

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 1, 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., Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: Mr. Dennis S. Rooker.

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

Agenda Item No. 1. The meeting was called to order at 9:03 a.m., by the Vice-Chairman, Mr. Boyd.

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

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

Mr. Gary Grant addressed the Board, inviting members to have a cup of coffee on Sunday, June 5<sup>th</sup> at 2:00 a.m. at the Waffle House on Premiere Circle on 29 North. He explained that there are some residents there that have made noise complaints about activities at the restaurant. Mr. Grant emphasized that the complaints are directed to noisy patrons, not the restaurant itself.

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Ms. Marcia Joseph addressed the Board, noting that a year ago they were asked to mitigate a violation by a resident (Tom Sullivan), who was performing his own road repairs on Route 795 without a permit or plan. She said that Mr. Sullivan's website – murcilagofarms.com – indicates that the home he said he would occupy on Mount Pleasant is now being rented for \$3,000 per week and he offers activities on that site.

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Ms. Debbie Donnelly, a resident of the portion of Blenheim Road that is not paved, stated that she is opposed to the paving, and stated that the Board was "misled as to what Mr. Sullivan's true reasons for paving were." She said that he has put all of his property up for sale, and has put a pigpen 80 feet from her well. Ms. Donnelly emphasized that the road is extremely steep, and there are no guardrails, and traffic has increased. He has changed the road and ruined it for those of them who plan to stay.

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Mr. Bill Puzo addressed the Board to thank them for their support for paving Allen Road under the Rural Rustic Roads program, especially David Wyant, David Benish, Juan Wade, and Chuck Proctor of VDOT.

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Ms. Laura Dollard of Route 795 addressed the Board, emphasizing that she does not want Mr. Sullivan to continue paving that road. She reported that Angela Tucker had responded to reports of unauthorized tree cutting, and now that she is gone from VDOT, nothing is being done. Ms. Dollard said that there were 150 signatures on a petition against the road last year. She said she does not want her property paved by a private citizen. If it ever has to be done, VDOT can do it to standard. Mr. Sullivan has not done it to standard.

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Mr. Peter Kleiman, a City of Charlottesville resident, addressed the Board to express his opposition to the Route 795 paving project. He attended a forum on the Places 29 project, where the mission is to include citizens in transportation decision-making, the Comprehensive Plan, and evaluation of alternatives. VDOT has been unwilling to discuss concerns of the public, and the citizens are not even notified in any timely fashion of activities coming ahead and what is actually being proposed. Mr. Kleiman strongly encouraged the Board to oppose the project until citizens have had an opportunity to respond.

Mr. Boyd indicated that this item would be brought up after the school portion of the Board agenda, and encouraged attendees to remain.

Mr. Dorrier explained that he had had a conversation with Mr. Sullivan a few weeks ago, who at that time indicated he would not pave the road if residents were against it.

Mr. Tucker noted that this item is not on the agenda for action at this meeting.

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Agenda Item No. 5a. Proclamation recognizing June as Homeownership Month.

Mr. Boyd presented the following proclamation to Paul Harper of the Housing Office:

**HOMEOWNERSHIP MONTH**

**WHEREAS,** *the month of June has been proclaimed as **National Homeownership Month** in an effort to focus on benefits of homeownership and to increase homeownership; and*

**WHEREAS,** *the County of Albemarle recognizes homeownership as an important part of strong communities; and*

**WHEREAS,** *owning a home allows people the best opportunity to build wealth through asset appreciation and provide a stable living environment for their families; and*

**WHEREAS,** *the County of Albemarle is supporting homeownership for those working families desiring to purchase their first home by providing homebuyer counseling, supporting **HOMEBUYER CLUBS**, and providing direct financial homebuyer assistance; and*

**WHEREAS,** *the County's **HOMEBUYER CLUBS** reached a milestone in 2004 with the 100<sup>th</sup> family purchasing their first home;*

**NOW, THEREFORE, BE IT RESOLVED** *that I, Kenneth C. Boyd, Vice-Chairman on behalf of the Albemarle Board of County Supervisors, do hereby proclaim and recognize the significance of **June, 2005 as HOMEOWNERSHIP MONTH** in Albemarle County, Virginia.*

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Agenda Item No. 5b. Recognition of Crozet Master Plan by the Council on New Urbanism (CNU).

Mr. Boyd reported that the Crozet Master Plan has been one of 15 studies selected nationwide by the Congress for New Urbanism for a 2005 charter award, the organizations highest accolade for exemplary design and implementation. The CNU is the nation's leading organization for promoting sound urban design and walkable mixed-use cities and towns as alternatives to sprawl.

Mr. Boyd noted that the plan was developed by the Albemarle County Department of Planning and Community Development, with assistance from a team of nationally recognized Charlottesville-based planners and designers led by Ken Schwartz of the Renaissance Planning Group in partnership with Warren Byrd, Thomas Wholtz, Wholtz Landscaping Architects, and Bruce Dotson. Christensen Associates of Richmond provided the facilitation support.

The Crozet Master Plan is the first in a series of developments that will incorporate the county's award-winning neighborhood model principles, required new development to be organized around compact walkable communities featuring a variety of activities and protected natural areas. The alternatives offered by this approach have allowed the county to take the by-right development in Crozet and preserve 35 to 50 percent of the land in recreational open space.

In acknowledging this award, Mr. Boyd said, the Board of Supervisors would like to offer special appreciation to the citizens of Crozet, who gave thousands of volunteer hours and continue to show their support for ensuring that Crozet will grow up in the best possible way, encouraging new businesses and residents to honor and celebrate their unique historic character. Mr. Boyd asked Ken Schwartz, Warren Byrd, and Wayne Cilimberg to come forward and be recognized for this honor.

Mr. Schwartz commented that it was an honor to be involved in developing and implementing the county's vision for the Neighborhood Model with the first master planned portion of the development areas, and a privilege to work and collaborate with so many people in Albemarle County along the way. He thanked Sally Thomas, Dennis Rooker, Will Rieley, Bill Edgerton, David Wyant, and the late Walter Perkins, who "were instrumental in supporting the work of the Crozet citizens" and the team who worked on the plan. Mr. Schwartz also thanked Albemarle County planning staff – Susan Thomas (project manager), Elaine Echols, Wayne Cilimberg, David Benish, and Lee Catlin. He also recognized from his office Kathy Galvin, Noel Murphy, Thomas Wholtz and Sophie Johnston. He also honored his partner Chris Sinclair, Jennie Cox, Kevin Tillbury, Hannah Twaddell, Carol Strickland, and Lee Osgood. Mr. Schwartz mentioned the involvement of Becky Clay Christensen and Bruce Dotson, and the citizens, local developers, and businesses of Crozet. It was truly a collaborative effort.

Mr. Cilimberg added thanks to the consultants, his staff and other county departments.

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Agenda Item No. 6. Consent Agenda. **Motion** was offered by Ms. Thomas, **seconded** by Mr. Wyant, to approve Items 6.1 (as noted) through 6.9, and to accept the remaining items for information. (Discussions are included with the individual items.) Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

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Item 6.1. Approval of Minutes: July 7, 2004; January 5, January 12(A), January 19(A), March 3(A), March 14(A), March 16(A), and March 16(N), 2005.

Mr. Bowerman had read July 7, 2004, Pages 1-23 (ending at Item #12) and found them to be in order as presented.

Mr. Boyd had read July 7, 2004, Pages 23 (begin Item #12) – end and found them to be in order but wanted to make sure on page 23, Melvin Breeden's statement "four positions mandated by the State" was transcribed correctly.

Mr. Dorrier had read January 5, 2005, Pages 1-20 (end at Item #20) and found them to be in order as presented.

Mr. Wyant had read January 12A, 2005 and March 16N, 2005 and found them to be in order as presented with an editorial change.

**By the recorded vote set out above, the minutes which had been read were approved. The remaining minutes will be placed on the next agenda.**

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Item 6.2. Lake Albemarle Child At Plan sign (Westover Drive).

The residents of Westover Drive in the Lake Albemarle subdivision have requested a child-at-play sign. There are approximately 30 homes on Westover Drive with 34 children. Westover Drive is approximately three-quarters of a mile long. VDOT requires a resolution of support from the Board of Supervisors. The Board of Supervisors approved the placement of a child at play sign for Lake Albemarle Road in 2004.

The County has developed criteria for reviewing a "Child at Play" request. The criteria and staff comments are provided below.

1. "Child At Play" signs shall only be considered on secondary roads.  
Westover Drive is in the Secondary Road System (Route 1701).

2. The request must come from a Homeowner's Association where applicable.  
Please find attached a letter from the residents of Westover Drive.

3. There must be child activity attraction nearby for the sign to be considered.  
Westover Drive is a cul-de-sac. There is no established tot lot, playground or sidewalk on Westover Drive. Due to these absences, the children that live on this road often have to walk and/or pedal in the street to other homes that may have a swing or court. Due to absence of sidewalks, children have to walk in the street. According to the request letter, 34 children live on this road. Staff believes that "Child at Play" signs will give notice to the traveling public that children may be in the area and using the road to get from one home to another. The average cost to install a sign is approximately \$125.

4. The installation of the sign shall not conflict with any existing traffic control devices. The proposed location of the signs will not conflict with any existing traffic control devices.

This request meets three of the four criteria. There are no central child activity attraction areas along the road (criteria 3). However, given the number of children in the neighborhood and the lack of sidewalks, it is staff's opinion that this request for a "Child at Play" sign has merit.

Staff recommends the Board of Supervisors adopt the resolution supporting the installation of "Child at Play" signs on Westover Drive.

(Ms. Thomas commented that there were children at play signs on Owensville Road that have been removed.)

**By the recorded vote set out above, the Board adopted the following resolution:**

**RESOLUTION TO AUTHORIZE  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
TO INSTALL CHILD AT PLAY SIGN ON  
WESTOVER DRIVE**

**WHEREAS**, the residents of Westover Drive in the Lake Albemarle subdivision are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the subdivision; and

**WHEREAS**, there are numerous children that live and play on Westover Drive and the residents believe that a "Child at Play" sign would help alleviate some of the concerns.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby supports the community's requests for VDOT to install the necessary "Child at Play" signs on Westover Drive (Route 1701).

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Item 6.3. Resolution supporting rail service in Virginia.

(Mr. Wyant said the terms inter-city and intra-city in the resolution are confusing. Mr. Cilimberg noted that the intent is for the rail to run between cities – inter-city.)

**By the recorded vote set out above, the Board adopted the following resolution:**

#### **RESOLUTION**

**WHEREAS**, the Board of County Supervisors of Albemarle County, Virginia, support the appeals of Virginia citizens, Governor Mark Warner, and his predecessor Governor Jim Gilmore, with overwhelming support from the Virginia General Assembly during the 2005 and 2000 Sessions, respectively, have clearly and decisively placed the Commonwealth of Virginia in a leadership position, with meaningful funding support, in pursuit of a more fully-developed intercity rail network for the movement of both people and goods; and

**WHEREAS**, Virginia and other states, notably neighboring North Carolina, recognize that a national rail network is essential to the ultimate success of rail development to augment and relieve other modes of transportation currently under stress. No single state can do it alone; and

**WHEREAS**, Virginia lacks a Federal partner, without which the intercity rail development hopes and aspirations of the Commonwealth cannot be achieved; and

**WHEREAS**, the current Amtrak restructuring initiative of the Bush Administration, as articulated by U.S. Secretary of Transportation Norman Y. Mineta, represents both an opportunity as well as a serious risk to the interests and long-term objectives of the Commonwealth of Virginia, its business and commercial interests, and our citizens; and

**WHEREAS**, the risk is that much of what we have in place today might be lost in an overly-simplistic approach to the "purging" of Amtrak. The National Railroad Passenger Corp. (Amtrak) represents but a very thin veneer concealing much deeper and more fundamental problems that adversely affect the viability and handling capacity of the U.S. rail network – both freight and passenger; and

**WHEREAS**, the deteriorating rail situation in the U.S. has spiraled downward for more than fifty years. It would be unrealistic to expect to correct it overnight. It cannot be fixed without MORE, rather than less, public funding at the Federal level; and

**WHEREAS**, a goal of the United Jefferson Area Mobility Plan (UnJam 2025), which combines the Charlottesville-Albemarle Regional Transportation (CHART) Plan for the Metropolitan Planning Organization area with the Rural Area Transportation Long Range Plan, is to improve regional rail service and support the movement of passenger service where possible; and

**WHEREAS**, the UnJam recommends increased passenger rail service for both local and regional commuter and intra/interstate travel options; and

**WHEREAS**, the UnJam recommends improved headways for freight to clear up time for passenger service, regular and consistent time slots for passenger service and improved technology so that freight and people can better coexist on the same railway;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, hereby seek your leadership in formulating a multi-year, phased solution; a solution that is transformative rather than one that is precipitous and punitive. We urge you to protect the passenger rail infrastructure and services that we now have in place in Virginia, and to complement such transitional efforts with a well-conceived Federal program that, like Federal support for highways, ports and aviation, enhances and promotes rail transportation in partnership with the Commonwealth of Virginia and its privately-owned railroads.

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Item 6.4. Revisions to Personnel Policies: P-05 "Criminal Convictions/Motor Vehicle Violations".

The Human Resources Department, assisted by the County Attorney's Office, has been reviewing the County's Personnel Policy Manual in order to update existing policies in a number of areas. The staff is proposing revisions to the following specific policy: Criminal Convictions/Motor Vehicle Violations (P-05)

The proposed policy contains a number of changes. First, the policy adds the requirement that all employees must promptly report an arrest for a criminal violation of any kind to their supervisor or department head. Second, the policy clarifies that the County may take appropriate disciplinary action when an employee has been arrested. Third, the policy clarifies the conditions under which the County may collect and maintain employee criminal history record background information, and provides that the County may consider a criminal conviction on an employee's suitability for continued County employment. These changes are deemed necessary in order to eliminate ambiguities in the present policy and provide

clear direction to both employees and their supervisors as to necessary or appropriate actions to take in situations involving the arrest of a County employee.

Staff recommends adoption of the a Resolution, which will approve the proposed changes to personnel policy P-05.

**By the recorded vote set out above, the Board adopted the following resolution:**

### **RESOLUTION**

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

**WHEREAS**, current provisions in the Personnel Policy Manual addressing the effect of an applicant's or employee's arrest or criminal conviction are outdated and in need of revision to permit Human Resources and other departments to take appropriate action in such cases in the best interests of the County, its employees and citizens; and

**WHEREAS**, the proposed provisions reflect the need of the County to properly consider the effect of an arrest or criminal conviction on an applicant's or employee's continued suitability for County employment.

**WHEREAS**, the Board of Supervisors desires to adopt these Personnel Policy revisions;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby amends the following sections of the County of Albemarle Personnel Policy Manual:

**By Amending:**

Section P-05 Criminal Convictions/Motor Vehicle Violations Policy

**Section P-05** Effect of Criminal Conviction or Arrest

It is the policy of the Board not to employ or to continue the employment of classified, professional or administrative personnel who may be deemed unsuited for service by reason of arrest and/or criminal conviction. While an arrest or conviction of a crime, in and of itself, may not be an automatic bar to employment if an arrest or conviction relates to suitability of the individual to perform duties in a particular position, such person may be denied employment or may face disciplinary action, up to and including termination. Individuals applying for employment with Albemarle County for any position shall be required to disclose prior convictions of law other than minor traffic violations or juvenile offenses. Information provided by applicants may be verified by work history, personal reference or criminal record inquiries to determine the applicant's acceptability for employment. Where a prior conviction is ascertained, the County will consider the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought. If an applicant makes any misrepresentation or willful omissions of fact regarding prior criminal history, such misrepresentation or omission shall be sufficient cause for disqualification of the applicant or termination of employment.

In the event that any employee, whether full-time or part-time, probationary or nonprobationary, is arrested for a criminal violation of any kind, whether misdemeanor or felony, he is required to report such arrest promptly to the employee's supervisor or department head within one (1) business day unless mitigating circumstances exist. This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination. In addition, all employees shall have the continuing duty to notify the County of any arrest or criminal conviction that occurs subsequent to being hired by the County.

Supervisors or department heads shall contact the Human Resources Director or designee upon receiving notification that an employee has been arrested. The County reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the arrest.

Applicants for all County positions shall be informed that they will be required, as a condition of employment, to sign a statement authorizing Albemarle County to have both a criminal history background check and a motor vehicle violation investigation performed. As permitted by law, the County is authorized to consider any criminal conviction history or motor vehicle violations in determining whether to make an offer of employment to the applicant, and shall retain sole discretion to determine whether prior criminal history or motor vehicle violations shall disqualify an applicant from further consideration for County employment.

The information collected shall be privileged, confidential and used only in determining the candidate's qualifications for employment and assignment.

If an applicant for employment with Albemarle County should refuse to permit a criminal history record search, that applicant will be removed from further employment consideration and informed accordingly. Applicants who omit criminal convictions from their application may be denied employment for falsification of the application, and, if hired, may be subject to disciplinary action, up to and including immediate dismissal for withholding such information on the application. A new application may be filed after three (3) calendar years provided the person at that time lists his convictions. An authorization for Albemarle County to conduct a criminal conviction/motor vehicle violation investigation and its satisfactory outcome are conditions of employment. Once the County has reviewed an applicant's criminal history record and has made an

administrative determination concerning employment suitability, the record will be retained in a file separate from the official personnel file. If a criminal record is obtained that would prohibit employment under Albemarle County policy, the applicant/employee will be so informed and his application for employment removed from consideration and/or the employee will be subject to termination. If the response indicates a conviction(s), the Director of Human Resources will review the response. The County shall have the sole discretion to determine whether any convictions or violations are related to the duties of the position for which application is made or whether they affect the fitness of the applicant to work for the County. Except as directed by court order or as otherwise required or permitted by law, conviction information received by Albemarle County as part of the employment process will not be disseminated to any third party not directly involved in the hiring process.

Amended: August 4, 1993

Legal Reference: Code of Virginia, 1950, as amended, Chapter 23, Sec. 19.2-389 (7)

Item 6.5. Revisions to Personnel Policies: P-90 "Family and Medical Leave Act".

The Human Resources Department, assisted by the County Attorney's Office, has been reviewing the County's Personnel Policy Manual in order to update existing policies in a number of areas. At this point, staff is proposing revisions to the following specific policy: Family and Medical Leave Act (P-90).

The proposed policy contains a number of changes. First, the definitions section has been revised to reflect legal requirements set forth in the federal Family and Medical Leave Act. Second, language has been added to clarify eligibility requirements for employees, including situations where both parents are employed by the County. Third, the policy clarifies that eligible employees may take up to 12 weeks of leave during a 12-month period, that employees may take intermittent leave or work a reduced schedule in order to take FMLA leave to care for a seriously ill family member or for the employee's own serious health condition. Fourth, the policy clarifies the requirements pertaining to medical certification. Fifth, the policy requires the substitution of accrued paid sick and/or annual leave as part of the total 12 weeks of FMLA leave. Other changes to the policy include clarification of the notification requirements for employees who desire to take FMLA leave and requirements pertaining to return to work once FMLA leave is completed.

Staff recommends adoption of a Resolution, which will approve the proposed changes to personnel policy P-90.

**By the recorded vote set out above, the Board adopted the following resolution:**

**RESOLUTION**

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

**WHEREAS**, the Board finds that an amendment to Personnel Policy P-90 is necessary to clarify policies relating to paid leave and the Family and Medical Leave;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby amends the following sections of the County of Albemarle Personnel Policy Manual:

**By Amending:**

Section P-90 Family and Medical Leave Act, Supplemental Leave

**Section P-90 FAMILY AND MEDICAL LEAVE ACT - Supplemental Leave**

**A. Purpose of Policy**

This policy is written to assist the Albemarle County Local Government in complying with the federal Family and Medical Leave Act of 1993. This policy seeks to balance the needs of the employer with the needs of its employees and their families.

**B. Definitions**

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| Child:             | Includes biological, adopted, foster, step, or legal ward child for whom the employee acts in a parental role, providing care and financial support. The child must be under age 18, unless he/she is incapable of self-care due to mental or physical disability.                             |
| Eligible Employee: | An eligible employee: 1) Has been employed at least one year; 2) Has worked at least 1250 hours during the 12 months immediately preceding the proposed leave; 3) Has not used all available Family Medical Leave (FML) in the previous rolling year; and 4) Meets the conditions of the FMLA. |
| Family:            | Family is defined as the employee's spouse, children, and parents.   |

Health Care Provider:	A licensed doctor of medicine or osteopathy or any other person determined by the U.S. Secretary of Labor to be capable of providing health care service.
Parent:	Biological parents as well as any others who have acted in the place of a parent to the employee.
Serious Health Condition:	A physical or mental illness or an injury requiring inpatient care at a medical facility or continued treatment by a health-care provider that causes the employee to be absent from work on a recurring basis or for more than three full days.
Job-Protected:	The employee is guaranteed the right to return to his former position or to an equivalent position.
Week:	A week is defined as the annual authorized regular hours of the employee's position, divided by 52.

### **C. Conditions of Leave**

#### **1. General Information**

The Family and Medical Leave Act (FMLA) provides up to 12 workweeks of unpaid job-protected leave per year to eligible employees for one or more of the following qualifying events:

- 1) The birth and first-year care of the employee's newborn child;
- 2) Placement of a child with the employee for adoption, or by the State for foster care;
- 3) To care for the employee's spouse, child or parent with a serious health condition (this does not include in-laws); and
- 4) The employee's own serious health condition.

#### **2. Notification Requirements**

When the need for leave under FMLA is foreseeable, as in the case of the expected birth, adoption or foster care placement of a child or planned medical treatment for a serious health condition of the employee or a family member, the employee is required to provide at least 30 days advance notice to his supervisor either verbally or in writing. In the event that it is not practicable to give such advance notice, due to a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee should give as much advance notice as is practicable, ordinarily within one or two business days of when he learns of the need for the leave.

The administrative process will be initiated by the employee submitting an FMLA Request Form, which is available from the Human Resources Department. If the reason for leave involves a serious health condition of either the employee or the employee's family member, the employee will be given a Certification of Health Care Provider form that must be completed by the patient's physician and returned to HR within 15 calendar days. Employees granted leave under FMLA will receive a Notice of Employee Obligations under FMLA outlining conditions governing the leave.

If an employee does not notify his supervisor that he requests FML, but the supervisor has reason to believe that a leave request would meet the guidelines covered under the Act, the supervisor should contact Human Resources, which will then provide the employee with information regarding the FMLA. If an employee is eligible for FML, then the leave time will be counted against FML.

#### **3. Both Parents Working for the County**

In cases where both parents are County employees, they may take a combined total of 12 weeks of FML for birth, adoption, and foster care placement. They may each take 12 weeks for their own illness or that of their spouse, child or parent.

#### **4. Covered Time Period**

Eligible employees may take up to 12 weeks of leave during a rolling 12-month period. This is defined as the 12-month period measured forward from the date an employee's first FML begins.

#### **5. Intermittent or Reduced Leave**

While most family and medical leave occurrences will necessitate leave to be taken in a single block of several weeks, the employee may request "intermittent" leave or "reduced leave schedule" to care for a seriously ill family member or for the employee's own serious health condition where the need for leave is foreseeable and based on planned medical treatment. In the case of the need for a reduced leave schedule or intermittent use of leave, a certification of medical necessity is required from the health care provider and an appropriate work schedule should be planned in advance with the supervisor, when possible. An employee may take reduced leave for the birth, adoption or foster care placement of a son or daughter only if the employee and employer agree to such an arrangement.

If the employee requests intermittent leave or reduced leave schedule, the County may temporarily transfer the employee to an available alternative position with equivalent pay and benefits, if the employee is

qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

#### **D. Medical Certification Requirements**

When the necessity for FML exists due to the employee's own serious health condition or the serious health condition of a spouse, parent, or child, certification of the condition and a statement of the need for leave are required from the health care provider(s), using the Certification of Health Care Provider form provided by Human Resources. If the employee fails to provide the requested information to the designated HR Specialist within 15 calendar days of receipt of the form, the leave may not be job-protected under the FMLA.

The County may require a second opinion by a health care provider of its choice, and at its expense. If the two opinions differ, a third opinion may be requested from a provider selected jointly by the employee and the County. This third opinion, to be paid for by the County, is final and binding. It is the employee's responsibility to maintain up-to-date medical status while on FML.

The County may also require periodic reports from the employee as to the employee's status and intent to return to work.

#### **E. Substitution of Paid Leave**

The FMLA provides for a maximum of 12 weeks of unpaid leave. If the FML is due to the employee's own medical condition, the employee will first be compensated using any accrued sick leave and sick bank benefits, as applicable. Time will be charged concurrently against these paid types of leave and FML for a period of up to 12 weeks.

If the FML is due to the illness of an employee's spouse, parent, or child, the employee will first be compensated using accrued sick leave. (Employees are not eligible for sick bank benefits in these circumstances.) Time will be charged concurrently against the available accrued sick leave and FML for a period of up to 12 weeks.

The remainder, if any, of the leave requested will be charged against accrued annual leave and compensatory leave prior to the employee going on unpaid leave, except that the employee may save one (1) week of annual leave for use at a later time. Employees should check with HR to determine what types of leave will run concurrently with their FML. The type of leave taken must be in compliance with the provisions of the applicable leave policy found in this manual.

Time missed during worker's compensation related injuries, which otherwise meet the requirements of the FMLA, may run concurrently with FML.

#### **F. Benefits**

##### **1. Insurance Continuation Privileges**

Employees on unpaid leave that is designated as FML will continue to receive their employer portion of the medical and dental insurance benefits up to the maximum 12 workweeks allowed. These benefits will continue on the same basis as an active employee during this 12-week period. Employees must remit the necessary premium for the employee portion to cover themselves and eligible dependents. As in the case of any unpaid leave of absence, the employee must make arrangements to pay applicable medical, dental, and life insurance premiums.

##### **2. Other Employee Benefits**

In all cases where an employee is using some form of approved, accrued leave such as annual leave, compensatory leave, sick leave, or sick bank, all employee benefits continue as long as the employee remains on the payroll through the use of such leave time. If unpaid leave is taken, employee benefits other than health, dental and life insurance are discontinued for the duration of the unpaid leave status as follows:

- a) The accrual of annual or sick leave is discontinued after ten (10) days of unpaid leave and for the duration of the unpaid leave status.
- b) The Virginia Retirement System (VRS) contribution is based on a percent of the employee's income. No contribution is made for periods of unpaid leave. Upon returning to work, the employee may be eligible to purchase the lost service with VRS, if the leave is necessitated by birth or adoption, as defined by VRS policies.

#### **G. Returning from FML**

##### **1. Medical form**

An employee returning from FML due to his own serious health condition must submit a statement on the required form to Human Resources, from his attending physician, indicating the employee is physically and mentally capable of returning to work.

##### **2. Restoration to Position**

When an eligible employee is released to return to work following FML, he will be restored to the position held at the time the leave began or to an equivalent position with equivalent benefits, compensation and other terms and conditions of employment. Any issues regarding equivalency should be reviewed with Human Resources. In order to be guaranteed restoration, the employee must return to work at or before the end of the 12-week family leave period. If an employee would have been laid off had he not been on FML, any right to reinstatement would be whatever it would have been had the employee not been on FML.

Certain "key" employees may be denied job restoration. A "key" employee is defined as a salaried FMLA-eligible employee who is among the highest paid 10 percent of all County employees. A key employee will be notified as soon as practicable after receipt of a request for FML that he is considered to be a key employee

Employees on unpaid FML are not eligible for any unemployment benefits.

#### **H. Record Keeping and Anti-Retaliation**

The Director of Human Resources shall maintain records necessary to demonstrate compliance with the Act. The Act requires also that no employee be subject to any penalty for seeking rights under the Act or for testifying for or otherwise helping other employees seek rights under the Act.

#### **I. Adoption of Policy**

This Section P-90 of the Personnel Manual was adopted and is intended to fully implement the Act, subject to the penalties prescribed in the Act.

Any variation between this policy and the Family and Medical Leave Act will be determined in favor of the Act.

Adopted: September 1, 1993

Legal Ref.: Family and Medical Leave Act – Public Law 103-3, 1993

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#### Item 6.6. Thomas Jefferson HOME Consortium Allocation of FY 2005 Funds.

The U.S. Department of Housing and Urban Development (HUD) annually provides funding under the HOME Investment Partnership Program to units of state and local government through formula allocations. While larger jurisdictions individually receive funding under established formulas, those that do not may form a consortium in order to receive an allocation of HOME funds.

Albemarle County has participated as a member of the Thomas Jefferson HOME Consortium (six jurisdictions of the Planning District) since 1992 sharing in over \$10 million in HOME funds to support affordable housing initiatives in the region. HUD requires that an Action Plan be developed annually prior to receipt of HOME funds to provide a summary of current year activities and a proposal on how funds will be used for the coming year. A detailed annual performance plan is prepared for HUD after the end of the fiscal year. This report is provided to each jurisdiction represented in the Consortium.

Each locality receives an equal annual appropriation estimated this year at \$121,114. In addition, HUD has established an additional set-aside for the American Dream Downpayment Assistance Initiative (ADDI) that will bring Albemarle County \$6,753 to assist first-time homebuyers. HOME will also provide \$5,652 in administrative funds.

In prior years, the Albemarle Housing Improvement Program (AHIP) has been designated the subrecipient for the County with the funding allocated for rehabilitation of owner-occupied homes. In 2004-05, AHIP used approximately \$117,000 in HOME funds to rehab seven homes, which AHIP matched with \$160,000 from other sources to complete these jobs. Also in 2004-05, Albemarle County allocated \$50,000 in HOME funds for homebuyer assistance. These funds were included in an administrative agreement executed with PHA in April 2005 to be administered as part of the County's Homebuyer Assistance Program. Although there have been no loans closed using these funds since the agreement was executed, these funds will be carried over into FY'06, since HUD allows us three years to expend the funds

For FY06, the proposed allocation of HOME funds to PHA should provide assistance to 12 to 15 first-time homebuyers with incomes below 60 percent of the area median income. Along with Albemarle's annual contribution of \$250,000 to the Affordable Housing Fund, this \$30,000 in HOME funds to PHA will provide a total of \$280,000 to address affordable housing needs with a down payment assistance program administered by PHA.

Staff recommends designating AHIP and PHA as subrecipients for the administration of HOME funds with allocations as follows. The rehab allocation is based on past performance by AHIP and available funding. The homebuyer assistance allocation is based on expected activity and available matching funds from the County:

AHIP (Rehab of 6 Owner-occupied homes – matching funds approx. \$150,000)	
Housing Rehab	\$97,867
Admin	\$ 4,352

PHA (Downpayment assistance to 8 – 10 families – County match \$250,000 leveraging approx. \$1.5 million in mortgages)

Homebuyer Assistance	\$30,000
Admin	\$ 1,300

**By the recorded vote set out above, the Board approved the following allocations of HOME funds for fiscal year beginning July 1, 2005:**

**AHIP (Rehab of 6 Owner-occupied homes – matching funds approx. \$150,000)**

Housing Rehab	\$97,867
Admin	\$ 4,352

**PHA (Down payment assistance to 8 – 10 families – County match \$250,000 leveraging approx. \$1.5 million in mortgages)**

Homebuyer Assistance	\$30,000
Admin	\$ 1,300

Item 6.7. Deferral program for real estate taxes.

Virginia Code Section 58.1- 3219, enacted by the General Assembly in 1990, enables localities to adopt an ordinance to create a real estate tax deferral program for a taxpayer. It allows the deferral of taxes that exceed 105 percent of the real estate tax on the property owned by the taxpayer in the previous tax year. Such a program is subject to limitations and requirements set forth in the enabling legislation. The Board asked staff to research this program and provide information regarding it. To date, no locality has adopted this type of tax deferral program.

A deferral program may defer a portion of the real estate tax if the amount of tax on a property exceeds 105 percent of the tax in the previous year. A program may apply to all property or only property owned and occupied as the sole dwelling of the taxpayer. The enabling authority does not authorize the deferral program to be based on the value of the property or the wealth of the taxpayer. The program can require a higher minimum percentage than 105 percent to qualify for a deferral. Property in the real estate tax relief program for the elderly or disabled or in land use is not eligible for a deferral program. Taxpayers who are delinquent in the payment of taxes on property for which a deferral is sought are not eligible for a deferral.

A deferral program must allow taxpayers, at their option, to defer all or any portion of the real estate tax that exceeds 105 percent (or such greater amount as determined in the ordinance) of the real estate tax on such property owned by the taxpayer in the previous tax year. The accumulated amount of taxes deferred and interest must be paid to the locality by the owner upon the sale or transfer of the property, or from the estate of the decedent within one year after the death of the owner. The interest on the deferred tax is computed at the rate established pursuant to § 6621 of the Internal Revenue Code or (effective July 1, 2005) at any lesser rate determined by the locality. The discretion to grant a lower interest rate is the result of the 2005 General Assembly's adoption of Senate Bill 1087. The IRS interest rate is determined quarterly based on the federal short-term interest rate plus three percentage points. For the quarter beginning April 2005, the interest rate is six percent. However, the interest rate over the last fifteen years has been as high as 11 percent and as low as four percent. As recently as calendar year 2000 the rate was nine percent. This is a daily compound interest rate. Because interest rates can change quarterly and the deferral can be subject to significant interest charges, it would be difficult for a taxpayer to calculate the effective "savings" of participating in the deferral program. Under the new legislation that allows a locality to set a lower interest rate, the interest rate difficulties for the taxpayer may be able to be addressed. However, even a locally-set interest rate would need to be adjusted periodically to fairly reflect market interest rates, adding another layer of administrative complexity.

Staff has attempted to analyze who could utilize this program. Because the deferred tax constitutes a lien upon the real estate and a requirement of most mortgages is that taxes must be paid from an escrow account and be paid in full, properties subject to mortgages may not be able to participate in a deferral program. This may significantly limit the applicability of the program to a wide segment of taxpayers.

Although this program has been enabled since 1990, no localities have established a deferral program. Although the Weldon Cooper Center's 2004 survey of local tax rates reported that Chesapeake, Virginia Beach, and Waynesboro are offering a deferral program and that Loudoun County previously had a deferral program, staff contacts in each of these four jurisdictions indicated that this information was incorrect and that none of them have or had adopted such a program. The Weldon Cooper Center's 2004 survey of local tax rates further reported:

"The cities of Alexandria, Falls Church, and Fairfax and the counties of Fairfax and Henrico have considered deferral but have not adopted it. Administrative problems appear to be the major reason deferral has not been adopted. According to Henrico staff, 'The administrative procedures for tracing the properties and recovering the relevant taxes upon either the death of the owner or transfer of the property itself would be both cumbersome and time consuming and could not be accomplished with existing staffing levels or existing computer systems.'"

Although the cost of administering a program in Albemarle County has not been fully analyzed, it is believed that the program would be difficult to implement in a fair and cost effective manner. It could make revenue projections more difficult and, if widely utilized, require tax rate increases to generate the same amount of revenue that would be collected without a deferral program.

Although staff appreciates the appeal of a general real estate tax deferral program, compounded interest rate costs to the taxpayer, conflicts with mortgage requirements, the administrative burden, and costs to the County appear to outweigh the benefits of a tax deferral program. Staff does not recommend its adoption locally at this time.

**By the recorded vote set out above, the Board supported staff's recommendation to not adopt the program locally at this time.**

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Item 6.8. Resolution of Intent to amend Comp Plan and Zoning Ordinance, re: Affordable Housing.

After the adoption (February 2004) of an amendment to the Comprehensive Plan to include an Affordable Housing Policy, an Affordable Housing Policy Advisory Committee was formed to make recommendations for implementation of the policy. The Advisory Committee completed its initial task of identifying priority strategies and recommendations and presented a report to the Board in December 2004. The report was also presented on behalf of the Albemarle County Housing Committee. A number of recommendations were considered feasible to implement as they involved mostly administrative actions using current available resources. These included data collection and reporting, revising homebuyer counseling programs, and creating a homebuyer assistance program. Other recommendations required more inter-departmental staff work to formulate actions for implementation which was completed in April and presented to the Board at a work session in May. At the May 4<sup>th</sup> work session, the Board instructed staff to proceed with the process for adopting three recommendations, one as an amendment to the Zoning Ordinance and two as amendments to the Comprehensive Plan.

Pursuant to the Board's direction at the May 4<sup>th</sup> work session, staff has prepared the attached Resolution of Intent to Amend the Albemarle County Zoning Ordinance and Resolution of Intent to Amend Albemarle County's Comprehensive Plan. Adoption of these resolutions will start the process to:

- Amend the zoning ordinance to encourage affordable housing by providing revised density bonuses when affordable housing is proposed;
- Amend the Comprehensive Plan to establish the basis for calculating the amount/percentage of affordable units to be proffered based on additional units allowed after the rezoning.
- Amend the Comprehensive Plan to provide a formula for calculating cash or cash-equivalent proffers in lieu of proffering the recommended number of affordable dwelling units

Staff recommends that the Board adopt the resolutions. Staff further recommends that the amendment process begin with a work session with the Planning Commission prior to a public hearing. Although the usual process includes one or more focus groups to review proposed amendments prior to the PC's work session, staff recommends that the work from the Affordable Housing Policy Advisory Committee be considered in lieu of additional focus group meetings.

**By the recorded vote set out above, the Board supported staff's recommendation that the amendment process begin with a work session with the Planning Commission prior to a public hearing and that the work from the Affordable Housing Policy Advisory Committee be considered in lieu of additional focus group meetings. In addition, the Board adopted the following resolutions:**

#### **RESOLUTION OF INTENT**

**WHEREAS**, there is a shortage of affordable housing in Albemarle County; and

**WHEREAS**, in order to establish meaningful strategies to address the shortage of affordable housing, the Albemarle County Comprehensive Plan (the "Comprehensive Plan") recommends that the existing density bonus program available in the residential zoning districts be examined to determine why the program has not been significantly used; and

**WHEREAS**, a County study found that the existing density bonus program has not been significantly used because few, if any, development proposals seek more residential density than would be allowed by right, a developer seeking the 30% density bonus under the program would have to provide all of the bonus dwelling units as affordable housing, and the current regulations do not preserve the affordability of the units; and

**WHEREAS**, it is desired to amend the Albemarle County Zoning Ordinance to encourage affordable housing by providing revised density bonuses when affordable housing is proposed, and to make other changes that would encourage developers to participate in the density bonus program.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend section 2.4, entitled "Intent of the Bonus Factor Provisions," sections 12.4.3,

13.4.3, 14.4.3, 15.4.3, 16.4.3, 17.4.3 and 18.4.3, each entitled "Low and Moderate Cost Housing," and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

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

\* \* \* \* \*

### RESOLUTION OF INTENT

**WHEREAS**, there is a shortage of affordable housing in Albemarle County; and

**WHEREAS**, setting specific targets for the development of affordable dwelling units is one of the strategies identified in the Albemarle County Comprehensive Plan (the "Comprehensive Plan") to provide affordable housing in Albemarle County; and

**WHEREAS**, the Comprehensive Plan currently states that, at a minimum, 15% of all dwelling units developed under a rezoning or a special use permit should be affordable, or a comparable contribution should be made to achieve the County's affordable housing goals; and

**WHEREAS**, it is desired to amend the Comprehensive Plan to establish the basis for calculating the number of affordable dwelling units to be proffered based on the additional dwelling units allowed after the rezoning; and

**WHEREAS**, it is also desired to amend the Comprehensive Plan to establish a formula for calculating the cash or cash-equivalent proffers for a rezoning in lieu of proffering the recommended number of affordable dwelling units.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, good planning and land use practices and, in particular, to achieve Albemarle County's affordable housing goals, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend the Albemarle County Comprehensive Plan as described herein, and to make any other changes to the Comprehensive Plan deemed to be necessary in order to achieve the purposes described herein; and

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

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Item No. 6.9. Set public hearing on an ordinance to amend Chapter 10, Offenses-Miscellaneous, of the Albemarle County Code, to prohibit certain activities on public roadways and medians.

The General Assembly adopted enabling legislation during the 2005 session authorizing Albemarle County to adopt a local ordinance to prohibit solicitations and other related activities on public roadways and medians. The enabling authority is effective July 1, 2005. The ordinance, if adopted, would be codified in the Albemarle County Code.

The draft ordinance provides that it shall be unlawful for any person while standing on any public roadway or median therein to: (1) distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the occupants of motor vehicles; (2) solicit contributions of any nature from the occupants of motor vehicles; or (3) sell or attempt to sell merchandise to the occupants of motor vehicles.

A violation of the ordinance would be punishable as a traffic infraction as required by the state enabling authority. Enforcement would be the responsibility of the Police Department.

The Police Department is requesting this ordinance for public safety reasons. The Department has received a growing number of complaints from citizens who have been approached while in their vehicles by solicitors at various times. Due to the ever-increasing amount of traffic in the County, the number of complaints and the potential for injury to drivers and their passengers, as well as the solicitors, the Police Department believes the ability to issue citations and collect fines will help deter this activity.

The Police Department has determined that there would be no significant budget impacts associated with the adoption of this ordinance.

Staff recommends that the Board of Supervisors set the attached proposed ordinance for public hearing on July 6, 2005.

**By the recorded vote set out above, the public hearing was set for July 6, 2005.**

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Item No. 6.10. Copy of letter dated April 26, 2005 from John Shepherd, Manager of Zoning Administration, to Agnes Shiflett, re: Official Determination of Development Rights and Parcels – Tax Map 56, Parcel 1 and Tax Map 55, Parcel 47 (property of Agnes Shiflett and Chester C. Shiflett) – Section 10.3.1, **was received for information.**

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Item 6.11. VDOT monthly report for June, 2005, **was received as information.**

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Item 6.12. Copy of draft Planning Commission minutes for April 26 and May 10, 2005, **received for information.**

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Item 7. Board to Board Presentation – School Board Chairman.

Mr. Gordon Walker, Chairman of the School Board, reported on recent activities that have occurred with county schools. He stated that the School Board has approved a strategic plan for the fourth time, a process that engaged representatives from major stakeholder groups, including students, parents, and employers. Mr. Walker noted that they worked to ensure their plan was in line with the county's plan, adding that a team of 23 school, community, and business leaders created the new strategic plan. He said the team used statistical data and information gleaned from focus group sessions to develop the goals and strategies contained in the plan.

Mr. Walker stated that the five key goals within the plan for the next four years are: prepare all students to succeed as members of a global community and in a global economy; eliminate the achievement gap; recruit, retain, and develop a diverse cadre of highest quality teaching personnel, staff, and administrators; achieve recognition as a world class educational system; and establish efficient systems for the development, allocation, and realignment of resources to support the division, mission and goals. He added that the school division is currently forming a steering committee for the plan to concentrate on implementation and outcome review. Mr. Walker added that a copy of the division mission and goals of the strategic plan are included in policy A-E.

Mr. Walker said that redistricting has been split up into two phases: the School Board approved on April 14, 2005, the transfer of students from the Camelot subdivision from Hollymead to Baker Butler Elementary, affecting 44 students; assigning students at Old Trail and Foothill Crossing subdivisions to Brownsville rather than Crozet Elementary; transferring 25 students from Milton Road, Auburn Hills, and Milton Hills subdivision from Walton to Burley; and allow all incoming 5<sup>th</sup> grade students to complete that year at their current school, as well as 8<sup>th</sup> graders. Mr. Walker reported that phase two is the 14-member redistricting committee, which reconvened in April to begin developing recommendations for the September 2006 school year and beyond. He noted that on May 10<sup>th</sup> the committee approved a plan for public review and comment, and there were several public meetings to present that information, and a public hearing last night. Mr. Walker indicated that comments will be taken from those meetings and a plan will be developed for the superintendent, who will in turn provide a redistricting plan to the School Board on July 14, 2005. He added that the plan should be adjudicated in Fall 2005.

Administrative Changes – Mr. Walker stated that Karen Marcus will become the principal at Crozet Elementary School, and Michelle DelGallo will move to Agnor Hurt Elementary, replacing Linda Ferguson who has resigned. He reported that Art Stowe will become principal of Red Hill, and Lavelle Brown will become principal at Woodbrook Elementary, coming from Henrico County and formerly Vice-Principal of Walker Elementary in Charlottesville. Mr. Walker said that Allison Dwyer-Seldon will become Assistant Principal at Walton, replacing Jeff Crawford who is relocating. He added that Shannon Smith will become Assistant Principal at Sutherland, coming from Richmond and replacing Jessie Turner who is moving to Albemarle High School as Assistant Principal replacing Steve Wright who is retiring. Mr. Walker noted that Timothy Driver will become an Assistant Principal at Albemarle High, currently Assistant Principal at Nelson County Middle School and replacing Chris Dyer who is Director of Community Engagement.

Mr. Walker noted that salary adjustments have helped recruitment efforts.

In the Central Office, Charmaine White will become Deputy Director of Transportation – currently Transportation Supervisor for Fluvanna County. He said that the School Board received a report last week on a new teacher performance appraisal process that will be implemented, and over the last few years a committee of teachers, administrators, and human resource representatives worked to revise the current appraisal process. He reported that meetings with all teachers and their principals will have occurred to provide a level of awareness prior to this September, when all teachers will begin being evaluated under the revised system. Mr. Walker said that the new system is grounded in three core beliefs about teaching and learning: teachers have a profound affect on student achievement; professional growth is essential to developing and maintaining both content knowledge and pedagogical skills, and professional relationships enhance continuous improvement and professional growth.

Mr. Walker concluded by inviting Board members to high school graduations, and read a statement from Mr. Rooker giving their best wishes to graduates and their parents.

Mr. Dorrier asked about plans with the sister school in El Salvador.

Mr. Walker replied that he is unsure, but would report back to the Board at another time.

Mr. Boyd asked about the testing of teachers.

Dr. Castner stated that this "practice" test might help the county give more flexibility than the current testing methods by providing alternative evaluation in subject areas that are not related to a teacher's field of study.

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Agenda Item No. 8a. Update on status of Rural Rustic Roads projects.

Mr. Jim Utterback addressed the Board, noting that Allen Road paving was completed May 13<sup>th</sup> as mentioned earlier in the meeting. He reminded Board members that there are two projects in Albemarle County taking place with state forces over the summer, including Gilbert Station Road, which will probably start in the next week. Mr. Utterback mentioned that the Allen Road project cost about \$75,000 versus the original cost estimate of \$130,000.

Ms. Thomas asked if the Heards Mountain Road would be next.

Mr. Utterback replied that he has asked staff to contact the residency in Nelson to see where the project stands in their schedule as the road traverses both counties.

Mr. Wyant commented that he road around with Mr. Utterback one day, and the surface treatment done on some roads is some of the best work he has seen done in all his years working with VDOT. He added that the Allen Road paving is excellent.

Mr. Boyd pointed out that Gilbert Station is intended to be paved under the Rural Rustic Road program up to Doctors Crossing Road, and another four-tenths of a mile would take it up to Ash Leigh.

Mr. Utterback said that he is looking into that possibility, and they want to make sure they meet financial and code limitations under the program.

Mr. Boyd asked if there was additional money available because some of the projects are a year behind.

Mr. Utterback suggested that the Board see how the first two projects go over the summer, and then look at how much money is available to readdress projects in the six-year plan, then go through the environmental process over the winter so the program can begin again in the spring.

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Agenda Item No. 8b. Update on Route 795 (Blenheim Road) Improvements.

Mr. Utterback reported that VDOT has an inspector on Route 795, and there have not been significant improvements, and his understanding is that Mr. Sullivan intends to complete the part of the permit project.

Mr. Wyant asked what his permit allows him to do. Mr. Utterback responded that the paving permitted area goes from the Scottsville side of the bridge right up to Mr. Sullivan's property line.

Mr. Dorrier said that there is an area of road where his neighbors are located that will remain rustic.

Ms. Thomas noted that Mr. Sullivan is requesting that he be allowed to pave that portion.

Mr. Tucker confirmed this, adding that VDOT indicated a resolution would have to be approved by the county.

Mr. Utterback said that this piece of road is not a priority for VDOT.

Mr. Graham stated that from the county's perspective, staff was informed that Mr. Sullivan wanted to pave the last 200 yards, and staff would like to know if they should bring back a resolution for next week's meeting to pave the additional 200 yards.

Mr. Boyd suggested hearing from residents next week, as no one seems to want to do it.

Mr. Cilimberg mentioned that a resolution would include a requirement for agreements with adjacent owners for any work that has to take place out of the prescriptive easement along that section. It doesn't sound like it is going to happen.

Mr. Dorrier commented that the rustic part of the road has a "rainforest" feel to it. Ms. Thomas responded that is what the whole road used to be like.

Mr. Wyant emphasized that there are many roads that do not get approved because of lack of right-of-way.

At this time the Board consensus was to leave the situation as it is, with careful monitoring but no resolution brought back to them.

Mr. Wyant asked Mr. Utterback to make sure the Board and VDOT know their roles and do their parts in enforcing the proper regulations on the road sections.

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Agenda Item No. 8c. Transportation Matters not Listed on the Agenda.

Mr. Utterback reported that the Route 743/606 intersection study recommended a temporary signal be installed, but it needs FAA approval before any construction can be done as it lies in the flight path. He emphasized that the light would be temporary.

Mr. Tucker said that the Airport Authority is looking at the possibility of a roundabout in place of a permanent traffic signal where Dickerson comes into Earlysville Road.

Mr. Bowerman said that the last time this issue came up, a light was not required, and asked why it is now.

Mr. Utterback replied that police, residents, etc., had noted the possible need, but he needs to find out more about why a signal is being requested now.

Mr. Bowerman noted that a signal there might just increase traffic on Route 743, adding that it is costly to get a temporary signal.

Mr. Utterback responded that it would not require a structure, which tends to be the most costly part, and some costs would be recovered.

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Mr. Utterback reported that there is a movement to federalize the maintenance program, and a number of bridges have been identified across the state that would be eligible for Federal Highway Bridge Rehabilitation Replacement program dollars. He reported that there are three bridges that have been identified in Albemarle - Route 743 (Advance Mills), Route 708 (Dry Bridge), and Route 649 (Proffit Road). Mr. Utterback said that these would be plugged into the 2010 year.

Ms. Thomas said that fire trucks cannot currently use the bridge on Proffit Road because it does not support that size vehicle, adding that the community is a designated historic district.

Mr. Boyd suggested that plans for bridge improvements there should be taken off the table right away.

Mr. Utterback responded that it should be dealt with through the six-year plan process, as there is liability associated with insufficient bridges. He emphasized that is possible the bridge might have to be closed, noting that railroad bridges become VDOT bridges once they are replaced. Currently VDOT's hands are tied; just getting the railroad to come in and make emergency repairs tends to be a struggle in itself."

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He mentioned the maintenance work completed portion of his report – a guard rail, slope repairs on Route 250, mowing operations, tree trimming at the Meadows and elsewhere, and seeding of embankments along Route 250.

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Mr. Utterback reported that the dangerous curves sign request for Buck Mountain Road was reviewed by traffic engineering and they have recommend a change in the sign scheme as well as a dashed edge line.

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He added that VDOT completed the review on the Old Trail Bridge, and they are trying to schedule it next week for the Mosby Mountain Bridge.

Mr. Wyant asked about possible overspending.

Mr. Utterback responded that the maintenance budget is district and statewide, and other residencies have not spent close to their budgeted amounts, so the Charlottesville district has the "green light" to spend over to address issues.

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Mr. Wyant noted that a sewer line had been put in on McCauley Street, a private road, and it is not functioning well, which he has mentioned to the service authority.

Mr. Utterback said he would follow up. He also reported that there is some uncertainty as to whether the sign has been moved on Via Lane, and staff is looking into the matter.

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Ms. Thomas reported that her "rideabout" with Mr. Utterback was really valuable, and on her trip she talked about Tillman Road intersection with Route 250. She said that the Glenaire Neighborhood Association has tentatively accepted the watering job, adding that people do not feel that the blinking light and the larger yellow signs have made their lives much safer, as it is still difficult to get on Route 250 from Tillman in either direction.

Mr. Utterback agreed to follow up with traffic engineers on that matter.

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Mr. Dorrier thanked him for the ride around the Scottsville District.

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Mr. Boyd said that he has been requested by a Board member at the Senior Center to place a directional sign for that facility on Route 29 and Greenbrier Drive. The Senior Center Board have offered to pay for the sign.

Mr. Utterback responded that he would update him soon, after following up with the ARB.

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Mr. Wyant stated that he really appreciates the timely responses of the residence staff.

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#### Agenda Item No. 9. Overview of Sheriff's Department, Sheriff Robb.

Sheriff Ed Robb addressed the Board, emphasizing that the ordinance states the County Sheriff shares law enforcement responsibilities with county police, which was agreed upon by the Board in 1983 to provide more efficient police services. He believes that the county deputies should be used to complement the police department, as they have the same training. However, manpower shortages and increased calls for services in traditional law enforcement agencies is always behind and trying to catch up, and reacting to crimes rather than preventing them. He added that the Sheriff's office is regularly complementing the services of local, federal, and state enforcers, and he has a great relationship with Chief John Miller.

Sheriff Robb continued, stating that his office provides mandated courthouse and courtroom security, transporting of prisoners, mental patients, and services over 35,000 civil processes a year. He thanked the Board for their financial support, noting that unlike the other constitutional officers in the county, the Sheriff's role was redefined in 1983, and no other officer is sharing the same powers and responsibilities with the Commonwealth's Attorney or Clerk of Court. He reported that in 1999, he sought the office of sheriff because he saw the opportunity to create a "law enforcement agency of the future." Sheriff Robb said that he envisioned using volunteers, but in order to do so needed to get 18 deputies on track first. He stated that with the Board's financial support, they were able to create a completely modern day operation and procedure manual with a CD.

He emphasized that the Albemarle County Sheriff's Office became one of only 36 law enforcement agencies in the state to be accredited by meeting 218 standards and said, the Albemarle County Sheriff's Office is in great shape. He distributed a brochure about his "Crime Prevention Through Education" 501 (c) 3 foundation formed in 2002 that supports a Crime Prevention Academy. Sheriff Robb explained that the academy goes into the community and provides crime prevention training and services to the community so that members are better able to protect themselves and defend themselves from being victims of crimes. He said that his safety and security division is made up of 50 to 70 fully trained volunteer deputies who provide service to the community on an as needed basis. Sheriff Robb reported that the Project Lifesaver program puts transmitting devices on people with diseases such as Alzheimer's, Autism, Down's Syndrome, etc. so that they can be tracked when wandering, done in cooperation with other law enforcement agencies. He added that his office also implements a regular search and rescue program that employs over 50 volunteers with ATVs, horses, dogs, etc. to find missing people. Sheriff Robb added that the pipe and drum band has also been incredibly popular. Sheriff Robb said that they have 14 defibrillators which they keep in case of citizens who might experience cardiac arrest. He concluded that his office is ready, willing and able to serve the community. Sheriff Robb said that 9/11 changed the responsibilities of his office, noting that they have to handle transportation to and from shelters in the event of manmade and natural disasters. He noted that his office is prepared to handle terrorist attacks in conjunction with the city police department. Sheriff Robb thanked the Board for their support and invited them to come visit the office any time.

Mr. Dorrier asked if the 70 volunteers were the Sheriff's "auxiliary." Sheriff Robb replied that he refers to them as "reserves," made up of search and rescue people and trained, sworn deputy. He said that about 10 of them are certified police officers.

Mr. Boyd thanked Sheriff Robb for what he and his staff do for the community.

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#### Agenda Item No. 10. Update by PEC, Rex Linville.

Mr. Linville presented a PowerPoint presentation to the Board to update them on the Coveseville Rural Historic District, Land Conservation successes in Albemarle County in 2004, and legislative issues related to conservation. Mr. Linville thanked the Board for passing a resolution of support in March for the nomination of the Coveseville district, and showed the district boundary noting that the state review board approved it March 16<sup>th</sup>; the National Register approval is anticipated within the next few weeks. He reported that the district is over 1,300 acres with over 100 different contributing structures and focuses on the history of the apple industry in the area. Mr. Linville said that they are proposing a highway marker along Route 29, and Coveseville residents are being asked to give input as to what they'd like on the sign and where it should be placed; those suggestions will be submitted to the Virginia Department of Historic Resources in mid-June. He noted that PEC would cover the cost of this sign at approximately \$1,300.

Mr. Linville reported that 2004 was the most successful land conservation year in Albemarle County history, with just over 6,700 acres of land going into permanent conservation easements – held by

the county, the Virginia Outdoors Foundation, or by the Nature Conservancy. He noted that the total county acreage under easement is approximately 49,000, or 11 percent of county land. Mr. Linville pointed out that the easements protect agricultural land, agricultural/forestral land, timberland available for those uses, land and within the Rivanna Watershed and along the Moorman's River. He added that Monticello and Plain Dealing had easements go on those properties this year, protecting both natural and historic resources. Mr. Linville noted that significant scenic views from county roads and byways, streams and rivers, and from Shenandoah National Park into Albemarle have also been protected by the easements, benefiting visitors as well as local residents.

Mr. Linville explained that there are state and federal initiatives that could impact this conservation easement increase. He pointed out a *Washington Post* article regarding a series of transactions the Nature Conservancy had done in other parts of the country that resulted in Senate Finance Committee investigations, which in turn resulted in closer scrutiny of conservation transactions in general. Mr. Linville mentioned that there are recommendations from the Joint Committee on Taxation to change tax benefits for donated conservation easements at the federal level, noting that there is concern over how to value easements. He stated that this plan would severely cut the deductibility of easements from 100 percent to one-third of adjusted gross income and would completely eliminate the deductibility of easements where landowners reserved the right to maintain a residence on the property. These are some pretty Draconian proposals that have come out of this [committee], and the land trust community has been fighting these proposals and hopefully we're going to see a win there. He noted that there would be hearings in June to review these issues, and it is likely that there will be changes, adding that he is hopeful lobbying by PEC and others will result in more proactive reforms. Mr. Linville added that Virginia has the best state incentive for preserving private property with a conservation easement – in the form of a state tax credit, and no other state has a tax credit that touches the quality and benefit given to a private donor for donating an easement as Virginia does. He noted that legislation was introduced in 2004-05 that would have put a cap on the state tax credit and reduce the benefit to private donors, but it was defeated at the state level and there were reforms instituted to ensure appraisals and deductions and credits people were taking were more in line with reality.

Mr. Linville reported that a commission that contains members from both the house and senate has been created to study proposals for the state tax credit, and they have a meeting scheduled for June 21, 2005. He hopes they will adopt reforms that would increase the penalties or restrictions for over-valuation of easement donations, adding that the Department of Taxation has audited and revalued some easement donations across the state. Mr. Linville said that the credit requests for the state Department of Taxation in 2004 total over \$100 million.

He explained that VOF holds 90-95 percent of easements across the state and they have protected as many acres in the last five years as they have in their 35+ year existence, because of the state tax credit issued in 2000 and made transferable in 2002. That has been a very powerful tool for land conservation in the state. In response to Mr. Dorrier's question, Mr. Linville replied that PEC has numerous materials such as brochures, etc., to help educate people on the easement program.

Mr. Linville said that he has discussed with ACE Program Administrator Ches Goodall tax code section 170-H, and the statement by the IRS Commissioner Mark Ebersson last summer said that promoters of easements, holders of conservation easements, and donors of conservation easements will be held to high standards of ethics in transactions and resulting tax benefits. He agreed to speak with Mr. Wyant about Crozet and Greenwood as Historic Districts.

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**(Note:** At 10:45 a.m., the Board recessed, and reconvened at 10:58 a.m.)

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Agenda Item No.11a. Emergency Medical Services to the Southern Rural Area.

Mr. Foley commented that Board members had wanted further information on several items from budget discussions. At today's meeting four of those items would be discussed.

Mr. Dan Eggleston, Director of Fire and Rescue, summarized the following executive summary which forwarded to the Board members. During the FY05/06 budget work sessions, the Board considered a budget request from Scottsville Volunteer Rescue Squad for 5 additional Fire Fighter/Advanced Life Support (FF/ALS) personnel in order to provide 24/7 coverage out of the Scottsville Volunteer Rescue Squad building. As an alternative to the 5 additional FF/ALS staff for Scottsville Rescue, Fire/Rescue staff presented a proposal for 3 FF/ALS personnel to provide 24/7 advanced life support (ALS) response services out of the Monticello Fire/Rescue station. Staff demonstrated that the new personnel placed at Monticello Fire Rescue station would meet the service needs in the southern rural area of the County.

The Board approved three additional FF/ALS positions, but chose to defer the decision on the placement of personnel at either Scottsville Rescue station or Monticello Fire Rescue station.

Based on actual response data, Fire Rescue staff believes that the combined efforts of the three additional personnel placed at the Monticello station, the existing two FF/ALS daytime career staff at Scottsville Volunteer Rescue, and the existing Scottsville Rescue evening and weekend volunteer staff would provide an appropriate level of emergency medical services to the southern rural area of the County.

An analysis of the Scottsville Volunteer Rescue response time data (evening and weekends) shows an average of 28:45 minutes between the dispatch of a medical emergency call and the time the

ambulance marks en-route to the hospital from the scene. Furthermore, the average response time from the Monticello station to the southern area of the County is 16:36. Therefore, the data shows that in the event a call is dispatched and both units leave their respective stations at the same time, the unit from Monticello will, on average, meet the Scottsville ambulance on scene and be able to provide ALS care en-route to the hospital.

In addition to addressing the southern rural area EMS needs, there are additional advantages to placing the FF/ALS first response personnel at the Monticello station rather than at the Scottsville Volunteer Rescue station:

1. The personnel stationed at the Monticello station would be available if needed in the southern urban planned development area (PDA) as well as the entire County.
2. The resources are placed in a more central location and thus benefit a larger portion of County citizen's verses placing resources in the lower portion of the County near the Fluvanna and Buckingham County lines.
3. The decision to place the resources in the PDA (i.e. - Monticello station) is in line with the Community Facilities section of the Comprehensive plan.

In order for the quick response vehicle at the Monticello station to be effective, a change to the existing EMS response policy is also required. The current EMS dispatch policy states that a rescue squad is given four minutes from time of dispatch to respond to high priority calls and 6 minutes to respond to mid and lower priority calls. If the squad is unable to respond within the time defined, the next closest response agency is dispatched.

Fire Rescue staff proposes a change in the dispatch policy above. The proposed policy would eliminate the wait time based on the actual staffing of the Scottsville Volunteer Rescue building and would immediately send the first response ALS staff from Monticello, if needed. The proposed policy would require that Scottsville Volunteer Rescue notify the Emergency Communication Center (ECC) of their daily staffing so that the dispatch algorithm could be setup to dispatch the appropriate level of resources. Based on the staffing report, ECC would eliminate the wait time and send the appropriate level of care based on the following criteria:

- 1) An EMS call is received for Scottsville Volunteer Rescue and the building is not staffed.
- 2) An advanced level call is received for Scottsville Volunteer Rescue, the building is staffed, but the squad does not have ALS personnel available as noted on the staffing report

The policy above will better ensure that assistance is immediately sent to a call and ALS services are sent to high priority calls.

Staff recommends that the Board approve placing the three additional fire fighter/ALS first response personnel at Monticello Fire/Rescue station and approve the change in the dispatch protocol.

Ms. Thomas asked what emergency vehicle would be sent out from Monticello station. Mr. Eggleston responded that it would be a vehicle with a car or truck with one person on it, with advanced life support equipment on board, and they would "rendezvous" with the ambulance on the scene and treat the patient en route to the hospital.

Mr. Dorrier said that he is concerned about the 30 percent calls from Buckingham and Fluvanna. Mr. Eggleston responded that if the personnel were placed in Scottsville it is likely they would get more calls from these localities, adding that they have met with Fluvanna fire and rescue officials to discuss the issue.

Mr. Dorrier asked if most calls from Buckingham and Fluvanna are being serviced by Albemarle. Mr. Eggleston responded that the southwestern part of Fluvanna is being served by Scottsville, and he is not sure about Buckingham. He added that Fluvanna has agreed that they would like to either reduce the number of calls involving Albemarle, or help with staffing/funding.

Mr. Bowerman asked if they had discussed the situation with Buckingham. Mr. Dorrier said that he and Mr. Foley had tried to meet with the Buckingham Board of Supervisors, but that was never finalized.

Mr. Eggleston confirmed that Buckingham just has individual volunteer fire departments, not a major organization. He added that the Fluvanna matter was deferred down to the fire and rescue department, and said that regardless of staff placement he would continue to meet with both localities.

Mr. Dorrier commented that he liked the idea of integrating the squads in the area into a more unified whole that works.

**Motion** was offered by Mr. Dorrier to approve placing the three additional fire fighter/ALS first response personnel at Monticello Fire/Rescue station and to change the dispatch protocol policy. The motion was **seconded** by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

Ms. Thomas commented that she appreciates what staff is doing to help people in the Ivy area, who find that they are just beyond five miles from the Charlottesville area and insurers have raised rates "through the roof."

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Agenda Item No. 11b. Outstanding Budget Issues.

Mr. Foley summarized the following executive summary which was forwarded to Board members. During the budget development process for FY 05/06, the following items were identified for further research:

- Funding for Save the Fireworks
- East Rivanna Volunteer Fire Department Loan Repayment
- Public Safety Compensation Study
- Sheriff's Department Staff
- Stony Point Volunteer Fire Department Building Improvements
- Fire Inspector Position
- Retiree Health Insurance

The first three items on the above list will be addressed in this executive summary. The last four items will be presented to the Board in a July executive summary.

**Funding for Save the Fireworks**

In March 2005, the County received a request to provide funding of \$10,000 to the Save the Fireworks organization. This issue was discussed during the budget development process at which time the Board indicated it would consider some contribution, but requested additional information on the City's funding.

The City of Charlottesville does not make a cash contribution to this organization, but estimates an in-kind contribution of \$10,500 for services provided by their Police, Parks and Recreation and Transit Departments. We understand that the organization has discussed some cash contribution with the City, but we have not received any indication of the City's decision on this. The organization requested this to be an ongoing annual commitment by the County.

**East Rivanna Volunteer Fire Department Loan Repayment**

In FY 04/05, the Board approved an appropriation of \$41,930 to the East Rivanna Volunteer Fire Department (VFD) for forgiveness of a loan used to purchase a piece of apparatus for the VFD. The amount of \$41,930 represented approximately one-half of the outstanding balance owed on this piece of apparatus. In FY 05/06, the East Rivanna VFD has requested the Board appropriate additional funds to pay off the remaining one-half of this loan, which is \$41,930. This is the only remaining debt of any volunteer agency in the County due to the Board's policy to forgive the loans associated with the purchase of apparatus for volunteer fire and rescue squads.

**Public Safety Reclassification**

The Board approved implementation of the pay study for our public safety providers effective January 1, 2006 through adoption of the budget for the coming fiscal year. This approval will implement pay changes that ensure that our public safety staffs in the Police Department, Fire Rescue Department and Emergency Communications Center are paid in line with the market and that there is appropriate equity between the agencies. Police Officers, in particular, have fallen behind the market and this fact has been a concern regarding recruitment efforts. Implementation of the study will greatly improve both our competitiveness and our internal equity.

As the study has shown, the pay for a number of positions is currently behind the market. Staff would like to propose that the Board approve the use of one-time projected year end savings from FY05 to implement the pay study effective July 1, 2005 rather than waiting until January 1, 2006. Because of the difficulty the public safety departments have had in filling vacancies, enough funding is currently available from projected year end savings in those departments to fund the additional six months of expense. Because this change had already been planned beginning in January, the increased cost would only be a one-time expense. Staff feels that this change in timing is appropriate given the final results of the study and would also be a significant benefit to both our recruitment efforts and the morale of our employees.

**BUDGET IMPACT:**

**Funding for Save the Fireworks**

The Board will need to decide if this will become an ongoing or a one-time contribution and the amount of that funding. Funding can be provided from the Board reserve or from year-end fund balance.

**East Rivanna Volunteer Fire Department Loan Repayment**

One-time funding in the amount of \$41,930 will be needed for the loan repayment. Funding can be provided from the Board reserve or from year-end fund balance.

**Public Safety Reclassification**

Due to vacancies in the public safety departments over the past year, staff anticipates a year end savings of approximately \$270,000. The one-time cost to implement the results of the pay study in July rather than January is estimated at \$220,000. The budget impact of changes in pay for the

Emergency Communication Center is estimated at approximately \$7,000 and will be covered through regional funding currently available. Therefore, no additional funding will be needed for the ECC.

- **Funding for Save the Fireworks:**  
County Executive staff has no recommendation regarding funding for Save the Fireworks at this time.
- **East Rivanna Volunteer Fire Department Loan Repayment:**  
Staff recommends the Board approve funding to the East Rivanna VFD to pay the balance of the loan for apparatus based on previous Board policy.
- **Public Safety Reclassification:**  
Staff recommends funding for early implementation of the public safety salary study effective July 1, 2005.

The necessary budget amendment and appropriation request will be submitted to the Board in July, 2005.

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Mr. Tucker introduced Dave Phillips, head of CAAR and Save the Fireworks.

Mr. Phillips reported that there are no plans to move the fireworks out of McIntire Park, as that location works very well.

Mr. Dorrier said that there are different places in the county that would be possible locations also. Mr. Phillips responded that the infrastructure is best at McIntire, as 20,000 people normally attend.

Mr. Dorrier agreed that the Board should support the fireworks.

Mr. Wyant asked about the city contributing cash as well as in-kind.

Mr. Foley replied that SAVE asked both the county and the city for funds, but the city did not respond to that request.

Ms. Thomas said that the county used to use the lodging tax for items that were tourism related and those decisions were made by the Board. She asked if there might be unallocated money in the lodging tax fund available.

Mr. Tucker replied that the budget for the tourism bureau has already been set for this year, but in the future some of those funds could be used.

Mr. Tucker noted that Mr. Phillips had requested \$10,000 but the county had set aside \$5,000. He added that the additional \$5,000 could still be taken from the Board reserve.

Mr. Boyd said that he would like to support the request, but not as a permanent funding item yet.

Mr. Dorrier asked about the Save the Fireworks committee.

Mr. Phillips replied that it is a 100 percent volunteer committee, except for city transportation, police, fire, etc. He said that there are children's events and bands that are donated, but the fireworks cost \$15,000. Mr. Phillips noted that there is a lot of support from the community for the fireworks, and there is an online auction fundraiser used to garner support also.

Mr. Bowerman asked if the Jaycees were still involved.

Mr. Phillips replied that the Jaycees dropped out of it five years ago, and the Downtown Foundation could not make it a go either. He said that the fundraising takes a great deal of effort.

Mr. Wyant said that he would be in favor of supporting the effort.

Ms. Thomas asked where the additional \$5,000 would come from. Mr. Tucker responded that it would come from Board reserves.

Mr. Davis said that the appropriate motion would be to approve the funding and request that staff bring back an appropriation, to be prepared by Mr. Breeden for the next meeting.

**Motion** was offered by Mr. Dorrier to approve a one time funding allocation of \$10,000 to Save the Fireworks organization for FY 05/06. The motion was seconded by Mr. Bowerman. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

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**Motion** was offered by Mr. Boyd to forgive the East Rivanna Volunteer Fire Department loan debt. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

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Mr. Foley reported that there are about eight positions currently unfilled, with possibly five of them being filled. He mentioned that recruitment of police officers has been difficult throughout the country, and the salary increases would help fill positions and provide a morale boost.

Mr. Boyd referenced Mr. Foley's comment that he has "an excellent recruitment class right now," and asked him if he thinks it's based on the upcoming January salary increases.

Mr. Foley replied that he thinks the recruitment strategies have been improved, including more college recruitment. He added that a lot of applicants get weeded out before they make it to the end of the process.

Ms. Thomas asked if it would be fair to double the figure and say that the increase would be \$440,000 for next year.

Mr. Foley responded that that is accurate to cover salary and benefits, as the initial approval was for \$220,000. He explained that the initial approval was \$170,000 but his office was able to use some salary lapse to meet the total amount.

Mr. Foley noted that they would have seen the other half come in next year's budget process, and this is just a one-time thing to bring salaries up sooner.

Mr. Wyant asked what the fire, rescue and police department impacts were individually.

Mr. Foley replied that the total in fire and rescue is \$70,000 and the remainder of the \$220,000 is the police department.

**Motion** was offered by Mr. Dorrier to implement the Public Safety Reclassification study July 1, 2005. The motion was **seconded** by Mr. Bowerman. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

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#### Agenda Item No. 12. Strategic Plan Quarterly Progress Report.

Ms. Lori Allshouse, Strategic Planning Coordinator, summarized the following executive summary forwarded to Board members. 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. (Attachment A) A new strategic plan will be established for FY 06/07 – FY 10/11.

#### January – March 05 Progress:

Following are highlights of strategic plan progress during the January – March 05 time period:

1. Transportation: The Transportation Funding Options Work Group, appointed by the MPO Policy Board, has been meeting over the past several months and has identified priority projects. During the recently completed budget process, the Board recognized transportation funding will be needed at both the local and regional level and increased the funding in the CIP to address transportation projects by \$1.5 million. Additional details are included in Attachment B.
2. Water Supply: The current focus for the County of Albemarle, after several different meetings, has been to coordinate a joint strategy with the City of Charlottesville, the Albemarle County Service Authority and the Rivanna Water and Sewer Authority by developing common water supply alternatives/plan for submittal in a Pre-Application Proposal for review and consideration by Federal and State Regulators.
3. Affordable Housing: Albemarle County introduced a new Homebuyer Assistance Program to promote first-time homeownership opportunities for low- to moderate-income families who meet program eligibility requirements. The program will be administered in partnership with the

Piedmont Housing Alliance. Program details are available on the Albemarle County website. Per the Board's instruction, the Housing Division will move forward with three additional recommendations which will include amendments to zoning ordinances and the comprehensive plan. Additional details regarding this are provided to the Board in a separate June 1 report.

4. Strategic Plan Outcome Management System: The County's leadership will begin managing the strategic plan with an outcome-oriented management system. While the Leadership Council will still monitor the progress related to the County's on-going activities, staff will also monitor outcome measures that will inform them whether these activities are achieving the results outlined in the strategic plan, and whether adjustments need to be made. This outcome measurement system will be in place for the last year of the current strategic plan and will be utilized in the next strategic planning cycle. Attachment C includes outcome measures that have been identified for 8 of the County's strategic goals.

5. Progress on specific Strategic Plan Objectives: A report providing additional details outlining staff's efforts to achieve specific objectives by stated timelines is attached. As of March 05, 7 objectives have been completed. Attachment B provides details for the remaining objectives that are currently underway.

**BUDGET IMPACT:**

Eleven strategic initiatives were approved in the FY 05/06 operating budget at \$1.8 million. \$1.5 million in CIP. These initiatives include:

Safe and Healthy Community

Sheriff Deputy & Office Associate

3 Police Officers

Police Civilian Patrol Support Assistant

2 Captains and 1 Firefighter ALS for EMS Response in the Southern Rural Area

Quality of Life

Increased local funding for Family Support

Increased funding for Tax Relief for the Elderly and Disabled

Trail Development Maintenance & Supplies

Protect and Preserve Natural Resources

Stormwater Management Program

Efficient and Effective Government

Director of General Services

Retiree Health Insurance

Custodians for COB-South

Transportation

Additional \$1.5 million in CIP funding

Staff recommends the Board review this quarterly strategic plan progress report and continue to provide direction for the County's Strategic Plan.

Mr. Boyd asked what the total amount is allocated for transportation funds. Mr. Tucker replied that the total is \$1.5 million.

Mr. Foley noted that there was already \$500,000 in revenue-sharing, so that makes the total \$2 million, and there are some other monies that might be used for transportation. He reminded the Board that their commitment was to \$1 million in revenue-sharing dollars that would bring down another million from the state.

Ms. Allshouse reported that they are meeting the timelines set out by the Strategic Plan, and are on target to complete the five objectives scheduled by June 2005, and one scheduled for December 2005. She said that they are preparing recommendations from the community lifelong learning team on next steps for the county in July, and the regional transportation working group will make recommendations to the MPO policy board in July. Ms. Allshouse stated that the strategic plan group would like to have further discussions with the Board on several topics in a work session or at the Board's retreat – resolution of growth and urbanization infrastructure questions; addressing transportation in the urban areas and determine use of CIP transportation funds.

Ms. Allshouse said that the Leadership Council is launching an outcome-based performance management system, which indicates whether things are being done in the right way, and focuses on results while assisting in managing strategies and guide resource allocation as well as improving quality and efficiency in meeting goals. She emphasized that the new system focuses on results rather than process, and local governments, state and federal governments are moving in that direction for planning and operations.

Ms. Allshouse explained that the county's outcome-based measurement system starts with 19 measures for eight goals, and they have developed their baseline data for most of those. She reported that most of the outcome measures are annual or bi-annual, and the bi-annual citizen survey is being used for seven of them. Ms. Allshouse said that the Leadership Council will be reviewing and discussing data

along the way, every quarter based on either proxy or annual end-of-year data. She mentioned that she would present to the Board an outcome-based performance report that will be more data focused at or before the retreat each year.

She continued with her presentation explaining upcoming summer initiatives, including updated data and a year-end performance report focusing on outcomes, summaries of citizen input information from the Community Development Department, and analysis of citizen survey data. Ms. Allshouse said that they would also be speaking with employees on the leadership council to see if they see changes in how they do their jobs. She concluded that the strategic plan progress is on target and they plan to have future discussions with the Board on the growth & urbanization and transportation issues. She added that the outcome-based performance system is well underway.

Mr. Dorrier asked if they were essentially starting with a "blank slate." Ms. Allshouse replied that it is really a new way of looking at data, as a continuous process.

Ms. Thomas commented that she is pleased they are moving to outcome-based measures, as the county requires agencies to do so.

Mr. Wyant mentioned that they may want to consider examples in outlying county areas, such as Crozet, not just what takes place in the county building.

Ms. Thomas said that the Commission on Children and Families came up with a list of community needs – both met and unmet – and that study should be considered in the strategic planning process. She added that JABA's 2020 plan helped identify needs for the aging population.

Ms. Allshouse responded that the group does a "gap analysis," and works in that information.

Mr. Boyd said that he would like for the group to use "cross-tabs," breaking categories down into demographic and socioeconomic criteria. He emphasized that he would like to see the relationship between activities and results.

Ms. Allshouse replied that it is difficult to do, but the performance based outcome analysis moves them closer to being able to evaluate results.

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#### Agenda Item No. 13. Discussion: Community Development Update and Process Improvement.

Mr. Graham said the purpose of this report is to update the Board on completion of the transition to the Community Development Department and to seek direction on development review process improvement strategies. He then summarized the following executive summary that was forwarded to Board members.

In June of 2003, staff presented a proposal to the Board for the consolidation of the three development departments (Building Inspection and Zoning Services, the engineering staff of Engineering and Public Works, and Planning and Community Development) into a single department called Community Development. This reorganization was proposed to provide customers a single point of contact for all development related activities and to improve review processes. The department was reorganized by July of 2004 and has been operating consistent with the 2003 proposal.

The major emphasis of this reorganization has been focused on business process improvements and improvements in the development review process. The Board has recently emphasized the need to expedite the development review process. In carrying out this goal, staff seeks direction on process improvement strategies the Board would like to see implemented.

#### **Department Operations:**

The Department now provides a single point of contact for all development related issues with the County. The County's and Department's Vision Statements are provided in Attachment A and a Department organizational chart is provided as Attachment B. The primary function of each division shown on the organizational chart is as follows:

- Central Operations provides customer reception, records management, application processing, inspection scheduling, and administrative support for the department.
- Current Development and Zoning manages ministerial reviews under the Subdivision and Zoning Ordinances, special use permits associated with those reviews, and all zoning functions, including support for the Board of Zoning Appeals.
- Inspections manages the building permit processes and all construction related activities. This includes building inspections, inspection of subdivision improvements, and water resource inspections (e.g. erosion and sediment control).
- Planning manages the Comprehensive Plan and legislative review processes (e.g. rezonings and special use permits). They also support the Architectural Review Board, ACE, and numerous County Board appointed committees (e.g. DISC II, Mountain Overlay) involved in developing County Policy. The area master plan efforts and recently approved Rural Area Plan are examples of their work related to the Comprehensive Plan.

**Development Processes:**

To assist the Board in understanding County development review processes, staff has compared Albemarle to other localities regarding the normal tasks involved in development review. That data is shared in Attachment C. Two points should be explained with this data. First, "VAZO" refers to the Virginia Association of Zoning Officials survey of plan review processes in localities across Virginia. The complete VAZO survey can be found on the Internet at [http://www.vazo.org/documents/survey\\_results\\_200503.pdf](http://www.vazo.org/documents/survey_results_200503.pdf) (please note that this data does not provide for a standardized measurement for reporting). Second, staff typically monitors project review times based on "90% reviews", which is the time it takes for 90% of the plans to be acted upon. Most other localities use average or median review times. Staff uses the 90% review times because the average or median review time does not represent a time that applicants can count on in scheduling their projects, given that 1/2 of the applicants would experience longer times. For example, the median review time might be 10 days, but the 90% review time could be 20 days. That difference illustrates the variation in review times. For this discussion, staff is presenting the process in four groups, using the most common processes to illustrate the County's performance in each area.

**Building Permits and Inspections:**

These functions are related to the issuance of building permits and the associated inspections. Those processes are purely administrative. Staff reviews and approves building permits, then performs the related inspections. This is, by far, the largest number of applications received by the department. On a typical work day, roughly 100 building inspections are requested and 10-15 building permits or associated "sub permits" are issued. The attached data show that the County is providing similar times to other jurisdictions when median times are compared. In examining the data further, staff found that while the median time for issuance of a permit is 10 days, the time for 90% of the applications was 31 days. The difference in review times was found to be permits in the rural area that require Health Department approval for septic systems. Excluding those building permits that require Health Department approval, County review times are similar to those of comparable localities. While staff could report the review times without Health Department approval, as most localities do, it does not really represent the time it is taking the builder from application to permit.

In looking at this process, staff believes the review times are comparable to others and efforts in this area should be focused on providing the customer better tracking information for permit applications and clearly defining requirements for permit applications. With the former, the database used for tracking applications, CityView, has the ability to provide access over the Internet and this upgrade to our current software was approved with the FY 05-06 budget. Staff will begin efforts at implementation of this access in the second half of the year and plans to have it operational by early 2006. With the latter, staff is working to reduce problems and uncertainties experienced by applicants. In this regard, staff collects customer service input on a continual basis to find where applicants feel improvements are needed.

**Ministerial Reviews:**

Ministerial reviews are those associated with "by right" development, such as site plans and subdivision plats. Ministerial reviews are different from legislative reviews as there is no discretion in approval. As long as the plan or plat satisfies the ordinance requirements, it must be approved. Those plans are typically reviewed by staff, but plans and plats are subject to being reviewed by the Planning Commission. As shown in Attachment C, the County's approval times tend to be longer than many other localities, but that is comparing median times to 90% review times. Further, in examining the data, County review times, the time from submission to receiving comments, were found to be comparable or lower than most localities. With process improvements over the last year, staff has reduced these review times from almost 4 weeks to 2 weeks for 90% of the submissions. The longer completion times are generally a result of a plan needing to be resubmitted with corrections before it can be approved. In considering strategies for reducing approval times, staff has noted several factors to consider.

- The County has a more complex ordinance than many localities. For example, when formatted the same, Albemarle County's subdivision ordinance is 62 pages compared to Augusta County's subdivision ordinance at 25 pages. Albemarle County's subdivision ordinance is a reflection of this community's concern with the quality of development and the urbanizing nature of the Development Areas, resulting in a more complex ordinance. Length and complexity of requirements results in a longer checklist for staff review and often results in uncertainty on the part of applicants, which in turn necessitates the need for plan changes to gain approval. Staff is working at reducing this uncertainty by making detailed checklists available to applicants so they can see precisely what is required for approval, but that does not alter the number of issues that must be considered.
- VDOT review is taking longer than staff review. While staff may review a plan in 2 weeks, VDOT is typically taking 3-4 weeks. Put bluntly, VDOT resources are stretched. Until VDOT receives better funding or prioritizes plan reviews over other functions, it does not appear possible to improve their review times.
- Planning Commission reviews require additional staff resources that could be spent on speeding up reviews of other plans. It should be noted that Albemarle County is the only locality in Attachment C that provides Planning Commission review for both site plans and subdivision plats. Most localities appear to keep Planning Commission involvement limited to larger projects. Plats and plans are called up for Planning Commission review by Planning Commission members, concerned neighbors, and with requests for waivers or modification of ordinance requirements (e.g. critical slopes waivers). Each time a plan or plat is called before the Planning Commission, staff must prepare a detailed report for the meeting and present this report to the Planning Commission. That additional work can roughly double the staff time spent on the review of a project. It is also important to recognize that staff's interpretation of the ordinance is not

always the same as the Planning Commission, including some recent well publicized projects. The same can be said of interpretations of the County Board versus the Planning Commission, with some Planning Commission decisions reversed. Recognizing this fact, some ordinance waiver provisions are routine administrative decisions handled with minimal delay, while others require Planning Commission action. Reducing the number of plans and waivers subject to Planning Commission review would significantly reduce the approval time for many plans. In considering such a change, it should be recognized there can be circumstances where staff's interpretation of the ordinance will be different than the Planning Commission's. By reducing or eliminating plan and waiver review by the Planning Commission, it will provide the Planning Commission additional time for long-range planning issues and allow them to expedite major project review.

- Notifications to adjoining property owners are not required by State law but are extensively used by the County to assure neighbors are aware of development occurring around them. While keeping the public informed is a benefit to the community, this does require significant time and resources. Additionally, it can add steps to the review process. As a result of this notification, plans are often called before the Planning Commission. While the Planning Commission meeting provides the opportunity to address concerns, neighbors are often dismayed to find that the Planning Commission must approve a plan if it meets the ordinance requirements regardless of their concerns. Effectively, the notification process can create a false hope that a neighbor's concerns can influence the decision while the reality is plans that satisfy the ordinance requirements must be approved. Anecdotally, staff often sees neighbors leave Planning Commission meetings angry and confused, feeling that neither staff nor the Planning Commission seriously considered their concerns.

As noted above, staff is currently working on preparing detailed checklists for applicants that should reduce the uncertainty with the process. Staff believes this will provide some improvement in review times and the number of submittals required to reach approval. Staff believes the County would need to consider reducing requirements and/or consider eliminating Planning Commission review for many ministerial reviews to further reduce times. Staff also believes that by expediting the ministerial reviews, the development community will be more prone to develop in the development areas and embrace the neighborhood model strategies and further reduce the pressure on the rural areas.

**Legislative Reviews:**

Legislative reviews, rezonings (ZMAs) and special use permits (SPs), are discretionary matters that can only be approved by the Board of Supervisors. The Planning Commission and staff provide recommendations to the Board for those decisions. Referring to Attachment C, the data shows that County approval times for rezonings are similar to Loudoun and Fauquier, but those times are considerably longer than many other localities. Albemarle's SP review times were similar to most other localities. In considering strategies for reducing action times with rezonings, staff has noted several factors to consider.

- Complexity of review. Attachment D provides an example of typical factors considered in a rezoning. That review is based on expectations the Planning Commission has expressed in reviewing applications. To illustrate, it is doubtful the application plans approved with the Peter Jefferson or North Fork rezonings would be considered acceptable if submitted today. Attachment D shows a possible 15 reviewers considering 102 different issues before the plan is brought to the Planning Commission. With this number of issues and reviewers, it is inevitable there will be conflicting objectives. For example, one reviewer could seek a street connection across a small stream valley while another reviewer sought less disturbance of the stream buffer. Typically, those conflicts are addressed through an iterative review process that seeks to find the optimal solution.
- Level of detail. This is anecdotal as no good measure for the level of detail was established. Some localities, such as Albemarle, Loudoun, and Fauquier, have placed considerable importance on the details in rezoning while others appear to only consider the conceptual aspects and assume the details can be worked out at the site plan stage. For example, a "bubble" layout only shows proposed land use categories for area. That might have been acceptable in the past, but the same type of plan today is expected to show structures, roads, driveways, landscaping, and grading. The review of that plan would consider historic resources, groundwater, trails, greenways/blueways, and other issues as shown in Attachment D. All of these are issues that the Planning Commission has expressed interest in seeing with the plans. Additionally, the Architectural Review Board (ARB) will consider the architectural appearance of buildings, signs, and landscaping. While this attention to detail assures the County is getting the type of development it expects, it also results in delays for applicants and additional resources required by the County for reviews. Furthermore, there can be a continuing effort to improve on the level of detail. The ARB provides a good case study in this conflict between quality of development and expediting reviews. The ARB is often heralded as a success story and few would argue it has made a noticeable difference in the development along the County's Entrance Corridors. That program started in 1990 with part-time staff support and was basically limited to review of site plans along certain roads. Since that time, the number of roads has expanded, signs have been included in the reviews, certain building permits are included in the reviews, there is an expanded role in the review of rezonings and special use permits, and staff support now requires two full time employees to keep up with the workload. The point is not to criticize the value of the ARB, but to note that the price for that value includes additional staff resources and more expansive reviews which add to the complexity (and time) of reviews.
- Sensitivity to review time versus high quality plans. Based on guidance from the Planning Commission, staff seeks to have the applicant's plan be as close to an ideal as considered reasonably possible. While that process emphasizes high quality plans, it also places less

emphasis on the time spent in reaching that point. When pushed by deadlines, deferrals are commonly used to avoid bringing forward an application that may be considered as substandard. To illustrate this point, all of the public hearing items scheduled for the May 11<sup>th</sup> Board meeting were deferred to work on issues.

- Lack of established proffer policy. Many urbanized localities have established proffer policies that allow applicants to go into the process with an understanding of what will be expected with the proffers. Albemarle County does not have this type of proffer policy. Instead, each rezoning is individually considered and individual proffer recommendations are developed. Effectively, the applicant enters the rezoning process with little understanding of what proffers will be considered adequate.

To summarize, staff believes the special use permit process appears to work similarly to other localities and process improvement should focus on better checklists. The County's rezoning process appears to work similar to Fauquier and Loudoun County, but takes considerably more time and effort than many other localities. To date, the emphasis in the rezoning process has been on seeking the best possible plan with little or no emphasis on the time it takes to gain the best possible plan.

For the County to appreciably reduce the time spent on rezonings, staff would recommend considering a policy on deferrals. Such a policy would effectively force staff, the applicant, and Planning Commission into limiting the time that could be spent in working on a plan before bringing it to the Board. Once the rezoning application was before the Board, the Board could consider whether additional time with the Planning Commission would yield an appreciably better plan. If the Board felt this time was worth the delay, the plan could be allowed to return to the Planning Commission for further refinement. If the Board felt the delay would not result in appreciable improvement, an action would be taken. In considering such a strategy, staff believes the Board should weigh the likelihood that this change could simply transfer the review complexities to the Board. Staff suspects this strategy could increase the number of split decisions by the Board on land use decisions.

Finally, staff believes an established proffer policy would reduce the uncertainty for applicants and reduce the time required to resolve proffer concerns. That said, staff also believes developing a proffer policy could require an extensive effort by both staff and the Board. That effort would compete with resources that might otherwise be used on efforts such as the Rural Area Plan implementation, Northern Area Master Plan, and ordinance amendments currently in process. An estimate of resources required for this effort and priority would need to be developed if the Board was interested in pursuing a proffer policy.

#### ***Comprehensive Plan and Ordinance Amendments:***

As shown on Attachment E, the last year has seen a significant number of these policy issues completed. While staff is proud of the volume completed in the last year, it should be noted some of these were complex efforts started several years ago. Other issues generated little public concern and the public process was relatively simple. Some issues were brought forward with unresolved public concerns, which complicated the considerations of the County Board. As such, the volume completed last year reflects a combination of coincidental timing and staff trying to expedite the process whenever possible. Also, it should be noted that no staff is solely dedicated to these efforts. With each issue, staff balances their time spent on the issue against the need for timely completion of legislative and ministerial reviews. In that regard, recognizing that other reviews often have legal deadlines for completion, these issues are often forced to take a lower priority.

While some Comprehensive Plan and ordinance amendments are initiated by applicants, the major efforts are typically initiated by the County itself. Staff found little comparison data from other localities on the time spent with these efforts. Similar to Albemarle County, controversial proposals in other localities usually require a lengthy public process. A review of County projects shows considerable variation in both the time and resources required for these projects. For example, recent County efforts on the Crozet Master Plan, Rural Area Plan, Sign Ordinance, and Subdivision Text Amendment (STA) demonstrate that considerable time and resources can be required for discussions and work sessions. Additionally, Board appointed committees can require extended periods of time to form recommendations for these policy issues. That is understandable given those committees members seldom share a common and detailed understanding of the issue before them and it is difficult for committee members to commit large blocks of time to this work. Thus, a large part of their work can be spent on reaching common understanding, only to struggle with the recognition that solutions often require compromise. That becomes even more complicated when the committee desires consensus with its recommendations. Staff also notes it is difficult to accurately predict the time and resources required for the public process with controversial proposals. The recently approved Subdivision Text Amendment process and the current Mountain Overlay District work are examples of how difficult it can be to schedule resources when working on controversial issues. The STA process required resources that would otherwise have worked on completing the Neighborhood Model Zoning Ordinance amendments. Similarly, the Mountain Overlay work will be competing for the same staff resources that might otherwise be dedicated to work on Rural Area Plan implementation.

In considering strategies for improving the process, staff believes the emphasis should be on better defining Board expectations prior to the start of the work. Using the recently completed Rural Area Plan as a case study, it is noted that work sessions were used at the start of this process to define expectations with the hope this would minimize time spent with the Planning Commission and Board at the end of the process. Staff believes that we did, in fact, reduce the time and effort required by the Planning Commission and Board.

Staff requests the Board provide guidance as to process improvement strategies they wish to explore. Staff will then schedule a work session for discussion of how the strategies could be implemented and the issues where Board direction is needed.

With regard to building permit applications and inspections, staff has noted the County's processes are similar to others and little opportunity exists for additional improvement without increasing staff resources. Staff will continue to work on improving quality control to reduce errors and implementing CityView for customers to check on review status over the Internet.

With regard to ministerial reviews, staff has noted process improvements being developed in the form of detailed checklists and streamlining administrative processes. If further improvements in the process are desired, staff suggested consideration of limiting Planning Commission review of site plans and/or subdivision plats to larger, more complex plans as was the practice in other localities. Similarly, staff can work on reviewing current ordinances for possible opportunities to reduce requirements. If the Board is interested in considering a reduction in the current requirements, staff will develop a list of potential changes and bring this to the Board for consideration.

With regard to legislative reviews, staff believes improvement can best be gained in reducing the use of deferrals and establishing a proffer policy. The change in accepting deferrals would be a Board policy and relatively easy to implement. The proffer policy would need to be adopted into the Comprehensive Plan and would require a detailed analysis to support the policy. A proffer policy is anticipated to require considerable staff resources and could be controversial, depending on the guidelines in the policy. If the Board is interested in considering either of these options, staff will develop proposals for the Board's consideration.

With regard to Comprehensive Plan and ordinance changes, staff believes improvement can best be gained through improvement in the public process, primarily by defining expectations at the start of the process, and by setting hard deadlines for completion of work. The later measures would require those involved to set a schedule for completion of tasks and shift focus more towards completion deadlines at the risk of not fully vetting some issues.

Mr. Graham noted that the legislative process has quite a bit of discretion with reviews, and cited the plan approved for Hollymead and North Fork as examples of detailed rezonings. Mr. Graham commented that the trade-off for spending time with details is that it leads to deferrals.

Mr. Graham noted that having direction up front from the Planning Commission and Board of Supervisors can help speed up the staff review process.

He said that implementing deadlines for completion – such as sunsets on committees – could also greatly assist in speeding up the review process.

Mr. Dorrier asked about rezonings said to have lasted four years. Mr. Graham replied that North Pointe has been in front of the Board for a year and a half, and Rivanna Village from 2002 is still under review for rezoning. The more controversial the proposal becomes, the longer it seems to take to get through the process.

Mr. Tucker mentioned that it is not only the county that causes delays, sometimes the market might cause the applicant to defer, noting that Rivanna Village might fall in that category.

Mr. Boyd said that he is not sure about doing away with referral, citing that market forces might be a good reason to defer. Ms. Thomas agreed.

Mr. Graham asked if the Board would like to discuss possible changes in deferral.

Ms. Thomas wondered about having "a trigger point," for example when a project has gotten to the 80-percentile mark, try to establish why things are taking so long.

Mr. Graham said that staff is looking at "where to raise the red flag," and special use permits can certainly be viewed in that way. However, it becomes more difficult with ZMAs, as they are "all over the map as far as review time." Mr. Graham said that they could set a trigger for rezonings – for example, six months without Planning Commission public hearing – and take a look at the situation to see what the delay is.

Mr. Wyant asked if rezoning in a Master Plan area should take long. Mr. Graham responded that those applications are looked at similarly to others, and the staff does want to have an expedited review for those in the Master Plan, that was part of the idea with the Master Plan. That gets rid of a lot of the land use issues, a lot of the transportation issues, but as you see there are still a number of other issues that are out there.

Mr. Tucker noted that rezonings in a development area and proffer consideration involves a lot of back and forth between applicants and staff.

Ms. Thomas commented that there should be a discussion on the proffer policy, and the building community feels that the county has come up with a policy of \$3,000 per unit, but that is just something that happened sometime.

Mr. Boyd said that he would like to see an in-depth discussion on a proffer policy, adding that the size of projects should dictate expectations regarding timelines, etc.

Mr. Wyant asked what takes so long with the Health Department.

Mr. Graham responded that even if there are soil scientists doing the septic work, the department must sign off on it which takes 30 days.

Mr. Wyant noted that the time drags on because each unit takes 30 days.

Mr. Graham pointed out that with the Health Department, they are talking about the building permit process, and the county review on the building permit process is in pretty good order. He commented that the Health Department has trouble with the workload they have and the resources available to handle that load. Mr. Graham added that the service authority seems to be able to turn things around very quickly, and the internal departmental review is also very efficient. Their issue is trying to make sure the applicants are getting the comments addressed the first time.

Mr. Wyant asked about the need for approval for simple subdivisions.

Mr. Tucker replied that in by-right cases, all the county is dealing with is the granting of a building permit.

Mr. Graham responded that the family subdivisions move through quickly, and subdivisions in the rural area are the easiest to get through.

Ms. Thomas commented that that is a problem in itself. She asked if all parties involved know they have a time limit in which to provide their comments.

Mr. Graham replied that they do know, but agencies like VDOT cannot always get it done in 30 days. He emphasized that often the problem is not getting comments back from everyone, but consolidating those reviews and resolving the conflicts that exist between the comments. He added that the Master Plans really help as the applicants anticipate what we want where. Mr. Graham said that sometimes comments are made to the applicant, and when they come back with responses, they often have made other changes that generate a whole new set of comments.

Ms. Thomas commented that the possibilities of public transit need to remain open, with the provisions made even if the route does not yet exist.

Mr. Boyd suggested looking at the pros and cons of limiting Planning Commission review and involvement.

Ms. Thomas said that the Planning Commission should be asked their opinion of that.

Mr. Graham mentioned that site plan reviews and subdivision reviews are not considered by the Board, just the Commission.

Ms. Thomas said that with ministerial review, the public cannot do anything about it and that leads to frustration. She thinks we do well to still err on the side of having public notification just because to have a big project going in next door and having no chance to know that it was happening is kind of a shock is worse than having to come to a meeting and find out that you really cannot do much about it.

Mr. Tucker said that the public is notified but as long as the applicant meets the regulations, the county cannot deny it.

Mr. Dorrier read from Mr. Graham's comments on a proffer policy, stating that he views proffers as something the developer offers for county approval or rejection. He expressed concern about limiting some proffered items, like schools or libraries.

Mr. Graham responded that the intent would not be to exclude things, but to establish a basis for determining what the impact associated with that development is. He added that the county could look to offset either in the form of cash or public improvements that would otherwise have to be created or expended as a result of that development occurring. Mr. Graham noted that the first step is developing a framework for measuring that impact and then coming through a process for how those would be evaluated.

Mr. Tucker said that staff was not expecting to finalize anything today.

Mr. Graham clarified that the items to be revisited were: deferral timelines, status on the implementation of CityView, considering Planning Commission involvement in ministerial reviews, defining expectations at the start of projects, and assuring public involvement in the process, and discussion of proffers.

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Agenda Item No. 14. Closed Session. At 12:37 p.m., **motion** was made by Mr. Dorrier that the Board adjourn into closed session go into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions, and under Subsection (7) to consult with legal counsel and staff regarding legal issues

concerning an inter-jurisdictional agreement and under Subsection (7) to consult with legal counsel and staff regarding legal issues concerning the collection of taxes.

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

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

NAYS: None.

ABSENT: Mr. Rooker.

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Agenda Item No. 15. Certify Closed Session. At 2:03 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: Mr. Wyant, Mr. Bowerman, Mr. Boyd, and Mr. Dorrier.

NAYS: None.

ABSENT: Mr. Rooker and Ms. Thomas.

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Agenda Item No. 16a. Appointments to Boards and Commissions.

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

Reappoint Bryan Elliott to Charlottesville/Albemarle Convention & Visitors Bureau Management Board with said term to expire June 30, 2007.

Reappoint Madison Cummings to Commission on Children and Families with said term to expire June 30, 2008.

Reappoint Donna Plasket to Piedmont Virginia Community College Board with said term to expire June 30, 2009.

Reappoint Roxanne White to Region Ten Community Services Board with said term to expire June 30, 2008.

Reappoint Paul Sisk to Workforce Investment Board with said term to expire June 30, 2008.

Appoint Phil James to Blue Ridge Committee for Shenandoah Park Relations.

Appoint Brian Bills as Youth Representative for Commission on Children and Families with said term to expire June 30, 2006.

**Second** to the motion was given by Mr. Bowerman. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Wyant, Mr. Bowerman, Mr. Boyd, and Mr. Dorrier.

NAYS: None.

ABSENT: Mr. Rooker and Ms. Thomas.

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Agenda Item No. 16b. Proposed term limits.

No action taken.

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(Mr. Boyd suggesting skipping Item 17 until Ms. Thomas returns.)

Agenda Item No. 18. An Ordinance to amend section 15-1400, Enhanced emergency telephone service tax – Levy and rate; effective date; exemptions, of the Albemarle County Code, to increase the monthly Emergency-911 fee from two dollars (\$2.00) to three dollars (\$3.00) for each access line, as authorized by Virginia Code Section 58.1-3813.1. The ordinance would also specify that amounts collected can be used to pay for costs incurred in training dispatchers and direct call-takers, as authorized by Virginia Code Section 58.1-3813.1(F). (Advertised in the Daily Progress May 16 and May 23, 2005)

Mr. Tucker said the proposed ordinance would increase the monthly emergency E-911 fee from \$2.00 to \$3.00. He explained that the Virginia Code permits localities to impose a fee on telephone service to pay for emergency 911 systems but caps it at \$3.00. Mr. Tucker noted that the increased rate

would become effective 120 days after the subject telephone companies are given written notice of the new rates, which would mean fall for this measure. He stated that the county budget office projects \$1.6+ million in E-911 eligible expenses during fiscal year 2006, and that amount is likely to approach \$1.9 million in fiscal year 2007 as the 800 MHz system becomes fully operational. By comparison, the E-911 revenues for fiscal year 2006 are projected to be around \$1.2 million using the current \$2.00 rate; at the proposed \$3.00 monthly fee over the course of a full year, projected E-911 revenues would rise to \$1.7 million.

He emphasized that the county would only get three-quarters of a year because of the 120-day wait period, adding that the draft ordinance also includes an amendment to Section 15-1400.B to make this section consistent with the Virginia Code, 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 for costs incurred for training dispatchers and direct call-takers. If the Board agrees the fee should be increased to \$3.00, Mr. Tucker said, then staff is recommending that the attached proposed ordinance is adopted after conducting the public hearing.

Mr. Boyd opened the public hearing. There was no public comment, and the matter was placed before the Board.

Mr. Bowerman commented that the fee is appropriate, as it is a user fee that goes directly to the cost of maintaining the E-911 center.

(Ms. Thomas returned to the meeting at 2:10 p.m.)

**Motion** was offered by Mr. Wyant, **seconded** by Mr. Dorrier, to adopt an Ordinance to increase the monthly Emergency-911 fee from two dollars (\$2.00) to three dollars (\$3.00) for each access line, as authorized by Virginia Code Section 58.1-3813.1. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Wyant, Mr. Bowerman, Mr. Boyd, and Mr. Dorrier.

ABSTAINED: Ms. Thomas

NAYS: None.

ABSENT: Mr. Rooker.

#### **ORDINANCE NO. 05-15(1)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE XIV, ENHANCED EMERGENCY TELEPHONE SERVICE TAX--E-911, 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 15, Taxation, Article XIV, Enhanced Emergency Telephone Service Tax—E-911, is hereby amended and reordained as follows:

#### **By Amending:**

Sec. 15-1400 Enhanced emergency telephone service tax—Levy and rate; effective date; exemptions

#### **CHAPTER 15. TAXATION**

#### **ARTICLE XIV. ENHANCED EMERGENCY TELEPHONE SERVICE TAX--E-911**

**Sec. 15-1400 Enhanced emergency telephone service tax--Levy and rate; effective date; exemptions.**

A. Pursuant to Virginia Code § 58.1-3813.1, there is hereby imposed a special tax on consumers of telephone service in the amount of three dollars (\$3.00) per month for each access line.

B. Amounts collected from this tax shall be used solely to pay for reasonable, direct recurring and nonrecurring capital costs, and operating expenses incurred by a public safety answering point in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware and software required to receive and process emergency telephone calls through an E-911 system, including salaries and fringe benefits of dispatchers and direct call-takers of an E-911 system and costs incurred in training dispatchers and direct call-takers in receiving and dispatching emergency telephone calls, and the salary and fringe benefits of the public safety answering point director or coordinator so long as such person has no other duties other than the responsibility for the public safety answering point.

C. This tax shall not be imposed on federal, state or local government agencies or on consumers of CMRS, as such term is defined in Virginia Code § 56-484.12.

D. This tax shall apply to all bills rendered on and after November 1, 2005.

(Ord. of 2-6-91; Ord. No. 95-8(1), 7-12-95; Code 1988, § 8-59; Ord. 98-A(1), 8-5-98; Ord. 02-15(2), 4-17-02; Ord. 05-15(1), 6-1-05)

**This ordinance shall be effective on and after November 1, 2005.**

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Agenda Item No. 17. An Ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of board of supervisor members by 4.4% effective July 1, 2005 from \$12,467.00 per annum to \$13,016.00 annum. (Advertised in the Daily Progress May 16 and May 23, 2005)

Mr. Tucker noted that in the past, the Board has supported an increase parallel to local government and classified employee increases pay for performance, which was 4.4 percent this year effective July 1, 2005. He said that if they approve the ordinance as proposed, it would increase the Board member salary from \$12,467 per year to \$13,016 per year.

Ms. Thomas mentioned that at a budget public hearing, a member of the public said the Board should be "paying themselves more" and she felt the Board did not really want to give themselves a raise. She said that in line with that person's comment, she asked Mr. Davis if it would be possible for Boards to provide for subsequent members' raises, but not their own.

Mr. Bowerman asked if it needed to be advertised.

Mr. Davis replied that there are two processes: the Board adopts an ordinance between May 1<sup>st</sup> and June 30<sup>th</sup> that sets the salary effective July 1<sup>st</sup> for the sitting Board, and that has a salary cap constraint of five percent annual cost of living increase; an alternative is that prior to July 1<sup>st</sup> in any year in which 40 percent of the Board members are up for election, they can set by motion the salary that will be effective January 1<sup>st</sup> of the following year. Mr. Davis noted that the second option is not subject to the salary cap limitations that the other process has.

Mr. Dorrier said that their present salaries are in line with other localities, and he would like to stay in that range.

Mr. Bowerman noted that only larger localities such as Northern Virginia consider the Board position more of a full-time job and compensate accordingly.

Mr. Wyant commented that there are great demands with service to the Board of Supervisors, and it is difficult to miss work to attend meetings.

Ms. Thomas added that it is especially difficult for those who are not self-employed and have to take leave to serve.

The public hearing was opened.

Mr. Gary Grant addressed the Board. He said that he took issue with the point that it is a sacrifice to take the salary to do this job. This is public service, and he thinks you have to make that decision before you run for this Board. But this is not a moneymaker, neither is it going to be a stipend or a salary that you can save for four years and build a war chest for a reelection campaign. He disagrees with Mr. Dorrier's contention that Albemarle needs to stay "in competition" with other jurisdictions. He emphasized that this is a stipend, not a salary because it is a public service, and encouraged them to vote against a salary increase. Mr. Grant suggested that the Board vote for pay of \$200 per year, stating they can handle this job without this being a sacrifice. He presented each Board member with a "bag of groceries."

Mr. Tom Jacobowski addressed the Board, stating that he is a candidate for Supervisor in the Rio District. He apologized to Board members for his "bad behavior" at this same public hearing two years ago, stating that at that time he really didn't understand what Board members do. Mr. Jacobowski reported that he had spoken with Tom Powell, a former Greene County Supervisor, who assured him that "this job is a full-time job." He is willing to do the job full time, and no one that he has spoken with in the Rio District has a problem with Board members getting a raise, but the way they are having to vote on the raise is a "no-win situation." Mr. Jacobowski suggested that Board members designate their positions as full-time jobs, and follow the federal government with an automatic annual cost of living increase like social security.

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

Mr. Bowerman said that what has been done almost every year is to raise compensation in line with raises given to county employees.

**Motion** was offered by Mr. Bowerman to adopt the Ordinance to increase the compensation of board of supervisor members effective July 1, 2005 from \$12,467.00 per year annum to 13,016.00 annum. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

#### **ORDINANCE NO. 05-2(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARD OF SUPERVISORS, 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 2, Administration, Article II, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of Board of Supervisors, as follows:

## CHAPTER 2. ADMINISTRATION

### ARTICLE II. BOARD OF SUPERVISORS

#### Sec. 2-202 Compensation of board of supervisors.

The salary of the board of supervisors shall be thirteen thousand sixteen dollars (\$13,016.00) for each board member effective July 1, 2005. In addition to the regular salary, the vice-chairman shall receive a stipend of thirty-five dollars (\$35.00) for each and every meeting chaired and the chairman shall receive an annual stipend of one thousand eight hundred dollars (\$1,800.00).

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05)

**State law reference**--Compensation of board of supervisors, Va. Code § 15.2-1414.3.

**This ordinance shall be effective on and after July 1, 2005.**

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Agenda Item No. 19. **Thomas Jefferson Planning Dist Regional Hazardous Mitigation Plan** – Request for approval of the Albemarle County portion of the region's Hazard Mitigation Plan, developed by the Thomas Jefferson Planning Dist Commission. The Hazard Mitigation Plan identifies actions to be taken to reduce or eliminate the risk to human life & property from natural disasters. The Plan was prepared w/input from the Charlottesville U.Va. Albemarle Emergency Services Center & Albemarle County staff. Possible mitigation options are cataloged under: Education & Outreach; Policy, Planning & Funding; Information and Data Development; & Structural Improvements. (Advertised in the Daily Progress May 16 and May 23, 2005)

Mr. Bill Wanner with the Thomas Jefferson Planning District Commission (TJPDC) addressed the Board, stating that his presentation focuses on Albemarle's portion of the regional plan. He said that it is a federal requirement now that an adopted plan is in place before pre and post disaster funds are available to the county. Mr. Wanner said that they discussed with the Emergency Services Coordinator about the Scottsville levee, and the coordinator said the levee changed the dynamics of Scottsville from being one of the most dangerous places into one of the safest.

Ms. Thomas asked about the rationale for an emergency action plan for failure of the lower dam at Ragged Mountain Reservoir, when it is likely that dam would be underwater. Mr. Wanner replied that was an instance where there was not a plan in place.

Mr. Tucker said that the county will be under a fairly strong mandate to get the lower dam replaced soon, and suggested that some language be developed to address that.

Ms. Thomas stated that she does not want to spend \$20,000 for something that will likely be underwater, as the lower dam water level is such that there is no fall from the upper dam to the lower dam.

Mr. Wyant commented that once the lower one gets constructed it would change that.

Mr. Wanner suggested eliminating the language entirely, or stating that it would be contingent on that being successfully accomplished.

Mr. Boyd opened the public hearing. No public comment was offered, and the matter was placed before the Board.

Mr. Bowerman commented that TJPDC did an outstanding job, and provided mitigation strategies for situations that he didn't even know could be problematic. It seems to be quite extensive and quite comprehensive. He added that he was pleased to see the Planning District did so much in terms of research on this project.

Mr. Boyd said that the document is fascinating, and encouraged the public to read it.

Mr. Wanner thanked the Board for their positive comments.

**Motion** was offered by Mr. Bowerman to approve the Thomas Jefferson Planning District Regional Hazardous Mitigation Plan (full copy of Plan is on file in the Clerk's office and the office of the Thomas Jefferson Planning District Commission). The motion was **seconded** by Mr. Dorrier. Roll was called, and the motion carried by the following recorded vote:

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

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Agenda Item No. 20. **SP-2005-003. Footnotes Dance Studio (Signs #71&72).** Request to allow private ballet school in accord w/Sec 23.2.2.6 of the Zoning Ord which allows for priv schools in the CO Dist. This request would amend SP-96-48, which permitted a priv dance school at this location. TM 61W P 1 B-2, contains .525 acs. Znd CO. Loc on W side of Commonwealth Dr (Rt 1315) at intersec of Commonwealth Dr & Westfield Road (Rt 1452). Rio Dist. (Advertised in the Daily Progress May 16 and May 23, 2005)

Mr. Cilimberg explained that this amendment would allow for the studio to continue with expanded operating hours. Originally, there was approval in 1996 for the Terry Dean Dance Studio and there were no issues at the time the special permit was issued; the only conditions limited the hours of operation, and the applicant would like to make a slight change.

Mr. Cilimberg said that the use of the building has changed several times over the last nine years since the permit was issued, and Footnotes recently applied for zoning clearance to use the building for a variety of activities that have all been determined to fall under a private school use, which conforms to their special use permit requirements. He said that staff reviewed definition of private school, and the only problem they saw would be for auto mechanics or construction where activities would take place outside of the building.

Mr. Cilimberg said that conditions were recommended regarding hours of operation as well as the type of school activities that would not be permitted there. He stated that staff did not feel that restricting hours of operation was essential to the special permit but did include the condition that there was one already. Mr. Cilimberg reported that the conditions – as recommended by staff and the Planning Commission – limit the school to no outdoor activities and restrict the hours from 9:00 a.m. to 10:00 p.m.

The applicant, Melissa Digrazio, addressed the Board, stating that the original special use permit restricted the hours to Monday through Friday, and they would like to open on Saturday mornings to accommodate working families. She said that the hours are fine as long as they cover Monday through Saturday.

Public comment was invited. There being none, the hearing was closed and the matter was placed before the Board.

Mr. Bowerman clarified that the change in permit restricts hours, not days.

**Motion** was offered by Mr. Bowerman to approve SP-2005-003, subject to the two conditions as recommended by the Planning Commission. The motion was **seconded** by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

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

1. There shall be no technical or vocational schools which involve outdoor activities, such as construction and automotive repair, without approval of a separate special use permit; and
2. The school shall not operate after 10:00 p.m.

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Agenda Item No. 21. **SP-2005-005. PetsMart (Sign #35).** Request to allow 2,500 sq ft of a 23,000 sq-ft retail bldg located in Hollymead Town Center for veterinary clinic, grooming facility & periodic pet adoption services in accord w/Sec(s) 25A.2.2-1, 22.2.2-5 & 24.2.2-4 of the Zoning Ord, which allows for veterinary office & hospital use in a PD-MC, C-1 & HC Dist(s). TM 32 P 43, contains 2,000 sq ft. Znd PD-MC & EC. Loc on W side of US Rt 29 N, approx 1/4 mile S of intersec w/Airport Rd & across from the Forest Lakes Shopping Center. Rio Dist. (Advertised in the Daily Progress May 16 and May 23, 2005)

Mr. Cilimberg reported that this application is for PetSmart to operate a veterinary hospital within their larger retail facility at the Hollymead Town Center. He noted that the clinic would occupy up to 2,500 square feet of the 23,000 square foot store, adding that the clinic size is closer to 2,000. Mr. Cilimberg said that staff had originally recommended no conditions, but the Commission asked staff to include conditions to reflect maximum square footage for the use and the specific buildings the special use permit applies to and to make sure that no outside runs or kennels occurred.

Ms. Tara Boyd, representing Hollymead Town Center, addressed the Board. She said that she appreciates staff's work with them and they accept the Planning Commission's recommended conditions. Ms. Boyd explained that an in-store vet occupies less than 10 percent of the floor area, and there would also be grooming services but not overnight kenneling. She noted that the staff report does not reflect the fact that PetSmart partners with local adoption agencies like the SPCA to place stray animals, the veterinary services are "competitively priced" and offered in a non-traditional environment, and PetSmart

charities have donated a good deal of money to local community adoption organizations and animal activist groups.

The Chairman opened the public hearing. There being no comments, the hearing was closed and the matter was placed before the Board.

**Motion** was offered by Mr. Bowerman to approve SP-2005-005, subject to the two conditions as recommended by the Planning Commission. The motion was **seconded** by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

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

1. The veterinary services (as shown on the concept plan entitled Major Siteplan Amendment for Hollymead Towncenter, Area B, Rio District, Albemarle County, Virginia prepared by Rivanna Engineering & Surveying, PLC. and dated December 6, 2004) located at Outparcel H shall be limited to not more than twenty-five hundred (2,500) square feet; and
2. There shall be no outside runs or kennels.

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Agenda Item No. 22. **SP-2004-051. Free Union Church of the Brethren (Sign #36).** Request to allow expansion of existing church, Free Union Church of the Brethren, in accord w/Sec 10.2.2(35) of the Zoning Ord which allows for churches. TM 29, Ps 57, 58, & 59B, contains 2.5 acs. Znd RA. Loc at 4152 Free Union Rd (Rt 601), approx 1,000 ft S of its intersec w/Willington Rd (Rt 665). White Hall Dist.

Mr. Cilimberg reported that the Board needs only to act on the special use permit, not the site plan waiver. He said the plan is to add a 1,400 square foot meeting hall to the existing Free Union Church, which is an existing non-conforming use so a special permit is required in order to expand. Mr. Cilimberg said that it would not increase the intensity of use on the site or create impacts with adjacent properties. The only issue raised was that of entrance site distance and the applicants have revised their plan to show an entrance that is acceptable to VDOT. He said that site distance is limited by vegetation on a neighboring property, but that landowner has given consent for that land to be kept clear to maintain site distance for the church.

Mr. Cilimberg said that staff has recommended approval with five conditions, and the Planning Commission modified a couple of them, and then recommended approval.

Mr. Wyant asked why the use is non-conforming. Mr. Cilimberg answered that the church predated the need for permit.

Mr. Bowerman said that the ordinance made the requirement to deal with septic system, access, and health and safety issues.

The applicant, Robin Jocelyn, addressed the Board, stating that he is the Assistant Board Chairman of Free Union Church of the Brethren. He thanked Scott Clark and Bill Fritz of county staff for their work on the project. Mr. Jocelyn said that the only issue is a slight "dog leg" north of the church that makes it hard for people to see around the curve, as it gets overgrown and makes visibility difficult.

The Chairman opened the public hearing. There being no further public comment, the matter was placed before the Board.

**Motion** was offered by Mr. Wyant to approve SP-2004-051, subject to the five conditions as recommended by the Planning Commission. The motion was **seconded** by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Rooker.

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

1. The site shall be developed in general accord with the conceptual plan entitled "Free Union Church of the Brethren Concept Plan ," revised April 22, 2005, including the note relating to combining the parcels;
  2. The area of assembly shall be limited to the existing ninety (90)-seat sanctuary;
  3. There shall be no day care center or private school on site without approval of a separate special use permit;
  4. Construction of the proposed addition shall commence within four (4) years or this special use permit shall expire; and
  5. The applicants shall secure a VDOT construction permit for the modified entrance from Route 601.
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Agenda Item No. 23. From the Board: Matters not Listed on the Agenda.

Mr. Wyant asked if there was some way to get minutes earlier than the Friday Board packet so they have time to read them.

Mr. Bowerman suggested voting on them at a future meeting.

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Mr. Wyant asked about the water issue, and wondered where the progress lies.

Ms. Thomas reported that the chair, mayor, county executive, city manager, Rivanna consultants, and staff have been meeting in a "pre, pre-app" group to prepare for the pre-application meeting as advised by the regulators. She said that they are working on two proposals – one to see how to get water from the Beaver Creek Reservoir most efficiently in time of drought; and one that hopes to utilize the benign effect of raising the Ragged Mountain Dam to get that reservoir to hold more storage capacity while using the water that ends up in the South Fork Rivanna Reservoir, which is the best source of water as it has the largest watershed. Ms. Thomas noted that the second option is being tried out informally on the regulators, noting that there are many aspects of the inter-reservoir pipeline that are "very favorable," as it seems to meet all environmental concerns.

Mr. Graham said that he has attended the meetings, and the real emphasis is looking at a staging of improvements, as the entire 20/50 capacity is not needed right now.

Mr. Boyd asked if there is a plan to bring the pre-meeting proposal to the Board prior to it going to the pre-application meeting. Mr. Graham said that the Board, City Council, the Service Authority Board, and the public would have discussions prior to it becoming a formal proposal.

Mr. Boyd asked if there would be discussions with the Board before the formal proposal. Mr. Graham replied that Mr. Rooker is planning to talk to Board members before the pre-application meeting.

Mr. Boyd asked if maintaining the viability of the facility would be a separate issue, now that dredging in South Fork is not being put forth. Mr. Graham replied that it is still on the table.

Ms. Thomas said that the South Fork Reservoir could be drawn down if the inter-reservoir pipeline is established because the additional storage capacity of Ragged Mountain would be available.

Mr. Davis emphasized that the pre-application meeting is not a decision-making meeting; it seeks to get feedback from the regulators as to what may be approvable. He thinks there will be plenty of time for the Board members to have public discussions and input and hearings, all of which are part of the process before any level of decision is made.

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Mr. Wyant asked about the Board retreat, stating that he prefers a one-day meeting.

Mr. Boyd agreed.

Mr. Foley noted that Mike Chandler might help facilitate the retreat, so it may depend on when he is available.

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Ms. Thomas reported that the most recent VML newsletter mentions that JLARC Commission members are concerned about how "Homeland Security" is being spent, and have requested an accounting. She said that she has asked several times for a proposal for a changing of the zoning for light industry in terms of contractor's yard and office, as the issue has "embroiled the Ivy Community" regarding the Faulconer contractor's yard and office. Ms. Thomas said that if that site had been a special use permit, it would have saved a lot of frustration. She asked for staff to write a resolution of intent and bring it back to the Board.

Mr. Davis said that typically the planning staff does an executive summary noting the basis for the change and attaches a resolution of intent. He suggested that staff bring it to the next meeting to expedite the process.

Mr. Boyd commented that July would be acceptable.

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Ms. Thomas said that as the liaison for the Mountain Overlay District, that group is talking about strengthening the environmental protection for the mountains, and development that takes place in the mountain district will be only in the form of clustering, and preservation through voluntary measures should be encouraged. She said that there are not a lot of means for encouragement, but the group is working to foster use of the tools that do exist. Ms. Thomas noted that the Rural Preservation Developments are one means to accomplish this, but the committee wants standards that clarify what the "one house" is, and what is around it.

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Ms. Thomas said she represented the Board at a VML/VACO seminar on the impacts of the property tax relief proposals, and what was discussed at that time would be on VML's web-page. She said that she would send an email when it goes online. Ms. Thomas mentioned that the revenues the state

has received from income tax and the local real estate tax revenues are almost identical in the amount they have grown, but they tend to grow at different times.

Mr. Boyd asked that the county becomes a participant in the online survey system, which compares total compensation packages of state localities.

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Ms. Thomas suggested giving the grocery gift received earlier to social services.

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Agenda Item No. 24. Adjourn. With no further business to come before the Board, the meeting was adjourned at 3:05 p.m.

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Chairman

Approved by Board
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Date: 01/04/2006
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Initials: DM
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