or six votes in favor or against an issue. She said that a

group of three must be persuasive and bring another vote along, and must avoid one person or one group trying to coerce the rest into voting against their conscience because of a threat on an unrelated issue. Ms. Mallek stated that an example of that was the threat covered in the paper regarding construction of a library, which has been planned since 1988, because someone did not get their way on a committee appointment.

Ms. Mallek said this is completely uncalled for, and an example of the behavior in Richmond and D.C. which has crashed citizens' confidence in government in general. She emphasized that things are different now, as there is a perceived split on transportation – which makes the MPO a very important committee post. Ms. Mallek stated that no one on the MPO can act on their own to change or undermine a policy without agreement of a majority of the Board of Supervisors – which did not happen properly last summer. She explained that Mr. Snow could become the next Chair if he gained the support of the rest of the Board due to his previous actions. Each year of the two years a Chair must ask for support from his or her colleagues; it is not a given – but a custom.

Ms. Mallek stated that she supports Mr. Snow for Chair if he shows leadership to provide balance. She said that she supports balance in representation on the MPO because last year they did not have representatives who followed the policy of the Board of Supervisors. They presumed they could change the policy and acted accordingly in agreements with others – and without public input, which might have changed the outcome. Ms. Mallek noted that when there was input on June 1, 2011, discussion during Matters from the Public, not at a public hearing, and only regarding adding the bypass policy to the agenda of the MPO, the vote was 3:3 to leave the policy alone. Only late at night without public hearing was the vote changed – under duress from outside agencies and without adequate information or preparation. She also said that the Board should have gone above and beyond the process requirements to make sure that any decision did not have the stain of malfeasance attached to it. Ms. Mallek stated that the result might have been the same, but there would have been no public disgrace attached.

Ms. Mallek said this history is an example of what happens when one side of an important issue bulldozes everyone else – throwing the process under the bus and alienating citizens. They must hold each other accountable. It is not OK that people behave the way they did last summer. It is not OK for Congress to behave as it does today. She said that she does not support rewarding people who should be held accountable with leadership and MPO committee appointments. There must be consequences or people by nature will take advantage. She stated that changing the representation on the MPO by one person is a compromise – an important facet of leadership to show balance in the Board's approach to issues affecting the County as a whole, or neighborhoods in particular. Ms. Mallek stated that to balance the leadership with Vice-Chair is also a compromise, adding that she could not reward the behavior shown at the MPO, the refusal to add contingencies, to stand up for local needs, or to get anything in writing to protect Albemarle County going forward.

Ms. Mallek read an email from a bypass supporter: "In my purely private citizen role as an Albemarle County property owning resident of the Rio Magisterial District, I strongly encourage you to hold out for balanced leadership appointments during this week's meeting. In my personal opinion, political and philosophical balance needs to be restored on the Board of Supervisors for the good of the County." She noted a June 14, 2011 editorial in the *Daily Progress* that ended with "the end run around the public amounts to an act of contempt for the public and for the highest and best practices of public leadership. This is exactly the sort of maneuvering we abhor when it occurs in the halls of Congress. It is even more appalling when it occurs at such close range."

Ms. Mallek emphasized that the Board must work to build the public's trust and watch out for the public's business. She stated that she is not trying to make a power grab, but does believe that balance is needed to restore confidence.

Mr. Rooker said that when Mr. Snow came to his office to ask for his support, he said that he could support him as long as there was some reasonable balance. Mr. Rooker noted that there are four positions that Supervisors are interested in, and Mr. Snow, Mr. Thomas and Mr. Boyd believe they should occupy all four of those positions between them. He said there are three other Supervisors who feel that the positions should be split, and would support Mr. Snow if that were to occur. Mr. Rooker said he does not think that is unreasonable, and he does not think that it is out of the tradition of the Board – in fact he made a motion to support Mr. Snow for Chair, but it was a motion that also included some balance and representation on other committees. Mr. Rooker stated that what is going on here is not surprising given past actions, when the group of three was able to get Mr. Dorrier to go along with their way on issues. They have seen government by ambush on a number of occasions.

Mr. Rooker mentioned that on January 6, 2010 – the first meeting with a new Board – Mr. Boyd showed up with a plan of action for the Board that was going to set the course for the Board for the next two years, having circulated that to Mr. Thomas, Mr. Snow and Mr. Dorrier before the meeting but not to Mr. Rooker and Ms. Mallek. He said that the items included were broad items that would normally have come up for discussion as an agenda item, and although Mr. Thomas and Mr. Snow did not know the history of most of the items they insisted on voting that day. Mr. Rooker stated that the bypass fiasco vote was well described in the *Daily Progress* article entitled "Supervisors Actions Show Disrespect," which referenced a "one on one call from a top state official, a late night vote with no warning to the public, a surprise switch by County leader." He also cited the article as stating that "actions by the Albemarle County Board of Supervisors were lawful but they were disrespectful toward constituents and disdainful of the best practices in public decision making." Mr. Rooker said it mentioned his own quote that "at some point, you'll catch the public unaware" – and the *Progress* indicated that is what was "engineered to happen."

He noted that the *Progress* article also pointed out that in order to take “its’ unexpected, late-night vote on the bypass the Board had to rescind its earlier motion and suspend its earlier rule”. Mr. Rooker said that the article also said the combination of those maneuvers coupled with “a personal persuasive phone call from a state cabinet member” – and the question was raised as to who instigated that intervention – paints a picture of “backroom manipulation that is not in the public’s best interest.” Mr. Rooker also stated that the *Progress* pointed out it was not a question of what side of the issue you come out on, but a question of “reasonable public process.” He added, that whole thing was engineered by the two MPO members at the time – Mr. Thomas and Mr. Snow – everything leading up to that meeting was engineered by them, while the policy of this Board was in opposition to the Bypass.

Mr. Thomas commented that it came to the Board.

Mr. Rooker said that Mr. Thomas and Mr. Snow had claimed at the April 6, 2011 Board meeting that they had told Mr. Connaughton they were interested in the other projects on Route 29 – and nothing was said about building the bypass in exchange for getting other projects done. He stated that two days after the meeting with Secretary Connaughton, the Secretary came here to meet with Mr. Thomas and Mr. Snow – which was not disclosed – and a memo followed from the Secretary’s office stating that he wanted the project accomplished through design build, to begin this summer, for \$200 million. The intent is to begin construction in 2012 and complete in 2016 or 2017. This was at a time when the project was not moving because the County’s longstanding policy was against it, as was the MPOs. Mr. Rooker emphasized that although the Board had been against the project, the Secretary suddenly announced the project was going forward after meeting with Mr. Thomas and Mr. Snow. There is also information in the memo about the MPO and the dates of its meetings. Mr. Rooker said that in May, Mr. Thomas went to TJPDC chief staff member, Mr. Steve Williams, and tried to get the bypass on the agenda – at a time when the Board’s policy was clearly against it.

Mr. Rooker commented that a letter came in from Secretary Connaughton just before the MPO meeting, and despite a request from City Council members to delay for a few weeks to give them time to comprehend the letter, and despite Mr. Thomas and Mr. Snow’s admission they hadn’t read the letter – as well as an absence of conditions of approval in the MPO resolutions, and despite the County Attorney advising them that conditions on the MPO resolution were the only way to create any binding conditions. In other words, a blank check was being written without conditions. Mr. Rooker stated that despite all of those factors and overwhelming public opposition, they felt comfortable voting for it. There was without providing binding assurances to the community that any funding would be provided for the other improvements; today Berkmar Extended is not being funded. He added that there was nothing in the MPO resolution passed that dealt with any of the issues that had been raised – protection from noise, pollution, runoff, school concerns, etc. – and even today the state has said they would provide “the bare minimum legal requirement on those things.” Mr. Rooker said the same result may have played out even if the Supervisors had gone through a public process and put it on an agenda, but what he sees here is bad process and bad governance.

Mr. Rooker stated that what he’s observed has been a massive breach of trust to him and to the public, and it was not done in the right way.

He also noted that the Supervisors were pressured by a Secretary of Transportation who wanted to get it done. Mr. Rooker emphasized that by taking the approach they took, the County lost whatever bargaining chips it had to obtain some significant protections for the schools, residences, and others that might be impacted by the project. He said that despite all of that he would be willing to support Mr. Snow as Chair as part of some balanced representation between the Board and MPO committee. Mr. Rooker commented that he wasn’t insistent that Mr. Snow or Mr. Thomas not continue on the MPO, and said it is fine if one of them continued, but said he certainly does not feel good about the composition as it is.

Mr. Rooker said that he thinks that leadership is compromising when necessary to achieve a result. To him leadership is not saying there are four positions and we are going to take them all or nothing. Leadership is saying “we recognize we have a split on some issues and let’s solve these problems in an amicable way and move on”. If that cannot be done, the Board can continue the way it is and Ms. Mallek stays as Chair. He does not think Ms. Mallek has a desire to remain as Chair necessarily; she was fine with the motion that he made.

Mr. Boyd asked what the makeup of those four positions was three years ago, noting that Mr. Slutzky was Chair, Ms. Mallek was Vice-Chair, and Mr. Slutzky and Mr. Rooker were on the MPO. He asked if there was a balance at that time. He also stated that Mr. Rooker, by his own disclosure, has a personal interest that would be impacted by this bypass. He thinks that, contrary to what a majority of the people in the County want, the Jack Jouett representatives have kept the road from being built for over 20 years; Mr. Rooker and his predecessor.

Mr. Boyd indicated that there had been poll after poll that indicate the majority of people in the County want the bypass built. This is something that this community wants, and it has been stopped by one Supervisor’s seat for 20 years. He said that he disagrees with all of the statements that Mr. Rooker made about the non-faith with the public. He thinks that is a bunch of stuff. They have had public hearing after public hearing about this. Mr. Rooker has rallied his forces to come in on “Other Matters” at every meeting probably since about May. He said that never changed his mind about the bypass, and the majority of the Board voted in favor of the bypass at that time.

Mr. Boyd said that Mr. Rooker was doing the very thing he was accusing them of doing – politicizing the chair. He stated that he would not let the representation on the MPO change because Mr. Rooker’s goal is to kill the bypass.

Mr. Rooker said, at the public hearings that have occurred on the project, the opposition has been overwhelming.

Mr. Snow suggested that other Board members have an opportunity to speak before previous Board members continue with their comments.

Mr. Foley suggested that the Chair take over the meeting, noting that the nominations process has been closed and due to the failure to elect a new Chair, the most recently elected Chair would take over the meeting. He then suggested that Chair Mallek run the remainder of the meeting.

Mr. Boyd stated that this was a vote of no confidence for Chair. This is a political move by three members on the Board; one who has never been on the Board until today.

Mr. Rooker pointed out that there were three Board members who were insisting they took all four positions.

Mr. Boyd asked who were in the four positions three years ago. He asked if there was balance at that time. He asked if Mr. Rooker voted for balance at that time. Mr. Boyd said that he and Mr. Rooker have argued over the MPO position for several years. At one time they wanted to put David Wyant on the MPO, but Mr. Rooker would not let it happen. Mr. Boyd said he wanted to serve on the MPO, but Mr. Rooker would not let that happen.

Mr. Rooker stated that the votes not to move forward with the bypass were unanimous by the Board – not just from the Jack Jouett District – and the comments from the public have been almost 10:1 against the bypass.

Mr. Boyd asked what percentage of the residents that really represented. The people who show up are the ones who are opposed.

Mr. Snow commented that this is a County of 100,000 and only about 200 people show up to speak.

Ms. Mallek stated that it is up to people to speak up, and certainly not all 100,000 people in the County were speaking up, but it is important to pay attention to the comments from those who do speak.

Mr. Snow said they continue to drag up what happened in March and April last year. He re-explained that he and Mr. Thomas were contacted by Secretary Connaughton and asked to meet; they agreed to meet. Mr. Snow stated that Mr. Thomas reported at the regular meeting of the Board that they would be meeting with the Secretary. They met with him in Charlottesville and he asked if they would be interested in supporting a bypass – at which time Mr. Snow and Mr. Thomas presented him with a list of things they wanted to have happen before supporting a bypass. He said that included the widening of Route 29, the Hillsdale Extension, Berkmar Extended, and the on ramps on the Route 250 Bypass. When they told Secretary Connaughton all those things were important, he looked at them and said “if we can get those things supported, would you support a bypass” and at that point both he and Mr. Thomas responded “yes”. Mr. Snow stated that when he and Mr. Thomas left the meeting, they did not realize the Secretary was considering doing all of those things, but his memo seemed to indicate it was a done deal.

Mr. Snow stated that at the next Board of Supervisors meeting he reported to the rest of the Board that they had met with Secretary Connaughton. Mr. Snow said he reported that he himself had held the line on requesting the things that were important to this County that they had decided on, and somewhere along the line the Secretary decided that he could come up with the money to do all the things that they talked about. He emphasized that there was no secret dealing behind anyone’s back and everything was out in the open, with no attempt to sneak something by without everyone knowing about it.

Mr. Snow said that for Mr. Rooker to talk about equal representation is the height of hypocrisy, as there has been a Democrat as both Chair and Vice-Chair, and the MPO has been manipulated in such a way that it was impossible for someone that might be open to a bypass was completely excluded from that board; it was a planned-out agenda to make sure that this never came up again – that the bypass never surfaced again. He is amazed that Mr. Rooker can even say that they want equal representation across the board. He also stated that being Chair of this Board is not that important to him; Ms. Mallek can stay there for the rest of her life, and he would be happy, but he did favor being on the MPO and seeing things get done. They have not seen any roads in this County, except the Meadow Creek Parkway.

Mr. Snow stated that Mr. Rooker has been on the Board for 10 years and asked what he has to show for it. From his point, not much, if anything. When he ran for election, he ran to move that something gets done in this County instead of talking and studying. Mr. Snow said that he refuses to give up his seat on the MPO until some of the items that have been on the agenda for a long time get done. He will support Ms. Mallek and look forward to moving the County forward with a spirit of partisanship after today.

Mr. Thomas commented that there was no conspiracy behind the bypass process. When he ran for the Board he ran on economic development. He also said that everything in the County, including the bypass, has been shoved under the carpet for 20 years and he wanted to get things done and not just study them. He wants a plan so that things can get done and accomplished.

Mr. Rooker reiterated that the issue here was not whether or not a person was for the bypass, but related to the process. He also said that the Board for a long time was unanimous on the project for a long list of reasons.

Mr. Boyd said it was not unanimous because he has never been in support of removing the bypass.

Mr. Rooker said every vote taken by the Board, until recently, was a unanimous vote against the bypass. He is also not suggesting Mr. Boyd was on the Board during those votes. Mr. Rooker read the minutes from the meeting at which Mr. Snow and Mr. Thomas had mentioned their meeting with Secretary Connaughton, and they had indicated that the topic was whether the County would be interested in a bypass around the City. He said that Mr. Snow and Mr. Thomas' response had been that their main concerns were the widening of Route 29 and a bridge for Berkmar Extension – and Mr. Snow had indicated “that studies have shown that would be more beneficial to the County than anything else,” and they left the conversation with “until those issues were solved, [the bypass] is not something they would be interested in.” Mr. Rooker stated that it was not reported to the Board “if we could get these things done, would you support the bypass and they said yes,” because if it had been said he would have noted the policy of the Board not to support the project. He would have asked why their MPO representatives would be making a deal to support a road that the Board at the whole, at that time, did not support. He commented that they might well have had the four votes anyway, but it is the way they got there that he found the most troubling.

Mr. Thomas stated that the support for the bypass was not nailed down until he had suggested to the MPO that the TIP be looked at, and that is when there was a 4:2 vote by this Board.

Mr. Boyd said he was tired of hearing Mr. Rooker's sour grapes about not getting his way on that project. It is done, it is over, and let's move on. The Board has decided on a no confidence vote to keep the existing Chair and Vice-Chair, and he is ready to move on.

Agenda Item No. 6. Election of Vice-Chairman.

Mr. Davis stated that the next item of business is the election of Vice-Chair.

Motion was offered by Ms. Mallek to nominate Mr. Snow for Vice-Chair. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dumler, Ms. Mallek, Mr. Rooker and Mr. Snow.

NAYS: Mr. Boyd and Mr. Thomas.

Mr. Boyd asked if the issue of election of Chair could be revisited.

Mr. Foley said it could be. Mr. Davis stated that anytime a majority of the Board decided to select a Chair, it would be in order.

Agenda Item No. 7. Appointment of Clerk.

Motion was offered by Ms. Mallek to appoint Ms. Ella Jordan as Clerk of the Board of Supervisors for Calendar Year 2012. Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 9. Set Meeting Times, Dates and Places for Calendar Year 2012.

Ms. Mallek said the only changes would be moving the regular day meeting scheduled for July 4th meeting to July 11, with the evening meeting on July 18.

Motion was offered by Mr. Rooker to set the meeting times, dates and places for Calendar Year 2012 as follows: first Wednesday of the month at 9:00 a.m., second Wednesday of the month at 6:00 p.m., with meetings to be held in the County Office Building on McIntire Road. Due to July 4th being a County holiday, set July 11th as the day meeting and July 18th as the night meeting for July. Set the meeting dates for **January 2013** for: January 9 – 9:00 a.m., and January 16 – 6:00 p.m. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 10. Set Dates for Zoning Text Amendment Hearings from Citizens.

Motion was offered by Ms. Mallek to set the dates for hearing zoning text amendment hearings from citizens as follows: September 12 and December 12, 2012 and March 13, and June 12, 2013. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 11. Rules of Procedure Adoption.

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

Each year at the Board's Organizational Meeting the Board adopts the rules of procedure under which it will operate for that year. These rules of procedure are designed and adopted for the benefit and convenience of the Board. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. The previously adopted rules of procedure have incorporated the general principles of parliamentary procedure found in *Robert's Rules of Order's Procedure in Small Boards* and applicable Virginia laws.

The proposed Rules of Procedure for 2012 (Attachment A) are based on the rules previously adopted by the Board in 2011. They include the modifications to the Rules of Procedure adopted by the Board at its June 1, 2011 meeting. At that meeting the Board adopted rules to address adoption of a final agenda, discussion of matters by Board members not on the agenda, and the consent agenda. (Paragraphs D. 2, 3, & 4) The proposed Rules clarify that matters added to the final agenda for action shall be added to the end of the agenda unless a majority of the members of the Board agree to consider the item earlier on the agenda. This generally provides that new matters will not delay matters already scheduled on the agenda but also provides flexibility for the Board to decide if it is appropriate to consider a particular matter earlier on the agenda.

Three other changes to the Rules are proposed:

1. An introduction has been added setting forth the purpose of the proposed Rules.
2. Under the "Order of Business" provisions (Paragraph D.1) the Rules propose to include the format for how a typical Board meeting is conducted. This format is consistent with how the Board currently holds its meetings.
3. Under the "Meetings" provisions (Paragraph C.3) the Rules propose to include that notices for special meetings can be sent to a Board member by electronic mail or facsimile if requested by the Board member. The enabling authority for this change was adopted by the General Assembly in the 2011 Session. This change will facilitate the calling of special meetings, when necessary.
4. Under the "Voting Procedures" provisions (Paragraph F.1) the Rules propose to clarify that a tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. This has been the consistent interpretation of a tie vote on matters before the Board that require a final action by the Board such as zoning applications and ordinances. This clarification will eliminate confusion that sometimes surrounds tie votes.

All of the proposed additions to the Rules are double underlined to clearly show what has changed from the Rules adopted at the 2011 organizational meeting. The *Robert's Rules of Order Procedure in Small Boards*, which is incorporated by reference in Paragraph I, is also attached. (Attachment B) The provision relating to motions not requiring a second is struck out in that attachment, however, to recognize that notwithstanding the Small Board rules the proposed Rules retain the requirement that all motions require a second to be further considered (Paragraph F.1).

This item has no direct budget impact.

Staff recommends that the Board adopt the attached proposed Rules of Procedure.

Mr. Davis said the most substantial changes are the changes under "Order of Business" in D.2, D.3 and D.4 which are an attempt to put into the Rules of Procedure the changes the Board adopted mid-year last year. Under the proposed rules (Paragraph D.2) there is now a provision that puts into place "Adoption of the Final Agenda", which states that items added to the agenda would go at the end – but a majority of the Board could place it wherever it was appropriate. He reported that D.3 addresses the Consent Agenda and sets out the process for that agenda, which was consistent with how most Consent Agendas were handled; and D.4 attempted to clarify that Board Committee Reports and Matters not Listed on the Agenda were not action items but items requiring brief discussion, announcement, committee reports or items for future agenda placement.

Mr. Boyd asked if items could still be pulled from the Consent Agenda for a separate vote.

Mr. Davis responded that they could, but this was just an attempt to curb the Consent Agenda from becoming a discussion agenda. He stated that if an item was pulled for discussion then it should go to the end of the agenda unless the Board decided otherwise. A matter requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.

Mr. Foley noted that one purpose for that would be to have staff come to the end of a meeting if they are needed to answer questions.

Mr. Boyd said he has no problem with the suggestions, but does have concerns about items on today's Consent Agenda. He is concerned that a number of items are being put on the Consent Agenda

that should have been regular agenda items. He is concerned about putting an item to the end of a meeting, as it might mean a late discussion of important items.

Ms. Mallek suggested putting the items on the following meeting's agenda.

Mr. Rooker stated that there have not been many items on the Consent Agenda that were discussed very long, and the most effective way is to come back to the pulled items after the Consent Agenda is passed.

Mr. Foley said the Board can do that under these rules.

Ms. Mallek asked if Board members would be in favor of having brief announcements at the beginning of the meetings.

Mr. Thomas said he had a small report today, but it should not take too long.

Ms. Mallek said that is something they could be flexible about.

Mr. Boyd said he wanted to address that because he has a problem with "Other Matters" being pushed to the very end of the meeting. He then suggested "Adoption of the Final Agenda" after "Other Matters from the Public". That would allow the Board to discuss a matter from the public by amending the agenda instead of suspending the rules.

Mr. Snow stated that Mr. Foley had a good suggestion, when he spoke with him about this, in that anything brought up requiring more information could be brought back to the next meeting as an agenda item with more information.

Mr. Boyd said he is not interested in discussing the complicated matters, but occasionally there may be something from the public, the Board could vote on at that time. Based on these rules, it seems the Board would have to suspend the rules in order to say it was a good idea and vote on the issue.

Mr. Rooker said that if any Board member is going to propose something to be voted on at a meeting, it should be provided to other Board members, the Clerk, County Executive, and staff at least two days before the meeting by 5:00 p.m. He stated that otherwise the public has no idea that a matter would be proposed for vote, and perhaps that should be reserved for emergencies.

Mr. Boyd agreed that it would be appropriate, and said that setting the agenda after "Matters from the Public" would provide some flexibility.

Mr. Davis clarified that for matters requiring action would require advance notice to Board members and the County Executive at least two days before the meeting at which they would be proposed.

Mr. Rooker said that would allow the Clerk to post the item on the agenda, post it on the website and people who are interested in the item can speak to it at the meeting.

Mr. Boyd said on the surface that sounds fine, but it might tie the Board's hands if something comes up at the last minute.

Ms. Mallek stated that the Board could change it, as this was a guideline.

Mr. Davis said these are the Rules of Procedure by which the Board should operate unless they either amend or suspend them. He understands the points Mr. Boyd and Mr. Rooker are making, as the rules are flexible and can be changed by a majority vote of the Board, but the rules attempt to give a standard procedure that is the norm unless there is a particular circumstance that arises that the majority of the Board wants to treat otherwise. The rules give a matter of expectation, not of prohibition.

Mr. Boyd said that based on that, it was acceptable to him.

Mr. Foley clarified that Agenda Item No. 5 would be "Brief Announcements from Board Members". Ms. Mallek responded, "yes".

Mr. Davis clarified that it would take a majority vote of the Board to add an action item to the agenda for that day, and even as it stands now the Board could suspend their rules of procedure and do that.

Mr. Rooker commented that if you are going to have rules at all, there should be some expectation that matters to be voted on are provided – as a general rule – and there is no reason why general matters should not be announced with some notice. It seems to him that is a reasonable expectation by the public, that when they look at the agenda they are going to know that what the Board is contemplating is going to be dealt with and voted on at the meeting. He said that this wouldn't mean that rules couldn't be suspended in extenuating circumstances.

Based on the discussion, Mr. Davis suggested that the following language be added in Section D.2: "In addition, any Board member may propose to add additional items to the agenda presented by the Clerk for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting."

Mr. Boyd asked if that language would negate the need to suspend the rules.

Mr. Davis said that this would require suspension of the rules if a Board member did not give that notice. He reiterated that the notice should be given to the Board members, the Clerk and the County Executive. He stated that it would still require a majority vote of the Board to approve a final agenda that would add those items.

Ms. Mallek stated it would help people do their homework for items to be considered.

Motion was then offered by Ms. Mallek to adopt the Board's Rules of Procedures as amended. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

RULES OF PROCEDURE ALBEMARLE BOARD OF COUNTY SUPERVISORS

These rules of procedure are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order's Procedure in Small Boards* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the Board. Further, the Board reserves the right to suspend or amend the rules of procedure whenever a majority of the Board decides to do so. The failure of the Board to strictly comply with the rules of procedure shall not invalidate any action of the Board.

A. Officers

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

B. Clerk and Deputy Clerks

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

C. Meetings

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

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

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

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

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

D. *Order of Business*

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

- a. At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of Final Agenda.
5. Brief Announcements by Board Members.
6. Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business (To include Public Hearings, Presentations, Work Sessions, Appointments, and other Action Items).
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. Adjourn.

A Closed Meeting shall be held whenever necessary. Generally, a Closed Meeting will be scheduled at the midpoint of the agenda at day Board meetings and at the end of the agenda prior to adjournment at evening Board meetings.

- b. The above order of business may be modified by the Clerk of the Board to facilitate the business of the Board.

2. *Adoption of Final Agenda.* The first order of business for a regular meeting of the Board shall be to adopt a final agenda for that meeting. The Board may modify the order of business as part of the adoption of the final agenda. In addition, any Board member may propose to add additional items to the agenda presented by the Clerk for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting. Any such item shall be added to the end of the agenda for discussion or action unless a majority of the members of the Board agree to consider the item earlier on the agenda. The final agenda shall be adopted by a majority vote of the members of the Board. No matter for action not included on the final agenda shall be considered at that meeting.

3. *Consent Agenda.* The "Consent Agenda" shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board. There shall be no discussion or comment on Consent Agenda matters. Any Board member may remove an item from the Consent Agenda. Any item removed from the Consent shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. A matter requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.

4. *From the Board: Committee Reports and Matters Not Listed on the Agenda.* "From the Board: Committee Reports and Matters Not Listed on the Agenda" shall be the last order of business for a regular meeting of the Board unless a majority of the members of the Board agree to consider the item earlier on the agenda. It shall be limited to matters that are not substantial enough to be considered as additional agenda items to be added to the final agenda. Such matters are not matters to be acted upon by the Board at that

meeting. Routine committee reports and information updates by Board members shall be presented under this agenda item.

5. *Public Comment.* The procedures for receiving comment from the public for matters not on the agenda shall be at the discretion of the Board. Unless otherwise decided, individuals will be allowed a three-minute time limit in which to speak during the time set aside on the agenda for "From the Public: Matters Not Listed for Public Hearing on the Agenda".
6. *Zoning Public Hearings.* Zoning applications advertised for public hearing shall be on the agenda for public hearing on the advertised date unless the applicant submits a signed written deferral request to the Clerk of the Board no later than noon on Wednesday of the week prior to the scheduled public hearing. The first request for a deferral will be granted administratively by the Clerk. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. Any request received later than the Wednesday deadline and any subsequent request for a deferral for the same application previously deferred will be granted only at the discretion of the Board by a majority vote. The deferral shall not be granted unless the Board determines that the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff will make every effort to alert the public when a deferral is granted.

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

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

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

E. *Quorum*

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

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

F. *Voting Procedures*

1. *Approval by Motion.* Unless otherwise provided, decisions of the Board shall be made by approval of a majority of the members present and voting on a motion properly made by a member and seconded by another member. Any motion that is not seconded shall not be further considered. The vote on the motion shall be by a voice vote. The Clerk shall record the name of each member voting and how he voted on the motion. If any member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chairman and recorded by the Clerk. A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. (Article VII, § 7, Virginia Constitution)
2. *Special Voting Requirements.* A recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Virginia Code § 15.2-1428)

3. *Public Hearings.* The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of such matter. The procedures for receiving comment from the applicant and the public for public hearings shall be at the discretion of the Board. Unless otherwise decided, the applicant shall be permitted no more than ten minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted no more than three minutes to present public comment. Speakers are limited to one appearance at any public hearing. Following the public comments, the applicant shall be permitted no more than five minutes for a rebuttal presentation.
4. *Motion to Amend.* A motion to amend a motion before the Board, properly seconded, shall be discussed and voted by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
5. *Previous Question.* Discussion of any motion may be terminated by any member moving the "previous question". Upon a proper second, the Chairman shall call for a vote on the motion of the previous question. If approved by a majority of those voting, the Chairman shall immediately call for a vote on the original motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.
6. *Motion to Reconsider.* Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.
7. *Motion to Rescind.* Any decision made by the Board, except for zoning map amendments, special use permit decisions, and ordinances, (these exceptions shall only be subject to reconsideration as provided above) may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Zoning map amendments, special use permit decisions and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on such matters as if it were a new matter before the Board for consideration.

G. *Amendment of Rules of Procedure*

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

H. *Suspension of Rules of Procedure*

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

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

* * * * *

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012).

Agenda Item No. 11. Adoption of Boards and Commissions Policy.

Mr. Davis stated that there are no proposed changes to the policy as presented.

Mr. Boyd noted that there are over 20 different boards and commissions that the Supervisors sit on and represent, not just the four previously mentioned in the meeting.

Motion was offered by Mr. Rooker to approve the Boards and Commissions Policy as presented. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

ALBEMARLE COUNTY BOARD OF SUPERVISORS POLICY FOR BOARDS AND COMMISSIONS

A. CREATION OF NEW BOARDS AND COMMISSIONS

1. On an annual basis the list of active boards and commissions will be purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.
2. Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.
3. Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board of Supervisors. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. All appointments to boards and commissions based upon magisterial district boundaries will be made by the members of the Board of Supervisors. At the discretion of the supervisor of that district, magisterial positions may be advertised and selected applicants may be interviewed for the position.
2. Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next sixty days. The Board will then advise the Clerk which vacancies to advertise.
3. In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.
4. All interested applicants will have a minimum of thirty days from the date of the first notice to complete and return to the Clerk of the Board of Supervisors a detailed application, with the understanding that such application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.
5. Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board of Supervisors prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.
6. From the pool of qualified candidates, the Board of Supervisors, at their discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting. For magisterial appointments, the decision to interview selected candidates will be determined by the supervisor of that district.
7. All efforts will be made to interview selected applicants and make appointments within ninety days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board of Supervisors.
8. All vacancies will be filled as they occur.
9. All incumbents will be allowed to serve on a board or commission without his/her position being re-advertised unless, based on attendance and performance, the chairman of the body or a member of the Board of Supervisors requests the Board of Supervisors to do otherwise.
10. As a condition to assuming office all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file such form annually on or before January 15.
11. If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the chairman of the body may request the Board of Supervisors terminate the appointment and refill it during the next scheduled advertising period.

C. ADOPTION

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

(Amended and/or Readopted 01-07-98; 02-12-2005; 01-04-2006; 01-03-2007; 01-09-2008; 01-07-2009; 01-06-2010; 01-05-2011; 01-04-2012)

Agenda Item No. 11a. Adoption of Final Agenda.

Mr. Boyd said there were people present for the discussion of the resolution proposing changing the name of the Meadow Creek Parkway, and asked if it could be moved up to follow Agenda Item No. 13. Board members concurred.

Mr. Foley said that the Chair had mentioned a legislative item regarding a land swap.

Ms. Mallek responded that she would like to add that item to the end of the agenda. It is a proposed Resolution to Support Legislation regarding a land exchange with Habitat for Humanity.

Mr. Rooker stated that the resolution should have been posted on the website as a proposed agenda item, as it is an issue some people have an interest in.

Mr. Foley pointed out that the resolution referred to is not the one before the Board today, but it would be before them in February as part of a full staff report dealing with zoning issues related to the land swap. He clarified that the resolution today is a brief statement supporting legislation that would permit the land swap between the State and Habitat for Humanity.

Mr. Rooker reiterated that the resolution should have been posted as part of the agenda on the Board's website.

Motion was offered by Mr. Rooker for adopt the final agenda as amended. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 12a. Recognitions: Governor's recognition of the Albemarle/Charlottesville Reentry Council.

Ms. Mallek said that in July 2003 Virginia was designated one of seven states to participate in the Prisoner Reentry Policy Academy of the National Governors Association. Through the academy, NGA assisted State teams in developing effective prisoner reentry strategies designed to reduce costly recidivism rates by improving pre-and post-release services. In June 2007, then Governor Kaine set forth an executive order (#22) establishing the Prisoner Reentry Policy Academy at the State level.

The Virginia Department of Social Services approached Albemarle County about piloting an initiative locally. In collaboration with Charlottesville Department of Social Services (CDSS) and Offender Aid and Restoration (OAR), they established the local Prisoner Reentry Council in 2007 to develop local plans that identify available resources and methods for interagency coordination and increased service effectiveness. The Council was initially comprised of State identified stakeholders in each community, some of whom remain on the Council today. The Council serves in an advisory capacity to a locally established Steering Committee and meets twice yearly in that role.

The local Steering Committee helped to organize the Prisoner Reentry Summit held this past summer. The outcomes of the Summit, coupled with the City's Dialogue on Race recommendations and the State's initiative has helped to develop a list of priorities for the Steering Committee and Council to work on over the next year. The Council has evolved into a network of community stakeholders that work with ex-offenders on a regular basis and their charge is as follows:

- increase awareness among service providers and others about the local reentry population and their assets and needs;
- to be a clearinghouse for sharing resources;
- to disseminate information about resources that could support individuals and families;
- to facilitate networking and in other ways enhance the capacity of service providers to respond to needs and advocate for resources to support successful reentry;
- to identify and eliminate barriers to service integration and provide general advocacy for the initiative; and
- to meet at least two times yearly.

Ms. Mallek then presented the following proclamation signed by Governor McDonnell to Ms. Kathy Ralston, Director of Social Services: "By virtue of the authority vested in me as Governor of the Commonwealth of Virginia, and on behalf of the grateful citizens of the Commonwealth of Virginia, I hereby officially recognize the Albemarle-Charlottesville Reentry Council for its leadership in furthering successful prisoner reentry at the local level, for its innovation as one of Virginia's six original reentry councils and for its commitment to strengthening families and communities through effective delivery of reentry services."

Ms. Ralston accepted the recognition and introduced Mr. Ross Carew, Assistant Director of Offender Aid and Restoration. She mentioned that the effort is a collaboration with OAR, the Regional

Jail, Region Ten, Legal Aid Justice Center, City Human Services, and Adult Probation and Parole. Mr. Carew also thanked Board members for their support.

Agenda Item No. 13. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Forrest Marshall said that he and his wife, Donna, were present to thank the Board for the resolution renaming the Meadow Creek Parkway to the John W. Warner parkway. He stated that Senator John Warner has always been a good friend of the Marshall family. Mr. Marshall stated that Senator Warner fell in love the community when he attended law school at the University of Virginia, and he has been most appreciative and helpful to the community.

Ms. Marshall thanked the Board for doing this.

Mr. Joey Worley, Director of Sales and Catering at Keswick Hall, said he was present to support Mr. Burkhart, Ms. Warner and the CACVB in their request for marketing funding. Mr. Worley reported that Keswick Hall's occupancy over the last three years was up about 8%, and they were recently awarded the #1 small hotel recognition by Conde Naste Traveler magazine's readers' poll for the second year in a row. He stated that none of that would have been possible without a solid marketing campaign, much of which has been spearheaded by the CACVB. Mr. Worley said there are about two dozen other hotel colleagues at the meeting today who support the Bureau's efforts and the reinvestment of dollars back into the marketing can only benefit them and the other businesses. Keswick Hall values its partnership with the CACVB, and cannot continue to be successful as a business without them. He thanked the Board for its support.

Ms. Katherine Bundy addressed the Board, stating that she and her husband own Foxfield Inn located on Garth Road. She said that she was here to support Mr. Burkhart, the CACVB and the marketing funds. Ms. Bundy said that in order to improve their business, these funds are needed to aggressively market this area and to bring more tourists into the area. They need to continue to promote agri-tourism and to put more heads in the existing beds of bed & breakfasts here.

Ms. Carolyn Poulson addressed the Board, stating that she purchased a residence at 400 West High Street and turned it into an "upscale inn," with faith and understanding that the dollars she brought in from outside of Charlottesville would stay in the tourism industry. She said that she finds it distressing that these funds could go elsewhere. She hopes that the money will stay in the tourism industry and spent locally.

Ms. Mallek clarified that there has been no discussion of taking this money and putting it into an area that was non-tourism related.

Mr. Bob Goss, the owner of the Inn at Monticello on Route 20, said he was here to speak in favor of keeping tax dollars generated through the use and occupancy taxes in the marketing function and hospitality sector of the local economy. He also stated that there are two busy seasons, with now being a slow period, and this situation has generated a discussion among lodging owners about how best to generate more guests coming during the slow season. Once a strategy is developed the marketing dollars that are subject to this discussion will be put to good use to bring more guests and visitors to the area, and generate more use and occupancy taxes. He asked that the Board understand their concerns.

Mr. Dick Cabell addressed the Board, stating that he and his wife, Haden, operate the Inn at Sugar Hollow Farm in the County. Mr. Cabell said there are 17 full-time bed and breakfasts in the City and the County, with four of the inns having full-time restaurants. He stated that there are other B&Bs that use a "guest houses" service to do their reservations, but those facilities are contributing also. Mr. Cabell stated that to get established, their group of 17 inns has spent millions of dollars in construction to make the inns work and they continue to spend significant amounts on maintenance. He added that they need to maintain their visibility to attract a specific customer to come to Charlottesville as they are not competing with local hotels like the Holiday Inn and Marriott, but other B&Bs from Orange, Williamsburg, etc.

Mr. Naresh Naran addressed the Board, stating that he ran the Comfort Inn – Monticello in the Pantops area, and that he serves on the CACVB. Mr. Naran stated that he hopes the funding would stay within the CACVB and said that Mr. Burkhart and the Bureau have come up with a great marketing plan. He asked for the Board's support in their plan.

Mr. Mitch Willey said that he has owned the Clifton Inn since 1983. Mr. Willey said that he was glad to hear Ms. Mallek say there was a misunderstanding about reallocating occupancy tax dollars – as the group was concerned they would be reallocated elsewhere and felt strongly those monies bring more dollars to the community through tourism. He also stated that the funding could be used to do more in the first quarter of the calendar year to bring people to Charlottesville, as the local tourism industry "dies during that first quarter." He does not think that Charlottesville has been as creative as some other communities in covering that slow period.

Mr. Rooker asked how far in advance marketing would need to be done to impact the first quarter.

Mr. Willey responded that it should start now and requires a pretty long lead time. He said there is a fairly long incubation period before events are widely known, and other communities such as Nantucket have a very short season but have elongated it through creativity – such as a wine festival held in May even though there are no vineyards on the island.

Mr. Eric Pfister, Manager of the Hilton Garden Inn located on Pantops, addressed the Board and said he also appreciated that there was a misunderstanding about the allocation of funds. Mr. Feister said that during the week his hotel caters to business travelers, but during the weekend is in the same situation as other hotel owners. He stated that they really appreciate the efforts of the CACVB to bring people to the area and encourage tourism. He thanked the Board for giving the Bureau the time to develop and implement an extensive marketing and spending plan.

Ms. Yolunda Armstrong, General Manager of the Red Roof Inn, said that they all have met several times over the last month to talk about their plans in moving forward with the CACVB. She said they are excited to come together as a community of lodgers through the Bureau's efforts to encourage area tourism, especially during the off seasons. She stated that the entities all have their own marketing plans, but it is also wonderful to have the CACVB that can market on behalf of the entire City and County so they can attract more people to the area.

Mr. Bill Akers addressed the Board, stating that he was a "terminated travel specialist" at CACVB and an advocate of many of the people here. Mr. Akers said his father worked at a hotel in Washington D.C. that attracted many famous and prestigious guests to its Jockey Club Restaurant. He brought that level of excellence to the CACVB, and from his perspective, he thinks that a lot of folks here could have been supported a lot better than they were. He does not think his level of excellence and others that were terminated by the CACVB was appreciated. He stated that he was deeply troubled during the time he was located at the Route 20 Visitors Center that travelers used the facility as a bathroom even if it was not open. He attempted to deal with this matter and had proposed that an international rest stop sign be placed at Route 20 in two locations stating that there was no bathroom usage from 5:00 p.m. until 9:00 a.m. was an issue. That apparently has been ignored. This issue stands as being a shameful aspect of CACVB.

Ms. Samantha Marshall addressed the Board, stating that she was a student at Monticello High School and introducing her classmates Burgundy Draper and Keenan Krentz. Ms. Marshall reported that for the Citizens Action Project (CAP), they chose to research the cellular towers that are being installed near or on public school grounds. She said there is not 100% support behind the construction of the towers that is already in effect.

Mr. Krentz stated that after months of research, he has found it difficult to find any conclusive medical research outlining the effects of cell tower radiation, and only adults have been tested – not children who have more vulnerable organs and nervous systems. He said that until more tests have been done and more evidence has been found that there are no harmful effects from cell towers, he does not see the benefits of building one on a school site. Mr. Krentz also asked why the County would want to taint the character of the area with an ugly unnatural tower on the skyline.

Ms. Draper said that while they realize the additional towers increase coverage and availability for 4G internet access on rural roads, she questioned whether it really outweighed the negative effects. Towers are being constructed to potentially track buses that pick up children and to ensure that they can be found. She asked what is the point of knowing where these children are when in a few years the effects of the cell tower radiation begins to show.

Ms. Marshall said they are present today to inform Board members of their opinion. Members of the community, including high school students, are concerned with the goings on in Charlottesville. They can sit around playing Farmville on their I-Phones and grumble about how unfair it is that their connection slows without cell towers every couple of feet, but they do have their priorities in order. Some of them have lived here all of their lives, and it hurts to see the blinking lights and ugly metal structures invading into their memories in this beautiful place they have grown up in. Ms. Marshall urged the Board to save the children and the beauty of this town.

Ms. Mallek thanked the students for taking the time to address the Board this morning.

Mr. Mark Milleson addressed the Board, stating that he was inspired by the students' interaction with the Board and participation in local government. Mr. Milleson said he was here to support keeping the CACVB marketing funding in the industry from which it was generated. He stated he has been running the English Inn since 1999, profitably, and said it is tough to set aside marketing money especially in tight economic times. Mr. Milleson said that for every dollar generated by the tourism industry, dozens of dollars are generated for other local industries. It's good business practice to keep the marketing funding right where [it is], speak out on behalf of local industries in general – not just his business by using it for marketing, marketing Central Virginia. They are a bright spot in an otherwise bleak economy, and he thinks the Board can help them remain a bright spot.

Mr. Charles Friend, a resident of the Jack Jouett District, said that he wanted to point out the economic impact of the travel industry – which generates about \$274 million annually in Albemarle County and employs about 850 people. Mr. Friend said that the local tax collected is \$4.5 million and the state tax collected is \$6.9 million. He stated that all of the lodging owners and operators in both the City and the County have come together twice, after the Board's December meeting, and have generated a lot of good ideas. He thinks that this group present today will provide information and hold the CACVB accountable for future actions. This money needs to be kept where it belongs.

Mr. Timothy Hulbert, of the Charlottesville-Albemarle Regional Chamber of Commerce, said he would just echo the statements made by these industry representatives. This industry is important to the Charlottesville and Albemarle region; it employs thousands of people. The CACVB has the beginnings of an enhanced plan to really boost direct tourism marketing. He said that that's what this money was dedicated for, that's its purpose, and that's where it should be used. He is hopeful the Board also sees that along with the industry.

Mr. Anton Largiader addressed the Board, stating that he had emailed Board members about the renaming of the Meadow Creek Parkway. He said that it is a big issue that has seemed to come up very suddenly, with none of his friends and neighbors informed of this in advance. Nobody he knows actually likes the idea, and in no case is it due to any dislike or disrespect intended toward Senator Warner. He thinks this is simply a case where people like the existing name of the Meadow Creek Parkway. They've grown up with the expectation of seeing it opened as the Meadow Creek Parkway. He is certainly very, very glad to see it open as a resident of Rio Road East. Mr. Margedier emphasized that the existing name is perfectly fine and is descriptive of its geographic location, and he personally does not like the trend toward naming infrastructure for politicians who may have been barely out of office. He stated that the matter is important enough to be done with more public input, as there hasn't been any. The people he knows do not like the idea of this renaming although it has been announced as a done deal, even though the Board has not voted. Mr. Largiader urged the Board to get more public input.

Mr. Boyd pointed out that the decision to rename the road after Senator Warner was approved through a resolution by the Board in 2008.

Mr. Largiader said he had found reference to that, with the resolution being contingent on whether the City went along with it.

Mr. Thomas mentioned that yesterday he saw two signs being installed with "Meadow Creek Parkway," but this road has been discussed since 1968. He thinks that Senator Warner does warrant recognition as he was solely responsible for getting \$27 million for the interchange.

Mr. Foley stated that the press incorrectly reported that the Board would be making a funding decision today on the CACVB marketing money, but that is not scheduled on the agenda. Today's agenda schedule has an update on the development of the marketing plan.

(Note: The Board then took up Agenda Item No. 24.)

Agenda Item No. 24. Resolution to name the County's portion of the Meadow Creek Parkway.

Mr. Foley reported that the currently named Meadow Creek Parkway is scheduled to be complete on January 6, and there would be an opening ceremony scheduled for 10:00 a.m. on Friday. He said that as part of the completion and opening of this road, the Board requested that the road be named for Senator John W. Warner. Mr. Foley noted that the Board had a resolution before them that outlined his extensive contributions to the country and the community, which was drafted with input from Senator Warner.

Mr. Thomas said that everyone is invited to the ribbon cutting Friday morning at the intersection of CATEC and Rio Road and the Meadow Creek Parkway.

Ms. Mallek asked how the recognition would be shown, as the road sign seems to already say Meadow Creek Parkway.

Mr. Boyd commented that it was too late to get the signs in but they would be reordered by VDOT. He added that it would not be a commemorative sign as that would require legislative approval.

Mr. Davis said that if the Board adopts the resolution, the road name in Albemarle County would be the "John W. Warner Parkway" and all the signage referring to the Meadow Creek Parkway would be removed and replaced with the new signs.

At Mr. Boyd's suggestion, Ms. Mallek read the resolution into the record.

Motion was then offered by Ms. Mallek to adopt the resolution as presented, naming the County's portion of the Meadow Creek Parkway the "John W. Warner Parkway." Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION

WHEREAS, Senator John Warner takes pride in his Virginia ancestry, which traces back to the neighboring County of Amherst, home of his grandparents; and

WHEREAS, like so many of the World War II generation, Senator Warner enlisted at the age of 17 in the U.S. Navy in January, 1945; was honorably discharged in 1946, and then entered his father's alma mater, Washington and Lee University on the GI Bill; and

WHEREAS, Senator Warner was accepted at the Law School at the University of Virginia in the Fall of 1949, completed his first year, and, was commencing his second year when he, like many other military reservists across America, was called to active duty to meet the nation's mobilization requirements for the Korean War; and

WHEREAS, Senator Warner served in Korea as a First Lieutenant Communications Officer, First Marine Air Wing and, upon his return, resumed his studies at the Law School graduating in 1953, and with the faculty's recommendation, he obtained a law clerkship with a Federal Judge; and

WHEREAS, the Senator has many times in Senate Floor speeches, and at public appearances, acknowledged his everlasting gratitude for the training and experience in the military, his legal education, respect given by the Charlottesville community and the University to the veterans of World War II and Korea, and the individual encouragement given him by faculty and administration of the Law School. This support laid an essential part of the foundation for his service in the U.S. Senate; and

WHEREAS, over the span of 218 years of U.S. Senate history Virginia has sent 55 individuals to represent the Commonwealth of Virginia, of which John W. Warner is the second longest serving with 30 years of service, 1979-2009; and

WHEREAS, Senator Warner was awarded the 2008 Thomas Jefferson Foundation Medal in Citizen Leadership for his lifetime commitment to public service, his strong commitment to education and his exceptional leadership; and

WHEREAS, when Senator John W. Warner announced his retirement from the U.S. Senate, on the grounds of the Rotunda, he stated that "one's achievements in life are largely owed to all who helped along the way." He quoted from the founding father of the University of Virginia, Mr. Jefferson: "There is a fullness of time when men should go, and not occupy too long the ground to which others have the right to advance"; and

WHEREAS, Senator Warner's advocacy and commitment to this region was instrumental in obtaining important funding for the University of Virginia, keeping the National Ground Intelligence Center growing and a part of this community, and funding for the construction of the interchange for the Meadow Creek Parkway;

NOW, THEREFORE, BE IT RESOLVED, that in recognition and sincere appreciation for Senator Warner's longstanding commitment to not only public service and the betterment of our country, but for the support and contributions to the Charlottesville and Albemarle community and the future of our residents, the Albemarle County Board of Supervisors does hereby name the County's portion of the Meadow Creek Parkway the "John W. Warner Parkway."

Mr. Forrest Marshall thanked the Board for passing the resolution, and noted that it was Senator Warner who helped keep the National Ground Intelligence Center here when Secretary Donald Rumsfeld wanted to move it to Laurel, Maryland. If that one organization had moved from this community, it could have had a billion dollar economic impact. He added that the building that the NGIC moved out of was given to the City for \$1, and the City resold it for several million dollars. He again thanked the Board for their action.

(NonAgenda. The Board recessed at 10:54 a.m. and reconvened at 11:02 a.m.)

Agenda Item No. 14. Consent Agenda. **Motion** was offered by Ms. Mallek to approve Items 14.1 through 14.6 on the Consent Agenda, and to accept the remaining items for information. (**Note:** Discussions on individual items are included with that agenda item.) Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No.14.1. Approval of Minutes: March 14(A), April 6, September 13(A), October 12(A), November 1(A), and November 17(A), 2011.

Ms. Mallek had read the minutes of March 14, 2011(A), and found them to be in order.

Mr. Snow had read his portion of the minutes of April 6, 2011, pages 1–36 (end Item #10), and found them to be in order.

Mr. Rooker had read his portion of the minutes of April 6, 2011, pages 36 (begin Item #10), and found them to be in order.

Mr. Boyd had read the minutes of September 13, 2011(A), and found them to be in order.

Mr. Thomas had read the minutes of October 12, 2011(A), and found them to be in order.

Ms. Mallek had read the minutes of November 1, 2011(A), and found them to be in order.

Mr. Boyd had read the minutes of November 17, 2011(A), and found them to be in order.

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

Item No.14.2. 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 \$456,542.66. 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 four (4) FY 2012 appropriations as follows:

- One (1) appropriation (#2012046) totaling \$18,008.48 for the completion of bonded improvements at Abington Place;
- One (1) appropriation (#2012047) totaling \$203,447.18 for School Division programs;
- One (1) appropriation (#2012048) totaling \$102,000.00 for a Virginia Department of Emergency Management grant; and
- One (1) appropriation (#2012049) totaling \$133,087.00 for the Firearms Range.

Staff recommends approval of the appropriations #2012046, #2012047, #2012048, and #2012049.

Appropriation #2012046	\$18,008.48
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Revenue Source:	Local Grants	\$18,008.48
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This request is to appropriate \$18,008.48 held by the County to bond an Abington Place Proffer for the completion of greenway path improvements in Abington Place. The County provided a written notice of default to the developer of Abington Place, Tribal Properties, LLC and NVR, Inc. after they failed to complete the bonded improvements required pursuant to condition No. 4 of ZMA2002-002 by December 31, 2010. The condition states: "the principal is obligated to construct a greenway path ten (10) feet in width that is paved with asphalt as shown on blocks I and III of the Application Plan approved in conjunction with ZMA2002-002 (hereinafter, the "Greenway Path"). A default will arise if the Principal(s) fail to complete construction of the Greenway Paths as required by Proffer No. 4 of ZMA2002-002 on or before December 31, 2010." The Cashier's Check received by the County included the bond amount of \$18,000.00 and interest for a total of \$18,008.48.

Appropriation #2012047	\$203,447.18
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Revenue Source:	Local Contributions	\$ 1,654.75
	State Grant Revenue	\$ 19,178.00
	Federal Revenue (ARRA)	\$ 182,614.43

This request is to appropriate local contributions, state grant revenues and federal ARRA revenue to the School Division. These appropriations were approved by the School Board on December 1 and December 8 and are as follows:

(1) This appropriates \$1,654.75 in local donations to the School Division. Cale Elementary School received a donation in the amount of \$40.00 from Kelly J. Armstrong. The donor has requested that this contribution be used to purchase music materials for students at Cale Elementary School. Henley Middle School received a donation in the amount of \$1,614.75 from Henley's Parent and Teacher Support Organization. The donor has requested that their contribution be used to help fund the "Enrichment Time before 9" program for the month of October at Henley Middle School.

(2) This appropriates a state grant awarded to the School Division from the Virginia Department of Housing & Community Development in the amount of \$19,178.00. This "GED and Beyond" Grant will provide individuals who are close to completing their GED and those who have recently received a GED

the opportunity to participate in Employability Skills and Access to Career Pathways Workshops. These workshops will be held at the Virginia Workforce Center and Albemarle High School, and will focus on supporting clients' successful transition into employment and/or into higher education or licensure programs. The workshops will include speakers from local employers, the Virginia Workforce Center, CATEC, PVCC and UVA. Students will develop resumes, cover letters, and thank you letters as a part of the workshop series and will participate in mock interviews with human resources representatives from local companies. All participants will have the opportunity to utilize technology to search for job openings, apply for positions and to participate in on-line registration for courses in higher education. Grant funds will be used to pay salaries and benefits for teachers and to pay rent to the Piedmont Workforce Network through May 2012.

(3) This request appropriates \$182,614.43 in federal American Recovery and Reinvestment Act of 2009 (ARRA) funding that is available from FY 10/11 for use by the School Division in FY 11/12.

- Remaining ARRA Title I, Part A funds in the amount of \$41,321.00 will be used to assist in the support of 6.23 FTE Title I teacher positions, 1.0 FTE Teaching Assistant and will provide for instructional materials that focus on reading instruction, classroom technology and SES/Public School Choice set aside.
- Remaining ARRA Title II, Part D funds in the amount of \$28,436.83 will be used to provide for or to support the following services: university courses to support teachers in reaching state and national certification standards in the use of technology in the classroom, workshops/staff development for teachers and a computer/technology literacy assessment tool.
- Remaining ARRA IDEA Part B-Section 611 Flow Through funds in the amount of \$101,314.17 will be used to provide for or in support of the following services: part time wages for a teacher to supplement regular school year case management activities to enhance program development for the students that present the most academic and behavioral challenges, contract with Public Consulting Group to update the EasyIEP software, classroom furniture, instructional materials that focus on reading and math interventions and technology for classrooms.
- Remaining ARRA IDEA Part B-Section 619 Preschool funds in the amount of \$11,542.43 will be used to provide the following services and supports: wages for a substitute to fill in for a Pre-K teacher assistant who resigned in May 2011, instructional materials, office furniture and minor alterations of the Preschool Assessment Center's waiting room in the Special Education Office.

Appropriation #2012048 **\$102,000.00**

Revenue Source:	Federal Revenue	\$102,000.00
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This request is to appropriate a federal grant in the amount of \$102,000.00 that will be managed by the Emergency Communications Center. The Virginia Department of Emergency Management (VDEM) has awarded a \$102,000 regional planning/training grant to the Regional Preparedness Advisory Committee (RPAC-I) Region 3. RPAC-I Region 3 is comprised of 20 jurisdictions in the Commonwealth of Virginia including the County of Albemarle. The Emergency Communications Center (ECC) will be managing this grant for the region as the fiscal agent. The ECC requests that the County, acting as fiscal agent for the ECC, make an appropriation for this grant after approving acceptance of this grant as part of a separate January 4, 2012 consent agenda item for approval.

The purpose of this grant is to hire an emergency communications consultant to assist the region in developing a regional Field Operations Guide (RFOG,) that will be compliant and consistent with the other regions' FOG programs and the statewide FOG development. The RFOG will identify and incorporate traditional communications/radio resources as well as Commonwealth's Link to Interoperable Communications (COMLINC) assets and information, such as connectivity, connected resources and contact information for each jurisdiction within Region 3. This grant is 100% reimbursable with no matching funds required. The project will be completed by April 30, 2012.

Appropriation #2012049 **\$ 133,087.00**

Revenue Source:	Loan Proceeds	\$ 127,356.00
	CIP General Govt Fund Balance	\$ 5,731.00

This request is to appropriate \$133,087.00 in CIP funding for the design and engineering costs associated with constructing the Firearms Range. The facility includes a 100-yard multi-purpose firearms range, classroom, toilet facilities and parking. The facility is anticipated to be located in the southern part of the County on the Keene landfill site pending all required approvals. Construction of the firearms range is scheduled to begin by September 2012 and to be completed by December 2012.

There is anticipated to be a cost-share agreement with the City of Charlottesville which has not yet been formalized. Upon reaching a cost-share agreement, the offsetting revenue from the City for the Firearms range will be presented to the Board for approval and appropriation.

(Discussion: Referring to Appropriation #2012049, design of the firing range, Mr. Boyd said he cannot recalled approving the \$133,000 in the CIP.

Mr. Foley responded that the Board had a conversation in closed meeting on that issue as it related to a contractual matter and staff indicated that it would bring the item back to the Board depending on the CIP Oversight Committee's recommendation – but the Board's final approval wouldn't occur until March as part of the budget process.

Mr. Boyd asked why it is before the Board as an appropriation at this time since the CIP has not yet been approved.

Mr. Foley responded that the issue is the timing of the contract with the current firing range. This money is for the initial planning and if the County doesn't get the project started it would not likely complete construction in time to coincide with the contract they have to sign.

Mr. Boyd also said that the item also mentions a pending cost-sharing agreement with the City, which "runs a red flag up" for him because of past experience with those arrangements.

Mr. Foley explained that the City has approved it in their recommended CIP, and this is only the preliminary design money – with the \$133,000 to be divided with the City per an agreement.

Ms. Mallek noted that the facility would belong to the County.

Mr. Rooker asked if the \$133,000 would be matched by the City, or if it funds the entire design and engineering cost.

Mr. Foley explained that it is designed to fund the entire preliminary work needed, without a determination today as to how the cost would be shared.

Mr. Rooker said the Board had shown some interest in moving forward with the project regardless of the City's participation.

Mr. Foley stated that if the City couldn't use the other facility for some reason, they would have to pay the County to use the new facility.

Mr. Boyd asked if the work would begin immediately. Mr. Foley responded, "yes".)

By the above-recorded vote, the Board approved the budget amendment in the amount of \$456,542.66 and approved appropriations #2012046, #2012047, #2012048, and #2012049.

							APP #20120046
							DATE 01/04/2011
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Proffer Bond - Abington Place: ZMA-2002-002 / \$18,000 default + interest							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	9016	41000	341000	410730	9999	18,008.48	Abington PL Bond Default
4	9016	91000	491000	940086	9999	18,008.48	Abington PL Bond Default
TOTAL						36,016.96	

							APP #2012-047
							DATE 01/04/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriations from School Board meetings on December 1 and December 8, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	318100	181109	6599	1,654.75	Contributions
4	2000	62214	461101	601300	6114	40.00	Cale-Ed/Rec Supplies
4	2000	62252	461101	160300	6252	1,500.00	Henley-Stipends
4	2000	62252	461101	210000	6252	114.75	Henley-FICA
3	3222	24000	324000	240322	6599	19,178.00	GED & Beyond Grant
4	3222	63222	461101	112100	6599	6,910.00	Salaries - Teacher
4	3222	63222	461101	132100	6599	5,539.72	P/T Wages - Teacher
4	3222	63222	461101	210000	6599	934.97	FICA
4	3222	63222	461101	221000	6599	989.28	VRS
4	3222	63222	461101	231000	6599	1,409.04	Health Insurance
4	3222	63222	461101	232000	6599	53.20	Dental Insurance
4	3222	63222	461101	241000	6599	23.20	Group Life Insurance
4	3222	63222	461101	540200	6599	3,318.59	Lease/Rent
3	3162	63162	333000	330101	6599	41,321.00	ARRA Title I Federal Revenue
3	3162	63162	333000	330105	6599	28,436.83	ARRA Title II Federal Revenue
3	3162	63162	333000	330110	6599	101,314.17	ARRA-IDEA
3	3162	63162	333000	330111	6599	11,542.43	ARRA - Preschool
4	3162	63162	461170	112100	6599	27,153.32	Salaries-Teacher

4	3162	63162	461170	114100	6599	1,221.58	Salaries-Teacher Aide
4	3162	63162	461170	132100	6599	325.00	PT/Wages-Teacher
4	3162	63162	461170	210000	6599	1,937.71	FICA
4	3162	63162	461170	221000	6599	2,426.64	Virginia Retirement System
4	3162	63162	461170	231000	6599	3,649.28	Health Insurance
4	3162	63162	461170	232000	6599	137.78	Dental Insurance
4	3162	63162	461170	241000	6599	56.95	VRS Group Life Insurance
4	3162	63162	461170	242000	6599	147.20	Group Life/Part-Time
4	3162	63162	461170	312700	6599	2,800.00	Prof. Ser. Consultants
4	3162	63162	461170	601300	6599	1,465.54	Ed & Rec Supplies
4	3162	63162	461172	112100	6599	5,923.43	Salaries-Teacher
4	3162	63162	461172	210000	6599	453.14	FICA
4	3162	63162	461172	312700	6599	26,668.40	Prof. Ser. Consultants
4	3162	63162	461172	601300	6599	43,471.92	Ed & Rec Supplies
4	3162	63162	461172	800100	6599	22,872.08	Machinery & Equip-Addl
4	3162	63162	461172	800200	6599	1,925.20	Furniture/Fixtures-Addl
4	3162	63162	461174	114100	6599	352.76	Salaries-Teacher Aide
4	3162	63162	461174	210000	6599	26.98	FICA
4	3162	63162	461174	601300	6599	1,180.37	Ed & Rec Supplies
4	3162	63162	461174	800100	6599	1,040.06	Machinery & Equip-Addl
4	3162	63162	461174	800200	6599	1,995.26	Furniture/Fixtures-Addl
4	3162	63162	461175	160300	6599	24,093.37	Stipends-Staff/Cur. Devl.
4	3162	63162	461175	210000	6599	1,843.46	FICA
4	3162	63162	461175	312700	6599	2,500.00	Prof. Ser. Consultants
4	3162	63162	464600	800901	6599	6,947.00	Building Renovations
TOTAL						406,894.36	

APP #2012048							
DATE 01/04/2012							
BATCH NAME							
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: ECC Grant							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	4130	33000	333000	330221	9999	102,000.00	VDEM-USDHS Emerg. Comm. Grt.
4	4130	31069	435600	312105	1003	102,000.00	Consulting Services – VDEM – USDHS Emerg. Comm. Grt.
TOTAL						204,000.00	

APP #2012049							
DATE 01/04/2012							
BATCH NAME							
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Firearms Range - Civil Engineering							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	9010	41000	341000	410500	9999	127,356.00	Loan Proceeds
3	9010	51000	351000	510100	9999	5,731.00	CIP General Govt Fund Balance
4	9010	31029	431010	312405	3110	127,356.00	Civil Engineer
4	9010	31029	431010	312366	3110	5,731.00	Fac Dev Coordinator
TOTAL						266,174.00	

Item No. 14.3. Update on Options Regarding Audio Streaming of Board of Supervisors Meetings.

The executive summary states that at the Board's November 2, 2011 meeting, staff presented information regarding the possibility of video streaming Board meetings (See Attachment A for executive summary). The information included what video services other Virginia localities provide and an estimate of costs that would be required to video stream Board meetings. Because of the cost to video stream, and the County's current resource limitations, Board members directed staff to come back with information about live audio streaming as a lower cost option for providing remote citizen access to Board meetings.

Charlottesville Tomorrow currently provides free audio streaming services to the community. However, Charlottesville Tomorrow is under no obligation or requirement to provide this service, and it could choose to skip certain meetings or to discontinue the service altogether.

If the County chooses to audio stream Board meetings, the most cost effective option is to use the U Stream channel, which would host audio streaming of the meetings with no impact to the County's server or bandwidth capacity. If the County runs the audio stream with advertisements on the U Stream channel, there is no ongoing cost for the streaming. A concern regarding the audio stream with advertisements is that the County would have no control over what advertisements would run during the audio streaming of County meetings. If the County chooses to go with an ad-free audio stream through the U Stream channel, the cost would be approximately \$500 per month to allow for enough capacity to serve the expected number of listeners.

One possible approach would be to establish an ad supported audio stream on U Stream on the County's website and Facebook page to provide a parallel broadcast to the Charlottesville Tomorrow stream and to gauge the level of listenership. Depending on listener levels and the ongoing commitment of Charlottesville Tomorrow to continue audio streaming, the County could decide whether use of the service is high enough to justify taking on the additional annual cost of an ad-free stream at some time in the future.

An ad-sponsored U Stream audio cast of the County's Board meetings would have virtually no budget impact. Sponsoring an ad-free audio cast would cost \$500 monthly to provide the necessary listener hours to meet the expected level of demand.

Staff recommends that the County initiate an ad supported audio stream of Board meetings on the U Stream channel for a four-month trial period in order to assess listener levels and potential advertising concerns to determine the best long term solution to meet the Board's desire to provide live audio streaming.

(Discussion: Mr. Boyd said this seemed to imply there should be a test for live streaming listenership, and said the Board should define what they are looking for in terms of expectations for the trial period.

Mr. Foley responded that even if only a few people were listening, that information would be brought to the Board as to the value of that service.

Mr. Boyd asked what would be the cutoff point.

Ms. Mallek said that the County is fortunate to have Charlottesville Tomorrow covering the Board – but they do not cover the School Board and perhaps they could be contracted with to cover the School Board.

Mr. Foley clarified that the Board would try the service for three months and by allowing some minimal advertising it would not cost the County any dollars which is what is being recommended. If the Board is concerned about advertising, then the County would have to pay for the service.

Mr. Rooker stated that he does not see a downside to trying it out for a few months.

Mr. Foley said the Board would have to decide whether the listenership warranted continuing with the service.

Mr. Rooker commented that they could do the ad-free service for \$500 per month.

Ms. Mallek responded that her preference would be to do the service ad-free.

Mr. Rooker said this could be a different universe of people served, and he would be in favor of giving it a try.

Mr. Snow said he wasn't concerned about the advertising.

Mr. Boyd stated that he was just hoping to have some criteria by which to evaluate its success.

Mr. Foley said that he had understood the Board to want to limit this to audio, live streaming, and not just rely on Charlottesville Tomorrow – without staff time involved.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, commented that the County was able to find the UStream program, which requires very minimal staff time, and the idea was to establish a consistent, reliable service for a few months then step back and assess the level of usage.

Ms. Mallek said she would tune in to see who the advertisers were.

Mr. Boyd commented that the County might receive complaints about ads depending on who might advertise.)

By the above-recorded vote, the Board approved staff's recommendation that the County initiate an ad supported audio stream of Board meetings on the U Stream channel for a four month trial period in order to assess listener levels and potential advertising concerns to determine the best long term solution to meet the Board's desire to provide live audio streaming.

Item No. 14.4. Resolution of Intent to Amend and Clarify the Criteria for Issuance of a Special Use Permit for Off-Site Signs.

The executive summary states that the County has regulated and restricted off-site signs for over 30 years. Off-site signs are signs that are not located on the same lot with the use to which it pertains. *County Code § 3.1 (definition of "off-site sign")*. Moreover, an off-site sign is allowed only by a special use permit approved by the Albemarle County Board of Zoning Appeals ("BZA"). *County Code § 18-4.15.5*. In addition to the general criteria for issuing special use permits delineated in *County Code § 18-31.6.1*, an additional criterion for off-site signs requires that the BZA find that "the issuance of a special use permit is necessary because an on-site sign would be ineffective to communicate its message off-site because of topography or vegetation." *County Code § 18-4.15.5(c)(1)*. This criterion assures that special use permits for off-site signs are approved only in those cases where conditions on the lot would render an on-site sign ineffective.

Two recent applications for off-site signs before the BZA – Clifton Inn (approved, although staff recommended denial) and Liberty Hall (withdrawn) – have caused the BZA to ask questions and raise concerns about the current criterion for off-site signs in *County Code § 18-4.15.5(c)(1)*. The purpose of the criterion was to allow an off-site sign if an on-site sign would not be visible from other properties and the road that provides primary access to the property. However, the language of the criterion may be more restrictive than intended to achieve this purpose because: (1) it limits the on-site conditions to topography and vegetation, where there may be other relevant factors to consider; and (2) it limits the determination of an on-site sign's effectiveness to whether it is visible off-site, without considering whether any person at the off-site location would ever actually receive the message from the sign. The proposed resolution of intent would initiate a zoning text amendment to amend the criterion so that it achieves the purpose described above. Some in the discussion have suggested that the purpose of the criterion be extended to allow an off-site sign if an on-site sign is not visible from a major roadway. Staff strongly recommends against such an extension because it likely would lead to a proliferation of off-site signs.

An additional issue for consideration is whether the BZA or the Board of Supervisors should be the body approving special use permits for off-site signs. Virginia Code § 15.2-2286 generally authorizes the Board to be the approving body for special use permits, but allows it to delegate that authority in its zoning ordinance to the BZA under Virginia Code § 15.2-2309(6). The only special use permit authority delegated to the BZA is for the approval of off-site signs.

There is no anticipated budget impact. However, clarifying the intent of these regulations would enable staff to more effectively and efficiently review applications.

Staff recommends that the Board adopt the attached resolution of intent (Attachment B).

By the above-recorded vote, the Board adopted the following resolution to amend and clarify the criteria for issuance of a Special Use Permit for off-site signs:

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the criteria for approving special use permits for off-site signs by the Albemarle County Board of Zoning Appeals; and

WHEREAS, the criterion unique to off-site signs is stated in *County Code § 18-4.15.5(c)(1)*, which requires that the Board of Zoning Appeals find "that the issuance of a special use permit is necessary because an on-site sign would be ineffective to communicate its message off-site because of topography or vegetation"; and

WHEREAS, it may be desirable to amend this criterion to clarify that an on-site sign would be deemed to be ineffective if topography, vegetation or any other relevant factors delineated in the criterion prevent the sign from communicating its message to the primary access to the property seeking the sign; and

WHEREAS, it also may be desirable to amend the Zoning Ordinance to have applications for special use permits for off-site signs reviewed and acted upon by the Planning Commission and the Board of Supervisors, rather than the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *County Code § 18-4.15.5*, Signs Authorized by Special Use Permit, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

Item No. 14.5. Interoperable Emergency Communications Planning Grant (CFDA #97.055) (IECPG – 2009).

The executive summary states that The Virginia Department of Emergency Management (VDEM) has awarded a \$102,000 regional planning/training grant through its Interoperable Emergency Communications Grant Program (IECGP-2009) to the Regional Preparedness Advisory Committee (RPAC-I) Region 3. RPAC-I Region 3 is comprised of 20 jurisdictions in the Commonwealth of Virginia, including the County of Albemarle. The purpose of this grant is to hire an emergency communications consultant to assist the region in developing a Regional Field Operations Guide (RFOG) that will be compliant and consistent with the other regions' FOG programs and the statewide FOG development. The RFOG will be used to identify and incorporate traditional public safety communications/radio resources throughout Region 3. It will also be used to collect information on, and identify assets pertaining to, the Commonwealth's Link to Interoperable Communications (COMLINC) interoperability system, including connectivity, connected resources and contact information for each jurisdiction within Region 3.

The Charlottesville-UVA-Albemarle County Emergency Communications Center (ECC) has agreed to serve as the grant administrator for this training/planning grant. Because the County of Albemarle serves as the fiscal agent for the ECC, it is necessary for the Board of Supervisors to adopt the attached resolution authorizing the ECC Director or the County Executive to execute all grant-in-aid documents required for implementation of this program in order for the ECC to administer the grant for Region 3.

The County of Albemarle is serving as fiscal agent for the Region 3 RPAC-I. VDEM has provided a 100 percent reimbursable grant for this effort and no local matching funds are required.

Staff recommends that the Board adopt the resolution as presented authorizing the ECC Director or the County Executive to execute all grant-in-aid documents associated with this effort.

By the above-recorded vote, the Board adopted the following resolution authorizing the ECC Director or the County Executive to execute all grant-in-aid documents associated with this effort:

Governing Body Resolution

BE IT RESOLVED BY THE Board of Supervisors *OF THE* County of Albemarle, Virginia
(Governing Body) (Name of Applicant)

THAT the ECC Executive Director , *OR* the County Executive , *OR*
(Name or Title of Authorized Agent) (Name or Title of Authorized Agent)

OR _____ ,
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia (Interoperable Emergency Communications Grant IECGP-2009).

Item No.14.6. Amendments to 2012 Legislative Priorities.

The executive summary stated that on September 7, 2011 the Board adopted its 2012 legislative priorities. On December 15, 2011 the Board held a meeting with its state legislators and discussed the County's 2012 legislative priorities. Amendments to the County's 2012 legislative priorities are recommended to address the Board's position on biosolids and the composite index.

The following are proposed amendments to the County's 2012 legislative priorities:

- *Biosolids— Support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.*

The County has modified the priority to reflect the County's support of legislation to enable localities to designate and/or reasonably restrict the land application of biosolids in specific areas rather than a request that such legislation be introduced on behalf of the County. This amendment is recommended because the State Water Control Board recently approved final regulations pertaining to the land applications of biosolids, and the regulations have not been in effect long enough to determine whether additional authority for localities is necessary at this time. The County recognizes that legislation may be more timely if it is determined that these regulations do not adequately address concerns identified with the application of biosolids.

- *Composite Index— Support legislation to amend the Composite Index Funding Formula to adjust the funding formula for Albemarle County and the City of Charlottesville to account*

for the annual transfer of funds from the County to the City required by their annexation and revenue sharing agreement. This adjustment would more equitably reflect the County's and City's "ability to pay".

The Albemarle County School Board has requested that this Composite Index amendment be introduced as a budget bill amendment in the 2012 General Assembly. Such amendment to the funding formula methodology would provide a state revenue increase to the County to support the funding of County schools. This amendment to the Composite Index Funding Formula would reflect the County's actual "ability to pay" taking into account the revenue sharing agreement between the County and the City of Charlottesville which requires the County to transfer a calculated amount of its general fund revenue to the City of Charlottesville each year based on a composite of both localities' population, tax rates, and real estate values.

Staff recommends that the Board approve the proposed amendments to its 2012 Legislative Priorities as shown in their Attachment A.

By the above-recorded vote, the Board approved the proposed amendments to its 2012 Legislative Priorities as follows:

Albemarle County 2012 Legislative Priorities

Growth Management, Land Use and Transportation

Biosolids—Support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.

Local Authority—Support legislation to 1) strengthen localities' authority by enabling them to utilize adequate public facilities ordinances; and 2) not pass legislation that preempts or circumvents existing local authority to regulate land use.

Impact Fee Authority—Support impact fee legislation that allows for 1) a fair allocation of costs representing a "pro-rata" off-set of new growth on public facilities; 2) impact fees for facility costs related to transportation, schools, fire, police, emergency medical services, libraries, stormwater management, open space and parks/recreation lands; 3) effective implementation through simple locally-based formulae and reasonable administrative requirements; 4) does not cap or limit localities' impact fee updates; and 5) does not diminish the existing proffer system.

Conservation Easements—Support legislation that augments local efforts in natural resource protection through 1) continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continuing to provide matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increase incentives for citizens to create conservation easements.

Scenic Protection and Tourist Enhancement—Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County makes land use decisions in designated areas.

Transportation Funding—Support legislation to 1) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) direct funding efforts at all transportation modes; 3) coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) strongly oppose any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads.

Health and Human Services

Comprehensive Services Act (CSA)—Request that the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) enhancing state funding for grants to localities to create community-based alternatives for children served in CSA; 3) establishing state contacts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

Child Care for Low Income Working Families—Request that the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Local Department of Social Services (LDSS)—Request that the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

Local Government Administration and Finance

Voting Precincts—Request legislation to eliminate split precincts to the extent possible. The Virginia Senate and House of Delegates redistricting plans have created split precincts in the Jack Jouett, Rio and Rivanna Magisterial Districts. The Jack Jouett precinct is split between the 17th and 25th Senate Districts in three places. The Woodbrook precinct is split between the 17th and the 25th Senate Districts. The Free Bridge precinct is split between the 57th and 58th House Districts; and the Stony Point precinct is split between the 17th and 25th Senate Districts.

Full Funding of State Mandates—Request that the state budget provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Local Control of Local Revenues—Oppose legislation that restricts or limits the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.

Drug Court Funding—Request that the legislature fully fund the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

Cost to Compete Pay Differential—Due to the documented high cost of living in Albemarle County, request that the legislature include Albemarle County Schools in the “Cost to Compete Pay Differential” so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

Composite Index—

A. Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

B. Support legislation to amend the Composite Index Funding Formula to adjust the funding formula for Albemarle County and the City of Charlottesville to account for the annual transfer of funds from the County to the City required by their annexation and revenue sharing agreement. This adjustment would more equitably reflect the County’s and City’s “ability to pay”.

Item No. 14.7 Report on First Ten Year of the Acquisition of Conservation Easements (ACE) Program ***was received for information.***

The executive summary states that Albemarle County is celebrating ten years of success for the Acquisition of Conservation Easements (ACE) Program, during which time significant progress has been made in purchasing development rights in the rural area to protect open spaces and natural resources. While funding for the program has been reduced in recent years due to the economic downturn, limited funds are still available and applications from interested landowners are still being accepted according to established application deadlines.

During ACE’s first ten years, the County has closed on 39 easements and 7,429 acres while eliminating 446 development rights on these properties. This has translated to the preservation of a significant number of family farms that together have protected over 80,000 linear feet of stream and river frontage with riparian buffers, many of which lie within our drinking supply watersheds. Since 2001, the County has budgeted approximately \$12,100,000 for ACE, with approximately \$10,700,000 having been expended to date. The ACE program has also leveraged over \$1.5 million in grants and donations. The attached map shows all the County’s ACE properties.

A total of over 85,000 acres have been placed in conservation easements during the last 10 years thanks to the efforts of partners including the Virginia Outdoors Foundation, Piedmont Environmental Council, the Virginia Department of Forestry and The Nature Conservancy in combination with the County’s ACE and PRFA programs. The combined acreage of all conservation easements in the County along with all park land totals 104,255 acres or 22% of the County.

Albemarle County closed on its first class of conservation easement purchases in 2001, acquiring easements on 4 properties, all of which were working family farms and two of which were in the Southwest Mountains Rural Historic District. With those first acquisitions, the County permanently protected 502 acres of prime farm and forestland and eliminated 88 development rights. The County’s latest acquisition, a 96 acre property that joins another ACE property, has frontage on I-64 and has over 4,000 feet of riparian buffer on Stockton Creek, which feeds into the South Fork Rivanna Reservoir. The newest ACE property is owned by two sisters who want to protect their farm from development and preserve their rural heritage.

A summary of details associated with the first ten years of ACE acquisitions is attached.

Item No. 14.8 Board-to-Board, January 2012, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Redistricting – The Superintendent’s Redistricting Advisory Committee has developed recommendations to alleviate overcrowding at Hollymead and Stony Point Elementary Schools. Several options were presented to community members at meetings at each school on November 16 and 17, 2011. Community feedback was received at those meetings and through an online survey. The Committee will present their recommendations to the Superintendent at a meeting on January 10, 2012.

Budget Website - The School Division is posting relevant documents regarding the development of the FY12-13 budget on the ACPS webpage www.k12albemarle.org/budget In preparation for her funding request presentation to the School Board on January 19, 2012, the Superintendent continues to receive input from stakeholders and community members. In addition, the School Finance Advisory Council consults with Superintendent Moran to examine school budgeting practices from a business perspective. The School Finance Advisory Council members include: Rich DeMong, Ph.D., CFA, Virginia Bankers Professor Emeritus of Bank Management, UVA McIntire School of Commerce; Ken Eades, Professor of Business Administration and Area Coordinator of Finance, UVA Darden School of Business; Mary Margaret Frank, Associate Professor of Business Administration, UVA Darden School of Business; Greg Gartland, Principal and Managing Director of the SNL Center for Financial Education LLC; Mark Meulenber, CFA, Portfolio Manager for VNB Trust, N.A.; Rick White, CPA, Tax Principal, and Keiter Stephens.

School Board Legislative Issues – The School Board hosted area legislators December 15, 2011, to discuss legislative priorities and issues in preparation for the 2012 General Assembly Session. The School Board proactive priority issue is to request legislative relief to recognize the annual revenue sharing amount submitted to Charlottesville City in determining the amount of State aid to Albemarle County Public Schools. The School Board respectfully requests the Board of Supervisors support this initiative in an effort to recognize the amount of funding not actually available to Albemarle for budget purposes as a result of the automatic payments to Charlottesville City on an annual basis.

School Board Members Sworn In – Newly elected ACPS Board members were sworn in December 14, 2011: Jason Buyaki, Rivanna Magisterial District, and Ned Gallaway, At-Large. Re-elected members were also sworn in: Steve Koleszar, Scottsville Magisterial District, and Barbara Massie Mouly, White Hall Magisterial District. Each of these school board members will serve four-year terms and will officially begin their new terms January 1, 2012.

Henley Middle School Features Renewable Energy Resource Center – A Renewable Energy Resource Center that will feature solar photovoltaic, solar hot water and wind energy systems, made its debut at Henley Middle School December 16, 2011. The Center, one of the first of its kind in the state, is funded by a combination of a \$211,000 grant from the Virginia Department of Mines, Minerals and Energy, \$40,000 in matching funds raised by the Henley community and \$35,000 from Albemarle County Public Schools.

The Center will be used to support Henley’s environmental, math and science curriculums and its resources and data will be available to all Albemarle County Public Schools. Teachers at Henley and students from the University of Virginia are developing lesson plans on renewable energy that will incorporate hands-on activities and experiments using the Center’s technologies. The Center also will feature curricula and kits provided by James Madison University’s Center for Energy and Environmental Sustainability.

The Renewable Energy Resource Center technologies will include:

- Solar photovoltaic - 42 kW ballasted system installed on the rooftop.
- Solar Thermal Hot Water - This system will be used to heat approximately 60% of the hot water used at Henley Middle School.
- Wind Turbine - The wind turbine system is the Skystream 3.7, and the system is rated at 2.4 kW.
- Web-based Tracking - Data on electricity production by the solar photovoltaic and wind systems and therms produced by the solar thermal system will be available via web-based data acquisition software. Students from around the school division and members of the community can access and use the data.

ACPS Student Nationally Recognized for Music Accomplishment - The GRAMMY Foundation (www.grammyintheschools.com) selected Veronica Swift O’Brien, student at Albemarle High School, for the 2012 GRAMMY Camp-Jazz Session. Only 30 students from the nation, 8 of whom are singers, are selected for this spectacular event. The students’ selection launches them into the spotlight surrounding the 54th Annual GRAMMY Awards and provides them unparalleled opportunities to perform in front of some of music’s biggest names. The students will be flown to Los Angeles, California for 10 days to participate in what will culminate in attendance at the GRAMMY Awards ceremony.

ACPS supports fine arts as an essential component of a rich and excellent education. The ACPS website recognizes all student accomplishments on the Fine Arts link:
<http://schoolcenter.k12albemarle.org/education/dept/dept.php?sectionid=2086>

Instrumental class enrollment includes:
Middle School Instrumental – 885 (of which 244 are in strings classes)
Middle School Choral programs – 240

High School Instrumental – 625 (107 of which are in strings classes)
High School Choral – 324
Total students in string classes – 351

Monticello High School Health and Medical Sciences Academy – Plans are underway to organize the Monticello High School Health and Medical Sciences Academy for enrollment in the 2012-13 school year. The program will be open by application to all ACPS students, up to 45 9th grade students in 2012-13, with plans to grow during the 2013-14 school year up to 150 students in grades 9th-11th, and plans for full capacity by 2015-16 with up to 200 students in grades 9th-12th.

The Academy's mission is to provide students for post-secondary education or workforce readiness in certified health related professions through an integrated core curriculum. Students will participate in engaging learning opportunities that support critical thinking, problem solving, teamwork, and lifelong learning. Case study work will be an important component of the curriculum, as well as job shadowing and clinical opportunities. An Advisory Board to include community partners, parents, students and educators will convene monthly to develop planning strategies.

Health and Fitness Fair – Meriwether Lewis Elementary School conducted its third annual Health and Fitness Day, December 9, 2011 to showcase a variety of health and fitness initiatives for its 450 students, teachers and administrators. Activities included yoga, hip hop, martial arts and zumba, with all sessions designed to demonstrate easy, fun and interesting way to stay healthy and active.

(Discussion: Referring to the new nursing program at Monticello High School, Mr. Boyd commented that there were already programs at CATEC, PVCC and the University. He asked if they are competing with those other nursing programs.

Ms. Mallek stated that she had raised concerns about this at the meeting at Darden School, because to her it sounded like everyone was galloping into this.

Mr. Boyd said he would like to know the budgetary impact of this.

Mr. Foley responded that the Schools could provide that information and he would follow up.)

Item No. 14.9 VDOT, Culpeper District, Albemarle County Monthly Report, January 2012, **was received for information.**

Agenda Item No. 15. **PUBLIC HEARING: Virginia Community Development Block Grant Program.** To solicit public input on local housing and community development needs in relation to the Community Development Block Grant (CDBG) funding available to the County. (*Advertised in the Daily Progress on December 19 and December 26, 2011*)

Mr. Ron White, Director of Housing, summarized the following executive summary which was forwarded to Board members:

The Virginia Community Development Block Grant (VCDBG) is a federally-funded grant program administered by the Virginia Department of Housing and Community Development (DHCD). Since 1982, the DHCD has provided funding to eligible units of local government (non-entitlement communities only) for projects which address critical community needs including housing, infrastructure and economic development. Albemarle County has received numerous grants in previous years to support housing and community improvement initiatives.

The VCDBG application process requires that two local public hearings be conducted. The purpose of the first public hearing is to provide information on eligible activities that may be funded by CDBG, the amount of funding estimated to be available, past activities undertaken with CDBG funds and to receive public comment on this information and potential community development and housing needs. The follow-up public hearing is held in order to consider proposed project applications and must take place prior to the application due date in March 2012. Applications are to be submitted by the County to DHCD; however, the proposed activities may be undertaken by other agencies.

Albemarle County, as a non-entitlement community, is eligible to apply to DHCD for up to \$1.8 million in CDBG funding for projects that benefit low- and moderate-income persons, prevent slums and blight, or address urgent community needs. Eligible activities include economic development, housing rehabilitation, housing production, community facilities and community service facilities. Community development projects can receive varying levels of funding depending on the nature of the activity or by combining multiple activities. DHCD estimates that approximately \$14 million will be available for competitive grants in 2012.

Over the years, Albemarle County has been successful in receiving a number of CDBG grant awards. The most recent grant was awarded in 2010 to fund the installation of a sanitary sewer system in the Oak Hill Subdivision just south of the City off of 5th Street. Previous grants have been used to support the preservation and development of 162 affordable rental units, 66 of which are restricted to seniors. Over the past 30 years, the County has received numerous CDBG grants to rehabilitate owner-occupied houses.

The Office of Housing is currently working with the Albemarle Housing Improvement Program (AHIP) for a possible application for CDBG funding for a housing rehabilitation project for Orchard Acres in Crozet. DHCD approved a planning grant for this proposal to assist the County and AHIP in developing the project and preparing an application.

For a project to be considered by the County for CDBG funding, the applicant is required to notify the Office of Housing no later than January 27, 2012. This notice must include a brief description of the project, the proposed use of CDBG funds and a description of the beneficiaries of the proposed activity. A completed application that includes the proposed budget shall be submitted to the Office of Housing electronically by February 24, 2012, and the entire application, along with attachments, must be received by March 6, 2012.

There is no budgetary impact until an application is made to DHCD and approved for a funded project. Projects approved by CDBG generally require some level of local funding support. If the proposed rehabilitation project application is submitted, the County could designate a portion of the operational funding the County annually provides to AHIP as the County's local funding support for the CDBG application.

Staff recommends that the Board receive information on available CDBG funding and eligible uses and hold the public hearing to receive input from the public on potential community development and housing needs. Staff also recommends that the Board set a public hearing for Wednesday, March 14, 2012 for the second required public hearing to review and approve the submission of any proposed applications.

Mr. White noted that the Oak Hill project was about 25% complete now, with some houses already hooked up. Mr. White stated that the second public hearing would bring back any applications being requested for submission, and would take place at the Board's second meeting in March. He added that the County has been approved for a \$30,000 planning grant – with work to begin next week doing housing and income surveys to determine what may be needed in the Orchard Acres neighborhood. That process must be wrapped up in time to get an application in March, and the Office of Housing will be working with AHIP on that grant.

Ms. Mallek asked if citizens, neighborhood groups and churches could contact him to get information on the program.

Mr. White responded that they can, adding that they did a mailing to 373 residents in Crozet in the fall and had one residents' meeting with about 12 attendees held at the Crozet Meadows Community Center. He said that under the planning grant, they hope to post on each door in Orchard Acres information about the potential grant – with staff being available to meet with property owners to assess their needs. Mr. White stated that they also plan to meet with the Crozet Advisory Council. Ms. Ravi Respeto, of AHIP, will be doing some additional outreach through the churches.

Ms. Mallek asked about other neighborhoods in the County that could apply. She asked if it has to be a nonprofit or if it could be a group of neighbors.

Mr. White clarified that a group of neighbors could come together with a potential viable project, as long as the County would administer it, and otherwise nonprofit organizations could apply.

Mr. Boyd asked if the plans Habitat has for Southwood Mobile Home Park would qualify for these funds.

Mr. White responded that some of the redevelopment of the park could qualify – water, sewer, roads – when they get a plan together. He said that they do not have the rezoning there ready to go yet, and that project is probably about three years away. Projects for these funds have to be ready to go to be competitive.

Mr. Snow asked if the County had any contribution towards the grant.

Mr. White replied that their only contribution is what's made annually to AHIP to help support their operations.

Mr. Rooker asked what effort was made to contact various groups to let them know about the hearings.

Mr. White stated that the Housing Office has worked with AHIP to have them identify eligible communities, adding that there must be a "very defined area" – not scattered sites. He said that the DHCD is trying to develop a pilot "scattered site" CDBG project, which communities have been requesting for about 15 years. Mr. White emphasized that the projects he mentioned that had been approved were very specific and concentrated. He added that they wanted to do a little larger footprint in Crozet than Orchard Acres, but DHCD did not want them to go larger in the one neighborhood.

Mr. Rooker asked how they might get the word out in the community that there is a hearing beyond the County's advertisement, and if there were other recognized organizations in the community that should be notified.

Ms. Mallek stated that AHIP was the primary agency and would be in contact with the others.

Mr. White said they have not done much outreach beyond what they were doing in this round, adding that with the Oak Hill site, the Albemarle County Service Authority came in, and Piedmont Housing came in for Crozet Meadows. He stated that they may consider going beyond that in the future, particularly if scattered site grants become available.

Ms. Mallek then opened the public hearing.

Mr. Neil Williamson, on behalf of the Free Enterprise Forum, said the Forum was supportive of CDBG. Mr. Williamson said the Forum asks that the County "open the lens a little bit," as the CDBG regulations include economic development as one factor. He encouraged the County to be proactive and pursue funding for economic development and improving conditions.

Ms. Mallek asked for an example of what he meant by the conditions.

Mr. Williamson explained that if there was a rural enterprise that could scale up with some investment, they could bring that idea forward as an application – either winning a CDBG grant or perhaps attracting other funding. The idea is to bring the economic development along with improving the condition of housing.

Mr. Boyd suggested that the business community, Chamber, etc. wanted to apply they should come forward.

Mr. Williamson said he will be speaking to all the groups he work with on this endeavor.

Mr. Rooker said the first step was obtaining the maximum amount of funding for the County and to ensure that the word about the program gets out in the community.

Mr. Timothy Hulbert stated that the Community Investment Collaborative, which is facilitated through the Greater Charlottesville Area Development Corporation, received a \$7,500 grant from the State to develop a business plan and to eventually get into the micro-loan business. He said that he will share information with them that this might be a mechanism.

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

Mr. Davis clarified that the only action necessary from the Board was to set the second public hearing on March 14.

Motion was then offered by Mr. Rooker to set the second required public hearing to review and approve the submission of any proposed applications for March 14, 2012. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Rooker said it would be helpful when this comes back to have some description of the scope and scale of the projects that qualify, and the categories of areas that would qualify.

Mr. White stated that he would certainly do that, adding that they could also apply for planning grants – so any potential project that is not ready for a competitive grant this spring could possibly get a planning grant.

Agenda Item No. 16. Charlottesville Albemarle Convention Visitors Bureau Marketing Plan Update.

Ms. Lee Catlin summarized the following executive summary which was forwarded to Board members:

As part of the ongoing restructuring and repositioning efforts involved in developing the County's Five Year Plan, staff has refined the County's approach to community agencies to focus on core services, performance, and fund balances for these community agencies that are supported and/or funded by the County in the same way that the County has focused on local government departments and the School Division for the past several years.

As a result of this review, staff felt compelled to address the very significant fund balance accumulated by the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) over the past two years. The Five Year Plan proposes that the Board of Supervisors request that the fund balance be reduced to a 20% level and that the excess funds be provided back to the County and City to support tourism initiatives by both jurisdictions, an approach that was fully endorsed by the City Manager's Office. This would result in \$50,000 in funding to be used for other tourism-related operations for each of the five years of the County's plan for a total of \$250,000. The same amount would also be provided back to the City over the five years.

In response to the draw down presented in the Five Year Plan, the CACVB Board sent a resolution to the Board of Supervisors requesting that the Board allow the fund balance to remain intact with the assurance that *"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 to augment targeted direct marketing of tourism attractions, 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.”

The Board of Supervisors indicated a willingness to consider leaving the fund balance intact pending its reassurance that the CACVB would implement a meaningful and productive marketing plan with performance measures that would insure that expenditure of the fund balance would achieve specific tourism outcomes, including regular reporting and accountability. Board members requested that the CACVB provide an update at the Board's January 4 meeting as to the status of the marketing plan, major objectives, and a schedule for completion and implementation, with the understanding that the CACVB would not be able to complete a full marketing plan within this short timeframe. CACVB representatives will be present at the January 4th Board meeting to provide an update on these items.

A decision to leave the CACVB fund balance intact would reduce revenues by \$250,000 over the course of the Five Year Plan.

Staff recommends that the Board provide guidance on how the CACVB Fund Balance will be addressed following its discussion on this item.

Ms. Catlin recognized and thanked the CACVB Board and hospitality industry members who had worked hard over the last month and were in attendance today. Ms. Catlin then asked CACVB Director, Mr. Kurt Burkhart, to come forward and present his update.

Mr. Burkhart said that when the CACVB came before the Board last month they indicated they would have a plan to share – and he would present an initial plan addressing some key areas of how the CACVB intends to use the fund balance. He stated that the CACVB has an existing marketing plan, but what would be presented today would revise the current marketing plan efforts with additional, well-positioned strategies. This is a starting point and everything that he will share with the Board is a work in progress with much more to come. Mr. Burkhart said that using these funds to enhance their efforts is an extraordinary opportunity to further stimulate visitation to the area, which translates into sustaining jobs, increasing commerce, and providing the County with additional revenue. He stated that the CACVB is clearly focused on fulfilling its mission of generating visitation and increasing tourism-related revenues for Albemarle County and Charlottesville, through an enhanced, robust, comprehensive strategic marketing plan that would use the CACVB fund balance to further enhance current efforts while providing the financial means to expand new, previously inaccessible efforts. Mr. Burkhart said that goals were important, and one important attainable goal is increasing annual occupancy over the next three years to levels only previously enjoyed in FY07 – when the Dow neared 14,000 and unemployment nationally was 4.6%.

Mr. Burkhart said the CACVB understood the sense of urgency surrounding the fund balance issue, which is why they worked to create foundational elements in the plan presented today. He stated that the plan identifies key areas where increased marketing efforts and expenditures could be productively invested over the next two to three years, thus creating a significant, positive return for the region – especially Albemarle County. In short, they will be better positioned to ramp up and expand their current marketing efforts. He emphasized that a level of flexibility is needed in order to adjust to external pressures, such as economic conditions, emerging markets for attracting new potential visitors, and both online and mobile technological advances.

Mr. Burkhart reported that last month the CACVB Board and staff came together to do a SWOT analysis – strength, weaknesses, opportunities, threats - of their destination of Albemarle and Charlottesville, and they agreed it was something they need to do annually to ensure that priorities remain accurate. Mr. Burkhart reported that the strengths identified included: world-class brands such as U.Va., Monticello, and the Albemarle Charlottesville region; differentiation of destination by its urban and rural aspects; access by interstate and state road systems, rail and air providing multiple, easy travel options for visitors; and the presence of anchor events such as a vibrant music scene and key festivals that have become signature events.

Mr. Burkhart stated that the opportunities are incredibly exciting, and the group identified six that could make a difference in the bottom line for many local businesses, especially in lodging, area attractions, retailers and restaurants, as well as the influx of additional tax dollars for local government. He said that for the CACVB's commitment to local festivals that continue to build on out-of-town visitation, they see additional positive economic activity for the area. Mr. Burkhart said that visitors to the area love their experience, and the CACVB would further leverage its efforts with the Virginia Tourism Corporation to increase that love through repeat visitation to the area. He said that one of the opportunities identified was the area's growing popularity with future brides.

Regarding threats or challenges, Mr. Burkhart said the group identified high unemployment and waning consumer spending as primary areas of concern as travel is a purely discretionary item for both Americans and international travelers. He stated that this is why competition for travel dollars, especially in the leisure market, is so intense. Mr. Burkhart said that easy access, affordability, and value-added experiences become key reasons why one destination wins over another. He stated that this is why they felt that full use of the fund balance over the next several years would make a positive difference in the community.

Mr. Burkhart said that a key component in a strategic marketing plan is having a clear identification and understanding of target markets so that key messaging can be crafted in a compelling way for key audience groups. He noted that two-thirds of the U.S. population resides within an eight-hour drive of Albemarle/Charlottesville, and presented information on the top feeder markets for the area according to research commissioned by the CACVB – which was confirmed by research from the Virginia Tourism Corporation. Mr. Burkhart stated that D.C. is the area's top draw, with over three million residents in the greater Washington area and a travel distance of only 2.5 hours.

Mr. Rooker asked if it was possible to do promotions through Amtrak, as that would be a natural connection.

Mr. Burkhart responded that they initially did promotions when the new service was promoted, and he would mention that under the transportation section of his report.

Mr. Burkhart stated that having clarity of target markets will determine the various advertising and public relations strategies for developing and delivering on specific marketing campaigns, and their plan for engagement with a qualified marketing firm will further refine various strategies to deliver additional visitation. He said that the CACVB is in the process of identifying and selecting a qualified marketing firm to assist in developing a strategic marketing plan based on specific tactics and actions developed by the CACVB staff and Board – as well as through input from community partners. Mr. Burkhart stated that they believe the plan could be completed and delivered to the CACVB this April.

He said that over the last month, the CACVB has participated in two meetings with local lodging executives to identify common goals and to commit to an ongoing dialogue. More heads in beds is the desired outcome by everyone. Mr. Burkhart stated that the professional assistance sought would greatly augment the work already being done by the small professional staff of five, and many of the area's competitors rely on this kind of direct marketing support.

Mr. Burkhart then presented the priority items for action: new branding, as six years has lapsed since the initial branding undertaken by the CACVB. He said that the grow local, farm to table, vineyards/orchards/agricultural interests, and the burgeoning music scene were practically footnotes in the research commissioned in 2005 to support the current brand. Mr. Burkhart stated that Albemarle County enjoys distinction from the urban Charlottesville identity that commands the current brand, and revisiting and validating research already done by the CACVB with respect to the brand is a key priority this year – and one area in which the fund balance would be used.

Ms. Mallek asked if this meant redoing the brand or validating the existing one.

Mr. Burkhart responded that they were looking at a brand refresh, and rediscovery of what might have changed in six years.

Mr. Boyd commented that perhaps the brand refresh could include mention of Albemarle.

Mr. Burkhart stated that several weeks prior, Kate McGinnis-Wyatt provided the Board with an update on the Journey Through Hallowed Ground partnership – which has promoted education and economic development through heritage tourism that benefits students of all ages, local businesses, heritage sites, farmers and citizens throughout the natural heritage area including Albemarle. He said that the CACVB would continue to be a partner with the Journey and its efforts to increase visibility of the area. Mr. Burkhart stated that the Journey is currently seeking a contribution of \$35,000 to help fund their national scenic byways project, which includes signage, and the CACVB could support this project through their fund balance. He said they could clearly see support for this project and other direct marketing initiatives that would likely be announced by the Journey in the months and years ahead.

Mr. Burkhart stated that with the recent launch of the Monticello Artisan Trail, the CACVB also anticipates additional marketing support to help bolster the early successes of the trail – and has already sponsored two bus familiarization tours of this trail, covered the cost of printing for 20,000 rack cards, and have provided direct cash support. He said that the trail was also brought into the President's Passport Program through the CACVB. Mr. Burkhart stated that the CACVB will also continue to provide additional marketing support to help increase overall awareness of the vital local wine industry, and will continue to wrap around VTC-initiated campaigns, especially with advertising and media buy downs as well as public relations efforts.

Mr. Burkhart reported that the CACVB recognizes that festivals can serve as an economic magnet, and have drafted a festival funding policy that will be before the Bureau's Board at their January meeting. He said that they plan to use some of the fund balance to support established festivals as well as new first year entrants that can demonstrate in their marketing approach ways they can increase out of area visitors.

Mr. Burkhart stated that the CACVB provided underwriting support for the PBS documentary, *Vintage: the Winemakers Year*, and winning the bid to bring the Wine blogger's Conference to the area last July. He said that targeted campaigns, some of which will be in print and on-line, as well as placement of media storage through strategic planning, are areas where they would seek outside guidance to "get the best bang for their buck."

Mr. Burkhart said this region has a lot to offer to future brides. Weddings have a major economic impact on their destination with guests of wedding parties requiring accommodations, food and beverage,

transportation, and other wedding related services. Advertising in wedding publications and reaching out to wedding planners in key markets are all be part of the strategy to bring in more weddings.

Mr. Burkhart said that the area is a world-class destination that deserves coverage in the best, most credible media outlets available. Working with a seasoned public relations firm to elaborate and execute an aggressive, strategic-based plan is a necessary part of their efforts to further promote Albemarle and Charlottesville. He stated that the end result is "earned media," which is free publicity generated through a direct pitch or an assist with a story. This past year the CACVB generated \$652,000 in earned media and believes the number can increase significantly through their association with a professional public relations firm. This is how the Virginia Tourism Corporation garners a large amount of its earned media. Mr. Burkhart said that a portion of the fund balance would go to pay for the services of a public relations firm.

The CACVB has the need for a high quality, comprehensive, official destination visitor and travel guide that is visually appealing and content rich. To produce a new visitor's guide that would become their primary marketing piece will require top-shelf photography that appeals to the senses and text that is as descriptive as the pictures that flow from page to page. Mr. Burkhart said that a portion of the fund balance would be used for the creative and production costs of the new guide, and they want to commence the project early in 2012. He added that they also want a promotional video for the area that would entice leisure, professional, and other group travel – and it could be included on the CACVB website as well as shared with other interests such as the Charlottesville-Albemarle Airport.

Mr. Burkhart said they also receive many requests from regional and national media such as NBC Today, to provide unedited video for network viewing. The CACVB would make this available to partners who request a copy for their promotional purposes such as hotels, b&bs, wineries, etc. Their fund balance would allow them to procure these services.

Mr. Burkhart stated that travelers have the opportunity to see signage and other visible media that announce or promote the area, and they need to take advantage of this opportunity to further highlight the area to perspective visitors. The CACVB sees the potential for new ventures with the Charlottesville Airport – with having an extension of their visitors center at the Airport with volunteers greeting and assisting in-bound travelers and to have a standalone informational kiosk. He said that kiosks are being contemplated for the Airport as well as the University Visitors Center, which will provide users with real-time information about lodging, restaurant options, and current events. Mr. Burkhart stated that the tool can entice visitors to extend their stay or show them that a return visit was indeed needed. He also said that the CACVB is committed to supporting new and established routes for CHO to reduce leakage to other regional airports, and with added marketing tools they can expect to see increased visitation or lengthened stays.

Mr. Burkhart reported that the current student body population at the University is about 20,000, which represents tremendous visitation potential by family members and friends. Working with key individuals at the University of Virginia, the CACVB wants to provide guests with a reason to come back more often and increase the length of their stays. He stated that the numbers add up, with the overall potential for increased commerce throughout the community.

Mr. Burkhart stated that in addition to their ROI end of year report card on the CACVB's annual performance, they believe that these six general measures provide good indicators for how the tourism marketplace is responding to campaigns and key messaging put forward: gross lodging tax for Albemarle and Charlottesville; average hotel occupancy for Albemarle and Charlottesville; average daily rate and revenue per available room for Albemarle and Charlottesville; CACVB website traffic; Monticello ticket sales - \$ admissions; and ABC sales at wineries. He encouraged the Board to provide input on other measurement tools for their consideration.

Mr. Burkhart said that he had promised the Board in August 2011 an update highlighting the most significant activities by the CACVB. The latest of these reports has the ROI report card attached that shows – with fund balance excluded – that CACVB produced a 10.59 to 1 return. With fund balance included, he said, the ROI was 6.86 to 1.

Mr. Burkhart then presented information on the transient occupancy tax going back to FY07, noting that FY11 was the second best year of the last five. Of the total tax collected, he said, the CACVB receives 30% of the 5% TOT levied on overnight lodging guests in the County. He stated that there has been a steady increase in lodging occupancy since FY09, and FY07 had an annual average occupancy of 70%. Mr. Burkhart stated that they have not yet reached where they were prior to the economic downturn, and this is a national trend. He said that with full use of the fund balance, it would be reasonable to expect that over the next two to three years, occupancy could be at or above the FY07 levels. Mr. Burkhart stated that the average daily rate for lodging establishments in the area showed seven months of new highs in FY11, with May showing a historic high of \$123; REVPAR, the revenue per available room, is the barometer used by the lodging industry and the trend locally follows the other indicators shown.

Mr. Burkhart reported that the CACVB has seen healthy growth in the number of visitors and unique visitors to their website, and social media sites have become increasingly important for destinations – providing another avenue for innovative marketing beyond traditional websites. He said that the CACVB will continue to make significant investments to further support their destination's online presence, adding that 31% of website visitors will actually visit Charlottesville/Albemarle sometime in the future.

Mr. Burkhart stated that the next steps are: to engage the services of a qualified marketing firm to help develop and implement strategic marketing efforts of the CACVB over the next two to three years, and the process for identifying that firm is already underway. He said that the CACVB will be implementing an enhanced marketing program by April 2012. Second, the CACVB, in concert with this firm, will prioritize items – both tactical and strategic – within the marketing plan, to be executed with resources allocated and dedicated to each item. Third, the CACVB will work to strengthen partnerships to provide mutual benefit and allow them to achieve their goals. Mr. Burkhart said they also intend to develop and implement a festival funding policy to be in effect by July 1 2012.

Mr. Burkhart thanked the Board for the opportunity to present their strategy moving forward to make an effective use of the current CACVB fund balance. He said they are excited about further enhancing marketing efforts to increase visitation to the area, and increasing direct economic impact of tourism in Albemarle and Charlottesville. Fully utilizing this fund balance will provide them with a unique one time opportunity to put forth many of the initiatives that have been outlined in this presentation.

Mr. Boyd asked if the CACVB has reached out to DIA and NGIC, as they bring in thousands of people for seminars each year. He noted that this might be a way to offset the downtimes as they could have their seminars in the wintertime.

Mr. Burkhart responded that CACVB staff had accompanied Ms. Susan Stimart to Bolling Air Force Base two years ago, and agreed that this was an area they should continue to pursue.

Mr. Rooker said that U.Va. sports remain the #1 attraction in the area, bringing about 750,000 people here per year, and asked if packages could be put together for sports – offering people game tickets along with rooms.

Mr. Boyd said that was a great idea, mentioning that the approach was often taken with bowl game packages.

Mr. Burkhart mentioned that the CACVB was bringing in one of the best, nationally-known creators of consumer packages on January 12, and agreed that the U.Va. suggestion should be pursued.

Ms. Mallek said that there needed to be a way to get Albemarle's presence on the U.Va. website as it is absent right now. She also asked what the CACVB's strategy was to put packages together, as they have traditionally shifted the burden to individual businesses, and it should be CACVB's responsibility to put them together.

Mr. Burkhart stated that that's the whole reason for having the packaging consultant come in, adding that the package begins with the lodging facility. He said that they are hopeful that by bringing in Mr. Joe Venito – "the Opportunity Guy" – who has created successful packages from Monterey to Ashville, they would be able to move forward with a better strategy.

Ms. Mallek said that she really wanted the CACVB to be more active and supportive of all the individual businesses in that effort. She stated that she had studied the plan in depth and would like to get the details on the outcomes of some of their approaches. Ms. Mallek asked about the mention of a strategic marketing plan for 2011, and asked if it had ever gone forward or if this current plan was the same thing.

Mr. Burkhart responded that the CACVB envisioned specifics such as agri-tourism as being folded into the larger plan.

Ms. Mallek asked about plans for improving the functionality of the CACVB website, as the mobile version seemed to only send a bunch of links. She added that many small businesses have said that the website is their primary value from the CACVB, rather than a color glossy welcome book.

Mr. Burkhart stated that they would be bringing mobile technology that is different from the main website. That is currently being worked on.

Mr. Rooker commented that a lot of this plan relies on hiring a marketing firm, and asked what process is being implemented to recruit a firm and how it would be compensated.

Mr. Burkhart responded that the RFP should go out this week and would be a competitive process, with a 60-day window being reasonable for establishing a draft plan. He said they would also encourage local firms to bid on the project.

Ms. Mallek commented that a firm that has innate local experience is worth a lot. She added that she does not want to have a learning curve that they are having to pay for.

Mr. Thomas asked if there was a scientific formula for the projected 2% increase in annual occupancy as mentioned in the report.

Mr. Burkhart replied that it was not scientific, but is based on some optimism that the economy will strengthen; it is a goal.

Mr. Foley asked if the Board's expectation is to see a marketing plan prior to making a decision about the fund balance.

Ms. Mallek said that one of the CACVB's representatives had said it would be ready in two weeks when they addressed the Board in December.

Mr. Foley asked Mr. Burkhart's about the CACVB's process for going forward in presenting this Board with a marketing plan.

Ms. Mallek said she would be happy to have another update next month.

Mr. Burkhart stated that they had indicated in the RFP that the selected firm would come back with the CACVB to present a marketing plan. He is prepared to come to the Board monthly to provide it with a one-page update on what they are doing.

Mr. Foley asked when the marketing plan would be presented to the Board.

Mr. Burkhart responded that if they can sign a contract in mid February and move the process on the proposed schedule, with the final product in their hands within 60 days, they should be able to come back to the Board sometime in mid April. He added that there will be one person from the County as part of the RFP review process.

Mr. Foley said staff will schedule this on the Board's April agenda.

Mr. Boyd commented that the Board needed to make some budget decisions prior to April, and he was inclined to let the CACVB keep the money, and not plan for it in the County's budget.

Ms. Mallek said there should be another update from them before then.

Mr. Foley noted that the proposed budget would not rely on using any of those funds, and emphasized that it is one-time money that is not available for the long term.

Mr. Snow said that items such as the Festival of the Book could now be funded by the CACVB, so they could be eliminated from the County's budget.

Mr. Foley agreed, adding that there are still some questions as to which the CACVB thinks are appropriate to fund and that would have to be addressed during the budget process.

Mr. Snow commented that there seemed to be some disagreement as to which they wanted to fund.

Ms. Mallek thanked Mr. Burkhart for his presentation and the CACVB's efforts, especially with the Journey for Hallowed Ground and the signs.

Agenda Item No. 17. Albemarle County Service Authority Quarterly Update.

Mr. Gary O'Connell, Executive Director of the Albemarle County Service Authority, summarized the following report which was forwarded to Board members:

"On behalf of the ACSA Board of Directors and our employees, we appreciate the opportunity to brief the Board. This continues our quarterly water and sewer briefings into the New Year.

1. Water Supply - The dam project design is complete and the project to bid. ACSA funded the final design of the new earthen dam at Ragged Mountain. We can update you on the latest status of the water agreements at your Board meeting. The Rivanna Water and Sewer Authority (RWSA) Board is scheduled to approve the construction contract on December 28, 2011, and the City Council is scheduled for a public hearing and vote on January 3, 2012.
2. Rivanna Pump Station - RWSA Board takes up the selection of one of the three alternatives at the December 28, 2011 Board meeting (to meet a December 31, 2011 legal deadline from DEQ).
3. Capital Projects - We have over \$20 million in projects underway, here are a few summary highlights:
 - North Fork Regional Pump Station: Largest project, to build a new sewer line and two pump stations to serve the northern Route 29 urban corridor; line and pump station work well underway, several of the major sections of this project are completed. On time, within budget. The sewer force main crossing the North Fork of the Rivanna River is the next major phase of work.
 - Key West Water Main Replacement: Preliminary design underway, designing a route for an interconnection with Dunlora across the river.
 - St. George Avenue/Buck Road Water Main Replacement: Design complete, easement acquisitions.
 - Ashcroft Water Improvements: Ninety-percent design; state review; improvements of water tanks and water lines.
 - West Leigh Water Replacement - Phase 2 (Williston & Emerson Drives): Project bid; below estimates; contractor mobilizing.
 - Berwick Road Water Main Replacement: Around Boar's Head, project bid, below budget, construction scheduled to begin on January 3, 2012.
 - Glenmore Tank Study: Balloon flow for digital rendering of the future tank; land negotiation; spring community meeting.

- Hardware Street Water Extension/Scottsville Phase 2 Sewer: Design complete; working with adjacent property owners for easements.
- Buckingham Circle Water Main Replacement: Ready to bid after the first of the year.
- Oak Hill Phase 1 Sewer: Federal Community Development Block Grant project in conjunction with Albemarle County. About 20% complete.
- Crozet Drainage Basin Phase 1 (SSES): Project completed; identified several properties with sump pumps connected to sanitary sewer have been eliminated. Phase 2 is 95% complete with sewer rehabilitation and 75 private sewer service lateral defects connected.
- Meadow Creek Drainage Basin Sewer Rehabilitation: Townsend subdivision work completed; the full phase of the Meadowcreek Drainage Basin Sewer Replacement and Rehabilitation has been completed, a multi-year project.
- Hollymead Water Main Replacement: Phased project by ACSA crews, installed new line on Poe's Lane, next phase is Raven's Place.
- Water Tank Inspections: Four ACSA tanks tested inside (by divers with video) and outside; no major repairs needed.
- SCADA System (computerized controls) - Design complete for this three year/three phase project; bid after the first of the year; remote computerized monitoring, data collection and emergency "red flags."
- Large Meter/Random Test Program - Third party test and calibration of all large meters (300) and 10% of the 17,000 residential meters (1,700) random testing. Project 90% complete; analysis in process. Meter replacements for accuracy ongoing throughout this project.
- Active Development Projects (attached) - New areas are Belvedere Town Center apartments/townhouses, Rivanna Plaza (Route 29 at Kegler's) commercial buildings.
- Water and Sewer Reports - I have attached a recent monthly report to give you a more detailed view of the ACSA customer base in our four systems. We now have 17,315 water accounts serving 27,428 "units" serving 64,000 customers.
- Environmental Management System (EMS) - Going through a detailed I.S.O. certification process, looking inside/out at the ACSA facilities from an environmental impact and regulatory lens. A very detailed and constructive process.
- Wastewater Rates - A continuing reminder that due to the number of major Rivanna sewer projects (\$150 million), we will see double digit wastewater increases next July 1st.
- Budget/Capital Improvement Program - Our Budget and Capital Improvement Program will be presented to the Board in April.
- Fats, Oils and Grease (FOG) Program - Keep these out of your sewer; do not dump down the drain, a major source of sewer overflows that can damage our rivers. ACSA has an aggressive educational program underway targeting problem areas and particularly apartment complexes. A community holiday print ad sent to all customers and radio ad sent to Charlottesville Radio Group (see attached).
- Winter Water Tips –
 - Keep garage doors closed, if there are water lines in the garage;
 - Open kitchen and bathroom cabinet doors to allow warmer air to circulate around the plumbing. Be sure to move any harmful cleaners and household chemicals out of the reach of children;
 - When the weather is very cold outside, let the cold water drip (at a minimal amount) from the faucet served by exposed pipes. Running water through the pipe, even at a trickle, helps prevent frozen pipes;
 - During extreme cold, keep the thermostat set to the same temperature both during the day and at night;
 - If you will be going away during cold weather, leave the heat set to a temperature no lower than 55°F."

Mr. O'Connell also reminded Board members that wastewater rates would be increasing by double digits next July due to the \$160 million in the RWSA's wastewater treatment projects and the ACSA's share of that. He also stated that one of the biggest issues in the system is FOG – fat, oil, grease – whereby people dump grease down their drains and clog up the pipes.

Mr. O'Connell reported that all of the ACSA's agreements would be posted on their website, adding that the water agreement meets future long-term needs. He said that one of the ACSA's goals is to build a full-height dam, and much of the recent negotiations have revolved around that specific point. Mr. O'Connell stated that the third key part to the agreements is the fact that the County is paying for 80% of the new supply, and if the City would ever need to purchase supply there would be payment for it – which is different from how agreements had been handled in the past. Mr. O'Connell noted that City Council takes the issue up on January 16, 2012, with the ACSA Board taking it up on the January 19th and Rivanna Board taking it up the following week. He mentioned that the second part of the agreements involves the property use agreement, which allows for construction of the dam at Ragged Mountain and the construction of a future pipeline and facilities at the South Fork Rivanna Reservoir.

Mr. O'Connell reported that at the last RWSA Board meeting, "Option E," which is the tunnel option and the most expensive choice, was approved for the wastewater treatment plant. He said that there would also be another cost allocation agreement to work through with that process that must be finalized by June. He added that the ACSA also has a number of ongoing capital projects.

Mr. Boyd asked for clarification of the City's claim that they are paying more for less water.

Mr. O'Connell explained that when Rivanna was created in 1973 there was an agreement that there would be shared use of the water in all of the reservoirs, and there was a deed to lease those water

rights in 1983. He stated that the water has been on a first-come, first-serve basis since 1973, and there hasn't been an allocation before – so the agreement sets a new allocation based on the County paying for 85% of the dam and 80% of the pipeline. Mr. O'Connell said that the ACSA Board felt it was critical to have some kind of payback if the City ever used what ACSA customers had paid for in the beginning. It is a new and different approach.

Ms. Mallek said that it was much fairer to approach it that way, as a person that moves into an apartment building must buy into what other long-term ratepayers had been paying for all along.

Mr. Boyd noted that the reason why there was declining value is that the SFRR was still continuing to silt in, and even dredging would not be able to completely stop that. It is a proportionate reduction for both the County and the City.

Mr. O'Connell stated that the agreement says that "of the new water being provided by the dam and future pipeline, 80% of it would be allocated to the County".

Ms. Mallek said the County is basically doing what the City asked as it said they needed no more water than that amount. Mr. O'Connell confirmed that that was the basis for the discussion.

Ms. Mallek commented that she was worried about the 85% trigger being based upon a whole 12-month consumption, and she hoped there was consideration for restricting it to a warm season flow. She said that the chart Mr. John Martin prepared showed that the community is way over its safe yield in the summertime, but nowhere near the 85% year-long trigger.

Mr. O'Connell responded that what they are trying to establish is that this was for the trigger for the additional 12 feet raise of the Reservoir height. There are two places where average daily demand is involved – the true-up he mentioned previously and the trigger, but it's not the raise of the dam, and it's based on a 12-month consecutive average day use. For 2010, he said, the average daily demand was 9.96 million gallons. Because August is when they hit the picks, he thinks they will be looking at the August to August time frame. Mr. O'Connell stated that water planning was done on that basis, and the agreement follows that as do state planning guidelines – with the 85% being a state planning guideline. He said when it hits 85% of the current safe yield it triggers the 12 feet, and Rivanna can go do what is necessary, which is essentially remove the trees and raise the reservoir height – but all the infrastructure for the full-height reservoir would be in place.

Ms. Mallek said when the County goes over the 85%, it means the water restrictions will have to be applied.

Mr. O'Connell also stated that part of the water supply planning and having additional capacity at Ragged Mountain is to put more water in the system so that there is water available during drought periods to be put back into use while still meeting in-stream flows required by permits. If they get close to exceeding that, then they raise the height of the reservoir. If they get close to exceeding that again, then that's when the pipeline gets triggered in. He noted that it was those three phases that create the 50-year+ water plan – based upon usage.

Mr. Rooker said as he recalled there wasn't a very good way of determining what the City uses versus what the County uses.

Mr. O'Connell stated that there are some major meters at the treatment plants to measure the water, but there are some locations where there's not – and part of the agreement is to have a much more aggressive metering program that would look at the system from the City's use, the County's use, and from the University's use. He said that their belief is that looking at the system for drought management included looking at it to prevent leaks, which requires a metering arrangement. Mr. O'Connell added that there is a 12-13% loss that occurs, and part of this addressed where that is going, how to address it, and who pays for it.

Mr. Rooker commented that there is a lot more incentive to repair the problems causing that loss if you are paying for it. Mr. O'Connell agreed.

Ms. Mallek asked what the timeframe is for the land needed that would be inundated.

Mr. O'Connell responded that it is a property use agreement that is like a lease to be filed at the Clerk's office, with a 40-year period of time.

Mr. Rooker asked what the term of the original lease for the existing facilities was.

Mr. Davis said that the four-party agreement was for the life of the agreement, and for the dam inundation property it would remain for the life of the agreement; the five-acre outflow parcel is part of the 40-year lease.

Mr. O'Connell stated that in essence it is preserving the current arrangement at Ragged Mountain, and RWSA would essentially be leasing the water to then sell it to the City and the County.

Mr. Thomas asked if it was typical of regional water supply.

Mr. O'Connell said he thinks that each one is set up a little differently.

Referring to Mr. O'Connell's written report, Mr. Boyd commented that Briarwood Subdivision is no longer located in the Rivanna District, but is now in the Rio District.

Ms. Mallek asked if most of the homes in Oak Hill have agreed to hook up. Mr. O'Connell responded that most did, but a few decided not to in the end. Ms. Mallek asked if they have to hook up if their system failed. Mr. O'Connell responded, "yes". He added that they originally got agreements from 52 property owners out of 54 property owners.

Mr. Rooker said it would be helpful at some point to see a hook-up fee comparison with other localities, as he continues to receive comments from constituents about it.

Mr. O'Connell responded that he could bring that forward, adding that the simple answer is that high-growth localities with a lot of infrastructure improvements have higher connection fees.

Mr. Rooker said he would like the information on not only high growth communities, but surrounding communities and those that are comparable in size.

Mr. O'Connell also noted that the RWSA's capital improvements program is \$201 million, and those costs get calculated into connection fees. He stated that they are tryin to pay for future capacity to be able to handle new development. It is the method that the ACSA have used to calculate fair share for growth. He noted that developers are seeing this in many other places around the State. Mr. O'Connell stated that the Route 29 North project, for North Point and other new properties, will cost more than \$10 million, and a special new connection fee was used to be able to finance that.

Mr. Rooker commented that it's almost like a service district fee.

Mr. O'Connell agreed, adding that while property owners were involved in that it is not until they come pay the tab that it becomes clear.

Agenda Item No. 18. Rivanna Water and Sewer Authority Quarterly Update.

Mr. Tom Frederick, Executive Director, summarized the following report which was forwarded to the Board:

1. Ragged Mountain Dam: The R WSA Board has authorized the Executive Director to award a construction contract for the dam to Thalle Construction Company as soon as four remaining items are completed: (1) executed cost share agreement; (2) executed land use agreement; (3) VDOT/FHWA approval of design for 1-64 embankment; and (4) completion of needed acquisition/easements on private property. The fourth item will be completed by RWSA by the end of January, hopefully by consent but if necessary by condemnation. The other three items depend on other parties beyond RWSA's control.

As the Supervisors are aware, an announcement was made on December 14, 2011 by the ACSA and City that the negotiating parties had reached an agreement on major terms for the cost share agreement, which would also clear the way for the land use agreement (the City had previously informed RWSA they would not consider the land use agreement before terms of the cost share agreement were reached). Formal approval by the City Council and ACSA Board of Directors remains to complete this process; something we hope will be accomplished in January.

RWSA met with VDOT's chief engineer in Richmond in December and resolved several issues that had been raised by VDOT, which we hope will clear the way to obtain final approvals on the 1-64 embankment. Following VDOT approval FHWA needs to review and concur. We have been working with VDOT and FHWA on this issue since the spring of 2010, and submitted final design drawings for final approval on October 4, 2011.

We are expecting a decision from the U S Army Corps of Engineers on our permit modification within the first two weeks of January. The Corps has informed us that we have satisfactorily addressed all of their questions on our application. As you are aware, the Virginia State Water Control Board approved the permit modification on December 14.

With the successful resolution of the above issues, we are hoping to begin construction in March 2012. We are presently lowering the water levels at the existing Ragged Mountain Reservoir (-3.2 feet as of December 30, 2011) in anticipation of that construction. Local streams have been above normal in December and all other reservoirs are full.

2. Rivanna Interceptor Pumping: Facing a deadline to select a single preferred alternative by the end of 2011, derived from a Consent Order from the Virginia Department of Environmental Quality, the RWSA Board of Directors on December 28 selected Concept E by a 4-3 vote. Concept E will relocate the pump station from its existing location adjacent to the City's Riverview Park and Woolen Mills neighborhood to the RWSA's Wastewater Treatment Plant site, which will require an underground tunnel be constructed between Riverview Park and the WWTP site to extend the 60-inch Rivanna Interceptor to the new pump station. The new pump station will be capable of pumping at a peak flow rate equivalent to 53 million gallons per day, which will accommodate the

increased wastewater flow during a 2-year recurrence rain storm event in 2020 provided the City, ACSA, and RWSA collectively reduce stormwater infiltration and inflow into the regional sewer systems by at least 25% compared to measured levels in 2006.

The project is expected to cost \$38-\$40 million based on the selection of Concept E. In approving Concept E, the RWSA Board also stated that the project financing by the City and ACSA must be based upon a cost share agreement to be negotiated by June 30, 2012.

3. Dredging of the South Fork Reservoir: The RWSA Board of Directors decided in September to re-start work by HDR and McGuire Woods on preparing support documents for the issuance of a Request for Proposals, after deciding in August to suspend such work until a cost share agreement was reached on the dam project. The restart included a clause that the City would advance the reimbursement of RWSA's costs to continue this work until a cost share agreement was reached. A report to the RWSA Board on these documents is expected at the January 24 Board meeting. The recent December 14 announcement on the cost share agreement included a 50/50 split between the City and ACSA for a dredging project, with a cap of \$3.5 million.
4. Virginia Water Quality Improvement Fund (WQIF): The WQIF has not been adequately funded by the Virginia legislature to cover the Commonwealth's obligations for WWTP nutrient treatment upgrades for the benefit of the Chesapeake Bay, which has also impacted us locally (the Commonwealth owes RWSA over \$3 million in grant funds related to RWSA's nutrient upgrade at the Moores Creek WWTP). We expect a bill to be introduced in the 2012 Session, supported by many environmental groups and the Virginia Association of Municipal Wastewater Agencies, to add over \$300 million to this fund through bonds sold in 2013 to overcome the current deficit. We expect the Virginia Association of Counties to also support this bill and encourage Albemarle County to do the same."

Mr. Frederick said that the RWSA Board awarded a contract to Thalle Construction last week based on bids received December 8 for the dam, with the amount being \$21.5 million – contingent on the execution of the cost-share agreement and the land use agreement. He stated that there was an outstanding permitting issue with VDOT and the FHWA on the I-64 encroachment, and all indications were that the review was going well and would simply take some time. Mr. Frederick added that he had learned from VDOT that they would push for a speedy review by the Federal Highway Administration, and while that's not binding they usually follow the request. He said that the RWSA is expecting to hear from the Army Corps of Engineers soon and indications are that it would be positive.

Mr. Frederick mentioned that there was one outstanding access easement, and if there is not voluntary consent by January 22 the RWSA will ask their Board to exercise eminent domain – as the request has been going on for nine months now. He said it would be using a path that is already established to access property and upgrading it so that vehicles get access to the reservoir site, adding that with the flooding of the culvert there would no longer be a way to get from Reservoir Road through the property to the south side. Mr. Frederick also stated that he was very comfortable with the 85% level based on average annual demand, adding that it could be done monthly not daily because in a single day there could be a spike. He stated that he confirmed with Hydrologics, who does all of their modeling, that when they run their model that determines the safe yield based on the average annual yield, so it's a fair comparison. Mr. Frederick said that the 85% gives a 15% cushion to take necessary actions.

He also reported that the RWSA is now being asked to build the dam for the 42-foot height but set the pool level initially at 30 feet, adding that it would cost about \$34,000 to re-do the CAD work so the contractor has an issue for construction set that tells them what to build – as well as some permit modifications, including one from DCR. Mr. Frederick said that his suggestion to the RWSA Board has been to pursue this as an amendment, not start over, so that construction could begin in March on the tunnel that carries the intake water to the pipeline – and then the dam foundation, which would take many months.

Mr. Snow asked how long it would take to clear the trees and prepare the area for the additional height.

Mr. Frederick responded that it could be done within a 12-month time period provided there were no endangered species, but they did include a provision in the permit regarding an endangered bat that has not been identified previously. He said they have a three-year reprieve on that but when they come back to raise the level 12 feet they will have to go back through the process, which could limit the seasons of the year in which tree removal would be permitted.

Mr. Snow asked about the expansion of the sewer to RWSA property, which would be a 35% increase, and asked what part of that would be the cost of moving it under Option E.

Mr. Frederick responded that he doesn't have the breakdown with him. Building the pump station on the wastewater treatment plant site versus building it on the site where the existing pump station is would not be a significant cost difference; the big expense would be the tunnel and the extension of the 60-inch Rivanna interceptor where it terminates now at the existing pump station, to extend it to terminate at the new pump site.

Mr. Rooker asked about ongoing operating costs.

Mr. Frederick replied that there might actually be a slight decrease, because by pumping closer to the source there might be some energy savings. He said that added costs would all be on the capital front end side.

Ms. Mallek asked if the current plant would be decommissioned.

Mr. Frederick said that the plan would be to decommission the existing station, and even if they were able to sell the property it may not be a moneymaker because of decommissioning costs.

Agenda Item No. 20. Department of Forestry Annual Report.

Mr. Eric Filep addressed the Board, stating that he is the new County Forester and was replacing Mr. Nelson Shaw – who had to be reassigned due to some health issues. Mr. Filep stated that he has been with the Department for about seven years, working in various parts of the region. He reported that in 2011 there were a total of 24 fires in the County that the Department of Forestry was called in on, with a total of 960 acres burned – a little bit higher than in previous years. Mr. Filep said that the largest fire consumed 609 acres near Ragged Mountain on February 19, during a time period that tended to be the worst week of fire season. He stated that from February 15 to the end of April, citizens are not allowed to burn between the hours of 4:00 p.m. and midnight, with the County's law being more stringent in an effort to minimize fires.

Mr. Filep reported that the Department held a firefighter refresher course at Wintergreen in Nelson County, which had 32 participants focusing on everything from engine work to learning how to work with aircraft, learning GPS capabilities, and other tasks to make them more effective on the ground. He said that the Department hires quite a few part-time firefighters to help them with their operations and provide coverage. Mr. Filep reported that they have done six Smokey Bear programs since August in area public and private schools, as well as 10 youth forestry programs that include some internship opportunities. He said that the Department has done seven adult forestry programs, including fire prevention and real forestry for real estate.

Mr. Filep stated that they have done four riparian restoration projects encompassing about 18 acres, which was low but would likely increase in 2012, and those projects equaled about 2.8 miles now in conserved, planted riparian area. He said that they wrote 14 stewardship plans or management plans over the last year for just over 4,000 acres – involving both the DOF and private consultant foresters. He also stated that the Department did informal plans for 27 tracts totaling 794 acres, and 12 incentive plans for different cost-share measures, covering 272 acres. Mr. Filep stated that logging in the County was slightly lower than usual as there is not a strong timber market, and they had about 70 logging notifications so far for this year – compared to an average of about 100. He noted that they had very few law enforcement actions or water quality issues related to logging, and an unusually low number of complaints.

Ms. Mallek asked if one of the primary reasons he is called in is because people neglect to call him before they start. Mr. Filep responded that it is more of them catching them doing something that they are not supposed to do. Most of their failures to notify are from citizen calls. This year they have had no cases of that.

Mr. Filep reported that they had four tracts totaling 154 acres, mostly in pine planting, and some of that is due to having three different people covering the County in between his hiring and Mr. Shaw's departure. He stated that this spring they would be planting six areas for about 146 acres, and one area of hardwood for about 40 acres – which is notable for an area that size that's not riparian. Mr. Filep said that vegetation control included planting of spring pines to keep hardwoods out and grow healthy, faster trees – and totaled seven tracts for 430 acres. He stated that they have had 19 stands this year of commercial thinning for over 700 acres, and a lot of that came from one very active landowner. He noted that thinning is very effective in preventing massive insect outbreaks and large-scale forest fires. Mr. Filep said that Charlottesville celebrated its fifth year of being a "Tree City USA," and would be lining up for their sixth year.

Ms. Mallek asked if that program was strictly for municipalities.

Mr. Filep replied that it was, but perhaps Scottsville would qualify.

Agenda Item No. 21. Closed Meeting.

At 12:56 p.m., **motion** was offered by Mr. Dumler for the Board to 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; and under subsection (7) to consult with legal counsel and staff regarding a specific legal matter regarding tax exempt property. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 22. Certify Closed Meeting.

At 2:25 p.m., **motion** was offered by Mr. Dumler 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 meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 23a. Boards and Commissions: Vacancies and Appointments.

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

- **reappoint** Mr. Ross Stevens and Mr. Joseph Samuels to the ACE Appraisal Review Committee, with said terms to expire December 31, 2012.
- **reappoint** Mr. Bill Kittrell, as the White Hall District representative, and Mr. Clarence Roberts, as the Rivanna District representative, to the Albemarle County Service Authority Board of Directors, with said terms to expire December 31, 2015.
- **appoint** Mr. Timothy O'Brien to the Charlottesville-Albemarle Regional Transportation Advisory Committee (CHART), with said term to expire April 3, 2014.
- **reappoint** Mr. John C. Lowry, as the Samuel Miller District representative, and Mr. Elton J. Oliver, as the Scottsville District representative, to the Economic Development Authority with said terms to expire January 19, 2016.
- **reappoint** Mr. Alan Collier, Mr. David Cooke II, Ms. Virginia Gardner, Mr. William Rich and Mr. John C. Lowry to the Equalization Board, with said terms to expire December 31, 2012.
- **appoint** Mr. Richard Randolph, as the Scottsville District representative, to the Planning Commission, with said term to expire December 31, 2015.
- **reappoint** Mr. Calvin Morris, as the Rivanna District representative, and Mr. Tom Loach, as the White Hall District representative, to the Planning Commission, with said terms to expire December 31, 2015.
- **appoint** Mr. Richard Hewitt to the Police Department Citizens Advisory Committee, with said term to expire March 5, 2014.
- **reappoint** Mr. A. Bruce Dotson to the Public Recreation Facilities Authority, with said term to expire December 31, 2014.
- **reappoint** Mr. Steven James and Mr. Vincent Day to the Rivanna Solid Waste Authority Citizens Advisory Committee, with said terms to expire December 31, 2013.
- **reappoint** Mr. Lincoln Lewis, as the Rivanna District representative, to the Social Services Board, with said term to expire December 31, 2015.

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

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

NAYS: None.

Motion was then entered by Mr. Snow to appoint Board members to the following boards and committees:

Ken Boyd:

- Darden Towe Memorial Park Committee
- Fiscal Impact Advisory Committee
- Rivanna Solid Waste Authority
- Rivanna Water and Sewer Authority

Christopher Dumler:

- Audit Committee
- Jail Authority
- Police Department Citizens Advisory Committee
- Thomas Jefferson Planning District Commission

Ann Mallek:

- ACE
- Piedmont Workforce Network Council
- Property Committee
- Thomas Jefferson Planning District Commission
- CIP Oversight Committee
- Charlottesville/Albemarle/UVA Planning and Coordination Council Policy Committee

Dennis Rooker:

- Audit Committee
- Charlottesville/Albemarle/UVA Planning and Coordination Council Policy Committee
- High Growth Coalition

- CIP Oversight Committee
- Rivanna River Basin Commission

Duane Snow:

- Property Committee
- High Growth Coalition
- Historic Preservation Committee
- Rivanna River Basin Commission
- Metropolitan Planning Organization

Rodney Thomas:

- Agricultural and Forestal Advisory Committee
- Darden Towe Memorial Park Committee
- Hazardous Materials Local Emergency Planning Committee
- Metropolitan Planning Organization

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

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

NAYS: None.

Agenda Item No. 19. Economic Vitality Action Plan Quarterly Report.

The executive summary forwarded to the Board stated that The Board of Supervisors adopted an Economic Vitality Action Plan ("Plan") on August 4, 2010, following extensive public discussion and review. That plan established a schedule for staff to provide quarterly reports to the Board on staff's progress and activities related to the Action Plan. Staff will present the first quarterly report of the Plan's second year of implementation at this meeting. This item is related to one of Albemarle County's Strategic Action Plan Goals - FY 10/11- FY 11/12 –

Goal 3: By June 30, 2012, the County and its partners will complete the first two year's activities identified in the County's Economic Vitality Action Plan

Highlights of Progress on the Plan during the last quarter:

Objective 1 - Improve Business Climate and Image

- **Launched updated Economic Development website (as of January 1, 2012)** – Significantly expanded economic development website presence and functionality including new logo/visual identity for our efforts– future specific marketing efforts will be guided by the results of the Target Industry Study.
- **Virginia Economic Development Partnership (VEDP)** – Continued partnership using state grant resources to benefit existing business expansion as well as new business expansion and managing GOF performance reporting to VEDP on behalf of MicroAire expansion.
- **Virginia Economic Development Association (VEDA)** – County staff continues active involvement with this group, most recently attended annual meeting in Williamsburg in December.
- **Virginia Department of Agriculture & Consumer Services (VDACS)** – County staff continues active involvement as a member of the Virginia Agricultural Development Officers (VADO) group, most recently attended quarterly meeting in December.
- **Charlottesville Business Innovation Council (CBIC)** – County staff engages with this important local group by serving on the Board of Directors and actively supporting CBIC programs.

Objective 2 - Simplify and Create Certainty - Continued regulatory reform

- **Strategic fast track review process** – Board members have expressed interest in the possibility of a fast-track review process for projects that provide significant economic benefits, including creation of high paying employment opportunities or expansion of the County's industrial tax base – staff is researching this issue and will bring information back to the Board on February 1 as part of the Target Industry Study discussion.

Objective 3 - Support Quality Job Opportunities

- **Target Industry Study** – Study is underway with final results to be available in mid-February – an overview of preliminary results of the study is scheduled for the Board's February 1 meeting.
- **CBIC Tech Tour** – County staff helped organize and run the 2012 Tech Tour which involved 400 students (including 120 middle-schoolers) from 21 area schools which was the largest group ever involved in this activity – 63 local high tech companies provided 81 separate tours.
- **Albemarle Business First** – In the program's first year of rededicated effort, county staff and local partners had face-to-face visits with 50 Albemarle County businesses. Staff is continuing to refine the program's focus and the goal is to contact 75 businesses in our identified target group in 2012.

Objective 4 - Expand Industrial Land Options

- **Stakeholders Roundtable** – County staff convened a roundtable to solicit feedback/input for the Comprehensive Plan update process with a specific focus on industrial uses and interstate interchanges. Results of the roundtable will be part of staff's discussion with the Planning Commission on January 31 and highlights will be shared with the Board on February 1.
- **Industrial districts' uses and commercial and industrial setbacks and buffers** – A work session with the Planning Commission is scheduled for early spring.

Objective 5 - Promote Rural Economy/Tourism

- **Stakeholders Roundtable** - County staff convened a roundtable to solicit feedback/input for the Comprehensive Plan update process with a specific focus on agribusiness possibilities. Results of the roundtable were part of a Planning Commission work session on November 29 focusing on rural land use.
- **Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Strategic Marketing Plan** – The CACVB Board and staff are developing a strategic marketing plan that will focus more effort and resources on promoting the community's tourism assets, including agri-tourism and other attractions in the County.
- **USDA Specialty Crop Competitive Grant** – A USDA Specialty Crop Competitive Grant in the amount of \$30,000 was recently awarded to Albemarle and Nelson Counties which will support further study into the production and expansion of hard cider (fermented apple juice) in this region and across the commonwealth.
- **Presidents Passport Cooperative Marketing Program** – CACVB, [Monticello](#) and [Montpelier](#) have announced a cooperative marketing program designed to encourage tourism to the greater Charlottesville area starting in late January 2012. The program, *Presidents Passport*, is supported by over \$180,000 in marketing partnership spending from the CACVB, Monticello, and Montpelier including a substantial grant by the Virginia Tourism Corporation for \$50,000. The *Presidents Passport* campaign is designed to build on the excitement surrounding the opening of the new landmark Smithsonian/Monticello exhibition opening in D.C. and encourage visitors to explore the extensive history and tourism attractions in Charlottesville, Albemarle, and surrounding areas.

Data reporting

- As stated in the Plan, it is critical that the County regularly monitor and assess the economy and the local business climate in order to proactively and effectively promote economic vitality. The most recent quarterly indicators report is attached.

Staff reported that there was no budget impact, and no action was required by the Board.

Ms. Catlin addressed the Board, stating that she and Ms. Stimart would present the first quarter's update for the second year of the plan. She said, in following the same format as in previous reports, she would like to present to the Board a quick scan on some things going on in the environment, progress highlights on the plan's five goals and then lastly, provide a review of the economic indicator data. She stated that a recent nationwide survey found the Charlottesville Metropolitan Area to be one of the country's strongest markets for growing and maintaining jobs, with the Milliken Institute's yearly survey ranking the area #14 among the nation's 179 smallest metropolitan areas. Ms. Catlin said this area had the strongest showing among Virginia's smaller metropolitan areas, with the region improving from a #20 ranking last year.

Ms. Catlin reported that funding for the Amtrak pilot program had been extended for two more years. The Amtrak train runs daily from Lynchburg to Boston and has increased the area's access to New York and other cities in the northeast. Ms. Catlin stated that a new state budget proposal specifically allows the Commonwealth Transportation Board (CTB) to allocate money from the six-year Rail Enhancement Fund into a new fund to support this program for at least two more years and, with the ridership exceeding expectations, it is hopeful that the funding will continue to keep the program going. She reported that the National College would be relocating to a new \$5.5 million campus near the airport, an 18,000 square feet, two-story structure, with classes scheduled to begin in February and will include a medical lab, three computer classrooms, an information systems engineering lab, and more than 80 computer workstations. She said the National College is another way to promote workforce training in this area and will include specific technical skills needed by certain businesses as well.

Mr. Boyd asked if the National College would be offering a complimentary intelligence analyst boot-camp similar to what is being offered at Piedmont Virginia Community College (PVCC).

Ms. Catlin replied that the two programs are separate. She explained that PVCC just completed their first 10-week boot-camp class. It was very successful with a total of 19 graduates, and a write-up on the front page of the *Washington Post* "Metro" section. She noted that this was a partnership between an Ohio-based nonprofit corporation called the "Advanced Technical Intelligence Center," and they are getting ready to start up a second program. This program provided a great opportunity for those people who wanted to get into the intelligence analyst field in addition to making it easier for them to obtain their security clearance as a part of the program. Ms. Catlin said that some of the graduates were local and some were from out of the area.

Ms. Catlin reported that the County's AAA bond rating had been reaffirmed by both Moody's and Standard & Poor's, with the S&P addressing the County's sound and growing local economy, which continues to experience healthy property tax base growth and employment diversification. She said that the County got significant savings in December when it issued its lease-revenue bonds to finance its capital program, realizing a total interest savings of about \$2.3 million over the life of the bonds. Ms. Catlin stated that the County also saw some significant progress on several road projects this year, with the opening of the Meadowcreek/Warner Parkway, addition of sidewalks and bike lanes to Georgetown Road, and the Jarman's Gap project getting significantly underway. She said that the Board's strategic plan ending in 2010 had a goal of developing policies and infrastructure improvements to address the County's growing needs, and one of the strategies specifically named those projects as needing completion. She also stated that the Governor's legislative economic package that was just released mentioned the possibility of a grant program for agricultural enterprises that may have great potential for the area, in addition to other things he was proposing.

Ms. Catlin stated that the County has continued its focus on local, regional and state partnerships and continued interaction with those groups. She mentioned that the expansion and upgrading of the website included an initial step of creating a visual identity for economic development and for the economic vitality program that communicates who Albemarle County is, what the County values and what the County is all about, and presented the "Growing Ideas and Opportunities" theme. Ms. Catlin said that the theme captures what the County is about – innovation, entrepreneurship, a connection to the intellectual energy of the University of Virginia and the agricultural nature of the County. She stated that this would be the theme moving forward as the County progresses in its economic development efforts.

Mr. Rooker asked if an outside marketing firm was hired to do the design.

Ms. Catlin said staff came up with the name and then the County gave a small, local firm the slogan and they drew it into the current logo.

Ms. Catlin presented the economic development website, and encouraged the Board to visit the site at their own convenience. Ms. Catlin said that the focus of the site included easy access to information and resources which businesses would need in order to locate here, amenities, strategic location, accessibility, expanding or relocating a business, etc. She stated that the site includes a community profile and demographics, in addition to a page on "Getting to know Albemarle County," which speaks more to the character of the area.

Mr. Boyd asked if there had been any feedback yet on the new website.

Ms. Catlin responded that the new site was just launched yesterday.

Mr. Boyd said he would like to get feedback from those involved in economic development in the community.

Ms. Catlin stated that staff has spoken with Tim O'Brien and a few others but, now that it has gone live, staff will send the link around to partners at the Chamber, to Neil Williamson and others to solicit feedback.

Ms. Catlin stated that goal #2 in the plan was "simplifying and creating certainty in the review process," and the strategies in the plan included possible amendments to development ordinances in an effort to reduce complexity of plan approval and assisting small businesses in reaching compliance with County development standards. She said the new website would hopefully help in that regard. She said that the single point of contact idea to assist small businesses would be a strong focus over the next few months. Ms. Catlin stated that the Board held a shared work session last year on the legislative and ministerial application process revisions, which were both moving forward and both having resolutions of intent adopted; and Planning Commission work sessions are planned in early 2012 for both of those processes. She also said that staff had been reviewing the fast track review process and was in the process of researching that potential, seeing what's possible and what specifics there might be in terms of criteria and ways of expediting the process for those businesses that are attractive to the County as a community. She added that information will be brought back to the Board in February for additional guidance.

Ms. Catlin reported that the Target Industry Study was progressing, and many Board members attended a recent session on that, with preliminary results expected by the February 1 meeting and final results anticipated by mid to late February. She said that stakeholders from all the involved jurisdictions would be attending a big rollout at that point. She reported that "Albemarle Business First" – the existing business retention and outreach effort – continued to be a critical area of focus, adding that a recent statistic showed that 95% of the job gains in an average state each year are due to expansion or new establishments born in a locality. Ms. Catlin stated that they have increased the goal from 50 outreaches this year to up to 75 next year, and have tried to be strategic in how they are prioritized based on expansion and job creation potential as well as businesses that might be feeling vulnerable in the current economy. These efforts have yielded great results in some of the projects that staff is following up on and good connections have been made because of conversations through the Business First program.

Ms. Catlin reported that goal #4 related to industrial land options contemplates amending the County Zoning Ordinance and considering options to increase industrial inventory within areas designated as development areas in the Comp Plan. She said that many of the Board members attended the roundtable for stakeholders on November 28, which included a conversation and feedback on infrastructure, site criteria, amenities, and other elements needed to support different types of businesses. Ms. Catlin stated that they also got feedback on items that would be detrimental and potentially hinder business possibilities that the Community Development staff was able to take note of and be mindful of as they put together recommendations for the Comp Plan update. Those recommendations will come back to the Planning Commission and then to the Board for consideration. She said they also discussed rural interstate interchanges, noting that there was an action item in the economic action plan that states: "to develop for the Board's consideration a proposed modification of the interstate interchange policy that might allow lower impact industrial and rural serving uses at those intersections located in the rural areas but also served by highway access." Ms. Catlin stated that the results of the roundtable and further work and analysis by staff would be presented to the Planning Commission on January 31; and, on February 1, the Board would hear the status of the Comp Plan and interchange items. Ms. Catlin said that the industrial district uses designation is also being evaluated, and the Commission has a work session planned on that item for January 31 also.

Ms. Catlin reported that the last goal in the plan focused on rural economy. A roundtable was held on agri-business opportunities and the Planning Commission heard feedback from that roundtable along with further staff work in a November 29 work session, at which time they provided some further guidance and suggestions which specifically focused on tourism possibilities and how the Comp Plan should address those. Ms. Catlin said that the topics of interest included transient lodging, food service or restaurants, distilleries and breweries, special events, low-impact commercial recreation, and areas of assembly. She reported that there was good agreement and consensus both at the roundtable and again at the Planning Commission about some alternative uses and possibilities that people felt should be explored further. She reported that the President's Passport initiative – which is supported by over \$180,000 in marketing partnership spending from CACVB, Monticello and Montpelier to include a grant from the Virginia Tourism Corporation for \$50,000 – is building on the fact that Monticello is having an exhibit at the Smithsonian on slavery for the next year. She explained that the President's Passport would include discounts and benefits that would encourage a percentage of those Smithsonian visitors to visit the Charlottesville/Albemarle area.

Mr. Thomas asked if Ash Lawn-Highland was participating in that program.

Ms. Catlin responded that Ash Lawn chose not to be involved at the highest level of sponsorship, but were included in the publicity material.

Ms. Catlin reported that the County, along with Nelson County, was awarded a USDA specialty crop competitive grant in the amount of \$30,000 to support further study of the production and expansion of hard cider in this region, noting that this area is recognized as growing the best types of apples for making the cider. She stated that there are currently eight apple producers in Albemarle and Nelson and two existing cider producers.

Ms. Susan Stimart addressed the Board, stating that Steve Allshouse's report shows that there was a little bit of positive growth. She said that there was a negative 10% in the sales tax category, attributable to a major retail establishment moving from the County to the City. She said, if one were to compare the sales tax revenue year to date, 2010 versus 2011, there was a slight increase of about 7%. Ms. Stimart also reported that meals tax increased slightly when compared to 3rd quarter 2010. Regarding job numbers, Ms. Stimart said that there had been some growth in the healthcare sector, administrative and waste services sector, retail trades, and education services with some loss in the construction and manufacturing sectors. Ms. Stimart reported that, while the time series data was not available to the Board today, it would be by the time they present the next quarterly report.

Ms. Stimart stated that staff was not able to fully capture the number of single family homes for sale and, while the supply had decreased slightly, it was not known if this number reflects homeowners simply taking their houses off the market. Ms. Stimart reported that the supply of unsold homes was about 11 months worth, versus the target of 6 months. She also said that new construction was down now that the hospital building was complete, with a slight decrease of 2% from 2010 to 2011. Ms. Stimart said that the County was beginning to climb out of the sales tax slump, with food and beverage climbing up slightly along with lodging tax. She stated that positive employment figures were only available with a six-month lag, but unemployment rates were captured monthly and shows a continued drop in the rate down to 5.1% for third quarter. Ms. Stimart noted that the healthcare sector added about 500 jobs, administrative and waste services added 271 jobs, retail trade added 200 jobs, and education services added 161 jobs.

Mr. Thomas asked if any of the defense industry jobs were included in those numbers.

Ms. Stimart responded that she would have to bring that information back to the Board, and confirmed for Ms. Mallek that the Micro-Aire and Siemens jobs were not yet reflected in these figures.

Mr. Boyd asked if staff could provide information on total tax revenues generated, percentages and dollars, from all business-related activities for multiple years, such as apartments generating business income. Mr. Boyd said this is the method used in other counties.

Mr. Foley said that that was an annual indicator, but all the data is behind it and could be brought forward to the Board.

Ms. Catlin added that Mr. Allshouse was looking to establish a methodology by which to measure land use valuation as an economic indicator, so the next time these indicators come forth, the information should reflect that effort. She added that multi-unit properties are calculated in the residential real estate revenues.

Ms. Mallek said she would like to see that information 'chunked' out because, if it is a huge amount, that would be helpful information to have.

Mr. Rooker said that this area has earned a substantial list of accolades over the years, and some of those things should appear in the County's marketing information. In terms of the Visitors' Bureau efforts to put together various marketing packages, he said it is very important to highlight the many attributes the community has received.

Ms. Catlin stated that staff has begun to include those on the website. She pointed out that, on the business page, staff has included ones that have to do with business. She agreed that they need to be featured more prominently on the site overall.

Mr. Snow said that he would like to see another roundtable created that would focus on newer internet technology and cell coverage for rural areas.

Mr. Foley stated that the study underway from the consultant on the wireless policy includes a specific request to address that as a beginning point and, after that data is brought forth, it might be a good time to form the roundtable as a next step.

Mr. Rooker commented that he has looked at this over a number of years and a few communities have received large federal grants for broadband technology for rural areas but, unless the County wants government to get into that business, it's up to private businesses to decide whether it's economical for them to do it. He said the reason businesses aren't out in the remote parts of the County was that they don't find it profitable to invest in tower construction.

Mr. Snow agreed, but said there are advances in technology coming forth all the time and he would like to convene a roundtable to see what is available, what is new, and what is on the horizon that would help facilitate getting internet into the rural areas.

Mr. Foley stated that the consultant would provide the latest information that would be a springboard for that effort.

Agenda Item No. 25. Public Safety Classification and Salary Review.

The executive summary forwarded to Board members stated that the Board of Supervisors and School Board jointly adopted Total Compensation Strategy for Albemarle County is designed to target employee salaries at 100% of market median and benefits slightly above market. The process to maintain this strategy involves annually surveying our adopted competitive market and recommending salary budget amounts based upon where the County's pay structure stands relative to this market.

To support this strategy, there is a schedule for a comprehensive classification review of all departments on an ongoing basis. Priorities for review are set based on identified internal equity issues, substantial changes in position descriptions, and existing market data. Due to budgetary constraints, long term classification plan and department-wide reviews were not funded for several years. In early 2010, staff became concerned about increased difficulties in recruiting quality applicants in the Police and Fire Rescue Departments and began to receive anecdotal feedback that the County was falling behind in its compensation structure for this group of employees. As a result of these concerns, a Pay and Classification review for public safety employees was initiated in March of 2011.

Each pay and classification review is based on the Albemarle County Job Evaluation System. This system was established to ensure employees are both correctly classified for the work performed and equitable relationships exist among all positions in the organization. Each position is assigned weighted points based on seven factors to produce a total point score. Positions are evaluated on a point factor system based on the following:

- Job complexity
- Education and experience
- Scope and impact
- Supervision received
- Working relationships
- Working environment
- Physical demands

A questionnaire designed to acquire relevant information around these factors is completed by the incumbent in a position. Supervisors then review their staff's questionnaires and provide additional information. A point factor system is used to analyze the positions and they are assigned to pay grades based on the total point score. Additional information is obtained and vetted through meetings with staff members, supervisors, and Department management. Department-wide reviews require HR to utilize additional resources outside of the County; using a consultant also provides a broader perspective that is important in large-scale reviews. Recommendations are also reviewed in light of market data from the Joint Board adopted market, indicated below:

Augusta County	City of Virginia Beach	James City County	Roanoke County
City of Charlottesville	City of Williamsburg	Loudoun County	Rockingham County
City of Chesapeake	Buckingham County	Louisa County	Spotsylvania County
City of Danville	Chesterfield County	Madison County	Albemarle Co. Svc. Authority
City of Harrisonburg	Fauquier County	Montgomery County	Martha Jefferson Hospital
City of Lynchburg	Fluvanna County	Nelson County	UVA Health Systems
City of Roanoke	Greene County	Orange County	
City of Staunton	Hanover County	Prince William County	

In addition to the Job Evaluation System, survey data was obtained on a number of benchmark positions in the 2011 Market Survey (indicated below). As the data indicates, several of these positions are significantly below market. The market data is reviewed to compare ourselves with our competitive market and to ensure consistency with the job evaluation recommendations.

Position	Albemarle Salary relative to Market Minimum	Albemarle Salary relative to Market Midpoint	Albemarle Salary relative to Market Maximum
Fire Rescue Battalion Chief	-22.97%	-19.89%	-19.73
Fire Captain	-15.48%	-16.12%	-15.55%
Firefighter EMT	-4.02%	-3.99%	-3.97%
Police Officer	-12.06%	-8.48%	-6.70%
Police Records Clerk	-2.67%	-2.67%	-2.79%

The classification review of the Police Department, Fire Rescue Department and the Sheriff's Office began March 1, 2011. Seventy questionnaires were analyzed and a total of forty four (44) positions were reviewed. A majority of positions in these operations are recommended to be classified into higher pay grades based upon this comprehensive evaluation.

To effectively and consistently administer a departmental classification review, HR uses a matrix based on market compensation trends. The current methodology is consistent with the compensation strategy to accelerate employees to the midpoint. For a one pay grade adjustment, the amount of the pay increase is 3% if above midpoint and 4 % if below midpoint. If the position is reclassified two or more pay grades, then the pay increase is 6% or 8%, respectively.

The Board, through the adopted FY2012 Operating Budget, allocated the sum of \$200,000 to implement anticipated recommendations for implementation of this study. Based on the actual outcomes of this classification review, staff included an additional \$350,000 in the recently adopted 5 Year Financial Plan for full implementation of these recommendations in FY2013. Additionally, \$125,000 is proposed to be allocated beginning in FY2013 to implement a strategy to recruit highly qualified candidates for traditionally hard to fill public safety positions. Experience shows that Albemarle's public safety agencies are having difficulty attracting entry-level candidates mainly due to competition with the starting salary. Research among Albemarle's peer localities reveals that peer public safety agencies are successful with recruiting entry level employees by offering additional pay for education, experience, and skills while ensuring parity with existing employees. Human Resources and Public Safety staff have met on a number of occasions to discuss the issues and will continue to further develop a recruitment strategy specifically to recruit traditionally hard to fill positions and utilize these proposed resources, if appropriated by the Board, to pursue this strategy.

Staff recommends that the Board concur with the 2011 Public Safety Classification and Pay Review process and authorize staff to proceed with including full implementation of these recommendations in the County Executive's FY13 Recommended Operating Budget.

Mr. Foley addressed the Board, stating that the purpose of this item was to review the process followed with the recent public safety classification and pay study. He explained that there were indicators that the County was beginning to fall behind the market, so staff established the study in 2010. Mr. Foley stated that Ms. Lorna Gerome, the County's Human Resources Director, the Chief of Police and Chief of Fire/Rescue were in attendance to present information, noting that staff had incorporated the implementation of the study into the balanced five-year plan. He said staff wanted to ensure that they met the Board's policy in keeping up with the market, adding that there was \$200,000 in the current fiscal year for implementation of this; however, that amount was not adequate because the County had fallen further behind the market when the process was started a couple of years ago. Staff included an additional \$350,000 in next year's budget for a total of \$550,000 to fully implement the pay changes. Mr. Foley stated that they would also talk about \$125,000 set aside in the five-year plan as a way to do some more aggressive and specific recruitment strategies necessary to remain competitive with staff. He said staff's recommendation is to move forward to implement pay improvements for public safety staff beginning in the current fiscal year.

Ms. Lorna Gerome, Director of Human Resources, addressed the Board, stating that staff uses an adopted market and an adopted strategy, with an eye to internal equity and a goal that benefits are slightly above market. She reported that, several years ago, they started a classification schedule whereby they would evaluate department classifications on a regular, ongoing basis but, due to budgetary constraints, that process was put on hold. Ms. Gerome stated that they looked at the ECC Center last year and another department on the school side, but hadn't been doing departmental reviews until some data surfaced related to quality of public safety position applications. She said that, of the 303 applicants for police department jobs, only 3% of that pool were able to be hired; fire and rescue had a similar trend with 9% of 180 applicants being hired.

Mr. Boyd asked what the numbers are relative to job offers.

Ms. Gerome responded that these numbers reflect those who were able to make it through the screening. She explained that they were not able to find enough qualified candidates that made it through the County's intensive interview and background check process. She stated that the applicant pool for police officers had 303 applications, with 3% qualified to be offered a job. Ms. Gerome said that staff was

doing some best practices review now as to what other localities are able to offer and currently they only have base salary information as a comparison point.

Mr. Rooker asked how many applicants were offered jobs and then turned them down.

Police Chief, Colonel Steve Sellers, stated that two certified, qualified police officers from other jurisdictions had turned down the County job offers in the past week.

Ms. Mallek asked if there were officers who were leaving the County because of better offers elsewhere.

Chief Sellers responded that that had only begun within the last few months, with the most recent incident being an officer leaving for a position with Augusta County.

Chief Eggleston said that fire and rescue had experienced the same thing.

Mr. Thomas asked if the County's benefits had any connection.

Ms. Gerome responded that Albemarle's benefits compare favorably with other localities, and sometimes you can explain that but sometimes employees are just looking at cash. She presented a slide on market salary data and said that staff does benchmark positions with a goal of seeing no less than -10 when comparing. Ms. Gerome stated that they need to focus on the midpoint because that is considered the market rate, but the County also needs to consider the minimum salary for a given position because it is currently impacting hiring ability.

Mr. Thomas asked if Albemarle was considered city or rural when using comparisons.

Ms. Gerome explained that this is the adopted market that staff uses each year, and there is a mix of market points, stating that Prince William, Loudon, Fauquier, James City, and Williamsburg are often used for comparison.

Mr. Foley pointed out that the 30 localities used were adopted by the Board about 10 years ago as the comparative market, and they are a mix of urban and rural localities, but not every community responds every time.

Ms. Gerome commented that it was a good and balanced response rate this time, and confirmed for Ms. Mallek that they used the original market group, despite previous concerns about specific comparative localities.

Mr. Boyd said he was on the committee that selected the market comparisons ten years ago, and establishing the peer group was the most difficult decision in the process. He commented that just because a teacher works in a locality that can't pay as much doesn't mean they are a better or worse teacher. He said it is still a competitive market because these are the communities Albemarle County is competing against for police officers.

Ms. Gerome stated that they are doing some best practice research now on public safety pay in terms of what kind of hiring incentives are out there, career development, skill-based pay, paying for language skills, etc.

Ms. Gerome reported that the job evaluation system was structured to ensure that all employees were correctly classified based on the work that they do, and every position in the County was reviewed with the same point factor analysis except for the County Executive and Superintendent. Ms. Gerome explained that there were seven factors considered with points assigned and an ultimate score that correlates to one of the 28 pay grades, so every position ends up being on the pay scale with a certain width between the minimum and maximum. She said the thought was that a separate pay scale should be considered specifically for public safety positions. She stated that the factors considered to classify positions include the complexity of the job, how much independent judgment is used, education and experience, type of background required, scope and impact of a particular position, supervision received versus latitude to make decisions, the nature of working relationships, the working environment, and physical demands.

Ms. Gerome said that they use a position analysis questionnaire that an incumbent in the position needed to complete, and not every single police officer or firefighter had to complete a questionnaire as a representative group was used. She stated that the supervisors then reviewed the questionnaire and then submitted it to Human Resources, and an outside consultant is used for large departmental reviews. Ms. Gerome said that there was a lot of back and forth in the process, as there was often more information needed. She also stated that they looked at the recommendations in light of the market data and there was not a formulaic driver in that part of the process.

Mr. Rooker asked how many communities include police and public safety officials in their general pay bands.

Ms. Gerome responded that she would know more in a month as staff was collecting data on that currently.

Mr. Rooker said that it seemed to be a category that cries out for separate categorization. He said it was hard to compare certain level employees to those who go into dangerous situations adding that it is

a specialty area, and it's very difficult to compare those employees to employees in other categories. He said it will be important to know that people in those positions are receiving reasonable pay to make certain the County attracts people and keeps people.

Chief Sellers agreed and said the department was working with HR to explore and evaluate.

Mr. Foley stated that they were trying to take a more sophisticated approach to this and bring back information in the future.

Mr. Boyd noted that staff is comparing police officers and firefighters to those same positions in other localities.

Mr. Rooker said that those positions would be included within that pay band, and public safety should be considered differently than teachers.

Mr. Boyd said, for example, a planner and a police officer could end up at the same pay grade for different reasons, but the reasons could be complexity of job, danger of the job, etc.

Ms. Gerome pointed out that employees move through the range by merit increases, so the bands are not changed. When a scale adjustment is made, the minimum would be moved. The pay grades are not moved unless the entire scale is adjusted.

Ms. Gerome reported that the recommendations from the public safety classification review were attached for the Board, and they include a recommendation for 208 out of 254 incumbent employees reviewed, or 81%, which is much higher than the normal classification study findings. She stated that this points to the changing jobs, the complexity, and the length of time since staff has had a classification review. She said these recommendations were received from the classification consultant based on the position analysis questionnaire information. Ms. Gerome said that this was more of an internal review than a market review, but the market information was used to validate the recommendations.

Mr. Foley said that there have been changes in the nature of some public safety positions, with some increasing complexity and responsibility in those jobs.

Chief Eggleston added that the market has changed the complexity for public safety adding that, for fire and rescue, the level of employee hired was more complex now than it was 10 years ago and that is driven primarily by an 'all hazard' approach to fire and rescue.

Mr. Thomas commented that it was the same in his industry because current technology requires a more educated person.

Chief Eggleston said that fire and rescue is encouraged with the possibility of some additional funding for their positions so they can attract people with special skills and education, noting that highly skilled and educated employees were choosing to go to, for example, Prince William or Orange or Henrico because those counties recognize those skills.

Ms. Mallek said that was because Albemarle's entry level salary doesn't recognize the extra training required, which would cost the County a lot to get them to that level.

Chief Eggleston said, in the long run, it's much better to hire a person with more skills than to educate them. He explained that if someone came in and desired to be a hazmat technician, which is a position desperately needed, the County would have to spend money to send them to school.

Mr. Snow asked if the type of employee with hazmat training would be started at the minimum level.

Chief Eggleston responded that the County would hire that person at above minimum.

Mr. Foley said the \$125,000 would give staff the flexibility to do that, but it was not currently being done.

Ms. Gerome presented a slide showing that there were 45 public safety positions reviewed, with 30 of them recommended for change. She reported that, several years ago, there was a prescribed amount for pay grade increases, but there were difficulties because it would allow employees to leapfrog others if they got a promotion, so they changed the policy. Ms. Gerome said that, in doing a departmental classification, they felt it would be best to have some kind of methodology so, last spring, they did some research around that and found there wasn't a best practices trend. She stated that some organizations wouldn't give anything if an employee was above midpoint after a reclassification; some had a fixed amount; some had a percentage tied to where they were in the range. Ms. Gerome said that staff developed a methodology that they felt was consistent with salary administration strategy, which is trying to accelerate employees to midpoint in an effort to pay them at the market rate. She stated that the first model of the matrix was developed in the spring, and the data they had at that time had slightly higher increases for classification and promotional increases of 5.5% and 6.5%. Ms. Gerome said that, when they did the market survey in the summer, the data showed that 3% or 4% was more in line with market, depending on whether an employee is at or below midpoint.

Ms. Gerome said that they began a reclassification study for the Emergency Communications Center last August and it was finalized in May, with the ECC Board approving it to be effective in October

2011. She stated that the higher matrix was used for that classification because that was the data available at the time, so the recommendation is to change the matrix based on the data collected with the summer market survey. Ms. Gerome also presented information on the length of time it took to work through a classification review, which was about one year.

Ms. Gerome presented a chart that showed at what point the County would come out of the red and get into the black if the recommendations were implemented. Ms. Gerome pointed out that the midpoint for the battalion chief was below market by 19.89%, with the maximum being below market by 19.73%; fire captain was below market by 15% at the minimum, 16% at the midpoint, and 15% at the maximum; a police officer was below by 12% at the minimum, 8% at the midpoint, and 6% at the maximum. She said that the recommendations would go a long way in bringing the County closer to market with these benchmark positions.

Ms. Gerome presented a costing summary reflecting the additional cost to implement the 208 pay changes, along with the additional benefits costs that are tied to salary, i.e., FICA, VRS, group life insurance.

Mr. Thomas asked if the workman's comp for the volunteers was included in these figures.

Ms. Gerome replied that this was only looking at paid staff, adding that this was just base salary, with the five-year plan building in added overtime costs. She said staff is currently evaluating starting salaries and hiring incentives in an effort to bring on board a higher quality employee, maybe its education, maybe it is skills or language proficiency but to also be able to address the equity with the County's existing employees that already have those skills but have not recognized.

Mr. Foley noted that the amount was only \$50,000 extra for overtime, and said that the basic change based on the analysis was \$550,000 with the \$125,000 being based upon the rest of the research. He said that there was a lot of research still out there and staff would bring that back to the Board as a way to improve recruitment, and also stated that Colonel Sellers has some specific ideas about what types of officers he'd like to recruit in order to meet some of the goals he has set for the department as the new chief.

Mr. Boyd asked if a person with a special skill set – like Spanish – would get an additional stipend along with new hires that have a certain skill set.

Colonel Sellers responded that there were officers who have that skill and haven't been compensated, so part of that \$125,000 would help bring those officers into line with new hires.

Mr. Rooker said that it would be similar to paying school teachers who have a masters or doctorate, as it would pay an augmented amount based on certain attributes a person had when they applied or that they might acquire while on the job.

Colonel Sellers stated that he did not have a public safety compensation plan, which is why they are working to bring some recommendations back to the Board. He said that one of the unintended consequences of freezing merit increases was its impact on recruiting, and he would bring back some possible solutions to them for the long-term.

Mr. Boyd asked if the County currently provided extra money for people who are on the SWAT team or the JADE task force.

Colonel Sellers responded that it does not give extra funding specifically for those skill sets, but it would if those employees accumulated certain skills that would qualify them for the skills proficiency program, i.e., SWAT team participation.

Chief Eggleston noted that fire and rescue had been allowing additional pay for paramedic type services, which has saved a tremendous amount of money in the long run. He also said that they wanted to go out to market and see what they place value on, as it was important to track where employees are going when they're leaving and how the County can remain competitive within the market. Chief Eggleston confirmed for Mr. Rooker that the department does exit interviews, adding that the reason for some employees leaving is often because the starting pay was not competitive.

Mr. Foley said other departments that have gone through the process have not been brought to the Board, but this one has because there were 280 out of 550 employees who are affected by this situation; however, these employees are being treated the same way as any other employee and is according to practices and policies supported and implemented by the Board. He added that the plan is to phase this into the plan over two years and said it is affordable and at the top of staff's list in terms of priorities for the County.

Mr. Boyd said that including this in the five-year plan was a no-brainer, stating it's imperative that the County adequately compensate its emergency services and public safety officers.

Mr. Rooker and Ms. Mallek agreed.

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

Ms. Mallek stated that the Board had before them a short version of the support resolution for the enabling legislation which Delegate Toscano would put forward for the County to authorize them to negotiate and for the Department of Conservation and Recreation (DCR) to negotiate a land swap with Habitat as part of Biscuit Run Park.

Mr. Boyd said he had no problem with the resolution, but the County already had existing land for which there was no money to develop into ball fields, so there shouldn't be an impression given that this resolution would mean ball fields just because there was new land available.

Mr. Davis stated that, even if the legislation was adopted, there are very stringent guidelines for how property swaps would be handled which includes a finding of fair market value and equal open space value of the properties, and five different criteria that have to be met. He pointed out that this is going to be a tough one to pull off. He said he agreed that the Board should initiate the process because it has the potential to be a win-win for a lot of people; however, the process itself is a difficult one and it may not be successful even after a lot of effort.

Ms. Mallek said DCR had already indicated that they were interested in pursuing it, which was a huge obstacle that has already been cleared and she is optimistic.

Mr. Boyd commented that, if it could be done, it would be an immediate help to Southwood Mobile Home Park and Habitat so that they could move forward with their plan, which he believes is important.

Mr. Rooker said that it was a crying shame that the state wouldn't accept the request the County made a number of times to make room within Biscuit Run for playing fields, as the state has 1,200 acres but no money to develop the park at this point. He said that leasing 75 acres or so to the County would not have severely impacted their plans for the park and would have provided a badly needed public service.

Ms. Mallek suggested the County try a different approach.

Motion was then offered by Mr. Dumler to adopt the resolution as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

RESOLUTION TO SUPPORT LEGISLATION

BE IT RESOLVED that the Albemarle County Board of Supervisors supports a legislative act to authorize the Virginia Department of Conservation and Recreation to negotiate a land exchange with Habitat for Humanity of Greater Charlottesville of certain parcels in an area known as Biscuit Run in Albemarle County, Virginia.

Ms. Mallek asked about the reconsideration of the running at large leash law issue.

Mr. Elliott explained that they were targeting the first quarter of the calendar year to have something from Colonel Sellers presented on the matter.

Mr. Foley said it would likely be March.

Mr. Thomas announced that he had been working with VDOT on the crossover at Rio Road and Penn Park Road to help pedestrians from the two schools, and was getting some results with work from David Benish, Joel DeNunzio, and David Crim. He said that one of his constituents had contacted him regarding a signal installation at Belvedere next to Covenant Church, and he indicated to the citizen that a traffic study could be requested for that location and would include an evaluation of a signal installation, and could take six to eight weeks.

Mr. Boyd noted that, on Sundays, both of the churches at that location have policemen directing traffic because it is so congested and dangerous there.

Mr. Thomas reported that he had also been working with VDOT on Rio Mills Road, and Mr. Crim informed him that their plans were to try to reduce the speed limit on the paved part to 35 mph, and 25 mph on the gravel portion.

Mr. Thomas said he had received a call from a Rio Road resident that the noise at Rockydale Quarry is much better. He added that this totals three positive calls since the Rockydale Quarry meeting.

Ms. Mallek commented that it was still bad at Ms. Judy Moon's and Mr. Bill Tomlin's because of the valley carrying the sound up.

Mr. Thomas had mentioned the funding for the Crozet pool, noting that citizens there had raised enough money for a dome and other amenities.

Mr. Boyd said he didn't realize there was County money for that.

Ms. Mallek said it was just a swap, as citizens raised all the money for the pool themselves.

Mr. Foley stated that item is on the agenda for January 11, and the Board will receive a full report and proposal at that time.

Mr. Rooker said that there had been some specific recommendations that came out of meetings with some City Council members regarding regional cooperative efforts, and asked if there could be a report back as to how resources were being shared.

Mr. Foley agreed that staff could put together a status report on that.

Ms. Mallek said Schools had been asked to do the same thing.

Mr. Foley pointed out that that question has been asked of them several times, and what the County has been told is that the City Council has to support it so the County can't go forward.

Ms. Mallek commented that that's the reason why the County has moved forward with legislative action, because the alternative that was put off last year isn't going to happen.

Mr. Rooker said the County deferred that issue for a year in an effort to give the school systems an opportunity to work together toward a joint program whereby some of the revenue sharing money might assist County students as well as City students, and nothing ever came back from them.

Mr. Thomas asked about the status of the Fire/Rescue committee and Mr. Foley said he would make that a part of the report that comes back to the Board about joint efforts.

Mr. Rooker also said that, in April, he had brought up the idea of adding the lane from Hydraulic down to the Route 250 Bypass, and the County got special legislation so it could get primary road funds for a road in the City, which had previously been disallowed. Mr. Rooker said that legislation passed, and there was \$2.3 million allocated to primary road funds, along with a proffer from Albemarle Place, and the City is going to use revenue sharing funds. He stated that Albemarle Place would be building the lane from the Waffle House down to Hydraulic Road, and if the lane could be timed down to the Rt. 250 bypass and the additional ramp, it would make a lot of sense to have a concurrent project going on.

Mr. Rooker said, when he brought that suggestion up in April, Mr. Thomas stated that, at the last MPO meeting, City officials indicated they were waiting for the proffer, which they could not get initiated until the site plan was approved. He stated that the site plan is approved. He said Mr. Benish indicated he would follow up and request that a City official come to a Board meeting to explain what is going on. Mr. Rooker said that Jim Utterback had said, two or three years ago, that if the state could take it over, they could get it done a lot quicker. He said that this was a significant traffic flow project in one of the most congested parts of the City/County area, and it makes sense to get it done while the other construction was being done.

Ms. Mallek said she didn't know what could be done to light a fire under them, as they got completely distracted by the Meadow Creek Parkway.

Mr. Foley said that Mr. Utterback could possibly come to a meeting and explain what's going on, but said that there had been some complications with the proffers and there were some questions about what the funding identified was to help the project move forward, and what requirements the City had put on the project when they turned it over to VDOT. He pointed out that there were some process requirements that have also been added to the schedule; a total of three components that are important to get a report on. He added that this issue has been talked about a lot in the meetings with Delegate Toscano. Mr. Foley also said that VDOT had only done some preliminary estimates and Mr. Utterback had indicated to him that the costs would go up and the question becomes whether there would be enough money to complete the project. He said this particular project has been a top priority for Jim Rich and he has been pushing hard to help get extra money.

Mr. Rooker stated that Mr. Utterback had told him that if more money were needed for the project he would find a way to get it, and what's bothersome is the time that has elapsed and he is not sure any ground has been gained on this issue. He said that whatever the issues were with the project, they would have to be worked through regardless of when they are dealt with and the sooner, the better. He added that there are a lot of good reasons to try to have this done concurrently with the project to the north.

Mr. Snow asked what the timeframe was for the lane to be built up to Hydraulic.

Mr. Rooker responded that they would start it within the next few months.

Mr. Davis explained that it was a condition of the occupancy permit of Stonefield's first building, so it would have to be done quickly.

Mr. Foley said that the likelihood of those being timed together, according to Mr. Sprinkle, was pretty slim.

Mr. Rooker stated that, if the conditions are so problematic, they should be put on the table and worked through.

Mr. Foley said that the procurement the City would have had to do did not have to be done because they were able to get a consultant on board sooner, but the question as to how far along the consultant is would need to be answered.

Mr. Rooker also reported that there was a chart in the December 9 VACo report on who pays for K-12 education that was worth looking at, and it shows that in 2010 the average per-pupil expense around the state was \$13,304 and the local share of that was around 60% on average. He said that this was worth keeping in mind when they meet with the schools.

Mr. Boyd reported that, for the record, he voted against the Rivanna Authority pump station agreement as directed by the Board, because the additional \$13 million cost, more than 30% of the total cost if the recommendations could be implemented, benefits only City residents. It was the County's thought that this is something that should be borne by the City in that agreement. He said that an important factor to keep in mind is, if that pump station is removed, it will remove the only above-ground facility from the City. The City would then have no above-ground sewer facilities.

Mr. Boyd also welcomed Mr. Dumler to the Board.

Mr. Dumler said he was looking forward to serving.

Mr. Davis noted that he had circulated the adopted rules of procedure which were adopted earlier in the day with changes, highlighted in yellow, and wanted to get that back to the Board as those would be the official operating procedures.

Mr. Rooker asked if everyone had received the Fairfax County prescription card.

Ms. Mallek said she wanted to know if it provided more service than the NaCo card.

Mr. Rooker asked if the County provided a link to the NACo card information on the County website. He stated that it should be known that a discount prescription card is available to every citizen through NACo.

Mr. Bryan Elliott mentioned that the information was available at the County's Department of Social Services and some other locations, and staff has also worked with the Health Department on distributing that information. He said that there was also a similar card available through the United Way.

Agenda Item No. 27. Adjourn.

There being no further business, the meeting was adjourned at 4:28 p.m.

Chairman

Approved by Board
Date: 05/09/2012
Initials: EWJ