

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 7, 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 9:02 a.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek asked if Board members had any additional action items for the agenda. None were presented, and the meeting proceeded.

Motion was offered by Mr. Thomas to approve the agenda as presented. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

Mr. Thomas reported that there would be a meeting regarding the Rockydale Quarry held on March 15, 2012 at 6:00 p.m., at the Hollymead Fire Station.

Mr. Rooker said they should decide what other Board members would be attending.

Mr. Thomas indicated that Mr. Boyd planned to attend the meeting.

Mr. Rooker commented that Board members had received an invitation from the Rivanna River Basin Commission to attend a May 10th tour of stormwater facilities. He stated that sometime between now and then Board members need to let Mr. Davis know whether they plan to attend it so they can take appropriate action to adjourn to the meeting.

Ms. Mallek said that at least three Board members have already indicated they plan to attend the meeting. Mr. Davis said he would coordinate with Ms. Jordan to ensure the proper requirements are met.

Ms. Mallek reported that she had attended her first meeting of the National Association of Counties' Land Use and Energy Committee in Washington D.C. She said that the terminology used across the country to describe people in this role is extremely diverse – ranging from “police jurors” to “judges” to “freeholders” to “commissioners” and “counselors.” She added that she is grateful that this Board does not have to deal with all the issues that other people across the country deal with.

Agenda Item No. 6a. Recognitions: Introduction of TJPED Executive Director, Helen Cauthen.

Ms. Mallek introduced the new Executive Director of the Thomas Jefferson Partnership for Economic Development, Helen Cauthen.

Mr. Foley said that Ms. Cauthen started in the leadership for the TJPED on February 1, 2012. She has over 25 years of experience in economic development and government relations. Most recently, Ms. Cauthen served as President and CEO of the Team Volusia Economic Development Corporation, a regional organization, and prior to that she served eight years as Vice President of the Greensboro Economic Development Alliance in North Carolina. Ms. Cauthen has a lot of experience in regional economic development efforts. She has a Bachelors Degree in Business Administration from the University of Missouri and is a Certified Economic Development Developer accredited by the International Economic Development Council.

Mr. Foley said that after going through an extensive search, Ms. Cauthen continuously remained at the top of the list of candidates and brings lots of energy to the position. Ms. Cauthen is the right fit for the right time for this region as they look at their Target Industry Study and some of the things that the region is planning to do to move to the next level.

Mr. Foley added that he served as Chairman of TJPED as this position was being filled. He then welcomed Ms. Cauthen to the County.

Ms. Cauthen stated that she has already worked closely with Ms. Lee Catlin and Ms. Susan Stimart as well as with Mr. Foley, and has had a chance to meet with Ms. Mallek. She said that she greatly appreciates the Board's support of TJPED. TJPED represents eight counties and the City of Charlottesville. Albemarle is a very important partner as the largest County. She also appreciates the Board's support on the Target Industry Study, which would be released on April 11th at 10:00 a.m., at PVCC – and again in Culpeper the following day at Germanna Community College. TJPED is very excited about the release of the Study and announced that the public is welcomed to attend. She said that she hopes Board members would be present to hear the recommended targets. She stated that Ms. Sharon Younger will present regional targets as well as County and City targets.

Ms. Cauthen said that in Greensboro when they switched to a targeted industry cluster approach to economic development, she led the implementation in that effort. She said that she has some experience and is comfortable to how it is done. She added that she looks forward to working with Board members on that effort.

Board members welcomed her to the community. Ms. Cauthen added that her husband grew up in this community which she visited over the years.

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

Mr. Jack Renard stated that he was the President of the Colonnades Residents Association and a retired naval officer having served 30 years on active duty and 12 years as Dean of Admissions at the U.S. Naval Academy. He said that he has spoken to Board members before regarding the impact the proposed Western Bypass could have on the Colonnades community of 360 senior residents, 31 of whom were in attendance today to demonstrate their serious concern for their quality of life and the future of the Colonnades. Mr. Renard stated that the approved footprint of the bypass comes within 600 feet of their healthcare center, and they believe they are particularly vulnerable to the extensive blasting that would be required during construction – along with the traffic noise, the fumes, and the toxic pollution that would occur with both the construction and operation of the road. He said that they have tried to get their message across to VDOT, which has apparently just ignored the thoughtful and thorough recommendations of the Jack Jouett Committee. Mr. Renard stated that they have not received a response from the Federal Highway Administration, the Secretary of Transportation, or the Governor. He said that the Environmental Impact Statements of 1993 and 2003 did not include the Colonnades, and residents call upon the Board to insist that the Federal Highway Administration require a supplemental environmental impact study. They consider their situation significant enough to require [that] up to date, factual data on noise, fumes, and toxic pollution be available before proceeding with the bypass.

Mr. Mark Kastan, Executive Director of the Colonnades, stated that the Colonnades will be located 600 feet from the current footprint of the Western Bypass. He said that he believes the building of the bypass might be detrimental to residents of the Colonnades, who moved there because of its serene location, close proximity to the City, and natural surroundings – as well as for healing from serious illness and injuries to living out the rest of their lives in a caring and nurturing environment. He said that the calm and quiet atmosphere would go away with the building of the bypass. At this time no one from VDOT or any other government agency – except for a few Supervisors – has taken the time to meet with them to discuss the impact and ensure that the facility would be viable after the project is over. Mr. Kastan stated that they have attended meetings to express concerns but to no avail. He added that the area located directly behind the Colonnades would involve the greatest amount of construction as construction would have to go through a mountain to put in the bypass. He said that the frailest, most susceptible individuals in the community live in this particular area of the facility. The building of the project would require blasting, truck noises, and any other construction involved with the destruction of a mountain. Mr. Kastan said the health of these residents will be directly affected as well as the health of the rest of the community. Mr. Kastan said that while they oppose the project they know they probably cannot stop it, and therefore they insist that their concerns be taken into account and addressed moving forward. The Colonnades has already started to lose business because potential customers ask what impact the bypass would have on them. He asked the Board to require VDOT to build a new and in-depth Supplemental Environmental Impact Statement for the bypass that will take into regards the Colonnades community; the lives of the residents and the jobs of their employees depend on it.

Mr. George Goodrich stated that he is a retired judge of the Superior Court of the District of Columbia. He said that he and his wife first came to the area in 1949 and are residents in independent living at the Colonnades. Mr. Goodrich said that most residents believe that the bypass plan is "ill advised and extremely unfortunate" for those caught in its path, as the benefits are meager and the cost extraordinary. He stated that the Colonnades are located at the southern terminus at Stillhouse Mountain, making residents there particularly vulnerable. The bypass has the potential of putting the facility out of business. Mr. Goodrich said that last spring he had a bout of pneumonia and heart complications that put him in Martha Jefferson Hospital, with the two weeks upon release spent recovering in the Colonnades Health Center – where his room looked out over Stillhouse Mountain. He stated that the prospect of the noise and other effects from the construction of the bypass convinces him that the bypass is a doomsday waiting to happen for them at the Colonnades. Mr. Goodrich asked the Board to act while there is still time.

Mr. Donald Gross stated that he is Chair of the Building and Grounds Committee of the Colonnades Residents Association. Mr. Gross said that the southern terminus of the proposed bypass will have a devastating effect on the grounds of the Colonnades, noting that there are lovely hiking trails used by ambulatory residents on a regular basis for a quiet walk in the woods. He stated that blasting on Stillhouse Mountain during construction and trucks accelerating and decelerating once the road is operational will render the walks undesirable and unhealthy. Mr. Gross said that there are many benches on the grounds where less ambulatory residents – including his wife, who has been battling Parkinson's disease – can sit and enjoy the landscaped beauty and quiet surroundings. He stated that this would no longer be possible. They moved to the Colonnades hoping to live out their lives in this environment, but now they – and many others – will have to consider relocating, as life here will be quite intolerable if the bypass is built as planned.

Mr. David Weiss addressed the Board, stating that he has lived in the area since 1954 when he came to teach in the Drama Department at U.Va. He said that his late wife, Penny, grew up on Stadium Road which at that time was in the County. Mr. Weiss said that they were very active in the community in various ways, and their interest in the quality of life was always lively. He emphasized that the bypass is ill-advised in its present route. If the project goes through everyone in the Colonnades must suffer through the trauma of construction and the never-ending sounds of traffic on the bypass. Mr. Weiss asked if the benefits to the bypass really outweigh the negatives that come with following through on a plan that obviously does not make sense today. He said that it is hard for him to see so little value in return on their investments with this unsatisfactory solution to a dubious need. Mr. Weiss stated that the proposed budget is only the beginning – not the ultimate cost. He said that residents come forward today to raise their voices as a group that will be severely affected in their declining years. They live in the Colonnades because it offers them security and comfort as residents in need of special care. If the bypass goes through as planned, the residents may still have their security, but the comfort and quality of life they have come to enjoy will be severely curtailed. He added that there is surely a better alternative.

Ms. Sylvia Warner addressed the Board, stating that she has lived at the Colonnades for 19 years and every moment has been a pleasure. Ms. Warner said that she has cherished looking out her windows to the beautiful woods behind, with peace, quiet and serenity. She stated that the residents all came to the Colonnades for health reasons and/or encroaching old age. At the age of 101 she is afraid she will have to find a new home. There will never be another home like the Colonnades. It offers the residents beauty, comfort and care. Ms. Warner asked the Board to vote against the bypass.

Ms. Teresa Lindsey said that she is the skilled nursing administrator for the Colonnades Healthcare Center and was addressing the Board today because she is greatly concerned over the health and welfare of the residents living in the facility. Ms. Lindsey said that people who live or visit the center range in age from 65 to 100 years old. The center is composed of an assisted living neighborhood for individuals who need 24-hour nursing care, a memory care neighborhood for individuals with dementia and Alzheimer's disease, and a skilled nursing center for individuals recovering from strokes, heart attacks and other serious illnesses. The environment that they live in is an extremely important part of their recovery. They have found that a calm, comfortable setting adds greatly to their happiness, recovery and well-being." She stated that they have worked hard over the years to create such an atmosphere and it would be distressing to see that go away. The building of the bypass will incur incredible noise from the blasting, rock crushing and traffic needed to construct this road. Ms. Lindsey said that she was asking on behalf of the most fragile seniors, who want to continue to live the lives they have come to enjoy at the Colonnades, to require VDOT to prepare a new and in-depth supplemental environmental impact statement for the bypass project that will take their community into regards. The lives and quality of life of the residents of the Colonnades depends on that.

Mr. Kirk Bowers thanked everyone from the Colonnades for coming out to speak. Mr. Bowers said that he was speaking on behalf of the Sierra Club's Piedmont Chapter, which had 1,300 members and strongly opposes the Western Bypass. He said that the proposed bypass is an onerous intrusion upon the community and is a waste of taxpayer dollars. The proposed bypass does not serve its intended purpose of diverting traffic away from congested areas of the County and when compared to Places 29 Mater Plan, the bypass project is double or triple in cost. The proposed bypass will only divert 12% of existing traffic away from the northern Albemarle corridor. Mr. Bowers stated that the Sierra Club fully supports conducting a full environmental impact review of the bypass out of concern that it has serious negative impacts on the environment, and that there has been major land uses changes over the last 20 years. He said that several components of the final EIS needs final evaluation, such as updating of the traffic analysis, an air quality analysis based on the updated travel demand analysis, an updated noise and water quality analysis due to changes in stormwater regulations, and a complete update of the socio-economic impact – as well as an impact analysis on community character and cohesion.

Ms. Martha Levering, speaking on behalf of the League of Women Voters of Charlottesville/ Albemarle, said the League wants to comment on one provision under the fast track review process (Agenda Item No. 19). The provision relates to selected industrial land use applications. She stated that there are many aspects to this provision but, they are concerned about the aspect related to "where applicable, the project may be scheduled for a joint Planning Commission/Board of Supervisors public hearing, and legally required Planning Commission and Board of Supervisors advertisements can be run simultaneously." Ms. Levering said that this streamlining provision concerns the League even if it applies to a small select group of applicants. The League urges the Board to not combine the public hearings into

one as two hearings allow for more opportunities for citizens to express opinions and make comments. She stated that this also allow the Planning Commission to listen to citizens, distill what they had been told, and advice the Board of Supervisors based on citizen input. The process allows the Board to have the benefit of the Commission's advice as well as hearing from the citizens. In general, two hearings show respect for citizens' views and participation. The single hearing makes it all too easy to simply appear to be listening – and leave a frustrated citizenry. Ms. Levering stated that citizen input is crucial to intelligent governing. The League strongly objects to the provision that would cut in half the opportunities that citizens currently have to provide input into land use decisions. She asked the Board to reject this aspect of the proposal.

Ms. Linda Goodling stated that she was also speaking on behalf of the League of Women Voters. Ms. Goodling said that on January 27, 2012 the League sent a letter to the Federal Highway Administration stating their concern about the environmental impact of the proposed bypass on the community. She said that the League has never taken a formal position on the proposed bypass, but both the national and local leagues have been active in their support for citizen participation and governmental decisions – as well as environmental goals such as clean water. Ms. Goodling said that the League urged the FHWA to require the preparation of a Supplemental Environmental Impact Statement, as a significant amount of information from prior studies of this proposed road is now outdated due to the passage of time and changed circumstances. She stated that a meaningful, complete traffic study comparing the effectiveness of different alternatives has not been undertaken for almost 20 years. The League believes that insuring a SEIS is the best way to ensure the proper level of analysis. She said that the League urges this Board to make its own request for a SEIS.

Mr. Daniel Bowman addressed the Board, a County resident, said that he was speaking on behalf of the Sierra Club, ASAP, the PEC, and the SELC. Mr. Bowman said that they are concerned about the update of the County's Comprehensive Plan. For the past several decades the County's planning policies have been anchored solidly in the concept of wise growth management. He stated that managing growth allows the community to preserve and protect its natural and fiscal resources while providing community services efficiently. This core concept has long been of critical importance to the residents of this community and is woven throughout the current Comp Plan. Mr. Bowman said that they understand that the goals for the Board's strategic plan may be used to guide the Comp Plan update. Leaders of these groups were surprised and disappointed to see that their draft strategic plan goals omit any mention of managing growth. He stated that they believe it is critical that the County's longstanding commitment to growth management continues to be a high priority for its planning and policies, and thus point the Board to a goal in the Planning Commission's July 26, 2011 discussion of the pending revisions, which read, "Manage growth in order to provide for the needs of the present without compromising the ability of future generations to meet their own needs." Mr. Bowman noted that this goal has been omitted in the Board's recent version of its strategic plan and encourage them to incorporate it back into the goals for both the strategic plan and the updated Comp Plan.

Ms. Jane Kopp, a resident of Earlysville, said that she understands the bypass has been approved and the process is going forward for construction – with money allocated and bids being secured – and she believes that an updated environmental study is being done. She said that she believes this updated survey is sufficient, and anything further would continue to delay the building of the road. There is no reason to continue to find reasons to delay the road. Ms. Kopp said that she sympathize with the residents of the Colonnades, but the footprint of the road was determined many years ago and the potential construction should have been disclosed to prospective residents when they considered moving there.

Mr. Charles Battig addressed the Board, noting that the sustainability definition mentioned by the ASAP speaker originated with the United Nations. He said that "skepticism is the first step to truth," and mentioned that three more entities have dropped out of ICLE. Mr. Battig said that the presentation from two University professors at an earlier meeting implied that "U.Va. accepts the United Nations as their authority, that computers are useful in other fields; therefore they must be useful in climate." He added that computer models are not truth machines. He stated that all of the U.N. experts had "four shots at this," and all of their predictions were on the high side and failed.

Mr. Carter Myers, a County resident, said that he served on the Commonwealth Transportation Board from 1994 to 2008 and was involved while the environmental impact statement was being done on the proposed bypass – and it was a very thorough and very expensive study that was good enough to withstand a lawsuit. Mr. Myers said that there have been very few changes or development in the corridor in that was approved, and he would be concerned about the time and money required for another study. He stated that he has full confidence that VDOT would work with the people of the area, and expressed concern that delaying the project might jeopardize money that has been set aside for Hillsdale Drive, Berkmar Drive, the Belmont Bridge and the Best Buy ramp. The staff at VDOT is committed public servants and they will do their best to solve a problem in the community. VDOT have worked with a number of groups and worked to make sure the reservoir was protected. He asked that they not waste money to work on studies, but instead use the money to improve the process. He said that now is the time to focus on building the road, building it right, and ending this debate.

Mr. Rooker asked him for specifics about the money he mentioned for Berkmar Drive.

Mr. Myers said that there was a bridge design that was part of it.

Mr. Rooker stated that he had asked that question twice of the VDOT project manager, and he said they would build the bypass in a way that would not preclude building Berkmar.

Mr. Myers said there was also some engineering design but added, he does not know any more than Mr. Rooker knows.

Mr. Jack Marshall, on behalf of Advocates for a Sustainable Albemarle Population, addressed the Board regarding Agenda Item No. 19 (fast track review process). Mr. Marshall stated that because industrial development forever shapes the community's environment and character, decisions to approve new and expanded industries should not be hasty. He said that before the Board considers the administrative mechanisms by which selective projects could be more quickly assessed, it should revisit the decision-making process itself that is used to encourage additional industries in Albemarle County. Mr. Marshall stated that the current formula for assessing the worth of industrial growth is not sufficiently inclusive, rational or far-reaching, and is flawed in a number of ways. He said that the economic benefits of industrial development are factored into decision making but significant economic costs are disregarded. Mr. Marshall stated that there is no mention of new industries hiring local unemployed and underemployed, rather than encourage businesses that would bring in new workers – with families for which new schools and other expensive infrastructure must be provided. He said that non-economic costs and benefits are ignored because they can't easily be monetized, such as environmental impacts of new industries. Third, there is no appraisal of the extent to which the benefits of industrial development are distributed throughout the community. Fourth, the focus of individual approvals obscures the cumulative impact of industrial development. Mr. Marshall said that until the system for reviewing requests is strengthened, efforts to fast track the approval process should not be initiated.

Mr. Tom Olivier, on behalf of the Piedmont Group of the Sierra Club, said that the Board will hold a work session today on the Comp Plan update, and the Sierra Club plans to closely follow the process over the next year. The Sierra Club will not accept any retreats from the commitments to environmental protection that have characterized the plans in recent versions. Mr. Olivier said that the Piedmont Group believes that the Comp Plan should include as a goal the statement that they "manage growth in order to provide for the needs of the present without compromising the ability of future generations to meet their own needs." He stated that the Piedmont Group believes that reviews of development proposals should include broader analyses of their economic and environmental consequences, and consideration of fast-track reviews should be held until the public has had an opportunity to comment on the idea and broader economic and environmental review processes are established.

Mr. Olivier also said they believe the ACE Program is important in the protection of critical environmental resources, and urged the Board to provide substantial support for it. He stated that generally increasing funding for the CIP will help make this possible.

Mr. Robert Humphris, a County resident, said that he attended the MPO meeting on February 22, 2012 at which Mr. Thomas made the following seriously erroneously remark during a discussion concerning the voting authority of their roles as members of the MPO Board: "Our traffic is getting so horrendous, I drive 29, it is quadrupling monthly every six months." Mr. Humphris said this statement is factually inaccurate. Mr. Humphris said that the actual traffic counts over the past ten years, according to VDOT's average annual daily traffic reports, indicate that the largest traffic count on Route 29 is consistently at the Hydraulic Road intersection – and this count has actually decreased from 58,000 vehicles per day in 2000 to 57,000 in 2010. He stated that MPO and Board of Supervisors members should be more knowledgeable and accurate about local transportation matters when they are making major decisions that involve millions of dollars, and which will greatly impact the community long into the future.

Mr. Morgan Butler, on behalf of the Southern Environmental Law Center, said that he would comment on the idea of a fast-track review process for industrial proposals that are deemed to be valuable for the County. He said that the SELC supports eliminating unnecessary steps in the review process, but have also found that a thorough project review is essential to good decision making and to catching mistakes before something gets built rather than after. Mr. Butler also said that giving preference to some applications led to questions about fairness and creates the classic slippery slope. The SELC urges the Board to be cautious in considering such an approach, and added that there are several things that need to be thought through before even deciding this is a workable idea. He asked how it would be verified up front that a proposal would meet the qualifying criteria, as they would want to require more than an applicant's mere assurances. Mr. Butler asked if there should be disqualifying criteria to take a proposal's negative impacts on the community into account, such as those that are likely to generate significant traffic or cause environmental problems should not qualify for a fast track review. The SELC urges the Board to think this concept through before it decides whether it's even something that makes sense to pursue. He also said the SELC encourages the Board not to make a decision on this until the public has been given a better chance to provide input and until the Board has discussed the results of the target industry study.

Mr. Butler said that the SELC continues to be very concerned by the pace at which VDOT is pushing the 29 Bypass proposal forward even though key details are still lacking and even though there have been serious changes in circumstances that prior studies could not have taken into account. Requiring a new SEIS is the best way to ensure those things are fully considered – and this Board owes it to residents to request the most thorough and detailed review before any final decisions are made.

Mr. George Larie, on behalf of CATCO, said that a month ago he sent the Board a detailed memo requesting that it require VDOT to do a SEIS on the Route 29 bypass. Mr. Larie said that there has been very substantial development in the 29 North corridor since the original environmental documents were prepared. The traffic studies performed over 20 years ago are wrong as they were based on interchanges on the bypass itself and interchanges at three locations on Route 29 – none of which are funded or planned at this time. He also stated that this Board approved the Places 29 plan a year ago, which would take more traffic off of Route 29 than the bypass and would cost less than half the amount. Building this bypass makes absolutely no sense. He urged the Board to request the FHWA to insist on an SEIS for the project.

Mr. Jeff Werner, of the Piedmont Environmental Council, said that for today's discussion on the Route 29 Western Bypass, he has no revealing arguments to make nor is it necessary for him to remind Board members of the project's long history. Mr. Werner said that 15 years ago, Carter Myers and the CTB leapfrogged the bypass ahead of VDOT's recommended improvements, and while some Board members try to characterize opponents as "opposing any development or opposing any road improvements," that's simply not true. It's a myth that helps certain Board members sell this bypass. It's a myth like Mr. Myers' Berkmar Bridge. He said that Board members know that there have been significant traffic changes since the 1990 traffic study, and the 2003 findings did not reevaluate traffic impacts – with Mr. Boyd acknowledging in a July 13, 2011 meeting last year that the numbers from the 1990 study were "outdated." Mr. Werner stated that the Board members know the community's concerns and know the cost could exceed \$1/4 billion of taxpayer money, and for no other reason than fiscal responsibility the Board must insist that VDOT prove the merits of this project with a new SEIS.

Mr. Werner said that PEC also urges the Board to focus first on defining the criteria for desirability with the fast track process, and then begin the discussion of an expedited process. Both steps must involve public input. Mr. Werner suggested a rough outline for Board members to work with in establishing "desirability," and consider the potential benefits and impacts on these four categories: 1) natural and historic resources, open space in the rural area; 2) on the private sector economy; 3) on the County's fiscal responsibilities; and 4) on the community's overall quality of life.

He also emphasized his support for Mr. Bowman's points about the Comp Plan goals.

Mr. John Martin, a resident of Free Union, said that he would speak about the solid waste options consultant services (Agenda Item No. 12), even though it is only \$32,000. He said that in 1990 the City and the County joined to form the Solid Waste Authority, and since that time the City has determined that the Authority does not meet its needs and is thus backing away from its commitment. Mr. Martin suggested that it would be appropriate for the City to share in the cost of reorganizing the RSWA, especially in light of the fact that the ACSA would be paying the City over \$750,000 for the water agreement.

Ms. Laney Kaminer addressed the Board, stating that she was here to ask the Board to unanimously ask the FHWA for a new SEIS for the Route 29 Western Bypass, as the community has changed greatly over the last 20 years. Ms. Kaminer said that new medical findings indicate a link between vehicle exhaust with brain cell damage and higher rates of autism. Children in areas affected by high levels of emissions on average scored poorly on intelligence tests and were more prone to depression, anxiety and depression problems. She stated that older men and women exposed to traffic-related particles and ozone had memory and reasoning problems that effectively added five years to their mental age, university researchers in Boston reported earlier this year. Ms. Kaminer said that emissions may also heighten the risk of Alzheimer's Disease and speed the effects of Parkinson's disease, and the evidence is growing that air pollution could affect the brain and impacts are suspected to be broader than once realized, as reported by Medical Epidemiologist, Heather Volk, of USC Keck School of Medicine. The proposed bypass passes closely to seven schools and two retirement communities, where breathing car and truck emissions could do real damage. Ms. Kaminer implored the Board to ask the FHWA to look at the medical ramifications to this beautiful community. Ms. Kaminer said that she has been sick for two years with a pulmonary disease that is very hard to cure, due to breathing unhealthy air. She asked the Board to protect its citizens and the environment.

Mr. Neil Williamson, with the Free Enterprise Forum, said that he is appreciative of the Colonnades residents coming out to speak. A quick search indicated that the Colonnades medical center opened in 1991 – and VDOT began acquiring parcels for the bypass in 1991. The bypass is a difficult issue, but the idea that the Board asserts itself and demand that the FHWA must go forward with an expanded EIS is beyond the scope of this Board. He stated that the Board has voted and made the decision. The FHWA is not going to consider the increasing data regarding location of highways as it has not been medically conclusive as of yet. Mr. Williamson encouraged the Board to move forward with the

bypass as is and with the EIS as a suitable way to get the community moving forward and addressing other issues that it must face.

Agenda Item No. 8. Consent Agenda. **Motion** was offered by Mr. Rooker for approval of the Consent Agenda as presented. Mr. Snow **seconded** the motion. (**Note:** Discussions on individual items are included with that agenda item.) Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: October 5, November 2, November 9(A), November 10(A), December 14(A) and (N), and December 15(A), 2011.

Mr. Thomas had read the minutes of October 5, 2011, pages 1-45 (end Item #13), and found them to be in order.

Mr. Boyd had read the minutes of October 5, 2011, pages 45 (begin Item #13) – end, and found them to be in order.

Mr. Snow had read the minutes of November 2, 2011, pages 1-29, and found them to be in order.

Mr. Rooker had read the minutes of November 2, 2011, pages 30-end, and found them to be in order.

Mr. Snow had read the minutes of November 9(A), 2011, and found them to be in order.

Mr. Rooker had read the minutes of November 10(A), 2011, and found them to be in order.

Ms. Mallek had read the minutes of December 14, 2011, and found them to be in order.

Mr. Thomas had read the minutes of December 15(A), 2011, and found them to be in order.

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

Item No. 8.2. ACSA-2012-01. Charlottesville Volvo. Request to amend the Albemarle County Service Authority Jurisdictional Area map to designate Tax Map 59, Parcel 23B2 for sewer service. (Continue public hearing to March 14, 2012 for proper advertisement.)

By the above-recorded vote, the Board approved scheduling the public hearing for ACSA-2012-01 to March 14, 2012.

Item No. 8.3. Resolution for the abandonment and addition of roads as a result of the John W. Warner Parkway construction.

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

The Board of County Supervisors of Albemarle County, Virginia, in a regular meeting on the 7th day of March, 2012, adopted the following:

R E S O L U T I O N

WHEREAS, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with a sketch dated October 28, 2011, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

WHEREAS, the portions of Route 631 (Rio Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 631 (Rio Road), identified as from 0.44 miles southeast of Route 650 (Seg G) to 0.58 miles south of Route 650 (Seg L), for a distance of 0.14 miles; those portions of Route 631 (Rio Road) from 0.17 miles southeast to Route 650 (Seg E) to 0.44 miles southeast of Route 650 (Seg G), for a distance of 0.27 miles; and those portions of Route 631 (Rio Road), identified as from 0.44 miles southeast of Route 650 (Seg G) to 0.05 miles east, for a distance of 0.05 miles, pursuant to Section 33.1-155, of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 631 (Rio Road) identified as from 0.17 miles southeast of Route 650 (Seg E) to 0.32 miles southeast of Route 650 (Seg D) for a distance of 0.15 miles, with a right-of-way width of 80.5 feet; those portions of Route 885 (Dunlora Drive) identified as from 0.32 miles southeast of Route 650 (Seg D) to 0.36 miles southeast of Route 650 (Seg J) for a distance of 0.04 miles, with no right-of-way width; those portions of Route 631 (Rio Road) identified as from 0.39 miles southeast of Route 650 (Seg C) to 0.32 miles southeast of Route 650 (Seg D) for a distance of 0.07 miles, with a right-of-way width of 80.5 feet; those portions of Route 631 (Rio Road) identified as from 0.05 miles southeast of Route 2500 (Seg K) to 0.08 miles southeast of Route 2500 (Seg L) for a distance of 0.03 miles, with a variable right-of-way width of 67 feet; those portions of Route 1177 (Dunlora Drive) identified as from 0.05 miles southeast of Route 2500 (Seg K) to 0.11 miles east of Seg (J) for a distance of 0.11 miles, with no right-of-way width; those portions of Route 1177 (Dunlora Drive) identified as from 0.07 miles west of Route 1239 (Seg J) to 0.03 miles west of Route 1239 (Seg H) for a distance of 0.04 miles, with no right-of-way width; those portions of Route 631 (Rio Road) identified as from Route 2500, a distance of 1.01 miles north of Route 3412 (Seg C) to 0.05 miles southeast of Route 2500 (Seg K) for a distance of 0.05 miles, with a variable right-of-way width of 67 feet; and those portions of Route 2500 (John W. Warner Parkway) from A-Melbourne Road (City street) to 0.70 miles north of Melbourne Route (B-Bridge Structure 6402), a distance of 0.70 miles, with a variable right-of-way width of 41 feet, pursuant to Section 33.1-229, of the Code of Virginia; and

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

Item No. 8.4. Moores Creek Floodplain Changes – Authorize County Engineer to sign application for conditional letter of map revision to FEMA maps.

The executive summary stated that the developer of Belmont Cottages, a residential development in the City of Charlottesville, has applied to the Federal Emergency Management Agency (FEMA) for a Conditional Letter of Map Revision (CLOMR) to change the area subject to inundation during a 100-year flood depicted on the Flood Insurance Study maps prepared by FEMA. These maps also serve as the source for the boundaries of the County's flood hazard overlay district.

The proposed map changes show a change in elevation resulting from the deposit of fill dirt the developer is planning to place in the floodplain on the City side of Moores Creek. FEMA is requiring County signature on the developer's application because some of the proposed changes to the floodplain will occur on the County side of Moores Creek. The developer's obtaining a CLOMR before placing fill dirt in the Moores Creek floodplain is a FEMA requirement which, if met, will enable affected property owners to continue to purchase federal flood insurance.

County Code section 30.3.07 allows the Board of Supervisors to modify the flood hazard overlay district as follows:

"30.3.07 AMENDMENT OF THE FLOOD HAZARD OVERLAY DISTRICT

The delineation of the flood hazard overlay district may be revised, amended and modified by the board of supervisors in compliance with the National Flood Insurance Program when any of the following conditions are met: (...)

3. *There are changes indicated by FEMA issuance of letters of map amendment (LOMA) or letters of map revision (LOMR). (Added 2-5-05)*

4. *There are changes indicated by future detailed hydrologic and hydraulic studies."*

The developer's application includes a plan and analysis that shows slight expansions of the floodplain and floodway on the County side. The fill on the City side will effectively push floodwaters toward the County. This will affect one parcel, Tax Map 77E2, Parcel 2, on which is located a self storage facility. The effects will be limited to undeveloped portions of the parcel that are in the buffer area and greenway. The floodplain encroaches into the parcel approximately 25 feet more, while the floodway encroaches approximately 35 feet more. Graphical depictions of the proposal are shown in Attachment A.

The applicant has worked with the owner of the self storage facility and obtained the facility-owner's permission for the proposed changes. The facility-owner's letter expressing his permission is attached (Attachment B). The County Engineer has no objections to this proposed change to the FEMA map.

There is no budget impact.

Staff recommends that the Board authorize the County Engineer to sign the FEMA application.

By the above-recorded vote, the Board authorized the County Engineer to sign the FEMA application.

Item No. 8.5. EMS Cost Recovery Program Update; Resolution to establish new schedule of fees; consideration of billing policy change.

The executive summary stated that on September 9, 2009, the Board adopted an ordinance authorizing the County to establish an emergency medical service (EMS) cost recovery program which would charge fees for EMS vehicle transports provided by the Department of Fire and Rescue or by any

volunteer rescue squad issued a permit by the County to charge fees. The Board directed staff to begin billing by February 1, 2010.

The County procured the services of Diversified Ambulance Billing (now known as Fidelis Billing) to act as the billing agent for the County. The Board adopted a Resolution to establish fees for EMS transports on December 2, 2009 and directed that fees be periodically reviewed to assure that such fees stay within the industry average and to keep pace with Medicare and Medicaid rates, which typically increase annually.

In January of 2010, the Scottsville Volunteer Rescue Squad ("SVRS") applied for and was issued a permit to charge fees. Staff and members of SVRS worked together to develop and implement an extensive public information plan to inform the public about the EMS Cost Recovery Program. On February 1, 2010, ambulances stationed at Monticello, Hollymead, and SVRS began billing for EMS transports.

On August 4th, 2010, staff provided an update to the Board on the EMS Cost Recovery program for the five months of billing in FY10. Staff's report addressed citizen feedback, administrative workload for SVRS and County staff, FY10 actual revenue, and FY11 revenue projections.

On April 6, 2011, staff provided an update of the first year of billing (February 1, 2010 – January 31, 2011) as well as an updated revenue projection for FY11.

At the Board's request, staff is providing its annual review of the Revenue Recovery Program, a report of FY11 expenditures and revenues, an updated revenue projection for FY12.

Customer Feedback:

Staff continues to monitor customer feedback to ensure that the program is operating properly. Since the April 6, 2011 report to the Board, there have been only three billing inquiries reported to the Fire Rescue office; two were hospital bill issues(not related to the ambulance transport bill), and were redirected to the appropriate hospital(s). The third was a verbal confirmation that a hardship waiver request was accepted and that there would be no billing of the patient for the balance of the fee after the insurance had been paid.

Fidelis began conducting on-line and telephone customer satisfaction surveys earlier this year. As of this date, Fidelis informs us there have been no reported complaints regarding Albemarle County's EMS Cost Recovery Program.

Administrative Workload:

The administrative workload remains low enough that no additional staff is required for processing the necessary information. There has been a smooth transition from paper Patient Care Reports (PCR's) to electronic reporting of PCR's to the State Office of EMS. Electronic reporting enables Fidelis to obtain their information directly from the State Office of EMS databases.

Report Data on First Full Year of Billing:

In September 2011, Fidelis provided staff with reports outlining performance of the County's billing system for the Fiscal Year 2010-2011. Some of the highlights include:

1. Billing Rates: The initial billing rates set by the Board on December 2, 2009 were based primarily on rates no lower than the usual and customary costs allowed by private insurers and on rates set by surrounding localities. The current rates are:

- \$350 – Basic Life Support
- \$450 – Advanced Life Support 1
- \$550 - Advanced Life Support 2
- \$8.50/mile

Fidelis recommends raising our billing rates at this time based on changes to the Medicare Allowable Rates (2.5% inflationary rate increase) and the current "Usual & Customary Charges" paid by the private insurance companies. Medicare has approved an inflation increase that began Jan 1, 2012. Fidelis recommends raising our rates to:

- \$450 – Basic Life Support
- \$550 – Advanced Life Support 1
- \$750 - Advanced Life Support 2
- \$13.00/mile

Fidelis has made this recommendation to all its central Virginia clients. The recommendation would establish the fees appropriately 25% above the "Allowable" rates set by Medicare. Most private insurance companies pay at a higher rate than Medicare. If the fees are established based on the lower Medicare rate, the insurance companies would pay less than their own rates would allow. As of this date, Augusta, Caroline, Green, Rockbridge, Orange, Spotsylvania, Warren, Madison, Mecklenburg, Appomattox and Henry counties have already raised their rates and Nelson County is in the process of doing so.

2. Patient Payer Mix (the type of monies received): Fidelis advised staff that the County patient payer mix is very good and has improved since last year. Receipts are as follows: approximately

39% Medicare; 3% Medicaid; 30% Private Insurance; 25% Private pay (no insurance); and 3% Military or Auto Insurance. The Private Pay (no insurance) percent improved (from 31% down to 25%) primarily due to the new electronic billing, process improvements (such as efforts on the part of ACFR staff to help Fidelis obtain patient data from UVA), and a new address verification system utilized by Fidelis.

3. Bad Debt Write Off Rate: Fidelis advised staff that the County has a bad debt write-off average of 22%. The national average is between 23-28%. Our low number reflects the low percent of Private Pay (no insurance.)

4. Cash Collections as a Percent of Net Billable: (amount of money collected after deducting the mandatory contractual adjustments from the insurance companies). As of June 30th, the County collected approximately 63% of net billable, up from 57% last year. With nine months left to collect FY11 bills, Fidelis expects this percentage to increase.

5. Average Collections per Transport: Our average collection per transport for FY11 is \$278.32, up from \$270.88 for FY10. The State average is \$260. Fidelis anticipates this will continue to increase and attributes it to the high quality of documentation staff is submitting, the help we have provided in obtaining information from UVA, and new systems and processes implemented by Fidelis over the last year.

6. Other data:

Fidelis provided reports on several other aspects of the County's ambulance transports for FY11:

Number of transports: 2050 (71% ACFR; 29% SVRS); roughly the same as FY10

BLS/ALS: 51% of our transports were BLS; 49% were ALS; the same as FY10

Hospital: 61% went to UVA; 39% went to MJH; slight increase in UVA

Pick up location: 70% transported from a residence; 30% transported from a non-residence; the same as FY10.

Top three reasons for transport:

10.5% Dyspnea, Abnormal Respiration

8.6% Multiple Injuries

5.7% Weakness, Debility

Hardship Waivers: 27 hardship waivers were requested and approved for \$13,039.82. None were denied.

Electronic Patient Care Reporting System

The Electronic Patient Care Reporting System continues to evolve. Staff and volunteers at Hollymead, Monticello and SVRS are using laptops to capture patient care information. The information is transmitted electronically to the State Office of EMS and is assessable by Fidelis for patient billing. The next phase of the project includes incorporating hospital data along with patient care data.

Proposed Billing Policy Change:

The County currently has a compassionate billing policy that provides that no person is required to pay any portion of a bill that they determine they cannot afford. Although this policy has worked well and no such request has been denied, staff recommends that the Board consider implementing an additional policy not to bill County residents for more than the amount covered by Medicare, Medicaid, or private insurance. This policy can be implemented if the Department of Health & Human Services, Office of Inspector General provides an advisory opinion letter that the County's Revenue Recovery Program meets federal requirements to treat revenue received from taxes as payment of otherwise applicable cost-sharing amounts owed by bona fide County residents for EMS transportation to hospitals. This opinion letter is necessary to assure that the County remains in compliance with billing requirements mandated by the Social Security Act. Under this policy, the County would not bill County residents for co-pays, deductibles, or any balance due that was not paid by an insurance company. The County would be required to continue to bill non-County residents the full amount of the fees. Staff estimates that the financial impact of implementing this policy would be small (a reduction in roughly 5-8% of net revenue) and could encourage additional community support for the Revenue Recovery Program. Other localities that have implemented this policy include: Orange, Madison, Page, King & Queen, King George, Warren and Caroline counties.

As of July 31 (for 13 months of collection: 7/1/10 – 7/31/11 per County Finance accrual policy), revenue for FY11 was \$638,564.89. Revenue for 12 months (7/1/10 – 6/30/11) was \$584,838.92. Going forward, revenue will be reported for the time frame of August 1 through July 31.

FY11 Revenue:	\$584,839.	(Budgeted Revenue \$444,000)
FY11 Expenditures:	\$ 37,861	
Net Revenue:	\$546,978	

If no rate change is implemented:

FY12 budgeted Revenue:	\$585,000
FY12 budgeted Expenditures:	\$ 42,315
Anticipated Net Revenue:	\$542,685

Not billing County residents for fees not covered by insurance reduces revenue by ~ \$43,415

With recommended rate change:

FY12 anticipated Revenue: \$668,253

FY12 anticipated Expenditures: \$ 47,315

Potential Net Revenue: \$620,938

Not billing County residents for fees not covered
by insurance reduces revenue by ~ \$49,675

FY13 anticipated Revenue* \$740,000

*includes billing anticipated by ACFR from programmed Pantops rescue squad operation

Staff recommends that the Board adopt the proposed Resolution to Establish a New Schedule of Fees for Emergency Medical Services Vehicle Transport Services to increase EMS Cost Recovery billing rates. Staff also recommends that the Board direct staff to take the necessary steps necessary to implement a policy change that would provide that County residents would not be billed for fees not covered in insurance.

(Discussion: Mr. Boyd stated that it was a little disconcerting to him to read that there were 25% private pay individuals, as he thought it was going to be an insurance-only program.

Ms. Wendy Roberman, of Fire and Rescue Division, clarified that in this community, roughly 25% of people who are billed do not have insurance – and it was agreed upon that everyone would be billed, so most of those are written off. Of the 25% percent approximately 22% are written off.)

By the above-recorded vote, the Board adopted the following resolution and directed staff to take the necessary steps to implement a policy change that would provide that County residents would not be billed for fees not covered in insurance:

**RESOLUTION TO ESTABLISH A NEW SCHEDULE OF FEES FOR
EMERGENCY MEDICAL SERVICES VEHICLE TRANSPORT SERVICES**

WHEREAS, on September 9, 2009, the Board enacted Chapter 6, Article V of the Albemarle County Code, which authorizes the Albemarle County Department of Fire and Rescue and any volunteer rescue squad that obtains a permit from the County to charge fees for emergency medical services (EMS) vehicle transports; and

WHEREAS, on December 2, 2009, the Board established a schedule of fees for EMS vehicle transport services; and

WHEREAS, based on a market review of the current fees for EMS vehicle transport services, the Board has determined that an increase in fees is reasonable.

NOW, THEREFORE, BE IT RESOLVED that the following EMS vehicle transport service fees are hereby increased and a new schedule of fees is established, effective April 1, 2012, for all EMS vehicle transport services provided in accordance with Chapter 6, Article V of the County Code:

1. For Basic Life Support (BLS) transport services: \$450. BLS is defined as the emergency response and transport of a patient that requires assessment and treatment by a BLS Technician and no Advanced Life Support procedures.
2. For Advanced Life Support Level 1 (ALS1): \$550. ALS1 is defined as the emergency response and transport of a patient that requires assessment and treatment by an ALS Technician and one or more Advanced Life Support procedures.
3. For Advanced Life Support Level 2 (ALS2): \$750. ALS2 is defined as the transport of a patient that requires defibrillation, pacing, intubation, or the administration of 3 or more Schedule IV medications.
4. For Ground Transport Miles (GTM): \$13.00/mile. GTM is defined as the charge per patient transport mile.

BE IT FURTHER RESOLVED THAT no person shall be denied transport services due to his or her inability to pay.

Item No. 8.6. FY 2012 Budget Amendment and Appropriations.

The executive summary stated 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 \$1,615,383.47. 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 seven (7) FY 2012 appropriations as follows:

- One (1) appropriation (#2012051) totaling \$29,540.00 for Scottsville Library Roof Maintenance;
- One (1) appropriation (#2012054) totaling \$13,300.00 to install security windows at Albemarle County Police Department;
- Three (3) appropriations (#2012055, #2012056, and #2012057) totaling \$1,397,393.47 for various school division programs and projects;
- One (1) appropriation (#2012058) totaling \$145,150.00 for a grant awarded to the Commission on Children and Families from the U.S. Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP); and
- One (1) appropriation (#2012059) totaling \$30,000 for a Community Development Block Grant (CDBG) Planning Grant awarded to the County.

Staff recommends approval of appropriations #2012051, #2012054, #2012055, #2012056, #2010057, #2012058 and #2012059.

Appropriation #2012051	\$29,540.00
Revenue Source: Use of Gen. Gov't CIP Fund Balance	\$ 29,540.00

This request is to appropriate \$29,540.00 to paint the Scottsville Library roof and replace the gutters and downspouts. An inspection revealed that the paint on the roof is peeling and missing in many locations throughout the surface of the roof and the gutters are in a state of failure and beyond repair. To insure the building stays in good condition, it is recommended that the roof be painted and the gutters be replaced in the Spring of 2012.

Appropriation #2012054	\$13,300.00
Revenue Source: Use of Gen. Gov't CIP Fund Balance	\$ 13,300.00

This request is to appropriate \$13,300 to install security windows at the Albemarle County Police Department. This is recommended by the Police Department and the Department of General Services in response to safety concerns identified during a security evaluation. This is determined to be a cost effective alternative to bring the facility up to minimum safety standard established for public safety facilities.

Appropriation #2012055	\$832,714.70
Revenue Source: Use of School Bus Repl. Fund Balance	\$ 832,714.70

This request is to re-appropriate \$832,714.70 from the FY 10/11 School Bus Replacement Fund balance to fund school bus replacements as approved by the School Board on December 8, 2011. Along with funds already appropriated in the FY 11/12 operating budget, these funds will be used by the School Division to purchase the annual schedule of at least 15 school buses during FY 11-12. Any unexpended funds at the end of FY 11/12 will support future school bus purchases. This re-appropriation is needed in March to place orders for buses to be delivered in FY 11/12.

Appropriation #2012056	\$530,728.77
Revenue Source: Contributions	\$ 12,454.39
Miscellaneous Local Revenue	\$ 6,477.76
State Revenue	\$ 37,500.00
Use of Comp. Repl. Fund Balance	\$ 474,296.62

This request is to appropriate various School Division requests as approved by the School Board on January 12, 2012. This appropriation request of \$530,728.77 includes the following:

- Contributions:
 - Western Albemarle High School (WAHS) received \$3,089.05 in donations to reimburse WAHS Athletic Budget for the cost of athletic tee shirts. These tee shirts were purchased by donations from local businesses to help promote school spirit. The tee shirts were purchased in compliance with Albemarle County purchasing policies, and were given away at a home football game to the first 800+ fans.
 - Broadus Wood Elementary School received donations in the amount of \$1,050.00 from local community members. These funds will be used for educational needs at the school.
 - Murray High School received donations in the amount of \$811.00 from local community members. These funds will be used for educational needs at the school.
 - Brownsville Elementary School received donations totaling \$3,500.00 from the Robert E. McConnell Foundation. The foundation asked that this donation be used to purchase snacks for the students at Brownsville Elementary School.
 - Cale Elementary School received a donation in the amount of \$2,325.00 from the Cale Elementary PTO. The donor has requested that this contribution be used to help with the "Tuesday Clubs" expenses incurred at Cale Elementary. "Tuesday Clubs" are various clubs offered to Cale students after school.
 - Henley Middle School received a donation in the amount of \$1,679.34 from Henley's Parent and Teacher Support Organization. These funds will be used to help fund the "Enrichment Time before 9" program for the month of November at Henley Middle School.

- **Miscellaneous Local Revenue:**
 - Western Albemarle High School (WAHS) desires to reimburse its School Division's County budget an amount of \$1,076.50 with funds that were generated from its Activity Accounts at WAHS to pay for athletic personnel. Most stipends for athletics at WAHS are paid through the County rather than by either their activity funds or their booster clubs.
 - Albemarle High School (AHS) desires to reimburse its School Division's County budget in the amount of \$1,160.00 with funding from its Activity Accounts at AHS to pay for athletic personnel. Most stipends for athletics at AHS are paid through the County rather than by either their activity funds or their booster clubs.
 - Albemarle High School received reimbursement for field trip expenses in the amount of \$1,542.32. These local funds are collected from fees assessed for these field trips and are currently included in the Activity Accounts at AHS.
 - The Albemarle Resource Center (ARC) requested that Follett Education Services submit payment for credits that were accrued by the ARC for returned textbooks. The total amount of credit due to the Albemarle County Public Schools ARC is \$2,698.84. This request is to appropriate the payment submitted by Follett Education Services to reimburse the ARC for their accrued credits in November 2011.
- **State Revenue:**
 - This request is to appropriate \$37,500.00 in annual awards from the Department of Education for teacher bonuses associated with the National Board Certification Program. The National Board Certification is an extensive yearlong assessment of actual teaching practice based upon high and rigorous standards established by the National Board for Professional Teaching Standards. Through the process, teachers document their subject matter knowledge, provide evidence that they know how to teach their subjects to students most effectively, and demonstrate their ability to manage and measure student learning. There are 15 ACPS teachers that meet these standards. In recognition of this achievement, the Department of Education issues the National Board Incentive Bonus Payments to these teachers. An initial award is set at \$5,000 (pre-tax) with a subsequent annual award of \$2,500 (pre-tax) for the life of the certificate (10 year). This appropriation request is for the \$37,500.00 provided for the annual awards.
- **Use of Computer Replacement Fund Balance:**
 - This request is to re-appropriate \$474,296.62 from the FY 10/11 Computer Equipment Replacement Fund fund balance for use in FY 11/12. The purpose of the Computer Equipment Replacement Fund is to provide students and staff reliable access to technology and support its use in meaningful ways.

Appropriation #2012057		\$33,950.00
Revenue Source:	Contributions	\$ 350.00
	CACF Grants	\$ 33,600.00

This request is to appropriate funding for the School Division as approved by the School Board on January 26, 2012. This appropriation request of \$33,950.00 is as follows:

- Crozet Elementary School received a donation in the amount of \$100.00 from a local community member and will be used for instructional needs at Crozet Elementary School.
- Community Public Charter School received a donation in the amount of \$250.00 from a local community member and will be used for instructional needs at the Albemarle Community Public Charter School.
- The Charlottesville Area Community Foundation (CACF) is a permanent endowment dedicated to improving the quality of life for the people of the City of Charlottesville and the counties of Albemarle, Buckingham, Fluvanna, Greene, Louisa, Nelson and Orange. Albemarle County schools received grants from CACF totaling \$33,600.00, which are to be distributed as follows:
 - Walton Middle School has been awarded a grant in the amount of \$1,000.00 from the CACF's Community Endowment Fund. The Community Endowment Fund is the CACF's unrestricted grant-making program that provides support to nonprofit organizations working to improve the quality of life in the CACF service area. These funds will be used to purchase LEGO NXT Mindstorm Kits and will be used to encourage young women to participate in the male-dominated field of robotics.
 - Henley Middle School has been awarded a grant in the amount of \$15,800.00 from the CACF's Prana Fund. The Prana Fund was established for CACF in 2006 by Albemarle County residents Tom and Karyn Dingledine. Each year, the Dingledines, together with their adult children and members of CACF's professional staff and Governing Board, review proposals from eligible nonprofit agencies. This year's Prana Fund Award was directed toward organizations working in Charlottesville and Albemarle County that provide programs specifically directed to lower and middle income children and integrates the environment, animals and/or the fine arts.
 - Three Albemarle County Schools have been awarded grants from CACF's Bama Works Fund of the Dave Matthews Band. This fund supports disadvantaged youth, needs of the disabled, protection of the environment and the arts and humanities.
 - Stony Point Elementary School received a grant in the amount of \$1,800.00. The funds will be used to pay the stipend for a Music Therapist. The Music Therapist will work with "at risk" students to facilitate song writing and performing using empathy as the central theme.
 - Henley Middle School received a grant in the amount of \$5,000.00. The funds will be used to implement Phase I: The Edible Garden of the Henley Hornets' N.E.S.T. (Nature, Environment, Studio, Teaching). Phase I requires the purchase of materials to build six raised beds, the purchase of four picnic tables, storage

and shelving, garden equipment and tools, seeds and starter plants, and the purchase of art supplies for murals and posters.

- Burley Middle School received a grant in the amount of \$10,000.00. These funds will be used to support the Burley Middle School Young Women's Chorus participation in the 2012 World Choir Games being held in Cincinnati, Ohio on July 4-14, 2012.

Appropriation #2012058 **\$145,150.00**
 Revenue Source: Federal Revenue \$ 145,150.00

This request is to appropriate a \$145,150.00 grant from the U.S. Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) through its subcontractor, Virginia Commonwealth University for Strategic Prevention Framework – State Incentive Grant (SPF-SIG), which was awarded to the Commission on Children and Families (CCF) with the County acting as fiscal agent. The purpose of this grant is to reduce the number of motor vehicle crashes involving alcohol-impaired drivers who are between the ages of 15 and 24 years by completing a comprehensive needs assessment, developing a strategic plan, and implementing evidence-based strategies.

Appropriation #2012059 **\$30,000.00**
 Revenue Source: Federal Revenue \$ 30,000.00

This request is to appropriate a \$30,000 Community Development Block Grant (CDBG) Planning Grant that will cover the costs of preliminary work necessary to submit an application to the Department of Housing and Community Development for a housing rehabilitation project in the Orchard Acres Subdivision. The preliminary work will be performed by both the Albemarle Housing Improvement Program and the Office of Housing. 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.

							APP #2012051
							DATE 03/07/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Scottsville Library Roof Maintenance							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	9010	51000	351000	510100	9999	29,540.00	CIP General Govt Fund Balance
4	9010	73025	473010	800949	7144	29,540.00	Scottsville Library Maint
TOTAL						59,080.00	

							APP #2012054
							DATE 03/07/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Install security windows at Albemarle County Police Department							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	9010	51000	351000	510100	9999	13,300.00	CIP General Govt Fund Balance
4	9010	43100	443200	800666	9999	13,300.00	ACPD Security Windows
TOTAL						26,600.00	

							APP # 2012-055
							DATE 03/07/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriation from School Board meeting on December 8, 2011							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	3905	63905	351000	510100	6599	832,714.70	Fund Balance
4	3905	63905	462320	800506	6599	832,714.70	School Buses-Replacement
TOTAL						1,665,429.40	

							APP #2012-056
							DATE 03/07/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriation from School Board meeting on January 12, 2012							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	324000	240218	6599	37,500.00	National Board Certification Bonuses
3	2000	62000	318100	181109	6599	12,454.39	Contribution
3	2000	62000	318000	189900	6599	3,778.82	Miscellaneous Revenue
4	2000	62117	461311	160300	6502	37,500.00	Stipends - Staff/Curr. Dev.
4	2000	62201	461101	601300	6101	1,050.00	Ed/Rec Supplies
4	2000	62202	461101	600220	6102	3,500.00	Student Snacks/Meals
4	2000	62214	461140	112100	6114	2,159.78	Salaries-Teacher
4	2000	62214	461140	210000	6114	165.22	FICA
4	2000	62252	461101	210000	6252	119.34	FICA
4	2000	62252	461101	160300	6252	1,560.00	Stipends-Instructional
4	2000	62301	461101	137100	6301	514.15	PT Bus Driver - Field Trips
4	2000	62301	461101	210000	6301	121.70	FICA
4	2000	62301	461101	301210	6301	1,077.57	Stipends-Non-Instructional
4	2000	62301	461101	420100	6301	988.90	Field Trips
4	2000	62302	461101	152100	6302	1,000.00	Stipends-Non-Instructional
4	2000	62302	461101	210000	6302	76.50	FICA
4	2000	62302	461105	580000	6302	3,089.05	Miscellaneous Expenses
4	2000	62303	461101	601300	6303	811.00	Ed/Rec Supplies
3	3907	63907	351000	510100	6599	474,296.62	Fund Balance
4	3907	63907	461101	800700	6599	474,296.62	ADP Equipment
3	3909	63909	318000	189900	6599	2,698.94	Miscellaneous Revenue
4	3909	63909	461101	602000	6599	2,698.94	Textbook Fund
TOTAL						1,061,457.54	

							APP #2012-057
							DATE 03/07/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Appropriation from School Board meeting on January 26, 2012							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	2000	62000	318100	181109	6599	350.00	Contribution
4	2000	62203	461101	601300	6103	100.00	Ed & Rec Supplies
4	2000	62280	461101	601300	6280	250.00	Ed & Rec Supplies
3	3104	63104	318000	181240	6599	33,600.00	CACF Grants
4	3104	63104	460700	312500	6111	1,800.00	Professional Services-Instructional
4	3104	63104	460700	420100	6251	10,000.00	Field Trips
4	3104	63104	460700	601300	6252	20,800.00	Ed & Rec Supplies
4	3104	63104	460700	601300	6254	1,000.00	Ed & Rec Supplies
TOTAL						67,900.00	

							APP #2012-058
							DATE 03/07/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: CCF Grant							
ACCOUNT NUMBER							
TYPE	FUND	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	1591	33000	333000	330001	1005	145,150.00	
4	1591	53163	454101	110000	1005	107,450.00	
4	1591	53163	454101	210000	1005	7,399.00	
4	1591	53163	454101	350000	1005	1,630.00	
4	1591	53163	454101	390030	1005	4,220.00	
4	1591	53163	454101	520100	1005	250.00	
4	1591	53163	454101	520300	1005	1,638.00	
4	1591	53163	454101	540200	1005	15,000.00	
4	1591	53163	454101	550100	1005	777.00	
4	1591	53163	454101	550600	1005	4,272.00	
4	1591	53163	454101	600100	1005	725.00	

4	1591	53163	454101	601305	1005	989.00	
4	1591	53163	454101	601600	1005	800.00	
TOTAL						290,300.00	

							APP #2012-059
							DATE 03/07/2012
							BATCH NAME
COUNTY OF ALBEMARLE							
APPROPRIATION							
EXPLANATION: Housing CDBG Grant							
ACCOUNT NUMBER							
TYPE	FUN D	DEPT	FUNCTION	OBJECT	LOCATION	AMOUNT	DESCRIPTION
3	1224	33000	333000	330039	1008	30,000.00	CDBG Planning Grant 12 PG 02
4	1224	81032	481030	563100	1008	18,000.00	AHIP
4	1224	81032	481030	300205	1008	12,000.00	Administrative Services
TOTAL						60,000.00	

Item No. 8.7. Polo Grounds Road Floodplain Changes – Authorize County Engineer to sign application for letter of map revision to FEMA maps.

The executive summary stated that Monticello United Soccer Club (“MUSC”) is seeking to establish an automobile parking area to serve its soccer fields located on Polo Grounds Road using an existing entrance on Polo Grounds Road (Tax Map 46, Section A, Parcel 18C) (See Attachment A). This entrance area is located in the floodplain and floodway. MUSC has applied to the Federal Emergency Management Agency (“FEMA”) for a Letter of Map Revision (LOMR) to have this area removed from the area subject to inundation during a 100-year flood depicted on the Flood Insurance Study maps prepared by FEMA. These maps also serve as the source for the boundaries of the County’s flood hazard overlay district. The proposed map changes show a change in elevation to the entrance area of the Polo Grounds Road soccer fields based on a recent topographic survey. FEMA is requiring County signature on MUSC’s application.

County Code section 30.3.07 allows the Board of Supervisors to modify the flood hazard overlay district as follows:

“30.3.07 AMENDMENT OF THE FLOOD HAZARD OVERLAY DISTRICT

The delineation of the flood hazard overlay district may be revised, amended and modified by the board of supervisors in compliance with the National Flood Insurance Program when any of the following conditions are met: (...)

3. *There are changes indicated by FEMA issuance of letters of map amendment (LOMA) or letters of map revision (LOMR). (Added 2-5-05)*

MUSC’s application includes a plan that shows the entrance area as being higher than FEMA’s computed elevations. It is not clear if the entrance area was always at the elevation shown on MUSC’s plan and there was simply an error in the FEMA map, or if it was built up over the years. In any case, staff believes that FEMA is likely to approve this change as an insignificant change due to its location at the edge of a large floodplain. The County Engineer has no objections to this proposed change to the FEMA map.

There is no budget impact.

Staff recommends that the Board authorize the County Engineer to sign the FEMA application.

(Discussion: Mr. Boyd asked for clarification of this item stating that he has received some calls from neighbors in that area.

Mr. Glenn Brooks, County Engineer, responded that there is a special use permit to follow later requesting permission to put the fields in the floodplain. He added that this is strictly a correction to the FEMA maps where the topography had been incorrect.

Mr. Boyd commented that this was similar to what the Badger-Powhatan building owners had wanted to do.

Mr. Rooker said that particular application was a request to build in the floodplain.

Mr. Brooks pointed out that they were proposing to move dirt, and this current application does not.

Mr. Rooker noted that this is just a factual determination based upon where the floodplain should be given current topography, and the applicant is stating here that the line was in the wrong place. He asked if the County has made that factual determination that the line is in the wrong place and that it should be adjusted before signing off. He added that it should not be adjusted just because someone asks for it. It should only be adjusted based on the facts that there has been an error. He said that the same applies for Agenda Item No. 8.4. Mr. Rooker repeated his question and asked if the County has made the factual determination that in both of those cases there was an error in where the line was drawn.

Mr. Brooks said that in the Monticello United case that was the fact, where the line was drawn incorrectly on the federal map. In the City project case it is not as clear; they are actually filling in on the City side. Some of the change is due to an older map and model used from the 1960s, and some of the changes are due to an update of the model, update of topography and the City fill in.

Mr. Rooker said that from the County's perspective, it should be an entirely factual determination on whether or not there is an error on the map. If it is not a factual determination, the County should not support a change in the floodplain just because someone is pushing to get it done.

Ms. Mallek asked if this was not a GIS determination.

Mr. Brooks stated that the applicant has argued that the changes due to the fill being placed in the City are extremely small. He noted that Mr. Don Franco, representing Habitat for Humanity, was present and could respond to questions.

In terms of Polo Grounds, Mr. Boyd asked if the lines were changed and it was determined not to be in the floodplain, if the applicant could by-right build a facility there.

Mr. Brooks explained that it would not need a special use permit for fill in the floodplain because they were not proposing any fill. The athletic fields in the rural area is be a zoning determination and it was determined that they would need a special use permit requiring Board action.

Mr. Boyd said the neighbors are extremely concerned about the traffic; they are not opposed to the soccer fields. He wants the neighbors to have an opportunity to weigh in on the issue.)

By the above-recorded vote, the Board authorized the County Engineer to sign the FEMA application.

Item No. 8.8. Amendments to Permanent Part-Time Employee Pension Plan; Authorization to submit amended Plan to IRS; and Adoption of Resolution to amend Personnel Policy P-63, Retirement.

The executive summary stated that in 1985 the Board of Supervisors adopted a Policy to establish a Pension Plan for Permanent Part-Time Employees (the Plan) to provide a retirement benefit for Albemarle County's eligible part-time employees. The Policy is found in Albemarle County Personnel Policy P-63, II (Attachment A). Eligible permanent part-time employees of the Albemarle County School Board also participate in the Plan. As of January 1, 2012, nine local government employees and 253 school division employees participated in the Plan. The contributions to the Plan for the month of January, 2012 totaled \$27,200. The Plan needs to be updated in order to comply with applicable tax law and IRS regulations and to make several recommended substantive changes. The Human Resources Department has retained outside legal counsel specializing in local government benefits plans to assist in updating the Plan Document and securing the Plan's approval by the IRS. Human Resources also has secured a new plan administrator to maintain the Plan in the future.

Under the terms of the Plan, the County deposits a contribution each payroll reflecting a percentage of pay of each eligible part-time County employee. The School Board makes such a contribution for each eligible part-time School Board employee. The percentage contributed for each employee is based on the employee's years of service with the County or the School Board. Part-time employees become eligible for contributions into the Plan once they have completed five years of continuing service. The percentage of pay contributed starts at 5% and increases 2% every 5 years, capping at 11% for employees with 20 or more years of service. The amount deposited into the employee's account is considered taxable income, and the applicable tax is withheld from the employee's income. The deposits are included in the employee's taxable income for W-2 reporting purposes for the year of the deposit. Investment earnings on the Plan accounts are not reported as taxable income for the year of accrual in the employee's account. When an employee terminates employment with the County or School Board, the account balance is distributable at the request of the employee, with investment earnings reported as taxable income to the employee at that time.

The Plan is intended to be a "tax qualified" retirement plan, meaning that the investment earnings on the accounts are not taxable to the participants until distributed from the Plan.

Retirement plans intended to be tax qualified are required to be amended from time to time to reflect changes in federal tax law and IRS regulations. Failure to timely amend the Plan could result in the IRS's disqualification of the Plan, and require the immediate taxation of accrued investment earnings in participants' accounts and penalties against the County as the Plan Sponsor.

Staff has worked with outside counsel and the new plan administrator to update the Plan to reflect all necessary changes. A final version of the amended Plan is being prepared. The County's outside

counsel recommends that the County submit the amended Plan after adoption to the IRS in order to receive a determination letter from the IRS ruling that the Plan is tax qualified.

In addition to the technical amendments necessary to ensure that the Plan complies with federal tax law and IRS regulations, staff recommends three substantive changes to the Plan:

1. Any participating employee who terminates employment for any reason but is reemployed must complete an additional 5 years of continuous employment in order to again become qualified for participation in the Plan;
2. Contributions to an employee's account would become taxable upon distribution to the employee instead of in the year contributed. This amendment would bring the Plan more into line with traditional tax deferred plans, give the County more investment options, allow the employee to rollover distributions to other tax deferred investment options, and lower administrative costs for the County; and
3. A change from part time to full time employment will not be a qualifying event entitling an employee to distribution of funds from the Plan.

Finally, the County's outside counsel and third party administrator recommend that the County's Director of Finance and Director of Human Resources be named as trustees in the Plan Document for convenience and continuity.

Under the Amended Plan, Albemarle County will remain the Plan's sponsor, but the School Board has approved the amended Plan as a participating employer. The School Board approved the Plan amendments and the submission of the Plan to the IRS at the School Board's meeting on February 23, 2012.

A Resolution to approve a proposed amendment to Personnel Policy §P-63, Retirement, to require that eligible, permanent, part-time employees who terminate employment for any reason must complete an additional 5 years of continuous employment in order to again become qualified for the receipt of annuity benefits as set forth above, is attached (Attachment B).

The filing fee for the IRS review is \$5,000. The fee for obtaining a determination letter from the IRS ruling that the amended Plan Document is "tax qualified" is \$2,500. Attorney's fees for the filing and related services will be approximately \$1,800. The filing fees and attorney's fees will be paid through the Human Resources Department, effectively resulting in a division of the fees between the County and School Board. The third party administrator advises that the amended Plan should lower administrative costs in a yet to be determined amount.

Staff recommends that the Board:

- 1) approve the amended Plan and its submission to the IRS for review in order to receive a determination that the Plan is tax qualified. The final amended Plan will be subject to the review and approval of the County Executive and County Attorney to insure that the amended Plan materially conforms to the provisions set forth above;
- 2) appoint Betty Burrell and Lorna Gerome as the initial Plan Trustees; and
- 3) adopt the attached Resolution to approve the proposed amendment to Personnel Policy §P-63 (Attachment B).

By the above-recorded vote, the Board approved the amended Plan and its submission to the IRS for review in order to receive a determination that the Plan is tax qualified (the final amended Plan will be subject to the review and approval of the County Executive and County Attorney to insure that the amended Plan materially conforms to the provisions set forth above); appoint Betty Burrell and Lorna Gerome as the initial Plan trustees; and adopt the following resolution approving the proposed amendment to Personnel Policy §P-63:

RESOLUTION

WHEREAS, the County of Albemarle Personnel Policy has been adopted by the Board of Supervisors; and

WHEREAS, the Board desires to amend the requirements for eligible, permanent, part-time employees' receipt of annuity benefits.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-63, Retirement, of the County of Albemarle Personnel Policy, as follows:

Section P-63 RETIREMENT

I. REGULAR RETIREMENT

A. General

Retirement shall be at the discretion of the employee. Full-time regular employees of Albemarle County who qualify are eligible for the benefits of the Virginia Retirement System ("VRS"). Additional information describing VRS benefits is available on-line at varetire.org.

B. Continuing Participation in the County's Medical and Dental Insurance Plans

1. All employees retiring under VRS and/or the County's VERIP policy are eligible for continuous participation in the group medical and dental insurance plans until they are eligible for Medicare coverage if they participated in the County's group medical and dental insurance plans on the day prior to separation from the County. The age and service criteria for VRS are as follows: 50 years of age with 10 or more years of continuous regular employment by a VRS-participating employer; or 55 years of age with 5 or more years of continuous regular employment by a VRS-participating employer.
2. Individuals eligible to participate in the County's group medical and dental insurance plan shall pay the full cost of health insurance coverage, including any applicable administrative expenses.
3. Any retirees or Board members who participated in the County's group medical and/or dental insurance plans as of December 1, 2009 shall continue to be eligible to participate, at their own cost, until they are eligible for Medicare coverage.

II. LONGEVITY INCENTIVE PROGRAM

The County values the service of all of its employees, both full-time and part-time. Since part-time employees are not covered by VRS, the County has elected to establish a Longevity Incentive Program (the "Program") and thereby provide eligible part-time employees with certain benefits as more fully explained in this section.

A. Scope of Program

All regular, part-time employees of the County will be covered by the Program provided that they work the minimum number of hours necessary to establish eligibility for County benefits. Salaried Board Members are not eligible for participation in this program.

B. Benefits

The following benefits will be provided to eligible part-time employees under the Program:

1. Life Insurance: A term life insurance policy will be provided equal to twice the employee's annual salary with double indemnity for accidental death and dismemberment payments for the accidental loss of one or more limbs or of eyesight.
2. Annuity Program: Based on length of service in the County, part-time employees will be provided with an annuity program. The Board will contribute an annual amount according to the following formula:
 - a. 5 - 9 continuous years of County service - five percent of annual salary.
 - b. 10 - 14 continuous years of County service - seven percent of annual salary.
 - c. 15 - 19 continuous years of County service - nine percent of annual salary.
 - d. 20+ continuous years of County service - eleven percent of annual salary.

Any participating employee who terminates employment for any reason but is reemployed must complete an additional five (5) years of continuous employment in order to again become qualified for participation under this subsection.

III. RETIREMENT PAY/PAYMENT UPON DEATH

In recognition of employee service to Albemarle County, regular full-time and part-time employees who meet the age and service criteria for retirement under VRS and have been employed a minimum of five (5) years with Albemarle County shall be paid upon their retirement or death in service \$200 per year for each year of service to the County as a regular employee up to a maximum payment for 25 years of service, less any years previously paid for under this policy. Years of service do not have to be continuous.

IV. VOLUNTARY EARLY RETIREMENT INCENTIVE PLAN (VERIP)

A. Eligibility

1. Participants in the Albemarle County VERIP must be regular full-time or regular part-time employees eligible for benefits as defined in P-02, Definition of Employee Status and meet the following additional requirements:
 - a. Full-time employees must be eligible for early or full retirement under the provisions of VRS. Part-time employees must meet the same age and service criteria as if they were full-time employees covered under VRS.
 - b. Have been employed by the County government and/or school division for 10 of the last 13 years prior to retirement.

2. Employees retiring under the disability provisions of VRS and/or Social Security shall not be eligible for the VERIP.
3. VERIP benefits will cease if the retiree returns to work in a regular full-time or regular part-time position with the County government and/or school division.
4. VERIP benefits will continue if the retiree returns to work in a temporary part-time or temporary full-time position with the County government and/or school division.

B. Benefits

1. VERIP benefits shall be paid monthly for a period of five years after retirement or until age 65, whichever comes first. The VERIP benefits consist of a stipend calculated in accordance with Section B.2 ("stipend") and an annual monetary contribution in the amount of the Board's current contribution to Board employees for health insurance ("medical contribution").
2. Stipends under VERIP will be calculated as follows:
 - a. Compute the annual VRS benefit. This computation shall include any reductions for early VRS retirement if appropriate.
 - b. Recompute the annual VRS benefit with the addition of five more years of service or the number of additional years needed to reach age 65, whichever is lesser.
 - c. The difference between these two calculations is the annual VERIP stipend ("Stipend Value") to be paid on a monthly basis.
 - d. Stipends for part-time employees who are eligible to participate in VERIP shall be determined as if the part-time employees are eligible for an annual VRS benefit and the amount shall be calculated in the same manner as benefits for VRS-eligible employees under subsections (a) – (c) above.
3. The County Executive will recommend to the Board an annual adjustment to the VERIP stipend after having been apprised of the VRS adjustment for retirees.
4. The Board will pay to the employee an amount equal to the Board's annual contribution toward an employee's health insurance as long as the employee remains eligible to receive VERIP benefits.
5. Effective December 2, 2009, the VERIP stipend shall continue to be calculated in the manner provided in Section B.2, but the stipend amount shall be modified in accordance with the following schedule:
 - a. Retirements effective on or after July 1, 2012 but before July 1, 2013: 80% of the Stipend Value.
 - b. Retirements effective on or after July 1, 2013 but before July 1, 2014: 60% of the Stipend Value.
 - c. Retirements effective on or after July 1, 2014 but before July 1, 2015: 40% of the Stipend Value.
 - d. Retirements effective on or after July 1, 2015 but before July 1, 2016: 20% of the Stipend Value.
 - e. Retirements effective on or after July 1, 2016: No VERIP Stipend.

C. Application

Applications for VERIP must be made to the Human Resources Department prior to December 1st of the year preceding the fiscal year the employee's participation in VERIP takes effect. Applications after December 1 may be approved based on the needs of the County.

D. Approval

All VERIP applications are subject to approval by the County Executive or designee.

E. Duration

The Board of Supervisors reserves the right to modify this policy in its discretion, and all benefits described in this policy shall be subject to future modifications and annual appropriations by the Board of Supervisors.

F. Additional Benefits

1. Current employees who apply for VERIP by February 27, 2009 and who meet the eligibility standards identified below shall be entitled to receive, at their election, **one** of the following:
 - a. Two additional years of Board contributions toward health insurance beyond the duration established by Section IV.B, paid on a monthly basis. Employees who retire at 65 years of age or older shall receive two years of contributions toward health insurance.
 - b. The cash equivalent of two additional years of Board contributions toward health insurance, calculated at the FY 2009-10 annual rate and paid in one or more installments.
2. To be eligible for the additional benefits in this section, employees must:
 - a. Submit VERIP applications by February 27, 2009;
 - b. Submit a letter by April 1, 2009 establishing a retirement date no later than June 30, 2009; **and**
 - c. Retire after the effective adoption date of this subsection (F) but no later than June 30, 2009.

G. Targeted Retirement Incentives

1. Current employees holding positions in pay grades 16 and higher whose retirement is determined by the County to not impair the essential functions of the department, who apply for VERIP by March 15, 2010, and who meet the eligibility standards identified below shall be entitled to receive, at their election, **one** of the following:
 - a. A lump sum payment equivalent to 20% of the employee's current salary. "Salary," for non-exempt employees receiving benefits pursuant to this section, shall mean the employee's current annualized pay based on his regular hourly rate and regularly scheduled work hours.
 - b. Monthly payments, the total of which is equivalent to one week of pay for every full year of service with the County for up to 20% of the employee's salary. The number of monthly payments will be determined by the County, however, it shall not exceed sixty (60) monthly payments.
 - c. Continued full Board contributions toward the employee's health insurance for an additional 3 years beyond the contributions specified in Section B of this policy, or until the age of 65, whichever comes first.
2. To be eligible for the additional benefits in this section, employees must:
 - a. Submit VERIP applications by March 15, 2010;
 - b. Submit a letter by April 1, 2010 establishing a retirement date no later than June 30, 2010; **and**
 - c. Retire after the effective date of this subsection G but no later than June 30, 2010.
3. The County Executive or his designee may extend for up to 6 months the June 30, 2010 retirement date required by G.2.b and G.2.c for an employee who is otherwise eligible for the benefits in this subsection G upon a finding that such employee's retirement serves the interest of the County.

Amended: August 4, 1993; April 19, 1995; June 2, 2004; January 7, 2009; December 2, 2009; March 3, 2010; March 6, 2012.

Item No. 8.9. Summary of grant applications submitted and grants received in February 2012 **was received for information.**

First Book

Applicant Department/Agency – ACDSS
Local Program – Bright Stars
Amount Requested – No dollar amount (990 books)
Local Match – None

Planned Use of Grant	Requesting 6 books per child for monthly distribution through the end of the school year. Books will be requested for 165 Bright Stars preschoolers to take home after introduction in their preschool classroom. In addition, we will
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Funds: request 48 copies of each book in Spanish to be provided to families identified with Limited English Proficiency so that they are afforded the best opportunity to engage in a meaningful home-reading experience with their preschooler.

Receipt of this grant does not require future commitment from the County or any funding from the County.

USDA

Applicant Department/Agency – Community Development
Local Program – Acquisition of Conservation Easements
Amount Requested - \$81,410
Local Match - This program has a 1:1 match requirement. Local match will come from the current department budget.

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.

Department of Homeland Security

Applicant Department/Agency – Police Department
Local Program – CBRNE Replacement of Throw Phone
Amount Requested - \$16,900
Local Match - None

Planned Use of Grant Funds Purchase of a replacement throw phone with video cameras imbedded.

Receipt of funds does not require any future commitment from the County other than normal maintenance and repairs on the device.

Virginia Department of Criminal Justice Services

Applicant Department/Agency – Police Department
Local Program – Internet Crimes Against Children Fund
Amount Requested - \$23,000
Local Match – None

Planned Use of Grant Funds: Overtime for undercover operations, computer forensics, and assisting other agencies with ICAC enforcement activities; and various equipment upgrades and improvements to better perform undercover activities and collect evidence.

Post-grant monthly cost of a private digital subscriber line (DSL) if initiative is continued.

GRANTS AWARDED

Virginia Department of Housing and Community Development

Applicant Department/Agency – Housing
Local Program – Orchard Acres Housing Rehabilitation Planning Grant
Amount AWARDED - \$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.

Virginia Commonwealth University

Applicant Department/Agency – Commission on Children and Families
Local Program – Alcohol-related crashes, ages 15-24
Amount AWARDED - \$145,150
Local Match – None

Grant's Purpose (short summary) The intent and purpose of this RFP is to provide SPF-SIG funding to communities with highest need, coupled with highest contributor, regarding motor vehicle crashes with alcohol involved drivers who are 15-24 years of

age, so that those communities can in turn, complete all five SPF steps at the community level. In completing all five steps outcomes will result in decreasing the MVC rate involving alcohol-impaired drivers who are 15-24 years old by 5%

Item No. 8.10. VDOT, Culpeper District – Albemarle County Monthly Report, March 2012 **was received for information.**

Special Issues

Superstructure Replacement Project Rte 743—bridge over Jacobs Run. The road will be closed to through traffic at the bridge for a two week period beginning Monday, March 26, 2012. The project has an estimated completion date of April 6th, 2012.

Preliminary meetings are being held with the County Community Development Staff to discuss the upcoming Secondary Six-Year Plan. A workshop will then be scheduled with members of the Board of Supervisors to discuss the priorities and desired modifications.

US 250 Shadwell Bridge Replacement over the Buckingham Branch Rail Road—Contractor started construction on the underside of the bridge in December and utilities are being relocated. VDOT Public Affairs Office is in contact with County Public Affairs Personnel to coordinate the expected May bridge closure. A stakeholders meeting is scheduled for March 2 at 2:00pm at Albemarle County’s 5th Street Office Building to discuss the Action Plan for the traffic impacts.

Item No. 8.11. Cash Proffer Funding – Appropriations and Future Spending plan--Follow up on February 1, 2012: FY 2012 2nd Quarter Cash and Non-Cash Proffer Report – potential uses of available cash proffers for CIP projects **was received for information.**

The executive summary stated that on February 1, 2012, the Board received the FY 12 Second Quarter Cash and Non-Cash Proffer Report, which included information on cash proffer revenue and expenditures and non-cash proffers for October-December 2011. The report provided information on the status of cash proffers and updates on non-cash proffers that benefit the County and mitigate the impacts from development. The report included proffer activity (both cash and non-cash improvements) for the months of October through December 2011 (FY 12 second quarter).

During discussion of this matter, the Board requested staff to provide additional information on the available cash proffer funding, cash proffers that are currently appropriated, and recommendations for planned spending of the remaining proffer balance.

The total amount of cash proffers identified in Community Development’s Cash and Non-Cash Proffer Summary Spreadsheet, which was provided to the Board of Supervisors on February 1 and updated on February 15, 2012 (Attachment 1), is \$1,488,607.77, of which \$488,728.77 has been appropriated as follows:

Proffer	Currently Appropriated	Project
Avon Park	\$ 64,596.33	Avon Street Sidewalks
Belvedere Station	58,009.66	Affordable Housing
Grayrock	74,880.00	Crozet Regional Stormwater Management
Liberty Hall	16,098.27	Crozet Streetscapes Phase II
North Pointe	20,359.50	Affordable Housing
Poplar Glenn II	33,016.05	Affordable Housing
Stillfried Lane	83,379.07	Ivy Road Sidewalk
Westhall (1.1)	53,728.70	Crozet Streetscapes Phase II
Westhall (1.2)	10,896.30	Crozet Streetscapes Phase II
Wickham Pond	73,764.89	Crozet Streetscapes Phase II
TOTAL	\$488,728.77	TOTAL PROFFER FUNDS APPROPRIATED

Community Development Department staff monitor proffer funds on an on-going basis to ensure that associated projects not currently in the CIP move forward and to ensure that funding is appropriated to projects before any proffer deadlines. During the CIP budget process, Community Development and the Office of Management and Budget staff compared the FY 13 CIP project requests to the proffer funds to determine if any projects were eligible for funding from cash proffers.

Upon completion of the FY 12 second quarterly proffer report, a more detailed review was undertaken to determine whether any cash proffer balances could be used for either currently-funded CIP projects or projects included in the County’s Recommended FY 13 - FY 17 CIP. Staff has determined that a total of \$491,676.67 in proffer funding may be applied to those projects. While a more in-depth review is required before specific appropriations can be presented to the Board for approval, staff preliminarily recommends the following use of cash proffer balances based on the terms of the proffers:

Proffer Fund Planned Use	Available Cash Proffer	Recommendation:
CIP Village of Rivanna	\$ 6,563.41	Burley-Lane Field Poles Lighting
CIP Crozet	167,490.72	Crozet Library or any CIP project in Crozet
CIP Hollymead	183,030.35	Sidewalk program in Hollymead or Revenue Sharing
Parks in Crozet	22,016.44	Park or Greenways in Crozet
Schools in Crozet	22,016.44	School CIP project in Crozet
CIP Non-Specific	90,559.31	Any CIP Project
TOTAL	\$ 491,676.67	RECOMMENDED USE

The remaining \$508,202.33 in cash proffers are required to be expended on specific projects or programs identified in those proffers as follows:

Proffer	Available Cash Proffer	Required Use of Funds:
Belvedere	\$ 32,316.79	Affordable Housing
Poplar Glenn II	33,107.00	Affordable Housing
Martha Jefferson Hospital	429,470.00	I-64/250 Improvements and Transit
Westhall (Proffer 3.3)	3,166.21	Greenway Bridge in Westhall
Glenmore	10,027.01	Rt. 250 Pedestrian Crossings or Shadwell Interchange
Avon Park	116.32	Pedestrian Improvements Neighborhood 4 (interest balance)
TOTAL	\$508,202.33	NO SPECIFIC PROJECTS IDENTIFIED AT THIS TIME

Cash proffers are a valuable source of revenue to address the impacts from development and they supplement the funding of important County projects which would otherwise be funded through general tax revenue. Using cash proffer funding for current or planned FY 13 – FY 17 CIP projects can supplement funding in the CIP, freeing up available funding that may currently be appropriated or planned for in the CIP for these projects for other uses.

This summary is provided for information only and no action is required at this time. Available cash proffer funding will be included in future appropriation requests for the CIP projects. The next quarterly proffer report will be on the Board's May 2, 2012 agenda.

Item No. 8.12. National Association of Counties Prescription Drug Discount Program Status *was received for information.*

The executive summary stated that in January 2011, Albemarle County launched a discount card program to help consumers reduce the price paid for prescriptions. The County is making free prescription drug discount cards available under a program sponsored by the National Association of Counties (NACo) that offers an average savings of 24 percent off the retail price of commonly prescribed drugs. The cards may be used by all County residents, regardless of age, income, or existing health coverage for prescriptions that are not otherwise covered by insurance, and are accepted at 23 County pharmacies. A national network of more than 60,000 participating retail pharmacies honors the NACo prescription discount card. This executive summary provides results for the first year of the program. The program has now saved \$448 million on 35.8 million prescriptions in more than 1,400 counties nationwide.

County residents can visit www.caremark.com/naco to print an ID card and use it immediately at any participating pharmacy. Cards are also available at the Albemarle County Department of Social Services (ACDSS) at the County Office Building on 5th Street, the Thomas Jefferson Health District on Rose Hill Drive and Martha Jefferson Hospital.

The following highlights reflect activity in Albemarle County related to the discount drug cards from January 2011 through December, 2011:

- 920 residents have taken advantage of this program since January 2011 by filling one or more prescriptions. January 2011 was the lowest month at 42 and August/November were the highest months at 88.
- The average price savings per prescription for this period was \$14.08, or 20.30%.
- The total price savings for the past year for all prescriptions filled using the card was \$26,163.90.
- For 62.06% of the prescriptions filled, the discount drug card produced a lower price than any other discount available, including special purchase arrangements offered by individual pharmacies.

Since implementation of the NACo card, two other similar programs have been identified: ProAct, a pharmacy benefit management company and The Virginia Drug Card sponsored through Restat, a privately held benefits manager. Additionally, the United Way continues to offer the FamilyWize card for residents of Planning District Ten. FamilyWize and NACo provide the same kind of benefits with some variations in the number of participating pharmacies and savings. ProAct provides reductions for vision, dental and hearing medical services in addition to prescribed medications. NACo anticipates adding vision, dental and other medical services soon. Staff will continue to assess other options and will

recommend any other appropriate discount programs to the Board as these options are researched and evaluated.

Because the program has benefits for County residents, the County will continue to actively promote and support the NACO discount drug program.

There is no budget impact related to this program.

This item is for information only. No action is required by the Board.

Item No. 8.13. Revised application and review schedule for Personal Wireless Service Facilities **was received for information.**

The executive summary stated that the FCC has established timelines for the processing of personal wireless service facilities. In order to insure that the County meets these timelines and to generally improve the review of personal wireless service facilities a revised application and review schedule has been created.

At the February 1, 2012 Board meeting, staff notified the Board of Supervisors that changes to the application and review schedule for locating a personal wireless service facility could be done administratively. Following Board direction, staff has completed the application changes, modified the review schedule, and shared this information with representatives of the wireless industry. The application has been revised to clarify the information necessary to process the application. The review schedule has been revised to reduce the review time for a Tier III application by approximately 30 days.

There is no budget impact.

This summary is provided for information on administrative action that has taken place, and no Board action is required.

Agenda Item No. 9. **Public Hearing: To consider granting water and sewer line easements to the Rivanna Water and Sewer Authority and the Albemarle County Service Authority** across property owned by Albemarle County adjacent to Hollymead Towne Center, situated on the south side of and adjoining U.S. Route 29 (Parcel ID 04600-00-00-005A0). These water and sewer line easements are requested to provide water and sewer service to County properties, including portions of Hollymead Towne Center. (*Advertised in the Daily Progress on February 27, 2012.*)

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

The Rivanna Water and Sewer Authority (RWSA) and the Albemarle County Service Authority (ACSA) have each requested that the County grant easements for the installation of water and sewer lines upon and across County-owned property designated as Parcel ID 04600-00-00-005A0, located on U.S. Route 29 adjacent to the southern end of the Hollymead Towne Center.

Virginia Code § 15.2-1800 requires that the Board hold a public hearing prior to conveyance of any interest in County-owned real property. This property was conveyed to the County by the developers of the Hollymead Towne Center for use as open space and a greenway trail. The water and sewer lines will be buried within the easement and there will be no above ground facilities. These easements will not interfere with the use of the greenway property or any activity at the Hollymead Towne Center shopping center. Agreeable terms are being negotiated for the proposed deeds of easement by the County Attorney's Office and the attorneys for the Authorities. Staff has reviewed and approved the proposed Plat.

There is no budget impact.

Mr. Foley said that after the public hearing, staff recommends that the Board approve the proposed water and sewer line easements and authorize the County Executive to sign deeds of easement on behalf of the County once the deeds have been approved for content and form by the County Attorney.

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

Motion was offered by Mr. Rooker to approve the proposed water and sewer line easements and to authorize the County Executive to sign the deeds on behalf of the County once they had been approved for content by the County Attorney. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

This **DEED OF EASEMENT**, made this ___ day of _____, 2012 by and between the **COUNTY OF ALBEMARLE, VIRGINIA** Grantor ("Property Owner") and **RIVANNA WATER AND SEWER AUTHORITY**, a body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act, whose address is 695 Moores Creek Lane, Charlottesville, Virginia 22902, Grantee (the "Authority").

WITNESSETH:

WHEREAS, the Authority has requested and Property Owner has agreed to grant the Authority various easements shown on the plat attached hereto and recorded herewith entitled "Plat Showing Two Variable Width RWSA Permanent Easements, 10' Temporary RWSA Easement, Variable Width Temporary RWSA Easement, and Two 20' Permanent ACSA Easements Across Property of County of Albemarle," prepared by Draper Aden Associates, dated October 27, 2011; and

WHEREAS, as shown on the Plat, the proposed easements cross a portion of the property conveyed to Property Owner by deed recorded in the Clerk's Office of the Circuit Court of the County of Albemarle in Deed Book 3704, page 460, corrected at Deed Book 3997, page 637; and Property Owner is the fee simple owner of the said property as of the date hereof.

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Property Owner does hereby GRANT and CONVEY with SPECIAL WARRANTY of TITLE unto the Authority a perpetual right of way and easement to construct, install, operate, maintain, repair, replace, relocate and extend water lines consisting of pipes, equipment, and appurtenances to such pipes and equipment, over, under and across the real property of Property Owner located in the County of Albemarle, Virginia, and to access any other adjacent easement held by the Authority or the Albemarle County Service Authority, the location and width of the easement hereby granted and the boundaries of the property being more particularly described and shown on the Plat as "Proposed Variable Width Permanent RWSA Easement" (the "Waterline Easement"). The perpetual right of way and easement shall also allow RWSA to install, operate, maintain, repair and remove a temporary portable pumping system, including temporary aboveground pipeline and appurtenances, as necessary to adequately maintain water supply to the Authority and Albemarle County Service Authority service areas. Reference is made to the Plat for the exact location and dimensions of the Waterline Easement hereby granted and the property over which the same crosses.

Further, Property Owner does hereby GRANT and CONVEY with SPECIAL WARRANTY of TITLE unto the Authority two temporary construction easements each for a term so long as necessary to construct and install those certain water lines comprising the Rte. 29 Water main Abandonment Project, of which the water lines to be constructed in the Waterline Easement are a part, and to do all things reasonably necessary and incident to such construction, the location and size of the temporary construction easements hereby granted and the boundaries of the property being more particularly described and shown on the Plat as "Proposed Variable Width Temporary RWSA Easement" and "Proposed 10' Temporary RWSA Easement" (the "Temporary RWSA Easements"). Reference is made to the Plat for the exact location and dimensions of the Temporary RWSA Easements hereby granted and the property over which the same crosses. The Temporary RWSA Easements shall automatically terminate upon the expiration of the above described term.

Easement Obstructions

Property Owner, its successors or assigns, agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions, except for any Greenway trail improvements, shall not be located within the Waterline Easement. The Waterline Easement and the Temporary RWSA Easements shall include the right of the Authority to cut any trees, brush and shrubbery, remove obstructions, including any Greenway trail improvements, and take other similar action reasonably necessary to provide economical and safe water line installation, operation and maintenance. Following the removal of any Greenway trail improvements, the Property Owner may restore said improvements at its expense, and the Authority shall have no responsibility to Property Owner, its successors or assigns, to replace or reimburse the cost of trees, brush, shrubbery, or other obstructions, including any Greenway trail improvements, located in the Waterline Easement or the Temporary RWSA Easements if cut or removed or otherwise damaged.

Easement Access and Maintenance

As part of the Waterline Easement and the Temporary RWSA Easements, the Authority shall have the right to enter upon the above-described property within the Waterline Easement and the Temporary RWSA Easements for the purpose of installing, constructing, operating, maintaining, repairing, replacing, relocating and extending the above-described water lines and appurtenances thereto, including installing, operating, maintaining, repairing and removing a temporary portable pumping system with aboveground pipeline and appurtenances, within the Waterline Easement; and in addition, the Authority shall have the right of ingress and egress thereto as reasonably necessary to construct, install, operate, maintain, repair, replace, relocate and extend such water lines and temporary portable pumping systems. If the Authority is unable to reasonably exercise the right of ingress and egress over the right-of-way, the Authority shall have the right of ingress and egress over the property of Property Owner adjacent to the right-of-way, and shall restore surface conditions of such property adjacent to the right-of-way as nearly as practical to the same condition as prior to the Authority's exercise of such right, notwithstanding the provisions of the section entitled "Easement Obstructions" above.

Excavation

Whenever it is necessary to excavate earth within the Waterline Easement or the Temporary RWSA Easements, the Authority agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as practical to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation, notwithstanding the provisions of the section entitled "Easement Obstructions" above.

Ownership of Facilities

The facilities constructed within the Waterline Easement shall be the property of the Authority, its successors and assigns, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the Waterline Easement as are consistent with the purposes expressed herein.

WITNESS the following signature and seal:

PROPERTY OWNER:
COUNTY OF ALBEMARLE
By: _____, (SEAL)
Thomas C. Foley, County Executive

This **DEED OF EASEMENT**, made this ____ day of _____, 2012 by and between the **COUNTY OF ALBEMARLE, VIRGINIA** Grantor ("Property Owner") and **ALBEMARLE COUNTY SERVICE AUTHORITY**, a body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act, whose address is 168 Spotnap Road, Charlottesville, Virginia 22911, Grantee (the "Authority").

WITNESSETH:

WHEREAS, the Authority has requested and Property Owner has agreed to grant the Authority various easements shown on the plat attached hereto and recorded herewith entitled "Plat Showing Two Variable Width RWSA Permanent Easements, 10' Temporary RWSA Easement, Variable Width Temporary RWSA Easement, and Two 20' Permanent ACSA Easements Across Property of County of Albemarle," prepared by Draper Aden Associates, dated October 27, 2011; and

WHEREAS, as shown on the Plat, the proposed easements cross a portion of the property conveyed to Property Owner by deed recorded in the Clerk's Office of the Circuit Court of the County of Albemarle in Deed Book 3704, page 460, corrected at Deed Book 3997, page 637; and Property Owner is the fee simple owner of the said property as of the date hereof.

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Property Owner does hereby GRANT and CONVEY with SPECIAL WARRANTY of TITLE unto the Authority a perpetual right of way and easement to construct, install, operate, maintain, repair, replace, relocate and extend sewer and water line consisting of pipes, equipment, and appurtenances to such pipes and equipment, over, under and across the real property of Property Owner located in the County of Albemarle, Virginia, and to access any other adjacent easement held by the Authority or the Rivanna Water and Sewer Authority, the location and width of the easement hereby granted and the boundaries of the property being more particularly described and shown on the Plat as "Proposed 20' Permanent ACSA Utility Easement, 5,319 Sq. Ft." and "Proposed Permanent 20' ACSA Utility Easement, 2,281 Sq. Ft." (collectively, the "Utility Easement"). The perpetual right of way and easement shall also allow ACSA to install, operate, maintain, repair and remove a temporary portable pumping system, including temporary aboveground pipeline and appurtenances, as necessary to adequately maintain water supply to the Authority and Rivanna Water and Sewer Authority service areas. Reference is made to the Plat for the exact location and dimensions of the Utility easement hereby granted and the property over which the same crosses.

Easement Obstructions

Property Owner, its successors or assigns, agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions, except for any Greenway trail improvements, shall not be located within the Utility Easement. The Utility Easement shall include the right of the Authority to cut any trees, brush and shrubbery, remove obstructions, including any Greenway trail improvements, and take other similar action reasonably necessary to provide economical and safe water and sewer line installation, operation and maintenance. Following the removal of any Greenway trail improvements, the Property Owner may restore said improvements at its expense, and the Authority shall have no responsibility to Property Owner, its successors or assigns, to replace or reimburse the cost of trees, brush, shrubbery, or other obstructions, including any Greenway trail improvements, located in the Utility Easement if cut or removed or otherwise damaged.

Easement Access and Maintenance

As part of the Utility Easement, the Authority shall have the right to enter upon the above-described property within the Utility Easement for the purpose of installing, constructing, operating, maintaining, repairing, replacing, relocating and extending the above-described water and sewer lines and appurtenances thereto, including installing, operating, maintaining, repairing and removing a temporary portable pumping system with aboveground pipeline and appurtenances, within the Utility Easement; and in addition, the Authority shall have the right of ingress and egress thereto as reasonably necessary to construct, install, operate, maintain, repair, replace, relocate and extend such water and sewer lines and temporary portable pumping systems. If the Authority is unable to reasonably exercise the right of ingress and egress over the right-of-way, the Authority shall have the right of ingress and egress over the property of Property Owner adjacent to the right-of-way, and shall restore surface conditions of such property adjacent to the right-of-way as nearly as practical to the same condition as prior to the Authority's exercise of such right, notwithstanding the provisions of the section entitled "Easement Obstructions" above.

Excavation

Whenever it is necessary to excavate earth within the Utility Easement, the Authority agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as practical to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation, notwithstanding the provisions of the section entitled "Easement Obstruction" above.

Ownership of Facilities

The facilities constructed within the Utility Easement shall be the property of the Authority, its successors and assigns, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the Utility Easement as are consistent with the purposes expressed herein.

WITNESS the following signature and seal:

PROPERTY OWNER:
COUNTY OF ALBEMARLE
By: _____, (SEAL)
Thomas C. Foley, County Executive

Agenda Item No. 10. **Public Hearing: An ordinance to amend Chapter 5, Building Regulations**, of the Albemarle County Code, by amending Section 5-100, Purpose and Intent, Section 5-101, Building inspection office established; powers and duties, Section 5-102, Board of appeals established; powers and duties, and Section 5-103, Appeals of decisions of the building official. The ordinance would codify that two alternative members are appointed by the Board of Supervisors to the local board of building code appeals, and would update the local building regulations to conform to current provisions of the Uniform Statewide Building Code and Virginia Code §§ 36-97 et seq. (*Advertised in the Daily Progress on February 27, 2012.*)

Mr. Jay Schlothauer, Building Official, summarized the following executive summary which was forwarded to Board members:

Chapter 5 of the Albemarle County Code codifies that building construction in the County is regulated by the Virginia Uniform Statewide Building Code (USBC). Under state law, the USBC is uniformly applicable in all jurisdictions in Virginia. Updated every three years, the latest edition of the USBC became effective on March 1, 2011.

After recently reviewing Chapter 5 of the County Code to assure accuracy and conformity with the USBC, staff determined that certain housekeeping updates are in order. The proposed ordinance amendment (Attachment A) includes the four sections of Chapter 5 (5-100, 5-101, 5-102 and 5-103) in which the need for amendments was identified.

- Sec. 5-100 (A): Delete the word "maintenance" in the first sentence. Although the USBC includes optional provisions for regulating building maintenance, in order to be locally enforceable, such provisions must be specifically adopted by the locality. The County has not adopted the maintenance provisions of the USBC.
- Sec. 5-101 (B): In the second sentence, replace "code official" with "building official." By definition in the USBC, the "building official" is in charge of administering the construction provisions of the USBC. Also, delete the last sentence in its entirety, as it is no longer necessary.
- Sec. 5-102 (A): Add "and two (2) alternates." The USBC allows localities to designate alternate members of the local board of building code appeals, but does not require it. This amendment would codify the County's existing practice of appointing alternate members on its board of building code appeals.
- Sec. 5-102 (C): Delete the phrase "section 121 of." In the latest update of the USBC, Section 121 has been renumbered and no longer pertains to appeals boards.
- Sec. 5-102 (E): Delete the phrase "section 121 of" for the same reason noted above.
- Sec. 5-103 (A): Delete the wording "pertaining to the manner of construction or materials to be used in the erection, alteration or repair of a building or structure." *Virginia Code* § 36-105 no longer limits the local board of building code appeals' review to these subjects.
- Sec. 5-103 (B): Delete the phrase "section 121 of" for the same reason noted above.

No budget impact is anticipated.

Mr. Schlothauer said that this proposal is intended to bring the wording of the County Code into line with the Statewide Building Code, and there is nothing substantive to it. After the public hearing, staff recommends that the Board adopt the attached ordinance (Attachment A).

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

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

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

ORDINANCE NO. 12-5(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, BUILDING REGULATIONS, ARTICLE I, ADMINISTRATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 5, Building Regulations, Article I, Administration, of the Code of the County of Albemarle, Virginia, is hereby amended and re-ordained as follows:

By Amending:

Sec. 5-100 Purpose and intent
Sec. 5-101 Building inspection office established; powers and duties
Sec. 5-102 Board of appeals established; powers and duties
Sec. 5-103 Appeals of decisions of the building official

Chapter 5. Building Regulations

Article I. Administration

Sec. 5-100 Purpose and intent.

A. The purpose and intent of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, demolition and removal of all structures, and to the equipment in such structures. The purpose and intent of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

B. The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the "building code" and shall include the building code in its current form and as amended in the future.

C. A copy of the building code shall be kept on file in the department of community development.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-1; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-101 Building inspection office established; powers and duties.

A building inspection office is hereby established in the department of community development, as provided herein:

A. The building inspection office shall be charged with the administration and enforcement of the building code and this chapter, the review and approval of plans, the inspection of buildings and structures and the issuance of permits or certificates pertaining thereto. For purposes of this chapter, the term "building inspection office" means the "local building department" as that term is used in the building code.

B. The building inspection office shall be directed by a building official appointed by the county executive. The building official shall be charged with the administration and enforcement of this chapter and the building code and, as such, shall have the duties and powers of a building official set forth in the building code. The building official also shall be responsible for the supervision of the other employees of the building inspection office.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-102 Board of appeals established; powers and duties.

A board of appeals is hereby established as provided herein:

A. The board shall consist of five (5) members and two (2) alternates appointed by the board of supervisors.

B. Each member of the board shall serve a five (5) year term, which shall extend beyond such term until a successor is appointed.

C. To the extent that such persons may be available, the board shall consist of individuals who meet the qualifications for board membership set forth in the building code.

D. The members of the board shall be compensated as provided in section 2-1105 of the Code.

E. The organization and duties of the board shall be as set forth in the building code and such duties shall include considering appeals as provided in section 5-103.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 36-105.

Sec. 5-103 Appeals of decisions of the building official.

The board of appeals shall consider and act upon appeals from decisions of the building official as provided herein:

A. The board shall consider appeals concerning the application of the building code or the refusal to grant a modification of the provisions of the building code.

B. The right of appeal, the parties to an appeal, the scope of an appeal, the procedure for an appeal, and the conduct of the appeal, shall be as set forth in the building code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 36-105.

Agenda Item No. 11. Request to Consider SEIS for Proposed Route 29 North Bypass.

Mr. Rooker said he circulated the following proposed letter that included some of the reasoning why the Board should ask for the SEIS. Mr. Rooker said that the principle reason for the request is that this is a project that would have significant and substantial community impact, and the primary environmental work for the project was done in 1990.

"Irene Rico, Division Administrator
Federal Highway Administration
400 North 8th Street, Suite 750
Richmond, Virginia 23219

Dear Ms. Rico:

The Albemarle County Board of Supervisors hereby requests that the Federal Highway Administration require VDOT to prepare a new Supplemental Environmental Impact Statement for this project. The Board is aware of many new issues that are not adequately addressed by the 1993 Final Environmental Impact Statement (FEIS) and the 2003 Supplemental Environmental Impact Statement (SEIS). These issues include:

1. Major new development has occurred in the Route 29 North Corridor, north of the northern terminus of the proposed Bypass. This development includes the UVA Research Park, the Defense Intelligence Agency, the National Ground Intelligence Center, Hollymead Town Center (a major shopping and residential community), and the neighborhoods of Forest Lakes and Forest Lakes South. These developments did not exist or had not been built at the time of the FEIS or the SEIS; therefore, neither document considered them.
2. Places29 Master Plan, unanimously adopted by the Albemarle County Board of Supervisors on February 2, 2011, is a detailed plan for the integration of land use and transportation in the Route 29 North Corridor of Albemarle County from Hydraulic Road to Airport Road. Since this plan was approved last year, it obviously was not contemplated or considered in the FEIS or the SEIS. The Places29 plan should be compared to the proposed Route 29 Bypass in terms of traffic analysis and cost. A new SEIS should include a cost-benefit analysis of the proposed Route 29 Bypass in comparison with the Places29 Master Plan.
3. Recent medical research completed subsequent to the previous FEIS and SEIS has proven correlations between human health and exposure to highway and vehicular exhaust emissions. Since there are 7 schools, 2 retirement communities (The Colonnades and University Village), both of which have health care facilities adjacent to them, and 8 neighborhoods which the proposed Bypass either goes through or beside, these emissions could affect the health of several thousand residents of Albemarle County, including at least 3000 school children. These newly described health risks were not considered by the FEIS or the SEIS.
4. Recent research has better defined noise impacts, and, as a result, regulations are now in place that did not exist at the time of the FEIS or the SEIS. Since the proposed Bypass will pass through or adjacent to several neighborhoods, 2 retirement communities and health care facilities, and 7 schools, noise will have a huge impact on residents of our community. New noise studies should be performed, and a new SEIS should include mandatory compliance with new noise regulations.

5. New traffic modeling should be performed that does not include interchanges on the Bypass or interchanges on Route 29 at Hydraulic Road, Greenbrier Drive, and Rio Road. These interchanges were included in earlier traffic studies cited in the FEIS and SEIS. None of these interchanges are in the current transportation plan and are expressly excluded from the proposed Bypass. Therefore, the previous traffic analysis was flawed and is invalid today.
6. Archaeological studies at the site of the northern terminus have not been adequately performed since the location of the northern terminus was not decided at the time of the FEIS or SEIS. A Phase II archaeological study was performed in the general area of the northern terminus in the mid-1990's and found sites that were "considered to possess integrity and to contain information useful for the study of regional prehistory...[and] thus eligible for the National Register." New, complete research at the precise sites that will be impacted by the northern terminus should be included in a new SEIS.
7. Since the FEIS and the SEIS were released, the status of the federal and state endangered James Spiny mussel species has been elevated to "critically endangered," the highest category for threatened species (International Union for Conservation of Nature – Red list). The James Spiny mussel's habitat is located in Ivy Creek which has 9 tributaries draining into it that are crossed by the proposed Bypass. A new SEIS should study the impact of the Bypass on this critically endangered species and its habitat.
8. Since the FEIS and the SEIS were released, several segments of the South Fork of the Rivanna River have been listed as "impaired," including portions that the proposed Bypass would cross. This river is the primary water supply source for Albemarle County and the City of Charlottesville. A new SEIS should research and mandate the maximum enhanced erosion and sedimentation control measures for this part of the Bypass. Ivy Creek, a major tributary into the South Fork Rivanna River Reservoir (SFRR), is also impaired. A new SEIS should include an assessment of the Bypass' many crossings of tributaries to Ivy Creek and the effect this will have on the SFRR.
9. On October 12, 2011 this Board passed a resolution requesting that VDOT amend its RFP to contractors to better take into consideration community concerns about the Project, a copy of which is enclosed. Many of the requests in this resolution have not been adequately dealt with.

Substantial additional information supporting this request was included in a package of information sent by the County to Chris Collins of VDOT on February 29, 2012. You were copied on that package.

Further, the Board requests that FHWA mandate that VDOT convene several formal public meetings followed by officially recorded oral and written comment periods to allow members of our community to comment on the preparation of any environmental documents as well as all design issues.

We appreciate your consideration of the issues we have raised and look forward to your response. Thank you.

Sincerely,

Ann Mallek, Chair
Albemarle County Board of Supervisors

Attachments

Cc: Charlottesville-Albemarle Metropolitan Planning Organization
Jim Rich, Culpeper District representative, Commonwealth Transportation Board
James Utterback"

Mr. Boyd commented that the project was updated in 2003.

Mr. Rooker explained that the 2003 update covered specific things pertaining primarily to the reservoir that were raised in a lawsuit, but was not a complete update of the EIS. He said that VDOT has requested a list of changes that have occurred, and there are a long list from the County – such as NGIC, the University Research Park, and Forest Lakes South.

Mr. Boyd commented that those facilities do not impact the route of the bypass.

Mr. Rooker said that they affect the traffic in the 29 Corridor in that area, adding that Hollymead Town Center and Northpointe were not there at the time either. He also stated that the Colonnades staff and residents have expressed concern about the project. A full SEIS would ensure that all of the issues get looked at in reasonable depth – with public comment.

Mr. Boyd said that the entire purpose of the update was for VDOT to look at what has been done thus far, including changes that have happened, and then decide whether they would move forward with a full EIS.

Mr. Snow said that VDOT also stated that if they found anything in their review that required additional study, they would do it. What VDOT is doing now will let them know if there are any additional problems.

Mr. Rooker said that the emails indicated that VDOT did not even want to do an environmental assessment, and had to be talked into that. VDOT does not want to do this stuff; he suggested looking at the internal memos. He emphasized that they would design any environmental assessment, whereas an SEIS was more of a formal process that requires them to perform studies and provide the results. Mr. Rooker stated that many who would be impacted by the bypass are confident that what VDOT has planned would accomplish that. He also said that the MPO along with other agencies have sent letters outlining all of the changes that have occurred in the area.

Mr. Snow said that VDOT has requested letters to be sent, and they are currently determining whether future studies needed to be done. He said that he does not want to circumvent what VDOT is already doing.

Mr. Rooker responded that this wasn't circumventing the process.

Mr. Snow stated that an additional study would take two years and would cost an additional \$2 million, and he will not support that.

Mr. Thomas said that VDOT is following the normal process that Federal Highway requires, adding that he trusts VDOT. He stated that VDOT is not going to do this incorrectly; they have to do it correctly. If the FHWA determines that there are more needs they will require it of VDOT, then that is when the decision will be made. Mr. Thomas said that VDOT is currently going through the update.

Mr. Rooker said that a constituent had sent an email to Mr. Thomas asking for an SEIS, and Mr. Thomas responded that one was being done because he didn't know the difference between what was being done and an SEIS.

Mr. Thomas agreed; he now knows what it means.

Mr. Dumler asked if this was just a request that provide some basic guidelines, adding that this just outlines concerns of the Board. He has no problem with supporting the request; it is not a demand.

Mr. Snow responded that it is a little more than supporting a request.

Mr. Boyd said that it would "require" the FHWA to do the SEIS as requested by VDOT. He thinks that this is really just about delaying the project for a few years.

Ms. Mallek stated that Secretary Connaughton said that he didn't want to do the studies from the inception of the project's revival.

Mr. Rooker said that he could also provide emails from VDOT in which they indicated a reluctance to do more studies.

Mr. Snow said he would like to see those emails.

Mr. Boyd stated that VDOT has been following a process with the FHWA for thirty or forty years that called for public input and then an assessment by VDOT as to whether a full SEIS was needed.

Mr. Rooker said that the letter would be addressed to VDOT.

Mr. Snow said that he thought it would be wise to wait for the current study to be completed prior to requesting an additional one.

Mr. Rooker said that would drag it out longer, adding about a year to the process if it was decided a SEIS was needed.

Mr. Boyd said that was true, but it would be their decision not the County's. He also said that VDOT officials have asked for input, which they have received, and then evaluate it and decide if changes warranted a full SEIS. That is their process that they are going through right now. This request is not allowing VDOT to work through their process and see the results, but instead trying to circumvent it. He added that he is not willing to go along with that.

Mr. Rooker said he can see where this discussion is going and do not see the need to talk about it anymore.

Mr. Snow said that part of the argument for the need for this SEIS is that a lot has changed north of Charlottesville. Once the first phase of the bypass is done the second phase that takes it past the Airport would address a lot of those concerns that Mr. Rooker mentioned.

Mr. Rooker asked him if he was suggesting the two projects were linked.

Mr. Snow replied, "no." He explained that he has lived in the area his entire life. When the Route 250 Bypass was proposed the reaction was similar, and therefore it was only built from Pantops to Route 29, and later everyone came back and said they loved it once it was built. Mr. Snow said that when it was

built it went in phases. He believes that once the first phase of this bypass is installed people will want to continue with future phases.

Mr. Rooker said that Taxpayers for Common Sense – a well-known conservative budget watchdog organization based in Washington, D.C. – has named this road one of the biggest wastes of taxpayer money in the nation. He added that the idea that if the bypass is built it may be extended does not bother him in the abstract. It bothers him that these things are talked about without regard to costs and the alternatives that will not get done because all the money is being put into one project.

Mr. Snow asked since when is cost the problem. Millions of dollars have already been spent on studies, and Mr. Rooker is proposing another study that will cost \$2 million, and still nothing would be built.

Mr. Rooker commented that this is about having a study that is somewhat more complete than the other study.

Mr. Boyd said he understands that a full blown SEIS will cost between \$3 million to \$4 million.

Ms. Mallek asked if Mr. Boyd was confident VDOT would be willing to do the study if it was necessary.

Mr. Boyd stated that his understanding was that all of the information VDOT was doing in their update would be turned over to the FHWA, which in turn would determine whether a full-blown supplemental EIS would be needed. It is not going to be VDOT's decision; it is going to be the Federal Highway Administration's decision.

Mr. Rooker responded that that's why the letter was addressed to the FHWA, and it simply suggested that it might make sense to have a SEIS done given changes in the area. There have been a lot of people asking for this because they are not confident that what VDOT is proposing is going to protect the community's interest.

Mr. Boyd said he does not have that lack of confidence.

Mr. Rooker asked if he had read the RFP.

Mr. Boyd confirmed that he had not read the RFP or the addendum.

Mr. Rooker said this Board asked for changes to the RFP. Mr. Boyd responded that the Board received a response from Mr. Utterback.

Mr. Rooker explained that VDOT had a long list of things they were going to do to landscape the bypass, and they took those out in the RFP. There is no longer any commitment to landscaping on the bypass in the RFP. VDOT is doing everything possible to drive down the cost of the project, including taking out bridge treatments.

Mr. Thomas said that will be done, as he has already talked to VDOT about it. They plan to have it fixed up similar to the Meadow Creek Parkway. He also said that VDOT has told him they never heard of the bridge treatment Mr. Rooker requested.

Mr. Rooker stated that the thing the Board asked for was a standard being used around the country, and was suggested by Mr. Jack Kelsey as well as discussed with VDOT in a meeting.

Motion was then offered by Mr. Rooker to send the letter to the FHWA as presented. Ms. Mallek **seconded** the motion.

Mr. Thomas reiterated that he does trust VDOT. He said that he does not support the SEIS as it is a delay tactic. He added that he is concerned about the environmental impact of the bypass and its residents that will be affected, but he does trust VDOT to have it done properly.

Roll was then called and the motion failed by the following recorded vote:

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

NAYS: Mr. Snow, Mr. Thomas and Mr. Boyd.

Agenda Item No. 12. Solid Waste Options – Consultant Services.

The executive summary forwarded to Board members stated that in November 2011, staff presented the Board with a summary outlining long-term options for solid waste services. (Attachment A) Staff recognized it lacked some of the expertise to accurately analyze these options, especially an evaluation of costs and potential permitting obstacles. Therefore, staff recommended retaining a consultant with experience in Virginia solid waste programs and estimated that services would cost between \$30,000 and \$40,000. The Board directed staff to finalize a scope of services and cost with a consultant, and to bring it back to the Board for approval. A proposed scope of services and cost estimate is attached (Attachment B) for the Board's consideration.

Staff has selected Draper Aden Associates for this project for several reasons. First, Draper Aden has a local presence and has already been pre-selected by the County for providing professional

services through an open list of consultants. Staff considers this important because it reduces the cost of travel time for the consultant and the County avoids additional costs in procuring services. Second, Draper Aden has worked for the Rivanna Solid Waste Authority (RSWA) and, more particularly, has worked at the RSWA's Ivy facility (Ivy MUC). Draper Aden already understands RSWA's current operations and challenges. This helps the County avoid the cost of educating a new consultant. Additionally, Draper Aden was a technical support consultant for RSWA's strategic planning process, giving the firm an understanding of local preferences. Third, in staff's interviews, Lynn Klappich, Draper Aden's Program Manager for this project, was found to be both knowledgeable of the issues and insightful about the difficulties in balancing objectives. When staff considered all of these factors together, Draper Aden was rated the best choice for this project.

Staff has kept the proposed services focused on the outlined options, but includes some flexibility should additional questions or issues arise. For this reason, staff is recommending the contract be based on an "hourly, not to exceed" basis rather than as a fixed sum contract. Should the scope of work adequately address the questions without the need to study additional issues, the County can limit the cost of the work. Should additional questions or concerns arise, this form of contract allows the scope to be easily amended to include that work.

Staff recognizes there is some appeal to skipping this analysis of options and proceeding to bid for solid waste services as quickly as possible. Staff believes the County's interest is best served by first exploring all three options and verifying the best direction. This will help assure County citizens are being served in the best way possible and for the lowest cost. Through fees charged by service providers or through County support of programs, it appears each of the options could result in a total cost of several million dollars over the next decade. Additionally, even if the decision is ultimately made to privatize services, this study will help craft that bid to better serve the County's interest and hopefully improve the chances of a successful contract.

As shown in Attachment B, the proposal is capped at a not to exceed fee of \$32,000 and is within the originally anticipated cost. The FY12 CIP appropriation to the RSWA for environmental services has been evaluated as a possible funding source. Based on past expenditures and anticipated services in the year ahead, staff believes that a portion of this amount could be shifted to a consultant contract while still meeting all obligations under the RSWA Environmental Support Agreement. If approved, staff will request an appropriation at a future Board meeting.

Staff recommends that the Board:

- 1) authorize the use of \$32,000 from the FY12 CIP appropriation to the RSWA for environmental services to fund a contract to evaluate solid waste service options;
- 2) authorize the County Executive to sign a contract with Draper Aden Associates for services as proposed in Attachment B, subject to the County Attorney's approval of the contract as to form; and
- 3) direct staff to present the study to the Board as quickly as possible. Staff anticipates this will be in two or three months.

Mr. Mark Graham, Director of Community Development, said that this is a follow up to the Board's November discussion pertaining to options for solid waste services – and one of the directions was to consider getting consulting services to assist in the process. Staff recognizes that these were fairly complex issues, and the County lacked the expertise to address them. Mr. Graham stated that staff is recommending a contract with Draper Aden, a firm with a local office that is already on the County's list of preselected professional service contractors. He said that the firm is very experienced with the RSWA and the Ivy operation, so the County wouldn't be paying for a consultant to come up to speed. Mr. Graham commented that Draper Aden's staff is very knowledgeable and seems to have a good handle on the issues before the County.

He said that the proposal is on an "hourly not to exceed basis." Staff recognizes that there was a question about the scope of services so there may be an opportunity to keep costs lower than the estimated maximum of \$32,000. Mr. Graham noted that staff feels it is important to fully consider the options and regardless of the direction chosen, either through tipping fees or payment to private service providers, this will cost County residents millions of dollars over the next decade. Staff believes it is important to have the most cost-effective solution.

Mr. Graham said that staff recommends authorizing the County Executive to enter into the contract, following review by the County Attorney as to the form of the contract.

Ms. Mallek asked Mr. Graham to briefly review the categories.

Mr. Boyd asked if this was the same consulting firm that did the last Rivanna study.

Mr. Graham responded that they were a sub-consultant for the firm that did that study. This firm did a lot of the cost analysis for the Ivy facility but had nothing to do with the recommendations. He said that what they would be looking at would be the County assuming some operations at Ivy or looking at replacement facilities in another location, and this would assess the issues and cost of services anticipated.

Ms. Mallek said that the third category was having someone come in and run Ivy to a limited extent through an RFP process. Mr. Graham commented that that could be a part of a number of these options.

Mr. Foley stated that there are issues about the conditions of the transfer station and the capital investment made.

Mr. Rooker said that none of the three options presented are really options.

Mr. Snow agreed, stating that there really wasn't an option given.

Mr. Rooker stated that each option had comments that seemed to disqualify them.

Mr. Boyd said that his understanding was they had already made the decision to get the County out of the solid waste business, and the next step was deciding what services were necessary to be provided to the community.

Mr. Foley commented that the County cannot get out of the solid waste business one way or the other, and the remediation must continue to maintain the Ivy landfill through a regional agreement. He said that the question is how to manage the solid waste in the County, and the simplest approach is to look at Draper Aden's proposal. Mr. Foley said that the County is going to either pay singly through a regional organization to manage the County's waste, or manage a transfer station, or contract with someone to manage it.

Mr. Snow said that taking solid waste and recycling it is a far superior way to handle waste rather than to take it to a landfill, and he is not interested in building a transfer station to have waste put into the ground.

Mr. Foley clarified that the issue is the transfer of waste, not about putting it in the ground or recycling it.

Ms. Mallek said she thought they were in a totally different place six weeks ago, and is frustrated when she read this report and everything about a consultant.

Mr. Boyd said that Option #2 is the only one he thought the Board was interested in – negotiating a contract with a private sector person to take over operation of the transfer station.

Mr. Rooker said that if the County plans to hire a firm, he would be interested in having them recommend how to go out with an RFP in order to get a private party to bid to take it over rather than spending money to examine all of the options. He added that the Board knows it is not going to do Option #3.

Mr. Foley responded that that was helpful direction, and it was fine to eliminate Option #3 – with the other two items being taking over the transfer station or leasing with Rivanna. There are costs involved with those two alternatives that the Board needs to be informed about because of the capital investments needed. He said that the private involvement could also be evaluated.

Mr. Snow said he didn't understand the need for capital investment, other than maintaining the grounds, if this was subcontracted out.

Mr. Foley explained that the vendor would charge the County for the facility being used for transfer because it would have to be upgraded.

Mr. Boyd said that the Board does not know that is true at this point.

Mr. Snow said he thought the firm would take over the transfer station as is and run it.

Mr. Graham stated that assuming Ivy would be maintained with the services provided there, there will need to be capital investment to bring that facility up to current standards. He said that the question is how the transfer is going to happen, such as the loading facility for the municipal solid waste – and new DEQ permits will not allow open-air facilities such as what is in place now. They are currently spending a little over \$30,000 to upgrade one of the slabs on the open air facility which will buy them a few years. Mr. Graham said that at some point, there will be a requirement by DEQ to bring the facility up to the current standards. He said that one of the questions is whether it needed to continue as a transfer station or whether it could be downsized and operated as a "convenience center," which will not allow commercial haulers.

Mr. Boyd said one person who was interested in taking over the facility wanted to downgrade it to a convenience center and not take the commercial waste. It seems to him that the current situation is that the County has to accommodate solid waste in the community, and wants to do it for the least possible cost. He stated that his position at this point is to evaluate what services are currently provided, and what services the Board wants to provide in the future – then issue an RFP for a firm to accomplish them.

Mr. Graham stated that staff discussed this with the Board in 2010 where it discussed what services the County considered important to continue going on into the future. Staff came out of discussion with the direction that the Board was interested in maintaining the level of services currently being offered in Ivy.

Ms. Mallek suggested surveying all of the licensed haulers to see if they are still going to Ivy.

Mr. Boyd commented that the only hauler he is aware of that takes household waste to the Ivy transfer station is Waste Management.

Mr. Rooker said that his sense was that the Board was unanimously in favor of trying to privatize these functions and reduce the costs to the County, while ensuring that a certain level of services was provided in that approach. Given that, he said, the question was whether they would be in a better position by hiring a consultant to understand what would be put out for bid or negotiation and get that in line to go forward.

Mr. Davis said that it would be Rivanna Solid Waste Authority, as the County currently has no legal role with this other than the agreement with the RSWA to provide the service.

Mr. Snow commented that the City has already pulled out.

Mr. Rooker asked why the County would need to pay for a consultant, if this was a RSWA matter.

Mr. Foley responded that the first option listed under the Scope of Work with Draper Aden reads: "maintenance of a support agreement with Rivanna," and the second option reads: "negotiate with Rivanna to lease or purchase portions of the transfer station." He clarified that the question was whether the County wanted to contract through the RSWA or lease and purchase the site and do it independently. Mr. Foley said there was a cost to both options. Staff does not disagree with privatizing the service – but the County is in a support agreement for a regional authority that is no longer regional yet still determines what is done with the solid waste.

Mr. Rooker commented that the County will be the driving force behind this, as the facility is located in the County and serves County users proportionately at 90%+. The City does not see much of an interest in spending additional money here because it is doing other things. The County needs to decide what other things it is going to do.

Mr. Foley said that three representatives from the City will need to negotiate the contract on behalf of the County, and there was a recent dispute about how much City residents are charged. He added that he thinks they will have to deal with the organizational issues at some point.

Mr. Boyd stated that the first step needs to be clarifying what the County could do legally to get the City out of the Solid Waste Authority because they obviously want no participation and are contributing no money. The second step is defining the services to be provided to the community. He said that rather than a formal RFP process, the County could simply invite people to come in and make an offer on how they would provide the service. Mr. Boyd stated that Rivanna put out an RFP several years ago, but it was very specific as to what was required – and this approach would be to invite companies in who would make an offer on what they could provide.

Mr. Davis said that the Procurement Act requires that this go to a formal bid.

Mr. Boyd asked if a PPEA could be done. Mr. Davis said he does not think that would be applicable to this type process.

Ms. Mallek stated that a work session to develop ideas might be helpful, noting that other counties are taking advantage of other solid waste approaches that the County isn't. She also said that if there were more distributed disposal places there would be less random dumping.

Mr. Foley said that this is a great conversation but the issue is not that simple. He said that it is a great decision to eliminate option #3. There are operational agreement issues to be addressed also – and the Draper Aden study would help define the scope of services to be provided to the community. He emphasized that staff is not opposed to privatizing the service, but there are some complicated questions regarding the agreement, the level of service to be provided, and how the lease agreement with Rivanna would be handled. Mr. Foley said that Rivanna will look for some payment if the County were to purchase or lease the transfer station.

Mr. Rooker stated that the idea is for the private provider to lease the facility and offer a list of services to go along with that, adding that what is needed for RSWA's RFP is the scope of services so that the County is prepared to move forward. He emphasized that what they decide now should help move the project closer to a "turnkey" decision once the options are considered.

Mr. Foley said that would definitely be an outcome of the study.

Mr. Snow said that from his conversation with Van der Linde, they seemed better able to do the job and get the County out of the business altogether, adding that they are recycling over 90% of construction waste and are doing an excellent job on household waste.

Mr. Foley suggested that staff go back and revise what is before the Board. Staff's recommendation is get a consultant to help them do what the Board wants to do which is the development of scope of work. Staff is also probably going to need to come back to the Board and ask what it wants to do about the relationship with Rivanna.

Mr. Rooker said that his preference would be to have the RSWA issue the RFP and have a private company come in and run it. He added that he thinks it is fairly clear that none of the Board

members want to continue to be in the waste business, and if there is a way to reasonably privatize that function, everyone on the Board has expressed an interest in going to that.

Mr. Foley emphasized that the transfer operation station is the key, as there still needs to be a location for that.

Mr. Davis clarified that there is no requirement that the County be in the waste business. Rivanna could simply shut down the Ivy and McIntire facilities without legal repercussions – but the question is how to best provide the service, either through the County, Rivanna, or privatization. He said that Mr. Graham's proposal was to have an expert look at the options and provide confirmation that privatization was the way to go along with a road map as to how to make that happen. He said that staff's suggestion was to do that and then come back to the Board with a recommendation as to what would best serve the County.

Mr. Boyd said that in his option the only option to consider is whether the service could be privatized for a reasonable amount of money without degrading the level of service to the community.

Mr. Snow said that his conversation with Van der Linde indicated that they would privatize it at no cost to the County, and a starting point would be talking to someone in the private sector to see what is offered.

Mr. Foley said that staff will come back after this input and narrow this down. He added that there are some questions that staff is not qualified to answer related to defining services – but it will likely be much less than \$32,000.

Mr. Boyd said that one of the main issues is whether the transfer station could operate just as a convenience station.

Mr. Foley responded that that is probably a regulatory question, which is one thing the consultant could help determine.

Mr. Foley said staff has received a lot of good input. He reiterated that staff will take into consideration the Board's comments, revise the scope of work, and bring this item back to the Board for further discussion.

(Note: The Board recessed at 11:03 a.m., and reconvened their meeting at 11:15 a.m.)

Agenda Item No. 13. County's FY12/13 - FY16/17 Strategic Plan - Review and approve Plan's Goals and Objectives.

The following executive summary was forwarded to Board members:

On February 1, 2012, staff presented to the Board of Supervisors an overview of strategic planning efforts that have occurred since the Board's June 2011 Strategic Planning Retreat. These efforts include finalizing the County's Vision Statement and the development of seven goals for implementation for the upcoming five (5) year planning period. During its briefing to the Board on this matter, staff presented draft objective statements for the following goals:

1. **Provide community facilities that meet existing and future needs**
2. **Encourage a diverse and vibrant local economy**
3. **Protect the County's natural, scenic and historic resources**
4. **Promote individual responsibility and citizen ownership of community challenges**
5. **Promote a valued and responsive County workforce that ensures excellent customer service**

Staff further indicated that during the Board's March 7, 2012 meeting, objective statements for the following goals would be presented for consideration:

1. **Ensure the health and safety of the community**
2. **Provide excellent educational opportunities to all Albemarle County residents**

This executive summary provides an overview of the proposed objectives for these goals as well as revised statements for the "Protect the County's natural, scenic and historic resources" objective based on feedback received from Board members on February 1, 2012.

Board members expressed general consensus to amend the "**Protect the County's natural, scenic and historic resources**" to also include the County's parklands and broaden the focus of the objective statements from primary focus on the Clean Water Act's Total Maximum Daily Load ("TMDL") requirements to protect the Chesapeake Bay to the protection of all local waterways and other critical natural resources. Based on this feedback, staff proposes the following amended goal and objectives statement:

Protect the County's parks and its natural, scenic and historic resources

- a. Work in conjunction with key stakeholders to protect the health of our local waterways and other critical natural resources.
- b. Preserve and maintain the quality of the County's investment in its parks and its 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.

TMDL compliance will become the focus of one of the action plan items for this goal.

It was the consensus of the Board to also amend the draft objective statements for the "**Promote individual responsibility and citizen ownership of community challenges**" as well. The following revised objective statements reflect staff's understanding of the Board's direction:

- a. Increase County's volunteer management capability
- b. Increase opportunities for citizen self reliance and responsibility for addressing community issues

Regarding the remaining two (2) strategic plan goals, staff proposes the following objective statements for Board consideration:

Ensure the health and safety of the community

- a. Work in conjunction with key community partners to establish multi-disciplinary teams to address specific public health and/or safety issues, emerging trends and or vulnerable groups.
- b. Enhance the safety of the County by improving emergency response times and increasing prevention activities and services.

Provide excellent educational opportunities to all Albemarle County residents

- a. Increase the availability and quality of pre-kindergarten learning opportunities and adult workforce development opportunities.
- b. Improve coordination to support goals shared between the School Division's Strategic Plan for K-12 Education and the County's overall Strategic Plan.

Upon the Board's acceptance of all goal and objective statements, staff will develop action plans for each goal. Implementation of the Plan will begin on July 1, 2012, and the Board of Supervisors will receive regular updates 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 the County's website at the following link: www.albemarle.org/performance.
- References in executive summaries and budget materials that will connect Board agenda items and funding 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 FY12/13 – FY16/17 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 approval of all objective statements for the County's FY12/13 – FY16/17 Strategic Plan goals.

Mr. Foley reported that this was the second review of the total seven goals and objectives that the Board gave direction on at its strategic planning retreat, and have come back today with the final two goals that were not clarified at their last meeting on the first five goals. He said that the goal of "protecting the County's natural, scenic and historic resources" has been revised, with the statement changed to "protect the County's parks..." and a broad statement included about protecting water quality: "work in conjunction with key stakeholders to protect the health of our local waterways and other critical natural resources." Mr. Foley said that under that, in the action plan, the TMDL issue would be addressed. He asked if these changes meet the Board's thoughts.

Ms. Mallek said Item "a" under this section is excellent and allows for collaboration with other local agencies.

Mr. Boyd said it seems that staff has done what the Board asked.

Mr. Dumler said that his concerns have been addressed.

Mr. Rooker commented that he would like see language included that stated, "assures that the County's growth management goals are achieved." He said that the Comp Plan references growth management throughout, and every citizens' surveys put "growth management and protection of natural resources" far above job creation. He would suggest changing the language to read: "Protect the

County's parks and its natural, scenic and historic resources, and assures that the County's growth management goals are realized."

Mr. Boyd asked what the growth management goals were.

Mr. Rooker responded that they include the division between the rural area and the growth area, the neighborhood model, and various things included in policies and plans over the years to assure that as growth occurs, it occurs in a way that minimizes negative impacts that can result from growth on the community.

Ms. Mallek said that the phrase that was taken out pertained to protection of current residents as well as those coming in the future, because for many years there was the perception that the current residents were paying a lot for people who weren't even here yet. Ms. Mallek said that statement could be added as "d" or be a part of the heading.

Mr. Boyd stated that a certain amount of that has to happen, and there were people long before the current residents that started the County off in the right direction. He added that he does not know how you quantify that statement of saying they need to not have current people paying for future people's needs.

Ms. Mallek said that everybody needs to pay in which is the reason for hook-up fees and other fees, so that new people would buy into the investment previously made.

Mr. Boyd commented that it doesn't bother him to include a general statement about growth management, as the specifics are in the Comp Plan – but not everything can be included in the strategic plan goals.

Mr. Foley said that growth management policies are a way to protect historic, natural and scenic resources – so perhaps a separate objective would be appropriate.

Mr. Rooker suggested including it as "protecting the County's parks and its natural, scenic and historic resources and assure that its growth management policies are followed."

Mr. Snow said that he would agree to include that.

Mr. Rooker stated that they have always included something about education in the strategic plan, but that is no longer included.

Mr. Foley said that there is an entire goal on education that would be discussed momentarily.

Mr. Foley added that staff would add the statement recommended by Mr. Rooker to the goal statement. He stated that staff has reworded the objective regarding "individual responsibility and citizen ownership of community challenges," stating that it now says "increase opportunities for citizen self-reliance and responsibility for addressing community issues."

Board members concurred with that change.

Mr. Foley said Mr. Elliott would now review the goal statement: "Ensure the health and safety of the community" and then he would review the last statement: "Provide excellent educational opportunities to all Albemarle County residents."

Mr. Bryan Elliott, Assistant County Executive, stated that the Board reviewed this proposed goal statement in October. Following that, a team including Ms. Kathy Ralston, Mr. Dan Eggleston, Mr. Steve Sellers, Mr. Amelia McCulley, Mr. Tom Hanson, and himself formed to review what had been in the 2007-10 strategic plan as well as current issues facing the County. Mr. Elliott said that the team is proposing two objectives: "work in conjunction with key community partners to establish multidisciplinary teams to address specific public health and/or safety issues, emerging trends, and/or vulnerable groups." The second goal statement is a carryover from the previous strategic plan which is to "enhance the safety of the County by improving emergency response times and increasing prevention activities and services". He stated that the performance standards related to emergency response times are critical to the safety of citizens, and the team felt strongly that they should be carried forward. Mr. Elliott added that there are additional opportunities for prevention activities and services throughout a number of communities throughout the County, and those should be emphasized as well.

Ms. Mallek commented that there may be a point that response times simply cannot get any better, and perhaps the wording for the objective should be "reach for our goals of emergency response times" rather than saying there should always be improvement.

Mr. Elliott said that with the enhanced police staffing and improvement in staffing levels, it is assumed that they could likely get closer to their response time goals reflected in the Comp Plan – five minutes, 80% of the time in the urban area. He said that transitioning away from the City contract and with construction of the Ivy station, as well as establishing EMS services on Pantops, the average response time goal should be more attainable.

Mr. Elliott stated that with the Board's endorsement of objectives today, staff can then move toward the formation of teams and the development of action plans. He added that if there was a way to

bring a team together to improve response and level of service to those at risk in the community – such as the elderly and youth – they could look at metrics that provide a measurement of success.

Mr. Foley stated that every objective would have key performance indicators with it to monitor its success.

Mr. Boyd commented that the new review process for nonprofits didn't seem to be working well, as the Board was already "picking that apart."

Ms. Mallek said that those were just recommendations.

Mr. Boyd said the Board has to hold itself accountable to those.

Mr. Foley said that one of the charges to the action teams was to develop the key performance indicators so that the Board could better evaluate accomplishments.

Mr. Rooker stated that the ABRT process has been excellent. The Board ends up taking 90% of recommendations – and what the Board does not follow, it at least has the background to make an informed decision.

Mr. Foley said that regarding the final goal statement – "provide excellent educational opportunities for all Albemarle County residents" – reflects an ongoing focus on education, which citizens has identified in surveys as being very important. He stated that local government and the school system had developed a very collaborative partnership, with joint human resources services, legal services, capital and finance services. Mr. Foley said that the Board has made progress in working with the School Board and getting them involved in the five-year planning process, and the question now is what the strategic challenges are in going forward in order to achieve this goal. He stated that a team consisting of Ms. Lori Allshouse, Ms. Lee Catlin, Mr. Bryan Elliott, and Mr. Bill Letteri (from General Government), Mr. Josh Davis, Mr. Matt Haas, Ms. Melissa Anderson and Mr. Adam Hastings (from School Division), along with Ms. Cathy Train, bringing the community perspective, were all involved in developing the statements presented.

Mr. Foley reported that some of the challenges identified were lack of availability and access to quality preschools, the opportunity to more fully utilize CATEC, opportunities to spread the word more about adult education at CATEC, and opportunities for Schools and General Government to support one another's shared goals in strategic planning. He said that the objectives before the Board included increasing the availability and quality of pre-K learning opportunities and adult workforce development opportunities. Mr. Foley noted that the workforce development opportunities action plan will be done in coordination with the Economic Vitality Action Plan, along with support for the workforce network. He said that the second objective focuses on improved coordination to support goals shared between the School Division's strategic plan for K-12 education and the County's overall strategic plan.

Mr. Boyd asked if staff could also focus on efficiency measures such as having a consolidated IT Department, and accounting/budget preparation for Schools and General Government.

Mr. Foley responded that they certainly could focus on that, and said that it was worthy of a separate objective "C" such as "continuing to look for efficiency in operations between the two organizations".

Motion was then offered by Mr. Rooker to approve all the objective statements for the County's FY12/13-FY16/17 Strategic Plan goals as amended in this discussion. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Mr. Foley explained that staff would now form action teams under each goal and objective, and would bring the final plan back to the Board in June for adoption.

Agenda Item No. 14. Update on Animal care issues/barking dogs/running-at-large County-wide.

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

On June 11, 2008, the Board amended Chapter 4, Animals and Fowl, of the Albemarle County Code by adopting an ordinance regulating animal noises, which prohibits animal owners from keeping an animal which howls, barks or makes other such animal noises for thirty consecutive minutes or more. The ordinance restrictions do not apply to property zoned Rural Areas District of five acres or more, or to any animal in a pound or an animal shelter or commercial kennel as defined in Chapter 18 of the County's Zoning Ordinance, or to sounds caused by livestock or poultry.

On July 8, 2009, the Board adopted a comprehensive amendment to Chapter 4, Animals and Fowl, of the County Code to update the Code and to bring the County's animal laws into conformance with State law. During the comprehensive amendment, the Board adopted regulations consistent with State law regarding the care of companion animals, and prohibited running at large in all areas of the County not zoned Rural Areas District, and in any Rural Areas District that was previously identified as a no running at

large area and is specifically identified in the ordinance. The running at large ordinance provides an exemption for dogs running at large that are deemed to be on a bona fide hunt during hunting season accompanied by a licensed hunter or during field trials or training periods when accompanied by its owner.

On February 2, 2011, the Board adopted amendments to Section 4-100, Definitions, of Chapter 4 of the County Code, to amend the definitions of “adequate shelter”, “adequate space”, and “treatment/adequate treatment” in order to provide the Animal Control Officers (ACO’s) additional tools when responding to animal welfare calls, and to provide higher care standards and greater clarity to animal owners and concerned citizens.

This report is intended to provide the Board an update on animal welfare matters, running at large, and noise from animals, in order to assist the Board in its discussion of animal issues in the County.

Animal Welfare—As reported earlier this year in Colonel Sellers’ Animal Welfare Report (Attachment A), the animal welfare ordinance and definitions continue to work very well. There is no recommendation for additional changes or “tools” at this time. Colonel Sellers’ Animal Welfare Report provides information on the different types of animal welfare issues received by the ACO’s from April 1, 2011 to January 2012. The current animal welfare ordinance and corresponding definitions have proven to be sufficient tools for the ACO’s to respond and address welfare concerns in the County.

Running at Large—Based on data gathered from April 1, 2011 to January 1, 2012, 43% of dog-related calls-for-service are regarding dogs running at large (See Attachment A). Approximately 49.8% of those reports were determined to be dogs at large in the rural areas where running at large is not prohibited. The ACO’s have identified the following pros and cons if the Board amends the running at large ordinance to prohibit running at large County wide.

Pros:

- Potential reduction in the number of calls related to dog bites, dog versus companion animal complaints, and dog versus livestock incidents
- Potential reduction in the number of stray dog reports received in the rural areas

- Potential decrease in the number of hazard calls received for dogs being in the roadway, and dogs being struck by vehicles in the rural areas
- Elimination of “invisible” boundary lines between areas where dogs can and cannot run at large currently defined by the zoning designation of the property

Cons:

- Potential resistance from dog owners in rural areas is expected, as many residing in the rural areas are accustomed to the lack of restrictions for their dogs
- Potential increase in the number of dogs taken to the SPCA due to lack of compliance immediately after a County-wide prohibition
- Expected increase in the number of dogs being tethered, and increase in calls of concerns from citizens regarding the welfare of tethered dogs
- Expected increase in the number of calls regarding running at large complaints, with no additional staff to handle the volume of calls
- Potential confusion and difficulty identifying hunting dogs which may be at large as part of a bona fide hunt, as allowed under the ordinance. Often times dogs used for hunting are not retrieved for several days following a hunt and there is the potential for an increase in calls to report dogs running at large during or after a hunt.

If an ordinance prohibiting dogs running at large County wide is adopted, ACO’s anticipate the initial impact will be an increase in calls for dogs at large, and welfare and tethering issues. However, no additional ACO’s are anticipated to be hired to handle the increased phone calls, and response times may be slowed by the number of calls. Should any change to the running at large ordinance be considered and adopted, the ACO’s recommend an education outreach to inform citizens.

Barking Dogs/Noise from Animals—On June 3, 2009, an update was provided to the Board after the ordinance had been in effect for one year (Attachment B). From June 2009 to April 2011, complaints specific to barking dogs were not tracked by the ACO’s. ACO’s began tracking the number of calls related to animal noises after implementation of the specific tracking codes as discussed in Colonel Seller’s report (Attachment A). Based on data from April 2011 to December 13, 2011, there were a total of 51 complaints related to barking dogs. Eleven of the 51 complaints arose from the Peavine Hollow area of the County. From April 2011 to December 13, 2011, one charge was obtained by a citizen from the Magistrate, and that charge resulted in a conviction.

ACO’s have found this ordinance to be a useful tool in addressing barking dog complaints, as well as a useful tool for citizens to use in addressing barking dog issues. However, ACO’s have received complaints from citizens questioning why the ordinance does not apply to property of five acres or more, assuming that the ordinance should apply regardless of property size or zoning. Additionally, ACO’s have received citizen complaints regarding the 30-minute threshold because it is burdensome for complainants. The County has also received a request by a person convicted of violating the ordinance to make the ordinance less restrictive and to require corroboration of the noise by a third party. Staff believes the current standard for a violation balances the interests of the complainant and the animal owner and does not recommend any change.

There is no budget impact related to this update; however, should the Board decide to adopt more extensive animal ordinance regulations a significant increase in calls for enforcement is expected resulting in increased costs and need for additional ACOs. The Police Department currently has four ACOs that are responsible for a very heavy call volume. The estimated annual and one-time cost per ACO is as follows:

Total salary and benefits for ACO (\$43,246.57) + Operating and Capital Costs (\$47,600) + Overtime (\$3,000) = \$93,846.57

Animal Welfare – As reported earlier this year in Colonel Sellers' Animal Welfare Report (Attachment A), the animal welfare ordinance and definitions continue to work very well. Staff is not recommending additional changes at this time.

Barking Dogs/Noise from Animals -- Staff believes the current standard for a violation balances the interests of the complainant and the animal owner and does not recommend any change to this ordinance at this time.

Running at Large -- Although extending the running at large ordinance to the rural areas of the County is acceptable to ACPD, limited current staffing levels in both the Patrol and Animal Control Officer Divisions limits the ability of the Department to effectively enforce any added requirements at this time. As such, extension of this ordinance to the entire County is likely to result in a gap in citizen expectations for enforcement and the sheer capacity of ACPD to respond in a timely manner. Because of limited available staffing to enforce this ordinance in the rural areas it is not recommended that the Board proceed with changes at this time.

Mr. Elliott said that the matter before the Board is in response to its request of staff earlier in the year to provide an update on the status of animal welfare matters, dogs running at large, and noise from animals in the County. He said that the executive summary provided contains an historical overview of three ordinance amendments and enactments related to animals that the Board have taken since 2008, and includes background information and data on calls and service for animal-related matters. Mr. Elliott stated that Police Chief Steve Sellers' 2011 annual report on animal matters is also attached and has been sent to the Board, as well as distributed to key stakeholders.

Mr. Elliott said that Mr. Sellers report states that 16% of overall calls – or roughly 200 – relate to the animal welfare; 36 were reported as tethering issues, but only seven were verified and two criminal charges were processed for tethering. Mr. Elliott stated that one of the main roles of ACOs is to provide educational opportunities for citizens to understand proper care for animals, and perhaps the officers come back at a later point and check in – so the tools were not meant as a “hammer,” but to provide tools to the owner. In that regard, staff believes that the changes have been very effective.

He said that with dogs running at large, there are categories of “hazard,” “stray,” and “running at large,” which represent 540 total calls for service between April 2011 and December 2011.

Mr. Rooker asked if a dog bite would be counted as a bite incident as well as running at large, if the dog was running at large when it made the bite.

Ms. Kimberly Maddox, ACO, said that they only clear with one code, so they would choose which one to file it under. She explained that the running at large descriptor is used in the leash law areas, with the term “strays” used in the rural areas.

Mr. Elliott said that approximately 270 of the calls were for running at large in the rural area. He stated that in the executive summary, staff lists pros and cons associated with amendment of the ordinance to make it effective countywide. While the extension of the ordinance is laudable – the primary downside to proceeding with expansion at this is related to staffing levels and workload. Mr. Elliott said that they have four ACOs for the entire County, who are on service during daylight hours, weekdays, and Saturdays – so evenings and Sundays calls are dispatched and routed to the Patrol Division and/or held over to the next day when an Animal Control Officer is available.

Mr. Rooker commented that a lot of barking dog complaints come in at night and asked if most of them were handled by officers on patrol.

Mr. Sellers confirmed that a large sum of the calls is handled by patrol officers because of the time of day they occurred.

Mr. Elliott mentioned that there is also under-reporting because of calls coming directly to ACO's cell phones that are not routed through ECC. He said that if the ordinance were to be amended to go countywide, there would be a gap in the expectations of citizens for response to calls in the County's ability to get to them in a timely basis.

Between April and December 2011, he said, there were 51 complaints for barking dogs received – with 11 from one property in the rural area – and one charge was obtained by a citizen from the Magistrate that resulted in a conviction. Mr. Elliott stated that based on Mr. Sellers' review and the data provided in this report, staff is recommending no further ordinance amendments at this time – based upon the staffing levels, the workload, and the positive outcomes achieved to date by the Code changes the Board has enacted over the last few years.

Mr. Rooker asked why barking dogs were not one of the categories on the report.

Mr. Sellers responded that there is not a clearance call for dog barking; it is a police call for service and it would be under nuisance.

Mr. Rooker asked if the 153 nuisance calls are mostly barking dogs.

Ms. Maddox said that not all of the nuisance calls are barking dogs. It could include a range of incidents such as dogs coming into neighbors' yards. She stated that there were 51 barking dog calls in the nine-month timeframe mentioned.

Mr. Rooker asked how much police time is taken up with a barking dog call.

Mr. Sellers said that if the police responded to a scene and the dog is still barking, they go in and try to mitigate. If the complainant is insistent on prosecution, then they have to go through that process. He stated that 90% of the calls result in the situation being worked out, but often people are frustrated because the police don't always witness the dog barking on the scene.

Ms. Mallek also mentioned that many complainants don't qualify under the law because they are on five acres or greater, and often topography can be a factor. She said that when the Board discussed this before they concluded that there would be huge increases in staff demand that could not be afforded, but that is one opinion. One of the reasons ACOs have to go back repeatedly is that the County does not have any rules that the ACOs can enforce. Ms. Mallek stated that there have been numerous calls from people who have been harassed or attacked by dogs running at large, and the County does not need to wait until somebody gets killed. She said that there is no difference between urban or rural responsibilities regarding care for an animal. She asked her fellow Board members for their support of uniform application of running at large measures. Ms. Mallek commented that the Board needs to give the ACOs the tools they needed to do the job.

Mr. Snow said that the ACOs probably get tired of going out and saying they can't do much about the problem.

Ms. Maddox responded that they do, and added that she try not to indicate to people that she couldn't help – but instead offers solutions to citizens who in turn often contact the Board.

Ms. Mallek emphasized that these issues are something the Board needs to take more seriously. It is not a lot of fun when a neighbor's animal goes over the tolerance level.

Mr. Boyd agreed, but asked how much the Board could legislate and how much the ACOs could be expected to do in following up. He expressed concern that a stricter ordinance would generate more calls for service, and the ACOs would have to deal with the increase.

Ms. Mallek said that the only proposal for barking dogs would be to remove the five-acre limit, and the running at large would need to be dealt with differently.

Mr. Snow asked how many calls were taken for Peavine Hollow.

Ms. Maddox responded that she had only taken one call, and she told the caller that since the law didn't pertain to him he could deal with it through civil process.

Mr. Boyd said he forwarded a suggestion to Mr. Foley from an individual who was convicted of a charge. In the individual's situation her dog was being aggravated which in turn caused it to bark for long periods of time. The individual suggested that the ordinance also include language to require a collaborating witness.

Ms. Maddox said that when she goes out on a call she normally asks other neighbors if they had problems with dogs barking. She added that sometimes she wonders if it could just be a neighborhood dispute of some other matter.

Mr. Davis commented that generally the court sorts through those issues very well. He said that he does not think a court would convict someone if the evidence presented that the complaining person was baiting the dog to bark.

Mr. Boyd said that the courts would rather not deal with these issues.

Mr. Davis said that there are lots of issues the courts would rather not deal with. He also stated that the goal when the ordinance was discussed previously was to make sure the animal wasn't barking because of the conditions of the animal, that a neighborhood dispute would result in mediation, and that there would be a standard in place that established a real problem before the courts were required to intervene. Mr. Davis said he thinks this ordinance has accomplished that based on the evidence that staff has seen. It's not perfect, but staff knew going into it and that there may be neighbor versus neighbor issues that staff gets involved in because of this ordinance. But all in all, he thinks it has been a success to date.

Ms. Mallek stated that what this has done is pit neighbor against neighbor, adding that there are people out in Peavine who feel intimidated. She emphasized that there are people's lives who have been significantly impacted because the County chose to impose rules only to those properties under five acres. It doesn't really have any meaning as far as distance of sound being traveled or anything else – it is just a

number that the County pulled out of the air to use. She said that she does not think it is appropriate that they have that five-acre minimum in the barking dog category.

Mr. Boyd said that the Board went through an extensive public hearing on this and had a lot of people come out to address the issue.

Mr. Rooker stated that the Board decided on the five-acre limit because there are many subdivisions with lots that size, and the Board felt this was something more appropriate and easier to enforce within a subdivision setting rather than a completely rural setting or for people on farms. He said that he does not see how changing the running at large provision would impose a greater burden on officers, and most people do not understand the five-acre difference anyway.

Mr. Boyd said that he lives in the rural areas and he always tries to get dogs back to their owners if he sees them running loose.

Ms. Mallek agreed that she also does that, but if it is an aggressive dog, Mr. Boyd would not do the same. She added that there are problems on all of the boundaries between rural areas and growth areas – and reiterated her preference in having the running at large ordinance applied universally throughout the County. She said that the Board should consider the greater good of having this rule.

Mr. Rooker commented that every year Mr. Robert Hogue comes to the Board to and ask that it reduce taxes. A year ago he also complained about his wife being harassed by a neighbor's dog. Mr. Rooker said that he would support expansion of the running at large ordinance as he does not see a difference in whether the dog is in an urban or rural area. He thinks that this is an area where the County has had enough people talk about being terrorized by dogs running loose and the Board needs to consider doing something.

Mr. Davis clarified that under the current ordinance, running at large is prohibited everywhere in the County except the rural area – and in the RA there were certain neighborhoods previously designated as “not running at large areas,” which continue to be specified in the ordinance. He said that staff probably agrees having the ordinance applicable countywide is an easier enforcement mechanism, and the only concern is staffing. That is the issue; whether or not there is adequate staffing to enforce the ordinance in the rural area if the Board goes countywide.

Mr. Rooker asked if the police did not get those calls anyway.

Ms. Mallek said if the troublemakers were addressed, then they would not be repeating the problem every single week.

Mr. Sellers pointed out that they don't always get those calls, as it depends on the dispatcher and their knowledge of the rules as well as the location. He emphasized that Mr. Davis was correct about staffing concerns, because that is his concern. He added that this is the hardest working group of four people that he has on the Police Department. Mr. Sellers added that it is also about expectations. He said that if the Board extends the running at large ordinance countywide, the Police Department has an obligation to let expectations be known to citizens that they might not get there today, nor might not get there within a couple hours.

Mr. Rooker said the police have to prioritize their work.

Ms. Mallek agreed, adding that there would have to be a whole lot more involved if someone got bitten by a dog.

Mr. Rooker stated that he would support broadening the ordinance to make it countywide, noting that the Board has historically automatically approved petitions from specific neighborhoods related to the leash law.

Mr. Boyd said he agrees with most of what is being said, but he does not really want to drag the community through another public hearing on this, as there would be hundreds of people coming out on both sides of the issue.

Ms. Mallek said that the County needs to do a better job of education before the public hearing.

Mr. Boyd stated that with only 166 calls, it does not seem to be a big problem to him. He is aware that this is a problem to the neighbor who has to deal with a dog running loose.

Ms. Mallek said that she has heard from people in all six magisterial districts about this, and she has advertised this as a topic to be addressed in her upcoming town hall meetings. She stated that if the County does a good job in educating the public about the difficulties and the goals for prevention, they would come to understand the issue.

Mr. Snow said that he would support it also.

Mr. Thomas asked what percentage of the dogs was considered dangerous.

Mr. Snow said that there were 115 under “aggressive.”

Ms. Maddox confirmed this, adding that any dogs that were aggressive were placed in this category, and if there was an owner it wouldn't be listed as a stray.

Mr. Rooker commented that the ACOs have very difficult jobs and he appreciates their work.

Ms. Mallek checked with Board members to ensure they were getting Stacy Norris' emails on the House Project. She added that the County has not solved the sheltering issue yet.

Mr. Boyd said that this gets back to their previous discussion on self-reliance, adding that the County cannot solve all of the social problems in the community.

Ms. Mallek stated that there is no consequence for people not following the guidelines in place.

Mr. Rooker commented that in this instance there is no self-reliance unless there is an ordinance to rely upon, if you are the victim. What does the victim of a barking dog do if there is no ordinance that can be enforced? What do you do if dogs are perpetually running in your yard that are stray dogs or somebody else's dogs?"

Mr. Boyd suggested using pepper spray or a BB gun.

Ms. Mallek said that the only recourse in that regard was for farmers and the dog was attacking their livestock.

Ms. Maddox explained that if a dog was coming at you to attack you, you have the right to "use what you have at means to protect yourself" but you cannot go in your house and come back out or you would be charged with animal cruelty.

Mr. Boyd stated that he has been bitten by a group of dogs a few years ago, and now he carries pepper spray to defend himself.

Ms. Mallek commented that she also was bitten once and it is a very harrowing feeling, and the stories from the perspectives of victims are very scary.

Mr. Rooker said the Board should move forward with some action here, and asked if there was a majority to support coming back with a public hearing for potentially amending the ordinance.

Mr. Dumler stated that he would support expansion of running at large, noting that he has received some emails from small business owners who have indicated that dogs running at large in Scottsville were impacting their businesses.

Mr. Foley clarified that it would just address the one component, and Mr. Davis confirmed that it would be the running at large restriction.

Ms. Mallek asked if any other Board members were interested in looking at the five acres for the barking.

Mr. Davis pointed out that currently the barking ordinance is not applicable in rural areas except in areas where there are lots of five acres or less. He said that when the ordinance was discussed before, everyone recognized that it was not a perfect ordinance – but the reason it moved forward was that part of living in the rural area was dealing with animal noises, and because of the enforcement issue with ACOs responding to 700+ square miles of rural area. Mr. Davis said there is no magical boundary line, and that is the reality of resource allocations and recognition of rural character.

Mr. Boyd said there are issues with choosing to live in the rural areas that people have to deal with.

Ms. Mallek said she does not buy that as an excuse.

Mr. Snow mentioned that in the rural area, cows and tractors are not making noise all night, but having a dog at your property line that is constantly barking and keeping you awake all night is above and beyond what he considers to be noise in the rural area.

Mr. Boyd asked how many of those cases there actually were.

Ms. Mallek said that it does not matter to her how many cases there were.

Mr. Snow said it would be different if the dog was on Mr. Boyd's property line, keeping him awake at night.

Mr. Boyd stated that he would talk to his neighbor about it, not call the police. He said that he would not be here saying the Board has to solve this problem he is having with his neighbor. He would not ask for some kind of legislation to solve this problem he is having with his neighbor; he would find a way to deal with it.

Mr. Rooker said that the Board thoroughly evaluated this before, and the number of incidents does not seem to rise to the level of changing the ordinance.

Mr. Foley added that it was the consensus of the Board to set for public hearing to amend the running at large ordinance to prohibit dogs running at large countywide.

Agenda Item No. 15. Closed Meeting.

At 12:21 p.m., **motion** was offered by Mr. Dumler 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. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following vote:

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

Agenda Item No. 16. Certify Closed Meeting.

At 1:47 p.m., **motion** was offered by Mr. Dumler that the Board certify by recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following vote:

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

Agenda Item No. 17a. Boards and Commissions: Vacancies/Appointments.

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

- **appoint** Mr. Jean Lorber to the ACE Appraisal Review Committee, with said term to expire December 31, 2012.
- **appoint** Mr. Phillip Best to the Crozet Community Advisory Committee, with said term to expire March 31, 2014.
- **appoint** Mr. Rick Randolph, as the Planning Commission representative, on the Historic Preservation Committee, with said term to expire June 4, 2014.
- **appoint** Mr. Bruce Dotson, as the Planning Commission representative, to the MPO Technical Committee.
- **appoint** Ms. Bonnie Brewer to the Police Department Citizens Advisory Committee, with said term to expire March 5, 2014.
- **reappoint** Mr. Steven James and Mr. Vincent Day to the Rivanna Solid Waste Authority Citizens Advisory Committee, with said terms to expire December 31, 2013.
- **appoint** Ms. Nancy Gill, as the Scottsville District representative, on the Social Services Board, with said term to expire December 31, 2015.
- **appoint** Mr. Rick Randolph, as the Planning Commission representative, on the CIP Oversight Committee.

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

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

Agenda Item No. 18. Presentation: Region Ten.

Mr. Robert Johnson, Executive Director, addressed the Board, stating that Albert LaFave, Jr. would be presenting to the Board.

Mr. LaFave addressed the Board, stating that he is a member of the Region Ten Board of Directors and has also been the sentencing advocate in the Charlottesville/Albemarle Public Defender's Office since it opened in 1998. He said, prior to joining Region Ten, he spent 20 years as a probation officer in the Charlottesville Probation Office. He said that Virginia jails and prisons end up being a resource for people with a mental illness, and jails end up as treatment programs for mental illness which is, at best, a blunt and relatively expensive treatment instrument. Mr. LaFave stated that current statistics indicate it costs \$25,717 annually to incarcerate one person in local jails in Virginia, and nearly 1/3 of those individuals have some form of mental illness. He said that treatment and support for persons with mental illness or disabilities is key not only to the individuals but to the community, as release from incarceration ends up being one of the most stressful times for individuals with days lost that they will never get back and high expectations for their return, such as probation obligations, child support obligations, court cost obligations, and treatment obligations. Mr. LaFave stated that persons with mental illness are more likely to become overwhelmed, increasing the possibility of re-offending if they do not receive support and services during this critical time. He said individuals with mental illnesses often have co-occurring disorders such as substance addiction, homelessness, poverty, etc., causing potential instability in their lives.

Mr. LaFave said throughout his 33-year career Region Ten has always been the primary resource in this community for this population and what has consistently impressed him is the compassion and dedication of Region Ten staff. He said, in the past, Region Ten has offered these services with a more relaxed concern about reimbursement. He stated that the recent Healthy Transitions Program has provided psychiatric medication and case management services to persons newly released from incarceration who did not have resources or active funding sources to obtain mental health stabilization services in the community such as co-payments. Mr. LaFave said that this program has filled a very important and significant gap in services and, without this program, these individuals risk re-incarceration which costs far more than mental health stabilization services. He stated that specific dollar costs do not include collateral costs such as loss of benefits, housing, community support, and connection to the community. Without on-going funding for the Healthy Transitions Program, he said the program cannot continue.

Mr. Rooker said that, last year, he had requested letters from Region Ten and the regional jail asking for an opinion on the Healthy Transitions Program, and the jail's letter came just the other day in support of the program. He asked if that was something the organization supported.

Mr. Johnson responded that Healthy Transitions was started by Region Ten with a grant and they want to continue it because it has been very successful, with approximately 40+ individuals served thus far with medications available to them that they couldn't have accessed otherwise. He said that he was unaware of a request for a letter, and apologized for not submitting one.

Mr. Rooker said that he had made the request to Sarah Tarbell of IMPACT, and she had indicated that the program was supported by Region Ten and the regional jail.

Mr. Johnson stated that Region Ten is hoping to get sustained funding from the County and the City in order to continue the program.

Mr. Boyd said that he had also asked for some statistics on the performance of program participants.

Mr. Johnson stated that the program also represents a cooperative effort with District Nine probation and parole, with the probation officer co-located at Region Ten, which is fairly unique. He said this probation officer has fulfilled the role of case manager.

Mr. Boyd said that he had received a report on the program, but not on its results.

Mr. Johnson said that it would be difficult to provide that with less than a year underway, but not as difficult as an ongoing report.

Mr. Boyd stated that a very good argument had been made about the lesser cost of this program versus incarceration, so some statistics supporting that statement would be helpful.

Mr. Johnson reported that he has been at Region Ten almost five years and, last year when he addressed the Board, he was very concerned about care coordination. He said that, through a new General Assembly mandate for the Community Service Boards (CSB) to assess children needing rehab services, the Commonwealth has saved approximately \$18 million at the end of this fiscal year by doing more thorough assessments which placed children and their families in the least restrictive services as opposed to placing them in services that were far more expensive and far more than what was necessary.

Mr. Johnson reported that, this year, the agency is facing a Virginia Retirement Services (VRS) increase of \$522,000, which came as a sudden surprise. He said this issue changes the equation quite a bit for Region Ten because they were planning for this year to be the year they would pursue employment for its consumers, however, they have a really good program that is starting up despite the increase in VRS. He also said that Region Ten is focusing on housing, with a new house coming up in Charlottesville for individuals who are released from Western State Hospital and are transitioning into the community. He said, if this housing was not available, there would be a delay in those people being released back into the community. Mr. Johnson stated that Region Ten is trying to meet the demands of the community and see approximately 6,000 individuals a year through about 65 programs throughout the City and the five counties, and it becomes increasingly complex to provide the services under the present economy. He emphasized that the agency continues to give localities a really good return on investment, with about \$22 for every \$1 spent locally, which is well above the \$8 national average.

Mr. Johnson emphasized that Region Ten does everything possible to ensure that people coming to the agency get the best care, but it is still a mixed bag because many individuals still fall between the cracks as they are not seriously mentally ill, which is their target population and the most vulnerable. He said that Healthy Transitions has helped reach individuals with moderate mental health disorders who need medications, often only for the short term until they become stabilized. He said there are a lot of those people in the community and Region Ten does not have the funding to support all of them. Mr. Johnson stated that he is part of a mental health coalition and, for the first time as a community, Region Ten is pursuing grants to create the same type of outpatient treatment provided through Healthy Transitions, with the addition of a counselor and a case manager. He added that the decisions being made at the state level will have a really telling effect on whether there will be success in the employment, housing, and moderate mental health disorder services.

Ms. Beth Gager addressed the Board, stating that she has been with Region Ten for over five years and in the position of Coordinator of Consumer Empowerment for the last year. Ms. Gager said that

she has worked with the Leadership Team at Region Ten as well as with the Consumer Advisory Council (CAC), which is a group of people from all over the agency that work to ensure that consumer advocacy needs are being met. She stated that so many people's lives in the community are affected by the work of Region Ten in a positive way, and the leadership works really hard to ensure that those services continue.

Mr. Jeffrey Bogart addressed the Board, stating that he was Vice-Chair of the CAC and has been with Region Ten since 1991. Mr. Bogart said that he has been growing as a person because of the help Region Ten provides, and said that he is confident to speak in front of the Board because of the help he has received there.

Mr. Johnson also mentioned the START program, which provides respite care for people with intellectual disabilities who are in crises and said that Region Ten was chosen as the lead agency out of eight CSBs, with a \$1 million grant secured which will go, in part, toward renovation of a facility to be used for respite. He stated that the center could house up to six individuals, and these would be people who traditionally would have had trouble getting into psychiatric hospitals. He said Region Ten feels very fortunate to secure the grant, and pleased to have made the decision to be the lead agency. Mr. Johnson said the grant is for operating costs as well as capital renovations, and they are working with the state on some final details in order to get the house up and running by June.

Ms. Mallek asked if the services would be provided by outside vendors instead of Region Ten staff.

Mr. Johnson responded that Region Ten has strongly pushed for public/private partnerships. He said that the guidelines and thresholds for the program have been set by the state, and there is a model already being used in North Carolina that could be followed. Mr. Johnson added that they are also trying to get funding to implement programs for intellectually disabled individuals who would be coming out of the training facilities under the state's closure policy going into effect next year.

Mr. Johnson said Region Ten does not want to see any of those individuals going into nursing homes. He said that they couldn't go into group homes because of physical limitations, but Region Ten is trying to find dollars to help build ICFs that would allow them to re-enter the community.

Ms. Mallek asked if there was a way for the County to pay into the Healthy Transitions Program based on the population served.

Mr. Johnson responded that he would think about that possibility and report back to the Board.

Agenda Item No. 19. Discussion: Fast Track Review Process.

The executive summary forwarded to Board members stated that the Thomas Jefferson Partnership for Economic Development is overseeing consultant work on a Target Industry Study for its member jurisdictions, including Albemarle County. The target industry analysis matches locality economic characteristics, resources and advantages with general location and work force requirements for desired industry segments. Once the study is finalized, it will serve as the basis for strategic economic development and will help Albemarle County leverage its unique assets to provide economic vitality and diversification and to develop a place-specific strategy that supports the County's long-term quality of life.

To encourage the expansion and new location of priority industries, many localities offer expedited plan review among the incentives available for qualified target industries. Used strategically, expedited review for projects that meet defined strategic criteria can be an effective tool for encouraging preferred industry growth in a community. In researching fast track review processes in Albemarle's benchmark communities, staff found that virtually all counties who use this option offer it to qualified target industry enterprises that meet certain criteria (e.g., minimum levels of job creation at certain salary levels).

The Board of Supervisors has expressed interest in considering some type of formalized fast track review process for projects that provide significant economic benefits, including career-ladder jobs and capital investment, while still maintaining the high standards that define our community and attract and retain quality employers. The Board's desire, as staff understands it, is to consider a formalized fast track review process that works within existing ordinance requirements and Comprehensive Plan guidance to provide a quicker outcome for desirable applicants.

It is the County's goal to provide timely and responsive review for all applicants. Continued work on legislative and ministerial review processes will streamline and simplify both of those processes across the board. Staff also recognizes that businesses that bring strong job creation and higher than average wages, and that fit within desirable target industry categories, are particularly advantageous to the community as a whole. Locating those types of companies as quickly as possible in Albemarle County is beneficial to County residents and to the local economy.

The best opportunity to fast track projects occurs when land is appropriately designated in the Comprehensive Plan and is zoned to accommodate the desired use. The Comprehensive Plan review and update currently underway provides the opportunity to appropriately designate lands for industrial and business development, thus eliminating the need for businesses that locate to those areas to go through an additional Comprehensive Plan amendment process. Once the updated Comprehensive Plan is adopted, all lands planned for industrial and business uses but currently zoned Rural Areas and R-1 would be considered for a County-initiated rezoning to a proposed new industrial zoning district. This approach would be similar to what occurred with the Downtown Crozet Zoning District rezoning initiated by the

County. Staff proposes that it would contact the owners of all of the eligible parcels and inform them of the proposed rezoning and allow them to opt out of the rezoning if they so choose. Like the Downtown Crozet rezoning, the impacts resulting from a County-initiated rezoning, including those impacts on transportation and other public facilities and services, and specific impacts to abutting parcels, could not be addressed by proffers. Instead, any impacts would have to be addressed by existing regulations, including performance standards, or through new demands for County funded capital improvements.

These types of strategies are not project-specific, but would streamline the process for general industrial uses that are valuable to the County. Details about a more project-specific fast track approach are outlined below.

Qualifying Criteria

As noted, County staff already works to move all projects through review quickly and efficiently, and in the past has used elements of a fast track review for major projects that have a strategic beneficial impact for the community. In order to make a formalized fast track process effective, criteria must be clear in order to identify projects that would bring significant economic benefits to the County and thus are appropriate for special consideration. Selectivity in granting fast track status would help insure that qualifying projects would receive the significant staff attention required to expedite processing. Because this is the first conversation with the Board about this process, specific details need to be further researched and developed based on the Board's reaction to the initial concepts.

Staff recommends that a formal fast track review process be reserved for qualified target industry enterprises located within appropriately designated development areas that also meet two or more of the following criteria:

- Projects that provide a minimum (amount to be determined) number of jobs with higher wages than the prevailing County average;
- Projects that bring in a minimum (amount to be determined) capital investment;
- Projects that are anticipated to result in a minimum (amount to be determined) positive fiscal impact to the County; and
- Projects that generate over 50% of their revenue from outside the TJPED region.

Potential Guidelines for Fast Track Review Process

To be successful, a formalized fast track process must recognize that each project has different needs and circumstances and that a specific approach must be developed on a case-by-case basis. The following guidelines provide a general approach with the understanding that a critical part of the initial evaluation of the project review will include assessing and responding to the project's specific individual circumstances.

- A company must make a request to the County's Economic Development staff that its project be designated for fast track. Requests that meet the fast track criteria will then be forwarded to the Community Development Director who, in consultation with the Economic Development staff, will make the final determination on eligibility for fast track designation.
- Prior to submitting its development application, the company and the Community Development Director and Economic Development staff shall meet to discuss the County's fast track process. This structured meeting will identify issues before the formal application is submitted for review. The applicant also would be advised to identify a single point of contact (SPOC) for the application process as this has proven to significantly reduce communication problems. The County will do the same as outlined below.
- Once the project is approved for fast tracking and the initial submission meeting has occurred, the fast track application is submitted to the attention of the Community Development Director.
- Priority treatment of the application, or "top-of-the-list" status, will be provided for the project throughout the entire development review. This priority treatment will include flexibility in submittal deadlines and immediate processing for qualifying applications.
- The Community Development Director will assign the project to a senior project manager who will serve as a liaison during the application and permitting process. This project manager will provide oversight throughout the process, and the project will remain prioritized throughout developmental review. The senior project manager also will be responsible for notifying the Community Development Director of any resource needs or problems the applicant is unable to address. The senior project manager and the applicant's SPOC will form the team leadership throughout the development review process.
- A review team comprised of experienced members from all reviewing departments will work on the application's review until the project is completed, based on timelines agreed upon and established in order to ensure efficiency. Normal review processes are replaced by team decisions with authority to act broadly in various areas of review.
- Where applicable, the project may be scheduled for a joint Planning Commission/Board of Supervisors public hearing if required.
- Legally required Planning Commission and Board of Supervisors advertisements can be run simultaneously.
- The site plan process may run concurrently with the rezoning or special use permit application if both are required.
- Economic Development staff will be involved during the pre-submittal process and will act as part of the review team throughout the process to identify possible federal, state and local incentives and resources.

Again, these guidelines are general in nature due to the individual requirements of specific projects. If a project is accepted for fast tracking, staff will tailor the most efficient expedited approach while maintaining established standards of quality and public input. Board members will be kept informed of the progress of any fast tracked projects in their respective magisterial districts.

There is no immediate budget impact associated with this item.

Staff recommends that the Board endorse the fast track qualifying criteria and general approach. Details on minimum levels of jobs, investment and fiscal impact will be developed by staff and brought back to the Board for final approval, along with the entire fast track process, including defined criteria. Other strategies discussed in this Executive Summary will be brought to the Board for its consideration at an appropriate time.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, addressed the Board, stating that today's conversation would revolve around a potential fast track process concept for qualified target industries in the County. She stated that there are still some details to be worked out and, at this stage, staff would like to get some reaction from the Board on some of the material and concepts presented. Ms. Catlin said staff would provide some background on the process, a refresher on preliminary targets already identified in the Target Industry Study, a discussion of potential criteria, general guidelines that might be considered, and then the Board would be asked to provide comments and guidance to staff.

Ms. Catlin stated that, as the County reaches the final stages of the Target Industry Study, there has been interest expressed in considering the possibility of an expedited review process that could serve as an incentive to encourage the types of industries desired for the County. She said staff held a work session with the Planning Commission recently and established that there are a lot of efforts already underway to improve the County's processes across the board such as the ministerial process review and legislative review. She said data is suggesting that the County's standard reviews do compare favorably with peer communities. Beyond that, she said there are some projects that have strong advantages to the community such as quality job creation, capital investment, and a positive overall fiscal impact which all fit within the target industry categories and are very advantageous to the community as a whole and the economy, and locating them here as quickly as possible is to the County's benefit. She said that is where the fast track concept really starts to come into play.

Ms. Catlin said that the guiding principles before the Board include making sure the County is as desirable a location as possible for qualified target industries by making the approval process as quick and easy as possible, and also protecting the County's image as an attractive location by maintaining quality standards. As mentioned in the executive summary, she said the best opportunity to fast track projects occurs when the land is appropriately designated and zoned to accommodate the desired use because that eliminates barriers and hurdles. She stated that staff wanted to look at specific projects that might merit consideration under fast tracking.

Ms. Catlin said staff began their work by doing some research into peer communities and looked at processes that were underway in seven or eight counties that are often used for comparison, and came up with some common themes as to what those communities were doing. She explained that every peer community that was considered reserved the expedited process for target industries that met certain criteria and usually had to do with job and investment levels, with a focus on identifying who they want and then using the expedited process as a strategic tool selectively to make a real difference for those who would be considered desirable candidates. Ms. Catlin noted that it included expansion and relocation of existing businesses in the County as well as new businesses that might locate here.

Ms. Catlin reviewed the preliminary targets that have been identified for Albemarle County, noting that, on April 11th, there will be a regional session in the morning regarding the target industry work in addition to a work session planned during the afternoon with the consultant spending time specifically on Albemarle's targets. Ms. Catlin said that, once the targets are finalized, those would define the highest level of criteria for projects that the County would consider to be appropriate for fast tracking. She stated that having defined, objective criteria will be really important in making the fast track process effective. Ms. Catlin emphasized that the criteria has to be clear so that the County can appropriately identify projects that produce the kind of benefits expected, and the idea of selectivity was a theme heard often from peer localities.

Ms. Catlin reported that staff looked at criteria already in place in other areas and considered Albemarle County's preferences and priorities, as well as identified new areas that would meet the recommended criteria.

Mr. Rooker asked how many other counties in the state have some kind of fast track system.

Ms. Catlin replied that staff did not look at every county but, gathered data from Loudoun, Prince William, Stafford, Chesterfield, Spotsylvania, Culpeper and Hanover Counties. She said that staff would recommend going back and seeing what other communities were doing as well in an effort to determine what has been effective.

Mr. Graham said, anecdotally, it has been his impression that more than half have some kind of fast track process in place.

Ms. Catlin stated that areas where some criteria were important to establish include some minimal level of jobs with higher than prevailing average wages, and these would be for identified target industry enterprises locating within the designated development area. She said that is consistent with what the GOF already requires. Ms. Catlin said that another area of priority is a minimum level of capital investment which would contribute to the industrial tax base. She stated that industries with a net gain in terms of fiscal impact would also be looked at more favorably. Ms. Catlin said that the last criteria is a business that has over 50% of revenue generated from outside the region, which means that desirable companies would bring new money and new investment into the community instead of circulating money that is already here. She explained that, what a lot of peer communities are doing, once they have a defined target industry within the appropriate location, evaluate it on the basis of having at least two of the criteria in order to provide enough breadth in terms of what they offer.

Mr. Rooker said that he felt minimal environmental impacts should be somewhere in the evaluation process.

Ms. Mallek asked if the positive fiscal impact takes into effect the cost to the County in terms of infrastructure, and Ms. Catlin said that would be considered part of the positive fiscal impact.

Mr. Rooker commented that satisfying just two criteria wouldn't be enough in his mind, and perhaps there could be a sliding scale. He said the criteria could perhaps be based on how much a business goes over the minimum in a given category.

Mr. Boyd stated that he felt having one or more would be acceptable, noting that one of the most desired things he had heard anecdotally is getting an Olive Garden to move into Charlottesville. He said that particular business may not bring in a lot of jobs or a lot of capital investment, but it would certainly bring in a lot of meals tax revenue.

Mr. Rooker said that the Board shouldn't choose specific businesses to be fast tracked because it likes them.

Mr. Boyd said he perhaps has a different vision for this.

Mr. Rooker stated that a restaurant was not a target industry.

Mr. Boyd claimed that Mr. Rooker hadn't voted for the Economic Vitality Action Plan, and Mr. Rooker pointed out that he did, indeed, vote for the Plan once it was modified somewhat.

Mr. Boyd said bringing tax revenues into this community is a highly desirable thing for the County, adding that he was not implying that the County do away with its regulations.

Mr. Rooker stated that there are many locations existing today where an Olive Garden could locate immediately, and asked Mr. Boyd if that restaurant was his idea of a target industry.

Mr. Boyd said that his idea of an Economic Vitality Action Plan was that the Board and staff get out of the way.

Mr. Foley emphasized that Mr. Rooker is correct in terms of what is in front of the Board. He said the idea was that this is limited to target industries which staff has identified, and that's the kind of direction staff is looking for from the Board. He said staff's recommendation at this point is that it be limited to those targeted industries that do meet these criteria. He said that, under this proposal, Olive Garden would not qualify for fast track.

Mr. Boyd stated that he didn't feel it should be limited to just a high-tech computer industry.

Mr. Rooker said Mr. Boyd's criteria seem to be completely flexible and based on who wanted to jump in behind a particular applicant because they know him. He said there is no criterion for the kind of approach Mr. Boyd is talking about.

Mr. Boyd said tax revenue is what he was talking about.

Mr. Rooker stated that every business would generate some tax revenue, and asked if Mr. Boyd's idea was to fast track every business because they would ultimately bring in some tax revenue.

Mr. Boyd said that he would be in favor of that.

Mr. Rooker responded that there would be no need to do this fast track plan then, and noted that the County's standard review time compared favorably with other communities in addition to a list of things that are in the works.

Ms. Catlin pointed out that other polled communities do fast tracking as a strategic tool, adding that there will also be ongoing work related to other businesses besides targeted industries. She said that fast tracking takes it to a higher level, and the selectivity is important only because of the workload impacts and some of those kinds of things.

Mr. Snow emphasized that one of the most important factors for him is businesses which would hire local people, rather than bringing people in from outside the area.

Mr. Graham stated that one of the most commonly used measurements other localities consider in an expedited process is site plan review time and, in looking at peer counties, Albemarle County's current site review plan time was better than most other localities. He said this is not just about site plan review times, it's about approval times and looking at the reasons why it takes multiple reviews for a plan to get through the process. In the multiple case studies that he has done, Mr. Graham said that Albemarle County is not unique, and communication between the applicant and the County is a big factor in addition to inexperienced applicants who are not familiar with the processes or development as a whole. Mr. Graham stated also that an applicant or developer must have a similar commitment to get through the process as quickly as staff does, and this was an issue that has emerged repeatedly.

Mr. Graham said that the legislative process of rezoning land and creating special use permits is a complicated process and takes a lot of time, so one of the best strategies, which is already in place, is establishing that there is a good inventory of land.

Mr. Boyd asked how the County compared in terms of pre-approved zoning relative to other localities.

Mr. Graham replied that it would be a lot to expect from other counties to provide that list, and it may not even exist, but he said that if he could find that information he would provide that to the Board. He said there is a large inventory of commercially zoned property sitting out there, ready to develop. Some of those have approved site plans and are just waiting for the right people to come along.

Mr. Boyd asked if that has been impacted by the Neighborhood Model, stating that the Shops at Stonefield have gone away from that.

Mr. Graham said that the County has very little land that requires applicants to develop with residential above commercial but, if a developer were interested in doing a mixed use development that could certainly happen.

Mr. Rooker stated that there were currently about five or six locations around the County where an Olive Garden could locate today.

Mr. Boyd said that type of business should be fast tracked, and Mr. Rooker commented that he may have a different view.

Mr. Rooker pointed out that the biggest time taken up is if an applicant needs a Comprehensive Plan change, and then has to rezone property, which is a long process. He added that there is a lot of retail property that is presently zoned for it.

Mr. Boyd said that, for example, there is no pad-ready site or infrastructure currently at North Pointe for a restaurant, such as an Olive Garden, to locate.

Mr. Rooker responded that there are lots of other pad sites where that business could locate.

Mr. Graham said that an Olive Garden couldn't go into North Pointe tomorrow, however, there is nothing stopping North Pointe from getting a site plan approved for it. He emphasized that there are a number of developments that have approved site plans which have not developed, and that is property owners making the decision to make an investment.

Mr. Boyd stated that he wasn't dwelling on Olive Garden specifically, but referencing businesses with a net positive tax revenue from the commercial sector for Albemarle County, whether that's in meals taxes or machinery and tools tax.

Mr. Rooker said that every business would have a positive fiscal impact; the question is what merits special treatment and he thought that target industries were ultimately intended for fast tracking.

Mr. Graham responded that staff is talking about that particular issue, and the second part of the discussion is ensuring there would be a senior person who would be the point of contact for the applicant. He said staff can handle this if there are one or two or three applications a year; however, staff is not equipped to handle this level of service if there are 20 or 30 applications a year. He said that the idea is to have a staff person who knows the processes well and knows what to look out for, and can advise [applicants] on how to get through the processes quickly to ensure there are no roadblocks. Mr. Graham stated that the other side of the issue is to ensure that the developer is committed to doing this, adding that other localities had 'kick-outs' whereby if a developer had not addressed comments by the third submission, they would be kicked out of the fast track process and put back into the normal process.

Ms. Catlin commented that there would have to be a fairly individual approach to each project, and staff has provided some guidelines in the executive summary. She said it would really be about tailoring the process to each project that was accepted to meet the needs that they had. She said staff has provided the Board approaches and suggestions which could be considered.

Mr. Graham reiterated that there would be a senior staff person assigned to a particular project, to ensure there was someone who knew the best ways to get a developer an answer quickly.

Mr. Graham said that the reasons the fast tracking would be limited to only target industries included the fact that the process is resource intensive, and the County's cost would be significantly higher than for a normal application.

Mr. Boyd asked why the costs would be higher.

Mr. Graham explained that the County would be providing a senior staff member who would be looking at the application, working with the applicant, and advising them on what might be best for their project. He said the County has done this with projects in the past, i.e., Martha Jefferson Hospital, Shops at Stonefield, where staff had senior people assisting developers. He said county staff can provide that level of service and it can actually be a very effective process, but it is a time-consuming process. He said every hour that staff spends on that is an hour they can't spend on other applications. He added that, if 10% of projects are fast tracked, without additional staff, the other 90% of projects would be slowed down.

Mr. Graham stated that fast tracking could be a very effective and attractive incentive, adding that the senior project manager concept was not often offered in other localities and could be very attractive for Albemarle. He said that the County would need to define criteria to ensure effectiveness and make sure things stay on target, would also need to ensure that each project had a designated pathway customized to fit the project, and would need to get assurance that developers are equally committed to their project.

Ms. Mallek asked if a project that was not quite on a fast track process would, zoning-wise, fall into this category also.

Mr. Graham responded that it could, stating that there could easily be something that required a special use permit, and the County could use tools such as shortening the times between the Commission and Board reviews while simultaneously reviewing their site plans. He said that is the kind of custom approach that could be used on these types of projects.

Mr. Thomas commented that he liked the idea of having a senior planner guide the process, even if it might require some investment on the County's part.

Ms. Catlin said that the ideal world is when the Comp Plan, the zoning, and everything else is synched up and ready to go because staff knows the process takes a very long time to get to the end result with a lot of 'messiness' in between.

Mr. Boyd stated that one of the strongest points here is that every single project is different, and said he is concerned that this might be a cookie cutter approach. He said that he was thinking more of a "swat team" that would work on a highly visible project such as a well-known grocery store as an example and sit down as a staff and Board to make that determination, then discuss what items need to happen to move a project along quickly. Mr. Boyd commented that he didn't see Board involvement included here, acknowledging that there are certainly some confidentiality issues.

Ms. Catlin stated that staff was concerned about the confidentiality piece of this, but the Board member in the magisterial district for the project would be brought in early on in the process. She said that the process would start there and was not intended to be a cookie cutter approach, although it was important to have defined criteria so that it wasn't ambiguous.

Mr. Dumler said that he liked the idea of objective criteria because he didn't want to be in the position of being accused of playing favorites by choosing to fast track one and not another, adding that he liked the idea of getting a project in the system and then deciding.

Mr. Boyd stated that he was envisioning having the majority of the Board involved not just individual members.

Mr. Foley said that the term 'cookie cutter' seemed to narrow down what was being suggested, as staff was simply trying to define some parameters. He said that was the reason the target industry item was put on the table. He said that if a business fit that, staff would notify the Board in order to get them involved in the process but the big issue here was whether this was focused on target industries, or whether the Board felt it should be looked at in broader terms. He added that criteria related to jobs and investments will also be important input for staff moving forward.

Ms. Mallek stated that the Board needs to work very hard to combat the perception that there would be different rules for different individuals with the same category, because that was the case 20 years ago and it was completely crippling to the community as a whole. She added that the process is what staff and the Board rely on to keep that perception of fairness out there, adding that she has already received two emails from designers and engineers of small projects asking that larger projects not be put ahead of them because they had been working for months already and were almost at the end of the process. Ms. Mallek emphasized that focusing on target industries only was a really good place to start, adding that the speed at which things happen is most directly related to the commitment that people have to follow the rules and not always trying to be finding a cheaper or other way to circumvent the rules.

Mr. Thomas commented that staff has done a really good job with this, adding that the senior planners could take care of the bigger projects with the other planners focusing on the smaller applications.

Mr. Graham said that the senior project manager was intended to be the coordinator or point of contact, but would also have a team working with them. He stated that the County could accomplish this without adversely impacting the rest of applicants if it could remain focused on target industries, as there would not be a lot of those applications, however, if it were expanded, other projects would be slowed down significantly.

Mr. Rooker said, basically, it would be prejudicial to everyone else, and he was curious as to who decides which project gets first class treatment and which one gets second class treatment.

Ms. Catlin reiterated that other communities felt tying it to their target industries helped them avoid playing favorites. Rather than playing winners and losers, she said it became a strategic implementation tool for fast tracking.

Mr. Boyd said that, in his eight years on the Board, he had seen very few applications that would have fallen into this category, adding that he felt common sense wasn't being used in this. He added that he didn't think it was realistic to assume that a smaller business would be shelved in favor of the County pursuing something along the scale of a DIA or a NGIC.

Ms. Catlin responded that the target industry discussion scheduled for April 11 will be a good part of what this will be about, as it would help flesh out the types of businesses in question.

Mr. Boyd said that he would put existing businesses that wanted to expand way ahead of firms that were thinking about relocating here.

Ms. Catlin confirmed that this plan would consider existing businesses as fast track candidates.

Mr. Dumler commented that he would be hesitant to support combining public hearings for the Planning Commission and Board, citing concerns that had been reflected by the League of Women Voters and others.

Mr. Rooker said that he was not a big fan of combining public hearings, as he likes to see what took place at a Planning Commission hearing and Commissioners also tend to be more reserved in their opinions when Board members are present. He stated that he wants that input adding that a lot of time gets saved by the things that the Commission does at their level before it comes to Board. He added that combining work sessions makes a lot of sense so that the public hearing process is maintained. Mr. Rooker commented that there aren't usually separate plans for individual retail establishments because the zoning is already approved.

Ms. Mallek stated that one situation in which it was particularly appropriate to look at this is when there is a project that has already gone through the review process and rezoning, but one that needed some significant changes such as phasing.

Mr. Rooker said that it would be interesting to find out the success rate of the peer communities who have a fast tracking approach in place, adding that the raw information presented regarding things like site plan approval indicated that Albemarle was actually doing better than counties that had a special process. He asked if, because of limited staff, the County is better off spending time on this or better off making certain that county processes are generally what they should be. He said the focus should be on doing things administratively with good criteria that protect the community, which has been done in some areas but not done others.

Ms. Catlin stated that some of this is already being done in some cases, and this step is about formalizing it, making a commitment to it, and establishing some objectivity to it so that when there is a really attractive candidate – existing or from outside of the area – who falls into this criteria, staff is able to tell them with confidence that the County is going to do everything it can as quickly and effectively to get them into Albemarle County within its standards.

Mr. Snow said he sees it as establishing the process in case the opportunity arises; it is not something that the County would be doing every week, adding that he thought it was the appropriate step to take. He said if a company wants to move here and they're going to hire 1,000 citizens who are already here, they ought to be fast tracked.

Ms. Catlin stated that the next step would be for the Board to determine whether the criteria presented to them was the right kind of things to be assessed in qualifying someone to be a fast track candidate.

Mr. Dumler said that he would also like to see a list of disqualifying criteria, noting his desire not to monetize environmental resources.

Mr. Rooker said that disqualifying criteria could be addressed by stating 'minimal environmental and infrastructure impacts' unless an applicant was willing to mitigate those.

Mr. Boyd stated that those things are already being done today.

Mr. Rooker said that he would like to see some mention of minimal environmental impacts.

Mr. Dumler commented that he wouldn't want to bend over backwards for someone who wouldn't be addressing those.

Ms. Mallek said that perhaps to qualify for an expedited process an applicant would need to provide an upper level of mitigation. She said an applicant would be expecting a lot of the Board and, in turn, the Board would need to expect a lot of them also. She added that they would need to be coming to the Board with the understanding that it would want them to do it right.

Mr. Rooker stated that very few target industries would have major negative environmental impacts, but it should be included as a criterion.

Ms. Catlin said that they needed to be careful how much to put in the front of the process, in balance with what would come as the process proceeds.

Mr. Rooker commented that he wouldn't want to fast track an industry that was going to put 600 tractor trailers on the road per day.

Mr. Foley said that a minimal threshold for that impact could be defined and reflected in the fast-track criteria.

Ms. Mallek said that it would be important for businesses that want to locate here to be transparent in what their impacts would be.

Mr. Foley said it should be understood that if a company wanted to be fast tracked, and that business had a lot of complicated environmental issues, it will not work.

Mr. Boyd said that Mr. Rooker's example would preclude location of something like a Target distribution center, even if it was located off of I-64.

Mr. Rooker responded that he wouldn't want to fast track that type of business, and if he was the sole vote on the fast tracking he wouldn't vote for it right now. He read from the staff report that the Comprehensive Plan review and update currently underway provides for the opportunity to appropriately designate lands for industrial and business development, thus eliminating the need for businesses to locate in those areas that go through an additional Comprehensive Plan Amendment process.

Mr. Boyd commented that it didn't have to be an either/or situation.

Mr. Rooker said that staff is limited and, every time they come before the Board, they indicate that they would have to shuffle projects in order to adopt new initiatives and, as Mr. Graham said, expanding the process significantly would increase the cost by either adding staff or taking away existing applications.

Mr. Foley stated that, if there is general support from the Board to move forward, staff could take that direction and go to the next step to include consideration of adding environmental impacts as a disqualifier. He said he heard that the Board is not in favor of joint public hearings but a suggestion that advertising could possibly take place at the same time. He said staff will refine the document and bring it back to the Board for further discussion.

Mr. Snow said that he agreed.

Mr. Rooker said that he agreed also, suggesting to Mr. Foley that a chart from other communities showing what they were doing related to land use processes would be helpful. He suggested Mr. Graham also inquire about how successful the fast track program has been.

Mr. Graham stated that he has had some of those conversations, but that was a very subjective thing to evaluate as it often depended upon who you asked in a specific locality.

Mr. Thomas asked what control, if any, the County would have over infrastructure.

Mr. Graham said that, once the land is zoned, the County has very little control over roads that are offsite.

Mr. Rooker said that it does factor into projects that require rezoning, asking the Board if they would really consider approving an industry that would put 2,000 vehicle trips per day on a road that's already over capacity. He said those are the kinds of decisions that should be considered when the County rezones property and whether or not something should be fast tracked.

Mr. Foley stated that if there were complicated infrastructure issues that would take years to resolve, putting those projects in the fast track probably wouldn't make a lot of sense.

Ms. Catlin said that her contact in Culpeper had said that their rate of success was highest when a project was consistent with the Comp Plan, so the work being done now does build the foundation for a more successful process.

Mr. Rooker commented that he viewed this as window dressing, something that could be told to an applicant to help lure them into the community but most people would not make a location decision based solely on that criterion.

Mr. Boyd said that a business would make their decision if they were told it would be two or three years before they could open a business.

Mr. Foley stated that those impacts pertained only to applications that needed a Comprehensive Plan Amendment and a rezoning.

Mr. Boyd said that he didn't want to disclose confidential conversations, but there were companies who had decided not to locate here for that reason.

Mr. Rooker said that he would like to talk to Mr. Boyd about it, and to see a list of those firms.

Mr. Foley pointed out that the Comp Plan changes and the Land Use Map are moving forward also, which will make more land available without needing a Comp Plan amendment.

Agenda Item No. 20. CPA-2013-01 Comprehensive Plan Update.

The executive summary forwarded to Board members stated that on July 26, 2011, the Planning Commission began the Comprehensive Plan update process with a general review of the County's Vision, Goals, and Objectives. The staff report can be found at:
http://albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/PC_Agendas/PC_2011_07_26_Agenda.pdf.

On October 11, 2011, the Commission reviewed existing demographic information, future residential needs based on population projections, and the nine expansion area requests. The staff report can be found at:
http://albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/PC_Agendas/PC_2011_10_11_Agenda.pdf.

On November 29, 2011, the Commission discussed rural area commercial uses. The staff report can be found at:
http://albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/PC_Agendas/PC_2011_11_29_Agenda.pdf. The Commission discussed the ways in which the Rural Areas might be more supportive of tourist-related uses and provide for other agricultural support. Prior to that meeting, staff held a roundtable for input on possible commercial uses in the Rural Areas to support agriculture and tourism. Notes from that meeting are provided as Attachment I.

On February 14, 2012, the Commission received additional information on the status of existing housing units in the County as well as future units in the pipeline. In addition, the Commission received the Board's Vision and Goals for the Strategic Plan as well as a proposed format and standard land use categories. The staff report can be found at:
http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/PC_Agendas/PC_2012_02_14_Agenda.pdf.

Conclusions and direction to staff for Vision, Goals, and Format: The Commission concluded that the vision and relevant goals adopted by the Board of Supervisors for the County's Strategic Plan should be used for the Comprehensive Plan. Staff was directed to proceed with the Comprehensive Plan update using the format provided to the Commission at its February 14, 2012 meeting.

Conclusions and direction to staff on Expansion Areas: The Commission accepted the Virginia Employment Commission population projections and the Regional Water Demand Forecast population projections as the range of projections to use for planning purposes. Based on a comparison of these projections with the existing residential capacity, which was calculated by taking into consideration the rezonings approved over the last 10 years and the residential land designations in the current Comprehensive Plan, the Commission concluded that there was no need to expand the development areas for additional residential development, as the existing capacity could support expected residential needs for the next 20 years. The Commission further noted that expansion and designation of lands for residential use was not appropriate considering that existing infrastructure would not fully support currently approved but unbuilt projects. The Commission directed that the south side of the Shadwell interchange be studied for potential business and industrial development. Attachment II contains a portion of the October 11 staff report, which provides the residential capacity analysis, locations of the expansion area requests and the accompanying expansion areas staff report.

On February 14, 2012, after receiving additional information on housing, the Commission discussed whether the market would be able to respond to needs for single family detached housing in the Development Areas and concluded that it should be able to accommodate those needs because of the flexibility in the approved residential zoning to-date.

Conclusions and direction to staff for Rural Areas changes for Agri-business and Agri-tourism: The Commission concluded that changes to the Rural Areas part of the Comprehensive Plan are needed to better support agri-business and agri-tourism and existing zoning regulations for the RA should be less restrictive. Staff is analyzing which of these changes are so significant as to require additional policy statements and guidance in the Comprehensive Plan and which could be more immediately addressed through minor zoning text amendments or are permissible under existing zoning regulations.

Current Comprehensive Plan Update activities: Staff and the Commission have a full schedule of activities this spring in anticipation of staff's work on the Comprehensive Plan. Outreach to Neighborhoods four, five, six and seven is expected to occur in March. The Commission will also discuss information on light industrial uses and employment locations. In April, the Commission will look at recommendations for a "mini" Master Plan for Neighborhoods four, five, six and seven. In May, the Commission will look at recommendations on service standards for County service providers.

There is no budget impact expected beyond the budgeted staff costs anticipated in the Community Development Department work program. It should be noted that this staff time is being used as an in-kind contribution leveraging staff assistance and public participation services under the Regional Livability Grant project.

This report is provided for the Board's information. If the Board would like more information on any specific topic, staff can provide this during the work session or at a subsequent Board meeting.

Ms. Elaine Echols addressed the Board, stating that the Planning Commission had also been talking about these issues. Ms. Echols said that they had focused on three items to accomplish: specific focus areas with input to go into the Comp Plan update; making the Comp Plan more current; and trying to reduce the bulk and standardize the format. She stated that to date, they have worked on the development capacity in the development areas, addressed the expansion area request that took place in October, discussed agri-tourism in November, and will address industrial needs on March 20, i.e., what is the County's acreage like, how many parcels are available, what are the sizes, what will they get from a rezoning, should more land be designated. Ms. Echols said that they were getting into the process of neighborhoods 4 and 5, stating that they would be getting input from those neighborhoods on the existing Comp Plan and any suggested changes. She said a future master planning opportunity is slated for the future, but an initial assessment is to determine if existing goals are sufficient or need changes. She stated that in May they would discuss community facilities standards, and staff would be in the writing phase.

Ms. Echols reported that the livability workshop on March 29 will focus on historic resources, entrance corridors, and natural heritage and those workshops have been quite successful in looking at the distinctions between what the City does and what the County does, and what the community sees from the outside when viewing the whole community. She stated that, on April 17, there will be a joint City-County Planning Commission meeting, and on April 24 neighborhoods 4 and 5 will be going back to the Commission. Ms. Echols said that, in May, they would be making some decisions about what should go into the draft of the Comp Plan, with staff doing some writing over the summer to take back to the Commission in the fall. She stated that staff is hopeful the Commission will hold their public hearings in the fall and make a recommendation to the Board by the end of the year with adoption in early 2013.

Ms. Mallek asked where the agri-business rules changes fit in here.

Ms. Echols responded that those rules would go into the Comp Plan as big picture issues, and any of that could be translated into zoning text amendments which pertain to staff's work program.

Mr. Cilimberg agreed, stating that he, Ms. Echols and Ms. McCulley were meeting next week to address the quicker fixes and the possibilities under the current ordinance.

Ms. Mallek asked which category is bed and breakfast in the accessory unit. She asked if that would be a Comp Plan issue that would not occur until January.

Mr. Cilimberg said he does not know that that would be a Comp Plan issue.

Ms. Mallek asked about possible food service at a Health Department kitchen on a farm.

Mr. Cilimberg responded that they may be a bigger issue because of the question of numbers, water consumption, traffic, etc. These are issues they will discuss next week in terms of dividing lines.

Mr. Rooker said having an accessory unit for a mother or grandmother is one thing, but it is another issue to immediately double the number of units allowed in the rural areas.

Ms. Mallek said she was talking about changing the bed and breakfast regulations which currently does not allow an accessory unit which is a limited focus. In her opinion, the food service issue is the same thing.

Mr. Cilimberg said that staff wants to be sure to identify the things in the ordinance to be changed that could be accommodated in the work program that Mr. Graham would be bringing back to the Board in April.

Ms. McCulley reported that staff is also working with some of the relevant state agencies related to the food service issue, and would be holding a meeting later in March with all of the Albemarle farm wineries to address that issue – as it is more of a Health Department requirement than a zoning limitation.

Ms. Mallek commented that that is not what people have been told for the last five years.

Mr. Boyd commented that it concerns him that the Planning Commission has been working on this Plan for a year and a half, and the Board would only have a few months to review it all and essentially rubber stamp it. There are some issues he would like to see moved up on the schedule and dealt with.

Ms. Echols said the Board can spend as much time as it wants on the Plan.

Mr. Rooker said that there are links to all of these reports and all of the information.

Mr. Boyd said that that is not the same as participating.

Mr. Rooker asked if he wanted a work session on this.

Mr. Boyd said that he would be amenable to that.

Mr. Rooker stated that the only way to move forward without bogging the process down would be a joint meeting.

Mr. Boyd said he would like to do that because if the Commission is headed off in a direction that this Board does not agree with, it would be better to catch it early than sit and wait until it comes to the Board as a huge Comprehensive Plan change.

Mr. Foley said that if the Board could fit into the Commission's schedule that would keep it on track, but setting up a separate work session would add another meeting to the process.

Mr. Boyd said that he wasn't suggesting another meeting.

Mr. Rooker stated that there is an opportunity now to read through what has been discussed and written, and then provide comments.

Ms. Mallek said the Board could do its homework and come back with comments.

Mr. Foley stated that if the Board disagrees with what the Commission has said regarding growth area boundaries, this would be the time to raise those issues.

Mr. Boyd said that he does not have a problem with sending those issues to staff, but it would not do much good without some discussion of those ideas.

Mr. Foley stated that today was designed for the Board to discuss issues that they had concerns with, and it might be helpful for them to have a Board discussion on this first – rather than jumping into the Planning Commission process.

Mr. Cilimberg commented that there seemed to be two different things discussed here – more general guidelines for the bigger issues that are in the Comp Plan, such as the interstate interchange policy, larger use possibilities in the rural areas; versus those things that might be related to how people have interpreted ordinance provisions, or thought that things were different than how they really are – that might be tweaked through quick fixes.

Mr. Cilimberg emphasized that under Virginia law, the Planning Commission has a very unique role regarding Comprehensive Plans. Their role is actually to independently bring to the Board a recommended Comprehensive Plan. Certainly the Board needs to know what they are doing and the Board may want to talk to its Planning Commissioners about things that they have seen, because the Commissioners are not in a decision point now. He thinks that any guidance Commissioners might need in decisions could individually and collectively be good for them. He said that the Board didn't tell the Commissioners to do anything different with Places 29, but did ask them to include certain things in their process and their hearing that they had decided not to include – such as expansion areas.

Mr. Davis added that the Board could ask the Commission to study things and provide recommendations, but cannot direct them as to what to recommend. It is an independently statutory process that the Planning Commission considers and proposes comprehensive plan amendments, and the Board has the ability at that point to accept it or not accept it.

Mr. Rooker asked about the status of the proposal for the expansion of Redfields.

Mr. Cilimberg clarified that the expansion area was inclusive of the rezoning area that the Board had seen. After their work session the Commission decided not to review the expansion request as the applicant had requested – but that is something Board members could ask them to consider. He added that the existing boundary is not recommended to be changed, and that lies in the growth area.

Ms. Mallek asked where things stood with the "purple flex areas" which is the mix areas – some commercial, industrial, small manufacturing, small business zone created for the Downtown Crozet zone - in the Comp Plan process.

Mr. Cilimberg responded that a large area of Places 29 got the multi-use designation for business development. There were more residential/commercial/business mixed use areas which is part of what the staff would be working with the Commission in the land use plan. Staff is now working on the percentages in the industrial uses ZTA, which the Commission recently held a work session on. He said that they would have another work session soon, but have already provided staff with some further direction on how to deal with those mixes in industrial districts.

Mr. Boyd asked how much direction was provided from actual landowners.

Ms. Echols replied that staff contacted property owners as part of potential re-designation, stating that they had spoken with a number of different property owners and have shared that information with the Commission.

Mr. Cilimberg mentioned an upcoming rezoning for a property on Greenbrier Drive that has been industrially zoned and has vacant space that they have not been able to lease for industrial purposes. He

said that there had been concern about no leasable space for industrial and the possibility that the space could be lost for that designation if it changed to commercial, but staff also realized that the flexibility needed to be there. Mr. Cilimberg said that because there wasn't a mixed use possibility in that building, staff recommended to the applicant that they process it through the neighborhood model district – and the Commission made a recommendation for some of that space to be made available for commercial use under that district. He stated that staff is trying to find ways to address it before the industrial ZTAs occurred, but the foundation for allowing that to happen was that Places 29 has been adopted – as it established flex uses as appropriate for a large area, including that building.

Mr. Rooker said that is an example for someone who had an industrial property on the market for a very long time but not able to lease it, so they converted it to commercial to allow retail-type uses.

Mr. Rooker suggested the Board move through the budget process and then schedules a work session on this. Mr. Snow concurred.

Mr. Foley stated that staff would coordinate the next opportunity to discuss this further. He added that the Comp Plan is actually moving pretty fast. Staff is working hard with the Planning Commission getting through this, along with responding to important things like the fast track. There is a lot of effort going on to keep this schedule and move it faster. He added that the schedule is significant to keep rolling, adding that Chesterfield County is in its fourth year of doing a comprehensive Comp Plan update.

Ms. Mallek asked about the inclusion of “growth management policies” as mentioned by citizens earlier in the meeting.

Mr. Cilimberg responded that it would be one of many goals in the Comp Plan, and the concern was that it was not a goal included in the strategic plan that was getting repeated in the Comp Plan. He said that at the Commission's request, staff tried to categorize the goals of the Comp Plan within the goal categories of the Board's strategic plan so the Commission could see how they linked together. Mr. Cilimberg said that the strategic plan goals where applicable are being used as “categories” under which they are putting the more specific goals of the Comp Plan – and growth management was one of those.

Mr. Foley commented that Mr. Rooker's suggestion to incorporate the language into the strategic plan strengthens that alignment.

Board members commended staff for all of their work.

Mr. Cilimberg said that his expectation is that the Comp Plan will take about half as long as the first one he had worked on, in the late 1980s.

Ms. Mallek thanked him and staff.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Snow said that at the last MPO meeting they received an update from Mr. Jim Utterback, of VDOT, indicating that VDOT was putting money into the budget for the widening of Route 29 beginning this summer.

Ms. Mallek asked about other comments she heard that the area would get no further funding for roads after the bypass was done.

Mr. Snow responded that VDOT also stated that they were proceeding with the Hillsdale Drive Extension and the Belmont Bridge replacement.

Mr. Rooker asked about the status of the Best Buy ramp.

Mr. Thomas replied that it is on the design board currently and they are trying to determine if they need any additional right of way.

Mr. Rooker and Ms. Mallek encouraged Mr. Thomas to keep pushing on that, as that area needs to get fixed regardless of any other projects. They have money for the project but it seems to have gotten caught in the bureaucracy and is not going anywhere. In fact VDOT took over the project about a year ago with the intent of accelerating the process, but that has not happened.

Mr. Boyd reported that County representatives on RWSA voted against RWSA's CIP because the pump station drove the cost up by \$13 million. It has been the Board's position that it is a City issue that the County should not have to pay the additional money that makes it more attractive to their neighborhoods. He also stated that a little over 70% of the CIP is for mandated projects or sewer projects, including a \$10-million retrofit to the water treatment plants to add chloramines.

Ms. Mallek said it could kill you if you did it in your kitchen.

Mr. Rooker asked if anyone has looked at the health effects of adding ammonia.

Mr. Boyd commented that those mandates came down from the EPA. He also said that when they have an approved project without an agreement, it defaults to the City paying for it.

Mr. Foley explained that it is based on flow, which is not how it would work out in cost-sharing, so it would be to the County's detriment.

Ms. Mallek asked how this handles the consent order.

Mr. Foley said that it did accommodate the consent order, as the majority of the RWSA Board did approve it. Mr. Foley emphasized that the cost-share allocation agreement needs to be put in place before the project is underway.

Ms. Mallek said that one of the bills before Congress pertains to having the Department of Defense able to add money as a matching grant to a community's application before the USDA for preservation easement money. The County has used USDA farmland and ranch protection money occasionally in the past for ACE easements. She stated that the idea is protection of land around their military facilities as increased buffer, which was spawned by concerns at Oceania and other locations around the country. The military is aggressively trying to invest in these communities to get conservation easements on these properties to give value to the landowners but also protect them. This is something that the Board also discussed last year about not putting fences of development around Rivanna Station to allow them to grow as they need to. Ms. Mallek said that the number one criteria BRAC uses in closing is expansion possibility, which the County should consider in its protection of Rivanna Station.

Mr. Davis noted that it would require the areas around those facilities to be designated in the Comp Plan as appropriate for conservation easements. If the Board is serious about that, it is a significant issue that the planners need to look at.

Ms. Mallek said that she has already expressed concern about this in their discussion of that area's future.

Agenda Item No. 22. Adjourn.

At 3:55 p.m., **motion** was offered by Mr. Snow to adjourn the meeting until March 12, 2012 at 9:00 a.m. in Room 241. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following vote:

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

NAYS: None.

Chairman

Approved by Board
Date: 07/11/2012
Initials: EWJ