

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 1, 2012 at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Christopher 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 9:04 a.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Thomas distributed photos of the Lewis & Clark Center construction site, noting that the construction had started.

Mr. Rooker said that he had sent out a response to Ms. Jordan's email suggesting that the Board discuss the letter from VDOT regarding the EIS and short timeframe for which to respond. He suggested discussing the item at the end of the meeting.

Ms. Mallek stated that Board members had received emails from Earlysville residents about trash along Earlysville Road, and she would like to discuss the issue of trash around the County, at the end of the meeting.

Mr. Thomas reported that the MPO had sent a letter to Congressman Hurt asking him not to consider eliminating the 50,000-200,000 population benchmark for MPOs, and said he would forward that information to the rest of the Board.

Mr. Boyd said that he had a few items to discuss under "committee reports" at the end of the meeting.

Motion was then offered by Ms. Mallek to adopt the final agenda. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following vote:

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

Agenda Item No. 5. Brief Announcements by Board Members.

Mr. Snow reported that he and Mr. Boyd had visited the Van der Linde recycling center, and said the company was recycling about 92% of construction waste and about 34%-35% of household waste with the goal of getting that to 100%. He stated that with the discussion of the Ivy Transfer Center it would be wise to talk with Van der Linde about the possibility of the company taking over the transfer station and running it, as they had indicated they could do it at no cost to the County.

Mr. Foley responded that staff would be coming back to the Board with an overview of scope of services and a request to issue an RFP for bids, with Van der Linde having the option to bid.

Mr. Snow commented that he was also concerned about residents in the Porter's area having a disposal container, as there was nothing in that part of the County.

Mr. Foley noted that Mr. Dumler had also mentioned to staff the need for services in Town of Scottsville, so the entire question would be before the Board next month in the context of what services would be needed in the future.

Ms. Mallek said that she had also visited the recycling center in January, and noticed the appliance disposal in bins there – which she found preferable to having them thrown down banks in remote areas of the County.

Mr. Snow commented that Van der Linde also recycles batteries and light bulbs at Van der Linde.

Mr. Boyd stated that he had been talking with Mr. Mark Graham and Mr. Tom Frederick about this to be better informed before the presentation to the Board in March, with the idea being that the County wanted to define services prior to getting into how they would be provided.

Mr. Foley pointed out that staff had discussed this with the Board last year, and the Board directed them to move forward with "minimum level of service" based on what was being done now. The staff went into this with the assumption based on that previous input but that discussion needs to be finalized in March, and Board members may bring some new things to the table that will help define that service level.

Mr. Snow suggested that staff tour the Van der Linde facility. Mr. Foley indicated that Mr. Graham had visited but it would be a good idea for others to go as well.

Mr. Boyd noted that he was in the process of setting up a meeting with Mr. Frederick, Mr. Graham and himself to go down and visit the facility.

Mr. Rooker indicated that he would also like to go.

Agenda Item No. 6. Recognitions.

Ms. Mallek presented a Certificate of Appreciation to Mr. Raymond Gaines for service on the Fire Prevention Board of Appeals and the Local Board of Building Code Appeals. Mr. Gaines served on these Boards from 1994-2011. As a local, Mr. Gaines graduated from Lane High School and Virginia Tech, and has lived in the Hollymead neighborhood for 25 years. In 1987, Mr. Gaines founded the local architecture firm that would eventually become The Gaines Group, PLC. He is also a member of many national and credentialing boards in architecture.

Mr. Gaines has years of involvement volunteering in the Albemarle County Public Schools, in the elementary school library, as a class presenter on being an architect, working with the theatre and stage set design and construction and the ACE Mentoring program (architecture/construction/engineering). As a 25-year professional, Mr. Gaines has been instrumental in helping Albemarle County's Building Official and they have always reached out to him when needed.

Mr. Foley mentioned that this meeting was the first Board meeting to be broadcast live with a link through the County's website.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Chris Craytor addressed the Board, stating that he was before the Board to support extension of the "Photo Safe" program. He said that he was a County resident and his family traveled through the intersection in question every day. This photo system provides additional revenue for the County but more importantly provides additional safety for those passing through the intersection at Rio Road and Seminole Trail. He also encouraged the use of cameras at additional key intersections.

Ms. Jeanne Chase, a City resident, said that she was also present to speak on behalf of expanding the use of photo-red cameras at busy intersections. Ms. Chase stated that she and her husband had survived a 2007 accident in the Rio Road/Seminole Trail intersection, when their van was demolished but their airbags and anti-lock brakes held. She said that there are numerous unsafe conditions around the County, but improvements at Rio/Seminole are due to use of the cameras. She encouraged the Board to continue the program and expand it in order to provide an additional enforcement mechanism for police departments. She added that she hopes the City of Charlottesville will follow suit and expand the program into various intersections in the City.

Mr. Frank Calhoun, a resident of Crozet/Greenwood area, said he was concerned over the Restore'N Station project. The appeal before the Board of Zoning Appeals will be heard on February 7th. He asked who on the Board had authorized the County Attorney to defend the County's interpretation that tripling or doubling the size of the second floor of that building was acceptable. He asked when the decision made. Mr. Calhoun asked if it was the Supervisors' intent to increase the size of the second floor, and if not, why they were defending it. He stated that the Board should take a position that the second floor needs to be 1,000 square feet.

Agenda Item No. 8. Consent Agenda.

Mr. Boyd stated that he would like to pull items 8.2, 8.3, and 8.6 for discussion.

Mr. Boyd said that there were a lot of "\$100,000 here, \$100,000 there" expenses being allocated without rethinking whether the County needs to do it. He stated that he had always been a proponent of the ACE program, but he does not think the County can afford it at this time. Mr. Boyd asked if the \$700,000+ in the program might not be the best use for that money when they cannot even come up with enough funds to staff a library in Crozet. He added that he was concerned that they are not rethinking some of these non-core services that the County provides relative to other things that they are not going to be able to provide. Mr. Boyd expressed concern about the County applying for a \$116,000 matching grant

as it would obligate the County to the use of those funds for that purpose. It bothers him a little bit that the County is moving money around like this. He then asked how much of this money is sitting around.

He stated that as the County moved more towards zero-based budgeting, to him it means identifying all these pots of money allocated out there for years that have not been spent for whatever purpose they were originally decided on two or three years ago, and now coming up and being spent at this time – or being shifted to another process. He asked if there was \$735,000 sitting in a fund out there somewhere that has not be allocated, in ACE funds.

Ms. Mallek suggested moving this item to the end of the agenda for discussion.

Mr. Foley said that under the Board's Consent Agenda rules, items for further discussion could be pulled and moved to the end of the meeting.

Ms. Mallek pointed out that this is the very end of the process with the ACE allocations, and the item had come before the Board several times over the past few years – with the deeds already having been presented to and accepted by the owners. She would like to know the status.

Mr. Foley stated that the Board had allocated this but could certainly change the direction.

Mr. Boyd said that Item 8.6 pertained to a similar matter, with the chart presented showing \$1.475 million in proffered funds sitting out there.

Mr. Foley stated that this item could be discussed at the end of the agenda as well, and staff could address it then.

Motion was then offered by Mr. Rooker to approve Items 8.1, 8.4 and 8.5 on the Consent Agenda, to accept for information Items 8.7 and 8.8, and to pull Items 8.2, 8.3, and 8.6 for discussion at the end of the meeting. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. 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 \$11,610.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of two (2) FY 2012 appropriations as follows:

- One (1) appropriation (#2012052) totaling \$5,110.00 for a Byrne Grant to support one-time equipment purchases at Offender Aid and Restoration (OAR); and
- One (1) appropriation (#2012053) totaling \$6,500.00 for contributions to the Sheriff Department's volunteer reserves programs.

Staff recommends approval of appropriations #2012052 and #2010053.

Appropriation #2012052			\$5,110.00
Revenue Source:	Federal Revenue	\$	4,599.00
	Contribution from OAR	\$	511.00

This request is to appropriate a \$5,110.00 Byrne One-Time Equipment Grant (#12-A2390BY190) that has been awarded by the Virginia Department of Criminal Justice Services to Offender Aid and Restoration (OAR) with the County acting as fiscal agent. This grant amount includes \$4,599.00 in federal revenue and a local match of \$511.00 that will be provided by OAR. This grant will fund the one-time purchase of equipment to help address the wait times for and flow of clients coming to OAR. Once the grant monies are appropriated, the County Executive will sign the necessary grant award documents and they will be submitted to the funding agency.

Appropriation #2012053			\$6,500.00
Revenue Source:	Local Revenue (Donations)	\$	6,500.00

This request is to appropriate \$6,500.00 in contributions that were received to support the Sheriff's volunteer reserve programs. These contributions will support the various reserve programs such as Project Lifesaver, TRIAD, Search and Rescue, child fingerprinting, and any other programs/activities that the Reserves are involved with within the community.

By the above-recorded vote, the Board amended the FY2012 budget in the total amount of \$11,610.00 and approved Appropriations #2012052 and #2012053.

							APP #2012052
							DATE 02/01/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Byrne One-Time Equipment Grant							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	1590	33000	333000	330001	1003	4,599.00	Federal Revenue
3	1590	18110	318110	181137	1003	511.00	
4	1590	35030	439010	800100	1003	5,110.00	Mach. & Equip
TOTAL						10,220.00	

							APP #2012053
							DATE 02/01/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Sheriff Contributions							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	8408	18110	318000	181117	9999	6,500.00	SHERIFF-RESERVE PROGRAMS
4	8408	93010	493010	930009	9999	6,500.00	Transfer to GF
3	1000	51000	351000	512020	9999	6,500.00	Transfer from Fund 8408
4	1000	21070	421070	301230	1002	6,500.00	Reserve Programs
TOTAL						26,000.00	

Item No. 8.2. Resolution accepting Nash/Violett offer to sell conservation easement.

The executive summary states that the 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 \$11,610.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of two (2) FY 2012 appropriations as follows:

- One (1) appropriation (#2012052) totaling \$5,110.00 for a Byrne Grant to support one-time equipment purchases at Offender Aid and Restoration (OAR); and
- One (1) appropriation (#2012053) totaling \$6,500.00 for contributions to the Sheriff Department's volunteer reserves programs.

Staff recommends approval of appropriations #2012052 and #2010053.

(Note: This item was pulled for discussion at end of meeting.)

Item No. 8.3. Authorize County Executive to execute Inter-governmental Agreement with Virginia Department of Agriculture and Consumer Services - ACE; Virginia Department of Agriculture and Consumer Services grant for easement acquisition.

The executive summary states that the Virginia Department of Agriculture and Consumer Services' ("VDACS"), Office of Farmland Preservation, has awarded a grant in the amount of \$110,952.46 to the County under a program established by the 2007 General Assembly to provide funds for the preservation of working farms and forest lands.

The County was awarded similar grants of \$55,290.31 in 2011, \$93,932.19 in 2010, \$49,900.00 in 2009 and \$403,219.75 in 2008. The 2011 General Assembly appropriated \$1.2 million for this grant program statewide, and Albemarle County is one of 13 localities to receive a grant this year, and one of only eight to receive the full amount requested.

VDACS has requested that the County enter into an Intergovernmental Agreement (the "Agreement") (Attachment A) as a condition for receiving this grant. While the County has yet to identify the specific easement(s) to which it would apply these funds, it intends to apply them toward the acquisition of the next qualifying easement. This should come from the most recent pool of four (4) applicants who submitted applications on October 31, 2011. This grant will remain available to (partially) reimburse any qualifying purchase for up to two years from the date of the Agreement. The key provisions of the Agreement are summarized below.

1. The Agreement would obligate VDACS to set aside the grant amount in a restricted account and reimburse the County for its eligible costs for the purchase of conservation easement(s). The County's funds would be restricted exclusively for the County's qualifying costs for a period of up to two years.
2. The Agreement also would restrict conversion or diversion of a subject property from open-space use, unless the conversion or diversion satisfied the requirements of the Open Space Land Act. Conversion or diversion of land is permitted under the Open-Space Land Act in limited circumstances upon the concurrence of the County and the Public Recreational Facilities Authority and upon the placement of substitute land of equal or greater value and quality under an open-space easement. The Agreement would entitle VDACS to reimbursement of its pro rata share of the market value of the easement if conversion or diversion ever occurred.
3. In exchange for the state's grant commitment, the Agreement would obligate the County to:
 - appropriate matching funds equal to the grant amount for the purchase of a subject easement,
 - apply the grant funds to the purchase of the easement,
 - provide VDACS with annual progress reports (while the grant Agreement is in force) describing the County's efforts to obtain easements on other working farms, and its programs for public outreach, stewardship and monitoring, and measuring the effectiveness of the County's efforts to bring working farms under easement.
 - maintain sufficient title insurance for the subject easement(s), which is already a standard County practice,
 - allow VDACS the opportunity to review easement instruments and the title insurance policy prior to closing,
 - receive copies of the recorded easement instrument after closing,
 - provide notice to VDACS if the County receives an application to convert or divert a subject easement from its permitted easement uses, and
 - enforce the terms and conditions of the deed of easement.

Staff has reviewed the terms of this year's proposed Intergovernmental Agreement between VDACS and the County and finds its terms acceptable.

The County's execution of the Intergovernmental Agreement would allow the County to receive \$110,952.46 in state funding to apply to the ACE program. In order for the County to receive these funds, it must appropriate matching funds of \$110,952.46. That local match is available through funds previously appropriated for ACE by the Board.

Staff recommends that the Board authorize the County Executive to execute the Agreement on behalf of the County, provided that it is first approved as to form and content by the County Attorney.

(Note: This item was pulled for discussion at end of meeting.)

Item No. 8.4. Resolution to accept roads in Foothill Crossing Subdivision into the State Secondary System of Highways.

At the request of the County Engineer, and by the above-recorded vote, the Board adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Foothill Crossing Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 1, 2012**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Foothill Crossing**, as described on the attached Additions Form AM-4.3 dated **February 1, 2012**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

The road(s) described on Additions Form AM-4.3 is:

- 1) **Park Ridge Drive (State Route 1250)** from 0.02 miles south of Route 1326 to 0.064 miles south to the end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3854, pages 716-724, with a 60-foot right-of-way width, for a length of 0.06 miles.
- 2) **Raven Stone Road (State Route 1329)** from the intersection of Park Ridge Drive east (Route 1250) to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3854, pages 716-724, with a 51-foot right-of-way width, for a length of 0.10 miles.
- 3) **Raven Stone Road (State Route 1328)** from the intersection of Park Ridge Drive west (Route 1250) to the end of the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3854, pages 716-724, with a 60-foot right-of-way width, for a length of 0.10 miles.

Total Mileage – 0.26

Item No. 8.5. Resolution to Oppose Devolution of Costs for Core Government Services.

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

Resolution to Oppose Devolution of Costs for Core Government Services

Whereas, the Albemarle County Board of Supervisors joins the efforts of the Commonwealth's counties in encouraging the 2012 General Assembly to continue the state and local partnership funding of core government services; and

Whereas, the Albemarle County Board of Supervisors understands that program devolution is the shifting of state responsibilities to local governments. Counties have experienced first-hand the shift in funding for local programs and are already saddled with additional responsibilities in providing services for foster care children, police, line of duty costs and maintenance of local libraries; and

Whereas, core local services that include public education, police, fire and social services are services that must be funded through the state and local partnership. "Passing the buck" to localities only perpetuates increases in real estate and business taxes; and

Whereas, for several years, localities have been mandated to give back to the Commonwealth funding that was designed to support these local programs. Last year, local governments had to write checks or receive reduced reimbursements from the state for \$60 million under a program known as "Aid to Localities." Governor McDonnell has chosen to "chip" away at this annual local contribution by reducing the yearly required payment by \$10 million in his introduced budget; and

Whereas, the state originally introduced this reduction to balance the state budget, but as the economy improves and state revenue increases, our state leaders must promptly eliminate this funding reduction and sustain local services;

NOW THEREFORE BE IT RESOLVED, that localities and the Commonwealth continue their partnership and provide core government functions without shifting or shirking responsibilities; and

BE IT FURTHER RESOLVED, in order to address the mandates and financial responsibilities which have been shifted to localities, that our state elected officials act to ensure localities have the tools to fund our core services, provide county governments with the equal taxing authority of cities and towns and immediately begin a process to initiate tax reform for state and local government.

Item No. 8.6. FY 2012 Second Quarter Cash and Non-Cash Proffer. Report, ***was received for information.***

The executive summary states that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers that benefit the County and mitigate impacts of development. This report includes proffer activity (both cash and non-cash improvements) for the months of October through December 2011 (FY 2012 2nd quarter). The next quarterly proffer report will be on the Board's May 2, 2012 agenda.

Cash Proffers October 2011-December 2011 (2nd Quarter Fiscal Year 2012)

- A. Proffered:** There were no rezoning requests approved this quarter that provided new cash proffers.
- B. Total Obligated Cash Proffers:** The total obligated cash proffers is \$40,502,008. This total reflects annual adjustments to anticipated proffer revenue not received yet obligated from proffers in which annual adjustments were proffered.
- C. Revenue:** The County received a total of \$122,739 from existing cash proffers during this quarter from the following developments:

<u>Development</u>	<u>Amount</u>	<u>Intended Purpose</u>
Old Trail	\$7,000	Parks and Schools in Crozet
Wickham Pond	\$9,677	CIP Projects serving Crozet
Belvedere	\$7,500	Affordable Housing
Poplar Glen II	\$77,800	CIP and Affordable Housing
Hollymead Town Center	\$4,762	CIP for Hollymead
Westhall	\$16,000	Eastern Avenue and CIP projects in Crozet

- D. Expenditures:** There were no appropriations of cash proffers during this quarter.
- E. Current Available Funds:** As of December 31, 2011, the available cash proffer fund balance is \$1,475,548 (including interest earnings on proffer revenue received). Some of these funds were proffered for specific projects while others may be used for general projects within the CIP. (See Attachment A)

Non Cash Proffers-Proffered

There were three rezonings approved by the Board this quarter. ZMA 2010-09 Republic Capital was approved to amend proffers to reduce buffer requirements and height limitations, and to provide for a future road interconnection. ZMA 2010-10 Peter Jefferson Overlook was approved to amend an application plan and proffers to allow offices in a Planned Residential District. Amended proffers provide for the construction of a sidewalk, the extension of a right turn lane along Route 250, the preservation of landscape features, and the adherence to the Monticello Viewshed Design Guidelines. ZMA 2011-01 Fontana Trails was approved to amend proffers to eliminate obligations to build sections of trails and other revisions associated with the trails plan in Fontana.

Non-Cash Proffers-Received

During this quarter, the County received a significant greenway proffer. A two-mile section consisting of approximately 44 acres adjacent to the Rivanna River was dedicated to the County on November 14, 2011. This greenway was initially proffered with less acreage as part of the first Glenmore re-zoning in 1990, and was revised in a subsequent 2007 rezoning to include 44 acres. This greenway dedication provides a key section and linkage identified on the Greenways Plan for the Rivanna River corridor. With this dedication, acquisition of the planned trail from Darden Towe Park to Fluvanna County is approximately 76% complete.

Cash proffers are a valuable source of revenue that supplements the funding of important County projects that would otherwise be funded through general tax revenue. In addition, non-cash proffers provide improvements that might otherwise need to be funded by general tax revenue. With the elimination of positions in Community Development, a full time position is no longer devoted to proffers; instead, approximately one-half of a zoning planner's time is devoted to managing this program. While there have not been as many proffered rezonings approved recently, staff is still responsible for tracking existing proffers for previously approved rezonings, including Old Trail Village, Belvedere, and more recently, The Shoppes at Stonefield (Albemarle Place).

This summary is provided for information on proffer activity and no action is required.

(Note: This item was pulled for discussion at end of meeting.)

Item No. 8.7. FY12 Second Quarter Financial Report, ***was received for information.***

The attached financial report provides information on the County's General Fund operations and Fund Balance as of December 31, 2011. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year.

CORE VALUES:

Stewardship – We honor our role as stewards of the public trust by managing our natural, human and financial resources respectfully and responsibility.

(\$ in Millions)

A. Attachment A: General Fund Financial Report:

a. Revenues:

Revenues, excluding Transfers and Fund Balance Appropriations, are estimated to total \$213.571 million, \$0.618 million (0.3%) more than Budget at fiscal year-end. Combined with the use of \$2.690 million in transfers from other funds and \$0.714 million in fund balance, Revenues, Transfers, and Use of Fund Balance are estimated total \$216.975 million, \$0.604 million (0.3%) more than Budget.

Recent economic data reflects a continued volatile economy which often leads to conflicting implications. December job growth increased 200,000 yet 44% of the new jobs are of the low-paying variety. December jobless claims spiked at 399,000 yet many of the claims resulted from seasonal employment. Retail sales finished strong for 2011 yet December sales fell 0.1%. November credit increased significantly resulting in strong November sales yet the real reasons behind the increase have been attributed to a lack of real income growth and higher prices for necessities which have caused consumers to reduce saving and take on more debt. Wholesale prices have been growing more than twice as fast as consumer prices over the last two years leading to future cost of living increases as prices start to catch up to cost. The US trade gap widened in November as exports declined and imports rose. The impact of slowdowns in China and Europe is evident. Economists expect net exports to exert a modest drag on US growth. Government spending remains a significant drag on economic expansion. The economy is in for a continued bumpy ride over the short-term but is projected to grow by 2.1% in 2012.

Following is a brief revenue analysis for the FY12 fiscal year:

- Real Estate Tax revenues are projected to be \$1.221 million (-1.1%) less than Budget. The FY12 Budget was based on a negative 0.50% reassessment rate for both the 2011 and 2012 tax years. The final 2011 reassessment rate was a negative 1.24%. As of December 31, 2011, the 2012 reassessment rate was estimated to be approximately negative 2.40%; more recent estimates based on additional analysis suggests that the final rate will be closer to negative 2.90%. A reassessment year is equivalent to a calendar year. Its effects are realized over two consecutive fiscal years with the 1st half in one fiscal year and the 2nd half in the next fiscal year. A 1.0% change in the reassessment rate is equivalent to \$1.269 million in real estate tax revenues for the 2012 tax year. If an equalized tax rate is adopted, any potential short fall in 2012 will be mitigated or eliminated.
- Personal Property Tax revenues are estimated to be \$0.228 (-1.2%) less than Budget. New car sales have just started to improve due to postponed demand and improved economic conditions but not quite at the rate anticipated during the Budget preparation process.
- Delinquent Property Taxes & Fees are estimated to exceed Budget by \$1.444 million (53.2%). Significant revenues from 2009 real estate tax sales were released this fiscal year after a mandatory two year holdback period expired. The Department of Finance has developed and is in the process of implementing a plan to assertively collect delinquent taxes.
- Sales Tax revenues are estimated to be \$0.300 million (-2.5%) less than Budget. The economic recovery is slowly materializing but at less than the anticipated rate of growth. Taxpayers continue to be cautious but have begun to slightly increase discretionary spending as the economy improves. We believe that significant revenues are lost to internet purchases and consumer purchases in adjacent localities. The auditor has substantially completed his analysis of current and prior sales tax accounts for proper jurisdictional allocation. He will continue to monitor new business registrations and tax allocations as he shifts his emphasis to ensuring compliance with commercial licensing and property tax assessments.
- Utility Tax revenues are estimated to be \$0.623 million, (6.6%) less than Budget. The decrease is attributed to unusual moderate weather conditions and less usage by businesses impacted by the economic slowdown.
- Food and Beverage Tax revenues are estimated to exceed Budget by \$0.550 million (10.2%). Consumers are beginning to visit and eat out more often at restaurants as they continue to minimize other types of discretionary spending.
- Other Local Tax revenues are estimated to exceed Budget by \$0.461 million (4.6%) primarily due to increased Clerk fees resulting from increased refinancing activity and fees as well as additional equipment investments by Public Service Corporations.
- Other Local Revenues are estimated to exceed Budget by \$0.474 million (9.2%) due to greater than anticipated development fees, traffic enforcement fines, and recovered maintenance fees.
- Revenue categories with variances of less than \$0.100 million from Budget have not been analyzed for this report.

b. Expenditures:

General Fund expenditures, including transfers, are expected to total \$215.861 million at fiscal year-end, a 0.2% savings of \$0.51 million from Budget.

- i. Departmental expenditures are expected to total \$79.791 million, a 1.4% savings of \$1.143 million from Budget: The savings are allocated by functional categories as follows:
 - Administration expenditures are expected to total \$10.427 million, a 1.5% savings of \$0.163 million from Budget.
 - Judicial expenditures are expected to total \$3.851 million, a 0.6% savings of \$0.024 million from Budget
 - Public Safety expenditures are expected to total \$30.228 million, a 1.5% savings of \$0.470 million from Budget.
 - Public Works expenditures are expected to total \$4.264 million, a 2.9% savings of \$0.127 million from Budget.
 - Human Services expenditures are expected to total \$18.807 million, a 1.3% savings of \$0.244 million from Budget.
 - Parks and Culture expenditures are expected to total \$6.192 million, a 0.7% savings of \$0.045 million from Budget.
 - Community Development expenditures are expected to total \$6.022 million, a 1.2% savings of \$0.071 million from Budget.
 - ii. Non-Department expenditures consisting of the revenue sharing payment, reserves, and refunds are expected to total \$19.755 million, a 2.3% savings of \$0.459 million.
 - iii. Transfers are expected to total \$116.315 million, a tentative 0.9% overage of \$1.092 million:
 - Transfer to the School Division is expected to be \$97.246 million.
 - Transfers to the Capital and Debt funds are expected to total \$19.069 million, a projected increase of \$1.092 million. This increase reflects the amount of debt service funding that was not expended in FY 11 as the County was able to delay the issuance of debt. These funds are anticipated to be re-appropriated for the Capital Program in FY 12.
- c. Revenues less Expenditures:
This report projects that the fiscal year will end with \$1.114 million of revenues in excess of expenditures. Revenues and related transfers are projected to exceed Budget by \$0.604 million. Expenditures and related transfers are expected to produce \$0.51 million in savings.

B. Attachment B: General Fund Budget Comparison Report:

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

Revenues:

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

Expenditures:

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

C. Attachment C: Fund Balance Report:

The report indicates that the County:

- Has an Audited FY11 Undesignated Fund Balance of \$31.856 million,
- Appropriated \$0.714 million for Budgeted FY12 Initiatives and Re-appropriations,
- Has a remaining June 30, 2011 Fund Balance of \$31.142 million,
- Anticipates a \$1.092 million CIP transfer for the delayed FY11 debt issuance,
- Has a Proposed June 30, 2011 Fund Balance of \$30.050 million,
- Has a Policy required reserve of \$23.652 million,
- Has a Proposed additional Policy reserve of \$2.628 million, and
- Has Proposed Policy June 30, 2011 available funds of \$3.770 million.

The \$23.652 million Policy reserve consists of the 8.0% net General Government and School Operating Budget requirement and the 1.0% Revenue Stabilization reserve established by the Board of Supervisors as part of the FY12 Budget process. Based on the recommendations of our Financial Advisors, staff is proposing an additional 2.628 million (1%) reserve increasing the total Policy reserve to \$26.280. With this adjustment, the June 30, 2011 available Fund Balance would be \$3.770 million.

D. Budget Impact:

This Financial Report is based on audited FY11 financial data and six months of financial data for FY12. The revenue estimates are significant since December tax collections have been realized. Staff has utilized these figures as the basis for the FY13 Budget.

Item No. 8.8. Summary of grant applications submitted and grants received in January 2012, **was received for information.**

The executive summary states that pursuant to the County's Grants Policy and associated procedures, staff is to provide periodic reports to the Board on the County's application for and use of grants.

The attached information provides a brief description of two grants received and one application submitted by the County in January 2012. Grant funds that have been awarded will proceed through the appropriation process, as will any future funding received on pending applications.

The budget impact is noted in the summary of each grant.

DCJS – One-time Equipment Grant

Applicant Department/Agency – OAR
Local Program – Technology Improvements
Amount Awarded - \$4,599
Local Match - \$511 from OAR

Use of Grant Funds: Purchase and installation of two automated touch screen check-in kiosks to improve office efficiency and provide improved service to clients.

Receipt of this grant does not require future commitment from the County or any funding from the County. Since these are federal funds, standard certifications and assurances will be required from the County which is acting as the fiscal agent for the grant.

Virginia Department of Agriculture & Consumer Services

Applicant Department/Agency – Community Development
Local Program – Acquisition of Conservation Easements
Amount Awarded - \$110,952.46

This program has a 1:1 match requirement. Funding is only awarded if the locality has verified that sufficient funding is appropriated for the local match at the time of application. Payment is received after closing and submission of proof of purchase.

Planned Use of Grant Funds

Purchase of one or more conservation easements under the ACE Program.

Receipt of funds does not require any future commitment from the County once easements are acquired.

Virginia Department of Housing and Community Development

Applicant Department/Agency – Housing
Local Program – Orchard Acres Housing Rehabilitation Planning Grant
Amount Requested - \$30,000
Local Matching - None

Planned Use: To complete a housing and community needs assessment in the Orchard Acres Subdivision in Crozet in partnership with the Albemarle Housing Improvement Program. DHCD offered the County an opportunity to apply for the grant after the submission of a letter of interest and preliminary assessment data. The completing assessment could lead to a grant application being submitted in March 2012 for project funding.

Receipt of the grant will not require future commitments from the County.

(Note: Due to being ahead of agenda schedule, the Board took up Agenda Item 10 at this time.)

Agenda Item No. 10. Board of Supervisors' Strategic Plan Vision, Goals and Strategic Objectives.

The executive summary forwarded to Board members state that the Board of Supervisors has formally engaged in the County's strategic planning efforts since 2001. The County's FY07– FY10 Strategic Plan, in which the Board directed staff to focus on enhancing the County's quality of life, protecting its natural resources, managing growth, developing infrastructure, and creating a long-range, comprehensive funding strategy formally ended on June 30, 2010. The on-going work to achieve those goals and objectives continues to be incorporated into the County's regular operations.

Last year, the County made adjustments to its strategic planning processes and time schedule to be more agile and to best position the County to address challenges created by difficult economic times.

Based on the Board's guidance, the County developed a more succinct two-year strategic action plan to focus Board and staff efforts on the County's most immediate and critical needs. Work on the five goals identified by that strategic action plan continues through FY 11/12.

Earlier this year, the Board concurred with staff's recommendation to return to the County's previous long-range strategic planning format beginning in FY 12/13. The Board provided direction and guidance for the development of the FY 12/13 – FY 16/17 Strategic Plan during a strategic planning session held on June 30, 2011. Based on the results of that session, the Board approved a Vision Statement and six goals for inclusion in the FY 12/13 – FY 16/17 Strategic Plan at the October 5, 2011 meeting.

At its June 30th strategic planning session, the Board reaffirmed the County's mission and values and prioritized the County's top strategic focus areas for the next five years and asked staff to bring back a draft vision statement and draft goal statements based on the guidance provided. At the October 5, 2011 meeting, the Board approved the vision statement and six goals. Staff also discussed the fact that County's FY 12/13 -- FY 16/17 Strategic Plan will be more comprehensive than past plans. While the Plan will continue to focus on setting broad community priorities as informed and directed by the Board ("external component"), it will also focus on the organization's internal high performance efforts based on feedback and direction provided by both the Board and staff ("internal component"). To that end, County staff has also been developing an "internally-focused" goal for the organization.

That goal has now been drafted and will be presented to the Board along with four objectives as part of this discussion. The draft goal, which is Goal #7 in the Goal Statements list below, includes the two areas of emphasis identified by the Board at the Retreat: Assuring excellent customer service and increased efforts to support and recognize staff.

Objectives for two of the goals, #5 and #6, are still being developed due to the breadth and complexity of the topics and the need to engage a significant number of stakeholders in the process. Objectives for these two goals will be presented for discussion and approval at the March 7, 2012 Board of Supervisors meeting.

Vision Statement: A thriving County, anchored by a strong economy and excellent education system that honors its rural heritage, scenic beauty and natural and historic resources while fostering attractive and vibrant communities.

Mission Statement: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

Values: Integrity, Innovation, Stewardship and Learning

Goal Statements and Draft Objectives:

- 1. Provide community facilities that meet existing and future needs**
 - a. *Improve the evaluation practices and procedures used to assess the community's facility needs.*
 - b. *Increase the capacity of the Capital Program.*
 - c. *Identify and implement appropriate alternative construction project procurement methods (design/build, CM Agency, Job Order Contracting, PPEA, etc.) to reduce costs and improve project execution*
- 2. Encourage a diverse and vibrant local economy**
 - a. *Complete all objectives of last two years of the Economic Vitality Action Plan.*
 - b. *Establish fully functioning economic development program for the County.*
 - c. *Assess and implement appropriate incentive options to support economic development in the County.*
- 3. Protect the County's natural, scenic and historic resources**
 - a. *Work in conjunction with the TJPDC and RRBC to reduce nutrients and sediment discharges into local waterways in conformance with Chesapeake Bay TMDL regulations.*
 - b. *Preserve and maintain the quality of the County's investment in its conservation easements and recreational trail and greenway/blueway system.*
 - c. *Maintain and preserve County-owned historic resources and facilities and work in conjunction with key stakeholders to enhance awareness of the rich historic assets of this region.*
- 4. Promote citizen ownership of community challenges**
 - a. *Increase County's volunteer management capability.*
 - b. *Increase awareness of and access to resources that assist citizens in community problem-solving.*
 - c. *Increase opportunities for meaningful citizen involvement in resolving community issues.*
- 5. Ensure the health and safety of the community**
 - a. *[These objectives are still being developed due to the complexity of issues and broad range of stakeholders that need to be involved in the process.]*
- 6. Provide excellent educational opportunities to all Albemarle County residents**
 - a. *[These objectives are still being developed due to the complexity of issues and broad range of stakeholders that need to be involved in the process.]*

7. Promote a valued and responsive County workforce that ensures excellent customer service

- a. *Demonstrate improvements to internal and external customer service.*
- b. *Reinforce a culture of using cross departmental efforts to improve communications and teamwork for cost effective solutions.*
- c. *Expand opportunities for training and professional development.*
- d. *Assure staff is supported and recognized for excellence in service.*

After the Board's approval of all the Goal Statements and objectives which should occur in March, staff will develop action plans for each goal, while continuing efforts to complete the work outlined in the County's current two year strategic action plan. Implementation of the Plan will begin on July 1, 2012, and the Board of Supervisors will receive regular reporting on the progress of the Plan through a variety of methods:

- Twice a year updates, in July and January, to be presented at Board of Supervisors meetings.
- Regular updating of key performance indicators, or KPIs, that can be viewed by Board members and the public at any time on our website at the following link: www.albemarle.org/performance.
- References in executive summaries that will connect Board agenda items to the Strategic Plan goal/objective they support.
- Annual Report to Citizens published in February of each year that gives a summary of annual progress.

The FY 12/13 – FY 16/17 Strategic Action Plan will provide direction for the County's Five-Year Financial Plan and annual budget processes.

After any changes the Board feels are important, staff recommends that the Board approve Goal #7 and objectives for the six Goal Statements provided above for inclusion in the FY 12/13 – FY 16/17 Strategic Plan.

Mr. Foley reported that the Board had a strategic planning retreat with staff in June 2011 that focused on a five-year outlook with establishment of a "broad direction for the County through a strategic plan." He said that it included a vision, mission, values, and some priority goals – and based on the input provided at that retreat, staff shaped those goals with the Board having revised the vision but leaving the mission and values as-is. Mr. Foley stated that the Board gave some specific direction on six goals for the community to move forward in areas it felt were priorities, and in October the Board approved those goals to establish some direction. He said that staff then moved forward with the idea of developing some objectives around those goals and bringing them back again to the Board to ensure that it continues to reflect what was gleaned from the retreat and the priorities the Board feels the County should focus on.

Mr. Foley reported that in addition to that process, staff had been working on a more internal evaluation of the organization to promote its performance-based management system and to move the County forward in how it runs its day-to-day business – which ultimately became a seventh goal. He noted that staff had some extensive engagement across the organization to develop some clarity around what they felt was most important, and that was before the Board now as goal number seven. Mr. Foley explained that the purpose of today was to take some time to look at objectives after the Board approved the goals for the first six goals, and to consider a new goal with objectives for goal number seven. He said that the target was to approve the entire approach with a goal of strategic plan implementation beginning July 1, 2012, adding that once a plan was approved staff planned to come back to the Board on a regular basis – in July and January to give a status on the progress towards meeting the goals and objectives, and to receive the Board's input and feedback. That information would then be included in the County's annual report to the community and made a part of executive summaries.

Mr. Foley explained that staff had established "goal champions" for each goal that have pulled together key staff to further examine each goal and develop objectives to move it forward. He said that the County Executive's staff had led the effort with lots of engagement, and goal number seven was led by a team of staff including Mr. Mark Graham, Mr. George Shadman, Chief Steve Sellers, Mr. Brody Downs and Ms. Louise Wyatt from Human Resources, Ms. Kathy Ralston, and Chief Dan Eggleston. Mr. Foley emphasized that this had been a cross-departmental effort, and this was the first time the strategic plan had an internally focused goal on how business was conducted day to day.

Mr. Foley reported that Goal #1 was to "**Provide community facilities that meet existing and future needs,**" and asked Mr. Letteri to explain the objectives developed under that goal.

Mr. Bill Letteri, Assistant County Executive, stated that he would address the need for facilities and the ability of the County to provide those for the community. Staff saw three areas of concentration during this time – the first was focused on ensuring there were excellent processes in place for evaluating needs. He said that items for consideration would include facilities conditions assessment programs or engineering studies of facilities to gather good information about the condition of facilities. Mr. Letteri stated that another area of approach would be to increase the capacity of the CIP program, which would include how projects are debt financed, pursuing opportunities for loan restructuring, considering fees that would benefit the CIP such as district fees and user fees. He said that staff also considered issues of procurement and how the County might execute and procure projects in a creative way, such as through design-build programs or PPEA programs.

Mr. Foley noted that the Board had given some direction during the five-year planning process by dedicating one-half cent to the CIP, and the proposed budget would include some further steps proposed by staff that the Board would have to make some decisions on.

Mr. Boyd said that he would like to see more interaction with the Board on specific projects in the Capital Plan, pointing out that he had never seen the value engineering report for the Crozet Library. He would like to see the suggestions that were made, possible savings, and what was done or not done. He thinks that kind of detailed information needs to come back to the Board on a regular basis.

Mr. Foley responded that he would be sending the Board an email within the next day that addressed the entire procurement process, which would mention value engineering, and would be asking for Board response if that was the direction set for moving that project forward.

Mr. Boyd stated that he was particularly concerned with value engineering because the Board should be aware of what staff's recommendations were on specific projects.

Mr. Foley said they would provide some information on that, and if the Board was interested in a different level of involvement then staff might propose a different process such as additional work sessions.

Mr. Snow stated that he thought it was a very good idea to have some Board input into projects that involve value engineering.

Mr. Foley pointed out that the Board of Supervisors had appointed a committee to go through that process, and that group met on numerous occasions. He said that that's where the value engineering details came forward, but if the Board felt it was necessary to change the process that could be done on future projects.

Mr. Boyd commented that a committee like that make recommendations – not final decisions – and the Board was essentially leaving the final decision to them if the items didn't come back before the Board with suggestions for the value engineering. He thinks that should be a Board decision as opposed to a committee decision.

Mr. Rooker pointed out that the CIP Committee ultimately had that level of input.

Mr. Snow responded that his experience on the CIP Committee had been it has been looked at, here is the figure, and they vote on it. He stated that the CIP committee had not been looking at specific recommendations and how much could be saved, and why one decision was made over another.

Mr. Rooker said that he was on the CIP Committee also, and that seemed to be the best place to start asking those questions – with a report to the Board at the end of the process. He said that at some point you have to work through the process of what things are going to be looked at in value engineering and what are not, and which things make sense and which do not. Mr. Rooker asked if the expectation was to have every project to come to the Board before a decision was made.

Mr. Boyd stated that he would like to see the big projects, not things like remodeling or HVAC installation. He said that if there had been a report for the Hollymead Fire Station that showed the rationale behind particular decisions, it would help the Board provide better answers to the public.

Ms. Mallek commented that the reason that fire station had some of the features it did was because the intent was for it to last a longer lifetime.

Mr. Boyd said that he had already received questions about the Crozet Library, such as why there was a meeting room put in.

Mr. Letteri stated that it might be helpful to review how these processes are approached. Early on in the library project there were conceptual design models developed that were brought back to the Board – with four or five presented that met programmatic needs, along with the pros and cons of each. Once a decision is made about what is the right model, what is the right fundamental design, the architect is then engaged to actually reduce all that to formal drawings – and that is really where a lot of the money is spent. That decision needs to be made ahead of time, and you want to make it right. Mr. Letteri explained that once the formal drawings were produced to about 90%, the County would engage a construction firm that could look practically at the plans and make some recommendations as to cost-savings aspects. He stated that there were four ideas presented for the library, which had a value of over \$400,000, and all of those suggestions were incorporated in the base plan. Mr. Letteri added that they would also add alternates in the event those elements were desired to be re-included, with bidders assigning a price to each of those.

Ms. Mallek noted that the RFP also asked for suggestions from each of the bidders.

Mr. Letteri added that the County would be hosting a pre-bid session with bidders, and meaningful and practical suggestions would be embedded into an addendum to the RFP with all the bidders bidding on them accordingly.

Mr. Boyd said that at some point there must have been a written report.

Mr. Letteri confirmed that there had been.

Mr. Foley stated that depending on the Board's response to the email and if they felt the design was too elaborate or the square footage was too much, which would be pretty major input at this stage in the process, and the Board does not support it, then obviously it is the wrong way to go. The County has literally spent hundreds of thousands of dollars on design and construction documents. He said that staff would get that before the Board and ask for input as to how the process would work and if bidding should be delayed for that process.

Ms. Mallek said the Board made that decision in December to get out and get the bids in.

Mr. Rooker said that Mr. Boyd was saying he wanted there to be reports made to the Board on major projects on things like value engineering so that they understand what recommendations were made, what were taken, and why they were or weren't taken. It can be done by coming to the Board on the consent agenda quarterly. Mr. Rooker said he does not think they need to change the whole process.

Mr. Foley agreed, adding that staff just needed to figure out the best way to better engage the Board in the process at critical times on big projects. He noted that staff wanted to get out final confirmation on the square footage of the library, as the procurement process was very complicated and opening it back up for bidders could lead to many different things.

Ms. Mallek pointed out that there were decisions made by the Board in 2006 and 2007 when they decided they would use something less than the state-recommended square foot per population ratio, but they were aiming toward the .7.

Mr. Foley confirmed that staff would send the Board an email and check in with members on the process, as well as examining how the process might be amended to get the Board more engaged. Mr. Foley asked if there were any other input on the first goal and objectives.

Mr. Rooker commented that he really liked the idea of creative procurement and engaging the Board more in that process.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, reported that Goal #2 to was to **"Encourage a diverse and vibrant local economy."** In considering objectives to be put in place over the next five years, the County had recently undergone a comprehensive effort to develop an economic vitality action plan – and two years remain in that plan. She said that the first objective under this goal was to complete the objectives in that plan and continue the positive momentum going forward. Ms. Catlin stated that staff felt the County's economic development efforts needed to transition from a three-year plan into a more established, ongoing function of County government – so the second goal addresses the transition from being "plan-driven" to having a program that would offer services and continue to do the things in the plan but beyond the two remaining years. She said that the third objective related to things the County could do to encourage businesses to start, grow and expand here – as well as to locate here – and staff felt it was important to examine incentives and what kinds of things might be available. Ms. Catlin said that when the County crossed over the 100,000 population recently, it got bumped into a new category within the Governor's Economic Opportunity Fund that demanded a 100-job threshold and a higher level of investment. She stated that it would be a struggle to find projects that fit those criteria so the question has arisen as to whether the County's Economic Opportunity Fund needed to look at different approaches for how to use that money.

Ms. Mallek commented that she was interested in learning more about what the County would do so as not to replicate other efforts at different levels.

Mr. Foley said that the difference was there would be an Economic Development Director and an Economic Development Office, and that was not determined to be the right approach for Albemarle at this time – but the question was whether the County might evolve to a different place. The regional partnerships are going to be the same regardless, and that happens in most localities. He emphasized that the question was whether the Board wanted the program to evolve into anything different than it was today.

Ms. Catlin stated that staff acknowledged this was a very important priority of the Board, and at the end of two years there was no direction, so staff didn't want the effort "to fall off a cliff." She emphasized that this was really about building a transition, which could look like a number of different things.

Mr. Rooker commented that there had been many studies on the effectiveness of those types of efforts, and he wanted to ensure that the County was investing in the wisest way to achieve its goals.

Ms. Mallek added that the investment should not be in a company that would abruptly pick up and move out of state or out of the country.

Ms. Catlin noted that there were other incentives besides money that were effective for startups.

Mr. Boyd said that the one place the County had used the Economic Opportunity Fund was with Microaire, and they have a contract that stated the company could not move away without reimbursement of funds.

Ms. Catlin indicated that the County had a performance agreement with them addressing job hiring, and they are very much on pace with meeting the thresholds it needs to keep the money.

Mr. Foley commented that each of those allotments required a performance agreement, which meant they would have to meet certain requirements. He also said that this planning process would identify the most important things to explore as opposed to determining exactly what they would do.

Mr. Snow said that a good example would be the big empty building in Scottsville, as the County might be able to offer incentives other than money to get the community moving.

Mr. Foley reported that the third goal under the plan was to "**Protect the County's natural, scenic and historic resources,**" and Mr. Elliott had been working with staff on this goal.

Mr. Bryan Elliott, Assistant County Executive, stated that since the Board had adopted this broad goal in 2011, staff including Mr. Mark Graham, Mr. Bob Crickenberger, Mr. George Shadman, and himself had been working to assess what was strategic about the goal and what the strategic challenges were. He said that the Board has known for a number of years that TMDL was on the watch list and would have major implications, so ensuring compliance with these pending regulations was a critical challenge that would be before them. Mr. Elliott said that they also recognized that there had been a significant investment made in recreational trails over the years – the greenway and blue-way system – and while funding had diminished over the past several years they felt it was strategically important to maintain what was in place to serve citizens and guests. He stated that they also felt it was important to make appropriate investments in preserving County-owned historic assets so that they would be in good shape for future generations to come, and also felt it was important to increase awareness of historic resources to citizens and guests – and not just the major ticket items. Mr. Elliott said that there were some visitors who were interested in heritage tourism opportunities such as old barns and other unique assets of communities.

He stated that under that goal they developed three specific objectives: 1) working in conjunction with the Planning District Commission and the Rivanna River Basin Commission to establish a County program and plan to lead to reduction of nutrients and sediment discharges in local waterways that would then be in compliance with the Chesapeake Bay TMDL regulations; 2) preserving and maintaining the quality of the County's investments in conservation easements, its recreational trail, greenway and blue-way systems; and 3) maintaining and preserving the County's own historic resources and facilities, working in conjunction with other key stakeholders to enhance the awareness of these assets in this region. Mr. Elliott added that several years ago the Community Development Department had done a comprehensive inventory of historic structures, and that was cataloged and available to the Board.

Mr. Thomas asked if it would take five years to put the information out to the public as to the significance of historic sites that may be on their property.

Mr. Elliott responded that the contact had already been made, and the next step would be to form goal groups and develop specific action plans for achieving them, if the Board is supportive with the goal.

Mr. Rooker suggested adding the word "parks" to the objective of "preserve and maintain the quality of the County's investment in its conservation easements," as there was a huge amount of parkland that constituted the County's primary open-space investment.

Mr. Dumler encouraged staff not to work on these objectives in silos, as things such as protecting natural resources overlap in a huge way with tourism and economic vitality. He added that he wants to make sure that these are all overlapping circles that are working with one another as they go forward and develop those action plans.

Mr. Elliott agreed, adding that the next item pertained to volunteers and the objective of continuing to engage them.

Ms. Mallek said that one thing on her list to add was protection of critical natural resources, the places where rare species live, and the level of information needed to be raised when making decisions about development lines being drawn.

Mr. Boyd asked if that wasn't already being done at the state level.

Ms. Mallek responded that there was a map, but it wasn't involved in local decision-making at all.

Mr. Dumler noted that he was a member of the Natural Heritage Committee prior to serving on the Board, and there were a lot of times they felt that as they were collecting data and putting things together, they were not sure how it was going to be incorporated into the Comprehensive Plan or into the County's plan for preservation. He would like to make sure that experts like that are being utilized and that the data is actually being tracked and put to good use.

Mr. Elliott asked if the suggestion was to add a fourth objective.

Mr. Snow indicated it could be folded into other objectives.

Mr. Dumler said it goes beyond historic assets; it is important to have a separate acknowledgement that biodiversity and natural resources are something the County promotes.

Ms. Mallek mentioned prime soils, agricultural lands, forestlands, etc. She acknowledged that they were in the Comp Plan but does not want them left behind in this document. Also, active recreation was mentioned a little when staff was talking about the different elements of tourism.

Mr. Foley clarified that the Board wanted a separate focus on natural resource protection, biodiversity, etc.

Ms. Mallek confirmed that that was her suggestion.

Mr. Foley said there would be some resource discussion about these items, but that didn't necessarily mean budget implications as there would be stakeholder partnerships. He also asked if Ms. Mallek's suggestion was an additional objective.

Ms. Mallek explained that it was an example of what Mr. Elliott had suggested about rural tourism, trails, etc.

Mr. Elliott stated that it could go under "Objective B."

Mr. Foley reported that the fourth goal was to "**Promote citizen ownership of community challenges,**" which was a more challenging objective for staff to put together – but partnerships and citizen ownership have become increasingly important in the tight economic times.

Ms. Catlin noted that since the last time the Board talked about this goal, it got changed to "**Promote individual responsibility and citizen ownership of community challenges.**" She stated that staff had felt it was obvious that volunteer efforts were a significant component of this goal, as there were many volunteers stepping forward but a lack of structure in place to maximize the County's ability to take advantage of that and to bring new volunteer capacity into the organization. Ms. Catlin stated that staff developed an objective to increase the County's capability to recruit, train, manage and ensure that volunteers were being used most effectively. She said that the idea behind individual responsibility was to help citizens figure out how to do more for themselves and with each other. The second objective recognizes that individuals or citizen groups may not realize what's available to help them, where they should go and how they might take action – so staff developed an objective that focused on increasing awareness of and access to resources that could assist citizens in their own community problem-solving.

Ms. Catlin stated that staff had involved the Police Chief, Fire Chief, and Parks and Rec in their discussions of the third objective, adding that there are already groups out there such as community advisory councils – so they felt it was important to increase opportunities for citizens to be meaningfully involved in resolving community issues.

Mr. Rooker said that Board members had a lot of emails recently regarding trash in the community, and stated that was one area in which enhanced volunteer effort might be extremely meaningful. Mr. Rooker said this is an area where the County could focus some very visible effect in this community.

Mr. Snow agreed that this would be a perfect place in which to get citizens involved, as there are individuals and churches both that would be willing to get involved.

Mr. Boyd stated that the whole concept of individual responsibility came from the speaker at the Board's strategic planning session, who talked about a culture of self-reliance – but people have shifted away from that and have expected government to solve all those problems.

Mr. Rooker agreed.

Mr. Boyd said that the goal as he saw it was to change the mindset of people to take on issues themselves rather than waiting for government to deal with it, such as having a neighborhood adopt a road.

Ms. Mallek stated that the people who emailed the Board already had been out cleaning up, and what they were asking for was signage and fines so that people start to pay attention. She added that all of those roads were adopted, and people go out at great risk several times a year to clean them up.

Mr. Rooker commented that the County could be a catalyst and could provide some visibility for those efforts, adding that one difference from 75 years ago was that people have much less time with both parents working. He said that the County's role could be emphasizing the importance of volunteer efforts in terms of getting things done.

Mr. Boyd stated that as a government, the County cannot take on everything.

Mr. Rooker asked how citizens could be enlisted.

Mr. Boyd responded that that's what the objective was for.

Ms. Catlin noted that that was staff's intent in objectives B and C, giving people the tools to get to solutions themselves more easily.

Mr. Foley suggested that the language in "C" could perhaps be changed to state "accept responsibility for resolving" rather than "citizen involvement," which shifts the ownership.

Mr. Foley stated that goals 5 and 6 – "**Ensure the health and safety of the community**" and "**Provide excellent educational opportunities for all Albemarle County residents**" – were things that the staff continues to work on, reaching out to the School system and other players in this. He said that staff would like to address the internal goal, and Mr. Mark Graham would provide a quick overview of that.

Mr. Graham reported that the internal effort had been working parallel to what the Board had been working on with strategic planning, beginning with a survey of staff to gather their perspective on how the County could improve as an organization. He said that the results correlated very well with the citizen surveys as far as the level of service staff thought they were providing versus what the citizens seem to think. Mr. Graham also stated that they found a passion for improving customer service, with a staff that is very committed to excellence in service – and from that they came up with the motto “One organization committed to excellence.” He said that from the review they were able to distill the information down to four objectives: 1) demonstrate improvements to internal and external customer service, which addressed the commitment to continuous quality improvement and documentation of those results; 2) reinforce a culture of using cross-departmental efforts, which fit in well with Mr. Dumler’s points about “silos”; 3) expand opportunities for training and professional development; and 4) ensure that staff is recognized for the excellence in customer service – and not just through compensation.

Mr. Foley pointed out that the Board had recognized customer service and recognition of staff in their planning efforts, and the staff survey revealed that employees are aligned well with the Board’s wishes.

Mr. Snow commented that he agree with the point about increased professional development, noting the usefulness of webinars.

Mr. Boyd asked if the “post-mortem” on projects to evaluate what went right and what went wrong would be incorporated here.

Mr. Graham responded that it would be incorporated into the objective of “demonstrating improvements,” as it was important to examine the process after a project was completed.

Mr. Dumler commented that under the TMDL objective, he felt it was important to approach it from the basis of a “holistic approach” to local waterway health – and proposed a modification that used this terminology in addition to the TMDL references.

Ms. Mallek noted that it could be folded into the critical resource objective as well, as water was certainly was a critical resource.

Mr. Snow expressed his appreciation for the excellent manner in which staff was constantly reevaluating its performance and making things work more efficiently, as well as continuously looking for ways to save money.

Mr. Foley thanked Mr. Snow for the comment and the Board for its support. He said that staff would bring back the other two goals and some of the suggested changes in March, at which time he would ask the Board to endorse the whole plan so staff could move forward with action planning.

Agenda Item No. 9. Request to set a public hearing to amend the jurisdictional areas of the Albemarle County Service Authority for water service to Keswick Lake.

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

The applicant is requesting Albemarle County Service Authority (“ACSA”) Jurisdictional Area designation for public water to serve a proposed 39-lot Planned Residential Development (PRD) approved by the Board of Supervisors on January 18, 1978 (ZMA 77-24) (see Attachment A-on file). The PRD is located south of the Shadwell Estates Subdivision and east of Clifton Inn (see Attachment B-on file). The site is designated Rural Area in the County’s Comprehensive Plan and is located in the Scottsville Magisterial District. The original development proposal called for the use of a central water system to provide water service to all of the proposed lots except two, which were to be served by private wells. The Board’s 1978 rezoning approval included Condition #9, which states: “Final subdivision approval will be subject to the County Engineer’s Office approval of central water systems.” The applicant is now requesting public water service in lieu of a central water system or use of individual wells. Use of a central water system would require both the County Engineer’s and the Board’s approval. To date, the applicant has not submitted a central water system proposal to the County for review and approval.

In the immediate area, Clifton Inn is in the ACSA jurisdictional area for water only to existing structures while Stone Robinson Elementary School is in the jurisdictional area for water only. Service was provided to the Clifton Inn because of a documented health and safety issue involving groundwater quantity, consistent with the County’s policies for extending water/sewer service to the designated Rural Areas. The designation does not permit service to any new structure on this parcel.

On October 13, 2010, the Board approved an amendment to the ACSA jurisdictional area to allow public sewer service to the Whittington PRD located on Old Lynchburg Road. Like Clifton Lake, Whittington is a property zoned PRD in Rural Areas. While this similarity exists, staff opinion is that there are important distinctions between the Clifton Lake request and the Whittington request:

-Whittington is located immediately adjacent to Urban Area 5 and to existing similarly scaled developments (Mosby Mountain). The Board’s decision was based on the rationale that this area, including existing and approved developments along Old Lynchburg Road, would likely be included in the designated Development Area with the update of the Comprehensive Plan, making it eligible in the near future for water and sewer service under the County’s utility policies. While the Clifton Lake subdivision abuts the Rivanna Village, expansion of the Rivanna Village was considered during the

recently adopted Rivanna Village Master Plan (adopted 5/12/10) and was rejected during that Master Plan development process.

-When the Rivanna Village Master Plan was originally adopted as a new Development Area in the Comprehensive Plan, the Board directed that the water line to the Rivanna Village only serve (and be sized to serve) the designated Rivanna Village and the Stone Robinson Elementary School.

-The Whittington development was already designated in the ACSA Jurisdictional Area for water service when the sewer service designation was added. The Clifton Lake subdivision is not designated for public water or sewer service.

-Providing sewer service to 90 (39) lots, averaging approximately 40,000 square feet in size, in the Whittington PRD avoided the necessity for 90 (39) individual septic systems, which would have created the potential for more undesirable and significant environmental impacts in the long term. The use of a central water system or individual wells on 39 lots in the Clifton PRD would not have significant environmental impacts.

It is also important to note that the applicant made substantially the same request for ACSA Jurisdictional Area amendment request for water service in 2010. The Board unanimously denied that request at its meeting on December 1, 2010.

The Comprehensive Plan provides the following recommendations concerning the provision of public water and sewer service:

- “General Principle: Urban Areas, Communities, and Villages are to be served by public water and sewer (p. 114).”
- “Provide water and sewer service only to areas within the ACSA Jurisdictional Areas (p. 130).”
- “Follow the boundaries of the designated Development Areas in delineating Jurisdictional Areas (p.130).”
- “Only allow changes in the Jurisdictional Areas outside of the designated Development Areas in cases where the property is: 1) adjacent to existing lines; and 2) public health and/or safety is in danger (p. 130).”

By policy, water and sewer services are intended to serve the designated Development Areas where growth is encouraged and are to be discouraged in the Rural Areas because utility services are a potential catalyst for growth. Water supply and system capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connection of properties in the Rural Areas to the public system results in further extension of lines from the fringe of the existing jurisdictional area into the Rural Areas, potentially straining water resources and capacity to serve higher priority needs.

There are no lots developed or platted on the subject parcels (only preliminary plat approval has been obtained to date) and there are otherwise no documented public health or safety issues regarding these parcels. Therefore, designating these parcels as part of the ACSA Jurisdictional Area for public water service would not be consistent with County policy. If there were to be any future documented health or safety issue with water quality or quantity in Clifton Lake, under the County's utility policies, a water service designation could be further considered at that time.

The prior zoning action in 1978 required the use of a central water system to serve most of the development. No proposal for a central water system has been submitted to the County by the applicant for review and approval; therefore there is no evidence that a central system cannot safely and appropriately serve the development. While current Comprehensive Plan policies also discourage the use of central systems in the Rural Areas except in cases where there is a health and safety issue, use of a central water system would be consistent with the existing PRD zoning of the property approved by the Board in 1978. If this Jurisdictional Area amendment is approved, before the development could proceed with a public system, a determination will need to be made as to whether a zoning map amendment would be necessary to remove the central water system requirement imposed by the 1978 conditions of approval.

The property owner would bear all of the costs for connection to public water service.

This request is not consistent with the principles, objectives, and strategies of the Comprehensive Plan for the provision of public water service. The applicant has provided no information that public health and safety is endangered if public water is not provided. Condition #9 of ZMA 77-24 requires the use of a central water system. No proposal for a central water system has been submitted by the applicant for review and approval; therefore, there is no evidence that a central system cannot safely and appropriately serve the development. Based on this information, staff does not recommend approval of this request and recommends that the Board not proceed to public hearing.

Mr. Benish stated that the applicant is present to respond to any questions.

Mr. Snow asked for an explanation about the prior zoning action in 1978 requiring use of central water.

Mr. Benish explained that in 1978 conditions were approved for planned developments with that rezoning, and one of them specifically noted that central systems would be used to serve this development. He stated that the intent was for a system to serve this site and the proposed development solely.

Mr. Snow asked if the County was requiring the applicant to install a central water system but also denying them a central water system.

Ms. Mallek responded that the developer was supposed to provide their own central water system, and that was the basis of this approval to begin with.

Mr. Davis commented that the condition Mr. Benish referred to was a condition of the rezoning in 1978 under the process that was in place at that time rather than proffers. There was a conditional zoning that allowed the Board to enter into an agreement with the developer as to how they would develop – and there were conditions for the project approval. He said that Mr. Benish had mentioned condition #9, with final subdivision approval being subject to the County Engineer's approval of a central water system. At that time, the County was approving those types of systems – which were community systems that were often dependent on a deep well with lines and pipes routed to structures. Mr. Davis stated that this was the alternative to extending water and sewer lines to remote areas of the County, and this was an example of a planned development located in a rural area. He said that this particular development was situated in a rural area where there were no plans to extend sewer lines, but also in a place where it was not appropriate to have individual water and sewer on lots because of the small lot sizes.

Mr. Davis said that the growth management policy changed over time and the County would no longer approve these types of developments, but this was one that had prior approval and thus was grandfathered in with the growth management tools used today. He stated that this application had lain dormant since 1978, but the requirement for a central water system was still in place – and today that requirement would require approval by the Board of Supervisors under a different section of the County ordinances, as well as being disfavored under the Comp Plan. Mr. Davis said that the Comp Plan now provides that the County no longer extends water and sewer services to rural areas unless there were very specific criteria met including that the lines be close by and that there's a demonstrated health and/or safety concern. He indicated that that had been an important concept in the County's growth management policy over the past 25-30 years, and the Board had been very consistent in applying those policies.

Mr. Davis stated that at this time, the Board's decision was whether to engage in an amendment of the projects that the ACSA could build – which is only to jurisdictional areas delineated through the process of a public hearing and a determination that it was appropriate to extend water lines to a remote property under the criteria set forth in the Comp Plan.

Mr. Dumler asked for examples of what had constituted a public health or safety exception for any approvals of the jurisdictional area in the past.

Mr. Benish replied that they were usually water quantity issues, with wells going dry, and typically there would be a Health Department or well driller document that there were no other private options available onsite. He said that with the Clifton Inn they ended up drilling seven wells and ultimately several of them went dry, so there was an indication of an issue on that site. Mr. Benish added that there had also been chemical contaminations such as MTBE contamination from gas stations, such as GOCO Oil at the intersection of Shadwell over the railroad tracks at Route 250. Mr. Benish noted that it hadn't been a significant issue except that the adjacent property had some contamination. Staff looks for documentation of those issues.

Mr. Rooker said there was a significant distinction between those he had seen over the years in which the County granted an emergency exception and the situation with this application. It is generally properties that are already in use and their well fails, and it is contaminated." He said that the County has not granted exceptions that were essentially used in order for a development to go forward where there was no existing emergency because there is nobody living there.

Mr. Boyd stated that there had been issues surrounding this area for quite some time, such as GOCO Oil.

Ms. Mallek commented that there is quite a distance between this particular property and the GOCO Oil site.

Mr. Boyd added that in 1978 there was no Glenmore and there was not a pipe running beside the development. He said that he is not a big proponent of central water systems, noting his experience in Key West whereby the entire system failed and had to be cleaned up as a Superfund site. This is a situation where the developer is willing to pay the entire expense.

Mr. Snow said that the County seemed to be giving the developer very few options, with an approval for the site but no public water – so the option would be individual wells as the County doesn't want a central water system.

Mr. Rooker commented that it would mean lower density.

Ms. Mallek said there would also be well and septic as designed for the rural area. The applicant has every right to use it for its appropriate density right now.

Mr. Dumler said that the County wasn't saying they didn't want a central water system.

Ms. Mallek said the applicant also just has not applied for one. There was also a lot of information missing, i.e., perk data, capabilities for these things. She emphasized that just because the water table is

not suitable in an area does not mean the County should go back and change all of its rules to accommodate high density in an area that never should have had it.

Mr. Boyd said that he didn't view this as changing all of the rules, and said he does not like the hard and fast rule in place now as there have been times in which failing systems were replaced by hook-ups to the public system.

Ms. Mallek pointed out that a situation of failing systems was different, and this was not one of those cases.

Mr. Boyd mentioned a case of a gentleman on Proffit Road who wanted to hook into the sewer system because he lived across the road from a designated growth area, and Board denied that application, which required him to do something with a septic field.

Mr. Benish clarified for the Board that this applicant has the option of using a central system or private systems – which would require the County to amend the rezoning. He said that was a viable option as that was the policy called for in the rural area.

Mr. Snow asked if the applicant could get their water from the river and treat it.

Mr. Benish responded that that's doubtful and might be cost prohibitive.

The Chair then asked the applicant for comments.

Mr. Andrew Baldwin, developer of Keswick Lakes Subdivision, addressed the Board. He stated that Mr. Boyd had made a great point about the situation of failing wells in the area, and at that point the County would be in a situation of needing to provide water. He also said that the 1978 approval was a problem for everyone and no one likes the fact they were riding in on old zoning. Mr. Baldwin stated that he had gone above and beyond what is required even under what current ordinances would be to get the project approved, including the "living machine" an eco-central waste treatment system. He reported that he currently has two wells on the property – a six gallon per minute well and a two minute per gallon well – and they got no water from a third well drilled. Mr. Baldwin stated that they would likely find low-yield wells if they continue to drill, but over time those wells would continue to fail – and he was trying to prevent a situation like that from happening. He thinks it is better to be proactive about a situation rather than reactive after the fact. He also said that the development size is now 29 units, not 39 as originally planned.

Ms. Mallek asked what he was planning to do, as the County had no information thus far.

Mr. Baldwin responded that one of the lots had been cut out to make a better entrance and to meet VDOT requirements, with the lots on the Clifton Lake side being mostly in critical slope, and not buildable. He also stated that everything around this property had public water, including Clifton Lake and Glenmore, and this line could be looped in with Clifton to provide more benefits to properties such as Shadwell Estates. He does not want to be forced to a path that will ultimately at some point be a burden to the County to fix. Mr. Baldwin emphasized that he was offering to pay for improvements and greatly appreciated the Board's consideration.

Mr. Rooker asked how many lots were being planned.

Mr. Baldwin responded that there were 29 lots planned.

Mr. Rooker stated that the report before the Board said "providing sewer to 90 lots."

Ms. Mallek said it was somewhat alarming when there is no plat or other information.

Mr. Benish clarified that the "90" was a typo and pointed out that the property was zoned for PRD, which allowed for 39 lots. He added that the applicant has submitted a preliminary site plan, although there is no final approval. He added that because the property has not been platted, he referenced the permitted density based on the zoning. He added that it is no longer rural areas.

Mr. Baldwin explained that there were two platted parcels of land that made up the 60 acres, both of which were platted before 1980 and both run with five division rights. He said that if they went back to the original zoning there could be 10-12 lots done by-right, and even then some of those septic fields would likely fail.

Mr. Davis clarified that the property was zoned PRD, not RA. The Comp Plan designation was rural areas – so to develop it as RA the applicant would need to ask the Board for a rezoning, which would be consistent with the Comp Plan.

Mr. Cilimberg stated that there were two parcels outlined on the map provided that they were in the applicant's ownership, and that's where the 29 lots would be platted – but there was another parcel as part of the PRD that was not owned by this applicant, and lots could be built there under the PRD. Whether they would or not is unknown. He confirmed that the lots were owned by the Clifton Inn, and said there were lots shown on that side of the lake under the PRD. Mr. Cilimberg stated that Mr. Baldwin and his group own the two lots on the east side of Clifton Lake, which was where the 29 lots would be located.

Mr. Baldwin said that he had looked at incorporating the Clifton lots, but after some discussion with them it was determined that not much could be done.

Mr. Dumler asked if the 10-12 development rights he had referred to were based upon existing development rights before rezoning to PRD or based upon rezoning to RA.

Mr. Baldwin responded that it was based upon the knowledge that both parcels were platted prior to 1980, and regardless of going back on a rezoning they would come back on a similar plan to what was here.

Mr. Boyd said that the Board was being asked to decide whether to move this forward to public hearing, and at that time additional details could be provided.

Mr. Baldwin stated that they were currently addressing a number of issues related to this project. Part of the original zoning was that the Health Department approved a waste treatment system – and the living machine would be a step above the local level, requiring State approvals as it was a more complex system.

Mr. Snow commented that he had heard that the water coming through the living machine was better than the water going into it.

Mr. Baldwin responded that it could be, and the technology was headed in that direction. He added that this system was originally designed for commercial buildings. He said that CFA was considering putting a machine in Martha Jefferson Hospital. It is potable water at that point. He stated that his system would treat the water to a “grey water standard,” for uses such as watering lawns, and the water being discharged would be cleaner than the water currently in the stream and/or lake.

Mr. Thomas indicated that he had spoken to an architect – Jay Dagleth – who had four systems on a property in Arizona that were very functional.

Mr. Baldwin said that the systems were all over the country and were very big on the west coast, adding that this development would set a very high standard for what rural development should [require].

Mr. Boyd and Mr. Thomas stated that they were in favor of moving forward to public hearing.

Mr. Rooker said that the application presented a dilemma in that it counters the Board’s clear approach in the past with respect to extending the jurisdictional area. He does not think this development would ever be approved today. He stated that if the applicant were to put in a central system and it failed, the County would be back to square one.

Mr. Snow commented that there needed to be a common sense approach taken here.

Mr. Rooker stated that the item should be set for public hearing so that more details could be provided before the Board moved precipitously one way or another.

Mr. Dumler agreed that it should move forward to public hearing, but expressed concern about the precedent the Board might set by saying they would consider and/or approve expansion of the jurisdictional area anywhere where homes might be developed and wells there might fail.

Ms. Mallek asked how many places had the old zoning of similar nature.

Mr. Benish responded that there weren’t many adjacent to water lines – Ashcroft, Mosby Mountain, North Pines and Whittington are the three that come to mind that do not have either water or sewer or both. He also mentioned Peacock Hill but said they are not adjacent to water lines. Staff will bring back information on these. He asked if Board members wanted any other detailed information.

Mr. Boyd said that he would be interested in seeing the preliminary plat.

Ms. Mallek said that she would agree with going forward to public hearing. She added that she is compelled to support moving forward because the property is surrounded and it is an old permit, but without both of them, she would not support it.

Motion was then offered by Mr. Dumler to set a public hearing to consider amending the Albemarle County Service Authority Jurisdictional Area to provide water service for Tax Map 79, Parcel 23. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following vote:

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

NAYS: None.

(Recess: The Board took a recess at 10:56 a.m., and reconvened at 11:07 a.m.)

Agenda Item No. 11. FY 2010-2011 Comprehensive Annual Financial Report (CAFR).

Ms. Betty Burrell, Director of Finance, addressed the Board, stating that Virginia law requires an annual audit. The County engaged the firm of Robinson, Farmer & Cox Associates to audit its financial records. She said that Mr. David Hughes, the Audit Manager for Albemarle County, would present information regarding the FY2011 audit including the fact that the County received an unqualified opinion. She noted that the Board had copies of the Comprehensive Annual Financial Report before them.

Ms. Burrell reported that in FY11 the County transitioned from the Legacy Financial System to the Access Albemarle/Great Plains system. The County is fortunate to have dedicated staff who worked diligently to ensure a smooth transition that the County was able to produce its financial statements and they audited without issue. She recognized Mr. Ed Koonce, Chief of Financial Management, as he and his team worked tirelessly to develop the CAFRA presented. Ms. Burrell mentioned that FY10 CAFRA received the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting, and she believes the FY11 CAFRA should also qualify for that award.

Mr. David Hughes addressed the Board, stating that his firm met with the County Audit Committee last Friday and reviewed the report, results and management comments. He said that this year was a very challenging year for the Finance Department, and Mr. Koonce was on his own for a while following Mr. Richard Wiggins' retirement on February 1st and Ms. Burrell's hiring in June. Mr. Hughes emphasized that it was a tremendous task to get the report to the Board in a timely manner given the circumstances. He said that their job as Auditors was to issue opinions on the County's financial statements. The Auditors have three opinions on the statements – 1) the independent auditors report, 2) compliance with laws and regulations in accordance with government auditing standards, and 3) compliance with the single audit requirements of the federal government. Mr. Hughes noted that all three reports were "unqualified," which was the cleanest opinion an auditing firm could offer.

Mr. Hughes reported that within the introductory section of the report was a letter of transmittal that had information about the local economy, and within the financial section was management's discussion and analysis. He said that on Exhibit 5, page 25, is the County's Statement of Revenues, expenditures and changes in fund balance for governmental funds, and it shows that the General Fund had a very good year with other governmental funds not having quite as good a year – with an overall Fund Balance increase of \$1.7 million. Exhibit 12, pages 81-82, shows a budgetary comparison schedule of the General Fund, with the original budget and final budget as amended, and the actual results. In the statistical section were some good tables of the last 10 years. He said that in Table IV, page 123, it is noted that the General Fund went from \$17.7 million in 2002 to almost \$32 million last year, and this helps the County maintain its bond ratings. Mr. Hughes mentioned that the tax collection table was also important - Table 9, page 128, which shows how the current tax load is doing and how the County is collecting taxes.

He stated that the firm issued a management letter that addressed some concerns with staffing in the Finance Department. The County had hired some consultants and part-time help to gather financial information. With Access Albemarle, he said, there was a change in procedure with processing transactions within the system – and they recommended that some policies and procedures be documented in writing to help people understand how to go about processing information.

Referring to page 128, Ms. Mallek asked how customary it was to have 94% collection compared to the 97% back in 2003.

Mr. Davis responded that a lot of that was recession-driven. Currently a number of properties may not have paid taxes because of cash flow issues – but this was a short-term problem with the three-year term staying virtually the same.

Mr. Rooker noted that it was cumulative.

Mr. Foley mentioned that the Board had received an email from Ms. Burrell on this issue. She has presented some ideas to move the County forward in its collections. He said that staff saw some opportunities to improve on the percentage and the County has some new methods to be implemented in the new fiscal year. He noted that the budget to be presented to the Board in the next couple of weeks will reflect some significant additional revenues as result of some of the things Finance is planning. Mr. Foley stated that Mr. Hughes had mentioned staffing and the challenge of implementing Access Albemarle, but said he (Mr. Foley) feels very confident in the new leadership Ms. Burrell has brought – including some suggested changes.

Mr. Rooker commented that he and Mr. Dumler serve on the Audit Committee now and had met with the Auditors and staff, and was pleased to receive unqualified opinions. Mr. Rooker emphasized that it was a struggle for staff to get things done on time because they are understaffed, and those issues had also been noted by auditors. He stated that there was terrific leadership in place now along with a plan for improvement, but the last thing the County would want would be to find out that some things in Finance were not getting done because of a manpower shortage. He said that he thinks the Board needs to pay attention to what is happening there, support that staff and make certain they have what they need to do the job.

Mr. Dumler agreed, adding that there will come a point with retirements and attrition that the County might be in trouble, if it is not mindful of staffing issues.

Mr. Boyd said that the added burden put on staff with Access Albemarle and the conversion process had an impact, and he believes that Ms. Burrell would certainly come back if necessary with requests for additional staff.

Mr. Boyd noted that there had been a lot of talk in Congress about forcing the private sector to change their audit firms on a regular basis, and asked if this was something that might be pushed down to a government level.

Mr. Hughes responded that his firm makes a significant effort to ensure that the County's team is independent, and this was only his third year of being here. Their firm does a lot of local government auditing and they address it by putting new teams in place. It is a big difference between one team and another team and what they can do.

Mr. Foley said that the County bids its audit on a routine basis.

Mr. Boyd said his concern is whether it would be regulated because it is going to happen in the private sector.

Mr. Foley also stated that there had been information about money left in the Fund Balance and this was the point in time where everything got shored up – so there may be some tweaks to what the public had seen, but only minor changes.

Mr. Boyd asked if it would be faster than six or seven months to get financial reports done with Access Albemarle in place.

Mr. Foley responded that Mr. Hughes could certainly verify that this was not atypical of any locality – and perhaps it could be discussed with Auditors as to how to shorten the timing. It is fairly standard that the Auditors are out at this time of the year across the state presenting the CAFRA. There might be a little bit of opportunity in the future to shorten the time.

Mr. Bill Letteri, Assistant County Executive, pointed out that there was a certain amount of time required after the close of the year for auditors to perform test procedures and for staff to make their final adjustments, but with Access Albemarle staff should be able to generate more quickly the kinds of reporting necessary to conduct the audit.

Motion was then offered by Ms. Mallek to accept the FY 2010-2011 Comprehensive Annual Financial Report as presented. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following vote:

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

Mr. Foley thanked Ms. Burrell, Mr. Koonce and other staff for their work, adding that they had turned the corner with the audit – with payroll to be tackled next. The County hopes to issue its first payroll on Access Albemarle system in April.

Agenda Item No. 12. Wireless Policy/Regulations Update.

The executive summary forwarded to the Board states that on December 7, 2011 the Board appropriated \$12,000 to retain a consultant to assist the County in updating its Wireless Policy/Regulations and to investigate mechanisms to encourage the deployment of broadband access throughout the County. The Board also directed staff to work with industry representatives to discuss possible related ordinance amendments.

Since the Board meeting, staff has confirmed that the consultant's work will be considered Professional Services and that no RFP is required. The Board requested that the consultant perform the following scope of work as outlined in Option 2 of the presentation made to the Board on December 7, 2011:

1. Describe how technology is changing deployment.
2. Describe any Court decisions that are influencing the regulation of deployment and why.
3. Describe the FCC notices, programs and policy initiatives that may impact regulation of deployment and why.
4. Describe how changes in wireless will impact regulation of deployment.
5. Specifically describe how Albemarle County's policy should change and list those sections of the County Code that need to be revised on the basis of technology, court cases and the recent FCC rulings.

In addition to the above, the Board wants to determine how the County can encourage broadband deployment into areas of the County not currently served. Staff interpreted this deployment to be wireless broadband which may be met by either licensed or unlicensed providers. Staff has contacted the firm of Kreines and Kreines who assisted the County in the development of the existing Wireless Policy. The County is negotiating with Kreines and Kreines to define the deliverables and to include the added analysis desired by the Board.

The Board also directed staff to review the existing related County Code provisions with industry representatives to determine if any helpful minor changes could be made quickly. Staff has scheduled a meeting with industry representatives for January 20 and has begun to review the existing County Code provisions to determine if any changes in submittal criteria or process could be made without significantly affecting the quality of review. Once changes are identified, staff will present a resolution of intent to initiate those changes to the Board.

The Board has appropriated \$12,000 for this project.

This item is being provided as an update for the Board's information. Once a contract has been finalized with this firm, staff will inform the Board of a schedule and major milestones for this project.

Mr. Bill Fritz, Chief of Special Projects, reported that this was a brief update on the status of the wireless policy regulations, stating that staff had worked with an industry representative on identifying items that could be done quickly to amend the ordinance. He said that they were focusing on improving the applications for facilities and on coming up with a way to accelerate the Tier III review process, which could be shortened to 60 days in going to the Commission instead of the 90 days.

Mr. Fritz stated that the County had received a proposal from the consultant for the information previously discussed, which would describe the technology changes, provide standardized terminology, summarize court decisions influencing regulation and processing of applications, summarize FCC notices, programs and policy initiatives and potential regulatory impacts; and provide information on providing broadband to the rural areas. He said that they would also consider other changes to the wireless policy, including possible changes to the tier structure and any other changes necessary or appropriate based on information received about changes in technology in the regulatory framework. Mr. Fritz indicated that he had spoken with industry representatives and they are sharing information, but they have no formal process in place yet for using that information and inviting comment from the public.

Mr. Rooker asked about the timing of getting something back from the consultant.

Mr. Fritz replied that after this meeting he would coordinate a meeting between the Finance Department and the County Attorney's office to write an appropriate contract, and the consultant had indicated he could have the work done within 45 days.

Mr. Boyd said he was having some second thoughts about using the consultant, and asked about the qualifications of this particular company – including their knowledge of the local area.

Mr. Fritz stated that the firm being used was the same firm that helped develop the current wireless policy, and they have also done work in Virginia so they know the policies that led to the ordinance currently in place.

Mr. Boyd said that local companies who have had to deal with the ordinance might have some good input as to how the ordinance was developed.

Mr. Fritz explained that the consultant would not be giving changes to the ordinance, but would instead be providing information on the state of the industry and where it was likely to go – so that staff could work with the industry and members of the public to craft an ordinance.

Mr. Boyd asked if money could be saved by just sitting down with the industry experts in the County.

Mr. Rooker said that the Board had been through this all before, and the consultant does not have a financial stake in what is recommended, but the companies do. There are two issues here – one is protecting aesthetics and visibility in the community, and the second is providing the service. He stated that he thinks it is necessary to have a neutral party involved.

Mr. Boyd responded that that's what staff's role would be.

Mr. Rooker stated that staff members are not wireless experts.

Mr. Thomas asked if the County would be working with wireless vendors along with the consultant.

Ms. Mallek pointed out that they already are working together.

Mr. Rooker commented that this was an area requiring a high level of expertise.

Mr. Snow asked what the cost for the consultant would be.

Mr. Fritz replied that it was \$10,000.

Mr. Boyd said the main issue for him was timing, and in his opinion 45 days is a problem. He thinks the County needs to find a way to accelerate the process of developing an ordinance. He added that it is extremely time consuming to get a change to an ordinance that the Board will probably not see until late this year or early next year, and he thinks it is just too much time to spend on it.

Mr. Foley commented that staff is on a track now that required procurement and execution of the contract, but in the meantime Mr. Fritz would document the changes taking place immediately – based on information from the industry. He also said that he was going to try to do a “more assertive job” of documenting the changes and improvements, because sometimes those get lost in the discussion.

Agenda Item No. 13. Biscuit Run – Southwood Land Swap.

The executive summary forwarded to Board members states that at its January 4, 2012 meeting, the Board approved a resolution of support for the General Assembly to approve legislation that would authorize the Virginia Department of Conservation and Recreation (DCR) to negotiate a swap of property located in the future Biscuit Run Park and the Southwood Mobile Home Park between the Commonwealth and the Habitat for Humanity (“Habitat”). As discussed at that meeting, the property swap would give the future Biscuit Run Park two additional stream valleys to improve the environmental integrity of the Biscuit Run stream within the park and would give Habitat an otherwise isolated section of the current parkland that is located north of the stream. This is shown by Habitat on the attached graphic provided by Charlottesville Tomorrow (Attachment A). The land transferred to Habitat would then be available for future development and would potentially provide land to be used for County athletic fields. All proposed development by Habitat would be subject to compliance with existing zoning or appropriate rezoning of the properties.

This discussion is centered on three issues. The first issue to consider is what is needed for DCR and Habitat to successfully complete the proposed property swap. The second issue to consider, assuming the property swap is successful, is what could be done with the property under its current zoning and the potential for changing the use of the property. The third issue to consider is the potential for some part of the exchanged property to become County athletic fields.

The portion of the land currently owned by the Commonwealth is under an open-space easement (the “DCR land”). The portion of the DCR land that would be used by Habitat for future development would have to be converted or diverted (“diverted”) from open space land use, which may be accomplished under Virginia Code § 10.1-1704 only if DCR determines:

- The DCR land proposed to be diverted from open space land use is “essential to the orderly development and growth of” the County “in accordance with the official comprehensive plan” of the County in effect at the time of conversion or diversion; and
- The Habitat land proposed to be substituted for the diverted DCR land is: (1) of at least equal fair market value to the DCR land; (2) of greater value as permanent open-space land than the DCR land; and (3) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as the DCR land.

DCR also will have to assure that the Habitat land substituted for the DCR land will be subject to the provisions of the Open-Space Land Act.

Any portion of the DCR land swapped with Habitat that is used for park or recreational purposes could remain under the open-space easement, because those uses are permitted open-space uses under Virginia Code § 10.1-1700. The deed between the former owners of the Biscuit Run development and DCR expressly provides that the DCR lands be used for open-space and outdoor recreational purposes.

Assuming the property exchange is successfully completed, Habitat’s acquired property would have allowed uses as provided for Block 15 of the Biscuit Run Planned Development, pursuant to the approved Application Plan, Code of Development, and Proffers (Attachments C, D, & E). Block 15 is allowed to have up to 258 single family dwellings (including attached single family, duplexes, triplexes, and quadruplexes), but is not allowed to have townhouses or multi-family housing. (Attachment E, page 14) The approved zoning does not place any requirement on the property to provide the athletic fields as proposed in Attachment B. Staff notes the following proffers may make it difficult to develop the exchanged property under its current zoning:

- Proffer 1 – requires a greenway master plan and construction of a park and trails within Block 15
- Proffer 6 – requires a contribution of \$150,000 for traffic management
- Proffer 7 – requires a contribution of \$1 Million for transit improvements
- Proffer 15 – requires a contribution of \$4,946.70 per dwelling for capital improvements
- Proffer 16 – requires a contribution of \$588.24 per dwelling for Old Lynchburg Road improvements

Recognizing the constraints under the current zoning and Habitat’s expressed interest in redevelopment of the adjoining Southwood property, it is reasonable to expect this property to be subject to a request to be rezoned before being developed. A rezoning of this property would provide the potential to create a development plan and proffers that would be more in keeping with Habitat’s interest. Short of Habitat gifting the athletic field area to the County, Habitat may see a proffer related to the athletic fields as a way of addressing potential development impacts in a way that benefits both the County and Habitat. In considering a rezoning of this property, the following issues will need to be addressed:

- Is the proposed use consistent with the County’s Comprehensive Plan? The current Comprehensive Plan calls for this area to be Neighborhood Development Residential with a density of 3-6 dwelling units per acre. Even if a significant portion of this property were used for

athletic fields, the density desired by Habitat for its development may be much higher. Staff notes the Comprehensive Plan is currently under review and the density for this area may warrant change, particularly recognizing that the previously approved Biscuit Run Development is now planned for a state park and that Habitat is interested in changes to the Southwood Mobile Home Park.

- Who will need to sign this application? A rezoning of this property would remove it from the Biscuit Run Planned Development. The other property owners of the Biscuit Run development (DCR, Breeden) may be found to have an interest in this zoning change, meaning they would also need to be an applicant to this zoning change. Currently the Breeden property remains subject to the Biscuit Run planned development zoning and proffers. There is not enough information to make specific zoning determinations at this time. The best time to consider the questions will be when the property owner has a proposal that allows the potential impacts to the other property owners to be evaluated.

Parks and Recreation indicates there is an ongoing deficit of athletic fields in this part of the County and the proposed development could reduce that deficit. However, staff believes that the proposal, as shown on Attachment B, overstates the potential number of fields that may be constructed in this area. A more accurate estimate of the development potential would recognize the County's interest in protecting environmentally sensitive areas. With Attachments F and G, staff evaluated the proposed area for the County athletic fields compared to those environmental sensitive areas. Then, considering the necessary grading and stormwater management for the fields, staff evaluated how much of the remaining land could be graded flat enough for field use. As shown on Attachment G, the actual field area would be appreciably smaller than shown in the Attachment B graphic. Parks and Recreation staff has estimated that the following athletic fields, subject to minor adjustment of the park boundary, may be achievable:

- 1 full size field
- 1 U8 field
- 1 U10 field
- 90 parking spaces
- Auxiliary Building and playground

While this is one less U10 and one less U12 field than shown on the Habitat exhibit, staff believes this would still provide a significant contribution to the County's athletic field needs. Finally, this analysis formation is too coarse to develop a reliable cost estimate for grading; but, it appears the athletic fields could be constructed with onsite materials (a balanced cut and fill), which significantly reduces the development cost.

There is insufficient information at this time to evaluate what the development and operational costs for the proposed athletic fields would be. However, if the land swap is successful and the County develops the athletic fields, staff believes the cost of the athletic fields would be comparable to other fields. There is currently no programmed funding for these fields in the CIP. Prioritizing new fields would be based on needs and available funding, as determined by the Board.

This executive summary is provided for information. Because the Board has already adopted a resolution of support, it appears the County's role is minimal until such time as the General Assembly adopts a bill authorizing the DCR to negotiate the land swap, the property transfer is completed and Habitat (or some other owner of this property) is ready to proceed with development. Based on staffs' conversations with Habitat representatives, it appears it will be several years before Habitat is in a position to proceed with development plans.

Mr. Mark Graham, Director of Community Development, stated this was an informational session to up-date the Board on where this stands and the County's role as this process moves forward. There are two pieces of property involved in this proposed swap. He explained that Habitat for Humanity, as part of Southwood Mobile Home Park, would give the State Department of Conservation and Recreation one parcel in exchange for another parcel. Mr. Graham said that staff has identified three basic issues to consider: 1) what was needed for a successful land swap, 2) what Habitat could do with the new parcel once it's swapped, and 3) whether some part could be provided for County field space. He stated that the three main factors to consider with a land swap were: 1) the existing open space agreement, as the property given to Habitat would need to be removed from the existing land use easement; 2) the swap had to be shown to benefit the State in order for it to go through, with the State having to find that there was equal or better market value of the property received in exchange for the property they are giving up, and making a determination that there is greater value of the property in terms of the open space; and 3) the property given to the State would have to be eligible to fit within the open space easement.

Mr. Graham also said that staff had determined that the property would fall under "Block 15" of the Biscuit Run planned development, which would allow for up to 258 single-family dwellings but it does not have a provision for apartments or townhouses. He said that the plan shown to staff for Southwood showed an interest in apartments. Mr. Graham also stated that there were significant proffer requirements with greenways, traffic management, transit and capital improvement contributions that will make it very challenging to try to develop the property under the current zoning.

Ms. Mallek asked how much of Block 15 was the seven acres. Mr. Graham responded very little.

Ms. Mallek said that the entire block had the requirements. Mr. Graham noted that the plan did not distinguish between one part of a block versus another part, which was something the State would

have to agree to as part of swapping the property – what part of the development potential would be transferred with the property.

Mr. Graham reported that there would likely need to be a zoning change, given the constraints the property has on it with the current proffers. Currently the Comp Plan calls for three to six dwelling units per acre in this area. He noted that the Comp Plan is under review right now and as part of that there could be recommended land use changes in this area as appropriate. Mr. Graham stated that there also was the question of who had to sign the ZMA application, as this was only one part of Block 15 and the block had several different owners. He also said that the County staff looked at the site for potential athletic field use and Parks & Rec found there was room for one full-size field, one small field (under 8), one mid-sized field (under 10), enough parking to support those fields, a small playground and a maintenance/support building.

Mr. Graham noted the area of land considered for future transfer to the County, but said that when considering critical slopes, stream buffers and grading there was a single trapezoidal area suitable for field use.

Mr. Rooker asked what size that area was. Mr. Graham said it was between three and four acres.

Mr. Graham stated that there do appear to be potential benefits for the State, Habitat, and the County – even though it may not be easy to execute. He said that based on talking to DCR and other entities, it appeared that the land swap process would take a year or more to complete as there was a fairly intensive State process to be followed. Mr. Graham commented that the land swap faces a “high hurdle” with the need to show the equal market values and approved open space value. He also said that the County’s role in the land swap was somewhat limited, but staff could provide input as requested by either party. Mr. Graham stated that the property planned for Habitat has the development potential under its current zoning, but the proffers limit its value without the rest of Biscuit Run developing. He also said that there was no requirement to dedicate athletic fields to the County under the current zoning, and the County had not budgeted funds for field development in this area. Mr. Graham added that the athletic fields could be provided as a proffer with a future rezoning in the property, but in talking with a representative at Habitat it appeared there is no rush on their end to develop the plan.

Mr. Snow asked if there had been feedback from the State as to their feelings about the swap.

Mr. Graham responded that the State had been very cautious in their statements to him, and have said until they have all the information before them it was premature to make any sort of diagnosis as to what might happen.

Mr. Boyd asked if what was being presented today was some of the information the State wanted.

Mr. Graham replied that it was not, and said what was presented here was for the Board’s information. The County’s role is very limited in this. It is really Habitat and DCR – it is two property owners making an agreement on how to swap property.

Ms. Mallek pointed out that the head of DCR met with Mr. Dan Rosensweig and asked him to come back with more information, with DCR unable to move forward until the General Assembly acts this session.

Mr. Boyd commended Mr. Graham on the level of detail in this report, and mentioned the SWOT analysis approach he had suggested at a previous meeting. This is exactly the type of thing that he would like to see on commercial projects -- where they have major projects that will be of benefit, or high visibility projects. Mr. Boyd said that the Board could then take this information and apply some “common sense” shortcuts to the process.

Mr. Foley said that he appreciated the recognition as it was no easy task to put this together in a short period of time. He emphasized that there was a big difference with this project analysis versus a commercial project because it didn’t require roundtables, ordinance amendments, or application interaction back and forth on a plan. Mr. Foley stated that staff dropped some things to get the Biscuit Run item done. He reiterated that it did take a lot of effort and he appreciates the recognition. He added that it is also something staff will discuss next month because they have had a number of items that had come up like this recently that forced staff to redirect some things.

Mr. Boyd asked who authorized this item to be moved to the top of the priority list.

Mr. Foley suggested that staff come back and discuss that at a future meeting, but they felt this was important given the General Assembly’s action and the effort put into that.

Mr. Boyd pointed out that nothing in the report circumvents the public input.

Mr. Rooker clarified that this was not an application – it was a briefing on the status of something that the County would not even make a decision on.

Mr. Boyd suggested that a briefing be done for high visibility applications.

Mr. Rooker asked Mr. Boyd at what point. The applicant drives his or her application, and the process is set out pretty clearly in the statute.

Mr. Boyd responded that he does not agree.

Ms. Mallek commented that she supposed applicants could come and give the Board a short briefing on what's coming.

Mr. Boyd stated that his point was having briefings like the one on the land swap on high-visibility projects, so that they could be sped up.

Mr. Rooker said that what he was suggesting sounded good, but the details would be extremely challenging.

Mr. Snow suggested that this be discussed at another meeting.

Mr. Foley said that discussion of the SWOT process would come before the Board at its March day meeting.

Agenda Item No. 14. VDOT Report, David Crim.

Mr. David Crim stated that it has been a pleasure working for the Board during the past year. He introduced Mr. Dean Gustafson, VDOT's Traffic Engineering Director for the Northwest Region, Mr. Angelo Rao, VDOT's new Traffic Engineer for the Culpeper District, and Mr. Joel DeNunzio. He also mentioned that Mr. Jamie Glass was coming back as the Residency Program Manager.

Mr. Crim reported that there would be a public hearing held at PVCC on February 2nd, 5:00 p.m. – 7:00 p.m., regarding a safety project on Route 53. Mr. Crim stated that there were three intersections involved in the project – one at Kenwood Farm Lane, one at Route 20, and one at the Monticello entrance. He said that preliminary data indicated there would not likely be significant impacts on right-of-way, and these will be good projects for the safety of the traveling public in this part of the County. In terms of the superstructure replacement project on Route 743 – bridge over Jacobs Run -- which is currently load limited down to three tons, the superstructure will be built offsite and then delivered to site for installation. He stated that the bridge would be closed beginning March 26 and hopefully will reopen within a few weeks.

Mr. Crim reported that the Route 250 bridge over the Buckingham Branch railroad in Shadwell is ongoing; the contractor began work on the underside in December. He stated that Mr. Lou Hater of VDOT's Public Affairs office was working with Ms. Lee Catlin on setting up a workshop of all interested parties to discuss traffic impacts and ways to mitigate the impacts. VDOT wants to make sure that the closing has as little impact as possible. Mr. Crim said that the contract had a 70-day clause that it could not be closed more than that timeframe, but it is hoped the contractor could beat that – with work commencing in May and a reopening sometime in August.

Mr. Thomas asked what the vehicle count was coming across the bridge.

Mr. Crim responded that it was about the same as the traffic coming down Route 22 – about 30,000 vehicles. Mr. DeNunzio confirmed that it was 22,000.

Mr. Thomas asked where the cars were going to go to get back onto Route 250.

Mr. Crim said that VDOT had looked at alternate detours, and the goal of the workshop was to get the word out. It is going to be a terrible impact, and they all know that but if they lose the bridge it would be worse of an impact.

Ms. Mallek emphasized that tickets needed to be issued for drivers crossing the bridge that exceed the weight limit.

Mr. Snow stated that the Board had received a letter from a business in that area, and asked if businesses had been contacted yet.

Mr. Crim responded that the workshop is intended to get the word out to everyone. In addition a public hearing was held about a year ago concerning this structure which is VDOT's normal procedure.

Ms. Catlin reported that they had held several meetings with stakeholders in that area and had developed a full public information plan, and bringing the Board up-to-date was the first step in that process.

Mr. Boyd mentioned that the community advisory councils for Pantops and Rivanna Village had been very involved in the process.

Mr. Crim stated that VDOT had received a request to initiate a speed study on US Route 29 between Northside Industrial Park and Airport Road, and he has sent that request to Mr. Rao to initiate the study. He said that VDOT would be contacting County staff soon to discuss the process for the Six-Year Secondary Road Plan, and he would be initiating the process with assistance from Mr. Greg Banks. Mr. Crim reported that Mr. Christopher Byington has left the residency and gone to the District Zion office to work on local projects. When he spoke to him yesterday, Mr. Byington informed him that there were four rural rustic projects are moving forward: replacement of the Bluffton Road bridge with roadway construction slated for summer; Rose Hill Church Road; Fortune Lane; and Happy Creek. It is hoped that

all these projects will be completed this fiscal year.

Mr. Crim reported that the John Warner Parkway was open and VDOT had made some adjustments since it opened, including installation of two additional left-turn arrows to ensure drivers did not make left turns from the center through lane. He said that they also relocated the portable message sign closer to the intersection and adjusted the message, and this had corrected the problem. Mr. Crim stated that County police had reported no crashes and were pleased with the operation, and VDOT has replaced "no through truck" signs with the "John W. Warner" signs, and planned to place the overhead signal signs within the next week. He said that VDOT would continue to monitor pedestrians and multi-use trail crossings, but no problems had been observed thus far – with plans to take additional counts in June to compare to last year's study.

Ms. Mallek asked if VDOT has discussed adding a count-down clock with the light to assist pedestrians and bicyclists. Mr. Gustafson responded that that is not something VDOT has observed, but they will monitor it as the weather changes and gets warmer. If the problem does arise, VDOT can install countdown timers and additional signage.

Mr. Thomas asked about the traffic light at Rio Road and Belvedere.

Mr. Crim responded that Mr. Rao and Mr. DeNunzio has been looking at that given the expected traffic increases with the new apartments coming online, and that expected traffic would be part of the warrant study.

Mr. Thomas stated that he has told Belvedere residents not to automatically expect a light to be put in there.

Mr. Thomas then asked about Rio Mills Road.

Mr. Crim explained that VDOT had gotten a preliminary study back but he wants to take Mr. Rao through the road as there were some issues that were not addressed in the study. They hope to get out to the road one day next week. He hopes to have the study finalized in about two to three weeks.

Mr. Thomas reminded Board members that he had wanted the traffic study because of the speed of trucks traveling the road so fast, and confirmed that the study also included the dirt road portion.

Mr. Crim indicated that VDOT did receive a request for center-line striping from a citizen out there, and that should help to slow people down.

Mr. Thomas asked if Commonwealth Drive has been restriped.

Mr. Crim said that VDOT is still looking at several ideas, but there will be some work done on the road.

Mr. Thomas commented that Commonwealth Drive is an example of a bad parallel road going through a neighborhood because it is bad for the neighborhood.

Mr. Dumler asked if the Route 53 improvements were part of STARS program funding, and asked if that was relatively new.

Mr. Gustafson stated that it is a program that the Department began in 2009, looking at high-crash locations and proactively trying to make improvements. He said that the Route 53 corridor and Route 20 corridor were both earmarked as problem areas, and they would be looked as part of spot safety improvements funded by federal and/or state dollars.

Mr. Dumler asked if it was a separate pool of money or if it would require reprioritization of existing funds.

Mr. Gustafson responded that it is not a separate pool of money, but they do have the ability to use Highway Safety Improvement Program dollars which are federal dollars earmarked for making safety improvements. He added that VDOT can also use State dollars, but it is more about the process of identifying high crash locations.

Mr. Rooker commented that it wouldn't take away from Secondary Road Funds.

Mr. Gustafson responded correct. He added that VDOT does have some other top ten safety improvement projects on the list, but they were still finalizing how long it would take to address other high-crash areas in the region.

Mr. Boyd asked about the improvements for Powell Creek and Ashwood Boulevard, specifically what VDOT would do versus what the community association would do.

Mr. Crim explained that VDOT met with the homeowners association but in order for a crosswalk to go in there must be ADA accommodations. He said that the homeowners association is in the process of building some more trails out there and are working with VDOT. After the landing pads have been installed as part of the crosswalk system, VDOT will stripe the crosswalk.

Ms. Mallek asked about the process for “do not litter” signs and what needed to be done to get them.

Mr. Crim responded that VDOT considers every request it receives and usually put up signs in high-litter areas, but also loved to work with different community groups on various programs such as Adopt-a-Highway. He suggested that the Board email him any specific locations they had in mind. He added that Ms. Jane Falls, in his office, was the coordinator for the Adopt-a-Highway Program for Albemarle, and has a listing of all the areas where the program is in operation.

Ms. Mallek asked the procedure for establishing a “no through truck” zone. There continues to be difficulty on Earlysville Road with not only single trailers but also double trailers.

Mr. Crim said it is a procedure that has to first be initiated by the Board of Supervisors, then it comes to VDOT, followed by the Commonwealth Transportation Board. It is a long drawn out process where it also has to go to the motor truckers association. Basically everyone has to “bless” the request and there must be a good alternate parallel route before it can be considered.

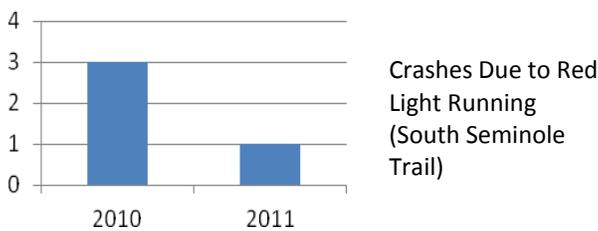
Agenda Item No. 15. PhotoSafe Annual Report.

The executive summary forwarded to Board members states that on December 12, 2010 the Police Department activated the County's *Photosafe* Program. This highway safety camera system currently captures incidents involving the running of red light traffic signals for all southbound lanes of Seminole Trail and all eastbound lanes of Rio Road only.

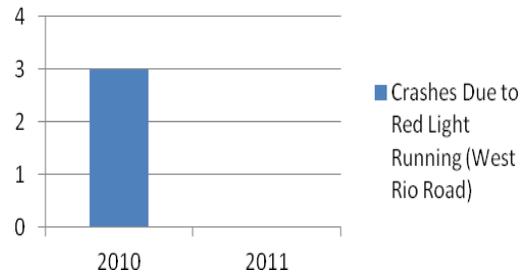
Crash Data:

As projected, crashes due to red light violations for these 2 approaches to the Seminole Trail and Rio Road intersection have declined since the establishment of the Photosafe Program. Early in the evaluation period, there was some concern about the potential for an increase in rear end collisions, but the statistics show this did not occur.

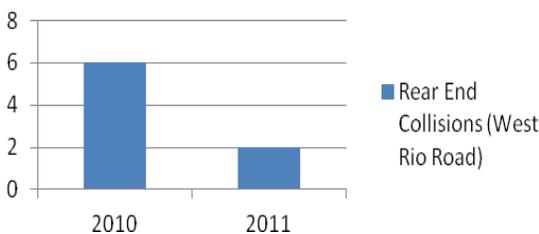
Crashes Due to Red Light Running (S. Seminole Trail)



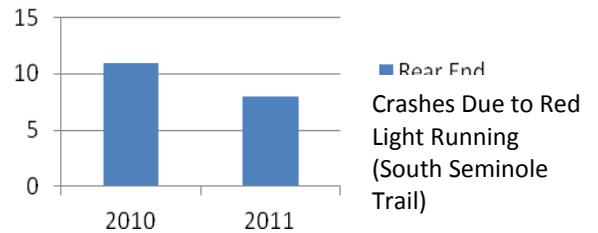
Crashes Due to Red Light Running (West Rio Road)



Rear End Collisions (West Rio Road)



Rear End Collisions (S. Seminole Trail)



	Incidents Captured	Rejected by Vendor	Sent to PD for Review	Rejected by PD	Summons Issued	Fines Collected Less Vendor's Fee
Southbound Seminole Trail (all lanes; 2 cameras)	3,652	988		786	1,878	
West Rio Road (all lanes; 1 camera)	7,581	2,386		564	4,631	

TOTAL	11,233	3,374	6,509	1,350	5,159	\$90,458.45
--------------	--------	-------	-------	-------	-------	-------------

NOTE: For the Rio Road camera, the highest number of summons issued were for right turn on red violations.

Staffing-Hours: Based on average time spent on reviewing incidents and court preparation for a one-year period for two officers.

Review of Incidents	Court Preparation Time	Time Spent in Court
120 Hours	300 Hours	24 Hours

Court Cases: Average monthly caseload, the actual number of people who show up for court and for cases that are dismissed.

Court Cases Set for Docket (monthly)	Cases Contested (monthly)	Dismissed Cases (monthly)
220	8	2

NOTE: Dismissed cases were for people who appeared in court and claimed that they were not the driver of the vehicle at the time of the violation. There were no cases dismissed because the judge did not agree with an officer's assessment of the violation.

The West Rio Road camera was not operational for a two-week period in mid-September due to a repaving operation by VDOT. Once that work was completed, VDOT, County Engineers and the vendor re-surveyed the road to ensure that the lines and camera sensors were as they were during the initial installation. During the down period, no summonses were issued.

The program is requiring an intensive investment of staff time to administer; however, representatives from the Police Department, the County Attorney's Office and the General District Court are in the process of reviewing the administrative procedures for court processing to try to streamline it and reduce the number of staffing hours.

Under the County's current agreement with Redflex, the vendor charges a monthly flat fee of \$4,900 for each approach (there are two approaches for the intersection). That fee is paid from the fines collected and the remainder of fines are returned to the County to be used to support traffic safety initiatives.

Of the nine counties in Virginia that have full-service police departments, Albemarle County ranks as one of the most dangerous places to drive in terms of injury crashes and fatality rates. Revenue generated from the Photosafe Program is being used exclusively for enhancing traffic safety in an effort to reduce crashes. Some examples of current and planned expenditures include:

- DUI goggles for driver impairment education
- Mobile variable message boards
- Stealth Stat (used for evaluating traffic issues and measuring results of enforcement/education programs)
- Lidar units for speed detection
- Educational materials for public awareness related to driver safety
- Portable traffic barricades
- Crash Data Retrieval (CDR) reader/software upgrades and training for the purpose of enhancing traffic officers' capabilities for downloading data from automobile black boxes (used for serious and fatal crash investigations)
- Opticoms for the police motorcycles (used to enhanced safety during escorts & motorcades)
- Training manuals/materials related to teen drivers to be used by traffic officers when teaching drivers education classes in the high schools
- Handout material for bicycle safety
- Public safety announcements for TV and Radio
- Safety banners for schools or special events with focused messages related to driver safety awareness

Staff recommends that the Board continue the Photosafe Program.

Mr. Steve Sellers, Chief of Police, addressed the Board, stating that he would provide a one-year assessment of the program and to make some recommendations. He reported that Photo Safe was first brought to the Board in September 2009, and after its authorization the Police Department installed cameras at the intersection of Route 29 and Rio Road, which was selected due to the high frequency of crashes there. Mr. Sellers reported that the cameras went live in December 2010, with the County Police Department issuing summonses in January 2011. He said that the primary purpose of the Photo-Safe Program was to reduce crashes, encourage compliance with the law, and create a force multiplier for the Department.

Mr. Sellers referenced data in the executive summary that supported the success of the program in reducing crashes, adding that the cameras cover southbound Seminole Trail and westbound Rio Road. He said that in the year prior to Photo-Safe there were three crashes attributed to red-light running at that intersection; at the same period for 2011, one crash occurred due to red-light running. Mr. Sellers said that prior to Photo-Safe there were three crashes on West Rio Road attributed to red light running; in 2011, no crashes occurred that were attributed to red-light running. He stated that if the system encourages compliance with the law, then a general trend of increased compliance should be noted – and currently the comparative data was trending toward increased compliance. Mr. Sellers reported that the

system logged 964 incidents for January 2011, compared to 577 incidents for January 2012. He also emphasized that one more year of data collection would provide a better picture, as it was difficult to make comparisons on a month-by-month trend because the volume of traffic along Route 29 is driven by the events that occur within the City and the University, and certain months the volume of traffic is much higher.

Mr. Sellers said that stationing a police officer at that intersection would be cost-prohibitive and inefficient, and regardless of the assistance from technology there would always be a need for some level of enforcement effort at all major intersections. He stated that reducing the time officers spend on traffic crash investigations and monitoring major intersections for violations could be better served by officers, concentrating their efforts where real problems occur. Mr. Sellers stated that the Photo Safe Program allows him to reallocate traffic safety and enforcement efforts where needed most, thus creating a force multiplier for the Police Department. Since taking over as Chief a year ago, he said, what he has heard most frequently from the community regarding the program was the fear of increased rear-end collisions – but rear-end collisions on West Rio Road have dropped significantly from the six in the year prior to the program to one in 2011. On the southbound Seminole Trail side, he said, rear-end collisions have dropped from 11 to eight in 2011. He stated that there had also been concerns about the timing of the yellow signal being too short, but currently the timing is dictated by a USDOT and Virginia standards – which are set for specific reasons. Mr. Sellers explained that, according to VDOT, setting a yellow light too short could increase red-light running, but the same can occur if it was set too long.

He also reported that the third concern from the community had focused on the erosion of privacy, but images and videos are only for traffic court purposes except where there was commission of a serious crime or traffic crash in the intersection. Mr. Sellers stated that in those limited instances a court order was prepared and submitted to the Commonwealth's Attorney for review and approval, then to a Circuit Court Judge for approval or denial. He said that in 2011 he requested two court orders in that intersection – one for a triple homicide that occurred in Greene County where the victim's vehicle was found in close proximity to the intersection, and a drive-by shooting that occurred within the intersection. For data capturing violations, he said, all photos, video and data are purged within 60 days following the collection of the civil fine, and if the Police Department rejects a violation or doesn't execute a summons within 10 days of the incident, all materials are purged within two business days. Mr. Sellers stated that all unused photos, videos and data are destroyed within 60-days.

Mr. Sellers reported that another comment he had heard was that the Photo Safe Program was a "revenue-generator" for the County, but the total amount of fines collected for 2011 minus the vendor's fee was \$90,458 – with the police staffing hours dedicated to this administer this program totaled \$11,592 for a total revenue of \$78,865. Mr. Sellers indicated that this revenue goes directly toward improving traffic safety, for things such as traffic safety education for youth, DWI prevention education, stealth stat devices for measuring the effectiveness of traffic safety programs and the severity of neighborhood traffic problems, public safety announcements for TV and radio, education banners for special events and traffic enforcement tools, variable message boards, and a seat belt convincer.

He said that his recommendation was to hold the course with the Photo Safe program, as its primary purpose was to reduce crashes attributed to red-light running through education and enforcement – and it appears to be doing that. Mr. Sellers said the program was a contributing factor toward enhancing the capacity of the Police Department, and this Department has the lowest officer to population ratio and lowest per-capita cost of any County police department in the state – but also has the highest rate of fatalities in injury crashes of any jurisdiction in the state served by a full-service County police department. He stated that reducing crashes and freeing up enforcement time along the Route 29 corridor frees up time for his traffic safety officers and patrol officers to patrol the rural areas, and to target speeders, unsafe trucks, DUIs – as well as promoting seat belt use.

Mr. Sellers stated that the Albemarle County Police Department came in second place statewide in efforts toward traffic safety as judged by the Virginia Association of Chiefs of Police last year for similar size police departments. He added that he would like to see the County come in first place for traffic safety efforts, not first place in crash rate. He emphasized that revenues from Photo Safe were going back into the efforts toward making this a safe community, and should help make the roadways safer in the coming year.

Mr. Thomas asked what suggestions he might have to make the program better.

Mr. Sellers responded that one recommendation would be to consider expanding the program to another location – one that was selected by the Department back in 2009 at Route 20 and 250. He also said that he had seen larger and more visible signage at other photo enforcement intersections, but there were some restrictions here as to implementing those.

Mr. Thomas stated that they had also discussed at one point the possibility of putting markings on the road, adding that the goal here was not catching people but saving lives.

Mr. Rooker commented that signage at intersections is a tricky situation in that the more signage there is, the more it blocks visibility. Mr. Sellers concurred.

Ms. Mallek suggested painting the signage on the road with rumble strips which will get people's attention.

Mr. Rooker asked what steps needed to be taken in order to expand the program.

Mr. Sellers responded that staff would prepare some recommendations and reevaluate some of the 2009 data to ensure the appropriate location was selected.

Mr. Davis stated that the ordinance allows for one per 10,000 population, therefore, the County is authorized to have up to 10. The program does require a VDOT study and coordination with them. He added that the County Executive had the authority to implement regulations and procedures to advance the program.

Mr. Rooker said that in looking at the benefits of the program and statistics, he would support expanding it to a second location.

Mr. Snow agreed that he would support expanding the program also.

Mr. Boyd agreed.

Mr. Snow said that the Board had heard of many studies that claimed the Photo Safe Program had no effect on solving major crash problems – although the results here demonstrated a different result.

Mr. Sellers commented that people were selective about which studies they identified with, adding that the most well-known study in support of the program came out of the University of Virginia originally.

Mr. Foley said that with the direction from the Board, the County could move forward with looking at expansion after looking at data to determine the best locations. He also said staff would follow up with VDOT on striping of some of those intersections.

Ms. Mallek also agreed with expanding the program.

Mr. Gustafson, from VDOT, noted that the signs are controlled by the uniformed traffic control devices that regulated all signs posted. The signs for Rio Road and Route 29 are “dual-indicated” on both sides of the roadway with the one in the middle being smaller to accommodate a narrow median. He added that there is currently no standard or option for marking on the pavement for this kind of program. Traditionally markings on pavement for signs are reserved for large interstates.

Agenda Item No. 16. Closed Meeting.

At 12:34 p.m., **motion** was offered by Mr. Dumler at 12:34 p.m. for the Board go into a Closed Meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; under Subsection (3) to discuss the acquisition of real property for a public use because an open meeting discussion would adversely affect the bargaining position of the County; under Subsection (7) to consult with legal counsel and staff regarding three matters of pending litigation regarding zoning decisions; under Subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice regarding a negotiation of an inter-jurisdictional agreement for public services and agreements to fund emergency services; under Subsection (7) to consult with legal counsel regarding a specific legal matter requiring legal advice regarding an inter-jurisdictional decision; and under Subsection Seven to consult with legal counsel and staff regarding a specific legal matter regarding public safety. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following vote:

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

Agenda Item No. 17. Certify Closed Meeting.

At 2:41 p.m., **motion** was offered by Mr. Dumler that the Board certify by a recorded vote that to the best of each Board member’s knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following vote:

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

Agenda Item No. 18a. Boards and Commissions – Vacancies/Appointments:

Motion was offered by Mr. Snow to appoint/reappoint the following individuals to openings on various committees and commissions:

- **reappoint** Mr. Peter Hallock to the Agricultural and Forestal District Advisory Council, with said term to expire April 17, 2016.
- **appoint** Mr. John Quale to the Architectural Review Board, to fill the unexpired term of Mr. William Daggett, to expire on November 14, 2012.

- **reappoint** Ms. Brenda Plantz and Ms. Meg West to the Crozet Community Advisory Council, with said terms to expire March 31, 2014.
- **appoint** Ms. Frances Hooper to the JAUNT Board, to fill the unexpired term of Mr. Robert Burke, Jr., to expire on September 30, 2013.
- **appoint** Ms. Susan Jacobson to the Jefferson Area Disability Services Board, to fill the unexpired term of Ms. Amber Capron, Jr., to expire on June 30, 2013.
- **reappoint** Mr. John Springett, Mr. Lloyd Wood and Ms. Kimberly Higgins to the Police Department Citizens Advisory Committee, with said terms to expire March 5, 2014.
- **reappoint** Mr. Steve Murray to the Thomas Jefferson Water Resources Protection Foundation Board, with said term to expire January 31, 2016.

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

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

Agenda Item No. 19. Board-to-Board, *Monthly Communications Report from School Board*,
School Board Chairman.

Item No. 19a. Proclamation recognizing February 2012 as School Board Recognition Month.

Ms. Mallek presented the following proclamation to the School Board Chairman:

School Board Recognition Month

WHEREAS, it is the mission of the Albemarle County School Division to provide all students with the best possible education; and

WHEREAS, the School Board sets the direction for our community's public schools by envisioning the community's education future and putting into place a system for students to learn and achieve at the highest level possible; and

WHEREAS, the key work of school boards includes taking action to create a vision for what students should know and be able to do; to establish clear standards for student performance; to ensure that student assessments are tied to established standards; to be accountable to the community for operating schools that support student achievement; to align school district resources to ensure that students meet standards; to create a climate assuring safe and orderly classrooms; to build collaborative relationships to solve common problems; and to ensure continuous improvement; and

WHEREAS, excellence in the classroom begins with excellence in the board room; and

WHEREAS, serving on the School Board requires an unselfish devotion of time and service to carry on the mission and business of the school division;

NOW, THEREFORE, I, **Ann H. Mallek**, Chair, on behalf of the Albemarle County Board of Supervisors, do hereby declare our appreciation to the members of the Albemarle County School Board and proclaim the month of

February 2012, as SCHOOL BOARD RECOGNITION MONTH

in the County of Albemarle and urge all citizens to join us in recognizing the dedication and hard work of our School Board members and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

Mr. Steve Koleszar, School Board Chairman, presented a report on County Schools. He reported that there was a redistricting committee convened for the purpose of relieving the overcrowding at Hollymead, which included a look at Baker-Butler, Stony Point and Stone Robinson as well, and the recommendation of the committee was to move 134 students from Hollymead to Baker-Butler. Mr. Koleszar stated that Dr. Moran reviewed the report and followed that recommendation also. He said a public hearing is scheduled for Thursday, February 9, to get more input with final decision expected in March.

Mr. Boyd said that he hadn't heard anything from his constituents about the redistricting, which is very unusual.

Mr. Koleszar responded that people have been very pleased with the process and felt the process was very open, with residents around Hollymead understanding the need to redistrict in light of overcrowding and the fact that Baker-Butler is excited about having additional students.

Ms. Mallek commented that the citizens of Crozet were up in arms following the report that Crozet Elementary had become so small that it would lose its special courses for next year. She said she is hopeful that the School Board will reverse what it did a few years ago in moving some students to Meriwether Lewis because she does not want to see Crozet disabled.

Mr. Koleszar explained that the School Board has moved to a three-year average so that there will not be similar situations when a school goes below 400 students, and the Board is also considering changing the staffing standard to 285. He pointed out the difficulty in predicting enrollment numbers.

Ms. Mallek stated that, since there is overcrowding at Brownsville and undercrowding at Crozet, it seems to be an easy neighborhood switch that needs to be addressed quickly.

Mr. Koleszar responded that it was too late in the year to make that switch for September 2012, so that action would probably be put off until September 2013. He said the School Board likes to go through a careful process in order to get plenty of input; however, there is not enough time for this year. He said the process for Hollymead began back in September.

Mr. Snow asked that Robin Fox's e-mail address be shared so that the Board could pass along its congratulations on her accomplishments.

Mr. Koleszar reported that the School Division is working on a parent portal, which will allow parents to securely log on and look at their child's student records including attendance, grades and homework assignments. This program is being piloted in a few schools now with roll out slated to begin in September 2012. He reported that County schools have been recognized as "excellent" from the state, there is a budget website now available to the public, and there has been a dramatic increase in fine arts enrollment as well as increases in visual arts, drama and world languages. Mr. Koleszar noted that there has been a tremendous increase in fourth-year AP foreign languages because the 8-period schedule allows students more time in their schedules for those courses. He emphasized that knowing other languages is a critical piece of being able to compete in a global economy. He added that the Schools' career and technical enrollment had also been increasing.

Mr. Koleszar stated that the Board had endorsed the Bell Amendment which would take revenue sharing into consideration, and School Board members Diantha McKeel and Ned Gallaway will be presenting to the legislative subcommittee in Richmond the following week. He said that the impact of having 16% of the County's real estate revenue going to the City is pretty dramatic. Mr. Koleszar also reported that the School Division got about \$26 million from the state not counting local sales tax and \$18 million is sent to the City, with the City having a higher composite index than the County. He also noted that the City's spending per student is over \$14,000, and the County's spending is \$11,000 per student. Mr. Koleszar said that the School Board voted to send the Board an unbalanced funding request because there is still uncertainty on what the state legislature will do for funding. He reported that the Superintendent's proposed budget was going to public hearing on February 2, with another work session during the School Board's February 9 regular meeting and another meeting tentatively scheduled for February 11 with a vote on the funding request expected at that time.

Item No. 20a. Recognitions of Wanda Kucera and Claude Foster.

Ms. Mallek presented Certificates of Appreciation to Wanda Kucera and Claude Foster for their service on the Albemarle County Social Services Advisory Board. Ms. Mallek said both were effective members who served on the Social Services Board and with State governments, being liaisons between their districts, Mr. Foster in the White Hall District, and Ms. Kucera in the Scottsville District, representing their citizens and community government very well. She said they both have been helpful to the Directors and have worked in many different ways within the Department. She added that they were strong advocates for their Board members and for their clients, serving on the Strategic Planning Team, developing communication plans for the Department's Strategic Plan, supporting the legislative agenda, establishing and supporting the Needs and Wishes Fund, and also the Bright Stars Scholarship Fund for first graduates. She stated that Ms. Kucera and Mr. Foster met with State agencies and helped the greater world understand the needs of county citizens and the benefits that DSS provides. She expressed appreciation to both individuals for being champions of the Social Services Department.

Mr. Foster accepted his certificate.

Ms. Ralston accepted the certificate of recognition on Ms. Kucera's behalf.

Agenda Item No. 21. Bright Stars Annual Report

Ms. Kathy Ralston addressed the Board and said that the Bright Stars report would be presented first and introduced Kelly Shifflett as the new Program Coordinator for Bright Stars. Ms. Shifflett is replacing Charity Hanes, who retired last year. Ms. Ralston reported that Ms. Shifflett holds a PhD in Lifespan Developmental Psychology and worked for 15 years with the Rockbridge Area Community Services Board, where she was a Developmental Psychologist and Director of Family, Youth and

Prevention Services. Ms. Ralston said that Ms. Shifflett brings a great deal of experience and information to the Albemarle County program.

Ms. Shifflett addressed the Board, stating that she is working with a remarkable group of teachers and social workers in implementing an outstanding and collaborative project. She stated that her report reflects the activities and outcomes of the 11 preschool classrooms in the network, which are served by the Bright Stars program and said the data includes network partners, Title I students, early childhood special education students, and students funded by the Virginia Preschool Initiative, of which the County provides a 65% local government match. Ms. Shifflett thanked the Board and the School Division for their ongoing support and partnership in this 16-year endeavor. She said that all families have the same opportunities to benefit from the comprehensive model that the Bright Stars Program provides from coordinating access to services in the community, family events and field trips organized through the school, free dental care as well as interpreter services. She stated that Bright Stars is an early intervention and prevention program aimed to help entire families be more successful in life, be more productive and become healthy members of the community. She said the performance of Bright Stars participants, relative to students across the School Division, is very encouraging and speaks to the long term impact of the program.

Ms. Shifflett reported that the demands for the program are steadily increasing, with a total of 164 students served last year; 134 were funded by VPI, the remainder identified as Title I or special ed., and a few more later enrolled under the VPI funding. She stated that the increasing numbers are barely able to keep up with the demand and wait lists, currently totaling 74, are problematic at most of the schools. She said, at the end of the last school year, there were 90 students still on the wait list. Ms. Shifflett reported that the demographics illustrate the population and needs served by the program are somewhat unique in terms of ethnicity, gender, and eligibility for free and reduced meals. She noted that, compared to 8% in the County School Division identified as English as a Second Language (ESL) students, Bright Stars serves a significantly higher percentage of children with language barriers, most notably at Cale and Agnor Hurt, and the needs do greatly exceed program budget for interpreter services, which are provided as needed for home visits, parent-teacher conferences, special events at the school, and document translation.

Mr. Rooker asked if the statistics on ESL students were taken from Bright Stars students or overall.

Ms. Shifflett reported that at Agnor Hurt, 61% of Bright Stars children in the classroom were non-English speaking; at Cale, 47% were non-English speaking children.

Ms. Shifflett reported that, last year, Bright Stars included 448 alumni students in grades K-5, and said that the alumni students have remained engaged with Bright Stars teachers and program coordinators. She said these are lasting and significant relationships with the children and their families. Those relationships provide the continuity and ongoing support that is essential to carry these children and families beyond the successes and gains in the preschool year throughout their elementary career and then, hopefully, beyond as well.

Ms. Shifflett referenced performance information on key program goals over the past four years, with 81% of Bright Stars students attaining the literacy benchmark for the preschool year, 94% of alumni in kindergarten also achieving the benchmark for that year, and three schools having 100% pass rates for the kindergarten year. Ms. Shifflett noted that, besides the outcomes for reading readiness at the end of the preschool year, the Bright Stars students were demonstrating performance at the start and end of the kindergarten year that is on par with their non-program peers in the Division. She added that participants' reading Standards of Learning (SOL) pass rates were very strong in comparison to the School Division as a whole. Ms. Shifflett referenced data demonstrating the leap students take with overall math skill performance and the number of skills attained in just a few months of the school year, with alumni performance showing only a 9% difference in the mean SOL scores and in the percentage of students passing the SOLs in those grades.

Ms. Shifflett stated that three of the eight schools had 100% attendance by parents for both the fall and spring parent-teacher conferences, which is remarkable, and 99% of families attended at least one school function besides the conferences with 88% attending three or more functions. She said that her report includes as many words and pictures from Bright Stars families as possible, and stated that the report shares a lot of information which is not necessarily about the numbers. Ms. Shifflett stated that the program had been blending and braiding the resources afforded by state and local funding, including Title I and early childhood special ed monies, to create a more unified, holistic, and efficient approach to preschool for those who are most in need and a truly enriching experience for all involved, i.e., the students, the parents and the staff of Bright Stars.

Ms. Mallek asked about the wait list total.

Ms. Shifflett responded that the wait list is currently at 74. She added that the wait list is more significant at Agnor-Hurt, Cale and Greer and ranged from 16 to 23 on the wait list. She said there are times when the wait list has been close to 30 on the wait list at one of those schools.

Ms. Mallek asked if there would be adequate space if the funding were available.

Ms. Shifflett responded that some schools are having issues in keeping Bright Stars in classrooms. She said they had a move right before the year started in one school to accommodate a

growing kindergarten class. She said that the problem is matching up the available physical space with the allocation of resources.

Mr. Snow asked how students are selected for the Bright Stars program.

Ms. Shifflett responded that there were a number of criteria for selection, and emphasized that there is not necessarily an income cutoff although it is highly emphasized. She said that primary criteria includes parents' literacy and educational background, employment status, mental health or substance abuse issues in the family, and other risk criteria. Ms. Shifflett explained that when applications come in, family coordinators score the criteria and follow up with the families to gather more information to form a composite score, with the highest-risk children chosen for classrooms and no preference for when applications are submitted.

Agenda Item No. 20. Department of Social Services Annual Report.

Mr. Lincoln Lewis addressed the Board, stating that he serves as Chair of the Department of Social Services (DSS) Advisory Board. He thanked the Board for the opportunity to present the annual report of the Department's activities for FY2011, and introduced DSS Board members in attendance. Mr. Lewis stated that this year, DSS is unveiling the new logo and tagline 'Listening to the Need, Working Together for Solutions.' He said that the DSS annual report was developed by DSS staff along with volunteers from the community, and encompasses 16 categories of services. Mr. Lewis reported that the Key Performance Indicators (KPI) are the increases in applications which are continuing to create challenges in getting Medicare renewals completed in a timely fashion, and the economy continuing to have a negative impact on the Department's ability to help people obtain and keep employment. He stated that their timeliness in child protection has improved and their prevention programs – Family Support and Bright Stars – continue to show gains for children and their families.

Mr. Lewis stated that there has been increased demand for Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF), Medicaid, and a new category of service added last year, Family Preservation, which provides information on the high-risk prevention unit in the Department as a result of a reorganization of child welfare units two years ago. He said that family partnership meetings, a new statewide focus to help children remain with their biological families, have been very successful in diverting placements outside the home. Mr. Lewis stated that foster care placements has decreased as a result of the statewide 'Children's Transformation Project, begun by former first lady, Ann Holton. He said that there have been changes made to child welfare in the state, adding that the Department is responsible for generating over \$90 million into the community, with local funding at about 7.7%. Mr. Lewis reported that local funding for DSS expenses, excluding direct transfer payments this year, was about 33%. He stated that the DSS Advisory Board was pleased to see that the Governor did not impose additional reductions on local departments in his proposed budget, but await the actions of the General Assembly to see the final results.

Mr. Lewis stated that it was an honor to serve on the Advisory Board of a department with such a professional and dedicated staff, and attested to their continued success in serving the residents of the County. He emphasized that the staff embodied the values of the department – hope, respect, self-determination, and opportunity – and their commitment to these values is evident in meetings with the Board and the manner in which they interact with customers. Mr. Lewis said that DSS staff is caring.

Mr. Rooker asked Ms. Ralston to further explain the Family Preservation program.

Ms. Ralston explained that the Family Preservation Program is not a new program, as it had been overseen in the DSS foster care unit for a while but was separated out so there was a clearer division.

Agenda Item No. 22. **Work Session:** ZTA-2010-00005. Sign Ordinance Zoning Text Amendments (deferred from November 2, 2011).

The executive summary forwarded to Board members states that On September 13, 2011, the Planning Commission held a public hearing on the proposed Zoning Text Amendments (ZTA) related to the regulation of signage in the County (Attachment A). At the conclusion of this public hearing, the Planning Commission recommended the Board's approval of this matter. On November 2, 2011, the Board held its required public hearing and requested staff schedule a follow-up work session in order to provide a more detailed explanation of the proposals with options, to provide more examples and illustrations to show what the current and proposed regulations allow with respect to certain signs, and to further explore the implications of adopting the proposed changes.

The September 13, 2011 Planning Commission staff report (Attachment B) provides some detailed information regarding the background and specifics of the proposed changes that were before the Board on November 2, 2011.

During the Board's November 2nd discussion, various questions arose regarding the impacts of the proposed changes as detailed in staff's "Comparison Chart" which identifies elements of the current regulations against the proposed ordinance (Attachment C). The following questions/decision points are offered for the Board's consideration:

- a. **What is the implication if "site" is redefined for Planned Developments and Shopping Centers?** The proposed ordinance would define the "site" as the entire area of the original

development, thus not requiring a special use permit for an "off-site" sign in such developments. This change does not permit additional signs or sign area than the regulations currently allow.

- b. **What is the key difference in how the number or area of freestanding signs and wall signs are calculated?** Freestanding signage is determined PER PARCEL, and the amount is based upon street frontage and entrances as explained in (c) below; wall signage is determined PER COMMERCIAL ESTABLISHMENT.
- c. **How many freestanding signs could be allowed now and under the proposed ordinance?** Currently, one (1) freestanding sign is allowed per street frontage, or two (2) per entrance, for lots with 100 feet or more of continuous frontage, plus one additional freestanding sign if the site is four acres or more. If two (2) signs are provided at an entrance, then each sign is limited to half of the maximum allowable area. Under the proposed ordinance, no additional signs would be allowed.
- d. **Should there be a trade-off of freestanding signs when a larger development sign is permitted?** The proposed ordinance eliminates freestanding anchor signs for tenants which are currently allowed by the sign ordinance. This represents a trade-off of allowed signage and could eliminate up to four small freestanding anchor signs.
- e. **How many "64 sq. ft. signs" would be possible under the proposed ordinance?** Only one PER DEVELOPMENT is possible under the proposed ordinance.

Is there an example of a wall sign that would be an improvement if it was higher than 30 feet? The ARB indicated the BB&T Bank located on Route 29 next to Fashion Square is such an example, as explained in its December 5, 2011 action:

"The architectural design of some buildings may appropriately accommodate wall signs installed at heights greater than 30'. The forms, details, scale and location of the architecture, together with the scale, color and illumination of the proposed sign are all considerations in determining appropriateness. In no case would a roof-mounted sign or a sign extending above a parapet or similar architectural feature be appropriate. Likewise, the extension of a structure for the purpose of providing wall space for a higher sign would not be appropriate."

- f. **Should the maximum coverage for a window sign be 50% or 25%?** The current limit is 25% with an aggregate maximum of 9 sq. ft. per business if visible from an Entrance Corridor. This requirement is problematic because 9 sq. ft. is restrictive and most businesses are unaware of or noncompliant with this requirement. The proposed ordinance would allow 50% maximum window coverage for window signage. Requiring less than this amount may be difficult for some businesses that rely on window specials advertising, such as fast food restaurants and grocery stores. An option the Board may consider is establishing a maximum window sign area larger than the current 9 sq. ft. and/or keeping with the maximum coverage per window of 25%. Staff is recommending the 50% coverage for the reasons stated and for ease in enforcement.
- g. **Should sandwich board signs be allowed on Entrance Corridor (EC) roads?** Staff recommends that they be allowed with proper anchoring. These types of signs are common in an urban form of development, such as within a town center, as these signs are intended to advertise to visitors within the development. However, staff does not recommend sandwich boards be allowed if they are visible from the EC.

One additional note about the latest version of the proposed ordinance (Attachment A): the statements at the end of the charts in §4.15.12, §4.15.13 & §4.15.14 have been revised back to their current language to require a reduction of wall signs in the amount of the projecting sign's area (up to 32 sq. ft.) if both are to be used. The earlier change was made in error.

The proposed changes are expected to reduce the amount of review time currently required by staff, the Planning Commission, the Architectural Review Board and the Board of Supervisors to administer the County's sign regulations, thereby reducing the cost to the County and the applicants.

It is recommended that the Board set a public hearing on this matter to consider a Proposed Ordinance to amend the County's Sign Regulations as presented in Attachment A as may be further revised to incorporate feedback and direction by the Board during this work session, and that the public hearing be scheduled for its March 14, 2012 meeting.

Mr. Ron Higgins, Deputy Zoning Administrator, addressed the Board, stating that staff came to the Board with a public hearing and recommendation in November with a series of sign amendments that have been in the works since early 2010 with a resolution of intent passed by the Board. Mr. Higgins said staff has been working through a number of roundtables, individual meetings, with the Architectural Review Board (ARB), the Planning Commission and the Board in the process of putting together a document that would align with the Board's goal in their action plan of January 2010. He explained that one of those goals was to help economic vitality and evaluate obstacles while maintaining a level of high standards of quality aesthetic values. He said the roundtable process revealed that there were a lot of issues surrounding process. Mr. Higgins reported that staff went to work on streamlining ARB reviews, with implementation of a county-wide review whereby staff can look at signs a lot quicker. He said that process reduced the average time of any sign approval by about 70% regardless of where the signs were

located. He stated that was completed within four to five months of the Board's action agenda, and staff has not received any complaints since that time.

Mr. Higgins reported that the Board had a number of good questions at its November public hearing that staff couldn't clarify so, at the Board's request, the item was deferred to a work session that would include more information and examples. He said that the first item pertained to planned developments and shopping centers, and the concept of redefining 'site' because there had been a number of recurring issues related to offsite special permits (SP) which the Board of Zoning Appeals (BZA) had questioned. Mr. Higgins stated the feedback from the BZA and roundtable participants warranted an ordinance change, with one idea being redefining the site for a development so that the signage could be controlled as it applied to the whole development.

Mr. Higgins stated that there is now a provision for up to four anchor signs with an anchor sign defined as being a single, freestanding sign in a shopping center, for every 100,000 square feet. He said that currently an applicant could also have a sign up to 56 square feet. Mr. Higgins emphasized that neither recommendation in this proposal in terms of defining site or eliminating the anchor sign and allowing bonus tenant panel signs would allow for more signs. He presented a diagram of a single site with four street frontages and stars depicting the signs allowed on a parcel per frontage, with allowance for splitting a sign into two separate signs and a four-acre parcel warranting an additional freestanding sign. Mr. Higgins said this scenario is very unlikely in Albemarle County because there aren't many large parcels in a block forming a single development, or there is a lack of frontage available.

Mr. Higgins said that the Board had asked for more examples in their last work session, and he presented an image of a sign structure that was 16 feet wide and 35 feet high and predates all current ordinances. He stated that the total sign panel in the middle was 10 feet wide and 12 feet tall, with each panel being about 30 square feet. He said the maximum allowance now is 32 square feet. Mr. Higgins reported that the Seminole Square sign, which is in the City, is 20 feet tall with a structure of nine feet wide and a panel of four feet wide by nine feet or 36 square feet. He said that the Kohl's sign didn't need a variance for size, but needed a special permit for being offsite although it appeared to be onsite. Mr. Higgins stated that the Kohl's sign is about 15 feet tall from the middle of the bottom to the top of the arch, with the sign panel at 5'x10' or 50 square feet and the 'muttons' dividing the panel being done incorrectly. He said that particular sign needed no variances for area because it was a sign that would anticipate anchor sign panels.

Mr. Higgins reported that, with wall signs, one of the issues raised was that there were two different standards for wall signs depending on the commercial district a center was located in, with one stipulation being 1.5 square feet per linear foot of business frontage. He said that the ARB mentioned design proposals that would have been better if the ARB had more leeway, and noted that there were buildings across from one another with different scale signs. Mr. Higgins presented further examples of signs, with the Virginia National Bank sign at Pantops being a small sign on a copper band just above the door. He said that the ARB had mentioned this site because there were incidents of taller buildings and concentration of developments with signage that does not necessarily mesh with the limitation of no more than 30 feet off the ground. Mr. Higgins noted that the ARB met after the Board's November meeting and reconsidered the issues, with an ARB vote in favor of using the cornice line of a building.

Mr. Rooker suggested it might be better to have an administrative waiver process that would have some criteria, rather than saying every sign could be higher than 30 feet, and pointed out that the ARB didn't indicate it made sense to have a higher sign in every case.

Mr. Higgins responded that the ARB had considered and discussed that, then qualified it in their action by saying an artificial extension of a roof in order to accomplish a higher sign location would not be appropriate, and they had the ability to deal with that. He added that the Board could also deal with that if it needed to be more specific in the ordinance prior to the item going to public hearing, and said that the ARB felt, as a general rule, the cornice line was a good, controlling element on just about every building because it is clear and easy to deal with.

Mr. Higgins stated that staff had also addressed temporary signs, with the current limitation of no more than 15 days being abused fairly regularly. He said the 15-day limit would not apply if a sign is being made and there is a 60-day annual limit which still applies. He added that the only thing staff has changed is the four times per year issue and this came about because some businesses that hold an event over 3 or 4 days wanted to have more flexibility, a suggestion that came up in some of the roundtables.

Ms. Mallek asked if an event such as the Crozet Arts Festival, which is a two day event, counts as one event and Mr. Higgins said that counts as one event the way the ordinance is currently written.

Mr. Rooker commented that the complaints largely pertained to the lack of aesthetic control of temporary signs, and people normally object to multiple unattractive signs.

Mr. Higgins agreed that if people liked a sign they usually didn't call, but lately the County has received an unprecedented number of calls regarding a proliferation of signs.

Mr. Boyd asked if staff kept summary minutes of the roundtable meetings as he would like to see them.

Mr. Higgins responded that they had, and those had been provided to the Board in previous packets but would include them in the public hearing information.

Mr. Higgins said that staff had discussed window signs with the ARB, and it didn't matter to them what kind of number was used because a "one size fits all" approach does not work in many cases. He stated that they talked last time about keeping the limit at 25% maximum coverage of a window, but staff had suggested 50% coverage limit per window.

Mr. Rooker said he thought the Board had agreed to 25% coverage but to eliminate the nine-foot maximum.

Mr. Higgins acknowledged that they had, but he wanted to get confirmation today so that staff could include a specific provision for public hearing. He said that the nine square feet was determined to be an odd size, and the ARB agreed that it hadn't been an issue for them. Mr. Higgins also said that the County does not issue permits for window signs, and the ARB only reviews them if they are within three feet of the inside of the window; however, that was extremely hard to keep up with. He reported that, with free-standing monument signs, they are either 10 feet or five feet depending on what district a building was in, and staff felt it made sense to keep it consistent at five feet. Mr. Higgins said that some people felt that signs that were 10 feet back were much harder to see. He also stated that sandwich board signs were created as a function of the downtown Crozet district, and walkable districts use them frequently. Mr. Higgins said that staff felt these would be useful in planned commercial shopping districts, but the ARB expressed concern about having them up and down Route 29 and hence suggested that they be internal or on a walkway. He stated that there were standards in place for sandwich board signs that were easy to manage, and merchants on the internal part of shopping centers really like using these types of signs.

Mr. Higgins concluded by stating that staff hoped to get feedback and direction from the Board in preparation of a final ordinance for public hearing on March 14.

Mr. Higgins provided an additional sign for a car dealership that had a panel of 14 feet wide and 12 feet tall, which is the largest single face of a free-standing sign in the County. Mr. Higgins also presented pictures of a 'sign jail' with confiscated signs that were in violation of the ordinance. He said the sign jail has been filling up more quickly in the last month than it has in the five years that he has been with the County.

Mr. Rooker commented that one thing which seemed odd to him was the "parcel rule" related to free-standing signs because if there is, i.e., a 40-acre single-parcel shopping center site that was made up of eight parcels, it would have many more sign opportunities. He suggested that free-standing signs be defined in the same way as off-site signs, with a certain number of signs allowed based upon a set criteria, because the artificial distinction of how many parcels it took to comprise a center is somewhat meaningless.

Mr. Higgins responded that most of the County's planned developments began as multiple parcels that were consolidated with four or five entities buying different portions, adding that a developer could subdivide parcels and have a free-standing sign on each parcel. He explained that if a business was in a development, it is still limited by the number of signs per street frontage, but sometimes they would divide it internally, which essentially takes a sign that would be a part of the development and call it offsite because it is literally on another parcel. Mr. Higgins cited Kohl's as an example, which is a big tract that was divided in order to have other businesses come in and operate.

Mr. Rooker said that he didn't understand why there was a distinction between someone who leases sites versus someone who sells sites.

Mr. Higgins said that wasn't part of this proposal and it had not been discussed before; however, the Board can certainly make that distinction if it so chooses.

Mr. Davis said he thought that was controlled by the street frontages and entrances.

Mr. Higgins clarified that it was determined by the number of street frontages and the length of the street frontages.

Mr. Rooker said that this just seemed like an unfair distinction.

Mr. Davis stated that most shopping centers don't get an extra sign, because they have limited entrances serving multiple parcels and/or no street frontages.

Mr. Wright explained that there are, for example, two offsite signs at Hollymead Town Center now and, if someone put an offsite sign on another parcel, it would go against the allowable amount for that parcel. Because of that, he said there is not going to be a proliferation of offsite signs up and down Route 29.

Mr. Boyd asked if the parcel in front of Kohl's where their sign is located is developable.

Mr. Higgins confirmed that parcel is a developable parcel, as there is a parking lot and building pad there now.

Mr. Wright explained that there will be four tenant panels there ultimately, with a tenant moving to the corner parcel and locating their sign on that panel.

Mr. Boyd asked why that sign was considered an offsite sign.

Mr. Higgins explained that free-standing signs are permitted per parcel, but wall signs are allowed per building and staff's recommendation is to change that provision so it would be on the shopping center development property and not be considered a separate parcel.

Mr. Boyd said that he isn't very observant of window signs but it obviously bothers some people, adding that he wasn't in favor of limiting the sign coverage to 25%. He said if a business wants to advertise what their specials are, he didn't have as much of a problem with that as other Board members might have.

Mr. Higgins said that these discussions have been all over the map with that issue, and it would ultimately be up to the Board. He stated that the ARB controls the size limit only through review of a building that proposes window signs, and the County doesn't control it because the signs are indoors. Mr. Higgins said that the ARB addresses those signs visible in the entrance corridor, and has said it won't deal with it if it is more than three feet from the inside of the window. He stated that the ARB has acknowledged that there is no magic percentage, but emphasized the need to maintain the integrity of the building and the window from an architectural standpoint.

Mr. Boyd stated that the County created the situation with the Neighborhood Model and the positioning of buildings relative to the road, and said he wasn't a fan of having the Hollymead Town Center and the back of Target right up against Route 29.

Mr. Rooker said, having sat through all the ARB reviews of Stonefield, the developers would not have gotten approval had they shown renditions of windows half-filled of ads. He said that the specific issue here is the nine square foot limit in addition to the 25% coverage, and the suggestion is to eliminate the nine square foot limit but making it clear that it is still a window, not an ad board, because the Board cares about the aesthetics of the community.

Mr. Boyd said if the sign is up against the road, yes, but if the sign is set back, it wouldn't be a problem to him.

Mr. Rooker said there isn't a distinction made here for setback.

Mr. Boyd asked if a distinction could be made, using the Kroger store in Barracks Road as an example because the window signage is not visible from the road. He also said that it may be a security issue for some stores to have too much signage.

Ms. Mallek noted that this issue had been raised in previous work sessions and perhaps it could be brought up again before the final public hearing on the ordinance modifications.

Mr. Thomas mentioned that the issue of very large flags had also come up before, adding that most people don't notice window signs as they are driving down the road.

Mr. Higgins clarified that the ARB, under these changes, would stop reviewing window signs.

Mr. Rooker added that the Board is contemplating elimination of the nine-foot limit and sticking to just a percentage.

Mr. Wright said that he had asked ARB staff members how many nine square foot window sign certificates of appropriateness they had looked at in the past five years, and they indicated there had been only one. He noted that many businesses just put them up without coming to the ARB for a certificate of appropriateness.

Mr. Rooker pointed out that the Zoning Ordinance is primarily complaint-driven, adding that 25% is fairly easy to estimate just by looking at it.

Mr. Davis said that staff needed some guidance on what to advertise for public hearing, and the general rule is the Board cannot adopt an ordinance that is more intensive than what is advertised.

Ms. Mallek said staff could advertise up to 50% and then have the ability to come down from there.

Mr. Rooker said he would be in favor of advertising for 25% with the nine-foot limit eliminated, and Mr. Thomas agreed.

Ms. Mallek stated that would be acceptable to her.

Mr. Boyd said that he was interested in reading the roundtable comments, and Ms. Mallek said those had been sent by Ms. Catlin to the Board.

Mr. Higgins said that shopping center managers had come to the roundtables and stated they appreciated the limits because it allowed them to control their tenants. He added that the window sign issue is proposed from a practical standpoint, as grocery stores and some other stores put up signage weekly.

Mr. Davis mentioned that, because of recent litigation, staff cannot grant a waiver, so there would need to be performance standards in order for a sign to meet certain design, height, shape and width criteria.

Mr. Rooker said that the ARB provided some of that guidance, and his suggestion is that those elements be put into performance criteria so an applicant could get approval if those criteria are met.

Mr. Boyd stated that the ARB's position on wall signs was that they should at least be allowed up to the height of the building but not above it.

Mr. Rooker said that the ARB's point was there should be architectural treatment at the top of a building to capture the sign, and there was some guidance provided there.

Mr. Higgins commented that it would be very easy to incorporate that into the definition of such a sign.

Mr. Boyd said that he could understand the appropriateness of signage, but not the height.

Mr. Rooker explained that there is currently a 30-foot limit and the suggestion is to abandon the limit, stating that the ARB had pointed out circumstances in which it didn't make sense to abandon that limit. He said the Board should follow that guidance. He said the Board would want businesses to have signs that make sense, that are visible, that look good, but at the same time, he added that the Board does not want to imply that every sign in the County can be over 30 feet high.

Mr. Higgins noted the ARB's actual vote, and emphasized that it gave examples that wouldn't be appropriate such as "in no case would a roof-mounted sign or a sign extending above the parapet or similar architectural feature be appropriate." He said that was prohibited now. He also said that another example was "the extension of a structure for the purpose of providing wall space for a higher sign would not be appropriate," and said that the definition of "cornice" or "wall sign" or both could be modified to make that clear.

Mr. Boyd asked for clarification of Mr. Davis' comments about getting this item firmed up before public hearing.

Mr. Davis explained that there is an advertising requirement that the Board cannot adopt an ordinance that is more intensive than what was advertised.

Mr. Rooker said that there was consensus to go to 25%, with Mr. Boyd dissenting.

Mr. Snow said he agreed with 50%, and Mr. Boyd said he agreed with that as well.

Mr. Rooker noted that the Board is abandoning the square footage requirement, so technically a business could have a 100-foot window and a 25 square foot sign. He asked Mr. Snow if he felt there should be a square footage limit.

Mr. Snow said that he did, with a cap on square footage, depending on window size.

Mr. Higgins said that if a business had a small window and 25% wasn't big enough, the nine square foot provision meant that a window would no longer be a window, so the ARB's point was that the nine square feet didn't work in some cases but did work in others. He said the percentage would help on any window.

Mr. Snow said that he objected mostly to the signs moving closer to the road and wanted to pull everything back closer to the building, adding that, if a sign takes up the major part of the window, that was acceptable to him.

Mr. Davis asked if the consensus was 25%.

Mr. Higgins said that was his understanding.

Mr. Rooker commented that Mr. Higgins did a good job of organizing the information.

Mr. Higgins added that he hoped there would soon be results as far as signs moving farther back from the street.

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek reported that she had received sufficient information from VDOT on the littering signs.

Mr. Foley pointed out that consent agenda items 8.2, 8.3 and 8.6 all pertained to the same question which is the status of the funding for those specific proposals and asked if there was flexibility for the Board to decide to change the priorities and use the funds for other projects. He added that some of those funds have some obligations against them, such as proffer monies needing to be used for certain things and also, if tourism money is in the ACE fund, those funds must go to another tourism-related expense. He said the difficulty is determining how much of this money has no obligation and it is really at the Board's discretion. Mr. Foley also said that, in the CIP process, staff will present the Board with all available balances, even if some monies have been previously committed. He stated that these items

went through pretty extensive reviews through the Oversight and CIP committees, but ultimately the Board decided how the funds would be allotted.

Mr. Boyd clarified that his intent in bringing this up was to evaluate whether previous obligations were still a priority, adding that he learned last month that tourism dollars could be put into Parks & Recreation, which could, for example, free up General Fund dollars.

Mr. Foley said that staff would clarify what was previously obligated for the Board's discretion.

Mr. Cilimberg explained that he and Mr. Benish would address the Acquisition of Conservation Easements (ACE) funding issue.

Mr. Benish referenced the resolution accepting the Nash-Violette offer to sell, and explained that the County had recently re-appropriated \$619,500, which has no tourism funds attached. He said the County ceased using tourism funds for ACE several years ago with most of those funds being used to support recreation costs. He also stated that the grant amount noted is the result of prior grant awards that require a dollar for dollar match. Mr. Benish mentioned that the County received a grant award for FY 2012, requiring a dollar for dollar match, and if the County decides to accept that grant, the \$619,500 would be used in part to provide that match. He clarified that the \$116,000 dollar amount is committed, however, he didn't know the procedures to return that money as Mr. Goodall was unavailable at the time of this meeting. He said, if accepted, the amount would total \$735,900 which would then be available for the ACE program. Mr. Benish reported that the Board had approved the ACE appraisals on November 2 and also approved the offer to sell both the Rushia and Nash-Violette properties, and what is before the Board today is the closing of the deal as those residents have made the offer for the easements. He stated the property has been on the list for several years but said the County does not have to move forward, however, the County did ask for an offer after the November 2nd action.

Mr. Boyd said if the grant is accepted, the County would encumber \$116,000, and stated that, if the County has already agreed to it, he had no argument with that.

Mr. Foley stated that the Board still had the discretion to turn the grant down but if the grant is accepted, then the County would have to match it.

Mr. Rooker pointed out that the County had already made the offer to buy the easements.

Ms. Mallek said that this would not be the right way to treat people.

Mr. Benish stated that the County was planning to use the grant funds for this purpose, but could expend its own dollars for this easement.

Mr. Davis said that the evaluation process had been completed, the project met all of the criteria, an appraisal had been done, and the County has invited the landowner to make an offer for which the County could purchase the property. He said that the County is now at the last step in the process, and accepting the offer meant the County could go forward to close on the easement.

Mr. Boyd said he wasn't morally willing to back out of that.

Mr. Cilimberg added that there is a second property that the Board has authorized staff to make an offer on.

Mr. Boyd asked what the offer was.

Mr. Benish responded that the Rushia property is \$203,980, with the total appraised value at \$737,000 and the easement value at \$217,000 with an income adjustment bringing the total cost to the \$203,980.

Ms. Mallek asked if that property would qualify for farmland preservation, as it was within the view of a scenic highway.

Mr. Benish said that he wasn't sure, but his recollection was that both properties are eligible.

Ms. Mallek noted that the money accrued in the account is from old appropriations where there have been negotiated reductions and properties where landowners backed out and the County has not contributed the \$1 million that had been put in previously since 2007. She stated that there are currently four properties working their way through the ACE process, some of which may meet the criteria, and the easement values have dropped significantly so the County could spend much less money to get the same easements than what it could a few years ago.

Mr. Boyd said that his problem was 'the County cannot have all of the above,' and he wanted to know how much money was sitting around in pots similar to this. He stated that the Board was moving quickly toward approving a library and will not be able to fund the personnel for it.

Mr. Rooker responded that the library is in the financial plan.

Mr. Boyd said the operating costs, however, are not in the financial plan.

Mr. Foley stated that the operating costs are half funded, and the County is looking to the library for the rest of that funding and it is his understanding that the library believes they can provide \$50,000 toward those costs.

Mr. Boyd said that he would be willing to move ahead with this obligation, however, he would like to revisit the pots of money such as ACE at the time when the Board discusses the CIP.

Mr. Foley pointed out that the County has applied for more grants to purchase some additional easements.

Mr. Davis said that the VDAC grants are reimbursable, so the County records a qualifying easement then submits a request to be reimbursed for 50% of eligible costs for those easements with the money appropriated from the VDAC bank, adding that there is a time limit required for reimbursement.

Ms. Mallek stated that, if the County didn't find a qualifying property, the money would go back into the pot. She said that this funding is 10% of the Governor's allotment this year, which went from \$100,000 to \$1 million in the new budget. She said that is a great vote of confidence in the County's system in which they are willing to make that investment, adding that she strongly supports doing this.

Mr. Foley suggested that, next time there was an offer to sell, the Board could decide whether or not to move forward to the next step so as not to create the moral obligation. He said there will be similar opportunities coming before the Board in the next several months where staff can reach out and get grant monies to help match and pay for.

Mr. Boyd said that he wanted to get to a point where the Board discussed unallocated funding and how those funds might be best spent.

Mr. Rooker said that the Board goes through this process every year with the CIP and, last year, it approved a CIP that included bringing forward a balance of money that was in the ACE program.

Mr. Boyd stated that the CIP committee doesn't get into that level of detail.

Mr. Foley said, between now and when the budget is adopted in April, something might come before the Board as far as offers to sell and, at that point, the Board could make that decision.

Mr. Boyd said he is trying to get away from making spot decisions.

Mr. Foley explained that this was according to the ordinance for ACE purchases, and if the Board wants to give different direction during budgeting, that's fine but if some applications come in the meantime, he didn't want Board members to be surprised.

Mr. Boyd stated that he didn't want any more to come through until the \$450,000 balance was addressed.

Ms. Mallek said the process took two years to get through.

Mr. Rooker commented that Mr. Boyd essentially wanted to amend the CIP on the spot, and this money is already in the approved CIP. He said this item did go through the approval process to get to where it is, and there is a process for changing it, however, he said these types of issues should not be brought up a case at a time.

Mr. Boyd stated that the process is a five-year CIP but, two years down the road, a project might be off the radar screen. He suggested reevaluating those kinds of things given the economic situation that the County now finds itself in, which is quite different than it was in 2007.

Mr. Rooker stated that there are two opportunities to do that type of reevaluation and that is when the CIP is passed and when the appropriation comes before the Board.

Mr. Foley explained that there are monies appropriated in this fiscal year and, if the majority of the Board wanted to do something different, it would need to give staff some direction because projects are moving forward based on the Board's previous authorizations.

Mr. Boyd asked how long it would take for staff to put together what the next 12 months of CIP spending would be.

Mr. Foley responded that staff could bring that to the Board at the next meeting.

Motion was then offered by Mr. Rooker to approve Items 8.2 and 8.3 on the Consent Agenda, and to accept Item 8.6 for information. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following vote:

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

(Note: Resolution for Item 8.2, is set out in full below:)

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

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

Martin Violette/Margaret Nash TM 71, Parcel 43 40.160 acres \$58,800.00
(Greenwood)

and;

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

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

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors hereby directs the County Attorney to send a copy of this resolution to the owner of the property identified herein, or her contact person.

(Note: Agreement for Item 8.3 is set out in full below:)

**INTERGOVERNMENTAL AGREEMENT
Between
Virginia Department of Agriculture and Consumer Services
and
Albemarle County**

This INTERGOVERNMENTAL AGREEMENT is entered into this 31th day of December, 2011, in the City of Richmond, Virginia, between the Virginia Department of Agriculture and Consumer Services ("VDACS") and Albemarle County (collectively, "the parties") to provide mutually advantageous terms for cooperation between VDACS and Albemarle County to implement VDACS' contribution of funds in support of Albemarle County's purchase of agricultural conservation easements.

WHEREAS, the General Assembly, by Chapter 890 of the 2011 Acts of Assembly, has appropriated \$1,200,000 in the fiscal year ending June 30, 2012 to VDACS for the continuation of a state fund to match local government purchase of development rights program funds for the preservation of working farms and forest lands; and,

WHEREAS, § 3.2-201 of the Code of Virginia authorizes VDACS' Office of Farmland Preservation to develop methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements, and to distribute these funds to localities under policies, procedures, and guidelines developed by VDACS' Office of Farmland Preservation; and,

WHEREAS, for all purposes of this INTERGOVERNMENTAL AGREEMENT, the term "agricultural conservation easement" shall mean a negative easement in gross that has the primary conservation purpose of preserving working farm and/or forest land; and,

WHEREAS, the Albemarle County Board of Supervisors has enacted an ordinance or passed a resolution that: authorizes, in accordance with Title 10.1, Chapter 17 of the Code of Virginia ("the Open-Space Land Act") and other applicable law, Albemarle County to purchase agricultural conservation easements from landowners (each hereinafter called "Grantor"); sets forth a clear, consistent, and equitable administrative process governing such purchases; and outlines the goals and purposes of Albemarle County's farmland preservation program; and,

WHEREAS, Albemarle County has agreed to maintain a public outreach program designed to educate various stakeholders in Albemarle County-including farmers, landowners, public officials, and the non-farming public-about Albemarle County's initiatives to preserve working farms and forest lands; and,

WHEREAS, Albemarle County has agreed to establish a transparent and replicable process for valuation of agricultural conservation easements; and,

WHEREAS, the purchase of agricultural conservation easements is one component of Albemarle County's broader farmland preservation program; and,

WHEREAS, Albemarle County has agreed to use a deed of easement that is sufficiently flexible to allow for future agricultural production in purchases of agricultural conservation easements for which Albemarle County uses funds contributed to it by VDACS; and,

WHEREAS, Albemarle County has agreed that any agricultural conservation easement purchased as per the terms of this INTERGOVERNMENTAL AGREEMENT shall meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in § 58.1-3230 of the Code of Virginia; and,

WHEREAS, Albemarle County has agreed to establish a clear strategy for monitoring and enforcing the terms of the agricultural conservation easements that Albemarle County purchases; and,

WHEREAS, Albemarle County has agreed to establish a process that Albemarle County will use to evaluate the effectiveness of its farmland preservation program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations; and,

WHEREAS, VDACS, in reliance on the veracity of the foregoing recitals, certifies Albemarle County is eligible to receive contributions of funds from VDACS in reimbursement for certain costs Albemarle County actually incurs in the course of purchasing agricultural conservation easements; and,

WHEREAS, Albemarle County, and the agents and employees of Albemarle County, in the performance of this INTERGOVERNMENTAL AGREEMENT, are acting on behalf of Albemarle County, and not as officers or employees or agents of the Commonwealth of Virginia;

NOW, THEREFORE, VDACS and Albemarle County agree their respective responsibilities, pursuant to this INTERGOVERNMENTAL AGREEMENT, shall be defined as follows:

1. VDACS Responsibilities

- a. VDACS shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, restrict \$110,952.46 (hereinafter "the allocation amount") in an account, from which VDACS shall withdraw funds only to pay contributions of funds that Albemarle County is eligible to receive pursuant to this INTERGOVERNMENTAL AGREEMENT, except that upon the expiration of two (2) years from the date of this INTERGOVERNMENTAL AGREEMENT, or immediately upon Albemarle County's failure to perform any of its obligations under the terms of this INTERGOVERNMENTAL AGREEMENT, VDACS shall have the right to withdraw any funds then remaining in such account and the right to redirect those funds to other localities that VDACS certifies as being eligible to receive matching funds and that enter into an intergovernmental agreement with VDACS to govern the distribution of matching funds for the purchase of agricultural conservation easements. The allocation amount from this and any prior INTERGOVERNMENTAL AGREEMENT shall not be considered to be a grant as that term is used in paragraph 1 (b) of this INTERGOVERNMENTAL AGREEMENT.
- b. Upon Albemarle County or any agent acting on behalf of Albemarle County's recordation of a deed evidencing Albemarle County's purchase of an agricultural conservation easement in the circuit court of the city or county where the Grantor's land is located and Albemarle County's submission to VDACS of a completed claim for reimbursement, on a form prescribed by VDACS, together with the supporting documentation required under paragraph 2(e) of this INTERGOVERNMENTAL AGREEMENT, VDACS shall reimburse Albemarle County fifty percent (50%) of the reimbursable costs that Albemarle County actually incurred in the course of purchasing that agricultural conservation easement, limited to that portion of the allocation amount remaining in the account maintained by VDACS pursuant to paragraph 1 (a) of this INTERGOVERNMENTAL AGREEMENT. The following shall not be considered to be reimbursable costs that Albemarle County actually incurred and shall be subtracted from the total amount of reimbursable costs considered for reimbursement by VDACS in connection with any particular agricultural conservation easement transaction: grants made by the United States of America, the Virginia Department of Agriculture and Consumer Services (VDACS), the Virginia Department of Conservation and Recreation (DCR), the Virginia Outdoors Foundation (VOF), or any other governmental agency or political subdivision of the Commonwealth of Virginia; payments made by any other funding sources either directly to the landowner or to reimburse Albemarle County; or in-kind donations or contributions. VDACS may make alternative arrangements for the distribution of funds pursuant to this INTERGOVERNMENTAL AGREEMENT, provided Albemarle County presents a written request for such alternative arrangement to the Commissioner of VDACS or the Commissioner of VDACS's designated agent (referred collectively hereinafter as "the Grant Manager") prior to incurring any expense for which Albemarle County seeks a distribution of funds under the proposed alternative arrangement.

For purposes of this INTERGOVERNMENTAL AGREEMENT, "reimbursable costs" include:

1. The purchase price of the agricultural conservation easement actually incurred by Albemarle County, at present value, including any portion that

Albemarle County will pay over time pursuant to an installment purchase agreement;

2. The cost of title insurance actually incurred by Albemarle County;
 3. The cost actually incurred by Albemarle County of any appraisal of the land by a licensed real estate appraiser upon which Albemarle County purchases an agricultural conservation easement;
 4. The cost actually incurred by Albemarle County of any survey of the physical boundaries of the land by a licensed land surveyor upon which Albemarle County purchases an agricultural conservation easement, including the cost of producing a baseline report of the conditions existing on the land at the time of the conveyance of the agricultural conservation easement;
 5. Reasonable attorney fees actually incurred by Albemarle County associated with the purchase of an agricultural conservation easement, where reasonable attorney fees include those fees associated with outside counsel required for the completion of the easement, but do not include fees related to county or city attorneys serving as staff and who are paid regular salary in the county's or city's employ;
 6. The cost actually incurred by Albemarle County of issuing public hearing notices associated with Albemarle County's purchase of an agricultural conservation easement that Albemarle County is required by law to issue; and
 7. Any recordation fees actually incurred by Albemarle County that Albemarle County is required to pay pursuant to the laws of the Commonwealth of Virginia.
- c. VDACS shall only be responsible for reimbursing Albemarle County under paragraph 1 (b) of this INTERGOVERNMENTAL AGREEMENT for reimbursable costs that Albemarle County actually incurs in the course of purchasing an agricultural conservation easement when Albemarle County or any agent acting on behalf of Albemarle County acquires, by such purchase, a deed of easement that, at a minimum, provides:
1. The primary conservation purpose of the easement conveyed by the deed of easement is the conservation of the land in perpetuity for working farm and/or forestal uses.
 2. The Grantor and Albemarle County agree that the land subject to the agricultural conservation easement shall not be converted or diverted, as the Open-Space Land Act employs those terms, until and unless the Grant Manager, with the concurrence of Albemarle County or an assignee of Albemarle County's interest in the agricultural conservation easement, certifies that such conversion or diversion satisfies the requirements of the Open-Space Land Act.
 3. The Grantor and Albemarle County agree that, in the event of an extinguishment of the restrictions of the agricultural conservation easement that results in the receipt of monetary proceeds by Albemarle County or an assignee of Albemarle County's interest in an agricultural conservation easement in compensation for the loss of such property interest, VDACS shall be entitled to a share of those proceeds proportional to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph J (b) of this INTERGOVERNMENTAL AGREEMENT.
 4. If the Grantor conveys the agricultural conservation easement for less than its fair market value, the Grantor and Albemarle County mutually acknowledge that approval of the terms of this Deed of Easement by VDACS and/or its legal counsel does not constitute a warranty or other representation as to the Grantor's qualification for any exemption, deduction, or credit against the Grantor's liability for the payment of any taxes under any provision of federal or state law.
 5. All mortgagors and other holders of liens on the property subject to the restrictions contained in the deed of easement have subordinated their respective liens to the restrictions of the deed of easement acquired by Albemarle County. All such mortgagors and other holders of liens shall manifest their assent to the easement's priority over their respective liens by endorsing the deed of easement.

6. A baseline report documenting the conditions existing on the land at the time of the conveyance of the agricultural conservation easement is incorporated into the deed of easement by reference.

2. Albemarle County Responsibilities

- a. Albemarle County shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, have available local funds greater than or equal to the allocation amount for the purpose of purchasing agricultural conservation easements.
- b. Albemarle County shall use matching funds that VDACS contributes to Albemarle County, pursuant to this INTERGOVERNMENTAL AGREEMENT, only for the purpose of purchasing agricultural conservation easements that are perpetual and that have the primary conservation purpose of preserving working farm and/or forest lands.
- c. Within one (1) year from the date of this INTERGOVERNMENTAL AGREEMENT, and for each subsequent year in which the INTERGOVERNMENTAL AGREEMENT or a subsequent agreement is in force, Albemarle County shall submit to VDACS a progress report that:
 1. describes any properties that Albemarle County has identified as prospects for Albemarle County's purchase of agricultural conservation easements and the status of any negotiations for the purchase of such agricultural conservation easements;
 2. estimates the timeframes within which Albemarle County will execute contracts for any such purchases, close on such purchases, and request reimbursement of reimbursable costs for those purchases from VDACS;
 3. describes the measures Albemarle County has undertaken to develop and/or maintain a public outreach program designed to educate various stakeholders in Albemarle County's community—including farmers, landowners, public officials, and the non-farming public—about Albemarle County's agricultural conservation easement program and other initiatives to preserve working agricultural land;
 4. describes the measures Albemarle County has undertaken to develop and/or maintain a formal plan for stewardship and monitoring of the working agricultural land on which Albemarle County acquires agricultural conservation easements; and
 5. describes the measures Albemarle County has undertaken to develop and/or maintain a process that Albemarle County will use to evaluate the effectiveness of its program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations.
- d. For any purchase of agricultural conservation easements for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall obtain a policy of title insurance on its purchased interest that covers at least an amount equal to the amount for which Albemarle County requests reimbursement from VDACS.
- e. Prior to closing on a purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall submit, for review and approval by VDACS and its legal counsel, the following documentation:
 1. a written agreement setting forth, in the manner prescribed by Albemarle County's ordinance or resolution governing its program to acquire agricultural conservation easements, the terms of Albemarle County's purchase of the agricultural conservation easement, including the purchase price;
 2. a written confirmation from the Albemarle County Director of Finance or the Albemarle County Director of Finance's designated agent that the property/properties to be encumbered by the agricultural conservation easement meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in § 58.1-3230 of the Code of Virginia;
 3. a written description of the agricultural, environmental and social characteristics of the property/properties to be encumbered by the agricultural conservation easement;

4. any installment purchase agreement;
5. the deed of easement that the Grantor will deliver to Albemarle County at closing, including all exhibits, attachments, and/or addenda;
6. a title insurance commitment for a policy to insure the *easement* interest under contract indicating an amount of coverage at least equal to the amount of funds for which Albemarle County requests reimbursement from VDACS; and
7. an itemized list of all reimbursable costs that Albemarle County has or will, up to the time of closing, incur in the course of purchasing the agricultural conservation easement.

Albemarle County shall make whatever changes to the proposed deed of easement and/or the installment purchase agreement, where applicable, that VDACS and/or its legal counsel deem necessary to ensure compliance with applicable state law and the requirements and purposes of this INTERGOVERNMENTAL AGREEMENT.

Albemarle County may fulfill its obligation under this paragraph by submitting accurate and complete copies of all documents enumerated in this paragraph, provided that Albemarle County shall deliver or make available the original documents to VDACS for review at VDACS' request.

- f. Together with any claim for reimbursement pursuant to this INTERGOVERNMENTAL AGREEMENT that Albemarle County submits to VDACS, Albemarle County shall also submit the following supporting documentation:
 1. a copy of the recorded deed of easement that VDACS and/or its legal counsel approved prior to closing, showing the locality, deed book, and page of recordation, and including all exhibits, attachments, and/or addenda;
 2. copies of invoices, bills of sale, and cancelled checks evidencing Albemarle County's incursion of reimbursable costs in the course of purchasing the agricultural conservation easement;
 3. a copy of any executed installment purchase agreement related to the purchase, which shall indicate the purchase price; and
 4. a copy of any deed of trust related to the purchase.
- g. Albemarle County shall provide the Grant Manager immediate written notice of Albemarle County's receipt of any application or proposal for the conversion or diversion of the use of any land upon which Albemarle County or its assignee, where applicable, holds an agricultural conservation easement, for the purchase of which VDACS contributed funds pursuant to this INTERGOVERNMENTAL AGREEMENT.
- h. Albemarle County, or any assignee of Albemarle County's interest in an agricultural conservation easement for which Albemarle County receives a contribution from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT shall at all times enforce the terms of that easement. Albemarle County shall provide the Grant Manager immediate written notice of any actions, whether at law, in equity, or otherwise, taken by locality to enforce the terms of the easement or to abate, prevent, or enjoin any violation thereof by any party. Any failure by Albemarle County or such assignee to perform its enforcement responsibility shall constitute a breach of this INTERGOVERNMENTAL AGREEMENT, for which VDACS shall have a remedy by way of a civil action for specific performance of that enforcement responsibility; or, VDACS shall have the right and authority, at its option, to demand and receive from Albemarle County a portion of the full market value of the agricultural conservation easement at the time of the breach in proportion to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph 1 (b) of this INTERGOVERNMENTAL AGREEMENT.
- i. For any purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall derive its valuation of the agricultural conservation easement according to the valuation methods prescribed by ordinance or resolution.

3. Merger and Superseding of Prior Agreement

The parties agree that terms of any INTERGOVERNMENTAL AGREEMENT previously entered into between the parties to govern VDACS' distribution of funds to Albemarle County in support of Albemarle County's purchase of agricultural conservation easements shall be merged into the instant INTERGOVERNMENTAL AGREEMENT, the latter of which shall supersede all former INTERGOVERNMENTAL AGREEMENTS to the extent that there are any inconsistencies between the terms of these INTERGOVERNMENTAL AGREEMENTS. Notwithstanding the language of this paragraph, VDACS shall be required to restrict the allocation amount(s) provided in paragraph lea) of any prior agreement(s) in addition to the current allocation amount, but shall only be required to restrict any prior allocation amount(s) until the expiration of two (2) years from the date of execution of the prior agreement(s).

4. Recertification

This INTERGOVERNMENTAL AGREEMENT pertains exclusively to VDACS' contribution of funds that the General Assembly has appropriated to VDACS through the fiscal year ending June 30, 2012. VDACS shall not contribute other funds in the future to Albemarle County except upon VDACS' recertification of Albemarle County's eligibility to receive such funds. VDACS may establish and communicate to Albemarle County certain benchmarks of program development that VDACS will impose upon Albemarle County as preconditions to Albemarle County's recertification for future contributions.

5. Governing Law

This INTERGOVERNMENTAL AGREEMENT is governed by and shall be interpreted in accordance with the laws of the Commonwealth of Virginia. In all actions undertaken pursuant to this INTERGOVERNMENTAL AGREEMENT, preferred venue shall be in the City of Richmond, Virginia, at the option of VDACS.

6. Assignment

Albemarle County shall not assign this INTERGOVERNMENTAL AGREEMENT, either in whole or in part, or any interest in an agricultural conservation easement for the purchase of which VDACS contributes funds pursuant to this INTERGOVERNMENTAL AGREEMENT, without the prior, written approval of the Grant Manager.

7. Modifications

The parties shall not amend this INTERGOVERNMENTAL AGREEMENT, except by their mutual, written consent.

8. Severability

In the event that any provision of this INTERGOVERNMENTAL AGREEMENT is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this INTERGOVERNMENTAL AGREEMENT have force and effect and shall not be affected thereby.

In witness, whereof, the parties hereto have executed this INTERGOVERNMENTAL AGREEMENT as of the day and year first written above.

Mr. Snow stated that there is a CIP budget work session coming up, and that would be the appropriate time to discuss it.

Mr. Foley said that particular work session is for discussion of the future fiscal year, but there were things going on right now that are already in process in the CIP. He said staff would provide to the Board at its March meeting a quick report on the current year appropriations and plans for expenditures of proffer funds to include whether those funds are obligated for specific projects or if there is any flexibility.

Mr. Boyd said the report should include information on all allocated but unspent funds from prior years of approved CIPs.

Mr. Snow commented that there may be other upcoming projects that could provide some additional money from the CIP to be used on projects more important to the County as a whole.

Mr. Davis said that the chart attached to the proffer summary is a good piece of information on how that proffer money could be used, adding that proffers received prior to adoption of the proffer policy usually had very specific uses of the proffer funds. He further explained that, under the proffer policy, the requirements become more general and have more flexibility, but still must be used for development related CIP purposes.

Mr. Boyd stated that, when the proffer policy was developed, that money was going into the General Fund based on projected CIP needs for roads, schools, parks, etc.

Mr. Davis said the five categories include schools, parks, public safety, roads and libraries.

Mr. Boyd asked why the homes being built at Belvedere couldn't generate proffer money for something like funding the firing range in the southern part of the County.

Ms. Mallek explained that those funds were designated for affordable housing.

Mr. Davis commented that Belvedere was very specific in their proffer allotment.

Mr. Graham pointed out that almost none of the proffer money was collected after the proffer policy was adopted, and hence, they were all proffers that were very specific as to how the monies could be used. He stated that staff routinely scrutinizes the proffer amounts and how they could be applied to potential projects coming forward in the CIP, and to ensure that none of the proffer money is falling off the table. Mr. Graham said that the first thing staff focuses on is opportunities for grants to leverage money.

Mr. Cilimberg said that, before the Board finishes their budget, the County will probably get the other property for the easement sale that was approved and, beyond that, there are four applications from October that are early in the process.

Mr. Rooker said VDOT is doing an Environmental Impact Study (EIS) and that the purpose of the current studies was to address any changes to the project and any new information or circumstances relevant to environmental concerns and bearing on the proposed project and its impacts, changes affecting environmental [conditions], and changes to applicable laws and regulations since the completion of the previous documents, which was 1993, and updated in 2001. He stated that the County has been asked for a response within a month, and said staff needs to put together a package that states that, since the last EIS, the following changes have occurred in land use and transportation that might affect the project area in addition to sending Comp Plan updates, information on rezonings, new facilities built, and any traffic generation information that might have a bearing on the EIS process.

Mr. Boyd asked how that information or impact is determined.

Mr. Rooker responded that it would include land use changes, changes to the Comp Plan, rezonings, etc. since the last update.

Ms. Mallek added that it would also include new neighborhoods.

Mr. Graham said that the last time the County commented was 2001 which was in response to a court case on the EIS, and staff would have to look at things that have happened since then.

Mr. Boyd said he didn't know why VDOT wouldn't look at those things themselves.

Mr. Rooker responded that VDOT would do a traffic study, but that study would depend upon future land use.

Mr. Snow said he thought VDOT was referring to the Leonard Sandridge area only.

Mr. Rooker said that the request pertained to the entire area.

Mr. Foley stated that staff could comment on how difficult it would be to respond to this request based on the changes that the County would put forward, and might ask VDOT to comment on what they were expecting. He said it might not be as big of a submittal as originally thought.

Mr. Rooker said that the Board did pass a resolution requesting certain things be done, and that should be brought to VDOT's attention again. He stated that the Board should go on record as standing by those requests.

Mr. Boyd asked if Mr. Rooker's Task Force had looked at that.

Ms. Mallek said that VDOT chose to ignore it.

Mr. Boyd suggested sending that report in with the County's response.

Mr. Cilimberg pointed out that the Board had passed a resolution based on the findings of the two task forces.

Ms. Mallek said that went to VDOT, but it should be sent to the FHWA directly.

Mr. Rooker said he was surprised at the short time frame.

Mr. Thomas asked if there was enough time to get the report together by February 29.

Mr. Graham replied that there wasn't really any new information, it was just compiling what is already of record. He said staff could provide a list pretty quickly.

Mr. Cilimberg pointed out that, in the development process, the County actually protected the corridor under the earlier three-party agreement so development activity has been rather minimal, but the Places 29 plan recommendations are new and that information will be made a part of this response.

Mr. Foley assured the Board that staff would respond in time.

Ms. Mallek commented that citizens could send staff some items to include.

Mr. Graham said that citizens could send that themselves, and Ms. Mallek said it would be powerful to send it with the County's response also.

Mr. Thomas stated that, if the Metropolitan Planning Organization (MPO) were to go back to a level of 50,000-200,000 being eliminated, then the County would be totally controlled by the state and wouldn't have the liberty to have impact on transportation dollars.

Ms. Mallek said that there was action in the General Assembly now for a top-down approach rather than a locally-driven transportation program.

Ms. Mallek reported that there have been a huge number of Albemarle County residents – 8,489 – using the One-Stop Workforce Center in 2011. She also said there had been a number of businesses who contacted the workforce network through the "Business First" initiative.

Ms. Mallek asked Mr. Boyd if there was anything more to know about the tree issue with the reservoir.

Mr. Boyd explained that the question was whether or not to delay the Ragged Mountain Dam project because of the trees, and the contractor's report was that delaying the project would mess up their schedule and cost about \$500,000 and they felt it was important to get started in March.

Mr. Thomas commented that he had worked on 'First T' with Philip Seay, reported that the City of Charlottesville is planning to go to a non-resident fee, but Bob Crickenberger decided the County would not have the money for that program this year. He said he has turned that material over to the budget office for further review.

Ms. Mallek asked if that item would go through the ABRT process.

Mr. Foley said the challenge was that the budget is done and that item didn't get submitted in time for this year's budget, although the Board could entertain anything it wanted to. He added that this could open up the door for others that missed deadlines as well.

Agenda Item No. 24. Adjourn to February 8, 2012, 3:00 p.m., Room 241.

At 4:57 p.m., **motion** was offered by Mr. Boyd to adjourn the meeting to February 8, 2012, at 3:00 p.m. in Room 241. Ms. Mallek **seconded** the motion.

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

NAYS: None.

Chairman

Approved by Board

Date: 07/11/2012

Initials: EWJ
