

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 4, 2005, at 9:00 a.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. David P. Bowerman, Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Planning, V. Wayne Cilimberg, and Senior Deputy Clerk, Debi Moyers.

Agenda Item No. 1. The meeting was called to order at 9:04 a.m., by the Chairman, Mr. Rooker.

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

Agenda Item No. 4. Other Matters Not Listed on the Agenda from the Public.

Ms. Sarah Lee Barnes, Chair of the Albemarle County Historic Preservation Committee, addressed the Board. Ms. Barnes noted that May is National Preservation Month, and indicated that there would be a meeting May 24th at 6:00 p.m., at the Senior Center for her group to present an update on their "Country Stores Project." She explained that there is important historic significance about these stores in America, and that would be part of the program; the other part of the program would feature the Poplar Forest archeologist Barbara Heath, who would speak on slave consumerism in Piedmont, Virginia. Ms. Barnes said that there are eight local co-sponsoring organizations for the program, adding that the Albemarle County Historical Society is a partner.

Mr. Jeff Werner addressed the Board, noting that he lives in the "winemakers house," and was recently granted permission to erect a historic marker celebrating the Monticello Wine Company, which used the property. Mr. Werner said that Stone Mountain Vineyard (Neil Williamson) would be sponsoring the casting of the sign, with the Piedmont Environmental Council providing research. He reminded the Board that they had previously passed an ordinance making Charlottesville and Albemarle the "wine-making capital of Virginia," noting that in the 1860's and 1870's formed the Monticello Wine Company, which became the second largest winery in Virginia, winning many awards around the world. Mr. Werner stated that when the sign is ready, he would invite the Board to a ceremony hosted by Stone Mountain.

Agenda Item No. 5a. Presentation: Certificate of Appreciation.

Mr. Rooker presented Mr. Kirk Train an award for his dedicated service as a member of the Architectural Review Board from June 6, 2001 to March 1, 2005. Mr. Rooker said that Mr. Train honorably served the Board and the citizens of the county by applying the guidelines of the Architectural Review Board with wisdom, honesty, and integrity, by using his sound reasoning and providing judicious advice on numerous design issues. He also vigorously promoted and protected the beauty of Albemarle County's Entrance Corridors by his work. Mr. Rooker presented him with a certificate of appreciation, and thanked him for his years of service to the county.

Mr. Train said he appreciated the opportunity to serve and enjoyed it very much, and mentioned that he feels that other voices need to rotate through so that the Board reflects the community at large and not just a series of individuals with a corporate memory.

Agenda Item No. 5b. Presentation: Resolution by Delegate Mitch Van Yahres.

Deferred until June 1, 2005.

Agenda Item No. 6. Consent Agenda. **Motion** was offered by Ms. Thomas, **seconded** by Mr. Dorrier, to approve Items 6.1 through 6.6 and Items 6.8 through 6.11, and to accept the remaining items for information. Item 6.7 was removed from the consent agenda for discussion. (Discussions are included with individual agenda items.) Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.
NAYS: None

Item 6.1. Approval of Minutes: June 9, 2004.

Ms. Thomas read her portion of the minutes of June 9, 2004, (pages 1-15 (end at Item 8), and found them to be in order with some typographical corrections.

By the recorded vote set out above, the minutes were approved as read.

Item 6.2. Set public hearing for June 1, 2005 on an Ordinance to amend the County Code, Chapter 15, Taxation, Article XIV, Enhanced Emergency Telephone Service Tax – E911.

At a recent budget work session, the Board of Supervisors requested that staff prepare an ordinance that would increase the monthly Emergency-911 fee from two dollars (\$2) to three dollars (\$3) for each access line. *Virginia Code* § 58.1-3813.1 authorizes localities to impose a fee on telephone service to pay for an Emergency-911 system and caps this monthly fee at three dollars (\$3.00) for each access line. Albemarle County currently imposes a tax of two dollars (\$2.00) per month.

The proposed ordinance would increase the Emergency-911 fee to three dollars (\$3.00) for each access line. The increased rate would become effective 120 days after the subject telephone companies are given written notice of the new rate.

The draft ordinance includes an amendment to Section 15-1400(B) to make this section consistent with *Virginia Code* § 58.1-3813.1(F) so that it authorizes the County to use the fee to pay for all allowable expenses. Currently the ordinance does not specify that the fee can be used to pay for costs incurred in training dispatchers and direct call-takers.

Staff recommends that the Board of Supervisors set the proposed ordinance for public hearing on June 1, 2005.

(Mr. Boyd said that he did not see in the proposal related to 911 costs how much the budget amount is. Mr. Tucker pointed out that every dollar increase would provide \$568,000 in new money, noting that the county is currently subsidizing about \$400,000. Mr. Tucker explained that when the new 800 MHz system comes online next fiscal year, it would be significantly more than the extra dollar will cover.

Mr. Davis pointed out that the increase would not take effect until next fiscal year, because of a 120-day implementation delay, noting that it is dedicated revenue.

Mr. Wyant said that his understanding is that the GIS system is not covered with this.

Mr. Davis clarified that it can provide for road signage to clarify addresses, but not with the GIS system.

Mr. Tucker noted that GIS is not exclusively for emergency services.)

By the recorded vote set out above, the public hearing was set for June 1, 2005..

Item 6.3. Acquisition of Conservation Easements (ACE) Preliminary Ranking Order for FY 2004-05.

The Acquisition of Conservation Easements (ACE) Program received ten (10) applications for its October 31st, 2004 deadline. Since then, staff has evaluated each of the properties according to the ranking evaluation criteria identified in the ACE ordinance. These objective criteria include: open space resources; threat of conversion to developed use; natural, scenic and cultural resources; and County fund leveraging from outside sources. Based on the results of the evaluation, staff has determined eligibility and a preliminary "final" ranking order for applicants from Round 5 of the ACE program. These results were presented to the ACE Committee at the April 6th, 2005 meeting. In general, this is the best class of applicants the ACE Program has ever received by almost any measure including diversity, quality and size. This is clearly reflected in the individual point totals, particularly among the highest ranked properties.

The evaluation of ten (10) applications from Round 5 shows that all ten properties are currently eligible for ACE funding. Though some minor adjustments of the points may be needed on a few of the properties, this will have a minimal impact on the ranking order and no impact on the eligibility status. Most of the adjustments will affect ranking criterion C.9, whose primary purpose is to establish or maintain forest buffers along rivers and perennial streams. The width of the buffer will affect the number of points awarded for this criterion. In addition, points may be awarded for criterion D.1 ("County fund leveraging") if the County receives leveraged funding from the Virginia Land Conservation Fund Grant Program. In March, staff submitted an application for approximately \$800,000 worth of grant funding. The VLCF board will meet in early June to make the awards.

The ACE budget has sufficient funds to purchase easements on the entire Round 5 class due to carryovers from previous classes and the withdrawal of the Mehring Family application (ACE Class of 2003-04) at the Mehrings' request. As a result, the ACE Committee has recommended that the Board of Supervisors approve proceeding with appraisals for all ten (10) eligible properties (Ripper, Davey, Vieille, Metcalf-South, Rives, Boyle, Rushia, Donnelly, Rock Mills Farm and Jensen-Barnett). With regards to the Ripper application, staff is currently evaluating the applicant's request to restrict vehicular access (while maintaining pedestrian/recreational access) to an old public right of way (Brown's Gap Turnpike) as part of that property's participation in the ACE Program. While this property scored the highest among all of the applicant pool, staff will not proceed with its appraisal until this matter has been resolved.

A general description of the individual properties and a summary of the vital statistics for this class of applicants are on file.

Approve the recommendation of staff and the ACE Committee to have the ten (10) properties from FY 2004-05 ACE applicant pool - Ripper, Davey, Metcalf-South, Vieille, Rives, Boyle, Rushia, Donnelly, Rock Mills Farm and Jensen-Barnett properties - appraised.

ACE Applications for Year 2004-05 (deadline of October 31st, 2004)
(15 points are needed to qualify for ACE Funding)

Applicant	Tax Map (Acreage)	Points	Travel/Tourism Value*
Ripper (Brown's Cove)	TM 5, Parcel 4 (307.959 acres)	65.57 points	yes
	TM 5, Parcel 4A (453.893 acres)		
	Total (761.852 acres)		
Davey (Carters Bridge)	TM 112, Parcel 15 (271.740 acres)	61.38 points	yes
	TM 112, Parcel 15B (22.490 acres)		
	Total (294.230 acres)		
Vieille (Crozet)	TM 56, Parcel 113 (269.200 acres)	34.81 points	no
Metcalf/South (Covesville)	TM 97, Parcel 24A (145.710 acres)	30.95 points	yes
Boyle, Marilyn (Keswick)	TM 95, Parcel 1 (93.540 acres)	29.89 points	yes
	TM 95, Parcel 18 (14.180 acres)		
	Total (107.720 acres)		
Rock Mills Farm (Ivy)	TM 74, Parcel 19 (122.750 acres)	25.05 points	no
	TM 74, Parcel 20 (9.000 acres)		
	Total (131.750 acres)		
Donnelly (Esmont)	TM 120, Parcel 17 (161.590 acres)	24.23 points	no
Rives, Barclay (Cismont)	TM 65, Parcel 93A1 (3.811 acres)	23.51 points	yes
	TM 65, Parcel 94 (20.200 acres)		
	TM 65, Parcel 95 (4.872 acres)		
	TM 65, Parcel 95A (3.978 acres)		
	TM 65, Parcel 121 (38.840 acres)		
	Total (71.701 acres)		
Rushia, Ed & Chris (Crozet)	TM 39, Parcel 27 (86.700 acres)	23.00 points	yes
Jensen/Barnett (White Hall)	TM 40, Parcel 8 (91.070 acres)	15.80 points	no
Totals	10 Applications	2,121.081 acres	

* Travel/tourism value is determined by the presence of specific elements from the ranking evaluation criteria making certain properties eligible for funding from the transient lodging tax. The specific criteria include the following: contains historic resources or lies in a historic district; lies in the primary Monticello viewshed; adjoins a Virginia scenic highway, byway or entrance corridor; lies on a state scenic river; provides mountaintop protection.

(Mr. Boyd asked when the easement costs would be available.

Mr. Davis responded that today the Board is approving having the appraisals done, and when they come back, the ACE Committee will review them and bring them to the Board as a request for authorization to invite the owners to sell the easements.

Mr. Cilimberg pointed out that the county does estimates of value, but not appraised values. He clarified that the amount is projected to be within budget.

Mr. Rooker said that sometimes appraisals come back too high, and an agreement is not reached with the property owner, and the properties are ranked.

Mr. Wyant noted that the property that is number one on the list has a long history, with a court case related to the property. He added that VDOT and ACE need to be made aware of that history.

Mr. Davis stated that he was aware of the legal history of the property.

Ms. Thomas asked staff if the state had indicated there would be any supplements for what the county has put aside.

Mr. Tucker and Mr. Cilimberg replied that they had not heard anything yet, although the request has been submitted.

Mr. Rooker said that these 10 applications include 2,121 acres with 121 development rights.)

By the recorded vote set out above, approved recommendation from staff and ACE Committee to have the ten (10) properties from the FY 2004-05 ACE applicant pool appraised.

Item 6.4. Proclamation recognizing May 15 through May 21, 2005 as Emergency Medical Services Week.

By the recorded vote set out above, the following proclamation was approved and presented to Steve Elliott of the Fire/Rescue Department:

Emergency Medical Services Week

WHEREAS, *emergency medical services is a vital public service; and*

WHEREAS, *the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*

WHEREAS, *access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

WHEREAS, *the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, police officers, firefighters, educators, administrators, communications personnel, and others; and*

WHEREAS, *the members of emergency medical services teams, career and volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and*

WHEREAS, *it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;*

NOW, THEREFORE, BE IT RESOLVED that I, Dennis S. Rooker, Chairman on behalf of the Albemarle Board of County Supervisors, do hereby proclaim May 15-21, 2005 as **Emergency Medical Services Week** in Albemarle County, Virginia, and encourage the community to observe this week with appropriate programs, ceremonies and activities.

Item 6.5. Proclamation recognizing May 12, 2005 as Police Memorial Day.

By the recorded vote set out above, the following proclamation was approved and presented to Captain Limerick of the Police Department:

NATIONAL POLICE MEMORIAL WEEK

WHEREAS, *May 15 of each year was proclaimed "Police Officer's Memorial Day" by President John F. Kennedy on October 1, 1962, in honor of those peace officers who, through their courageous deeds, have lost their lives or become disabled in the performance of duty; and*

WHEREAS, *Albemarle County is faithfully served by a professional and committed Police Department whose men and women are dedicated to providing outstanding service to the community; and*

WHEREAS, *these days of increasing fear, rising crime, reckless acts of violence, recall to our minds President Kennedy's words of praise for these officers as "truly men and women of courage, judgment and dedication;" and*

WHEREAS, *we share his sentiments and agree that it is time to remind the public of the day-by-day heroism of our officers, both those on active duty and those who have given their lives in the line of duty; and*

WHEREAS, *we will be recognizing Police Memorial Day in Albemarle County with a special ceremony to be held on May 12, 2005;*

NOW, THEREFORE, I, Dennis S. Rooker, Chairman on behalf of the Albemarle Board of County Supervisors, do hereby declare and set aside the week of May 9-15, 2005 as NATIONAL POLICE MEMORIAL WEEK and call upon all citizens to recognize the significant efforts and accomplishments of these officers.

Item 6.6. Authorize County Executive to execute Howardsville River Access Lease Agreement.

Howardsville has been a popular access to the James River since 1964. The original river access site was purchased and maintained by the Department of Game and Inland Fisheries. Hurricanes in the early 1970's washed away much of the DGIF land and the concrete ramp. When the ramp was replaced in early 1980 it was incorrectly sited and infringed on an adjacent private property. Due to the lack of DGIF land at the site and deteriorating relations with that property owner, DGIF closed the access site in the winter of 2000. In order to reopen the site, the County entered into lease agreements with DGIF and the adjacent property owner in 2001. The current lease agreement with the private property owner expires on May 31, 2005. The original lease agreement was for 1 year from June 1, 2001 until May 31, 2002 at an annual rent of \$3,000 with the option of extending the lease for multiple 1 year terms by mutual agreement. The original lease was extended for three additional terms. The landowner is now requesting an increase in the annual rent which will require a new lease agreement approved by the Board.

The property owner originally requested a one year agreement with an increase in the annual rent from \$3,000 to \$5,000. The Parks and Recreation Director has negotiated, subject to board approval, a five year agreement with a total annual rent of \$4000 in the initial year and an annual increase of \$250 for each of the subsequent years. The County may terminate this lease at any time, upon giving written notice to the Landlord. The Landlord may terminate the lease at the end of each year (May 31st) with 90 days written notice to the County. All other terms of the lease remain the same.

This action will increase the expense of operating the Howardsville river access by \$1,000 in the first year and by \$250 for each subsequent year through the five year term of the lease.

Staff recommends that the Board authorize the County Executive to execute the attached lease agreement.

By the recorded vote set out above, authorized the County Executive to execute the following lease agreement:

LEASE AGREEMENT

THIS LEASE AGREEMENT made by and between **JAMES E. CREWS** ("Landlord"), whose address is P.O. Box 187, Buckingham, Virginia 23921, and the **COUNTY OF ALBEMARLE, VIRGINIA** ("Tenant").

SECTION 1

- 1.1 Date of Lease.** June 1, 2005.
- 1.2 Property.** That certain lot or parcel of land located in Howardsville, Virginia and described as a 15-foot strip of land to the river consisting of .049 acres, and additional property to be used for parking (collectively the "Property").
- 1.3 Commencement Date.** June 1, 2005.
- 1.4 Term.** June 1, 2005 to May 31, 2010. Tenant may terminate this Lease Agreement for convenience at any time, upon giving written notice to the Landlord. Landlord may terminate the lease at end of each year (May 31st) with 90 days written notice to Tenant. In the event of termination by either party, any obligations provided for hereunder, including but not limited to the payment of rent, shall cease, with no further liability to either party.
- 1.5 Rent.** Tenant shall pay a total annual rent of \$4,000.00 during the initial term and agrees to an annual increase of \$250.00 for each of the subsequent years (two through five) of the term of this Agreement. Rent shall be due on or before June 1st of each year of the lease period.
- 1.6 Permitted Uses.** The County intends to use the Property in order to provide public river access for fishing and related recreational uses, and parking for cars and trailers using the boat ramp.

SECTION 2

Maintenance and Upkeep of Property

- 2.1 Maintenance and Upkeep.** During the term of this Agreement, Tenant shall:
 - (a) Establish a parking area for cars and trailers on landlord's TMP 139A-16 as near as possible to the railroad property. The limit of the eastern boundary line of the parking area is approximately 167 feet from the nearest rail and the limit of the western boundary line of the parking area is approximately 136 feet from the nearest rail;
 - (b) Provide fencing with access gates outside of VDOT's right of way from parking area to boat ramp on all property owned totally or in part by Landlord;
 - (c) Post and enforce "No Parking" between parking area and boat launch;
 - (d) Fence off and post closed VDGIF river front property with the exception of that area necessary to maneuver vehicles and trailers loading and unloading at ramp;

- (e) Post signs at limits of Property stating: "No Trespassing. Persons proceeding beyond this point without the written permission of the owner will be treated as trespassers";
- (f) As authorized by the Chief of Police and Sheriff for the County of Albemarle, Tenant will instruct Police and Sheriff department personnel to enforce Property rules as well as trespassing on Landlord's property from Property;
- (g) Maintain all fencing and signage placed by the County on the Property and provide additional fencing and/or signage if Landlord and Tenant jointly agree;
- (h) Provide a minimum of twice-weekly trash pick-up of the Property and to adjacent Landlord's property if trash is related to use of the Property;
- (i) Provide regular mowing and trimming services of the Property as needed; this will include trimming on both sides of all fence installed by the Tenant including fencing around Landlord's garden area;
- (j) Provide 270 hours of annual on-site Police or Sheriff Department supervision. Tenant intends that direct police supervision will be targeted during peak use hours or other times as may be needed. Costs of such supervision will be the responsibility of Tenant. Additional on-site police or sheriff department services will be provided for security reasons if Landlord and Tenant mutually agree;
- (k) Provide portable toilet service for the site; and
- (l) Tenant will provide protective fencing around Landlord's garden area on adjacent TMP 139A-17.

2.2 Condition of Property upon Surrender. Tenant accepts the Property "as is" and will, at the expiration or other termination of the term thereof, surrender and deliver the Property in the same order and condition as the Property shall be at the Commencement Date of the term of this Agreement, ordinary wear and tear excepted.

SECTION 3 Liability

3.1 Loss or Damage to Property or Persons. Neither Landlord nor Tenant, nor their respective officers, employees, agents or representatives shall be liable for any loss, damage or injury to property or persons caused by the negligent or intentional acts or omissions of third parties in connection with the uses contemplated by this Agreement.

3.2 Waiver of Liability. Landlord assumes no liability or duty to third parties because of Tenant's occupation or use of the Property, and Landlord assumes no liability or responsibility for Tenant's conduct and operation of Tenant's business on the Property during the term of this Agreement, except as otherwise specified herein. Landlord and Tenant are separate entities with separate duties; they are not engaging in any joint venture, partnership or concerted action. Neither party assumes any liability for the wrongful acts or omissions of the other.

SECTION 4 Damage or Destruction by Casualty

4.1 Damage. If during the term of this Agreement, all or any portion of the Property shall be damaged or destroyed by fire, flood, windstorm, strikes, riots, acts of public enemy, acts of God, or other casualty, this Agreement shall terminate at the option of Tenant in accordance with Section 1.4.

4.2 Partial Invalidity. If any term, covenant or condition of this Agreement, or the application thereof, to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

4.3 Approvals. This Agreement is subject to and contingent upon approval of its terms by the Board of Supervisors of Albemarle County, Virginia.

4.4 Annual Appropriations. This Agreement is subject to annual funding by the Board of Supervisors of the County of Albemarle, Virginia. In the event the Board of Supervisors fails to appropriate funds necessary to fulfill Tenant's obligations specified in this Agreement, this Agreement shall be deemed cancelled, with no penalty of further liability to the County, and of no effect.

SECTION 5 Governing Law

This Agreement shall be in all respects governed by and interpreted in accordance with the laws of the Commonwealth of Virginia. Exclusive venue for any dispute arising under this Agreement

shall be in the Circuit Court for the County of Albemarle, Virginia. In the event of any material breach of this Agreement by either party, the nonbreaching party shall have the right to obtain an immediate injunction or other equitable or legal relief.

SECTION 6
Entire Agreement

This Agreement sets forth all the covenants, promises, agreements, conditions and understandings between the parties concerning the Property and there are no other such covenants, promises, agreements, conditions and understandings, either oral or written, between them other than herein set forth. Except as otherwise provided in this Agreement, no subsequent modification, alteration, amendment, change or addition to this Agreement shall be binding upon Landlord or Tenant unless reduced to writing and signed by them.

This Agreement may be executed, acknowledged and delivered in counterparts and each such counterpart shall constitute an original, but together such counterparts shall constitute only one instrument.

SECTION 7
Notices

7.1 Addresses for Notices. All notices required or desired to be given hereunder by either party to the other shall be personally delivered and addressed as follows:

Landlord:

Mr. James E. Crews
P.O. Box 187
Buckingham, VA 23921

Tenant:

Mr. Pat Mullaney,
Director of Parks and Recreation
County of Albemarle
401 McIntire Road
Charlottesville, VA 22902

7.2 Effective Date of Notices. Notice shall be deemed to be effective when personally mailed via first class mail, postage prepaid, unless otherwise stipulated herein.

WITNESS the following signatures.

LANDLORD:

JAMES E. CREWS

TENANT:

COUNTY OF ALBEMARLE, VIRGINIA

By: _____

Robert W. Tucker, Jr.
County Executive

Item 6.7. Formation of Natural Heritage Committee.

On March 2, 2005, the Board authorized the creation of the standing Natural Heritage Committee, a technical advisory group on biodiversity issues, as recommended by the Natural Resources and Cultural Assets chapter of the Comprehensive Plan. Staff is now presenting the documents necessary for establishing the Committee for the Board's approval.

Staff has prepared the necessary documents for the establishment of the Committee. The Fact Sheet (Attachment A) and the Charge and Outline of Tasks (Attachment B) are based on the Biodiversity Work Group report accepted by the Board on February 2, 2005.

The fact sheet states that the committee should include ten to twelve members. Although this would make for a fairly large committee, staff and the Work Group felt that a smaller committee would not accommodate the necessary range of experience.

The fact sheet also lists the qualifications and backgrounds needed for the Committee. These qualifications are intended to support the Committee's role as a technical advisory group. The list includes several fields that are important to the Committee's success. However, it also suggests inclusion of landowners and citizens who have an interest in biodiversity conservation.

Staff recommends that membership not be limited to County residents. Given the relatively small number of potential members with the necessary expertise, staff hoped to avoid preventing the participation of any interested and capable people. However, the guidelines in the fact sheet do indicate that the total committee membership should consist of some County residents. If the Board finds it preferable, the guidelines could specify that the general citizen member(s) mentioned above shall be County residents (it currently states that "if possible" these representatives should be County residents). The fact sheet also recommends staggering the terms of the initial appointments (four, three, and two years), with four-year appointments thereafter and no term limits.

A copy of the proposed Rules of Procedure for the Committee is also attached (see Attachment C).

Given the Board's interest in streamlining development review processes, which will be discussed in a work session next month, staff recommends that the Board defer implementation of Task F of the committee's charge until the impacts on review processes are better understood. The Board can then advise both staff and the committee regarding any protocol it may feel is necessary in the development review process.

NATURAL HERITAGE COMMITTEE FACT SHEET

Duties/Function:	As listed in the attached Charge and Outline of Tasks.
Length of Term:	Initial appointments will include four four-year appointments, four three-year appointments, and four two-year appointments. Thereafter, appointments will be for four years.
Frequency/Meeting Times:	Monthly
Membership/Qualifications:	<p>The Board of Supervisors shall appoint ten to twelve members. Applicants need not be County residents. However, total committee membership should consist of some County residents. The Committee should include members with expertise or background in one or more of the following fields, to support the Committee's role as a technical advisory group:</p> <ul style="list-style-type: none">• natural history (including those with detailed knowledge of local wildlife, plants, and other resources);• terrestrial, aquatic, and landscape ecology;• biological conservation and conservation planning;• population genetics;• forestry;• geology and soils;• geographic information systems for conservation;• science education (adult and youth). <p>The group should also include local landowners and citizens with interests in biodiversity conservation, farming and forestry, and conservation-oriented rural and urban development. If possible, these general citizen representatives should be residents of the County.</p>

NATURAL HERITAGE COMMITTEE CHARGE and OUTLINE OF TASKS

CHARGE

The Natural Heritage Committee is an advisory committee that maintains the County's Biodiversity Assessment; advises the Board of Supervisors, the Planning Commission, and County staff on applying biodiversity information to land-use decision-making; and supports biodiversity education in the County.

OUTLINE OF TASKS

- A. Input on and oversight of the maintenance, expansion, updating, and evaluation of the ongoing Biodiversity Assessment begun by the Biodiversity Work Group, and development of a protocol for assessing changes in the state of biodiversity (with reference to planning goals).
- B. Assistance in staff development of an action plan that specifies detailed steps for achieving protection of biodiversity as outlined in the Comprehensive Plan.
- C. Development of policy recommendations to the Board in response to biodiversity issues and information gathered from the Biodiversity Assessment. The Committee should be consulted on programs, regulations, and Comprehensive Plan changes that may affect biodiversity protection.
- D. Development of educational materials and programs on biodiversity.
- E. Provision of periodic reports to the Board of Supervisors on the state of biodiversity in the County.
- F. At the request of the staff, Planning Commission or Board of Supervisors, review selected development proposals for biodiversity impacts, and provide comment regarding the impacts, potential mitigation measures, and/or alternative approaches to the development.

**ALBEMARLE COUNTY NATURAL HERITAGE COMMITTEE
RULES OF PROCEDURE**

1. Officers

- A. Chairman. At its annual meeting, the Committee shall elect a Chairman who, if present, shall preside at the meeting and at all other meetings during the year for which elected.
- B. Vice-Chairman. At its annual meeting, the Committee shall elect a Vice-Chairman, who, if present, shall preside at meetings in the absence of the Chairman and shall discharge the duties of the Chairman during his absence or disability.
- C. Secretary. At its annual meeting, the Committee shall elect a Secretary, who, if present, shall record the proceedings of the meeting.
- D. Term of Office. The Chairman and Vice-Chairman shall be elected for one-year terms; but either or both may be re-elected for one or more additional terms.
- E. Absence of Chairman and Vice-Chairman. If the Chairman and Vice-Chairman are absent from any meeting, a present member shall be chosen to act as Chairman.

2. Meetings

- A. Annual Meeting. The first meeting in January of each year shall be known as the annual meeting. At the annual meeting, the Committee shall establish the day, time, and place for regular meetings of the Committee for that year, and shall elect the chairman, vice-chairman, and secretary.
- B. Regular Meetings. The Committee shall meet in regular session at the time and place and on the day or days established for regular meetings. The Committee may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.

If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Committee members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. This finding shall be communicated to the members of the Committee and to the press as promptly as possible.

Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Committee is complete.

- C. Attendance. Two unreported absences from regular meetings shall be considered grounds for dismissal from the Committee.

3. Order of Business

- A. Establishment of Agenda. The agenda for each regular meeting shall be established by staff in consultation with the Chairman.
- B. Organization of the Agenda. The agenda of each regular meeting shall be organized in substantially the following order, subject to change at the request of the Chairman and with the consensus of the other members of the Committee:
 - (1) Call to order
 - (2) Announcements
 - (3) Scheduled presentations
 - (4) Discussion Items
 - (5) Subcommittee Updates
 - (6) Other business
 - (7) Adjourn
- C. Deferrals. The Committee may defer any matter at the request of a member of the Committee or County staff. The request may be either oral or in writing, and may be made at any time prior to the vote on the matter. The person making the request shall state the reasons therefor. A motion to defer shall either specify the date to which the matter is deferred or defer the matter indefinitely.

4. Quorum

A simple majority of the appointed members of the Committee shall constitute a quorum for any meeting of the Committee. If, during a meeting, less than a majority of the

members of the Committee remains present, no action can be taken except to adjourn the meeting. If, prior to adjournment, a quorum is again established, the meeting shall continue.

5. Voting Procedures

- A. Approval of Motion by Majority. Except for a decision on a motion of the previous question, each decision of the Committee shall be made by approval of a majority of the members present and voting on a motion properly made by a member and properly seconded by another member. Any motion that is not seconded shall not be further considered.
- B. Manner of Vote. The vote on a motion pertaining may be either by roll call vote or voice vote, in the discretion of the Chairman; provided that a roll call vote on such a motion shall be required if requested by a member of the Committee. For each roll call vote, staff shall record the name of each member voting and how the member voted on the motion. For each voice vote, staff shall record the result of the vote.
- C. Tie Vote. A tie vote shall defeat the motion voted upon.
- D. Abstention. If any member abstains from voting on any motion, he shall state his abstention. The abstention shall be announced by the Chairman and recorded by staff.
- E. Motion to Amend. A motion to amend a motion before the Committee shall be discussed and voted by the Committee before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Committee for its consideration. If the motion to amend is not approved, the original motion is again before the Committee for its consideration.

6. Amendment of Rules of Procedure

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

7. Suspension of Rules of Procedure

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

8. Rules of Procedure not Covered by These Rules of Procedure

Any rules of procedure not covered by these Rules of Procedure shall be governed by the current Robert's Rules of Order.

(Mr. Boyd asked that this item be pulled from the consent agenda for separate discussion.)

Item 6.8. Resolution to accept road(s) in Beckoning Ridge Subdivision into the State Secondary System of Highways.

By the recorded vote set out above, the Board adopted the following resolution, at the request of the Engineering Department:

RESOLUTION

WHEREAS, the street(s) in **Beckoning Ridge Subdivision** described on the attached Additions Form SR-5(A) dated **May 4, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Beckoning Ridge Subdivision** as described

on the attached Additions Form SR-5(A) dated **May 4, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

The road(s) described on Additions Form SR-5(A) is:

- 1) **Beckoning Ridge Road (State Route 1609)** from Route 677 (Old Ballard Road) to the cul-de-sac, as shown on plat recorded 12/2/2003 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2650, pages 338-343, with a 50-foot variable right-of-way width, for a length of 0.19 mile.

Total Mileage - 0.19 mile.

Item No. 6.9. Historic Preservation Committee requests pertaining to current legislation, re: changes to Section 106 of the Historic Preservation Act and tax incentives for conservation easements.

In a memorandum dated April 27, 2005, Margaret Maliszewski, Design Planner, said the Historic Preservation Committee recently sent letters of concern to various legislators regarding two current legislative issues:

1. Changes to Section 106 of the Historic Preservation Act
2. Tax incentives for conservation easements

Proposed changes to these pieces of legislation could have significant negative impacts on our historic and cultural resources, and on conservation easements. The Committee has asked that the Board of Supervisors express its commitment to preservation and conservation by sending similar letters of concern regarding the proposed changes.

(Ms. Thomas asked that the letter also go to Congressman Cantor since he serves on a committee that deals with conservation easements.)

By the recorded vote set out above, the Board approved the request to send the following letters from the Board to legislative representatives regarding their commitment to preservation and conservation.

The Albemarle County Board of Supervisors is strongly opposed to the recommendations of the Joint Committee on Taxation addressing Charitable Deductions for Contributions of Conservation and Façade Easements (sec.170).

Albemarle County has benefited greatly from tax incentives that are currently available for placing land in conservation. Tax incentives have been instrumental in acquiring the 49,000 acres of land that we now have under easement in Albemarle. Tax incentives are the most cost effective way of preserving land. They allow the land to continue in private ownership, and the land can continue to be used for farming and other productive uses.

We believe that the organizations that hold our conservation easements must be held to the highest standards to ensure that land is fairly valued when put under easement. Although we would support changes in the law that would ensure that these high standards are met, we know from experience that crippling the program would have unwanted side-effects.

You know the value of conserving land in Virginia; it generates and strengthens tourism, which is a strong factor in our economy. Conservation easements can benefit all our citizens.

We ask for your support in opposing these recommendations. Thank you for considering this important issue and for your continued leadership.

We have learned that the U. S. House of Representatives, Committee on Resources, Subcommittee on National Parks is considering changes to Section 106 of the National Historic Preservation Act. We urge you to reject the changes to Section 106 as proposed and support the reauthorization of the National Historic Preservation Act.

While the proposed changes may appear to be minor, their ramifications would actually be extremely significant. In particular, we are concerned about removing the process of identifying and evaluating historic sites from professionals at both the local and state level. This would have a significant negative impact on Albemarle County's cultural resources because it could lead to the loss of many historic sites that are known at the local level but not yet documented or evaluated. Survey is one of the primary means of identifying and evaluating our region's cultural resources. In Virginia, as

elsewhere across our nation, less visible historic resources such as African American, Native American and battlefield sites, and all types of archaeological resources, are under-represented. To discontinue identification and evaluation efforts at the local level would be to place the future of these types of sites in jeopardy.

The National Historic Preservation Act has served Virginia and its citizens well. It is a sound federal policy of accountability that provides reasonable guidance and structure to historic preservation efforts at the state and local levels. **Please support the reauthorization of the National Historic Preservation Act *without* changes to Section 106.**

Item No. 6.10. Timetable for FY06/07-FY10/11 Strategic Plan.

The Board initiated the County's FY 2003/04 – FY 2005/06 strategic plan in April, 2002. The initial plan included four strategic directions and seven goals. At their 2003 strategic planning retreat, the Board added a goal that addresses the County's growth and urbanization. In April 2004, the Board approved the addition of four Life Long Learning Goals. At their October 2004 strategic planning retreat, the Board reviewed the results of the 2004 citizen survey and other data and added a goal to address the County's growing transportation concerns.

The current strategic plan will end June 06. A new strategic plan will be established for FY 06/07 – FY 10/11. The current strategic planning cycle will end June 06. A new four-year strategic plan will be initiated at the next Board Retreat, which is scheduled for September 2005. After the fall retreat, staff will continue to complete the activities of the current plan, while developing action plans and establishing outcome measures for the FY 06/07 – FY 10/11 plan's goals. This will ensure that the new plan will be off to a good start in July 06. A timetable for the development of the FY 06/07 – FY 10/11 strategic planning schedule is provided for your review.

Staff recommends the Board review and approve the time table for the FY 06/07 – FY10-11 Strategic Plan Development Cycle. If there are no objections, staff will proceed with planning the activities for the development of the FY 06/07 – FY 10-11 Strategic Plan as described.

By the recorded vote set out above, the Board approved the timetable for the FY 06/07 Strategic Plan Development Cycle and to proceed with planning the activities to the development of the FY 06/07 – FY 10-11 Strategic Plan.

Item 6.11. Park View Senior Apartments at South Pantops Subsidy Request.

The Jefferson Area Board for Aging has partnered with Shelter Development, LLC to build Park View at South Pantops, a 90 unit senior rental community. This development presently is in the construction phase and has experienced a dramatic increase in development expenses – specifically \$763,000 – that JABA attributes to unexpected site improvements and construction cost inflation. The unexpected site improvements, according to JABA, include three retaining walls, an extension of cement footings, and VDOT-mandated sidewalk improvements. JABA claims that the \$763,000 increase in construction costs will severely limit the number of amenities that can be provided in the facility and contends that the lack of these amenities could detract from the potential success of the project. JABA requests, therefore, an annual County subsidy of \$400 per unit for a period of ten years. The total amount of this request comes to \$360,000.

The proposed development will be owned by a private, for-profit entity with JABA having an option to purchase the facility after fifteen years.

Albemarle County Office of Housing has worked with JABA and Shelter Group for almost two years on the proposed development. The Board of Supervisors passed a resolution supporting the development's application for Low-Income Housing Tax Credits and to commit 12 rental vouchers to subsidize rents for households below 40 percent of the area median income. These vouchers, with an annual value of approximately \$54,000, are committed for ten years provided that HUD continues to provide sufficient funding. In addition to supporting the application for tax credits, County staff provided a written appeal on behalf of the applicant and made this appeal in person to the Virginia Housing Development Authority's Board of Commissioners when the applicant did not initially receive tax credits. After hearing the appeal, the Board of Commissioners agreed to extend tax credits to the project.

Unlike Woods Edge Elderly Apartments, in which JABA was also a partner with a similar purchase option, Park View does not propose that the requested annual subsidy will result in reduced rents. At Woods Edge approximately 40 apartments are subsidized using \$40,000 in annual contributions for eight years. The apparent use of the requested funds for Park View will be to support debt service on additional funds borrowed to cover the additional development costs identified above. There will be no direct impact on rents paid by the tenants. It should be noted that Park View will have rent restrictions on all 90 units as a result of using tax credits, density bonus provisions, and housing vouchers. The most restrictive rents will be using housing vouchers (\$623 for one-bedroom and \$745 for two-bedroom)

Based on the above information, staff cannot support the requested subsidy for the following reasons:

- There are questions on how annual subsidies will overcome the immediate need for cash to cover unanticipated development costs.

- Funding the request will not have a direct impact on rents paid by future tenants.
- Staff is concerned about setting a precedent of providing development subsidies for the construction of a private, for-profit facility.

However, if the Board desires to fund this request, it should direct staff to develop a legal approach to implement the funding. This will require adoption of an ordinance and/or development of agreements to insure that the funding will be used for the intended purpose. It is likely funding for this in FY 06 would have to be from the Board's contingency reserve.

By the recorded vote set out above, the Board did not support the subsidy request for Park View Senior Apartments.

Item 6.12. 2004 Quarterly and Year End Albemarle County Building reports as prepared by the Department of Community Development, **was received for information.**

Item 6.13. Draft copy of Planning Commission minutes for March 15, 2005, **was received for information.**

Item 6.14. VDOT monthly report for May, 2005, **was received as information.**

Item 6.15. Comparative Report of Local Government Revenues and Expenditures for the Fiscal Year Ended June 30, 2004 as provided by the Auditor of Public Accounts, **was received for information.**

Item No. 6.7. Formation of Natural Heritage Committee.

Mr. Boyd stated that he was concerned about the makeup of the committee that stemmed from the report from the ad-hoc committee and how it played in the process of Board decision-making. He said understood that the committee was to be advisory, but language in the outline of tasks such as "oversight" and "establishing protocol" related to biodiversity seems to indicate the committee would have more control. The community should have more opportunity to comment on this Biodiversity Committee, adding that the majority of the members should be from Albemarle County. His concern is not with the committee, but instead the outline of the charge. He thinks the Board should seek a little more public input.

Mr. Rooker said that the committee is clearly advisory, as it does not have the power to pass any ordinance or approve any action the Board may take, but it does have the power to give advice. The Board spent a long time when it went through the Comprehensive Plan several years ago on the Biodiversity section. A group of people worked over a long period of time to make recommendations to the Board. The group made a presentation several months ago with a rather long report and discussed how a committee might provide assistance to the county. He added that any action or advice the committee provided would be a public hearing item, and, in his opinion, they would serve much like the Historic Preservation Committee. Mr. Rooker said the Board adopted the Biodiversity section of the Comp Plan several years ago, and he feels they should go forward with the establishment of the committee.

Mr. Boyd said that he doesn't see the problem with delaying it long enough to give the community time to provide input, adding that he is not aware of any committee formed with slots over geographic representation.

Ms. Thomas said that DISC had categories and skills that the county wanted represented, and the Board has a precedent for focusing on the slots as opposed to where people live.

Mr. Rooker stated that the entire process of the Comprehensive Plan and the Biodiversity Committee has always been on the agenda, and no one has ever come in to specifically object to its establishment.

Mr. Tucker added that this has not been created just for this meeting, but was basically pulled from the report submitted to the Board, which they reviewed and spent some time on. He noted that "F" needs some further work.

Mr. Wyant said that he agrees with Mr. Boyd that how it fits into the development process should be considered.

Mr. Boyd stated that the wording seems to allow more and more control for the committee.

Mr. Dorrier said that the action plan reference is not clear, stating that it needs to be determined what their mission is.

Mr. Cilimberg noted that staff is developing the action plan along with the committee. It's not something that will just be created and be used outside of your decision that is going to come to the Board. That is something that was called for in the Comprehensive Plan.

Mr. Rooker commented that the specifics are not before the Board today, just the establishment of the committee.

Mr. Boyd asked that the agribusiness community be given more of an opportunity to provide input.

Mr. Wyant commented that there is not sufficient database information available, and he understood the action plan as covering this aspect. He asked if projects would be delayed because of information needed from this committee.

Ms. Thomas responded that projects would absolutely not be delayed. We are pulling "F," which is the place where we will say to what extent are they going to be asked to participate in development proposals.

Mr. Rooker said that he is in favor of getting the committee going, noting that the Comp Plan provides for its creation. He emphasized that the committee is "clearly advisory," adding that the Historic Preservation Committee has never held up an application process. He believes the more information received, the more intelligent the Board's decisions are. He asked that any suggested wording changes be circulated among Board members prior to next month's meeting, since the item would be delayed until that time.

Agenda Item No. 7a. Discussion: Meadow Creek Parkway/CATEC Impacts.

Mr. Jack Kelsey, County Engineer summarized the executive summary. On May 5, 2004 the Board of Supervisors adopted a Resolution of Intent to endorse the design of the Meadow Creek Parkway, as presented in the design public hearing. Condition #3 of the resolution stated that a 3 meter [9.8 feet] planting strip will be provided between the curb and sidewalk on both sides of the four-lane divided portion of Rio Road to provide a visual transition into the Parkway.

On September 21, 2004 VDOT gave an informational presentation on the Meadow Creek Parkway project to the CATEC Board of Directors, who expressed concern regarding the impact to their parking lot and bus routing. Following this meeting VDOT requested the County Engineer to consider reducing the planting strip to the minimum 3 foot wide utility or grass strip. In response, the County Engineer provided VDOT with two alternatives demonstrating that the planting strip recommended by Jones & Jones could be maintained by reconfiguring the parking lot and bus circulation.

The CATEC Board has recently expressed their concerns for this design issue and provided recommendations to the County Board of Supervisors in their letter dated March 15, 2005.

The concerns expressed by the CATEC Board include 1) loss of a safety buffer between the roadway and parking/bus circulation; 2) loss of parking spaces and impacts to the bus circulation route; and 3) disruptions to school operations and student safety during construction. Their recommendations include, 1) use of only a 2 foot wide grass strip; 2) use of a guardrail or earth mound to create a physical buffer between the sidewalk and the parking/bus routing; and 3) creating a reduced speed school safety zone around CATEC.

These items are discussed in detail in the memo prepared by the County Engineer and included in the attachments. In brief, the County Engineer's alternatives address the concerns raised by CATEC, but the additional site improvements will increase the cost of the Meadow Creek Parkway construction. However, the improvements will allow for a transition from the urban 4-lane divided Rio Road to the Meadow Creek Parkway that is true in form to both the Jones & Jones design recommendations and condition #3 of the Resolution of Intent.

Staff needs to instruct VDOT on how to proceed with the final design plans for the Parkway. This issue is complicated by the County's vision for this portion of the parkway and the related cost implications of adhering to that vision.

Staff requests direction from the Board of Supervisors on how to respond with this design issue.

Mr. Kelsey then referred the Board to the sketches of the plan provided for the Board's review. Ms. Thomas asked for clarification as to which sketches were Mr. Kelsey's, and which were CATEC's.

Mr. Kelsey said that none of the sketches are from CATEC; he provided the sketches. He added that the sketches attempt to show the VDOT designers that the planting strip could be provided and bus circulation could be replaced onsite, although it would involve some additional expense.

Mr. Tucker noted that Mr. Kelsey's sketches show that you can meet CATEC's needs for circulation and still maintain Jones and Jones' proposal for alignment with the wider planting strip.

Mr. Rooker asked Mr. Kelsey to point out the differences in alternatives 1 and 2. Mr. Kelsey responded that the parking relocation is the main difference.

Ms. Thomas asked if either alternative is compatible with the Meadow Creek Parkway. Mr. Kelsey replied that they both work, and CATEC has not chosen an alternative yet.

Mr. Wyant asked how many entrances there would be to CATEC. Mr. Kelsey responded that there is one entrance on the east side of CATEC, and a new entrance made on the south side, which

would align with the relocated section of the old Rio Road/Park Street, with a traffic signal there. In response to Mr. Boyd's question about increased cost, Mr. Kelsey clarified that the parking lot improvements could add \$75,000 to \$100,000, but there are no detailed plans at this time.

Mr. Boyd said that CATEC's Board wished that the facility be compensated for the widening. Mr. Kelsey stated that the value for the improvements and right of way should be factors in determining acquisition, and should be part of the project cost.

Mr. Wyant emphasized the need for adequate bus circulation and parking. Mr. Kelsey commented that being able to enter the site from a traffic light will improve the accessibility.

Ms. Thomas said that either of Mr. Kelsey's alternatives would work, and perhaps CATEC should choose. Mr. Kelsey noted that he was trying to show with his sketches that the planting strip and onsite improvements would still be possible under the Jones & Jones plan.

Mr. Tucker suggested that Mr. Kelsey meet with CATEC to decide which approach is the best fit.

Mr. Rooker agreed, adding that the county spent a great deal of money making Meadow Creek look like a Parkway, and the entrance is important.

It was the consensus of the Board that Mr. Kelsey meet with CATEC to review the two alternatives.

Mr. Tucker stated that the relocation of parking and circulation should be considered in the project costs, and VDOT and/or the county should pay for them, not CATEC.

Mr. Kelsey said that he would contact the VDOT project manager first, and then proceed with CATEC.

Agenda Item No. 7b. Reclassification of East Rio Road as Arterial Highway/Establish Rio East as Entrance Corridor Overlay District.

Mr. Tucker explained that the Architectural Review Board would like the Board to request that VDOT look at the reclassification of Rio East to an arterial highway so it could then be considered as an Entrance Corridor Overlay District. He stated that Rio West and Hydraulic are in the EC Overlay, and staff would submit to VDOT reasons why Rio East should also be an arterial highway.

Mr. Boyd asked why this is done, and what the logic is behind this being an Entrance Corridor. Mr. Tucker responded that the ARB sees this as a corridor because it is across the street from an Entrance Corridor (Rio West).

Mr. Bowerman explained that roads that access Charlottesville are considered Entrance Corridors.

Ms. Thomas added that Entrance Corridors are just that, an entrance to a historic district.

Mr. Davis stated that it is a determination that the roads are "significant routes of tourist access" or leading "to designated historic landmarks, buildings, or structures or districts." He added that staff found Rio to meet these criteria, even more so anticipating Meadow Creek Parkway. In order to be an Entrance Corridor, the road has to be an arterial road.

Mr. Wyant added that arterial roads are a VDOT classification.

Mr. Cilimberg commented that the last update of Entrance Corridors done in the 1990's, Rio East was on a consideration but couldn't be designated because the road wasn't classified as arterial. He thinks it is almost a given that once Meadow Creek Parkway is built this will be an arterial.

Mr. Boyd asked if Hillsdale Drive Extended would be an arterial road. Mr. Cilimberg replied that that is unlikely. Mr. Tucker said that the classification is based on several factors, with traffic being the major one, and with trips per day considered.

Mr. Rooker pointed out that Hydraulic Road is classified as arterial, and that has uplifted the aesthetics of the area because of the Entrance Corridor status.

It was the consensus of the Board to support the request. Mr. Tucker said staff will develop the basis and start the process with VDOT

Agenda Item No. 7c. Transportation Matters not Listed on the Agenda.

Mr. Jim Utterback, Resident Administrator, addressed the Board.

He noted that VDOT planners in Richmond were involved in the Rio reclassification decision.

He explained that the guardrail would be installed this week on Dry Bridge Road.

Mr. Utterback reported that VDOT traffic engineering is not currently supporting a traffic light on Rio Road at Dunlora, as a 12-hour analysis revealed "opportunity for safe movement" of vehicles in and out of the subdivision, and no significant accident histories exist at the site. He added that there are two right-turn lanes that exist from Dunlora and CATEC, and a signal does not help those situations. Mr. Utterback concluded that VDOT does not view the movement at Dunlora as being much different from other points along Rio Road. Mr. Bowerman agreed to share that information with the constituents.

Mr. Utterback said that Route 250 will get raised pavement markers/reflectors near Brownsville School, and traffic engineers have agreed to install a new eastbound sign at no cost to the county, but any additional lighting is outside of their scope. He reported that improvements to Via Lane would take a formal addition to the state road system.

Ms. Thomas asked if it could be a rural addition. Mr. Utterback responded that it could be, and said that Richmond has come out recently with guidance on rural addition authorities, which relates closely to county subdivision design standards. He indicated that he is planning to meet with Mark Graham in the near future to discuss this matter.

In response to Mr. Boyd's questions, Mr. Davis clarified that the county allows private roads to be developed to mountainous terrain standards not accepted in the VDOT system under the subdivision ordinance. Mr. Davis said that in other parts of the state there has been an interpretation that if you allow that, you are not eligible for rural addition funding at all.

Ms. Thomas noted that Albemarle has not typically used rural addition.

Mr. Davis added that the opinion has been quite controversial in rural counties, and may be applied statewide soon.

Mr. Boyd said that the Rustic Rural Road policy seems to contradict this finding. Mr. Utterback pointed out that the difference is those roads have already been accepted in the state system, and were grandfathered under the Byrd Act.

Mr. Davis noted that the county does allow roads to be built to mountainous terrain standards and remain private for small lot subdivisions, and VDOT is saying that counties cannot do that and still be eligible for rural addition funding. He explained that the problem is that in the future, neighbors ask the county to upgrade the roads to bring them into the state system, and VDOT feels that developers "get off the hook" because they could have been required to build them to state standards up front, which is more expensive.

Mr. Utterback continued his report, explaining that the Mosby and Old Trail Bridge projects are awaiting central office approval, but have moved forward on the local/regional level. He added that there is a site distance easement at the Meadows, and VDOT is going to reevaluate that in the next few weeks.

Regarding the dangerous curve signage on Buck Mountain Road, Mr. Utterback reported that VDOT has placed an additional sign and is looking into end pavement markings to try to alleviate the situation.

Mr. Utterback stated that on the Route 22/250 intersection improvements, the buildings impacted would be the convenience store/gas station, and that structure has a site plan that is contingent on the new road project. He said that field inspection is scheduled for next week for that site.

Mr. Utterback reported that VDOT has been working on paving county-wide – with Route 29 northbound lane as a priority. He noted that there are two contracts in process now, with S.L. Williamson doing most of the work, and B & S doing another job. He said that plant mix has just started up, and surface treatment is in process. Mr. Utterback stated that the district is happy this year with the spending in the county.

Ms. Thomas said that one of her constituents has expressed concern about signs appearing in the right-of-way. Mr. Utterback mentioned that this is a problem across the state, and VDOT crews remove those signs as they see them. If there are a number of signs, he said, then VDOT notifies the involved parties.

Mr. Rooker said that it is a fineable offense, and he receives many complaints in his district.

Mr. Wyant asked what the process is for new signs, including traffic signs.

Mr. Utterback explained that signage has been used to improve safety along certain stretches.

Mr. Wyant said that signs are requested and go through traffic engineering, and if they are justified, VDOT moves forward with speed reduction and appropriate related signage.

Ms. Thomas noted that there are concerns on Route 250 East that the lights are not coordinated in any way, especially in the Pantops area. She said that commuters feel there is no way to go along there without being stopped, and that disrupts traffic flow.

Mr. Rooker mentioned that the city is undertaking a \$500,000 project to coordinate city lights, noting that one of the major lights at Pantops is in the city.

Mr. Tucker added that the further lights are apart, the more difficult they are to synchronize.

Mr. Rooker said that there was an article in either "The Hook" or "C'ville Weekly" about an accident on a stretch of Old Ballard Road where cars can become airborne if they are going fast, and asked Mr. Utterback to look into that. He also asked him about the paving on Old Garth Road.

Mr. Utterback agreed to look into the Old Ballard Road matter, and responded that there has been some coal patch mix put onto Old Garth, with additional work slated for the coming weeks.

Mr. Boyd asked about Gilbert Station improvements.

Mr. Utterback responded that there is a triple-pipe there, and they have ordered the pipe. He said that once the pipe is resolved, paving will begin. Mr. Utterback said that the traffic engineer is going to look at the Hollymead Town Centre light, which Mr. Boyd mentioned as having a very short sequence.

Mr. Boyd asked about a 25 MPH sign for Rocky Hollow Road, off of Route 20, noting that the road is slated for the Rural Rustic Road project.

Mr. Boyd asked if the Board wants to wait for the fall to consider the six-year plan in conjunction with the Rural Rustic Roads.

Mr. Cilimberg commented that there is a priority list for Rural Rustic and regular unpaved, and the next road on those lists could be built or improved. He added that the six-year plan would come back to the Board in the fall/early winter. Mr. Cilimberg emphasized that the decisions made at that time would go into effect July 1, 2006, and the plan just reviewed would go into effect July 1, 2005. He added that staff will go back and look at the funding and bring it back to the Board.

Mr. Tucker agreed to bring that back on June 1st.

Mr. Utterback acknowledged that the state has been behind, but emphasized that there is additional funding available for rustic roads. He said that he wants to revisit why some roads were considered rural versus rustic rural, noting that the biggest concern has been safety.

Mr. Boyd commented that if there is funding available, he would like for the next project to be undertaken.

Mr. Dorrier asked about improvements to Blenheim Road. Mr. Utterback said that he does not believe anything has been done since last fall, and plans indicated that work should begin this summer.

Mr. Rooker commented that it is a private improvement, and there is no way to force them to go forward with the improvements. Mr. Utterback noted that the developer has done improvements down to the bridge. Mr. Dorrier said that the neighbors are pretty upset about it.

Mr. Rooker asked about the Colthurst Drive speed study, and Mr. Utterback agreed to provide him with a copy.

Agenda Item No. 8. Presentation: Hazard Mitigation Plan, Thomas Jefferson Planning District Commission.

Mr. Bill Wanner, Senior Regional Planner with the Thomas Jefferson Planning District Commission, addressed the Board. He stated that the Hazard Mitigation Plan is regional because of new requirements from FEMA regarding disaster funding assistance and the state has designated the planning districts as the bodies to prepare the plan. Mr. Wanner explained that the plan looks at ways to eliminate or reduce the effects of natural disasters to human life and property, adding that applications will be made to receive more funds to achieve this. He pointed out that mitigation strategies begin on Page 37 of the document in the Board packet, noting that there is a working group that includes Mr. Cilimberg and Kaye Hardin – the county's emergency services coordinator. Mr. Wanner said that the plan includes a ranking of levels of threat of different natural disasters, and looks at the potential loss of life as a result of that priority listing, as well as the capabilities of counties to deal with the threats that have been identified.

Mr. Wanner said the key part for the Board is the mitigation strategies, and those were ones that were generated by citizens and Albemarle County staff in particular for ways to address these issues that have come up. He added that the process for approving the plan is much like the Comprehensive Plan, whereby it goes before the Planning Commission and then to public hearing [set for the Planning Commission on May 10th]; the Commission would make a recommendation to the Board with a public hearing slated for June 1st. Mr. Wanner added that a final plan would then go to the state and FEMA for approval. He reported that the Planning Commission suggested that a mitigation strategy be added for a possible dam failure at the Ragged Mountain Reservoir.

Mr. Rooker noted that the plan does not deal with manmade disasters. Mr. Wanner confirmed that it deals with natural disasters such as flooding.

Mr. Boyd commented that the price tag on these items is very high, and asked if the county is essentially committing to doing these things. Mr. Wanner responded that the obligation is to recognize these are mitigation strategies that are important to the county with an understanding that these strategies may need to be altered.

Mr. Rooker said that at some point, the county may need to go through and prioritize the strategies.

Mr. Dorrier suggested looking at the Scottsville plan for dealing with flooding.

Ms. Thomas commented that she is the liaison to the Mountain Overlay District Committee, and she is interested in the wildfire management plan. She asked if the mountainous terrain factors into the calculations for mitigation costs and plans. Mr. Wanner replied that his feeling is that the risk of wildfires is probably greater on mountainous terrain. Ms. Nicole Gilkeson said that they do have maps dependent on the type of trees and landscape features, but they can look more in-depth at including additional information on the impact of terrain.

Ms. Thomas pointed out that the county does have maps on GIS overlay that could be used.

Mr. Wanner said that Nelson County had the same concerns, particularly the problems with emergency vehicles accessing remote homes. He reported that Nelson is providing clear house numbers so that in front of the driveway a home is identified.

(Note: At 10:47 a.m., the Board recessed, and reconvened at 10:58 a.m.)

Agenda Item No. 9. Presentation of the Assets for Youth Report, Saphira Baker.

Speaking on behalf of the Commission for Children and Families, Ms. Winx Lawrence recognized other workgroup members Saphira Baker, Gretchen Ellis, Charles Martin, and Nell Downing. Ms. Lawrence reported that in 2003 the Commission conducted a community needs assessment and found a significant discrepancy in after-school and extra-curricular activities for youth based on income and race. She indicated that middle and high school youth of low-income and African American families were much less involved in after-school activities. Ms. Lawrence explained that national research indicates that it is very important for youth this age to be involved in safe and enriching activities, which has a high correlation with academic performance and healthy development. She noted that there are approximately 7,000 middle and high school county youth, and only 1,400 elementary to high school youth being served in after-school activities. There is a huge void.

Ms. Lawrence explained that the Commission created an Assets for Youth workgroup, which included 25 community members and 23 youth leaders. She noted that they created focus groups involving over 270 youth from Albemarle and Charlottesville middle and high schools. Ms. Lawrence said that they identified reasons why they believed their peers were not more involved with out-of-school activities, mentioning that the process was supported by the Foundation of St. John the Baptist in the Woods.

Ms. Lawrence said that the adult community members evaluated the youth findings and came up with strategies for improving access to out-of-school activities as well as brochures explaining available activities, adding that many youth did not know what was offered. She stated that the brochures were sent home in student backpacks, as well as being distributed in doctor's offices, etc. around town.

Ms. Lawrence said that while 69 percent of the students interviewed said they participated in one or more structured activities, the majority desired more opportunities. She explained that the youth surveyed were involved in sports programs, followed by fine arts and school-based activities. Ms. Lawrence stated that the group identified four barriers as having a significant impact on youth involvement: concern that they won't know anyone in the activities; financial cost of activities such as participation fees; entrance fees to school events such as games, plays and dances; and transportation especially for county youth.

Youth surveyed indicated that they would like to be involved in a teen club, establish a coffee house, or music hall, according to Ms. Lawrence. She said that the youth suggested neighborhood clubs, instead of the large-scale school based teen clubs that features social, recreational, and educational activities. Ms. Lawrence said they want those facilities to be comfortable and safe, located nearby, with programs there led by adults who are respectful and caring, and not too controlling. She added that the youth expressed an interest in having the clubs open at weekends and night, with many of them indicating that their current activity of choice was partying. Ms. Lawrence pointed out that youth revealed a lack of opportunity for them in the community during the summer, including employment.

Ms. Lawrence shared a summary of the Commission's recommendations:

- ❑ Improving using youth in the design, governance, and operation of out-of-school programs, facilitated by offering incentives to school and community youth programs that demonstrate youth engagement and leadership.
- ❑ Assets for Youth Implementation Team will guide the development and implementation of the recommendations, using the youth group along with others in the community.
- ❑ Make information about financial assistance more available to youth and parents and in a way that's understandable to all.
- ❑ Increasing onsite, year-round, extra-curricular activities at county middle schools, particularly Walton and Henley. Youth at those schools indicated a lack of options for participation in after-school activities. The Commission has already begun discussions with the principal and staff at

Walton enhancement of programming, and the workgroup has created a subcommittee to meet with staff to begin to talk about that possibility.

- Investigate the possibility of neighborhood teen clubs, and how to adapt existing programs to respond to youth descriptions of activities and accessible places, especially in the western and southern parts of the county. The Commission has applied for a research grant to look into this, and should hear within a week or so.

- Expand hours of community and school-based programs to include evenings, weekends and summers, particularly computer labs, gyms, and public swimming pools. These will be presented to the city and county school boards and parks & recreation department.

- Increase financial assistance for low-income youth to participate in fee-based extra-curricular and out of school programs. Eliminate entrance fees to school recreational activities.

- Launch a marketing campaign to increase youth involvement in after-school activities.

- Increase opportunities for youth employment in the summer, especially for those ages 14 to 16. There have been significant federal funding cuts in this area, and the workgroup will seek research grants and staff support to investigate funding sources and identify quality programs.

- Conduct a market-study for an after-school bus line to community based programs and increase bus ridership among youth in the county, especially those in the urban ring. This will be presented to the Charlottesville Transit Service and the school boards, and expansion of the youth free bus pass system is being considered.

Mr. Rooker asked if the local Boys & Girls Club has a strong presence in the schools, noting that they offer after-school and weekend opportunities. Ms. Lawrence responded that the club is in Jack Jouett, and the programs are very popular.

Mr. Rooker suggested leveraging through the club enhanced services described in the recommendations. Ms. Lawrence agreed that that is a real possibility.

In response to Mr. Dorrier's questions, Ms. Lawrence explained that in the implementation phase they would consider the use of adult volunteers at youth events.

Mr. Dorrier suggested a central clearing-house of some kind for youth employment. Ms. Lawrence agreed, adding that there needs to be a better system in place, as it is more likely for "kids of privilege" than low-income kids to find out about jobs.

Mr. Boyd suggested partnerships with faith-based organizations to carry out activities. Ms. Lawrence responded that they surveyed at least 12 programs, but there are funding and capacity limitations, as well as transportation barriers – especially in the case of Walton and Henley.

Mr. Boyd suggested using schools for the activities. Ms. Lawrence agreed, adding that youth would need to view schools as acceptable meeting sites.

Mr. Wyant said that youth in the Crozet area do not want to have to come all the way into Charlottesville for activities, and they are working toward formulating some plans to possibly use the old school there.

Agenda Item No.10. Annual Real Estate Reassessment Report.

Mr. Richard Wiggans, Director of Finance, summarized the executive summary that was forwarded to Board members. Two reports, which explored the possibility of moving the County's real estate reassessment process from a biennial to an annual appraisal process, have previously been brought to the Board of Supervisors for review. Subsequent to the last report on December 2003, staff was requested to bring this proposal back to the Board's attention, so that both real estate staff, as well as the public, would have sufficient time to prepare for the change, should the Board decide to move to an annual cycle. The executive summary has been updated with current statistics and includes a recommendation for Board action.

Current Assessment Process

The County of Albemarle consists of approximately 740 square miles and currently contains 38,015 real estate parcels. These parcels are assessed on a biennial basis by the County Assessor's office. Office staff consists of fourteen employees: a County Assessor, eight appraisers, a tax supervisor, and four clerical staff.

The current assessment process takes approximately one and one-half years to complete. Each appraiser is assigned a geographical area to assess and is responsible for assigning value to approximately 5,000 parcels. During this eighteen-month process, all parcels are visited and reviewed by the assigned appraiser. In addition, values are assigned for new construction that may have occurred; if applicable, the land use status is reviewed; and values are assigned to parcels that have been newly created by subdivision of property.

In 1999, the assessment process changed from a completely manual process to a computer assisted mass appraisal (CAMA) process. With this system, every cost schedule associated with CAMA is updated to accurately reflect current market conditions and costs prior to the start of the reassessment process. These tables assist the appraisers in arriving at their property valuations. In addition to increasing the efficiency of assessment operations, the CAMA software speeds mathematical computations and allows extraction of data for reports and analyses.

Annual Assessment Process

Currently, annual assessments are being conducted in 11 of 80 counties and 16 of 35 cities in the Commonwealth. The City of Salem is scheduled to convert to annual assessment in 2007, effective for 2008. Of the remaining counties and cities, 20 conduct their assessments on a biennial basis with the remaining localities performing their assessments every 3-6 years. Staff conducted a survey of the localities conducting annual assessments to determine the following: number of parcels, ratio of developed vs. undeveloped land, appraisal staffing levels, percentage of parcels visited each year, cycle of parcel review, and sales ratio information. This data is summarized in Exhibit A.

The annual assessment process will take approximately nine to ten months to complete. This condensed time frame will require that the majority of the assessments be completed from sales ratio analysis conducted in the office. It is anticipated that a physical inspection of most properties will be limited to those parcels which have sold, have a current building permit, or whose owner has requested a review. However, International Association of Assessing Officers (IAAO) Assessment Standards recommend every property be physically inspected at least every sixth year. The County Assessor's Office will meet and/or exceed this recommendation.

This limited timeframe will also require the reduction of the appeal period to the County Assessor from 45 days to 15 days and to the Board of Equalization from 30 days to 15 days. These appeals periods would be in line with the condensed timeframe required for an annual assessment program.

It is anticipated that the timeline for office workflow would be adjusted as follows:

Process	Biennial Assessment	Annual Assessment
Reassessment Notices Mailed	Mid-January	Mid-January
Assessment appeal hearings	Mid-January - February 28	Mid-January- January 31
Board of Equalization Appeal deadline	March 1 – March 31	February 1 – February 15
Inspection of new properties applying for land use and parcel divisions	Mid-January – March 31	February 1 – March 31
New Construction	March 1 – May 31 & October	On-going
New Cost Tables Established	April 1 – May 31	February 1 – February 28
Reassessment work period	June 1 (odd yr.) to December 15 (even yr.)	March 1 – December 31

Benefits of Annual Assessments

- Provides a more current picture of the property tax basis;
- Assessments are a more accurate reflection of current fair market value, especially in rapidly increasing or declining markets;
- Assessment accuracy is essential to property assessment and can have legal benefits. Taxpayers and the courts are becoming more cognizant of the desirability of annual assessments in order to secure a just valuation of property for taxation.
- Annual appraisals reduce the dramatic changes in property values that a biennial schedule can produce.
- Vehicle-related expenses (fuel, maintenance, etc.) will be decreased due to the reduction in vehicle usage.

Disadvantages of Annual Assessments

- Costs associated with additional operating expense would result in an increase in on-going costs of approximately \$16,000 per year for mailing costs and reassessment notice forms.
- Appeal process will be shortened in order to accomplish all annual workload deadlines for both appraisal staff and Board of Equalization;
- Market trends and sales ratio analysis, rather than a physical inspection, would be used to assess the majority of parcels. Therefore, appraisers will be less familiar with individual parcels.
- In a declining market, the impact on the tax base will be more immediate, possibly requiring a rate increase to maintain revenue levels.
- Parcels that are currently under the Land Use Taxation Program will not be subject to a physical inspection every two years. Therefore, these parcels may not be immediately recognized should they fail to meet or maintain the requirements of the program.
- Increases will have a more immediate impact on the Revenue Sharing Agreement with the City.

Implementation of Annual Assessments

Prior to implementation of annual assessments, several items will need to be addressed.

- Albemarle County Code Sections 15-1000, Biennial assessment of real estate, and Section 15-1002, Time limits for appeals of real estate assessments, will have to be amended. This requires advertisement of the proposed code changes followed by a public hearing.
- The assessment software currently being used for the computer mass appraisal system (CAMA), SMDA 2000, is capable of supporting the annual reassessment process without any significant software or programming changes at this time. Manatron, the County's software provider, is

scheduled to upgrade the County Assessor's office to new software, Proval Plus, in May 2005. Prior to the implementation of annual assessments, staff recommends the migration from SMDA 2000 to Proval Plus be used once for a biennial assessment, thereby lessening the learning curve associated with both the change in assessment process and new computer software. The software upgrade is anticipated to cost approximately \$25,000 to \$30,000.

- A review of the appraisal staff assignments and job descriptions should be conducted. In reviewing other localities that assess annually, most localities have several positions dedicated to appraisal review. Staff suggests two positions, Residential Review Appraiser and Rural Review Appraiser, will be essential in order to successfully accomplish annual reassessments. The review appraisal positions will be critical to insure the quality of appraisals required within the limited timeframe given to complete the annual assessment process. Staff estimates the realignment costs to be approximately \$12,000.
- Education of the public regarding the change in assessment process should also be addressed. Staff would recommend that the change in assessment process and reasons why this change is necessary be promoted through press releases and other media prior to implementation.

Annual assessment is feasible. CAMA Systems permit conversion to annual assessment with some minor modifications. In conjunction with the request to realign two current positions in the Assessor's office, staff believes the change from biennial to annual assessments can be accomplished without additional appraisal staff. However, with an annual growth of approximately 725 parcels per year, additional appraisal staff may be required in the next five to six years. Staff recommends implementation of annual assessment beginning 2007, effective for 2008.

Mr. Dorrier asked why the change is needed and recommended. Mr. Wiggins responded that it would present a more accurate reflection of property values, as they receive complaints every two years when property owners open up their reassessment notices and see significant increases; additionally, the City of Charlottesville and other large jurisdictions do annual assessments.

Mr. Bowerman mentioned that Mr. Wiggins' office has had time to evaluate the software and assess its capabilities.

Mr. Wyant asked if a public hearing would be required. Mr. Tucker responded that it would be necessary.

Mr. Boyd stated that he would like to see cost benefit analysis for the changeover.

Mr. Rooker commented that there would be a one-time revenue gain in the first assessment year.

Mr. Bowerman stated that the "principle" of converting to a one-year system would outweigh the "mechanics" of it. He emphasized that a one-year system would allow the county to be more up-front with residents.

Mr. Rooker noted that the report indicates there would not be a staff increase associated with the changeover.

Mr. Boyd mentioned that the report calls for two new positions. Mr. Rooker and Mr. Tucker said that those jobs would be added anyway. Mr. Wiggins commented that there may be changes in staff responsibility.

Mr. Rooker read from the report: "costs associated with additional operating expenses would result in increase of ongoing cost of approximately \$16,000 per year for mailing costs and reassessment notices," adding that his calculations showed \$28,000 in increased costs. Mr. Wiggins stated that the primary effect would be on what the county contributes to the city. Mr. Rooker noted that the costs are mentioned in the report. Mr. Wiggins added that the vehicle costs would actually be less, and the software costs would increase for the new system transition.

Ms. Thomas commented that 15 days does not seem like enough time to appeal for many homeowners. She suggested asking the Equalization Board appointees, and also finding out how many appeals came in during the first 15 days.

Mr. Tucker emphasized that property assessment information is available online, which shortens the time needed.

Mr. Wiggins said that they could come back to the Board with new information on timeframe for assessments.

Mr. Rooker summarized that the consensus of the Board is that they would like a better format for cost computations, along with a longer suggested time frame. He added that many citizens do not understand that they are not assessed every year, and compare the county reassessments to Charlottesville's, which actually are every year.

Mr. Wiggins agreed to come back in July with the new information.

Agenda Item No. 12. Closed Session. At 11:42 a.m., **motion** was made by Mr. Dorrier that the Board adjourn into closed session to consider appointments to boards, committees and commissions; conduct an administrative evaluation; and discuss a prospective business locating in the County.

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

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.
NAYS: None

Agenda Item No. 13. Certify Closed Session. At 1:40 p.m., the Board reconvened into open session.

Motion was offered by Mr. Dorrier that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed or considered in the closed session

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

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.
NAYS: None

Agenda Item No. 14. Appointments to Boards and Commissions.

Mr. Boyd then offered **motion** to make the following appointments:

Reappoint Waltine Eubanks and William Harvey to Advisory Council on Aging with said terms to expire May 31, 2007.

Reappoint Gregory MacDonald to Charlottesville/Albemarle Convention and Visitors' Bureau Management Board with said term to expire June 30, 2007.

Appoint Wendi Wills El-Amin, M.D. to Region Ten Community Services Board with said term to expire June 30, 2008.

Second to the motion was given by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.
NAYS: None

Agenda Item No. 11. FY05 Third Quarter Financial Report.

Mr. Richard Wiggans, Director of Finance, said the report is a conservative look at revenues and expenditures for the current fiscal year. He then summarized the attached executive summary forwarded to the Board members. The attached Quarterly Financial Report provides information on the County's General Fund and Fund Balance as of March 31, 2005. The financial report includes a bar-chart report that compares current fiscal year revenue and expenditure data with data from the previous fiscal year.

(\$ In Millions)

A. Attachment A: General Fund Quarterly Financial Report:

1. Revenues:

The Department of Finance estimates that the current fiscal year General Fund revenues will exceed original appropriations by \$2.405 million, 1.5%. This is an approximate \$1.139 million reduction from the FY05 Second Quarter Financial Report. The reduction is due to the real estate tax rate decrease from \$0.76 to \$0.74 per \$100.00. Other revenue estimates have not been changed at this time. Combined with the use of \$3.728 million in fund balance, the total projected revenues, transfers, and fund balance for the year are anticipated to be \$165.981 million or \$6.133 million (3.8%) over the original budget of \$159.848.

- Real Estate Tax revenues, excluding \$0.427 million of reclassified delinquent tax collections, are estimated to exceed original appropriations by \$0.708 million, 0.9%. This is a \$1.566 million reduction from previous estimates due to the \$1.139 million potential real estate tax rate reduction and the reclassification of delinquent tax collections. A better estimate will be available after the 2005 first half tax bills are prepared.
- Personal Property Tax revenues, excluding \$0.161 million of reclassified delinquent tax collections as well as Personal Property Tax Relief (PPTR)

payments, are estimated to be \$0.277 million, 2.0%, less than original appropriations. Other than the reclassification of delinquent tax, there has been no change in forecast. A better estimate will be available after the 2005 first half tax bills are prepared.

- Delinquent Property Tax revenues are estimated at \$0.616 million. This is a \$0.096 decrease from original appropriations. The decrease is due to a timing difference of delinquent tax revenues budgeted for FY05 but realized in FY04. Delinquent tax collections have not been displayed in the attachment B bar graph due to the relative small amounts.
- Sales and Use Tax revenues are estimated to exceed original appropriations by \$0.275 million, 2.4%. This revenue estimate has not changed. However, there are indications that final revenues will be greater. The improvement is due to the economic recovery underway. However, the recovery is still somewhat fragile with significant monthly swings.
- Business License revenues are estimated to exceed original appropriations by \$0.468 million, 6.3%. This revenue estimate has not changed. However, there are indications that final revenues will be slightly greater. The improvement is due to the economic recovery underway. However, the recovery is still somewhat fragile with significant monthly swings.
- Utility Tax revenues are estimated to exceed original appropriations by \$0.522 million, 7.7%. This revenue estimate has not changed. Anticipated cellular and power company receipts continue to offset by the decrease in landline receipts. Cellular increases have begun to stabilize as the market matures.
- Meals Tax revenues are estimated to exceed original appropriations by \$0.260 million, 6.3%. This revenue estimate has not changed. However, there are indications that final revenues will be slightly greater. The increase is attributed to the continued shift from home to convenience food preparation.
- Other Local Tax revenues are estimated to exceed original appropriations by \$0.186 million, 2.3%. This is a \$0.686 improvement from the last report primarily due to the reclassification of delinquent property tax revenues. A better estimate will be available after the 2005 first half tax bills are prepared.
- Other Local Revenues are estimated to be \$0.074 million, 1.7%, less than original appropriations. This revenue estimate has not changed. The variance is primarily due to decreased court revenues.
- State revenues, including PPTR payments, are estimated to exceed original appropriations by \$0.013 million, 0.1%. This estimate has not changed although there are indications that final revenues will exceed this amount. The improvement is primarily due to increased PPTR payments, rental vehicle receipts, and social service expenditure reimbursements.
- Federal revenues are estimated to exceed original appropriations by \$0.421 million, 10.3%. This estimate has not changed although there are indications that final revenues will be less due to decreased grant collections. The reduction may be offset by additional social service expenditure reimbursements.
- Fund Balance appropriations are detailed on Attachment C.

2. Expenditures:

Total expenditures, including transfers, are within suitable levels at 74.2% of the original appropriated budget.

- Departmental expenditures are at 66.2% of original appropriations.
- The contingency reserve has been reduced to \$0.152 million.
- No attempt has been made to revise expenditure estimates for the third quarter except for supplemental appropriations.

3. Revised Revenues less Revised Expenditure Appropriations (yellow boxes in right hand corner):

- Revised revenues less expenditures show a projected \$2.351 million savings by the end of this fiscal year (June 30, 2005) based on the February revenue update adjusted for the real estate tax rate reduction.
- June 30, 2004 Fund Balance available May 4, 2005 is \$0.373 million, after the \$3.000 million FY04 surplus transfer to the CIP.
- Projected End-of-Year Available Funds are \$2.724 million, which reflects the updated FY05 revenue estimates and the FY04 carryover reduced by supplemental appropriations approved for FY05. Of this projected \$2.724 million, the Board during FY06 budget work sessions authorized the expenditure of \$1.595 million of these Available Funds to be spent in FY2006. This will leave an Available Funds balance of \$1.129 million.

B. Attachment B: General Fund Budget Comparison Report:

The bar-chart report tracks changes in revenue and expenditure changes over time.

1. Revenues:

- Revenues from real estate tax, sales tax, business license fees, utility tax, meals tax, state receipts, and federal receipts are anticipated to increase over last year and current year appropriated.
- Revenues from personal property tax and other local revenues are anticipated to be slightly less than the current appropriated budget.
- Use of fund balance is anticipated to exceed the original appropriated budget and transfers are anticipated to equal the appropriated budget.

2. Expenditures:

- This report displays minor increases for FY05 over FY04 in most functional areas.

C. Attachment C: Fund Balance Report:

This report indicates that the County:

- Has an audited FY04 Fund Balance of \$20.101 million;
- Appropriated \$6.728 million from the fund balance for budgeted FY05 projects and the FY04 surplus transfer to CIP which reduces the fund balance to \$13.373 million as of May 4, 2005;
- Has committed to maintain a minimum fund balance of \$13.000 million for cash liquidity purposes. The \$13.000 million remains within the County's financial policy of maintaining a fund balance equal to or no less than 8.0% of the County's General Fund plus School Fund; and
- Has a remaining fund balance of \$0.373 million as of May 4, 2005.

D. Fiscal Impact Discussion:

Revenues reported are based on actual collections realized for the nine months ended March 31, 2005. The revenue estimate is based on the FY05 Second Quarter Financial Report projection adjusted for the real estate tax rate decrease from \$0.76 to \$0.74 per \$100.00. There are indications that revenues will exceed current projections. More information will be available after the first half 2005 tax bills are processed subsequent to the preparation of this report.

Mr. Wiggins said, as part of the FY 2005 budget amendment, is the recommended expenditure of \$50,000 in FY 04 available funds, taking the fund down by that amount leaving \$1.1 million.

Ms. Thomas pointed out that with a \$200+ million budget, the amount of \$1.1 million is not much at all, and asked Mr. Wiggins if he felt this buffer was sufficient. Mr. Wiggins replied that the \$13 million reserve is also set aside.

Mr. Wiggins said staff recommends acceptance of the FY05 Third Quarter Financial Report.

Motion was offered by Mr. Boyd, **seconded** by Mr. Dorrier to accept the FY05 Third Quarter Financial Report. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.

NAYS: None

Agenda Item No. 15. Presentation: League of Women Voters' Report on Rivanna Authorities.

Ms. Liz Palmer of the League of Women Voters (LWV) addressed the Board, and thanked them for the opportunity to make a presentation. Ms. Palmer reported that the League has studied water resource management in the community for years, and has closely followed the activities of RWSA and its board, and have noted problems in its functioning, which LWV believes are inherent in the actual structure of the quasi-governmental organization. She noted that the RWSA is a 30-year-old institution that has never been reevaluated in spite of "massive community change." Ms. Palmer said that they feel members of the RWSA Board are "exceptionally competent, hard-working public servants," and "deserving our respect." However, she said that a lack of formal communication and integration between all involved government entities that inhibits policy development and control, and that deficiency is inherent in the structure of the authority.

She stated that many examples of problems created by organizational structure can be given, and the most near example is the water supply planning process, which suffers primarily because of the lack of clear policy direction. Ms. Palmer said that when the RWSA evaluates a water supply alternative, they ask "does it meet demand and how much does it cost," and superimposed on their process are requirements of state and federal regulators to choose the "least environmentally damaging, most practicable alternative." Ms. Palmer commented that this covers most of the bases, but not all. She said that issues not considered by this standard are "do we want to stay in our own watershed," "do we want the cleanest possible water or do we want the cheapest water." She noted that RWSA has no comprehensive plan to direct the community on these matters, and compared it to the county Comprehensive Plan which articulates what citizens deem important and defines what should be emphasized in community planning.

Ms. Palmer said that the approved 2002 Water Supply Plan was not only a plan to meet future water demands, but also an attempt at joint city-county comprehensive plan for water resource

management. She reported that it stated commitments to protect the watershed, establish science-based instream flow values, and address sediment control; the methods chosen to meet demand were to incorporate progressive land and water resource management, a plan consistent with our county comprehensive plan, and it was a plan to stay in our own watershed. Ms. Palmer noted that the plan was not followed, and to proceed or not proceed with it was never addressed by local elected officials or any other board. Lack of formal integration with local governing bodies created a decision-making void, and these kinds of observations led our natural resources committee to ask the question 'how can we make it better.'"

She added that that group did not feel they had the background or expertise to evaluate the structure and compare it to other like institutions, so in 2003 they approached the Darden Graduate Business School for help in analyzing the organizational structure of RWSA. In the fall of 2003, she said, Dr. John Colley, who teaches corporate governance at Darden, established a three-credit hour course to study the governmental corporate board structure of the RWSA and look at other comparable authorities Best Management Practices; they presented their findings before graduating in May 2004. Ms. Palmer said that the League did not present the study at that time because Rivanna had just hired new consultants who were busy reevaluating a previously approved water supply plan, and Rivanna was in the process of bringing on a new executive director.

Ms. Palmer said that they "decided to wait till the dust settled," and believes the final product is an organized analysis of the critical issues concerning the authority with an equally organized approach to improving it. She noted that there are League comments in bold, along with suggested changes to the Board.

Ms. Palmer reviewed some of the highlights, noting that the students broke the issues down into three categories: organizational, environmental, and financial.

Organizational Concerns

- ❑ Accountability – Best Management Practices require us to maximize efforts to represent all stakeholders interests in a governing structure.
- ❑ Competing interests – Retailers, the City Department of Public Works and Albemarle County Service Authority, control the wholesaler (the RWSA). Efforts must be made to reduce duality of interests.
- ❑ Lack of formal integration with local governing bodies – Best Management Practices would include providing a formal mechanism to achieve integration.

Environmental Concerns

- ❑ Absence of a strong, independent Board advocate – In industry, it is considered Best Management Practice to have an environmental advocate well-versed in the impacts associated with the operations of that specific industry (such as mining).
- ❑ Lack of integrated resource management – Watershed management and land use policies cannot be separated from each other, nor can they be separated from water resource management.

Financial Concerns

- ❑ No consensus on how to fund and how to allocate costs between the city and the county. In late 2003, the RWSA, Albemarle County Service Authority, and the City signed a cost-allocation agreement. At present, it is unclear what the status of this is, and it is uncertain whether it will be followed in the future.
- ❑ Is this agreement in the overall best interest of the community – if stakeholders include all county residents, because the entire community benefits from progressive water resource management, how would that change the cost allocation agreement in the county's mind.

Ms. Palmer stated that after long discussions with the Darden students and among themselves, the LWV came up with its own set of recommendations:

- ❑ Put elected officials on the RWSA Board – the object of this is not to gain watershed or water resource management skills, but is to provide accountability and better inform and involve all elected officials in RWSA operations.

Mr. Rooker asked if she had presented this to the city. Ms. Palmer responded that she had spoken with Mayor Brown, and he said they are willing to consider and discuss that idea.

- ❑ Remove duality of interest – Make the city director of public works and the director of Albemarle County Service Authority non-voting members because they are the retailers buying water from RWSA, the wholesaler. They are needed very much on this board as technical advisors.
- ❑ Provide integration of watershed management, land use policy, and water resource management by putting the Senior County Engineer back on the board. The County Engineer was stated as a board member in the original articles of incorporation.
- ❑ Create a position for an environmental advocate.

Ms. Palmer concluded that these changes would give the RWSA a seven-member board, which students identified as the most practical board size. She added that this would also mean additional responsibilities for individuals who are frequently overburdened, and all those on the RWSA Board should receive adequate compensation over and above income from other positions held. Ms. Palmer said that the LWV is encouraged that they are considering changes, and hopes their comments will aid in their discussions. She thanked the Darden School for their work as well.

- One (1) appropriation (#2005048) in the amount of \$430,484.00 for a Department of Homeland Security Firefighter Grant;
- One (1) appropriation (#2005052) in the amount of \$1,940.00 to purchase traffic vests for firefighters;
- Three (3) appropriations (#2005053, #2005055, and #2005056) in the amounts of \$44,162.82, \$264,167.81, and \$256,864.55 respectively for various school programs and donations;
- One (1) appropriation (#2005054) in the amount of \$1,009.71 for the Emergency Communications Center CERT grant;
- One (1) appropriation (#2005057) in the amount of \$44,965.35 for AHIP home rehabilitations; and
- One (1) appropriation (#2005058) in the amount of \$47,840.00 for costs associated with the June 14, 2005 dual primary election.

Appropriation #2005048 **\$430,484.00**

The Department of Homeland Security awarded the Albemarle County Department of Fire and Rescue a 2004 Office of Domestic Preparedness federal grant in the amount of \$301,339.00. The grant is offered through the Assistance to Firefighters Grant (AFG) Program and requires a local match of \$129,145.00, for a total program cost of \$430,484.00

The purpose of the AFG Program is to award one-year grants directly to fire departments to enhance their abilities with respect to fire and fire-related hazards. The grant will allow the implementation of a continuing proactive wellness and fitness program for the department's volunteer and career personnel. This program will be mandatory for all career personnel. It will be optional, but strongly promoted and encouraged, for volunteer personnel. The grant and local match will enable the placement of fitness and exercise equipment at all fire rescue stations, including the administrative headquarters. The program will also provide annual nutrition, diet, back care, abdominal health, injury prevention, and stress management education for career and volunteer personnel at each station.

Appropriation #2005052 **\$1,940.00**

Albemarle County has received a grant from the First Responder Institute (a not-for-profit organization) in the amount of \$1,940.00 to assist in the purchase of new traffic vests for firefighters. There is no local match.

Appropriation #2005053 **\$44,162.82**

The Wal-Mart Foundation awarded Broadus Wood Elementary School a grant in the amount of \$500.00. This grant will be used to purchase trade books for 3rd, 4th, and 5th grade language arts programs.

The Frederick S. Upton Foundation made a matching grant donation in the amount of \$1,000.00 to Henley Middle School. This donation will support Henley's Cultural Enrichment Program in funding three artists-in-residence programs: Sculpture, Writer, and Dramatic Interpretation. The projects will involve interactive activities to include hands on learning experiences for students with performing, visual, and musical arts.

The Albemarle County Public Schools will act as fiscal agent for the Virginia Department of Education in the design and implementation of a statewide one day institute on instruction in student character education for school personnel. Albemarle County will be reimbursed for expenses accrued not to exceed \$35,000.00 and will receive free registration at the institute for up to six participants.

The Partnership in Character Education Grant has a fund balance of \$7,662.82 from FY 03/04. It is requested that these funds be appropriated for FY 04/05 to help support K-12 character education programs.

Appropriation #2005054 **\$1,009.71**

This appropriation provides \$1,009.71 for the Citizen Emergency Response Team (CERT) grant. The monies through this grant cover training volunteers to respond to emergency situations. Some of the monies are also used for equipment for this same purpose.

Appropriation #2005055 **\$264,167.81**

Murray Elementary School received an anonymous donation in the amount of \$600.00. This donation will be used to support the miscellaneous classroom needs at the school.

The 2002 General Assembly appropriated funds to support the Teacher Mentor Program for participating school divisions. This program is for beginning and experienced teachers new to Albemarle County Public Schools to conduct mentor workshops and work with principals so that mentors can provide teachers with meaningful and individualized induction into the teaching profession. Albemarle County Public Schools has received an additional \$1,324.75 from the State for FY 04/05.

"Families in Crisis" is a federally funded grant designed to create lasting and effective structure needs to homeless students living in the Albemarle County school district, or being forced to move out of the district because of circumstances beyond their control. Albemarle County Public Schools received an additional \$500.00 for FY 04/05 to be used for staff development.

Title III, No Child Left Behind Act of 2001, was passed to improve student learning by states and districts as part of a comprehensive approach to close the achievement gap, especially between disadvantaged and minority students and their peers. To comply with the law, states and districts must now make decisions that have enormous consequences for students, including those with limited English proficiency.

This grant is provided to assist in implementing the law to maximize the success of Limited English Proficient and Immigrant Students. There is a fund balance retained by the State from FY 03/04 of \$23,960.17 which may be used for FY 04/05.

The Albemarle County Public Schools received an additional grant award, Grant B, under Section 619 Early Childhood Special Education Program for FY 04/05 in the amount of \$68,900.00. In the fall of 2004, a new preschool classroom was opened at Agnor Hurt Elementary School due to the move from Westminster Child Care Center. This grant is to help promote early intervention strategies and accurate assessment of students by funding the purchase of furniture, teaching materials, manipulative, permanent and consumable supplies, positioning and fine motor equipment, testing material, and protocols.

The Albemarle County Public Schools received a Refugee School Impact Grant award from the Office of Refugee Resettlement, U.S. Department of Health and Human Services in the amount of \$9,535.00. These funds will be used to provide additional services for Albemarle County's growing multicultural population, which includes refugees. The grant program will run in conjunction with the evening Adult ESL program, targeting K-12 "Limited English Proficient" (LEP) refugee students with special emphasis on reading, writing, and mathematical concepts.

The Learn and Serve grant has an unexpended fund balance of \$223.12 from FY 03/04. The coordinator of this program is in the process of spending these funds. It is requested that these funds be re-appropriated for FY 04/05.

Various miscellaneous grants have unexpended fund balances from FY 03/04, totalling \$14,124.77. Holders of these grants have been encouraged to expend these small balances. It is requested that these funds be re-appropriated for FY 04/05.

Albemarle County Public Schools was awarded a 21st Century Community Learning Centers Grant for Yancey Elementary School in the amount of \$145,000.00. The funds will be used for the Club Yancey After-School Program which will provide academic, civic, cultural, and fitness/wellness enrichment to students enrolled in the program. Club Yancey is a jointly operated program through The Saint John the Baptist in the Woods Foundation and Albemarle County Public Schools.

Appropriation #2005056 **\$256,864.55**

Broadus Wood Elementary School received an honorarium in the amount of \$150.00 from the Montgomery County School Board. Nancy Markos, P.E. teacher at Broadus Wood presented a half-day workshop for the Montgomery County Schools' K-5 Physical Education staff on January 25, 2005. These funds will be used to purchase P.E. equipment for the school.

Woodbrook Elementary School received a donation in the amount of \$2,500.00 from the Woodbrook Elementary PTO. This donation will be used to pay a teaching assistant to work one additional hour per day. Woodbrook Elementary also received a donation in the amount of \$100.00 from Charles Crenshaw. This donation will be used by the School Community Group to fund activities for the students at the school.

Scottsville Elementary School received a donation in the amount of \$1,200.00 from Scottsville Elementary PTO. This donation will be used to purchase a Smart Board for use by the teachers at the school for presentations and lessons.

Albemarle High School received a donation in the amount of \$1,000.00 from Frontline Test Equipment, Inc. This donation will be used to purchase instructional materials for the German Club.

Murray Elementary School received a donation in the amount of \$40.84 from Target and the Take Charge of Education Program. Target donates up to 1% of purchases made to eligible schools designated by their guests. This donation will be used to purchase instructional supplies for the school. Murray Elementary School also received a donation in the amount of \$1,984.00 from Albemarle Family 2005 Education Counts. This donation was a result of the proceeds of the Fun Day held at Murray Elementary School. The donation will be used to purchase miscellaneous supplies for the school.

Policy DB-E allows schools to carry forward up to 10% of their budgets from year to year. Policy KG-R returns 40% of the base fees collected for building rental to each school. It is requested the re-appropriation of school carry over funds in the amount of \$237,723.21 and building rental fees in the amount of \$12,166.50 be returned to the schools for FY 04/05.

Appropriation #2005057 **\$44,965.35**

This revenue represents program income (loan repayments) in CDBG-funded projects. The County is required to use such income for activities eligible under CDBG that served low- to moderate-income families. AHIP has two current clients that require substantial rehabilitation to their homes. One job estimated at \$53,923.00 will use \$23,423.22 in program income matched with \$30,500.00 from other sources. The second job estimated at \$44,559.00 will use \$21,542.13 in program income matched with \$23,013.00 from other sources.

Appropriation #2005058 **\$47,840.00**

This appropriation of \$47,840.00 provides funding for costs associated with the June 14, 2005 dual primary election to be held in all County precincts. Because this primary is treated as two elections being held simultaneously, there are additional expenses that will be incurred.

Ms. Thomas asked if there was any funding for evaluating the effects of the wellness program for volunteer and career fighters.

Mr. Tucker responded that the health risk assessments previously discussed would be a useful tool in that, and it would require a period of time before the data could be calculated.

Mr. Wyant asked if there would be assessments of just employees. Mr. Tucker replied that they haven't decided that yet, and they are meeting with ACAC to work out the details.

Mr. Rooker asked if there is an ongoing expense as a result of putting this program in place that is not covered by the grant. Mr. Breeden responded that there is some funding in the fire & rescue budget for physicals, etc. that will be coordinated with this, and is budgeted every year, along with new minimal costs for equipment maintenance.

Ms. Thomas commented that she has been trying to get information about the Homeland Security expenditures and grants.

Mr. Breeden and Mr. Tucker mentioned that they do have some of that from OMB, and would share it with the Board.

At this time, the Chairman opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion was offered by Ms. Thomas to approve the FY 2005 Budget Amendment in the amount of \$1,091,434.24 and to approve FY 2005 Appropriations #2005048, #2005052, #2005053, #2005055, #2005056, #2005057, and #2005058. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.
 NAYS: None

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005048
DATE _____
BATCH# _____

EXPLANATION: Funding for Dept. Homeland Security Firefighter Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE		AMOUNT	DEBIT	CREDIT
1	1567	32015	392000	Contractual Services	J	1	144,980.00		
1	1567	32015	800100	Equipment	J	1	285,504.00		
2	1567	18110	181109	Contribution from Vol. F/R	J	2	6,000.00		
2	1567	33000	300001	Fed'l Grant Revenue	J	2	301,339.00		
2	1567	51000	512001	Trs. From School Fund	J	2	10,000.00		
2	1567	51000	512031	Trs. From CIP-5th Street	J	2	20,000.00		
2	1567	51000	512031	Trs. From CIP-COB Renov	J	2	20,000.00		
2	1567	51000	512031	Trs. From CIP-Station 12	J	2	20,000.00		
2	1567	51000	512031	Trs. From CIP-Station 13	J	2	20,000.00		
2	1567	51000	512004	Trs. From G/F-FY05 Police	J	2	5,000.00		
2	1567	51000	512004	Trs. From G/F-FY06 F/R	J	2	28,145.00		
1	9010	11200	800901	5th Street Renovations	J	1	(20,000.00)		
1	9010	32018	800750	Pantops Station 13	J	1	(20,000.00)		
1	9010	32017	800605	Hollymead Station 12	J	1	(20,000.00)		
1	9010	43100	950168	COB-Mcintire	J	1	(20,000.00)		
1	9010	32010	930200	Trs. To H/S Grant	J	1	80,000.00		
1	1000	31013	390000	Police-Purchased Services	J	1	(5,000.00)		
1	1000	93010	930200	Trs. To H/S Grant	J	1	5,000.00		
1	2420	62140	311005	H/R-Emp. Inoculations	J	1	(10,000.00)		
1	2420	62140	930200	Trs. To H/S Grant	J	1	10,000.00		
	1567		0501	Est. Revenue				430,484.00	
	1567		0701	Appropriation					430,484.00

	4100		0501	Est. Revenue				1,009.71		
	4100		0701	Appropriation					1,009.71	
TOTAL								2,019.42	1,009.71	1,009.71

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005055
 DATE _____
 BATCH# _____

EXPLANATION: Various Education Programs and Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE		AMOUNT	DEBIT	CREDIT
1	2215	61101	601300	Ed/Rec Supplies	J	1	600.00		
2	2000	18100	181109	Donations	J	2	600.00		
1	3151	61311	160300	Stipends	J	1	1,230.61		
1	3151	61311	210000	FICA	J	1	94.14		
2	3151	24000	240380	Teacher Mentor Pgm	J	2	1,324.75		
1	3304	61101	580500	Staff Development	J	1	500.00		
2	3304	33000	330001	Families in Crisis Grant	J	2	500.00		
1	3215	61101	112100	Salaries-Teacher	J	1	11,314.17		
1	3215	61101	210000	FICA	J	1	926.22		
1	3215	61101	221000	VRS	J	1	717.69		
1	3215	61101	222100	Annuity-PT	J	1	901.92		
1	3215	61101	231000	Health Insurance	J	1	784.80		
1	3215	61101	232000	Dental Insurance	J	1	45.90		
1	3215	61101	242000	Group Life/PT	J	1	48.00		
1	3215	61101	301210	Contract Svcs	J	1	1,850.00		
1	3215	61101	601300	Ed/Rec Supplies	J	1	825.32		
1	3215	61311	115000	Salaries-Office Clerical	J	1	5,489.91		
1	3215	61311	210000	FICA	J	1	420.54		
1	3215	61311	221000	VRS	J	1	635.70		
2	3215	33000	330119	Title III Funds	J	2	23,960.17		
1	3205	61108	112100	Salaries-Teacher	J	1	6,000.00		
1	3205	61108	210000	FICA	J	1	460.00		
1	3205	61108	580500	Staff Development	J	1	8,000.00		
1	3205	61108	601300	Ed/Rec Supplies	J	1	54,440.00		
2	3205	33000	330111	Preschool Grant B	J	2	68,900.00		
1	3123	61101	132100	PT Wages-Teacher	J	1	7,861.00		
1	3123	61101	210000	FICA	J	1	601.00		
1	3123	61101	601300	Ed/Rec Supplies	J	1	1,073.00		
2	3123	33000	330123	Refugee Impact Grant	J	2	9,535.00		
1	3126	63328	601300	Ed/Rec Supplies	J	1	223.12		
2	3126	51000	510100	Fund Balance	J	2	223.12		
1	3104	60201	601300	Ed/Rec Supplies	J	1	1,075.00		
1	3104	60202	601300	Ed/Rec Supplies	J	1	332.22		
1	3104	60203	601300	Ed/Rec Supplies	J	1	500.00		
1	3104	60205	601300	Ed/Rec Supplies	J	1	316.43		
1	3104	60207	601300	Ed/Rec Supplies	J	1	200.00		
1	3104	60209	601300	Ed/Rec Supplies	J	1	105.29		
1	3104	60212	601300	Ed/Rec Supplies	J	1	392.08		
1	3104	60215	132100	PT Wages-Teacher	J	1	2,875.00		
1	3104	60215	210000	FICA	J	1	225.12		
1	3104	60216	601300	Ed/Rec Supplies	J	1	1,106.74		
1	3104	60217	312500	Prof Svc Inst	J	1	2,173.31		
1	3104	60251	601300	Ed/Rec Supplies	J	1	810.89		
1	3104	61311	580500	Staff Development	J	1	4,012.69		

2	3104	51000	510100	Fund Balance	J	2	14,124.77		
1	3219	60213	111400	Salaries-Other Mang	J	1	22,094.04		
1	3219	60213	119401	Salaries-TA	J	1	43,200.00		
1	3219	60213	119402	Salaries-Site Facilitator	J	1	24,604.00		
1	3219	60213	221000	VRS	J	1	1,930.00		
1	3219	60213	231000	Health Insurance	J	1	2,180.00		
1	3219	60213	232000	Dental Insurance	J	1	60.00		
1	3219	60213	312700	Prov Svc - Consultants	J	1	23,914.96		
1	3219	60213	420110	Transportation	J	1	5,000.00		
1	3219	60213	580500	Staff Development	J	1	3,450.00		
1	3219	60213	600100	Office Supplies	J	1	200.00		
1	3219	60213	600200	Food Services	J	1	8,000.00		
1	3219	60213	601300	Ed/Rec Supplies	J	1	3,500.00		
1	3219	60213	210000	FICA	J	1	6,867.00		
2	3219	33000	330001	21st Century Grant	J	2	145,000.00		
	2000		0501	Est. Revenue				600.00	
	2000		0701	Appropriation					600.00
	3151		0501	Est. Revenue				1,324.75	
	3151		0701	Appropriation					1,324.75
	3304		0501	Est. Revenue				500.00	
	3304		0701	Appropriation					500.00
	3215		0501	Est. Revenue				23,960.17	
	3215		0701	Appropriation					23,960.17
	3205		0501	Est. Revenue				68,900.00	
	3205		0701	Appropriation					68,900.00
	3123		0501	Est. Revenue				9,535.00	
	3123		0701	Appropriation					9,535.00
	3126		0501	Est. Revenue				223.12	
	3126		0701	Appropriation					223.12
	3104		0501	Est. Revenue				14,124.77	
	3104		0701	Appropriation					14,124.77
	3104		0501	Est. Revenue				145,000.00	
	3104		0701	Appropriation					145,000.00
TOTAL							528,335.62	264,167.81	264,167.81

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005056
 DATE _____
 BATCH# _____

EXPLANATION: Various Education Programs and Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	2201	61101	601300	Ed/Rec Supplies	J	1	150.00	
2	2000	18000	189900	Miscellaneous Revenue	J	2	150.00	
1	2212	61101	114100	Salary-Teacher Aide	J	1	2,308.75	
1	2212	61101	210000	FICA	J	1	191.25	
1	2212	61411	580500	Staff Development	J	1	100.00	
1	2209	61101	800700	Data Process Equip-New	J	1	1,200.00	

1	2301	61101	601300	Ed/Rec Supplies	J	1	1,000.00		
1	2215	61101	601300	Ed/Rec Supplies	J	1	40.84		
1	2215	61411	580000	Misc Supplies	J	1	1,984.00		
2	2000	18100	181109	Donations	J	2	6,824.84		
1	2301	61101	601300	Ed/Rec Supplies	J	1	13,509.93		
1	2217	61101	601300	Ed/Rec Supplies	J	1	7,383.64		
1	2201	61101	601300	Ed/Rec Supplies	J	1	17,036.61		
1	2251	61101	601300	Ed/Rec Supplies	J	1	8,669.39		
1	2204	61101	601300	Ed/Rec Supplies	J	1	11,394.50		
1	2252	61101	601300	Ed/Rec Supplies	J	1	3,891.44		
1	2205	61101	601300	Ed/Rec Supplies	J	1	4,269.24		
1	2253	61101	601300	Ed/Rec Supplies	J	1	14,604.41		
1	2206	61101	601300	Ed/Rec Supplies	J	1	13,305.26		
1	2304	61101	601300	Ed/Rec Supplies	J	1	18,043.10		
1	2215	61101	601300	Ed/Rec Supplies	J	1	8,949.40		
1	2303	61101	601300	Ed/Rec Supplies	J	1	3,397.73		
1	2207	61101	601300	Ed/Rec Supplies	J	1	70.94		
1	2209	61101	601300	Ed/Rec Supplies	J	1	7,309.10		
1	2210	61101	601300	Ed/Rec Supplies	J	1	13,478.10		
1	2211	61101	601300	Ed/Rec Supplies	J	1	13,364.59		
1	2255	61101	601300	Ed/Rec Supplies	J	1	37,084.72		
1	2254	61101	601300	Ed/Rec Supplies	J	1	13,030.27		
1	2302	61101	601300	Ed/Rec Supplies	J	1	30,611.84		
1	2212	61101	601300	Ed/Rec Supplies	J	1	10,485.50		
2	2000	51000	510100	Approp-Fund Balance	J	2	249,889.71		
	2000		0501	Est. Revenue				256,864.55	
	2000		0701	Appropriation					256,864.55
TOTAL							513,729.10	256,864.55	256,864.55

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005058
DATE _____
BATCH# _____

EXPLANATION: Funding for Dual Primary Election

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	13020	120000	Overtime	J	1	1,300.00		
1	1000	13020	210000	FICA	J	1	110.00		
1	1000	13020	312510	Election Officials	J	1	28,230.00		
1	1000	13020	360000	Advertising	J	1	500.00		
1	1000	13020	390000	Other Purchased Svcs	J	1	8,000.00		
1	1000	13020	520100	Postage	J	1	500.00		
1	1000	13020	520300	Telecommunications	J	1	5,500.00		
1	1000	13020	540200	Lease/Rent Buildings	J	1	600.00		
1	1000	13020	550100	Mileage	J	1	250.00		
1	1000	13020	600100	Office Supplies	J	1	2,350.00		
1	1000	13020	601700	Copy Center	J	1	500.00		
2	1000	51000	510100	Fund Balance	J	2	47,840.00		
	1000		0501	Est. Revenue				47,840.00	
	1000		0701	Appropriation					47,840.00
TOTAL							95,680.00	47,840.00	47,840.00

Agenda Item No. 17. Ordinance to add Article V, Private Ground Water Well Testing to require that new private ground water wells proposed to serve as the primary potable water supply for a structure be tested for four petroleum-related pollutants as a condition precedent to the issuance of a building permit; wells whose contamination levels exceed the applicable standards could not serve as the primary potable water supply for the structure. The proposed ordinance would apply only in those areas of the county where the release or discharge of petroleum from leaking underground storage tanks has been confirmed by the Virginia Department of Environmental Quality and such an area remains an active contamination area, as that term is defined in the ordinance. The proposed ordinance also would identify the contaminants to be tested, the applicable standards for those contaminants, sampling and testing methods and services, and reporting requirements. (Advertised in Daily Progress on April 18 and April 25, 2005)

Mr. Mark Graham, Director of Community Development, reported that this measure serves to make permanent what was adopted as an emergency ordinance in March, noting that staff has been able to accurately track the properties affected by this ordinance. He stated that staff believes it can be implemented relatively easily, and there is an expectation for applicants to have to pay for the cost of the testing. Mr. Graham noted that this has not been well advertised with the public, but should be if it is adopted as a permanent ordinance. He mentioned that this only applies to people who are in a contaminated area.

Mr. Rooker commented that anyone drilling in a contaminated area should be notified of the additional testing.

Mr. Davis added that there is now a requirement that the wells be approved prior to the issuance of a building permit, so it should be an easy process to let them know this is in place.

Mr. Graham mentioned that the Health Department is not keeping a list of which properties are affected, but the county is. He emphasized that he would like to get "the word out on the street" with the builders to try to make sure people are aware of the issue.

Ms. Thomas noted that the initial test will probably come up clean, but after pumping for a while, the problem arises.

Mr. Davis confirmed that the testing can only be required prior to the building permit, and no authority exists for ongoing testing after the permit is issued.

Mr. Rooker and Ms. Thomas asked about notice to buyers and renters. Mr. Davis responded that there is a requirement under state law that requires disclosure that a property is in a contamination area for purchasers, but that it is more difficult to guarantee for rental properties.

Mr. Boyd asked how many contaminated sites exist. Mr. Graham replied that there are 48 separate contaminated sites in the county, and introduced David Swailes, the Groundwater Program Manager for the county.

Mr. Swailes explained that every month the DEQ identifies and publishes on their website a list of all contamination sites, and the number fluctuates but remains near 50 each month.

Mr. Wyant asked how one would drop off of the list. Mr. Swailes replied that the DEQ will put in monitoring wells, and they have an internal standard that says "whether it poses an imminent threat to health and the environment," and after some time monitoring wells are checked again and the determination is made regarding the hazard. He added that the DEQ can label a site "closed" once it checks out.

Ms. Thomas asked if this ordinance could apply to substances other than petroleum. Mr. Davis responded that petroleum is the major contaminant the DEQ deals with, and the cost for checking other contaminants probably increases dramatically. He added that staff would need to identify other substances that need monitoring in the same way.

Mr. Graham explained that there is a "priority pollutant scan" that can be done, but he does not feel it would be appropriate unless there is cause to look into other substances.

Mr. Rooker suggested acting on the measure before them, and asked staff to make a recommendation to the Board at a later time concerning how other potential pollutants are identified.

At this time the Chairman opened the public hearing.

Ms. Ann Messina addressed the Board, noting that her family's safety, well-being, and financial security were "greatly affected" by petroleum in the county over 15 years ago, adding that it is just wonderful to hear. She stated that Albemarle is taking the lead in the state, noting that there is a development within a mile of an old dump in Ivy. Regarding disclosure and disclaimer, Ms. Messina said a person can just use the disclaimer when selling a home and not have to mention problems on the site – which is currently being handled at the state level.

There being no further public comment, the matter was placed before the Board.

Ms. Thomas stated that Ms. Messina has made very effective presentations on this issue, as her home was affected by contamination.

Motion was offered by Ms. Thomas to adopt the ordinance to add Article V, Private Ground Water Well Testing. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.
NAYS: None.

Mr. Rooker reiterated that the lingering issues are what other pollutants are a concern and the disclaimer issue as raised by Ms. Messina. He suggested putting on the website a link to contaminated sites.

Mr. Graham suggested publishing the map, including on the website, showing contaminated areas.

ORDINANCE NO. 05-5(1)

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, 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, is hereby amended and reordained as follows:

By Adding:

Article V.	Private Ground Water Well Testing
Sec. 5-500	Purpose and intent.
Sec. 5-501	Applicability.
Sec. 5-502	Well testing and reporting.
Sec. 5-503	Building permit; withholding

Chapter 5. Building Regulations

Article V. Private Ground Water Well Testing

Sec. 5-500 Purpose and intent.

The board of supervisors finds that the release or discharge of petroleum from leaking underground storage tanks may pollute ground water and, at high enough levels, these pollutants may render water unsuitable for drinking and may cause adverse effects on the public health, safety and welfare. The board also finds that establishing new private ground water wells in the immediate area of a contamination plume could alter the conditions of existing contamination plumes and draw contaminants into areas that are currently free from contamination.

The purpose and intent of this article is to protect the public health, safety and welfare in areas where there has been a petroleum release or discharge within the county confirmed by the Virginia Department of Environmental Quality. Therefore, new private ground water wells in such areas shall be tested for petroleum contamination as provided herein to determine the extent of the contamination, if any, and to assure that the wells satisfy existing federal or state drinking water quality standards for the contaminants.

State law reference: Va. Code § 32-176.5.

Sec. 5-501 Applicability.

This article shall apply to those areas of the county where the release or discharge of petroleum from leaking underground storage tanks has been confirmed by the Virginia Department of Environmental Quality and such an area remains an active contamination area.

For the purposes of this article, the term "active contamination area" means those lands within the area identified by the Virginia Department of Environmental Quality to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by the Virginia Department of Environmental Quality to be at risk for contamination.

Sec. 5-502. Well testing and reporting.

Each applicant for a building permit for a structure to be located within an active contamination area and to be served by a private ground water well as the primary potable water supply shall have the well tested as provided herein prior to the issuance of a building permit for the structure:

A. *Contaminants to be tested.* The tests shall determine whether the following volatile organic compounds are present in the water: Benzene, Toluene, Ethylbenzene, and Xylenes.

B. *Applicable standards.* Each contaminant identified in section 5-502(A) shall be tested for compliance with the maximum contaminant level established for that contaminant under the federal Safe Drinking Water Act, as follows:

1. Benzene: 0.005 MCL (mg/L).
2. Toluene: 1 MCL (mg/L).
3. Ethylbenzene: 0.7 MCL (mg/L).
4. Xylenes (total): 10 MCL (mg/L).

For the purposes of this article, the term "MCL" means the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are expressed in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.

C. *Sampling and testing methods and services.* Samples shall be taken and tests shall be performed using appropriate testing methods by either the Virginia Department of Environmental Quality or by a laboratory certified by the Commonwealth of Virginia to perform such services. No such tests shall be conducted by Consolidated Laboratories. The cost of such tests shall be paid by the landowner.

D. *Reporting of test results.* The testing laboratory shall notify the landowner of the test results in a written report.

Sec. 5-503. Building permit; withholding.

Each applicant for a building permit for a structure to be served by a private ground water well as the primary potable water supply within an active contamination area shall present the report containing the test results required by section 5-502 prior to issuance of the building permit.

A. *No contaminants detected.* If there are no tested contaminants detected, then the building permit shall be issued provided that all other applicable requirements are satisfied.

B. *Contaminants detected; exceed applicable standards.* No building permit shall be issued if one or more contaminants are detected and they exceed the federal Safe Drinking Water Act standards identified in section 5-502(B), unless and until the applicant has identified and provided an approved alternative primary potable water supply.

Agenda Item No. 18. **SP-2004-002. Charlottesville Kingdom Hall (Sign #34).** Request to allow Church in accord w/Secs 14.2.2.12 & 15.2.2.12 of the Zoning Ord which allow for Churches. TM 76, Ps 51 & 52A3, contain 3.685 acs. Znd R-2 & R-4 respectively. Loc on Old Lynchburg Rd (Rt 631), at intersec of Old Lynchburg Rd & Sunset Avd Extd. Scottsville Dist. (Advertised in Daily Progress on April 18 and April 25, 2005)

Mr. Cilimberg reported that the request is to allow the church and one apartment, to replace an existing building, which serves three congregations, with halls that will serve four congregations. He said that staff has noted favorable factors to the application, including appropriate site design, accommodations for future road; an unfavorable factor is the site would not initially be served by public sewer. Mr. Cilimberg said staff recommends approval with conditions. There were five conditions proposed to the Planning Commission, and at their hearing they were considered along with the third condition regarding grading for a sidewalk along Old Lynchburg Road. He reported that the Commission recommended approval of the request with the expectation that Condition #3 would be modified before the Board's public hearing to reflect that necessary right-of-way and easements be provided to accommodate grading and an ultimate sidewalk on Old Lynchburg Road should be constructed.

Mr. Cilimberg pointed out that at this time there is not any capital project for construction of a sidewalk on this side of Old Lynchburg Road, and this provides for that option.

Ms. Thomas asked how far away this site is from public sewer. Mr. Cilimberg replied that under the subdivision ordinance, onsite septic is allowable should that cost be less than hooking into public sewer, but he does not have definitive information on that yet.

Mr. Rooker asked what percentage of the site would be paved. Mr. Cilimberg responded that judging from the drawing, it looks like approximately 50 percent.

Mr. Rooker noted that it would be highly preferable for the applicant to hook up to public sewer prior to paving.

Ms. Thomas commented that she didn't think a septic field could go under paved parking. Mr. Cilimberg replied that with proper design, the Health Department would approve that. Mr. Wyant said that he did not think you could pave where a septic field is.

The Chairman asked the applicant for comments.

The project architect, Hardy Johnston, representing the applicant, addressed the Board. He stated that the property has been in use for over 20 years, but the site is inadequate for the applicant's use and expansion. Mr. Johnston noted that the property is on public water, but has a private septic system, and a cost estimate to hook up to the public sewer was \$75,000; a septic system could be installed for significantly less as the soil was very good and deep upon testing. He confirmed that the parking lots would be expanded and paved.

Ms. Thomas said that about half of Southwood Mobile Homes are now on public sewer, and that is closer to this site.

Mr. Johnston stated that the county indicated the Kingdom Hall site was 2,500 feet from the Biscuit Run site, and they were concerned about cables as well.

There being no further public comment, the matter was placed before the Board.

Motion was offered by Mr. Dorrier to approve SP-2004-002, subject to the five conditions recommended with the Commission's modification of condition #3. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.

NAYS: None

(Note: The conditions of approval are set out in full below.)

1. The development of the site shall be in general accord with the concept plan entitled Proposed Addition Kingdom Hall of Jehovah's Witnesses Charlottesville, Virginia prepared by Hardee Johnston, A.I.A., and A.S.L.A. and dated December 28, 2004;
2. The area of assembly shall be limited to a maximum of two (2) auditoriums with one hundred seventy-five (175) seats in each;
3. The final site plan shall show an area to be graded across the front of the site to allow the future installation of a sidewalk by others (the "sidewalk area"). The final site plan shall include a note reserving the sidewalk area for future dedication. The sidewalk area shall be graded in conjunction with the installation of other improvements on the site required by the site plan. The sidewalk area shall be graded in compliance with the grading standards imposed by the agent. Upon request by the County, the sidewalk area shall be dedicated for public use. The owner shall grant all necessary temporary construction easements to allow the sidewalk to be installed;
4. The building shall not have more than one (1) apartment; and
5. There shall be no day care center or private school on site without approval of a separate special use permit.

Agenda Item No. 19. **SP-2004-057. Church of Jesus Christ of Latter Day Saints (Sign #59).** Request to allow church construction in accord w/Sec 10.2.2.35 of the Zoning Ord which allows for churches in RA. TM 32, P 17 contains portion of 5.14 acs. Znd RA. (It is this portion that will be reviewed for this SUP.) Loc at 1651 Airport Rd. Rio Dist. (Advertised in Daily Progress on April 18 and April 25, 2005)

Mr. Cilimberg reported that this church would be built on Airport Road, with 24,000 square feet and 270 parking spaces; a road to serve the remainder of the parcel zoned Light Industrial will line the eastern side of the site, and that road will create an opportunity to connect on the southern side of Airport Road to the public road being built as part of the Hollymead Town Center project. Mr. Cilimberg explained that this part of the property zoned RA currently contains an aging farmhouse that is not an historic resource, and this area is designated in the Comp. Plan as Industrial Service. Despite that designation, however, he said staff does believe that development in the area would be augmented by a church in this location. Mr. Cilimberg indicated that staff finds favorable factors in that the church supports nearby residential and commercial uses, include those developed in the Hollymead Town Center.

Mr. Cilimberg reported that the Planning Commission suggested changes to Condition #4. The church is designed with modular partitions to create a large area for assembly, as noted in the sketch presented. Mr. Cilimberg said that when the church uses the full area of assembly, the parking provided is 24 spaces short of what's required by the Zoning Ordinance, and the revisions to the condition would allow the church to function as it needs to for normal activities, and would not facilitate overbuilding of parking. He noted that the church's assembly and configuration may be exceeded four times a year, as recommended by the Planning Commission.

Mr. Boyd asked about the agreement with the adjacent property owner regarding additional parking.

Ms. Thomas asked if there would be bike paths on Airport Road, as well as sidewalks, and asked if this parking lot would allow bus transportation such as public transit.

Mr. Cilimberg said that the applicant would speak to both issues.

Staff confirmed that the facility would be on public water and sewer.

Mr. Rooker asked the applicant for comments.

Mr. Dwayne Silverstein, attorney for the church, addressed the Board. He stated that they are pleased to be before the county today, and introduced Wendell Wood as the seller of the property, as well as the architect – John Seese, and the engineer – Ed Blackwell, and landscape architect Joan Albaston. Mr. Silverstein commented that Airport Road will look lovely compared to how it appears today, and said that the church has outgrown their small facility on Hydraulic Road.

Ms. Thomas asked him about the bus service.

Mr. Silverstein replied that there is adequate space for buses, and the church uses 150 spaces for weekly services. He confirmed that the Hydraulic Road church would still operate.

Mr. Rooker said that the church on Hydraulic has been an excellent neighbor.

There being no further public comment, the matter was placed before the Board.

Motion was offered by Mr. Bowerman to approve SP-2004-057, subject to the five conditions recommended. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.

NAYS: None

(Note: The conditions of approval are set out in full below.)

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the concept plan entitled "The Church of Jesus Christ of Latter Day Saints, Rivanna Ward Waynesboro Va. Stake, Conceptual Site Layout and Utility Plan" dated January 13, 2005;
2. The proposed road or access way shall conform to public street standards for an urban section including a curb, gutter, six (6)-foot planting strip, street trees, and five (5)-foot sidewalk along the LDS site;
3. The area of assembly shall be limited to a maximum eight thousand eight hundred (8,800) square feet;
4. Conference meetings using an assembly area exceeding six thousand two hundred (6,200) square feet, which is an area comprised of the chapel, overflow, and half of the cultural center as identified on Attachment D, shall be limited to four (4) times per year; and
5. Day care use shall be prohibited unless approved through a special use permit amendment.

(Note: At 2:50 p.m., the Board recessed, and reconvened at 3:00 p.m.)

Agenda Item No. 20. Cate Wyatt, Journey Through Hallowed Ground.

Ms. Cate Wyatt addressed the Board, noting that this initiative was begun in 1996 as a collaborative union of public and private groups, both non-profit and for-profit, to raise awareness about American History in the section of land from Gettysburg to Monticello. She stated that this is the opportunity to enhance the heritage and cultural treasures by celebrating what is unique about the history, and leave a legacy "that is worthy of our founding fathers."

Ms. Wyatt explained that the journey travels from Gettysburg along the Old Carolina Road – which is largely Route 15 down to Route 20 – the 175 miles that traverse Adams County, PA, Frederick County, MD, through Albemarle County. She noted that within this swath of land there are six presidential homes – Jefferson's Monticello, Madison's Montpelier, Monroe's Oak Hill, Ash Lawn Highland, Zachary Taylor's Eisenhower's Cottage, adding that one-third of U.S. Presidents have housed themselves within this corridor. In addition, she said, John Marshall and George Marshall had homes here, and Teddy Roosevelt had a hunting cabin. Ms. Wyatt noted that there are thousands of years of Native American history, hundreds of years of European and African-American history, and many verified underground railroad sites. Ms. Wyatt mentioned that Albemarle hosts two World Heritage sites, and there are 13 historic national landmarks in the region. She said that there are 47 historic districts, and 1 million acres of land already on the National Register of Historic Places.

Ms. Wyatt reported that within this corridor, there is the largest collection of Civil War battlefield sites in the country, as well as sites from colonial times and the War of 1812 and scenic rivers and parks also. She referred to the area as "the trip to Mecca that everyone should take," as it is the road that ties together the chapters of our American story. Ms. Wyatt mentioned quotes from Jefferson and other historic figures regarding this area.

Ms. Wyatt indicated that the Virginia General Assembly passed a resolution in 2001 in support of the "Journey Through Hallowed Ground" initiative, and she asked the Board to consider passing a similar resolution to those passed by Leesburg, Purcellville, Adams County, etc. She emphasized that this initiative supports our Main Street communities, and encourages celebrating and preserving what is unique about each community. Ms. Wyatt stated that the effort also supports agricultural interests such as vineyards, and heritage tourism, equestrian events, historic hotels, and bed & breakfasts.

Ms. Wyatt reported that the partners have now convened four times and have come up with objectives for 2008:

- Launch a national awareness campaign. The partners have published a book entitled "Hallowed Ground," on the cover featuring James Madison's home, which is a private home along Route 15 in Loudoun County.

She emphasized that their main focus is education and awareness, not forced preservation, and the group has nominated the entire 175 as one of the most endangered sites in the country as part of the National Trust for Historic Preservation's annual list.

Mr. Rooker asked if the designation had any legal significance.

Ms. Wyatt replied that it would not, but they do know that they are finalists, and their project is well-received because it provides solutions. She reported that the group is pursuing national scenic byway designation for the entire corridor, an existing federal program, and the roads must first be state scenic byways within each state; Ms. Wyatt added that the portions within Albemarle already are, and portions in Fauquier and Prince William are not.

Ms. Wyatt reported that the group has made application to the Federal Highway Administration to do a corridor management plan, the second requisite to get a national designation. She added that Senator Warner, Congressman Wolf, and Senator Allen all personally wrote to Secretary Mineta to support that. She indicated that that would provide money for community workshops and to work with VDOT to make sure that safety is accommodated but doesn't have to be done at 65 mile per hour design standards – a parkway rather than a superhighway.

Ms. Wyatt noted that they are also applying National Heritage Area designation, which comes with federal funding to help continue the collaborative effort of the tri-state initiative and money to purchase land. She indicated that the group is creating a real estate investment trust, as the land along the corridor is all privately owned, and landowners have the right to sell their land. The partnership is committed to being realistic to this and raising funds as a real estate investment vehicle that will pay market value for lands.

Ms. Wyatt explained that the historic national road is a combination of six different states working collaboratively to create this journey along the Route 40/Route 70 corridor, celebrating the industrialization of America. She noted that Maryland has been very aggressive about seeking all available federal programs, and cited the example of Arkansas' 130-mile "yard sale" as what is possible for a long stretch of road. Ms. Wyatt noted that they have many private supporters, including an anonymous challenge grant of \$200,000 to match \$300,000 in other funds raised.

She emphasized that the Hallowed Ground is working with vineyards and local farmers, and Maryland has a program called "Buy Local, Buy Fresh." Ms. Wyatt noted that there is a program in England called "Eat the View," where visitors take a bucolic drive and stop along to eat fresh food along the way.

Ms. Wyatt emphasized that heritage tourism is important, although declining because people have very little time to plan holidays. She noted that the fastest growing segment of tourism is the cruise ship line. Ms. Wyatt said that her group is working with destination marketing experts to make it easy for people to visit the area, with everyone working collaboratively. She added that the next steps are continuing to hold community workshops, continuing to work with Main Street programs to "flesh out" authenticity guidelines, conducting a three-state poll to determine citizen awareness along the corridor. Ms. Wyatt mentioned that they are moving ahead with the campaign whether or not they are selected as a national historic site, with a kick-off of June 2nd.

Ms. Thomas said that she feels they are ready to adopt the resolution, adding that a local Monacan Indian tribe should also be recognized.

Mr. Dorrier asked if the effort could be extended further south.

Ms. Wyatt replied that the money they have requested from federal sources is for workshops to ask the public for input. She emphasized that the "Gettysburg to Monticello" phrase allows "everyone to get it," but the "width and breadth" of the effort is must greater.

Mr. Tucker noted that once people get to Monticello, they can go beyond and explore additional historic sites and drives.

Ms. Wyatt said that the "corridor" term is meant to be inclusive.

Ms. Wyatt suggested designating one Board representative for correspondence, along with members of the planning department. Mr. Tucker suggested communicating through the Chairman.

Motion was offered by Ms. Thomas to adopt the proposed resolution with the following addition, "and is the Albemarle County home of the Monacan Indian Tribe," in the sixth paragraph. The motion was **seconded** by Mr. Bowerman. Roll was called, and the motion carried by the following recorded vote: AYES: Ms. Thomas, Mr. Wyatt, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker. NAYS: None

RESOLUTION

Journey Through Hallowed Ground

WHEREAS, the Journey Through Hallowed Ground project, the Route 15 corridor stretching from Gettysburg to Orange, and generally following Route 231/Route 22 from Orange to Monticello, was created through a partnership among the National Trust for Historic Preservation, Scenic America, the Conservation Fund, the Piedmont Environmental Council, and has since expanded to include the Civil War Preservation Trust, the National Register of Historic Places, Scenic Virginia, the Virginia/Maryland and Pennsylvania Departments of Historic Resources, the Pennsylvania Environmental Council, the Adams County (Pennsylvania) Board of Commissioners, the Adams County (Pennsylvania) Planning Department, the Center for Rural Pennsylvania, the Frederick (Maryland) County Planning Department, Main Street Gettysburg, Main Street Frederick, the Town of Leesburg, the Town of Purcellville, Scenic Maryland, Preservation Pennsylvania, the Virginia Land Trust, and the Virginia Outdoors Foundation, among others; and

WHEREAS, the Virginia portion of the Journey Through Hallowed Ground is a scenic and historically rich landscape that encompasses 75 miles and nine counties of Virginia hillside along US Route 15 and generally following Route 231/Route 22 from Orange to Monticello; and

WHEREAS, the Virginia portion of the Journey Through Hallowed Ground will contribute to the economic development potential of the localities that border the Routes 15/231/22 corridor; and

WHEREAS, the Virginia portion of the Journey Through Hallowed Ground includes sites of great historical significance that evoke the lives and actions of the soldiers, statesmen, farmers, and slaves who lived in, worked in, fought for, and governed the region; and

WHEREAS, the Virginia portion of the Journey Through Hallowed Ground features sites of African-American historical significance, including Madden's Tavern, Aldie Mill, and Douglass High School; and

WHEREAS, the Virginia portion of the Journey Through Hallowed Ground was first used as a hunting and trading route for the Susquehannock and Iroquois Indians, and is the Albemarle County home of the Monacan Indian Tribe, and is therefore important to Native American heritage; and

WHEREAS, the Albemarle portion of the Journey Through Hallowed Ground was home to America's founding fathers and features presidential sites such as Thomas Jefferson's Monticello, and James Monroe's Ashlawn Highland; and

WHEREAS, the Albemarle portion of the Journey Through Hallowed Ground is home to two World Heritage Sites, Monticello and The University of Virginia Rotunda; and

WHEREAS, the Albemarle portion of the Journey Through Hallowed Ground features three Historic Districts listed on the National Register of Historic Places including, the Charlottesville and Albemarle County Courthouse Historic District, the University of Virginia Historic District and the Southwest Mountains Rural Historic District; and

WHEREAS, the Journey Through Hallowed Ground project allows Virginia a valuable opportunity to form a partnership with and learn from groups in Maryland and Pennsylvania;

NOW, THEREFORE BE IT RESOLVED by the Albemarle Board of Supervisors, that this Board hereby acknowledge the intrinsic importance to Virginia of the Journey Through Hallowed Ground project and recognize this historic corridor as a gateway to some of the most important locations in both American and Virginia history, encompassing centuries of historic sites in scenic settings; and

BE IT FURTHER RESOLVED, that the Clerk send a copy of this resolution to the Executive Director of the Journey Through Hallowed Ground to share with all partners in order that they may be apprised of the sense of this Board of Supervisors in this matter.

Agenda Item No. 21. Work Session: Affordable Housing Implementation Recommendations.

Mr. Ron White, Director of Housing addressed the Board, noting that his information comes out of the Affordable Housing Policy the Board did in February 2004, with work done by the Housing Committee and Affordable Housing Policy Advisory Committee over the last several months. He added that in December, they presented priority recommendations and strategies that came out of that work, which entailed some additional work at the staff level. Mr. White said today he would be presenting results and recommendations from that staff work over the past few months, and it has been presented to a joint meeting of the Housing Committee and the Housing Advisory Committee. He noted that there is general support for staff recommendations, with one area of difference that he will mention as they go through.

Mr. White recognized Jamie Spence of the Affordable Housing Advisory Committee and Josh Goldschmidt, who is the current chairman of the Affordable Housing Committee. He also recognized Leigh Middleditch, who chaired the Affordable Housing Policy Advisory Committee but was unable to attend this meeting. Mr. White said that there are five strategies they set forth when they came to the Board with the policy, including regulatory and administrative functions – data collection and reporting, which is already in place; eliminate barriers – Mark Graham has been working on this and will bring it to

the Board in June; proffers and proffer systems. Regarding density bonuses, Mr. White said that he would also cover this in his report, along with setting targets for affordable housing and the Housing Trust Fund. He reported that they have entered into an agreement with Piedmont Housing Alliance to cooperate on a down-payment assistance program.

He reported that there are five areas staff has focused on: density bonuses, how to calculate the number of affordable units, cash proffers or equivalent contributions, housing trust fund, and partnerships. Mr. White noted that the density bonus adopted by the county in the mid-1980's has not been used, and if the developer used the current density bonus, all of the additional units would have to be affordable; there is no requirement that those units be sold to persons of a certain income.

Ms. Thomas commented that while they are two separate considerations, they fit together.

Mr. White replied that the density bonus has an impact on the developer, and the lack of income requirement goes against the county's policy to focus resources at or below 80 percent of the area median income. He said that staff is recommending as a revision to the Zoning Ordinance to provide a density bonus when affordable housing is included, and that provision is that someone could request a bonus of up to 100 percent of the lesser of what's allowed under the Zoning District, or the upper limit specified in the Comprehensive Plan not to exceed 18 dwelling units per acre. He said that there are likely to be other infrastructure needs with more units that won't be handled in a by-right situation and would be better handled in a rezoning situation.

Mr. White said that of the units developed under the density bonus, 50 percent of them would be affordable. For example, he explained, a developer with ten by-right units on an existing parcel could request up to 20 units under this if five additional units were affordable. Mr. White mentioned that the Zoning Ordinance would need to be changed to accommodate the bonus. He added that the idea is to look at the Zoning District numbers as well as the upper limit of the Comprehensive Plan and making the determination of what's applicable.

Mr. White reported that staff had proposed phasing based on development size, with a small development of 1 to 11 units not having to provide affordable housing, and over 50 units expected to generate 15 percent in affordable. He noted that discussion in the joint meeting on this was related to equity, and whether it is reasonable to ask for affordable units when a developer is doing a rezoning that's not necessarily increasing density, so the proposal from the committee was to base the number of affordable units expected on the additional units created as a result of the rezoning. Mr. White added that those additional units would be those over and above what the Zoning District currently allows.

Mr. White cited an example of using a 10-acre site that could do up to 40 units but requesting a rezoning of six units per acre would make a total of 60, which is over the 50 limit, so the developer would be expected to do 15 percent, or nine affordable units. However, he explained, the committee proposal – using the additional units as a basis and using a different set of percentages – would mean six units in that same situation. Mr. White added that if a developer was submitting to do a rezoning for something other than residential, and there were no additional units, then they would not be expected to provide any affordable housing under that proposal. He emphasized that these two proposals get at the same thing, and the committee proposal would probably have less impact on producing affordable housing, and further discussions might necessitate policy guidance from the Board. Mr. White noted that the committee proposal was based on the additional, so they adjusted percentages upward because they are only looking at additional units.

In response to Mr. Boyd's questions, Mr. White acknowledged that the density bonus may be in conflict with the Neighborhood Model, as commercial units might force a limitation on how much additional residential is put in, if there is a mechanism for looking at only the land that is used for residential, and if we are looking at the parcel as a whole and there is no increase in density on the parcel as a whole.

Mr. Davis said it can be designed however you want to look at it. He thinks they would anticipate with these Neighborhood Model developments that there would be a Planned District that would come in as a single rezoning of acreage which would have mixed use in it. It may be hard to carve out the percentage that is residential and the percentage that is commercial in some instances. He added that that could be analyzed, and a net density increase could be recommended.

Ms. Thomas asked if the committee feels there is no market for affordable unit and/or the builder "takes a bath" every time they build them.

Mr. White replied that it is not clear what the market demand is, particularly for the product that would likely be built – attached housing.

Mr. Rooker mentioned that apartments and townhomes are selling well in the county.

Mr. Goldschmidt commented that they are trying not to make this punitive. He added that each property is different, and the risk is perhaps committing to a large development.

Ms. Thomas used Montgomery County, Maryland as an example of mixing affordable and "regular" housing.

Mr. Goldschmidt emphasized that in the case of Belvedere, they are trying to meet Neighborhood Model objectives and it may be difficult to incorporate all of those principles and affordable housing.

Mr. White reported that regarding cash and cash equivalent contributions, staff and the committee agreed that if the county is going to move towards a proffer type system, there should be a comprehensive proffer system developed, not piecemeal. He said that developers want to know up front what the rules are, so they can build it into their budget.

Mr. Thomas asked if Albemarle is enabled by the state to have a cash proffer system.

Mr. Davis replied that the county is enabled to have a voluntary cash proffer system, which exists in urban areas throughout Virginia. He explained that is designed through an analysis as part of the Comprehensive Plan to determine the financial impact to the locality for each residential unit, and the studies usually break down the different public infrastructures that are impacted by residential development, such as fire, rescue, schools, roads, libraries, recreation etc. He noted that affordable housing is new to that list, but once the impact is analyzed, when a rezoning comes forward there is an existing standard that developers have to look at to see that they need to address that impact in order to successfully rezone a property, and typically they will do a cash proffer to address that impact – although roads and other infrastructure might be offered to offset it.

Mr. Boyd commented that he thought there were issues with “impact fees” because it was a set amount of dollars and cents.

Mr. Davis responded that the proffers are voluntary, and each rezoning is still analyzed as to what the impact of the proposed rezoning is on the county. He added that one way to approach it is a cash proffer.

Mr. Tucker noted that you cannot use the cash proffer as the only basis for evaluation.

Mr. White emphasized that in lieu of having a comprehensive cash proffer system, they tried to come up with some calculation as to a suggested proffer for affordable housing. He explained that the calculation was garnered by taking the 2004 median sales price of new homes - \$290,000 and the \$175,000 affordable figure, with the difference being \$115,000; the formula would mean \$11,500 would be the proffer amount on nine units for a 60-unit development divided by the total number of units. Mr. White said that if the Comprehensive Plan were amended, a formula rather than an amount would be used. He added that developers have expressed concern over a policy based on what people can afford, as interest rates are unpredictable. Mr. White said that if there is a significant change in one number or another, the formula could be reevaluated quarterly.

Mr. White reported that the county appropriated \$250,000 for the housing trust fund in 2005 for the “Community Development Fund,” and a like amount is proposed for 2006. He noted that there is \$50,000 in federal home funds through the consortium through this year, and \$30,000 for next year, and the current proposed use for those funds is a homebuyer assistance program to be announced within the next two weeks. He added that there is \$148,000 in cash in the Crozet Crossing Trust Fund, and \$528,000 in receivables [second deed due on sale, forgivable after 30 years] that go up because of equity-sharing agreements. Mr. White noted that PHA has strengthened their staffing around their lending activities and is looking at sources to leverage and match the funds placed with them.

Regarding future funding, Mr. White said that he would like to prepare a case based on demand, which they have not yet been able to do. He said that the recommendations put forth today do set some parameters that can work in by-right and establish standards for making calculations as a result of rezoning – whether producing affordable units or making cash contributions. Mr. White stated that whatever they do, it will need to be revisited as markets change. He noted that the advisory committee has concluded most of their work at this point.

Mr. Davis clarified that the intent at this point is to amend the Zoning Ordinance regarding the density bonus provision for by-right development, and then amend the Comprehensive Plan to provide additional guidance for rezoning applications to generate additional affordable units or cash proffers. The next step, he said, would be to request staff to bring back a resolution of intent to amend the Zoning Ordinance and/or Comprehensive Plan. Mr. Davis emphasized that the difficult part of this issue is in the details.

Mr. Rooker asked if there was consensus among Board members to amend the Zoning Ordinance to provide for density bonuses when affordable housing is proposed, so that staff can draft a resolution for Board consideration.

Mr. Dorrier asked what the zoning would be where there could be up to 18 units.

Mr. White responded that there would need to be at least nine zoning units per acre under by-right zoning.

Mr. Davis answered that you could have a piece of property zoned R-15, and under this proposal, a developer could propose a density greater than that, but half would have to be affordable. He added that they could do that by-right by using what would be proposed as a density bonus provision, and the cap would be the Comprehensive Plan designation for that area or 18, whichever is lower.

Mr. Dorrier commented that there are not that many pieces of land zoned R-15.

Mr. Tucker and Mr. Davis indicated that requests would come in to increase the density from existing densities of R-4, etc. to more dense zonings like R-15.

Mr. Rooker pointed out that the details are not to be ironed out now, but the proposal is just whether the matter should move forward by means of a resolution directing staff.

Mr. Davis noted that there may be impediments to denser development, but in the meantime the sense is to come up with a formula for instances when the density bonuses are used.

Mr. Boyd expressed concern about how this would fit in with the Neighborhood Model.

Mr. Davis replied that this would apply primarily to already zoned property that wants to develop at a greater density currently allowed by-right, and the incentive would be for half of the units to be affordable.

Mr. Rooker noted that what is recommended is more permissive than the current Zoning Ordinance. He pointed out that you could double by-right density simply by making half of the additional units affordable. Mr. Rooker said that the question is whether staff should come back with an ordinance proposal to make the existing bonus system contain more of an incentive to act on it.

Ms. Thomas commented that she wants some bonus system that will work, and said she needed time for additional thought on whether the 18 figure was useable.

Mr. Rooker said that it is a better incentive than what exists today.

Mr. Tucker noted that it is trial and error at this point.

Mr. Bowerman stated that the trust fund is a big part of making this work.

Mr. Davis asked if the Board wants staff to bring back a draft ordinance and language.

Mr. Rooker said that the Comprehensive Plan changes must go through the Commission, and those channels would need to be followed.

Mr. Davis clarified that either the Board or Commission would need to initiate the process through a Resolution of Intent.

Mr. Rooker said that all three should be brought back with a Resolution of Intent.

Mr. Boyd asked which formula should be used.

Mr. Tucker and Mr. Davis suggested having that considered as part of the public hearing process at the Planning Commission level first.

Motion was offered by Mr. Bowerman to bring back to the Board, a Resolution of Intent to amend the Comprehensive Plan and the Zoning Ordinance on the June 1st agenda. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.

NAYS: None

Agenda Item No. 22. Discussion: Northern Development Areas Master Plan Project Status Report.

Mr. David Benish, Chief of Community Development, referred to the following executive summary that was forwarded to the Board members. In September 2003, the Board of Supervisors endorsed Development Areas 1 and 2, Hollymead and Piney Mountain, as the next areas for which a master plan would be prepared. The formal title for the plan will be the Northern Development Areas Master Plan (the "Master Plan").

In January 2005, following an RFP process, the County selected a team of consultants led by Community Design + Architecture Inc. to prepare the master plan. The master plan will be coordinated with the US 29 North Corridor Transportation Study (the "Transportation Study") now being prepared by the Thomas Jefferson Planning District Commission. Staff expects this coordination to result in a master plan that addresses both existing and future land uses along with the transportation needs of residents and businesses in the development areas. The same consultant team is working on both the master plan and the transportation study. The contract for preparation of the master plan has been signed.

A major component of the master planning process will be a public participation program, led by Lee Catlin, Community Relations Manager. Two to three weeks prior to the first public workshop in the planning process, the County will host a Citizens Planning Academy. A letter will be sent out to all residents and property owners in the development areas inviting them to the academy and giving them basic information about the master planning process. Other public meetings as outlined in Attachment A will be held during the project process.

A project Advisory Committee will also be utilized in the process to provide initial review and comment on tasks and products throughout the master plan process. Staff is working with the Planning Commission to select members of this committee.

The draft master plan will have three principal components: 1) a framework plan showing neighborhood centers and land uses, 2) unified design guidelines, and 3) implementation strategies.

The draft plan is expected to be ready in 18 to 21 months. County staff expects to update the Board several times during this period, generally following each of the three major public participation events.

When the draft master plan is complete, County staff will shepherd it through the public review and adoption process, in a manner similar to that used for the Crozet Master Plan. We estimate that the adoption process will take six to nine months.

This is provided for the Board's information and to provide an opportunity to answer any questions the Board might have. In addition, staff would appreciate receiving the names of any stakeholders in the Northern Development Areas that you would like to be certain are included in the planning process.

Ms. Judy Wiegand addressed the Board noting that staff now refers to the plan as "Places 29 – Creating and Connecting Communities in Northern Albemarle." She reported that it is a combined plan incorporating the master plan and 29 North transportation study, as it allows for coordination of land uses with transportation with US 29 and other roads in the area. Ms. Wiegand said that each of the studies would inform the other, and would proceed on parallel tracks that will be perceived primarily as a single process. She noted that the goal of the master plan is to encourage development and redevelopment in the development areas while protecting the county's rural areas, providing a good quality of life in the communities that will make the corridor an attractive place to live, work, and shop.

Ms. Wiegand said that staff is using the goals of the Neighborhood Model in the study, and process participants are county staff, the Thomas Jefferson Planning District Commission, a team of nationally known consultants, the Department of Transportation, the City of Charlottesville and the University of Virginia. She noted that the master plan will cover the four development areas that the Board asked be the subject of the next master plan – development areas one and two. Ms. Wiegand said that the master plan process looks at the assets, needs, and opportunities in the study area – and the results of that review will be used to set up a framework plan that identifies neighborhood centers, transportation routes, employment centers, and other amenities for redevelopment. She noted that the final draft of the master plan will be in three parts – a framework plan, a set of unified design principles, and a set of implementation strategies.

Regarding the schedule for the master plan, Ms. Wiegand reported that there will be interim work products throughout the process with the final draft expected in August 2006 and the consultants and staff have already begun work on it. After 2006, she said, public review and adoption over a six to nine-month period is anticipated. Ms. Wiegand noted that one of the major features of the planning process is a public participation and information program to be led by Lee Catlin.

Ms. Lee Catlin distributed an outline of the charrette schedule, and said staff is moving ahead quickly on this project for better coordination with the 29 North transportation study. She emphasized that they are committed to maximum public participation in this process, and they are trying to do as much contingency planning as possible. Ms. Catlin said that the consultants would remain in the area for several days and participate in a cluster of meetings – larger public forums and smaller focus groups – during their visits. She noted that the important dates to know are May 12th – the Citizens Planning Academy [as done in Crozet and Pantops] – to provide basic information on planning, hosted by county planning staff. The first public meeting, she indicated, would be May 25th at the Doubletree Hotel, and staff will regroup after that to see if future large-scale meetings are needed in the near future. Ms. Catlin indicated that the consultant will next return to town in October.

Ms. Catlin explained that information regarding the Places 29 project will be included with the property tax mailings, and a direct mail piece was also sent to all available home and business addresses for all four plan areas – approximately 7,000. In response to Mr. Rooker's question about apartment inhabitants receiving the mailing, Ms. Catlin explained that they will be doing a separate flyer campaign to reach those residents. She noted that various e-newsgroups have been formed, and thanked Mr. Boyd for encouraging sign ups at a recent public hearing. Ms. Catlin noted that staff has met with the *Daily Progress* editorial staff, and plans to meet with Channel 29 also to ensure media coverage.

Ms. Catlin reported that the "Advisory Council" was initially envisioned as being a low-key group that the Planning Commission would recommend members for. She said that the group would be a sounding board and feedback group for staff and the consultant at a process level, for things like getting the right people engaged in the project, whether neighborhoods are hearing about plans, accessibility to information, etc. Ms. Catlin mentioned that after speaking with the Planning Commission, it became more complicated and the Commission felt that they could assume that responsibility.

Board members asked about the status of planning for Pantops.

Mr. Benish responded that staff is short staffed, but is trying to move forward with the planning for Pantops in interim fashion until all hires have been made.

Mr. Rooker said that the county did not envision doing the full-blown process as with 29 and Crozet at the time the master planning for Pantops began.

Mr. Boyd asked if there was a new timeframe for the plan.

Mr. Benish said that staff would continue to work on a draft of the plan, but it would likely be later than March or April as originally scheduled.

Mr. Wyant commented that he would like to see the contract with the consultant so that the scope of their work remains on track.

Mr. Harrison Rue of the Thomas Jefferson Planning District addressed the Board, and reported that he presented a copy of the "Journey Through Hallowed Ground" book to Governor Christine Todd Whitman at the Virginia Conservation Network, and commented that "it's a great project." He added that he would be glad to work with the group, especially regarding VDOT.

At the transportation commission and MPO level, Mr. Rue said, the transportation part of the Places 29 project has been evaluated over time, and it is "a complicated structure." He stated that they are trying to get the work done with the consultants and community partnerships. They are not really doing anything differently than what they have already proven is workable in the 29/250 in terms of pulling together VDOT, county, city, U.Va., business groups, individual developers, to come up with buildable solutions. Mr. Rue added that the process tries to involve as many people as possible from a variety of interests. He said that VDOT is pleased that the TJPDC is working with the county on a "no excuses" plan whereby the county and VDOT are not "blaming one another" when problems arise.

Mr. Rooker said that the buildout analysis may need to be overlaid with plans along with expectations of what the state might provide for implementation purposes.

Mr. Rue commented that VDOT is very interested in the access management piece, noting that the TJPDC has met individually with developers and staff on city projects with positive results.

Mr. Rooker pointed out that with sites such as the Hollymead Town Center, the transportation plans have been approved regarding "what's going to be where in that development," including the transportation component. He said it would be helpful if the transportation component included plans with respect to the connections of that development to other developments.

Mr. Boyd cited Berkmar Drive extended as an example.

Mr. Rue explained that Berkmar is in the MPO long-range plan, and the location and size of a road like that will be modeled and looked at, and will be in at least one if not all of the three scenarios. He said that the October workshops will lay out to the community the "deck of cards" that will yield three rough scenarios to then be fully modeled.

Ms. Thomas noted that the map that shows boundaries specifically does not include the Berkmar Drive extension.

Mr. Rooker said that one piece that will be included in the study will be what the area in between two development areas should look like.

Mr. Rue stated that that is the "land use side," and in the long-range plan outlines differences of opinion about how the road should be developed – more rural or urban in style. He said that transportation-wise, it could be modeled either way, but it's ultimately a county decision in land use what actually happens.

Mr. Rooker said that whether a road is built with private funds, it should be considered whether or not a route is in the growth area.

Mr. Rue commented that we get our biggest bang for the buck by showing private investments so that public funds connect the dots.

Ms. Thomas mentioned that the Planning Commission passed a resolution to "not let analysis of the general through traffic requirements open up the issue of the western bypass as a feasible alternative."

Mr. Rue responded that their resolution is perfectly in conformance with the TJPDC scope. He emphasized that there is a difference between forecast modeling and considering alternatives, adding that there's already been a tremendous amount of design effort put into location and ideas for the existing western bypass proposal. Mr. Rue added that there will be forecasting modeling that defines or projects future traffic with or without certain facilities, as well as simulation modeling that simulates traffic on the preferred three scenarios, emphasizing that those scenarios won't be clear until after the October workshops. He noted that in the forecast modeling, the Route 29 Western Bypass would be included in at least some of the projections to show whether or not if that facility were built it would influence future traffic volumes. Mr. Rue commented that it appears to him that the direction that seems to be considered is getting large amounts of local and business traffic off on the local network, off of Route 29.

Mr. Rooker asked if the city has spent the ITS money to go all the way down Emmet Street.

Mr. Rue replied that it is not up to the project area yet, but will eventually be linked.

Mr. Rooker noted that the signal synchronization seems to work well up to Hydraulic Road, and the city does have \$500,000 available for these improvements.

Mr. Rue said that \$1 million or more will be used for signal improvements up and down 29.

Mr. Benish pointed out that the maps show a fringe area, and the consultant is aware of strategic locations adjacent to development area boundaries.

Agenda Item No. 23. Cancel May 11, 2005 Board meeting.

Motion was offered by Mr. Bowerman to cancel the May 11, 2005 Board meeting. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.

NAYS: None

Agenda Item No. 24. From the Board: Matters not Listed on the Agenda.

Mr. Wyant expressed concern about the temporary sign problem, and non-profits having to pay a fee for that.

Mr. Tucker replied that it is difficult to pick and choose who has to pay, as the purpose of the fee is to ensure that they follow regulations for signage.

Ms. Thomas said that it raises the question of whether the responsibilities should fall more on the real estate tax or individual or user taxes.

Mr. Wyant pointed out that these groups are non-profits.

Mr. Davis noted that the difficulty is identifying who the non-profits are, as there are many not affiliated with churches and fire departments. He said that the staff approach would probably be to do away with the sign fees altogether, and that loss of revenue would have to be made up elsewhere.

Mr. Tucker stated that it is not significant.

Mr. Wyant said that there is not sufficient staff to cover the enforcement.

Mr. Rooker emphasized that his concern is that the county restrict temporary signs, and said that if the process for application and fee payment is discontinued, there will be no control over the signs.

Ms. Thomas said she emailed Board members regarding a cell tower placement on a property that has a conservation easement, but the holders of that property need for the Board to put in writing that this is the best location.

Motion was offered by Ms. Thomas, **seconded** by Mr. Bowerman, that the Chairman write a letter to Nature Conservancy requesting they allow a second wooden communications monopole to be co-located with the one currently installed on Verulam Farm.

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

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.

NAYS: None

Mr. Davis noted that it is a Tier Two tower that would not have to come back before the Board again.

Ms. Thomas said that the Rivanna River Basin Commission has raised one-third of funds needed, and the fundraising continues.

She reported that the Virginia Workforce Council meeting takes place Thursday, and found that no one else was planning to attend.

She also asked about carpooling to the VaCo annual meeting in November. Mr. Tucker suggested she contact Ron White.

Ms. Thomas said that the Virginia Railway Express is looking into expanding their weekday service to the Charlottesville area.

Mr. Rooker said that the Express is seeking funds from the county, city, and TJPDC for a survey costing an estimated \$50,000 to \$60,000, and they may be able to get matching funds if one-half is raised. He explained that the Express runs 84 trains in Northern Virginia at a 95 percent on-time schedule, coming down as far as Manassas and Orange County. Mr. Rooker said that they would like to run two demo trains daily to Washington over a period of time, with an estimated two hour and twenty minute

travel time each way. He mentioned that local supporters would likely come before the Board seeking funding for the study.

Mr. Tucker said that he met with the group and initially assumed the business community would provide support, then he realized they were looking for county support.

Ms. Thomas reported that she met with relevant officials at DEQ yesterday, who indicated that the local community defines what the project purpose is, including length of time, not the DEQ. She said that a long-range plan is a separate issue related to what is needed to put a permit application together, and DEQ is not getting into that planning process. Ms. Thomas added that perceived changes in regulations that shifted opinion toward the South Fork option are not reality, and DEQ is now going to be involved in more things such as Sugar Hollow. She said that there are going to be more requirements with DEQ involved.

Ms. Thomas said that the most shocking revelation from the meeting was DEQ's view on what going to the James would entail, and what it would give to the community. She noted that since the local community has other water sources than the James, and some communities rely exclusively on that river for water, Albemarle/Charlottesville would be given a permit that would allow usage of maximum day demand, with cutbacks to average during drought periods – estimated nine million gallons per day. Ms. Thomas said that the present infrastructure would be used to store water for a drought, with the James being used in times of plenty. She added that DEQ perceives Charlottesville and Albemarle working together as a regional approach, and they also find the Ragged Mountain reservoir option attractive as it would require only one round of big construction.

Mr. Tucker added that after the large meeting with the regulators, one DEQ official said the same thing to him regarding Ragged Mountain.

Mr. Rooker said that there is a small group meeting next week in preparation for a pre-application meeting, which is now scheduled for June 22nd, and there will probably be a few more prior to the June date. He explained that the goal of the group is to determine what they can present at the pre-application meeting as a first choice option, and the Board has discussed a preference of finding a solution within the watershed. Mr. Rooker said that City Council shares this desire, but he is not convinced that ACSA and RWSA share that approach as they are not as "sold" on it.

Mr. Tucker commented that Rivanna has not selected any approach.

Mr. Rooker recalled that at the last Board meeting discussing this, they decided to get information on what Beaver Creek could provide to the water system, as that water source yields approximately 2.6 million per day. He said that he has met with Coran Capshaw about water use in Crozet for the Con Agra site, and Coran indicated that site would be used for his music industry operations, not water-intensive uses. Mr. Rooker said that there are differences in opinion between Mark Graham and the consultant regarding available capacity, and Mr. Graham is going to work with the RWSA engineer to come back with a reasonable recommendation for what might be useful out of Beaver Creek. If we are going to go into the regulators with a plan, we need to have some presentation of the amount of supply we are looking for. He added that right now, the county is paying \$12.5 million per million gallons per day additional capacity trying to be acquired. Mr. Rooker emphasized that if it can be determined the need is less, the options may be cheaper and more flexible.

Mr. Rooker said that the Gannett Fleming report is based on 5 percent conservation, and many community members and DEQ feel that that could be better. He stated that the Board had reached consensus on finding solutions in the watershed if possible, and acquire the additional supply for a reasonable period of time considering the cost of the projects. Mr. Rooker said that they should have information back before next Friday's meeting regarding Beaver Creek and conservation. He noted that the city is interested in an option that includes Rivanna.

Mr. Rooker said that Mr. Davis had recently given him a copy of the four-party agreement, and ACSA is sensitive about their role in this and whether they are an equal partner in this.

Mr. Davis reported that he had recently spoken with Jim Boling, who indicated that the Albemarle County Service Authority wanted to ensure that everyone was aware of the framework of the four-party agreement. There are two provisions in the agreement that provide a role for the authority. He said that the agreement calls for additional facilities to be built by Rivanna when those facilities are agreed upon from time to time by the city, the ACSA, and RWSA. The service authority has a legal role in that process. Mr. Davis added that the agreement, adopted in 1973, also states that the facility will be paid for pursuant to an agreement between the city and the authority. The county does not have a direct funding role. He said that in major projects, the county has a more significant role than in other projects.

Ms. Thomas pointed out that the Board has to approve facilities through Comprehensive Plan amendments.

Mr. Tucker noted that all facilities considered are in the county, so some land use approval would be required.

Ms. Thomas said that it was agreed that the county would serve as "regulator," and what the county says is as relevant as what state and federal regulators say.

Mr. Tucker stated that the process the county would go through would come after state and federal regulators, and agreed that perhaps a staff person should be involved in the regulation meetings.

Mr. Rooker mentioned that he views the staff involvement differently, with the Board having the say over what is approved or not.

Mr. Tucker said that just as DEQ has staff, the county staff represents Albemarle in meetings.

Ms. Thomas stated that she will distribute her notes to the Board once she can go through them, as the meeting just took place yesterday.

Mr. Rooker reported that the county had a meeting with Louisa and Fluvanna engineering and public works regarding a water plan and possible collaboration. He stated that those localities have filed an application to go to the James jointly, and would like Albemarle to be involved. Mr. Rooker said that they put together an application and filed it, rather than belaboring the process with a study. He said that a joint approach with them would involve piping water from the James up along a power easement into an area in Charlottesville, and water would be treated there then sold back to those localities from a pipeline running down Route 250. Mr. Rooker said his question is whether that option is better than going in alone, and he has asked Mark to work with the Fluvanna engineer and RWSA to get a cost differential estimate on the two approaches along with other advantages and disadvantages. He added that the pipeline would be longer with partnering, and a new treatment plan would need to be built.

Mr. Boyd said that there may be federal funds for a regional arrangement.

Mr. Rooker stated that those localities had received indication that funds would be available, but they are unsure as to how much.

Mr. Dorrier asked if the cost would be the main criteria for considering the regional approach.

Mr. Rooker said that it would be up to the county to determine, but if it comes back as not being financially advantageous, there is no strong reason to pursue it.

Mr. Tucker noted that there is no way to phase a James River option, all of the costs would be up front.

Mr. Rooker said that the James could be a later option, with Ragged Mountain first. He wondered why you would do both.

Mr. Bowerman and Ms. Thomas indicated that the James may be needed in drought times.

Mr. Rooker stated that he has not heard a definitive on whether it would be needed.

Mr. Rooker reported that there have been SAFER matching grant funds for additional firefighters.

Mr. Tucker said that staff is already looking into this.

Mr. Rooker noted that there is \$250,000 available in the Virginia Tourism Authority to make grants to local and regional tourism authorities. He also mentioned funds available for localities that have a build-out analysis.

Mr. Boyd said that he looks forward to receiving additional information on the water supply discussions from Mr. Rooker and Ms. Thomas.

Mr. Boyd reported that he had been receiving calls about panhandlers again.

Mr. Davis responded that staff has drafted an ordinance that will be coming to the Board in July.

Mr. Rooker mentioned that issues in the water study regarding population assumptions, and he asked staff to take a look at the projected population in the urban area at 30 and 50 years. Mr. Rooker said that Gannett Fleming seems to be using the higher estimates, which are higher than the VEC numbers.

Mr. Tucker said that VEC always low-balls population projections, so that the revenue comes in higher.

Agenda Item No. 25. Adjourn.

With no further business to come before the Board, at 5:55 p.m., **motion** was offered by Mr. Bowerman, **seconded** by Mr. Boyd to adjourn this meeting until May 12, 2005, 5:00 p.m. for a Tour of Montalto.

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

AYES: Ms. Thomas, Mr. Wyant, Mr. Bowerman, Mr. Boyd, Mr. Dorrier and Mr. Rooker.

NAYS: None

Chairman

Approved by Board

Date: 11/09/2005

Initials: DM
