

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 6, 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. Dennis S. Rooker, Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: Mr. Lindsay G. Dorrier, Jr.

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

Agenda Item No. 1. The meeting was called to order at 9:00 a.m., by the Chairman, Mr. Rooker.

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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. From the Public: Matters Not Listed on the Agenda.

Mr. John Martin of Free Union addressed the Board, and stated that protection of the Chesapeake Bay is firmly embedded in the county's Comprehensive Plan and in the Water Supply Ordinance. He said that there is a statement in the Comp Plan that says, "Albemarle County became the first – and remains the only – non-Tidewater locality in Virginia to voluntarily adopt a local Chesapeake Bay protection ordinance." Mr. Martin noted that a notice appeared in last Thursday's *Daily Progress* for re-issuance of the Moore's Creek permit, which expired last November. He went to review the permit in Harrisonburg, and found that it contains no limits on the amount of nutrients (nitrates and phosphorus) that Rivanna can release into the Rivanna River.

Mr. Martin said that the file also reflects that last fall, when Rivanna applied for re-issuance of the permit, a draft permit was issued which did contain "interim" limits on the amount of nutrients that could be released until final water quality standards are implemented. He explained that those requirements were placed in the permit last fall pursuant to a written policy memorandum then in effect by DEQ. Mr. Martin noted that almost immediately an extensive debate developed between DEQ and Rivanna over the necessity for those interim limits. Finally, he said, DEQ in March sent an ultimatum email memorandum to Rivanna stating that they would proceed with the permit with those limits included and if Rivanna didn't agree to issue public notice, DEQ would do it. He added that a few hours later, Bob Burnley of DEQ sent an email to the head of the Valley Regional Office rescinding the ultimatum. Mr. Martin said DEQ then revoked the policy memorandum and issued a new one that no longer requires interim limits, and a new draft was issued that doesn't contain any limitation on the amount of nutrients that can be released. He stated that the matter is supposed to be revisited next year when water supply standards go into effect and final allocation limits are set. Mr. Martin expressed his concern, and suggested that the Board have staff consult with Rivanna and find out what they are voluntarily doing to reduce nutrient loads in the river and see what additional things it can do voluntarily.

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Mr. Jamie Spence addressed the Board on behalf of Churchill Development, noting that he was a member of the Affordable Housing Implementation Committee. He said that he agrees with the committee conclusions that something should be done to make housing more affordable to different price ranges, but cautioned that there may be unintended consequences: by mandating 15 percent of a project to be affordable will force the prices on the other 85 percent to go up. Mr. Spence said that in Montgomery County, Maryland, this policy has started to force middle-income buyers out of the market with a median price of town homes at \$414,000 and condominiums being \$303,000. He stated that staff and local government representatives have referred to Albemarle's housing prices as market driven, adding that using a mandated policy for anything should be done with great caution.

Mr. Spence said that many in his industry in support of affordable housing initiatives argue that there are not affordable housing problems considering the \$175,000 target sales price. He added that there are houses that have been converted to town homes that are selling well. Mr. Spence said that there was a great deal of discussion about the need for affordable rental units, as there will still be people at the lower end who cannot afford to buy. He added that there is an equation in the policy to make sure rents stay affordable. Mr. Spence commented that there is a lack of lot supply for the first time ever, and housing prices have not reached their peak. He emphasized that supply and availability of lots in the growth area is crucial to controlling market pricing. We do live in a great area, but without more of an adequate lot supply our housing prices are moving into an area most people would never believe. It is important that projects in the growth area that meet many principles of the Neighborhood Model are approved and put out to the market. He added that housing prices would likely increase 75 to 100 percent over the next few years without more lots available in the growth area.

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Mr. Neil Williamson of the Free Enterprise Forum addressed the Board. He referenced a Department of Housing and Urban Development study released last month, which says a number of trends indicate that poorly designed environmental procedures and regulatory processes have become more significant barriers to the development of affordable housing. Mr. Williamson said that additional environmental laws and misuse of environmental regulations are levied by those opposed to affordable housing. He stated that often local regulations duplicate state and federal regulations and are not integrated into pre-existing local planning processes, creating new procedures, reviews, and requirements. Mr. Williamson described these "superfluous environmental reviews" that are part of the Comp. Plan review process as one more tool to stop development. He emphasized that regulatory barriers impact workforce and affordable housing – decreasing the amount of housing built and increasing prices by as much as \$40,000.

He said that the study says the regulatory system has become more complex over the last two decades and constitutes the single greatest problem in getting housing built. Mr. Williamson added that government regulation is responsible for high housing costs where high costs exist and measures of zoning strictness are highly correlated with high prices. He stated that in Chicago, municipal fees increase new housing costs by 70 to 210 percent of the actual fees imposed for an average four-bedroom home in the study. Mr. Williamson continued that excessive regulation can raise the final new home price by \$40,000 to \$80,000 or approximately 35 percent, and in New Jersey this would price approximately 430,000 potential homeowners out of the market. He said that Portland, Oregon's urban growth boundary law has increased the median house prices in that metropolitan area. Mr. Williamson emphasized that there are good solid government regulations, but in many cases, as the report cites, there are "superfluous regulations."

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that the advocates of the free market continue to blame everyone but the market for affordable housing. He said that when people sell a product, they choose to sell it at the highest price they can get. Mr. Werner said that at a recent meeting in Fauquier, a developer said he would sell a home at \$750,000 no matter what it cost him to build because that is what the market will bear. He stated that he only wishes the development community would come forward and admit that they are in business to make money. Mr. Werner cited a recent Ryan Homes price increase of \$50,000 over six months – not because of any change in regulations, but because the builder knows they can get that much.

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Agenda Item No. 5. Recognitions.

Item No. 5a. Recognition of EMS Personnel.

Mr. Rooker said that on May 19, 2005, a 40-year-old man [Dell Finke] had cardiac arrest during a softball game at Piedmont Virginia Community College, and "within seconds" well-trained bystanders – volunteer and career emergency response providers – took action in this time of need. The sister of the patient said that those responders "did more than just save a life," working together to save a family from significant grief. Mr. Rooker commended Albemarle County schoolteacher Ann Harris who began to initiate CPR, the nurses on team "Scrubs," the dispatchers who took the call, the Engine 111 personnel who resuscitated him with defibrillator shots, and CAARS personnel comprised of a team of 16 volunteers, career providers, and trained bystanders that saved his life. We are so fortunate to live in a community where at even the most unlikely settings there are those ready and able to serve their fellow citizens.

Mr. Rooker thanked each of those involved and asked them to stand as he read their names: Captain David Puckett, Medic John James, EMT personnel Quinn Marchant, John Burruss, Paramedic, Duty Officer Carrier Weber, Paramedic Ashleigh Edwards, EMT/Shock Trauma Technician Lisa Jenson, EMT, Steve Hull, EMT Celeste Smelser, EMT Cardiac Technician Debbie Wade, Lisa Fitzgerald, Officer Darrell Byers, Officer Michael Easton, U.Va. Nurses Kara Conley and Kristi Mann, and Ann Harris of Albemarle County Schools.

Mr. Rooker asked Dan Eggleston – Chief of Fire & Rescue, and Dayton Haugh – Chief of Albemarle Rescue Squad, to provide comments.

Mr. Eggleston thanked everyone for being involved in the resuscitation, stating that this is the best example of how teamwork really pays in the long run.

Mr. Haugh said that every person involved played a crucial role in saving Mr. Finke's life, and if any one of them had not been in the chain, the outcome may have been different.

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Item No. 5b. Introduction of Susan Stimart, Business Development Facilitator.

Mr. Tucker introduced Susan Steimart, the county's first Business Development facilitator, stating that she will serve as the county's primary liaison with the business community for the purpose of encouraging development in business that supports the goals of Albemarle's Comprehensive Plan. He said that she would focus on development opportunities in the county's master plan and other urban areas to bring about the core business and economic activity to realize vibrant neighborhood and business centers in the community. Mr. Tucker said that Ms. Steimart has extensive experience in the D.C. area with real estate and development, and has a Master's Degree in Engineering/Transportation as well as an MBA in Finance from American

University. Ms. Steimart said that she is looking for direction from the Board to see how things in the county are operating.

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Item No. 5c. Proclamation recognizing August 2 through August 7, 2005 as Albemarle County Fair Week.

Mr. Rooker presented the following proclamation to Lauren Hensley, Pre-Teen Miss Albemarle County Fair 2004:

**ALBEMARLE COUNTY FAIR WEEK**

*WHEREAS, for the past 24 years, the Albemarle County Fair has entertained tens of thousands of guests during its annual production; and*

*WHEREAS, the Albemarle County Fair is unique in many ways and was founded by a group of community spirited people who wanted something special for their neighbors and friends to enjoy and enrich their lives;*

*WHEREAS, the theme of the Fair has always emphasized the County's agricultural and forestal heritage; and*

*WHEREAS, the Albemarle County Fair is a non-profit corporation operated by dedicated volunteers, officers and directors; and*

*WHEREAS, the Albemarle County Fair offers a friendly, safe atmosphere conducive to families and their children, and it is unique in the state in that all food and drink is sold by local non-profit organizations as an opportunity for them to raise monies for their worthwhile programs; and*

*WHEREAS, the Albemarle County Fair supports agricultural and rural lifestyles, offers exhibits of home-art skills, crops, large livestock, small livestock and poultry, holds competitions in livestock and numerous other farm skills, and presents nightly entertainment for all to enjoy;*

*NOW, THEREFORE, I, Dennis S. Rooker, Chairman, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim the week of*

*AUGUST 2, 2005 THROUGH AUGUST 7, 2005*

*as*

*ALBEMARLE COUNTY FAIR WEEK*

*and urge all citizens to actively participate in the scheduled activities and programs sponsored and supported by the more than 250 regional volunteers, public and area businesses.*

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Agenda Item No. 6. Consent Agenda. **Motion** was offered by Ms. Thomas, **seconded** by Mr. Boyd, to approve items 6.1 through 6.11, to pull Item 6.8 for further discussion, and to accept the remaining items on the consent agenda as information. (Discussions are included with the individual item.) Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Dorrier.

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Item No. 6.1. Approval of Minutes: February 2, March 21 and March 23, 2005.

Mr. Rooker read the minutes of March 21A, 2005 and found them to be in order.

Mr. Bowerman had read his portion of the minutes of February 2, 2005, pages 20 (beginning Item #16) – end, and found them to be in order.

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Item No. 6.2. Advisory guidelines to VDOT for review of property owner initiated and funded improvements to public roads.

The Board of Supervisors requested staff to develop guidelines that set out how the County would like VDoT to review road improvements initiated and funded by a private property owner. Typically with this type of proposal, the property owner works directly with VDoT to complete major improvements to roads such as road realignments/relocations and paving of unpaved roads.

The Board of Supervisors requested that staff develop guidelines after a controversial paving project on Blenheim Road (Route 795) in the Spring of 2004. This project prompted staff

and the public to evaluate how this type of project is processed by VDoT and the County's role in the process. The Board's concern with previous projects of this nature has centered around the desire to ensure that there would be an opportunity for the public and the Board to comment on the project and that the project is consistent with County policies.

VDoT does not have a written policy or guidelines at this time for reviewing property owner initiated projects. VDoT staff has indicated that this type of project does not happen frequently. Its current process requires a property owner to submit plans to work within VDoT's rights-of-way. VDoT will then issue a permit to complete the work. The work must be within the property owner's right-of-way and/or VDoT's right-of-way. If the improvements are outside of these areas, the property owner must get an agreement from the other property owners to consent to the project or the project must proceed through the Six Year Secondary Road Plan process.

Staff suggests, along with VDoT's concurrence, the following guidelines be used by VDoT to process requests by property owners for major improvements within VDoT rights of way, including the realignment/relocation of roads and the paving of unpaved roads.

1. VDoT shall contact the Albemarle County Department of Community Development when a request for a major road improvement (realignment/relocation and/or paving of an unpaved road) is received that would take place completely within the VDoT right of way and/or the property owner's land.
2. The Resident Engineer will provide County staff basic information regarding the scope of the project. This information will include, but not be limited to, the location (with terminus points), length, type of improvements, and what additional properties are impacted. VDoT shall also provide its comments or concerns for the improvement.
3. An evaluation by County staff of the scope of the project and its consistency with County policies and the Comprehensive Plan will be provided to the Board of Supervisors. The Board will determine if area residents should be informed/notified of the proposed improvement. The notification can be by letter to area property owners, posting of signs along the subject road segment, and/or by a community meeting. The impacted area will be defined on a case by case basis.
4. Staff will compile and assess comments received from any public comment/input process and provide them to the Board of Supervisors. The Board will provide its recommendation on the proposed project to the VDoT resident engineer. If the Board of Supervisors supports the proposal, a resolution of support will be adopted by the Board and forwarded to VDoT.

Staff believes that the proposed guidelines establish a reasonable review process that will allow the County and the public an opportunity to review and comment on these types of improvement projects. VDoT has reviewed and supports the proposed guidelines.

If these guidelines are supported by the Board of Supervisors, staff will forward them to VDoT Residency and request that these guidelines be used for similar improvement projects in the future.

(Ms. Thomas and Mr. Wyant asked about the penalty for a landowner working within the right of way.

Mr. Davis responded that VDOT can allow people to make improvements by permit in their right-of-way, and this policy is trying to establish a county role in a VDOT process, which VDOT is willing to allow, but the ultimate decision about whether improvements are made in a VDOT right-of-way is a VDOT decision.

Ms. Thomas suggested that the requirement for VDOT to contact the county Community Development department should be expanded to include contacting the MPO as well if such a project were proposed.

Mr. Cilimberg indicated that the Blenheim example was not in an MPO area.

Mr. Tucker said that language could be included that states: "A resolution of support will be adopted by the Board and forwarded to VDOT, and construction can then begin." He emphasized that this would allow the process to move forward before any construction occurs.

Mr. Cilimberg suggested the language for Ms. Thomas' item to state: "the Department of Community Development, and where applicable, the Metropolitan Planning Organization."

Ms. Thomas agreed, adding that the VDOT item as discussed should also be added.)

**By the above-recorded vote, the Board supported the proposed guidelines, requested that staff forward them to VDoT Residency and requested that the guidelines be used for similar improvement projects in the future.**

Guidelines to be used by VDoT to process requests by property owners for major improvements within VDoT rights of way, including the realignment/relocation of roads and the paving of unpaved

roads.

1. VDoT shall contact the Albemarle County Department of Community Development and where applicable, the Metropolitan Planning Organization (MPO), when a request for a major road improvement (realignment/relocation and/or paving of an unpaved road) is received that would take place completely within the VDoT right of way and/or the property owner's land.
2. The Resident Engineer will provide County staff basic information regarding the scope of the project. This information will include, but not be limited to, the location (with terminus points), length, type of improvements, and what additional properties are impacted. VDoT shall also provide its comments or concerns for the improvement.
3. An evaluation by County staff of the scope of the project and its consistency with County policies and the Comprehensive Plan will be provided to the Board of Supervisors. The Board will determine if area residents should be informed/notified of the proposed improvement. The notification can be by letter to area property owners, posting of signs along the subject road segment, and/or by a community meeting. The impacted area will be defined on a case by case basis.
4. Staff will compile and assess comments received from any public comment/input process and provide them to the Board of Supervisors. The Board will provide its recommendation on the proposed project to the VDoT resident engineer. If the Board of Supervisors supports the proposal, a resolution of support will be adopted by the Board and forwarded to VDoT before construction begins.

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Item No. 6.3. Authorize County Executive to sign Natural Heritage Data License.

The Division of Natural Heritage of the Virginia Department of Conservation and Recreation (the "DCR") is responsible for the identification, protection and stewardship of Virginia's natural heritage resources. Natural heritage resources are defined as the habitat of rare, threatened or endangered plant and animal species, rare or state significant natural communities or geologic sites, and similar features of scientific interest. The DCR maintains a comprehensive data system of natural heritage resource information, and it is committed to making this data available to localities and private parties.

Conservation data in a digital format will be useful when it is incorporated into a geographic information system with other spatial information for display and analysis. Having data pertaining to the locations of natural heritage resource conservation sites and associated species in a digital format will be useful for comprehensive planning, assist with planning for specific projects, and be valuable as a general screening tool for identifying potential issues for individual projects. The DCR provides this digital data by subscription only, and requires that the use of the data be governed by the attached license. The license identifies the data to be used and delineates the conditions for use, requires that the County incorporate periodic updates, and proscribes the distribution of the data to third parties. The DCR does not charge the County for the use of its digital data.

Because the DCR does not charge the County for the use of its digital data, this license does not have any budget impacts.

Staff recommends that the Board authorize the County Executive to sign the Department of Conservation and Recreation Natural Heritage Program License on behalf of the County after it is modified to meet all legal requirements deemed necessary by the County Attorney.

(Mr. Boyd asked how much this overlaps with the Biodiversity Committee. Mr. Tucker responded that the two complement each other and the local group will use the data from the inventory gathered by the Natural Heritage group.

Mr. Wyant commented that the inventory is a starting point.)

**By the above-recorded vote, the Board authorized the County Executive to sign the Department of Conservation and Recreation Natural Heritage Program License on behalf of the County after it is modified to meet all legal requirements deemed necessary by the County Attorney.**

**Department of Conservation and Recreation  
Natural Heritage Program  
License for Use of Digital Natural Heritage Resources Information**

The Virginia Department of Conservation and Recreation's Natural Heritage Program (DCR) hereby grants a revocable license to \_\_\_\_\_  
(Licensee) to use the following data (include data category and geographic extent):

\_\_\_\_\_

**Use of these data is subject to the following conditions:**

1. The license is nonexclusive and revocable.
2. The license is nontransferable, and any attempted transfer is void.
3. The license conveys no rights for Licensee to release or distribute these data, or derivative works containing these data, in any electronic/magnetic or machine-readable form.
4. Licensee will identify "Virginia Department of Conservation and Recreation, Natural Heritage Program" as data source on any map or publication using DCR data. If format permits, Licensee will also include the date provided.
5. Licensee will provide DCR with a list of any reports or printed materials prepared using Natural Heritage Program data, and will provide a sample copy of such material if requested by DCR.
6. Although DCR maintains high standards of data quality control, DCR makes no warranty as to the fitness of the data for any purpose, nor that the data are necessarily accurate or complete.
7. Licensee understands and acknowledges that these data are provided for planning and assessment purposes only. Specific projects or activities should be reviewed for potential environmental impacts with appropriate regulatory agencies. If ground-disturbing activities are proposed in the vicinity of indicated natural heritage resources, DCR will be contacted for a site-specific review of the project area.
8. Licensee understands and acknowledges that release of precise species locations may threaten natural heritage resources. Licensee shall take reasonable precautions to ensure the security of species locations.
9. If there are subscription service charges or any other agreements between DCR and Licensee for sharing costs incurred by DCR in making the data available, Licensee shall pay agreed charges within 30 days of being billed by DCR.
10. Licensee understands and acknowledges that the accuracy of these data is time-limited. Licensee agrees to use DCR-provided data only for the term specified by DCR, and to incorporate all updates provided by DCR. By the following date: \_\_\_\_\_ (which shall be no later than one year following the issuance of this license), the licensee will either
  - a. certify that all copies of these data have been destroyed or returned to DCR-NH; or
  - b. complete arrangements with DCR to renew the subscription. These arrangements will include an updated license.Under no circumstances shall Licensee continue using DCR-provided natural heritage resource data for more than six months without an update.
11. Licensee will indemnify and hold DCR and its officers and employees harmless against any claims by third parties arising out of the use by Licensee of the data provided hereunder.
12. This License is the entire agreement between the parties with respect to the subject matter hereof. It shall be construed in accordance with the law of the Commonwealth of Virginia and may be amended only in writing signed by both parties.

By accepting the DCR data, Licensee agrees to abide by all of the above conditions. Licensee shall sign this license and return it to DCR to indicate receipt and acknowledgment of the terms of this license.

_____ Licensee signature	_____ Date
_____ Licensee title Approved:	_____ Licensee agency/company
_____ Thomas L. Smith, Director, DCR Natural Heritage Program	_____ Date

**Item No. 6.4. Authorize County Executive to sign Crozet Streetscape Enhancement Project Agreement.**

The County submitted a VDoT Transportation Enhancement Program application for the Crozet streetscape in March 2004. In June, 2004 VDoT approved a grant award of \$150,000 for Phase I of a three (3) phase improvement project. Phase I incorporates sidewalk and landscaping improvements generally from the Mountainside Senior Living on Crozet Avenue to the car wash on Three Notched Road. Improvements include installation of curb and gutter, sidewalks, protective railings, and lighting under the railroad bridge. The remaining phases of the project include improvements along Crozet Avenue from Tabor Street to the end of Phase I project.

The Board originally approved a resolution supporting this grant request in 2002. A request by the County for grant funding in 2002, and a subsequent request in 2003, was not funded.

VDoT forwarded to the County a draft project agreement between the County and VDoT in March, 2005. The agreement is a standard form contract from VDoT for this type of grant. The agreement requires a minimum 20 percent (\$30,000) match for the \$150,000 grant from the County which has been provided for in the County's CIP. The agreement has been reviewed by the County Attorney's Office and Community Development staff for content, substance, and consistency with the grant application. Additional, non-substantive, form revisions may be necessary. This agreement must be signed in order for the project to commence. The next step in project implementation will be to contract for consultant services to develop construction plans (to be approved by the County and VDoT) for project bidding and construction.

The County is required to provide a 20 percent match for the \$150,000 grant. The County has allocated approximately \$130,000 in its Capital Improvements Program –Neighborhood Plan Implementation Project to fund the Phase I improvements and satisfy the match requirement. The estimated cost for Phase I improvements is \$276,275.

Staff recommends that the Board of Supervisors approve the proposed agreement for the Historic Crozet Streetscape project, and authorize the County Executive to sign the agreement on behalf of the County after it has been approved as to form by the County Attorney with any necessary revisions.

**By the above-recorded vote, the Board approved the proposed agreement for the Historic Crozet Streetscape project, and authorized the County Executive to sign the agreement on behalf of the County after it has been approved as to form by the County Attorney with any necessary revisions.**

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Item No. 6.5. Resolution of Intent – Contractor's Office and Equipment Storage Yard change from by-right use in LI zoning district to use by special use permit.

Going back to the County's first Zoning Ordinance, a Contractor's Office and Equipment Storage Yard has been a by-right use in the manufacturing/industrial type zoning districts. In recent years, concern has been expressed by some members of the public and some Board of Supervisors' members regarding the potential impact of the Contractor's Office and Equipment Storage Yard as a by-right use in the Light Industry (LI) District. This has been of particular concern as some properties zoned Light Industry are located in close proximity to primarily residential areas or rural areas (see Attachment A-copy on file), or are located on roads that may not be adequate to handle the type of traffic that can be associated with such uses. One suggested initiative that could address these concerns on a case by case basis would be to amend the Zoning Ordinance to move this use from a use by-right to special use permit in the LI District. This would require the passage of a Resolution of Intent.

The County's experience is that Contractor's Office and Equipment Storage Yards can range in intensity from mainly offices with limited on-site storage and relatively light equipment transport to much more intensive on-site storage and heavy equipment transport. The public purpose served by amending the Zoning Ordinance to make this use by special use permit in the LI District would be to allow the scale and intensity of the use to be assessed for a finding of appropriate location for that use on a case by case basis and to allow appropriate conditions to be included when approved. In considering this amendment, it is important to identify those distinctive aspects of the use that seem to warrant its consideration for the change. In the case of the Contractor's Office and Equipment Storage Yard there are several factors to consider relative to justification for the change: 1) This use can be generally distinguished from most other by-right uses particular to the LI District which tend to be more basic industrial, production oriented and employment generating in nature; 2) This use is allowed by special use permit in the Highway Commercial district, the highest intensity commercial district; 3) Warehouse facilities by-right and warehouse facilities by special use permit are distinguished based on the potential for storage of hazardous materials, a potential activity in Contractor's Office and Equipment Storage Yards; and, 4) Several uses by special use permit in the LI District have potential impacts similar to that of a Contractor's Office and Equipment Storage Yard – truck terminal (type of traffic), body shops (equipment repair), assembly of modular buildings (type of traffic) and moving businesses (type of traffic).

One impact resulting from this change would be that all existing Contractor's Office and Equipment Storage Yards would become non-conforming and most modifications to them would subject them to a new special use permit. Staff has estimated at least 30 such operations in the LI District. Alternatives to moving this use to the special use permit category that would lessen this resulting effect would be to leave the use by-right and develop supplementary regulations for the use or to create two categories of Contractor's Office and Equipment Storage Yards – Light Contractor as by-right and Heavy Contractor by special use permit. The latter alternative would require clearly distinguishing definitions and regulations for each type of Contractor's Office and Equipment Storage Yard. The Zoning Administrator recommends against this alternative as problematic to administer.

It should also be noted that the County's standard public process for Zoning Text Amendments includes public/stakeholder meetings for review and input on proposals. This process allows for this input during the development of ordinance provisions and in advance of Planning Commission and Board of Supervisors' public hearings. It does add to the processing time. Staff would like the Board's guidance as to its desire for such public input in this case.

Changing Contractors Office and Equipment Storage Yard from a by-right use to a use by special use permit in the LI District would require this use be reviewed at public hearings by the Planning Commission and Board of Supervisors. This would require staff analysis, adjacent owner notification, and legal ads for both the Planning Commission and Board of Supervisors and posting of on-site notification signs. Although there is a \$1,020 fee for industrial use special use permit applications, many times this fee does not cover the costs noted above.

Provided that the Board supports changing Contractor's Office and Equipment Storage Yard from a by-right use to a special use permit in the LI District as the simplest and most straightforward approach to addressing the concerns regarding this as a by-right use, staff recommends the Board approve the corresponding resolution of intent (Attachment B-copy on file). Should the Board desire considering the option of leaving the use by-right and developing supplementary regulations for the use, staff recommends the Board approve an alternative resolution of intent (Attachment C-copy on file). Staff does not recommend the alternative of creating two categories of Contractor's Office and Equipment Storage Yards – Light Contractor as by-right and Heavy Contractor by special use permit. Staff requests the Board's direction as to the public process it expects during the development of the zoning text amendment.

(Mr. Boyd asked how many situations this would apply to.

Mr. Cilimberg responded that there were over 30 contractor/office equipment storage yards that are in the Light Industrial zoning districts, according to the Zoning Administrator's inventory. He explained that none of them have special use permits. He said that if they were to change their activity, they would need to apply for special use.

Mr. Boyd asked how often circumstances arise when this type of ordinance would be needed.

Mr. Tucker replied that since zoning's inception, there have been 30, and he cannot point to any one that has necessitated a special use permit.

Ms. Thomas suggested using the process which puts the special use permit on the contractor's office and storage yard, stating that she has had discussions about these situations, and no one is really in favor of continuing the businesses by-right with additional regulations. She said that having a special use permit process at least allows neighbors to have a voice about what is happening, adding that the Planning Commission could take just the special use permit concept to public hearing.

Mr. Boyd said that he is concerned about infringing on property rights, especially in cases where people have purchased land because of a particular zoning.

Ms. Thomas responded that staff did a very good job of why this move is appropriate at this time and pointed out other zones that require special use permits.

Mr. Wyant commented that he is not in favor of large contractors moving into the LI districts, but he is increasingly aware of additional restrictions being put on smaller contractors as well. He expressed concern about heavy contractors operating in the county.

Mr. Boyd said that the issue is distinguishing between heavy versus light industrial use.

Ms. Thomas replied that contractor's office and equipment storage yard is precisely what we're talking about.

Mr. Boyd said that he would like to see more clarity in defining that.

Mr. Rooker stated that this part of the ordinance, if this is passed, would require a special use permit for any contractor's office and associated storage, regardless of size.

Mr. Wyant added that the ones existing as non-conforming would have to get a special use permit if they modify their use, or if they are coming in for the first time.

Mr. Cilimberg said that staff will develop a clear definition of what that is, and would only be applicable to businesses under that definition located in the Light Industrial District. He added that the ordinance changes would probably have supplementary regulations that would further define how that might be imposed on those in the LI District. Mr. Cilimberg said staff also noted the level of public involvement desired, whereby there might be discussions of ordinance changes as it is being developed.

Ms. Thomas noted that whatever the Board does there would be a public hearing, and she does not see the need for roundtable meetings. Because of the case in Ivy, it's a situation where people know more about it than another zoning text amendment.)

**By the above-recorded vote, the Board adopted the following Resolution of Intent to amend the Zoning Ordinance to change contractor's office and equipment storage yard from a by-right use to a special use permit in the Light Industrial (LI) District, and recommended regular Commission and Board public hearings be held:**

**RESOLUTION OF INTENT**

**WHEREAS**, "contractor's office and equipment storage yard" is a use classification authorized by right in the Light Industry (LI) zoning district (Zoning Ordinance § 27.2, entitled "Permitted Uses"); and

**WHEREAS**, experience in Albemarle County has shown that this use classification may range in intensity from one that is primarily offices with limited equipment storage and minimal impacts to those that are more intense because less area is devoted to offices and more is devoted to equipment storage, with associated activities including equipment transportation; and

**WHEREAS**, in recent years concern has been expressed by some members of the public and public officials that the traffic, noise and other impacts arising from an intensive contractor's office and equipment storage yard use may create conflicts with residential areas and rural areas in proximity to a Light Industry (LI) zoning district; and

**WHEREAS**, authorizing contractor's office and equipment storage yards by special use permit in the Light Industry (LI) zoning districts would allow such a proposed use to be evaluated on a case-by-case basis so that the impacts resulting from the use may be identified and, if it is approved, mitigated by appropriate conditions; and

**WHEREAS**, it is desired to amend Zoning Ordinance § 27.2 to change the "contractor's office and equipment storage yard" use classification from one that is allowed by right to one that is allowed by special use permit.

**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 Zoning Ordinance § 27.2 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.

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Item No. 6.6. Resolution to accept road(s) in Hollymead Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following resolution, as requested by the Roads Engineer:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of July 2005, adopted the following resolution:

**R E S O L U T I O N**

**WHEREAS**, the street(s) in **Hollymead Subdivision** described on the attached Additions Form SR-5(A) dated **July 6, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Hollymead Subdivision** as described on the attached Additions Form SR-5(A) dated **July 6, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

\* \* \* \* \*

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

- 1) **Broad Crossing Road (State Route 1498)** from Route 1520 (Hollymead Drive) to .04 miles north on Route 1520 (Hollymead Drive) as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, with a 50-foot right-of-way width, for a length of 0.04 miles; and from .04 miles north on Route 1520 (Hollymead Drive) to .07 miles east on Route 1498 (Broad Crossing Road) as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, with a 50-foot right-of-

way width, for a length of 0.07 miles; and from .07 miles east on Route 1498 (Broad Crossing Road) to .13 miles east on Route 1498 (Broad Crossing Road) as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, with a 50-foot right-of-way width, for a length of 0.13 miles; and from .13 miles east on Route 1498 (Broad Crossing Road) to the end of maintenance; as shown on plat recorded 11/22/1993 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1361, page 674, for a length of 0.04 miles.

Total Mileage - 0.28 miles.

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Item No. 6.7. Resolution to accept road(s) in Boston Creek Subdivision into the State Secondary System of Highways.

**By the above-recorded vote, the Board adopted the following resolution, as requested by the Roads Engineer:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of July 2005, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Boston Creek Subdivision** described on the attached Additions Form SR-5(A) dated **July 6, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Boston Creek Subdivision** as described on the attached Additions Form SR-5(A) dated **July 6, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

1) **Boston Creek Drive (State Route 890)** from Route 618 (Martin Kings Road) to .03 miles south to Fluvanna County line, as shown on plat recorded 05/20/1999 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 367, page 84, with a 50-foot right-of-way width, for a length of 0.03 mile.

Total Mileage - 0.03 mile.

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Item No. 6.8. FY 2005/06 Budget Issues - Sheriff's Staffing.

On March 14, 2005 during a Board of Supervisors work session on the FY 05/06 Recommended Operating Budget, Sheriff Ed Robb addressed the Board regarding requested strategic initiatives he submitted during the budget process. During preparation of the County Executive's FY 05/06 Recommended Budget, the Sheriff's request was analyzed and subsequently not recommended for funding due to funding constraints. During the Board's work session, Sheriff Robb indicated that his request involved an administrative position to help alleviate administrative functions currently being performed by Sheriff's deputies, and a Sheriff's Deputy position to address current security concerns facing the Courts. After reviewing the information presented by Sheriff Robb and County staff, the Board placed \$66,943 in a contingency fund, and directed County staff to provide additional information regarding the request.

The Office of Management and Budget (OMB) has reviewed current staffing and compared it to other localities with similar populations (Roanoke, Hanover and Stafford). While this review indicated that FTE's per capita are similar to the other localities, there tends to be a need for additional staffing when the courts are operated in more than one building as they are in Albemarle County. OMB also reviewed statistical data maintained by the Sheriff on court operating hours, transportation mileage, and the number of papers processed and served, tracking the change in activity since 2000. This review showed a steady increase in all areas except for transportation over this period. Transportation decreased most likely due to the construction of the Juvenile Detention facility. When compared to the other localities, Albemarle's total hours of court operation were about 20 percent higher than the average.

The total cost of salary and benefits for FY 05/06 to meet the Sheriff's request for two full time positions would be \$66,943. In addition, the ongoing operational costs and one-time start up costs associated with the additional deputy would be \$2,985 and \$6,305 respectively, for a total budget impact to meet the Sheriff's request of \$76,233.

Based on the data reviewed and the working environment associated with the court operations, including the Juvenile Court renovations, staff recommends approval of one additional deputy, including one-time start up costs, and a half-time clerical position, for a total cost of \$61,379.

(Ms. Thomas commented that the state auditor's report points out that Albemarle is much more expensive on what it spends on the sheriff's office for protection of courts, comparable to Henrico County. Ms. Thomas said that the sheriff would say that is because of the way the courts are laid out.

Mr. Rooker suggested pulling this item and voting on it, as he does not support putting a permanent \$61,379 increase in the budget for this. The case has not been made that the county needs to again augment what should be a state expenditure with local government stepping in to pick up personnel expense that are supposed to be state employees, funded by the state. He would have supported one additional deputy, but not additional administrative personnel.

Mr. Boyd asked if his decision was based on not seeing the need, or just not agreeing that the county should pay for it.

Mr. Rooker replied that they went through this during the budget process, and he did not agree that the county should supplement entirely the sheriff's department for two additional personnel. He sees the need for an additional deputy, but doesn't see that this rises above other unfunded items, including requests from emergency services.)

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Item No. 6.9. Revisions to Petty Cash Resolution.

Virginia Code Section 15.2-1229, provides that the County may establish, by resolution, petty cash funds not to exceed \$5,000 each to be used to transact its daily County business. A Resolution was approved by the Board on July 7, 2004 for the establishment of these petty cash funds. At this time, staff is recommending revisions to two of the amounts listed in the resolution approved last year:

- Eliminate the Planning Department's petty cash fund of \$25.
- Increase the Commonwealth's Attorney's petty cash fund from \$100 to \$300.

These requested revisions align the petty cash funds to a more effective use for these departments.

Staff recommends that the Board adopt the attached Resolution to establish petty cash funds.

**By the above-recorded vote, the Board adopted the following Resolution to establish petty cash funds:**

**RESOLUTION**

**WHEREAS**, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

**WHEREAS**, the Board of Supervisors adopted a Resolution on July 7, 2004 establishing petty cash funds; and

**WHEREAS**, the Board of Supervisors now desires to amend and reestablish certain petty cash funds for the above stated purpose.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia establishes the following petty cash funds:

Finance Department	\$ 3,350.00
Social Services	200.00
Police Department	1,800.00
Sheriff's Department	100.00
Fire and Rescue	150.00
Commonwealth's Attorney	300.00
Parks & Recreation	<u>100.00</u>
Total	<u>\$ 6,000.00</u>

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Item No. 6.10. Revisions to Personnel Policy P-02.

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: Definition of Employee Status (P-02).

The definition of full-time employment has been revised to reflect a change to certain full-time employees in the Department of Social Services. As a result of cuts in federal funding, a number of employees in the Bright Stars and Family Support Programs were affected. In order to avoid eliminating any positions, the Department, assisted by Human Resources, is proposing to allow these employees to work less than 40 hours per week and still be considered full-time. This change requires amending the definition of full-time employment in the policy to allow for that flexibility.

In addition, the proposed changes also outline the hours per day that local government employees work based on the type of position. The hours of work for certain fire-rescue employees has been revised to reflect changes in that department. When Fire-Rescue changed staffing in the field to reflect that a minimum of three (3) personnel would be on duty Monday through Friday, it caused a change in the schedule for these employees from a 50 hour week to a 48 (2600/year to 2496/year). This change occurred after Fire-Rescue was approved for the additional positions required to make the change.

Restructuring the DSS positions from a 40-hour week to 37.5 hours will save approximately \$42,000 to help offset the projected FY06 shortfall in the Family Support Program.

Staff recommends adoption of the attached Resolution, which will approve the proposed changes to personnel policy P-02.

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: Definition of Employee Status (P-02).

The definition of full-time employment has been revised to reflect a change to certain full-time employees in the Department of Social Services. As a result of cuts in federal funding, a number of employees in the Bright Stars and Family Support Programs were affected. In order to avoid eliminating any positions, the Department, assisted by Human Resources, is proposing to allow these employees to work less than 40 hours per week and still be considered full-time. This change requires amending the definition of full-time employment in the policy to allow for that flexibility.

In addition, the proposed changes also outline the hours per day that local government employees work based on the type of position. The hours of work for certain fire-rescue employees has been revised to reflect changes in that department. When Fire-Rescue changed staffing in the field to reflect that a minimum of three (3) personnel would be on duty Monday through Friday, it caused a change in the schedule for these employees from a 50 hour week to a 48 (2600/year to 2496/year). This change occurred after Fire-Rescue was approved for the additional positions required to make the change.

Restructuring the DSS positions from a 40-hour week to 37.5 hours will save approximately \$42,000 to help offset the projected FY06 shortfall in the Family Support Program.

(Ms. Thomas suggested discussion this item further, noting that it means cutting positions from 40 hours to 37.5 hours per week, keeping benefits but cutting salaries. She offered commendation for employees who are willing to stay in those positions given the cuts.

Mr. Rooker said that it is another example of the federal government backing away from programs after they create them.)

**By the above-recorded vote, the Board adopted the following Resolution to approve proposed changes to personnel policy P-02.**

**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-02 is necessary to clarify the definitions of employee status;

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

**By Amending:**  
Section P-02 Definition of Employee Status

**Section P-02 DEFINITION OF EMPLOYEE STATUS**

The Board will maintain standard definitions of employment and will classify employees in accordance with these definitions. To aid in continuity and ease of reading, masculine pronoun will be used throughout our policies to denote both male and female employees.

### **Procedure for Compliance – Definition of Employee Status**

A. Classified Employees – A classified employee is defined as any County employee. All County employees are employees at-will and may be dismissed from employment at any time, for any reason, or for no reason. Regular full-time or part-time employees who have completed all probationary periods, and are eligible to grieve, may grieve such actions according to the grievance procedures set forth in Section P-03 of this Policy Manual.

#### **B. Definitions of Employment**

1. Regular – Employment in an approved budgeted full-time or part-time position that is meant to be part of the regular County work force. The term “permanent” shall have the same meaning as “regular” as these terms are used throughout this Policy Manual.

a. Full-Time: Employment in an established position scheduled for not less than 40 hours per normal workweek (Saturday at 12:01 a.m. to Friday at midnight)\* and 52 weeks per fiscal year. Upon prior recommendation by Human Resources and approval by the County Executive, some positions may work less than 40 hours per workweek and still be designated “Full-Time.”

b. Part-Time: Employment in an established position scheduled for less than 40 hours or other full-time schedule per subsection (a) above per normal workweek.

c. Probationary: The first six (6) months (12 months for certain positions) of employment with the County are a probationary period. This time is used by both the employee and the County to determine whether the position and the employee are suited for each other. An employee’s progress will be evaluated throughout the probationary period, as required by Section P-23 of this Policy Manual.

2. Salaried Board Members: Members of the Board of Supervisors and Planning Commission are paid an annual salary as established by county ordinance and state law.

3. Temporary: Employment that meets one or more of the following criteria:

a. Employment in a position established for a specific period of time.

b. Employment for the duration of a specific project or group of assignments.

c. Employment as a temporary in the absence of the incumbent in a position classified as full-time or part-time, as defined in Section B.1 above. This shall not include regular employees who are serving in another position on a temporary basis (see P-60).

\*NOTE: Schedules other than those noted may be established by Department Heads provided that the alternate schedules are in writing and provided to the employees and to the Department of Human Resources.

#### **C. Extent of Participation in and Eligibility for Benefits**

1. Full-Time Regular: Eligible to participate in all benefit programs.

2. Part-Time Regular: Must be at least half-time (4.0 hours per day) to be eligible to participate in prorated medical benefits, leave benefits, and applicable retirement and life insurance programs. County employees hired prior to the implementation of this policy (i.e. October, 1985) and who received benefits, will not lose such benefits.

3. Temporary: Ineligible to participate in benefits programs.

4. Salaried Board Member: Eligible to participate in all medical and dental insurance programs.

In order for a new employee to be paid by the end of the month in which they are hired, paperwork must be received in the Department of Human Resources by the 15<sup>th</sup> of the month. If the 15<sup>th</sup> falls on a weekend, paperwork must be received the workday prior to the 15<sup>th</sup>.

New employees are eligible for medical/dental insurance coverage the first of the month following the month in which they are hired. Employees are not required to pay the employee premium for that month. Employees may elect for insurance coverage to begin earlier, but not prior to the date of hire. In such cases, the employee will be responsible for the full cost of the premium (Board and employee portions), prorated based on a 30-day month. Non-benefits-eligible employees who subsequently become eligible and employees who previously declined coverage and subsequently elect coverage will be treated the same as new employees regarding coverage start date and premium payments. Medical/dental premiums are paid in advance of the month of coverage.

Except as provided under COBRA or other applicable law, medical/dental insurance coverage may continue through the end of the month following the month of termination provided all employee premiums are paid. Otherwise, coverage will cease at the end of the month of termination.

Employees who are married to another County employee will be eligible for two Board contributions toward medical/dental insurance. It is the responsibility of the employee to notify the Department of Human Resources of this situation and, upon notification, the change in contribution will be made with the next payroll. In no event will the County be responsible for retroactive payments to employees who fail to provide this notification.

- D. Continuous Service is defined as: Uninterrupted employment while a regular employee with the County of Albemarle. Continuous service is broken by termination of or resignation from employment, voluntary or involuntary.
- E. Throughout the policies, the word "Day" shall be defined as: the number of hours an employee is identified on the Employee Personnel System as working. It is not necessarily the number of hours the employee actually works per day. It is calculated by taking the number of hours the employee works per year, and dividing it by 260 (the number of days per year in the system).

Full Time	Classified (designated in subsection B(1)(a) above)	2080 hrs/year	a day = 8 hours (or as designated in subsection B(1)(a) above)
	Police Patrol	2071 hrs/year	a day = 8.1 hours
	Fire & Rescue Day Personnel	2496 hrs/year	a day = 9.6 hours
	Fire & Rescue 24-hr Personnel	2912 hrs/year	a day = 11.2 hours
Part Time	Classified	Prorated based on hrs worked	Prorated

Amended: August 7, 1996; June 2, 2004, July 7, 2004, July 6, 2005

Item No. 6.11. Alberene Road (Route 719) Child At Play Sign Request.

The residents of Alberene Road (Route 719) have submitted a petition requesting the installation of "Child At Play" signs (Attachment A-on file in the Clerk's office). There are approximately 30 homes in the vicinity of the intersection of Route 719 and Route 717, with 20-25 children residing in this area. The signs would be placed along an approximate 2,400 foot section of Route 719, from its intersection with Secretary's Sand Road (Route 717) northward to just past a hill and curve in the road. VDOT requires a resolution of support from the Board of Supervisors to install Child At Play signs.

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

1. "Child At Play" signs shall only be considered on secondary roads.  
 Alberene Road is in the Secondary Road System (Route 719).
2. The request must come from a Homeowner's Association where applicable.  
 A petition from the residents of Alberene Road is attached (Attachment A).
3. There must be child activity attraction nearby for the sign to be considered.  
 There is a concentration of approximately 30 homes at the intersection of Alberene Road (Rt. 719) and Secretary's Sand Road (Rt. 717). There are no established central child activity attractions in the area, however, due to the absence of sidewalks, children that live on this road often walk and/or ride their bicycles in the street to visit and play at other homes along the road. According to the petition, 20-25 children live on this road. Staff believes that Child At Play signs will give the necessary notice to drivers that children are potentially playing or walking in the roadway.
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 3 of the 4 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 walkways, it is staff's opinion that this request for a "Child At Play" sign has merit.

The cost to install a Child At Play sign is approximately \$125, which will be funded with the County Secondary Road maintenance funds.

Staff recommends the Board of Supervisors adopt the attached (Attachment B) resolution supporting the installation of "Child At Play" signs on Alberene Road.

**By the above-recorded vote, the Board adopted the following resolution supporting the installation of "Child At Play" signs on Alberene Road.**

**RESOLUTION TO AUTHORIZE  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
TO INSTALL CHILD AT PLAY SIGN ON  
ALBERENE ROAD**

WHEREAS, the residents of Alberene Road are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the area; and

WHEREAS, there are numerous children that live and play on Alberene Road 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 request for VDOT to install the necessary "Child at Play" signs on Alberene Road (Route 719).

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Item No. 6.12. Notice of Virginia Land Conservation Foundation Grant Award to the Acquisition of Conservation Easements (ACE) Program, **was received as information.**

(Ms. Thomas said she would like to discuss this item further, noting that Albemarle has the only TDR program in Virginia to receive state funding for the program. It's something to be proud about.

Mr. Rooker noted that the amount was \$85,433 for a Virginia Land Conservation Grant for purchase of the Henry Page property.)

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Item No. 6.13. Copy of Resolution adopted by the Rockingham County Board of Supervisors, **re: Local Real Property Taxing Authority, was received as information.**

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Item No. 6.14. Report on Homeland Security Grants, **was received as information.**

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Item No. 6.15. Copy of letter dated June 3, 2005 from John Shepherd, Manager of Zoning Administration, to Brian S. Ray, Roger W. Ray and Assoc., Inc., **re: Official Determination of Development Rights and Parcels – Tax Map 16, Parcels 7, 10, 10A1, 10A3 & 11 and Tax Map 28, Parcels 23D & 23H (property of Chapel Spring Farms Holdings, LLC) - Section 10.3.1. , was received as information.**

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Item No. 6.16. VDOT Monthly Report for July, 2005, **was received as information.**

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Item No. 6.17. Copy of memorandum dated June 27, 2005 from Thomas L. Frederick, Executive Director, Rivanna Water and Sewer Authority, to the Rivanna Water & Sewer Authority Board of Directors, **re: Community Water Supply Plan and Gannett Fleming Contract, was received as information.**

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Item No. 6.18. Copy of draft Planning Commission minutes for June 14 and June 21, 2005, **was received as information.**

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Agenda Item No. 7. Transportation Matters:

Item No. 7a. VDOT Rural Addition Policy – Eligibility to Participate.

Mr. Graham summarized the following executive summary which was forwarded to Board members. The purpose of this agenda item is to determine if the County should make revisions to the Subdivision Ordinance necessary for the County to continue participation in the Rural Addition program offered by VDOT. Under this program, up to five percent of a county's Six-Year Improvement Program (SYIP) funds may be allocated to bring substandard private roads up to VDOT standards for the purpose of converting that road into a public road maintained by VDOT. Albemarle County has occasionally used this program, with recent examples being West Leigh Road and Corville Farm Road.

In May, Jim Utterback, the Charlottesville Resident Administrator for VDOT, informed the Board that VDOT has recently determined this program will only be available to counties that require private streets to be designed and constructed to VDOT standards. Staff has consulted with VDOT's Local Assistance Division on what is required to maintain program eligibility and determined this would require changes to Albemarle County's Subdivision Ordinance

In order to continue program eligibility, VDOT must find that Albemarle County requires private roads to be constructed to VDOT standards. Without that finding, local funding sources will be required if

private roads are to be upgraded and converted to public roads that are eligible for VDOT maintenance. It should be noted that even if Rural Addition funding is available, it will not fund everything that might be required for the road to become eligible for VDOT maintenance. Expenses not covered by VDOT funding include: plats for right of way or easements, utility relocations, and relocation or removal of improvements in the right of way, such as fences or mail boxes. Additionally, VDOT requires a determination that there is no speculative interest served by the use of Rural Addition funds, which can require that the property owner(s) fund that part of the road improvements.

Based on discussions with VDOT staff, County staff has determined what ordinance changes are required to maintain eligibility. Those changes are outlined and discussed in Attachment A. Staff considers it important for the Board to recognize these ordinance changes could restrict development potential in a number of circumstances. These circumstances include: increased right of way requirements for some rural area development and limitations of private street design for some Neighborhood Model forms of development. For example, staff suspects the change in requirements for three to five lot roads in the rural area could have a significant impact on the rate of rural residential development. Staff notes that many other counties have indicated they have decided against participation in the Rural Additions program because of conflicts with that county's development policies. Attachment B is a listing of Virginia Counties and their current status with regard to this program.

Staff notes that the question of allowing private streets to be built to a different standard was discussed with the Board last December. At the December 8<sup>th</sup> work session on this topic, the Board indicated a willingness to accept alternative private street standards that would promote the use of the Neighborhood Model for development. That decision was widely supported by the development community and advocates for the Neighborhood Model. At that time, VDOT had not indicated a concern with an alternative standard for private streets.

There is no loss of state funding if the County is not eligible for Rural Additions funding. The Rural Addition funding is simply an allocation of SYIP funds and competes against other County priorities for those funds. If the County was not eligible for Rural Additions funding and an improvement project could not be funded by the property owners, the County could be asked to fund those improvements. Historically, the County's policy has been that the property owners are responsible for the cost of those improvements and the use of Rural Addition funding has been limited to unique situations. Using Corville Farms Road as an example of that unique situation, that road was intended to be a public road when the subdivision was created, but the developer failed to complete the work and, given the age of the project, the County had no bond to use for completion of the road. As there was no bond for the road and many of the property owners were financially incapable of funding the road improvements, the County decided to use Rural Addition funds to complete these improvements. Staff estimates this type of situation occurs about every five years, on average, and the project typically requires about \$100,000 of improvements. Additionally, staff notes it is not unusual for the County to fund other parts of rural addition projects not covered by the SYIP. For example, with the West Leigh project, the County shared in the cost of relocating a water main that was not eligible for VDOT funding.

Finally, staff notes the County is currently supplementing VDOT transportation funding far in excess of the typical rural addition project cost. If the County continues to provide supplementary transportation funding in this manner, the use of the SYIP for rural additions is a moot point. The County could easily designate its own funding to the rural addition project and allow VDOT's SYIP funds to be used on other projects. The total designated for road funding would not be altered in this situation.

Assuming the County will continue supplementary funding for roads in the future, staff would recommend against the Subdivision Ordinance changes necessary to maintain eligibility for the Rural Additions Program. As explained above, there would be no budget impact in this circumstance and the County could continue to allow development projects to use much more effective street designs for Neighborhood Model developments.

Mr. Graham said if the Board were to discontinue supplementary funding for roads in the future, this decision could create circumstances where SYIP funds would not be available for rural additions and alternative funding sources would need to be found. Staff believes this is an acceptably small risk as it is likely the County will have increasing need for supplementary road funding in the future and the relatively small size of the infrequent rural addition project the County might undertake could be managed with little change to the CIP.

#### **Attachment A**

##### **Subdivision Ordinance Revisions Needed for Consistency with Rural Additions Policy**

**Family Divisions** - No changes needed. VDOT indicates family divisions are not required to comply with this provision.

**Rural Divisions** – No changes needed. Each lot in a rural division already has adequate frontage on an existing public road and no road construction occurs with this subdivision.

**Two Lot Subdivisions** – No changes needed. Two lot roads are not eligible for VDOT maintenance and considered a shared driveway.

**Subdivisions with Three to Five Lots** - Eliminate current private road standard and require road to be constructed to VDOT standards, the same as a subdivision with six or more lots. Staff

anticipates this would significantly increase the development costs for this type of rural subdivision and could eliminate the subdivision potential in some circumstances.

**Subdivisions with Six or More Lots** – Require all private roads to be constructed to VDOT standards.

- Mountainous terrain standards can be allowed with VDOT concurrence. Otherwise, this road must be constructed to the same standard as a public road and the need for a private road would be limited to a desire to restrict access. Staff notes that requiring these rural subdivision roads to be constructed to a non-mountainous terrain VDOT standard would significantly increase the development costs for this type of subdivision and potentially reduces the number of lots that might be developed in many circumstances.
- Apartment and townhouse streets can continue to be private streets with perpendicular parking and narrow aisles. For VDOT, these private streets are considered travel ways rather than a street. If the street has no perpendicular parking and the street functions similar to a public street, VDOT will consider it a private street and it must be designed to VDOT standards.
- Neighborhood Model private streets must be designed to VDOT standards, but the County can use the same modifications to the standards as allowed for public streets. Staff notes a set of Neighborhood Model standards acceptable to VDOT has already been developed. That said, staff anticipates that requiring all Neighborhood Model streets to satisfy this standard could reduce the flexibility desired with some projects. It is suspected that some Albemarle Place streets would not comply with this requirement and some modification to the layout could be required. At this time, it is not possible to estimate how this would impact the viability of the development.

Ms. Thomas asked if VDOT was able to distinguish between urban and rural roads. Mr. Graham responded that in VDOT's mind, it is all one entity, and the only way to distinguish would be to incorporate the urban area into a town.

Mr. Boyd asked for clarification of private roads in subdivisions. Mr. Graham explained that what this says is there cannot be private roads unless they were designed and constructed to VDOT standards. He added that the Board had previously said they were not interested in restricting the ability to create private roads that may not be to VDOT standards, such as new urbanist streets in the Neighborhood Model. Mr. Graham noted that you do not get more money from VDOT by being in the rural addition program.

Mr. Wyant asked about the mountainous terrain issue the Board had dealt with several months ago. Mr. Graham responded that VDOT would need to concur that they would have allowed a modification for mountainous terrain if the road was in the rural addition program.

Mr. Davis emphasized that VDOT doesn't want to maintain private roads if they are not built to VDOT standards.

Ms. Thomas said that there are a number of aging subdivisions, such as West Leigh, with roads that may need improvement in the near future.

Mr. Graham said the issue has come up is in rural counties where subdivisions have been built with little more than a gravel driveway, and after a number of years property owners get upset that there road does not function properly and want someone to fix it. He noted that in West Leigh, a water line had to be relocated at a cost of \$46,000 to the county.

Ms. Thomas said that if developers are allowed to build non-standard roads, the county has essentially "locked themselves out" of participating in the VDOT rural additions program.

Mr. Boyd asked if there was a significant cost difference in the building of each road type. Mr. Graham cited an example of the three to five lot private road standards in the rural areas, noting that the cost to create that as a public road could easily be double.

Ms. Thomas said that the county could do that, but they don't want to be in a situation where the VDOT standards are met in the urban situation, where alleys would not be allowed.

Mr. Graham stated that the county has great flexibility in what types of roads it will allow, but participation in the rural additions programs requires all private roads to be built to VDOT standards. He reiterated that the rural addition program does not make the pot of money available from VDOT any bigger.

Mr. Rooker said that staff's recommendation is that the Board not change the Subdivision Ordinance. Board members concurred with staff's recommendation.

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Item No. 7b. Other Transportation Matters.

Mr. Jim Utterback addressed the Board and made the following report:

Gave update on Rural Rustic Roads. Work on Allen Road is complete. Gilbert Station Road is 30 to 40 percent complete.

Talked to residency engineer in Nelson County regarding Heards Mountain Road and they are planning to complete their portion of the road next year.

No significant progress on Blenheim Road. He then provided an update on the current status of work. Ms. Thomas asked if there is any control over when the project can be finished. Mr. Utterback replied that there are measures, but he hasn't gone there yet, because it appears the contractor will finish the work. Mr. Wyant asked about requiring bonding for such roads. Mr. Utterback said he would check into that. Mr. Rooker stated that perhaps the Board should consider the appropriateness of bonding in light of discussion of private entities being able to bid on improvement of public roads.

He provided an update on the Route 743/606 signal at temporary location while construction is going on. VDOT is waiting on feedback from FAA.

Stated VDOT is working with Richmond on the Six-Year Secondary Program. They are changing the software and the format used will be different this year. It will track estimates, expenditures, and program allocations similar to the new primary road program tracking system.

Mr. Tucker commented that Mr. Utterback has been serving in the reserves over the last few weeks.

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Mr. Wyant made the following comments:

He asked about the status of the curve on Buck Mountain/Route 810. Mr. Utterback said VDOT is in the process of pavement markings and changing the sign configuration.

He mentioned a drainage issue on Buck Mountain/St. George Avenue.

In Claymont Subdivision, the surface treatment is one of the best he has seen. Asked how the pavement can be preserved. He is concerned that it is already beginning to tear up.

He asked if Mr. Utterback had heard of Ruckersville Parkway. Mr. Utterback responded he had not.

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Ms. Thomas made the following comments:

Said right-of-way for Dickerson Road is not entirely available and it is an important route to the Airport as well as an alternate for Route 29. Mr. Cilimberg said that will be discussed during review of the Six-Year Plan.

She asked if the speed limit signs could be more "official" at the Tillman Road intersection. Said no one is paying attention to "advisory" speed limit. Mr. Utterback said he talked with the traffic engineer yesterday and he is going to look at it again.

Now that Allen Road is paved, she has received a request for a posted speed limit. Mr. Utterback said a speed study will be done to see what the proper speed should be.

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Mr. Rooker made the following comments:

He asked about the Airport Road, September 2, 2005 completion date. Mr. Utterback said that is still the completion date. He added that \$4,820,177 is the amount awarded to the contractor. VDOT costs are added to that.

When Garth Road and Earlysville Road are repaved, he asked that they be paved wider to accommodate bicyclists. Mr. Utterback responded that they go out a few inches when they are paved, but the downside of that is a steeper shoulder drop-off. Mr. Rooker said it would be helpful if VDOT could look at the County's bicycle plan and try to widen the shoulders for roads that are on the bicycle plan.

Mr. Wyant pointed out that in many cases, there is not sufficient ground underneath to accommodate a wider shoulder, and cracked/broken pavement is dangerous.

Mr. Rooker cited the example of Huntington Road, where people can walk and stroll alongside that road similar to using a sidewalk.

Mr. Wyant said that if the road were wide enough, it could be striped.

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Mr. Boyd made the following comments:

He asked if Gilbert Station Road could be extended to Ashlee, another four-tenths of a mile. Mr. Utterback said "no" because of the budget and VDOT does not have any permitting to do the added project.

He asked if VDOT sent their traffic engineer out a second time to look at the Forest Lakes/CVS signal. Mr. Utterback said they did and no action was required. He will forward traffic engineer's email to Mr. Boyd. He said that they have found that there is enough time for cars to move, and if anyone gets caught in a yellow, there is 6.5 seconds to make the turn.

Asked about the status of Rocky Hollow Road request to lower speed limit. Mr. Utterback said they are still evaluating the request.

Mr. Rooker thanked Mr. Utterback for VDOT's report format; it is concise and understandable.

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Agenda Item No. 8. Discussion: Temporary Signs.

Ms. Amelia McCulley, Zoning Administrator, summarized the following executive summary which was forwarded to the Board. At the request of several Board members, staff is working on two issues related to temporary signs for the Board's consideration.

1. The first issue relates to fees charged for temporary signs. These are signs placed on private property and not in highway rights-of-way. The temporary sign permit fee presents a difficulty to non-profit organizations who are typically utilizing a sign for fundraising events (car washes, Christmas tree sales, etc.). *The question is whether this fee should be reduced or eliminated.*
2. The second issue relates to removal of signs (also typically of a temporary nature) which are unlawfully placed in the highway rights-of-way. Removal of these signs is a VDOT responsibility. *The question is whether the County should become involved in removal of these signs.*

Since the Board's last discussion of item two, staff has been unable to meet with VDOT because Jim Utterback has been away from the office for an extended period of time. Also, additional research will be needed regarding realistic approaches to consider in addressing this issue. This item will be addressed at the Board's next regularly scheduled day meeting.

When a business or a non-profit holds a temporary outdoor event and intends to use signage to advertise the event, they must first obtain a zoning compliance clearance for \$35 and a temporary sign permit for \$35. The majority of applicants for these events are commercial enterprises; however, some of these applicants are non-profit organizations. (This zoning clearance fee is not charged for certain places, such as Sam's Club and Fashion Square, who have obtained blanket approvals. If multiple signs are applied for at the same time, only one sign fee is imposed.) The \$70 combined fee is financially difficult for a non-profit to pay when they may not be clearing much income from the event, such as a car wash. Temporary signs are permitted for each establishment for a maximum of 15 days each, with a maximum of four permits per year. The most common sign violations are associated with temporary signs, with specific issues being related to: not obtaining a permit, having too many signs and erecting the sign beyond the time limits. Without a permit requirement, staff anticipates the number of signs and length of time signs are used would significantly increase.

While the Board can not waive fees without an amendment to the ordinance, on occasion, the Board has approved funding (donation) to a particular non-profit organization in the amount equal to their fees. Regarding a potential exemption for churches, as specific issues raised at a recent Board meeting, the County Attorney's office has advised that the Establishment Clause of the First Amendment to the United State Constitution does not allow the County to exempt only religious institutions. However, by ordinance amendment, the County could exempt a larger class of organizations such as non-profits. We note there are a large number of non-profit organizations and it would be difficult to distinguish between them for exemptions.

The administrative cost of determining when the permit is a valid non-profit could easily exceed the revenue recovered by the fee. There are approximately 60 temporary sign permits approved each year, generating revenue of about \$2,000. If this fee were reduced to \$10, as an example, the revenue would drop by \$1,400. While this nominal fee would not recover costs and results in a revenue loss, it still encourages people to come in to obtain a permit. Because temporary signs are so frequently involved in zoning violations, staff recommends we continue to require a sign permit.

Reducing the fee from \$35 to \$10 would ease the financial burden to groups doing fund raising, but would result in a \$1,400 decrease in revenues. While this is not a significant amount, it does help to offset some of the cost associated with enforcement of the ordinance, which ultimately helps to control excessive signage.

Staff recommends that some permit fee remain in place, as it is believed that eliminating the fee completely would result in significantly more sign violations. Staff would not recommend excluding non-profit organizations from the fees as this would prove more expensive to administer than simply reducing

all of the fees. If the Board is concerned with the cost required for temporary signs, staff recommends reducing fees for all temporary signs to \$10 and subsidizing the difference with tax dollars.

Mr. Boyd asked if the "Home for Sale" and "We Buy Houses" signs fall under this provision, and asked if they would be legal if they paid the fee. Ms. McCulley commented that those signs are usually in the right of way, and are not permitted even with a fee.

Mr. Davis asked Ms. McCulley to explain the limitations on temporary signs.

Ms. McCulley explained that temporary signs are allowed on private property four times a year for a maximum of 15 days, and are used most often by commercial operations that have sales and special events.

Mr. Boyd asked why it was a problem administratively to verify whether a company was nonprofit or not.

Mr. Davis said that there would be a large number of nonprofits, and Zoning would have to verify their Articles of Incorporation as a part of the permitting process. He thinks the Board would be looking at a long list of people that would be totally exempt from a fee. He added that exemption might lead to more abuse in people not getting permits if they felt they did not have to go through a formal process.

Mr. Rooker asked if it would be possible for people to bring in proof of nonprofit status to get a reduced fee. Ms. McCulley said that the easiest way to administer it would be to take their word for it, as applicants often fail to bring in the necessary paperwork.

Mr. Boyd commented that he is not sure how many people would really fall into a gray area.

Mr. Rooker said that he would be in favor of waiving fees for nonprofits.

Mr. Wyant said that he recalled there being a list of exempt organizations.

Mr. Davis stated that that list included state tax exempt organizations, but only three were in Albemarle County, adding that there are probably 1,000 or more nonprofits in the county.

Ms. Thomas commented that she does not think it is fair to the business community, and everyone should just pay the reduced rate.

Mr. Wyant noted that he thinks there would be more money spent in enforcing the regulation than what the fees bring in.

Mr. Davis reminded the Board that the reason for the fee was because the Board did not want to encourage temporary signs. If you wanted temporary signs to be easy, you would have a whole lot more of them. The people who are aware of the permitting process often choose not to have temporary signs because they have to go through a process that involves fees.

Mr. Wyant asked about Vacation Bible School signs, adding that it is difficult to administer in the field.

Mr. Rooker said that people know there is a process and an enforcement action if it is not followed. He emphasized the many complaints from constituents about the numerous temporary signs strewn around the county now.

In response to Mr. Boyd's question, Ms. McCulley clarified that the fee is assigned each time a sign is applied for.

Mr. Boyd said that there should be a process, and the fee should be waived for nonprofits.

Mr. Tucker noted that that move would not reduce the number of signs.

Ms. Thomas said that she is in favor of just reducing the sign cost to \$10.

Mr. Davis pointed out that non-compliance would generate a zoning violation, and there would be a civil fine.

Mr. Bowerman mentioned that the issue started because of a proliferation of temporary signs in the right of way, which the county has no jurisdiction over anyway – VDOT does.

Mr. Rooker said that this is a separate issue from the right of way signs. He suggested leaving the ordinance alone as it relates to the private property signs.

Mr. Wyant stated that he has received complaints about the fee.

Ms. Thomas commented that she gets complaints about the number of signs, not the cost.

Mr. Rooker added that there is a loophole for apartments, and when there are vacancies the signs are up constantly.

There was no further discussion on this issue.

Agenda Item No. 9. Annual Real Estate Reassessment Update.

Mr. Richard Wiggans, Director of Finance, summarized the following executive summary which was forwarded to the Board. At the May 4, 2005 meeting of the Board of Supervisors, staff discussed the recommendation to change to an annual from the current biennial reassessment process. During the discussion, the Board expressed concern about the proposed changes to the current timetable for appeals. In addition, the Board requested information concerning additional expenditures and revenues related to the change. This Executive Summary addresses these issues.

**Appeals** – Following the May 4<sup>th</sup> meeting, staff reviewed the revised timetable as presented to the Board. Staff determined that the timetable for Assessment Appeal Hearings (appeals to County staff) will not need to change. In other words, if the Board approves the change, the period for Assessment Appeal Hearings will remain from mid-January (when Reassessment Notices are mailed) to February 28<sup>th</sup>. This allows the property owner approximately six weeks for this process. However, to meet the compressed schedule that annual reassessment requires, staff has determined that the deadline for appeal to the Board of Equalization (BOE) will need to change from March 31<sup>st</sup> to March 15<sup>th</sup> if annual reassessment is approved. It is important to note that citizens are allowed to petition the BOE during the entire hearing process (beginning in mid-January), thus giving them approximately sixty days to petition the BOE.

**Expenditures** - Staff analyzed the additional expenditure costs and savings related to the change. As noted in the May 4, 2005 Executive Summary, additional costs for the program are for Salaries/Benefits (due to staff reclassifications), printing and postage of the notices on an annual basis, and the annual costs for the Board of Equalization, which total approximately \$28,000 annually. Expenditure savings will be realized by a reduction in the number of Real Estate Division vehicles, which will save approximately \$12,000 annually. Therefore, the net cost to the Division of changing from a biennial to an annual reassessment process is approximately \$16,000 annually.

**Revenues** - The chart below details the impact on total Albemarle County Real Estate Tax Revenue. The 13.0% biennial (6.5% annual) growth rate reflects the average biennial growth in value in Albemarle County over the last five reassessments.

As indicated in the column labeled "Difference", total Real Estate Tax Revenue will increase by \$6.4 million in tax year 2008 due to the change from biennial to annual reassessment effective 1/1/2008. This increase in revenue would grow to \$8.1 million in tax year 2012. The total difference over the six year period is \$21.7 million. In addition, the change to annual reassessment would impact the County's Revenue Sharing Agreement with the City of Charlottesville. The amount the County contributes to the City is based on a tax rate of 10 cents per \$100 of the total assessed property values from the tax base two years prior. Changing from a biennial to an annual reassessment would result in this contribution increasing annually. The additional contribution to the City would be approximately \$1.0 million every other year, beginning in tax year 2010. This results in a net increase in revenue over the six-year period of \$19.6 million.

**ANNUAL VS. BIENNIAL REASSESSMENT  
 IMPACT ON TOTAL REAL ESTATE TAX REVENUE**

Assumptions:

Current Value (1/05) (Billions)	\$11.7
Growth in Value - 1/05 to 1/07	13.0%
Annual Growth in Value After 1/07	6.5%
Tax Rate (per \$100)	\$0.74

Tax Year	Annual Reassessment - Tax Revenue (\$ Millions)	Biennial Reassessment - Tax Revenue (\$ Millions)	Difference (\$ Millions)	Revenue Sharing Increase (\$ Millions)	Net Increase (\$ Millions)
2008	\$104.2	\$97.8	\$6.4	*	\$6.4
2009	\$111.0	\$111.0	\$0.0	*	\$0.0
2010	\$118.2	\$111.0	\$7.2	\$1.0	\$6.2
2011	\$125.9	\$125.9	\$0.0	\$0.0	\$0.0
2012	\$134.0	\$125.9	\$8.1	\$1.1	\$7.0
2013	\$142.8	\$142.8	\$0.0	\$0.0	\$0.0
<b>TOTAL</b>	<b>\$736.1</b>	<b>\$714.4</b>	<b>\$21.7</b>	<b>\$2.1</b>	<b>\$19.6</b>

\* Real estate values used for this calculation are lagged two years. Therefore, annual reassessment, effective 1/1/08, would not impact the Revenue Sharing Agreement until Tax Year 2010.

The following chart details the impact on the owner of a median valued home in Albemarle County. The current median valued home is \$275,000. The chart indicates that the owner of a median valued home would pay \$511.29 in additional real estate taxes over the specified six-year period, beginning in tax year 2008.

**ANNUAL VS. BIENNIAL REASSESSMENT  
 IMPACT ON OWNER OF MEDIAN VALUE HOME**

Assumptions:  
 Current Value of Median Home (1/05) \$275,000  
 Growth in Value - 1/05 to 1/07 13.0%  
 Annual Growth in Value After 1/07 6.5%  
 Tax Rate (per \$100) \$0.74

Tax Year	Annual Reassessment		Biennial Reassessment		Difference
	Value of Median Home	Tax	Value of Median Home	Tax	
2008	\$330,949	\$2,449.02	\$310,750	\$2,299.55	\$149.47
2009	\$352,460	\$2,608.21	\$352,460	\$2,608.21	\$0.00
2010	\$375,370	\$2,777.74	\$352,460	\$2,608.21	\$169.53
2011	\$399,769	\$2,958.29	\$399,769	\$2,958.29	\$0.00
2012	\$425,754	\$3,150.58	\$399,769	\$2,958.29	\$192.29
2013	\$453,428	\$3,355.37	\$453,428	\$3,355.37	\$0.00
<b>TOTAL</b>		<b>\$17,299.21</b>		<b>\$16,787.92</b>	<b>\$511.29</b>

Mr. Wiggins said staff recommends the implementation of annual reassessment beginning in 2007, effective 1/1/2008.

Mr. Wyant asked how this would be handled in the "off year." Mr. Wiggins replied that January 1, 2007 would be the next reassessment, and January 1, 2008 would begin the shift to annual. He said that staff would not be able to visit every property on an annual basis, so the need for vehicles would be reduced.

Ms. Thomas predicted that one of the recommendations to come out of the discussion of Land Use tax assessment would be a requirement for staff to spend more time seeing properties firsthand, and said that the vehicle savings would probably be wiped out.

Mr. Boyd asked about how businesses would be assessed. Mr. Jeff Davis, one of the senior staff members of the tax assessment office, addressed the Board. He responded that those would need to be assessed in the same way as private businesses. Mr. Davis pointed out that that information is mailed into the tax office, as it is data driven and does not require lots of site visits.

Mr. Boyd said that he has received feedback from the business community that it is going to require much more work for them.

Mr. Rooker commented that he has filled that out before and it is not that time-consuming, adding that you are not required by law to send it in anyway.

Mr. Boyd asked what the impetus is for the change to an annual assessment.

Mr. Rooker replied that it is easier for the county to budget with yearly revenue streams, as opposed to "spiked" increases coming in every other year. He added that it is also easier on the taxpayer to deal with a one-year increase in property taxes.

Mr. Tucker pointed out that his staff has to look 18 months ahead for budgeting purposes.

Mr. Wyant commented that this shift would make it more of a "pay as you go" system.

Mr. Rooker asked if the consensus is to take this to public hearing.

Mr. Wyant said that his concerns with business taxes, cost of the changeover, etc., have been appeased by the discussion here.

Ms. Thomas stated that her concern is with tax staff doing less fieldwork, but she believes it will be taken care of although it won't really save much as stated on the vehicle usage.

Mr. Bowerman commented that it is easier to understand a one-year system, agreeing that the vehicle usage would not be a huge savings.

Mr. Larry Davis noted that the procedure is to amend sections of the county code to be effective January 1, 2007, as staff will need to begin preparing for the transition then. He recommends going forward to public hearing this fall.

Mr. Wyant pointed out that the GIS system can be used to "visit" properties without actually going to them.

By consensus the Board agreed to support staff's recommendation to proceed with implementing an annual reassessment beginning in 2007, effective 1/1/2008, and to take this issue to public hearing.

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**Note:** The Board recessed at 11:05 a.m. and reconvened at 11:19 a.m.

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(The next two agenda items were held consecutively.)

Agenda Item No. 10. **Public Hearings:**

Item No. 10a. Proposed FY 2005 Budget Amendment. (Notice of the public hearing was advertised in the Daily Progress on June 26, 2005.)

Mr. Melvin Breeden, Director of OMB, summarized the following executive summary which was forwarded to the Board. The Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Fund, E-911, School Self-Sustaining, etc.

The proposed increase of this FY 2005 Budget Amendment totals \$1,974,025.39. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

Education Fund	\$ 1,012,095.00
Education Programs/Grants	\$ 102,505.24
800 Mhz System	\$ 699,425.15
Capital Improvement Program	\$ <u>160,000.00</u>

**TOTAL ESTIMATED EXPENDITURES – All Funds \$ 1,974,025.39**

**ESTIMATED REVENUES**

Local Revenues	\$ 881,520.15
State Revenues	\$ 77,500.00
Federal Revenues	\$ 4,990.00
School Fund Balances	\$ <u>1,010,015.24</u>

**TOTAL ESTIMATED REVENUES – All Funds \$ 1,974,025.39**

The budget amendment is comprised of four (4) separate appropriations, as indicated below:

Approved June 1, 2005:

- One (1) appropriation (#2005059) in the amount of \$160,000.00 to fund a transportation study

The three new appropriations are as follows:

- Two (2) appropriations (#2005060, and #2005062) in the amounts of \$1,112,505.24 and \$2,095.00 respectively for various school programs and donations; and
- One (1) appropriation (#2005061) in the amount of \$699,425.15 for the 800 MHz Program.

A detailed description of these requests is provided on Attachment A.

The budget impact is detailed in the Discussion and in Attachment A.

Staff recommends approval of the FY 2005 Budget Amendment in the amount of \$1,974,025.39, after the public hearing, and then approval of Appropriations #2005060, #2005061, and #2005062, and to provide funds for various General Government and School programs as described below:

**Appropriation #2005060 \$1,112,505.24**

Albemarle County Public Schools received a Bicycle Safety Program Grant award from the Virginia Department of Health Center for Injury and Violence Prevention in the amount of \$4,990.00 for FY 04/05. The program will implement an interactive bicycle/helmet safety unit of study among students as part of the health and physical education curriculum. Students will participate in "on-the-bike" activities in a controlled environment to learn safety skills and behaviors that prevent bicycle related injuries and

fatalities. There is also a local fund balance in the amount of \$15.24 from FY 03/04 that may be reappropriated for FY 04/05.

The Virginia Commission for the Arts has awarded Touring Grants to Crozet Elementary in the amount of \$750.00, Greer Elementary in the amount of \$750.00, Murray Elementary in the amount of \$250.00, and Yancey Elementary in the amount of \$750.00. These grant awards will help fund a Theatre IV performance at each school.

The Virginia Department of Education has awarded Albemarle County Public Schools a Project Graduation Regional Academy Grant in the amount of \$75,000.00. This grant is a state funded non-competitive grant awarded to collaborative remedial efforts of two or more school divisions within each Superintendent's Study Group Region. Each school division will be allocated a per pupil amount based on the number of students identified. Albemarle County Public Schools is serving as the fiscal agent for this grant. Funds from the Regional Academy Grant will be used to hold the Spring Academy that will target senior students scheduled to graduate Spring 2005 who have not yet passed the SOL end-of-course exam to earn a verified credit in English: Reading, English: Writing, or Algebra I.

At the beginning of FY 04/05, the use of one-time funds was limited due to revenue uncertainties associated with the Personal Property Tax Relief Act (PPTR). Now that the Commonwealth has resolved the issues of the timing of payments to localities, one-time funds can now be finally distributed according to previous School Board decisions reached in July 2004. Significant quantities of fund balance have been held to meet obligations. These two current year obligations are \$750,000.00 to school bus replacement and \$260,000.00 to cover additional unbudgeted increases in fuel expenses. One other appropriation correction is also needed for the computer equipment replacement fund. No additional fund balance is required as sufficient transfers are budgeted within the School Fund; however, insufficient expenditure authority was initially given to this fund.

The Saint John the Baptist in the Woods Foundation is partnering with Yancey Elementary School to establish CLUB YANCEY, a place to explore the possibilities of what students can be – providing students the opportunity and the means to achieve their potential. CLUB YANCEY will be a customized program operated through the Extended Day Program with a focus on: at-school homework completion, culture and the arts, civic duty, extraordinary field trips, sports and outdoors, health and obesity, and community partnerships. CLUB YANCEY will be free of charge to 37 students, almost four times the number of students previously participating in the after school program. The Office of Instruction will need to provide funding in the amount of \$10,895 in addition to the salary supplement provided by the St. John the Baptist in the Woods Foundation.

**Appropriation #2005061** **\$699,425.15**

The original appropriation for the 800 MHz system was based on radio units needed five years ago. This additional \$699,425.15 includes current needs for the County, City of Charlottesville, University of Virginia, and the Charlottesville/Albemarle Airport, since Albemarle serves as the fiscal agent for this project. Albemarle County will fund its share of the additional costs through the use of E-911 service charges.

**Appropriation #2005062** **\$2,095.00**

Woodbrook Elementary School received a donation in the amount of \$500.00 from the State Farm Companies Foundation. This donation will be used by the School Community Group to assist with neighborhood based activities and to train parents and teachers on focus areas and to support the homework club for the students at Woodbrook Elementary School.

Murray Elementary School received donations in the amount of \$1,595.00. Amy Webb donated \$500.00, Real Estate III donated \$500.00, Tim and Erin Spencer donated \$50.00, W. Carter and Gail Hoerr donated \$25.00, Greg Leffler with State Farm donated \$100.00, Jeanne Runkle donated \$400.00 and an anonymous donation in the amount of \$20.00. These donations will be used to help with expense for the D.I. Team to compete at Global.

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Agenda Item No. 10b. Proposed FY 2006 Budget Amendment. (Notice of the public hearing was advertised in the Daily Progress on June 26, 2005.)

The Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Fund, E-911, School Self-Sustaining, etc.

The proposed increase of this FY 2006 Budget Amendment totals \$3,565,334.00. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

General Fund	\$	3,000.00
General Government Programs	\$	1,500.00
Emergency Communications Center	\$	<u>3,560,834.00</u>







	2000		0501	Est. Revenue				2,095.00		
	2000		0701	Appropriation					2,095.00	
<b>TOTAL</b>								<b>4,190.00</b>	<b>2,095.00</b>	<b>2,095.00</b>

**Motion** was then offered by Mr. Boyd to approve the FY 2006 Budget amendment in the amount of \$3,565,334.00 and to approve FY 2005 appropriations #2006001, #2006002, and #2006003, and #2006004. Ms. Thomas **seconded** the motion.

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

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

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2006001  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: Funding Save the Fireworks organization and East Rivanna Debt.**

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	1000	790000	560413	Save the Fireworks	J 1	10,000.00		
1	1000	32020	561100	E. Riv. VFD Debt	J 1	41,930.00		
1	1000	39000	565500	SPCA	J 1	2,383.00		
1	1000	950000	999990	BOS Contingency	J 1	(54,313.00)		
<b>TOTAL</b>						<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2006002  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: Emergency Communications Center FY 05/06 Appropriation**

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	4100			ECC Operations	J 1	3,560,834.00		
2	4100			Local Revenues	J 2	3,061,673.00		
2	4100			State Revenues	J 2	252,778.00		
2	4100			Federal Revenues	J 2	22,001.00		
2	4100			Use of Fund Balance	J 2	224,382.00		
	4100		0501	Est. Revenue			3,560,834.00	
	4010		0701	Appropriation				3,560,834.00
<b>TOTAL</b>						<b>7,121,668.00</b>	<b>3,560,834.00</b>	<b>3,560,834.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

APP # 2006003  
 DATE \_\_\_\_\_  
 BATCH# \_\_\_\_\_

**EXPLANATION: Fire/Rescue Donations**

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	8405	18000	181114	Donations-Fire/Rescue	J 2	3,000.00		
2	1000	51000	512008	Trs. Fr. Contribution Fd	J 2	3,000.00		

1	8405	93010	930009	Trs to General Fund	J	1	3,000.00			
1	1000	32015	561415	Car Seat Safety Program	J	1	1,000.00			
1	1000	32015	800700	ADP Equipment	J	2	2,000.00			
	8405		0501	Est. Revenue				3,000.00		
	8405		0701	Appropriation					3,000.00	
	1000		0501	Est. Revenue				3,000.00		
	1000		0701	Appropriation					3,000.00	
<b>TOTAL</b>								<b>12,000.00</b>	<b>6,000.00</b>	<b>6,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2006004  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Mental and Substance Abuse Services

					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	1660	33000	330001	Federal Revenues	J	2	1,500.00		
1	1660	53014	332104	Maint. Contract-DP	J	1	300.00		
1	1660	53014	550100	Travel/Training	J	1	525.00		
1	1660	53014	520300	Telecommunications	J	1	450.00		
1	1660	53014	600100	Office Supplies	J	1	225.00		
	4100		0501	Est. Revenue			1,500.00		
	4010		0701	Appropriation				1,500.00	
<b>TOTAL</b>							<b>3,000.00</b>	<b>1,500.00</b>	<b>1,500.00</b>

Agenda Item No. 11. Formation of Natural Heritage Committee (deferred from May 4, 2005).

Mr. Cilimberg summarized the following executive summary which was provided to Board members. In November 2001, the Board of Supervisors authorized the creation of a Biodiversity Work Group (BWG), whose charge was to begin the Biodiversity Assessment of the County called for in the Natural Resource and Cultural Assets chapter of the Comprehensive Plan, and to advise the Board on the composition of a permanent advisory committee on biodiversity issues. The BWG was made up of citizen volunteers including local naturalists, professionals in biological and environmental sciences, and experts in environmental education. On December 1, 2004, the Board accepted the report of the Biodiversity Work Group.

On March 2, 2005, the Board authorized the creation of the standing Natural Heritage Committee, a technical advisory group on biodiversity issues, as recommended by the Natural Resources and Cultural Assets chapter of the Comprehensive Plan. On May 4, 2005 (see report in Attachment A), the Board considered the attached documents needed to define and set up the Committee (now labeled as attachments B through D), but postponed action in order to get more input.

The Board asked for more time to receive input from interested parties. Following is a summary of the issues raised in e-mails from Board members (attachments F through J). These are open questions; no consensus has been reached yet.

- **Committee residence requirements:** The original proposal was to permit non-County residents to join the Committee, as the pool of applicants is relatively small. Alternative suggestions by Board members include requiring that a majority of members be County residents, or that all members be County residents (with most being representatives of specific magisterial districts).
- **Committee providing comment on selected development proposals:** At the May meeting, it was recommended that the Committee not be given this assignment until Mr. Graham had presented his report on streamlining the review process. That report was presented in June and the Board has requested additional information. Some Board members have commented that this

task should remain, while others have proposed (Attachment J) to limit this task to Board requests for information only (rather than the Committee reviewing a project at the request of staff or the Planning Commission), specifically requiring that the input not require any additional review time.

- **Committee composition:** One Board member has suggested changing the composition of the Committee from 10 to 12 experts in the technical fields listed in the Fact Sheet to 9 members (three technical experts, three landowners involved in agriculture or forestry, and three developers.) This would change the character of the proposed Committee recommended by the original Biodiversity Work Group, which is particularly intended to serve as a source of expertise
- on technical topics. The primary role of the Committee is intended to be assisting in the updating and maintaining of the Biodiversity Assessment, which would best be served by the input of an advisory committee of experts.
- **Rules of Procedure:** One Board member has proposed some changes to the Rules of Procedure, including term limits for chairs and vice-chairs, and some minor procedural clarifications.

Mr. Cilimberg said staff recommends that the Board determine what changes it desires to make to the Committee's Fact Sheet, Charge and Outline of Tasks, and Rules of Procedure, and direct staff to begin establishing the Committee based on those changes. However, staff recommends that the Board defer implementation of Task F of the committee's charge until the committee has had the opportunity to propose guidelines to the Board regarding the review of development proposals. The Board can then advise both staff and the committee regarding any protocol it may feel is necessary in the development review process.

Mr. Boyd asked at what level advice was intended to be given from this group. Mr. Cilimberg responded that the committee would provide input at the policy level as well as project review level, but not with the intent of delaying the process.

Mr. Boyd commented that there would be added staff time to deal with this committee. Mr. Cilimberg responded that the committee is spending time providing information, and staff is able to use that information. He acknowledged that there would be some staff time involved in working with the committee.

Mr. Wyant commented that there is only one individual representing each aspect of expertise serving on the committee. Mr. Cilimberg replied that that is the nature of committees, and if you had several people representing each area of expertise the group would be quite large.

Mr. Wyant said that he thought the intent was to establish a database of natural heritage features.

Mr. Rooker stated that he doesn't think each committee member will only have knowledge of one specific topic, but there will be overlap in expertise. What we're looking for now is a committee to help implement the Comprehensive Plan. He noted that there is a Biodiversity section in the Comp Plan, and having inventory is the first step in acknowledging that and responding to it.

Mr. Wyant mentioned said that he felt it would be difficult for this group to develop this inventory. Mr. Rooker said that the volunteer working group has indicated that they will be able to accomplish the inventory and will come back to the Board if they can't produce it.

Mr. Boyd commented that he had put together a list of recommendations, including his wish to have only local expertise on the committee. He suggested that there be representatives from the development community, the agribusiness community, as well as the scientific community. Mr. Boyd said that there should be a balance in the group to provide advice, which is different from just inventorying. He added that there is a lot of knowledge to be gained from the agribusiness community, not just academia. He has received comments that putting the business community on the committee would be politicizing the group, but he disagreed. He added that the Neighborhood Model had representatives on it from the Piedmont Environmental Council.

Mr. Rooker reminded Mr. Boyd that he had recommended having six people be appointed to the committee on a district basis.

Mr. Rooker said that the Neighborhood Model committee was coming up with a recommended model of development, which is quite different from the Biodiversity Committee. He emphasized that this committee's charge would be to bring forward scientific information that could not be obtained without significant cost to the public otherwise. He does not view this committee as a policy-setting committee. He views it as a committee that as contemplated in the Comprehensive Plan will develop factual and scientific information for use by the policy-makers. Mr. Rooker emphasized that appointment by district makes it look like a political committee, and the working group recommends including local landowners and citizens with interest in Biodiversity, conservation, farming and forestry, conservation-oriented urban and rural development. He suggested perhaps expanding the group to include representatives from the agribusiness and landowner communities, along with two general appointees. Mr. Rooker said that it would not be wise to get only people from Albemarle County if that expertise comes from the outside, especially if it is difficult to find someone with a specific area of interest.

Mr. Boyd commented that he hears that many committees are "unbalanced" in their representation.

Mr. Rooker responded that this is not a committee to make policy decisions. It should bring forward factual information. He added that he also does not want a few people doing all the work.

Mr. Boyd said that he wants diverse opinions, not just scientific opinions.

Ms. Thomas stated that she wants the best advice and the best knowledge, and if there are enough members on the committee to do the work it will provide that. She emphasized that where they live and what expertise they bring to the table may be quite separate issues. She does not think that we should cut ourselves off somehow from the very best advice that we get. Ms. Thomas said that there is diversity in a group such as the Planning Commission, and the Biodiversity Committee has a specific charge. She appreciates Mr. Boyd's written comments, but does not happen to agree with them.

Mr. Wyant said that he would like to have an agribusiness person serving on the committee, and would like to keep the representation local.

Mr. Bowerman commented that his sense is there seems to be more concern about what the group will say than what its composition is. We're arguing that the makeup is going to result in on sort of bias, and he thinks that is the wrong way to go about it. He added that there should be people on the committee that represents different areas and let them go to work and see what happens. We're the policy-making body. He is looking for is information that is specific from this committee to make decisions on. He is not looking for them to make decisions for the Board, but he is looking for them to provide the information. He is not afraid of a geologist giving him an opinion but also giving him a common sense opinion about something that's in forestry. He added that these technical people are cross-oriented in terms of the way they look at problems.

Mr. Boyd said that his concern lies with the balance on the committee.

Mr. Rooker stressed that we need these areas of expertise. There's some presumption that a geologist has some kind of political viewpoint, as opposed to a geologist putting together information for us on geological issues in the county. He said that the whole point of this committee is getting expertise in different areas, not putting political agendas out there.

Mr. Boyd responded that he does not think it's political to have representation from different factions in the community.

Mr. Rooker said that he is not looking for this group to evaluate biological information, but he's looking for them to put together the biological information. Whatever policy decisions are going to be made on that will be made by this body, with perhaps recommendations to the Planning Commission. He asked if there was any objection to Attachment B, if there is a slot added for agribusiness.

Mr. Boyd asked about a representative from the rural areas development community.

Ms. Thomas said there are a number of slots on that committee that could be filled with members of the community that "think out of the box." She added that the Planning Commission serves a specific function and this committee in no way takes on that role.

Mr. Rooker stated that the committee should be formed first, and the biological inventory is their initial task.

Mr. Boyd reiterated his concern that there is no plan for how this information would be used.

Ms. Thomas reminded him that that issue is to be discussed as a separate matter by the Board. Mr. Boyd said that Mr. Dorrier wanted to be present for this discussion.

Mr. Rooker stated that he spoke with Mr. Dorrier a few days ago, who at that time indicated he was fine with the recommendations as long as an agribusiness person was added.

Mr. Wyant expressed concern over the inventory portion of this committee's charge, and wondered if they would be focusing on specific sites or developing a broader scope.

Ms. Thomas responded that this group would be focused on an inventory of the entire landscape to help in the broad decision-making process.

Mr. Boyd said that it appears to him that the first step they will take will be recommending their own role.

Mr. Tucker pointed out again that Item F regarding how the information is shared and used is coming back to the Board at a different time.

Ms. Thomas said that Mr. Graham mentioned whoever is appointed is not going to know much about the development process in Albemarle County.

Mr. Rooker noted that there would need to be a separate person in every category if Attachment B is adopted.

Ms. Thomas clarified that the language says members of the committee should have expertise "in one or more of the following fields," which means that any one person could have knowledge in more than one area. Ms. Thomas pointed out that in the rural areas Comp Plan survey recently completed, 97 percent of the public said they valued the natural resources in the county, second only to education.

**Motion** was then offered by Ms. Thomas to approve the formation of the Natural Heritage Committee, following the duties, functions, and qualifications laid out in Attachment B with the addition of agribusiness as a specifically mentioned bullet, and the charge and outline of tasks be included as Attachment C, with the exclusion of Item F for future discussion. She agreed with Mr. Boyd on the ability for the group to have discussion without a quorum present. Mr. Bowerman **seconded** the motion.

Mr. Boyd said that he is going to vote against it, but this committee is not going to accomplish this as much as we'd like to think they are.

Mr. Wyant commented that he would like to ensure agribusiness is taken care of and protected.

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

AYES: Mr. Bowerman, Mr. Rooker and Ms. Thomas.

NAYS: Mr. Boyd and Mr. Wyant.

ABSENT: Mr. Dorrier.

### **NATURAL HERITAGE COMMITTEE FACT SHEET**

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

#### **TASKS:**

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

**Length of Term:** Initial appointments will include four four-year appointments, four three-year appointments, and four two-year appointments. Thereafter, appointments will be for four years.

**Frequency/Meeting Times** Monthly  
TBD

**Membership:** The Board of Supervisors shall appoint ten to twelve members. Applicants need not be County residents. However, total committee membership should consist of some County residents.

**Qualifications:** The Committee should include members with expertise or background in one or more of the following fields, to support the Committee's role as a technical advisory group:

- natural history (including those with detailed knowledge of local wildlife, plants, and other resources);
- terrestrial, aquatic, and landscape ecology;
- biological conservation and conservation planning;
- population genetics;
- forestry;
- geology and soils;
- geographic information systems for conservation;

- science education (adult and youth);
- agribusiness.

The group should also include local landowners and citizens with interests in biodiversity conservation, farming and forestry, and conservation-oriented rural and urban development. If possible, these general citizen representatives should be residents of the County.

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**Note:** Due to the lateness of the hour, the Board moved Items #12 and #13 to the afternoon agenda.)

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Agenda Item No. 14. Closed Session.

At 12:12 p.m., Mr. Boyd **moved** that the Board go into closed session pursuant to Section 2.2-37.11A of the Code of Virginia, under Subsection 1 to consider appointments to boards, committees, and commissions; under Subsection 7 to discuss with legal counsel and staff specific legal issues regarding pending litigation related to denial of a site plan, and under Subsection 7 to discuss with legal counsel the staff specific legal issues related to the collection of taxes. Mr. Wyant **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Dorrier.

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Agenda Item No. 15. Certify Closed Session.

At 2:12 p.m., Mr. Boyd **moved** that the Board certified by a recorded vote that to the best of each Board member's knowledge on the 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. Mr. Bowerman seconded the motion.

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

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

NAYS: None.

ABSENT: Mr. Dorrier.

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Agenda Item No. 16. Boards and Commissions: Vacancies/Appointments.

**Motion** was offered by Mr. Boyd, **seconded** by Mr. Bowerman, to make the following appointments:

- **REAPPOINT** Ann Mallek and Stephen McLean to ACE Committee with said terms to expire August 1, 2008.
- **REAPPOINT** John Chamales to Jail Authority with said term to expire August 6, 2008.
- **REAPPOINT** Juan Wade and Clifford Buys to Jaunt Board with said terms to expire September 30, 2008.
- **REAPPOINT** Caroline Taylor to Jordan Development Corporation with said term to expire August 13, 2006.
- **REAPPOINT** Fred W. Shields, Jr. to Land Use Tax Advisory Board with said term to expire September 1, 2007.
- **APPOINT** David Bynes to Commission on Children and Families with said term to expire June 30, 2008.

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

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

NAYS: None.

ABSENT: Mr. Dorrier.

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Agenda Item No. 17. **Public hearing** to consider the adoption of an ordinance to amend Chapter 10, Offenses--Miscellaneous, of the Albemarle County Code to prohibit any person standing on any public roadway or center median from distributing material, soliciting contributions, or selling merchandise to the occupants of motor vehicles on public roadways. (Notice of the public hearing was advertised in the Daily Progress on June 20 and June 27, 2005.)

Mr. Tucker said 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 attached 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.

Mr. Tucker said if the Board concurs with the Police Department's request, staff recommends that the attached ordinance be adopted after the public hearing.

Captain Crystal Limerick of the County Police Department addressed the Board, noting that county police have had complaints for several years regarding the growth of panhandling and soliciting from median strips. She said that police have observed them darting in and out of traffic, as they tend to congregate at the busiest intersection. Captain Limerick said that drivers and passengers have also reported feeling intimidated when aggressive tactics are used in solicitations, and have expressed concerns about safety. She added that police have also noticed trash accumulating in the areas where the panhandlers congregate, and there have been "turf battles" over where solicitors want to stand. Captain Limerick reported that the police would make contact with these people and provide them with a copy of the new ordinance prior to beginning enforcement.

Mr. Rooker asked if it would be possible to list social service agencies and how to contact them, citing a quote in the paper stating that these people often do not know where to go to get the relief that they need.

Captain Limerick responded that her staff does have resource sheets with every social service resource available, and they could be distributed as well. She added that some of the people are homeless, but many are not.

Mr. Boyd asked if she envisions this as a large enforcement effort initially. Captain Limerick responded that she does not, as the panhandlers are not out all the time. She is hoping that educating them will prevent it before enforcement needs to step in.

Mr. Rooker noted that there are about 10 intersections that could be targeted. Captain Limerick agreed.

Mr. Bowerman asked if this prevents public safety agencies from raising money in this fashion. Captain Limerick responded that the ordinance and enabling legislation provide areas where you can solicit legally and not be in violation of the ordinance.

Mr. Davis added that it would prevent anyone from going into the roadway and collecting money.

Captain Limerick said that this is not a major concern with fire departments and others, as they have expressed to her their desire to do things by the book and not cause traffic problems.

Mr. Boyd asked about students with car wash signs. Mr. Davis replied that as long as they are off the road, it is not restricted. The enabling legislation only allows restriction in the roadway, which is the portion of the road used for vehicular travel, exclusive of the shoulder.

Mr. Rooker noted that most panhandlers come into the right-of-way. Captain Limerick mentioned that they often choose the median so they can be on the driver's side.

Mr. Boyd said that his only concern was infringement on the right to free speech. Captain Limerick responded that that would be allowed, as long as it's not in the roadway.

Mr. Davis said that these activities are permitted on the sidewalk, just not in the roadway.

Mr. Rooker noted that the legislation is aimed at providing safety on the roadways.

Public comment was invited.

Mr. Raymond Klein, Executive Director of Love in the Name of Christ – a ministry designed to help the poor and needy, addressed the Board. Mr. Klein said that the Charlottesville community has always given benevolent funds, but those funds are limited. He said that there are alternatives to panhandling, but many of those people do not seek them for a number of reasons. Mr. Klein said that the funds

solicited on the roads are tax-free and are not tracked for how they are used. He just does not like to see money that could go to legitimate, verifiable needs go to these different sources.

There being no other public comments, the public hearing was closed.

Mr. Rooker introduced Delegate Rob Bell, who introduced the legislation at the state level and was present at the meeting.

Mr. Boyd offered **motion** to adopt an ordinance to amend Chapter 10, Offenses--Miscellaneous, of the Albemarle County Code to prohibit any person standing on any public roadway or center median from distributing material, soliciting contributions, or selling merchandise to the occupants of motor vehicles on public roadways. Mr. Wyant **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Dorrier.

#### **ORDINANCE NO. 05-10(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, OFFENSES--MISCELLANEOUS, 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 10, Offenses--Miscellaneous, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

**By Adding:**

Sec. 10-123 Prohibited Activities on Public Roadways and Medians

#### **CHAPTER 10. OFFENSES – MISCELLANEOUS**

\* \* \* \* \*

#### **Sec. 10-123 Prohibited Activities on Public Roadways and Medians**

A. Definitions:

*Roadway.* As used in this section, the term “roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

*Center Median.* As used in this section, the term “center median” means any area in the middle of any roadway, designed to provide a barrier to keep traffic on one side of the road from going to the other side of the road. A center median may be a raised concrete strip or a grass strip.

*Selling, offering for sale, advertising, soliciting, distributing or distribute.* As used in this section, “selling, offering for sale, advertising, soliciting, distributing or distribute” means any such activity which involves the delivery of any document, publication or other item or the intent to deliver any document, publication or other item to any occupant of a motor vehicle located on a county roadway or any such activity which involves the receipt of any money or any item or the intent to receive any money or any item from the occupant of an automobile located on a county roadway, other than a motor vehicle parked in a designated parking space.

B. 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 drivers of motor vehicles or passengers therein on any roadway or median within the county.

2. Solicit contributions of any nature from the drivers of motor vehicles or passengers therein on any roadway or median within the county.

3. Sell or attempt to sell merchandise to the drivers of motor vehicles or passengers therein on any roadway or median within the county.

C. Any person, firm, organization, or corporation violating any provision of this section shall be guilty of a traffic infraction, punishable as provided under state law. Each separate incident may be considered a new violation.

**State Law References:** Authority to enact section, Code of Virginia, section 46.2-931.

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Agenda Item No. 18. **SP-2005-007. The Garden Barn (Signs #28&29). Public hearing** on a request to allow farm sales in accord w/Sec 10.2.2(45) of the Zoning Ord which allows for farm sales. TM 21, P 5B1, contains 30.754 acs (of which 3 acs are included in this request). Znd RA. Loc at 5625 Spring Hill Rd (Rt 606), approx 1,500 feet W of its intersect w/Seminole Trail (Rt 29). White Hall Dist. (Notice of the public hearing was advertised in the Daily Progress on June 20 and June 27, 2005.)

Mr. Cilimberg reported that the proposal is to start a farm sales operation on a 30-acre parcel in the rural area in the northern part of the county selling agricultural and horticultural products. He explained that the sales area would be located in an existing shed with a small attached greenhouse. Mr. Cilimberg said that farm sales operations are typical land use in the rural areas, and this use is not expected to be a detriment to adjacent properties. He added that the activity is in harmony with by-right uses in the rural area district and is supportive agriculture.

Mr. Cilimberg noted that VDOT commented that the entrance would need to be improved and have made recommendations about that as well as tree cutting and trimming to provide adequate site distance. He said that staff has recommended approval with two conditions plus the Planning Commission recommended a condition regarding a limitation on the hours of operation. Mr. Cilimberg clarified that there is a recommendation for approval with three conditions.

Ms. Thomas asked about signage, noting that the applicant's property is not on an Entrance Corridor.

Mr. Cilimberg said that the applicant would address that, and in response to Mr. Wyant's question noted that the waivers will be acted upon by the Planning Commission.

The Chairman opened the public hearing and asked the applicant for comments.

The applicant, Ms. Carmichael addressed the Board. She said that she would like to have a sign where the entrance would be located.

Mr. Davis said that it is possible for her to have a directional sign, but she would need to consult with the Zoning Administrator on that issue.

Ms. Carmichael said that it will be a lovely business and will naturally draw people to it.

Mr. Lee Estes addressed the Board, noting that he and his mother sold the property 50 years ago. He has spoken with three adjacent property owners, and they are all in favor of the application. Mr. Estes said that the applicant has been a wonderful neighbor who has served the area well. He mentioned that he is a trustee of Spring Hill Baptist Church, which is adjacent to the property.

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

Mr. Wyant **moved** for approval of SP 2005-007 with conditions as recommended by the Planning Commission. Ms. Thomas **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Dorrier.

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

1. The site shall be developed, and the farms sales use conducted, in general accord with the preliminary schematic plan entitled "Garden Barn Application Plan SP-2005-7," prepared by Gabriele Kleinmichel, and dated 3/29/05;
2. The applicant shall make the entrance improvements specified in a letter from VDOT Assistant Resident Engineer Charles C. Proctor III dated 3/24/05 (excluding the requirement for a site plan showing the proposed improvements); and
3. Hours of operation each day shall be between 5:00 a.m. and 9:00 p.m.

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Agenda Item No. 19. **SP-2005-009. Cedar Hill Mobile Home Park Re-approval of Special Use Permit to Expand Existing Mobile Home Park (Sign #32). Public hearing** on a request for re-approval of an expansion of an existing Mobile Home Park from 77 lots to 109 lots (SP-03-06) in accord w/Sec 15.2.2.14 of the Zoning Ord which allows for mobile home subdivisions. TM 32, P 22I, contains 25.95 acs. 21.13 acs of the property are znd R-4 & the remaining 4.82 acs are znd LI. Property also znd EC. Loc at 2073 Cypress Dr, approx one quarter mile S of intersec of Rt 29 & N Park Rd. Rio Dist. (Notice of the public hearing was advertised in the Daily Progress on June 20 and June 27, 2005.)

Mr. Cilimberg said that this request is for re-approval of the special use permit originally granted under SP-2003-006 that allowed a 32-lot expansion of the Cedar Hill Mobile Home Park, as the applicant has not been able to initiate that special use permit. Staff reviewed the previously approved plan and found that there have been no regulatory changes that will affect this project since it was approved in

2003, and found no change in circumstance that would adversely affect the request. Mr. Cilimberg noted that the re-approval of the special permit would result in an extension for two more years, which is what the applicant has requested.

He added that staff recommends approval with four conditions that were originally part of the first special use permit. Mr. Cilimberg noted that there were an extensive number of modifications and waivers addressed by the Planning Commission, but those are not before the Board.

The Chairman asked the applicant for comments.

The applicant, Ray Beard, addressed the Board, stating that he has owned the park since 1979. He said that after the last approval he was not able to move forward with the plan, but he believes that lingering issues have been worked out and he would like to proceed now.

Mr. Wyant asked if there was natural gas available on the site.

Mr. Beard replied that he does not believe the line runs that far out, and he has not been contacted by the gas company to put it in.

Public comment was invited. None was offered and the matter was placed before the Board.

Mr. Bowerman **moved** approval of SP 2005-009 subject to the four conditions recommended by the Planning Commission. Mr. Wyant **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Dorrier.

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

1. Pending the satisfaction of all conditions of approval for the special use permit and modifications and waivers, a maximum of thirty-two (32) new mobile home lots shall be allowed in the mobile home park. Those new lots shall be arranged generally in the areas and configuration shown on the application plan, dated January 27, 2003;
2. No mobile home units shall be relocated or installed, nor shall any new construction activity take place in the expanded area as illustrated on the application plan dated January 27, 2003 until after a site plan has been approved. No change in unit location shall occur on the existing or expanded areas without a site plan approval;
3. A landscape plan shall be submitted for review with the required site plan; and
4. The stormwater and utility improvements illustrated on the application plan dated January 27, 2003 may be adjusted as approved by the agent on the final site plan if the agent determines the adjustments to be more site sensitive, environmentally sensitive, visually sensitive, and less obtrusive method to achieve the same results.

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Agenda Item No. 20. **Additions to the Moorman's River Agricultural/Forestal District. Public hearing** on an Ordinance to amend Sec 3-222, Moorman's River Agricultural & Forestal District, of Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code. The proposed ordinance would add TMPs 29-15C, 29-85 & 41-15A to the district. White Hall Dist. (Notice of the public hearing was advertised in the Daily Progress on June 20 and June 27, 2005.)

Mr. Cilimberg reported that the district was created originally in 1986 and included over 8,000 acres at that time. There are now 10,500 acres in that district and this request is to add three additional parcels – 60 acres, 22 acres, and 37 acres – all of which contain agricultural and forestry uses according to county records. He noted that the addition has been recommended for approval by staff, the Agricultural/Forestal District Advisory Committee, and the Planning Commission.

Public comment was invited. None was offered, and the matter was placed before the Board.

Mr. Wyant **moved** to adopt Ordinance 2005-3 (2) for the additions to the Agricultural and Forestal District. Mr. Boyd **seconded** the motion.

Ms. Thomas asked if letters were still written to landowners thanking them for their addition to the district. Staff responded that they did, and they would.

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

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

**ORDINANCE NO. 05-3(2)**

AN ORDINANCE TO AMEND AND REORDAIN ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 3-222, Moorman's River Agricultural and Forestal District, as follows:

**ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE**

**DIVISION 2. DISTRICTS**

**Sec. 3-222 Moorman's River Agricultural and Forestal District.**

The district known as the "Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 17A, 17C, 18, 23B, 23B1, 30, 30A, 30B 32B, 32D, 34B, 35, 35B, 37, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8H, 8J, 8K, 9, 10, 15C, 40B, 40C, 40D, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69D, 69F, 70A, 70B, 70C, 70F, 70F1, 70G, 70H1, 70K, 70L, 70M, 71, 71A, 73B, 74A, 76, 78, 79C, 80, 84, 85; tax map 30, parcels 10, 10A, 12, 12C, 12D, 17A, 18E; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 41C, 41H, 44, 50, 67, 67B, 68, 70, 72, 72B, 72C, 72D, 89; tax map 42, parcels 5, 6, 6B, 7, 8, 8A, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 42B, 43, 43A, 44; tax map 43, parcels 1, 3, 3A, 3C, 3D, 4C, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30D, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 43A1, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G; tax map 59, parcels 32, 32A, 34, 35, 82A. This district, created on December 17, 1986 for not more than ten years and last reviewed on December 1, 2004, shall be next reviewed prior to December 1, 2014.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 04-3(2), 7-6-05)

Agenda Item No. 12. Rural Area Comprehensive Plan Implementation.

Mr. Cilimberg summarized the following report which was forwarded to Board members. On March 2, 2005, the Board reviewed the major steps needed to implement the strategies contained in the RA Plan. The initial implementation discussion included the review of key implementation categories (Attachment A of the Attached March 2, 2005, Executive Summary). In summary, the recommended schedule for RA implementation in March was as follows:

- Phasing of Development (time release) – April 2005 – April 2006 (to Planning Commission)
- Mandatory Rural Preservation Developments – April 2006 – April 2007 (to Planning Commission)
- Dedicated and Increased Funding for ACE – Board funds in FY 2006-07
- Create RA Support Program Position – Board funds in FY 2006-07
- Crossroads Communities/Alternative Uses in RA – April 2007- April 2009 (to Planning Commission)
- Review of Use Value Taxation Program – TBD
- Pursue Voluntary Donation of Conservation Easements – Somewhat underway
- Track and Monitor Conservation Easements – Begin July, 2005
- Rural Rustic Roads as Alternative – Underway
- Research TDR Programs and Support TDR Legislation – Next General Assembly
- Implement Mountain Overlay District – Consideration underway
- Amend Code for Tours of National and State Registered Historic Sites/Buildings – Consideration underway

This schedule was developed to reflect the expected timeframes to undertake each item in consideration of level of staffing, the expected scope of work on each item and other work program expectations over the coming four years. Major projects the Rural Area Planning staff will be working on over the next year are listed below (some of these are underway now):

- Staffing the Mountain Overlay District (MOD) committee and undertaking the recommendations of the committee (dependent on when they are completed and subsequent Board decision);
- Update of the Natural Resources and Cultural Assets chapter of the Comprehensive Plan (beginning in July 2005);
- Review for adjustments to ACSA Jurisdictional Areas in the Rural Area (Board request - complete by end of 2<sup>nd</sup> quarter of FY06);

- Zoning text amendment to address permitting temporary farm worker housing as a use in the RA district (recent application made to the County);
- Other Rural Area implementation steps:
  - begin work on mandatory RPD/clustering ZTA in 3<sup>rd</sup> quarter of FY 06;
  - preparation of FY07 budget submittal information for increased ACE funding and RA Support (must be prepared in 2<sup>nd</sup> quarter of FY06);
- Ongoing assignments:
  - development review projects (primarily Special Use Permits) and ACSA JA amendment requests;
  - staffing of Public Recreation Facilities Authority, Ag/Forest District Advisory Committee, ACE Committee and the Natural Heritage Committee (once established), including continued development of natural heritage database.

At its March 2<sup>nd</sup> meeting, the Board expressed concern over the length of time needed to complete implementation of the zoning text amendments, particularly the mandatory RPD's/clustering (the second of two priorities for implementation). The Board requested that staff provide further information on alternative means to expedite the text amendments.

The recommended approach to implementing the ordinance amendments is to work on the highest priority, text amendments for phasing, first. Once the text amendments for phasing are substantially complete, staff would then begin work on the mandatory RPD/clustering text amendments. Staff is now in the early stages of working on the phasing text amendment.

To address the Board's interest in expediting the ZTA process for the mandatory RPD/clustering provisions, it will require either augmenting current staff resources or a much-abbreviated public involvement process. There are three common approaches to augmenting resources: 1) contract for consultant services to provide particular deliverables; 2) contract for additional staff on a temporary basis specifically to complete the text amendments; or 3) hire additional full-time staff which would require funding a new position within Community Development.

Of these approaches, staff opinion is that the better alternative(s) are to augment staff through either Options 1 or 2. Option 3 (new permanent staff) does not seem justified for the zoning ordinance amendment work which is a specific task. Staff believes the mandatory RPD / clustering text amendment will likely be controversial and require a lengthy public process for concerns to be raised and addressed. Assuming staff follows the typical processes of public involvement, the additional resources allow work to start sooner, but those resources will not appreciably shorten the time spent on the effort. Staff anticipates the ordinance change will still take up to 12 months to get to the Planning Commission even with these additional resources. The primary benefit of the additional resources will be in the ability to begin work on the text amendments sooner than anticipated with existing staff. With the additional resources described above, and the expected scope of the work, staff anticipates being able to begin work on the clustering provisions within the next 3 to 6 months, depending on how quickly funding is made available and how quick/successful the procurement or hiring process is; therefore, a fairly conservative estimate of the time savings from staff's original schedule is approximately 6 months, allowing for delivery to the Planning Commission by October, 2006.

Alternatively, if the Board supports staff bringing forward an ordinance amendment by relying on similar ordinances found in other localities and without the standard ZTA public involvement process at the staff level (multiple focused roundtables), the delivery time can be reduced to months. Using the above estimate of 3 to 6 months to have the resources in place, it could be possible to have Planning Commission work sessions on the ordinance amendment by late 2005 or early 2006 in that situation. However, if staff is correct in anticipating this will be a controversial proposal, that shortened delivery time might not result in an appreciable quicker time to adoption and could result in antagonizing groups of citizens though the lack of public involvement.

As noted above, staff has based its timeframe estimates, in part, on an anticipated scope of work. However, the Board may benefit from seeing staff's proposed amendment focus points before committing additional resources to this work. It may be that the Board would provide different direction to staff that could change the timeframe necessary to undertake the work. (The Planning Commission could also be invited to participate in providing feedback and guidance.) As an example, one option that could shorten the timeline would be to exclude family divisions from phasing requirements. However, if there is no concurrent amendment to the ordinance that would lengthen the time that properties subdivided by family division must stay within the family, the Board may believe that abuse of family divisions could be a consequence. Also having to address family divisions would not allow the timeline to be shortened.

The Board may also benefit if staff were to provide more information related to the impact of the phasing ordinance on the upcoming clustering ordinance provisions. This would help articulate issues and impacts of undertaking the development of the ordinances separately or together.

It is estimated that a minimum of \$60,000 will be needed if additional temporary staff support/consultant is hired to expedite this project. That cost anticipates a senior planner equivalent working one-half time on the project for 12 months, then passing the work to existing staff as the phasing text amendment is completed. The cost of using consultant services is anticipated to be roughly one and one-half times the cost of permanent staff and this estimate also allows for incidental expenses. If the project proves to be more controversial than anticipated and/or additional resources are needed for administrative support and legal assistance, the cost estimate could double to \$120,000. The recent subdivision text amendment effort demonstrates how difficult it can be to estimate the time and resources for a controversial ordinance amendment.

Staff recommends that the Board delay making a decision on commitment of resources until it has received further information from staff in September regarding the scope and impact of the amendment work. Staff also recommends that the Board consider inviting the Planning Commission to this presentation to assist in providing feedback and guidance.

If the Board still desires to advance the mandatory RPD/clustering zoning ordinance amendment as quickly as possible, staff recommends that the Board approve up to \$120,000 in funding for the procurement or hiring of additional resources.

Mr. Rooker suggested getting copies of other localities' ordinances so as not to re-invent the wheel. Mr. Cilimberg replied that staff has already begun doing that.

Mr. Boyd asked how postponing a decision until September would affect the work being done towards streamlining the development process.

Mr. Graham responded that staff is planning to come back in August with the six items the Board asked them to investigate, and lay out the pros and cons with each of them. That information is not developed enough to be able to present it at this time, but staff could present a report on it. Mr. Graham noted that the range of expertise on the ordinance amendments tends to be very broad, and it's hard to have a real group.

Mr. Wyant said that it is difficult to locate information and assimilate it, and wondered if there is a staff person responsible for bringing it together.

Mr. Boyd said that the term research and development is appropriate, as that is necessary to move the process forward.

Mr. Tucker pointed out that most planners have a background in research, and if a planner has been assigned a particular task, they know they have to do a certain amount of research before it can be brought forward.

Mr. Boyd stated that if there were a focused group working on that information-gathering, it might be done more quickly and efficiently. Mr. Cilimberg responded that there is not a reserve staff available to do that.

Ms. Thomas asked what staff's expectations from the Board are today. What can we do to be helpful today? Mr. Cilimberg replied that the firm decisions would be expected in September, not at this meeting.

Mr. Rooker noted that there is a provision in what is presented today for \$120,000 in additional resources. He agreed that having a joint meeting with the Planning Commission would be extremely helpful.

Mr. Boyd commented that phasing is low on his priority list.

Ms. Thomas responded that we have agreed to that all along. We agreed to it when the Board adopted the Comprehensive Plan, and we agreed to it about three months ago when the Board set up a process for the staff to begin following.

Mr. Davis commented that there was a work plan from Community Development staff that provided a timeline as to which projects would be advanced and in what order. He believes that was approved by the Board after some discussion.

Mr. Rooker pointed out that the information in Attachment A was brought to the Board back in March, at which time they discussed dismay at items not moving more quickly. He would like to see phasing and Rural Preservation Developments move forward quickly. He thinks what we're seeing right now is the rural areas as we know them gradually disappearing.

Ms. Thomas stated that as a community, we decided we didn't want to tackle rezoning in the rural area. We wanted everyone to preserve their development rights. And the way to do that and have any chance of saving the rural area from the 52,000 that are on line that could go there without any zoning action was to do the phasing, which has been proven in other areas to keep out the outside speculators, and the clustering. She added that she is not a 100 percent fan of some aspects of that, but that is what we agreed to do when we adopted the Comprehensive Plan.

Mr. Boyd said that he would have to look at the minutes, as he does not recall supporting phasing, noting that there is just as much evidence on the other side of the argument. He added that it might be county policy on development in the urban ring that forces development into the rural areas. He is afraid we're working in the wrong direction with it.

Mr. Rooker stated that the Neighborhood Model attempts to make sure that the development areas are attractive places to be so that people want to live there, which increases demand to live in those areas, which then makes it viable for a developer to develop more intensely. He said that one of the most successful developments around is Old Trail, which is a Neighborhood Model development that could have as many as 2,200 homes. That is a strategy that is working, and will work over time. The Neighborhood Model – we're just now seeing developments coming forward incorporating those principles.

Mr. Wyant said that the Old Trail developers feel it has taken a long time, and that is one example of why the streamlining is important.

Mr. Boyd commented that the developers feel like it has taken forever to get the process going.

Ms. Thomas said that if VDOT would approve some bridges, that would certainly speed it up.

In response to Mr. Wyant's question, Mr. Cilimberg responded that the target for the Rural Areas Comp Plan is to go to the Planning Commission in April 2006.

Mr. Rooker asked if it was possible to have the Land Use Tax Advisory Committee begin looking at some of the issues related to this matter now. He would like to move it forward more quickly, and make sure that it doesn't have to go back to that committee after the Board has considered it.

Mr. Tucker said that staff is fairly close to bringing that item to the Board.

Ms. Thomas commented that she believes a lot of properties will go on the market if the Land Use Taxation program is expanded. It would be better to have our phasing of development and RPDs in line before that happens.

Mr. Wyant stated that he is concerned about the Land Use Taxation being used appropriately.

Mr. Rooker said that the idea here is to have the program evaluated, with recommendations made to the Board regarding its operation, revenue, cost, etc.

Board members agreed to come back in September for a joint meeting with the Planning Commission on the Rural Areas Comp Plan matter.

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#### Agenda Item No. 13. 2006 Legislative Priorities.

Mr. Tucker summarized the following executive summary which was forwarded to the Board members. In July 2004, the Board of Supervisors approved the County's 2005 Legislative Priorities that were submitted to the Virginia Association of Counties (VACo) and the Thomas Jefferson Planning District Commission (TJPDC). In November 2004, the Board approved the TJPDC's legislative program that incorporated the County's 2005 Legislative Priorities. In December 2004, the Board met with state legislators to discuss these priorities. The General Assembly was then in session from January - April, 2005. Staff is providing this executive summary to (1) update how Albemarle's 2005 Legislative Priorities fared in the General Assembly session and (2) receive the Board's input and approval before submitting the proposed 2006 Legislative Priorities to the TJPDC and VACo.

Protect the County's Natural, Scenic and Historic Resources, Enhance the Quality of Life for all Albemarle County Citizens, Provide Effective and Efficient County services to the public in a courteous and equitable manner

For information on how the County's 2005 Legislative Priorities fared in the legislature, please see the "2005 Legislative Priorities Report" (Attachment A). The report details any action taken on priorities, an assessment of what priorities should be continued in the future and links to the final legislative reports of the TJPDC, VML and VACo.

Beyond the 2005 Legislative Priorities that are being carried forward or modified (Attachment A), the Board should be aware of several new priorities staff has proposed. The legislature may take actions that will significantly change the County's current revenue structure. Both major party gubernatorial candidates have proposed changes to the local real estate tax, Virginia localities' primary source of revenue. The legislature may also change the structure of local telecommunications taxes, including E-911 fees. Staff has proposed positions on both issues for the Board's consideration.

The General Assembly has also been charged with finding long-term funding solutions for the state's transportation needs. No new priority is proposed at this time, as the local MPO Funding Options group has yet to complete its work. The Board may wish to adopt an additional transportation priority pending this group's recommendations.

In the coming months, the Board may also receive additional recommendations for Health and Human Services priorities. County staff and the Commission on Children and Families have been working with Del. Steve Landes on several issues related to the Comprehensive Services Act. Though any priority added at a later date will not be submitted to VACo, it will still have an opportunity to be included in the TJPDC's Legislative program that the Board will approve in November.

Staff has also added a priority regarding E-911 service delivery. This year legislation will be introduced regarding certain telecommunication systems that negatively affect 911 systems. These systems (which are used by banks, universities, schools, government agencies and hotels) usually provide only a single location and telephone for 911 systems and often require an additional 9 when dialing 911. Supporting this legislation could help the County achieve its emergency services' response time standards.

Staff has considered the aforementioned issues in assembling the 2006 Legislative Priorities (Attachment B). Today, staff asks for direction on any priorities the Board wishes to add, omit or amend based on the proposed 2006 Legislative Priorities.

While there are no specific, identifiable budget impacts, the County's legislative priorities seek to ensure the state adequately funds its mandated responsibilities and not jeopardize the County's ability to implement the policies (including fiscal) that it deems necessary.

Staff recommends the Board review the attached legislative report (Attachment A) and consider if they wish to amend the proposed 2006 Legislative Priorities (Attachment B). After the Board's approval, staff will submit these to VACo and the TJPDC for consideration into their respective legislative programs. The Board may request legislation or other priorities at anytime after this date; however, in submitting priorities to VACo, now is the optimal time for consideration of any proposal.

Ms. Thomas asked about E-911 service delivery, asking for clarification of legislation related to that. Mr. Tucker responded that they are expecting the General Assembly to consider reducing the E-911 fees, which could affect service delivery and would reduce revenue.

Mr. Davis clarified that there is a reform proposed for telecommunication taxes which includes the E-911 tax, the consumer utility tax on telephone service, local telephone tax, cable franchise fees, etc. He explained that the idea is to eliminate all of those taxes and collect a flat five percent tax, and have the state redistribute that money back to localities based on the percentage on a pro-rata basis. Mr. Davis said that VML and VACO support that legislation assuming that the money is guaranteed to be put in a safe pot, and it is fairly redistributed. He said that there are a lot of kinks in that system, and staff supports it with reservation.

Ms. Thomas said that it would be naïve to think that that is ever going to work, given past history.

Mr. Davis noted that there is legislation introduced to identify the origin of 911 calls, because it makes it easier on the service provider to answer the call. He added that there is a cost associated with the technology needed to make that happen.

Mr. Rooker stated that there was a recommendation several years ago for a cable franchise for the county, but pending legislation precluded the county from moving forward at that time, and that legislation is still pending. He stated that the county should go ahead and move forward with an agreement with Comcast. It may put us in line to receive a significant increased part of the revenue than we would otherwise get. Mr. Davis said that if the county acts now, it would not be included in the Albemarle revenue pro-rata determination. Mr. Rooker responded that that was the same rationale used two and one-half years ago. Mr. Davis stated that that wasn't the only issue at the time.

Mr. Tucker noted that the money could not be used for the general fund, but would have had to be used for specific initiatives.

Mr. Rooker said that it is not clear how the localities hands would be tied if at all with respect to the expenditure of those funds. He thinks we're probably the largest county in the country that doesn't have a cable franchise, and one of the benefits would be to provide TV coverage – cable access coverage – to our meetings.

Mr. Boyd asked if there is a window of opportunity now because of the changeover to Comcast.

Mr. Rooker responded that Adelphia was in bankruptcy, but now with a new company it might be time to negotiate that franchise agreement.

Ms. Thomas said that she was convinced by a staff memo three years ago that it was not in the best interest of the community to have a franchise, but perhaps revisiting that would be a starting point to discuss whether it should be moved forward.

Mr. Davis noted that it would be "tricky" to move forward if the legislation considered this fall goes ahead without any additional revenue for the county. He suggested providing a report back to the Board as to what the status is of the legislation. Mr. Davis said that when additional services are provided through a franchise, those costs are passed onto the consumer in the form of rate increases.

Mr. Rooker said that satellite is dominating cable anyway.

Board meetings agreed to have staff bring back more information on the legislation.

Ms. Thomas offered to take information on the county's position to the VACO meeting in August.

Mr. Boyd said that he has a problem with Rockingham County's resolution against one gubernatorial candidate's position on the tax issue.

Mr. Rooker said that the question is what the appropriate time to weigh in on a proposal – after the election or during the campaign. He agrees with Rockingham's resolution, but not the timing of it, stating that a county is more effective weighing in when the item is on the table for legislation.

Ms. Thomas said that she believes the VACO Board would have to undertake some kind of educational program to citizens as a whole so the voting public knows more of what is done with local tax revenues.

Mr. Boyd stated that the right time to weigh in is after the election.

Ms. Thomas commented that the best time to “get an ear” is during the campaign, not after.

Mr. Rooker said that he does not have a problem with VACO opposing usurping local authority over tax issues, as that is a general statement, but the way this is worded weighs in on the campaign. He stated that the state revenues are up by 15.1 percent, and local revenues are predicted to be up by 8.9 percent, and probably only four percent year to date. You do have people out running for office on the problem of local taxation, when the state revenues are up in our case almost double what local revenues are up.

Mr. Rooker asked if there is anything that can be done at the grassroots level to help advance things like TDRs, local facilities improvements, impact fees, etc.

Ms. Thomas said that she made the comment to the Albemarle Education Association president that impact fees were not allowed at the local level, and she would need to contact the Virginia Education Association, and she did. Ms. Thomas cited a similar example with the Virginia Farm Bureau speaking up at the state level for impact fees.

Ms. Thomas also suggested expanding the growth management legislation recommendation to include “do no harm” language.

Mr. Rooker asked how late changes could be made to the legislation priorities.

Mr. Tucker said that VACO likes to have theirs by the end of the month, but there is no timeline that says it couldn't be submitted as better information comes along.

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Consent Agenda Item No. 6.8. Sheriff's Staffing Issue.

Mr. Tucker reported that the recommendation from the sheriff was for an additional deputy, startup costs and a half-time clerical position totaling \$61,379.00. He noted that funding just the deputy and their startup costs would come to \$46,524.

Mr. Rooker mentioned that the Board today considered \$120,000 in additional planning resources, and heard that social services staff would be taking pay cuts. The Sheriff's request was an “ad-hoc request” not recommended by staff, noting that it would be a permanent increase in the budget.

Mr. Boyd said that the Sheriff did make a good case for the need, given the county's court building situation. He added that the clerical person request was to free up officers to do their jobs and not be tied down to administrative tasks.

Mr. Rooker noted that the Albemarle Sheriff's office spends the same as Henrico on this, which is a much larger jurisdiction.

Mr. Boyd then **moved** for approval of the Sheriff's request for additional staff – a full-time deputy and part-time clerical person – as presented. Mr. Wyant **seconded** the motion.

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

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

NAYS: Mr. Rooker and Ms. Thomas.

ABSENT: Mr. Dorrier.

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Agenda Item No. 21. From the Board: Matters Not Listed on the Agenda.

Mr. Tucker presented information on the resolution of intent, from Marcia Joseph, to amend the Zoning Ordinance as it relates to allowing temporary housing facilities for farm and migrant workers.

Ms. Thomas commented that the farm economy is “strongly dependent” on labor that is only here part of the year and has had housing provided in the past. She said that for the Zoning Department to say this is not an integral part of the agricultural economy in the county surely took her “by surprise.” Ms. Thomas said that there are a lot of internship programs developed as well, not just migrant work situations.

Mr. Rooker said that he is concerned about apartments being put up in the rural areas for workers, as it could escalate into more permanent housing.

Mr. Davis stated that it is a difficult legal issue because there may be tenant housing not related to the farm operation.

Mr. Boyd expressed concern about tenant housing that might be provided year round for farm employees.

Mr. Davis said that the Community Development Department has concerns about the many different situations that might arise pursuant to work on each farm.

Mr. Wyant commented that the tenant houses are needed for workers on a farm in this area. He added that he grew up on farms with tenant houses.

Mr. Rooker questioned whether the Board wants to "achieve what sounds like a laudable social goal through land use," adding that the current restrictions in the rural areas are there for a reason. He does not know that we can necessarily associate that change with a particular kind of person, because if you allow housing of a certain kind, he does not know that you're going to be able to police who it is that uses that housing and who doesn't.

Mr. Tucker suggested that the issue could just be referred to the Planning Commission for debate instead of the Board acting on it right now, adding that the year-round housing has not been thoroughly considered yet. He said that if there are a lot of unresolved issues related to the idea.

Mr. Rooker said that it might make more sense to have the Planning Commission bring forward a resolution.

Mr. Boyd stated that there are a lot of issues here, and as long as Ms. Joseph's reimbursement of \$840 can be accomplished, it should probably go back to the Planning Commission.

Mr. Davis noted that this resolution of intent is referring only to housing for seasonal agricultural workers, limited to that scope.

Ms. Thomas said that she cannot understand why temporary farm workers facilities are not regarded as an historic and ongoing part of the agricultural economy in Albemarle County. She would be disappointed if this turns into a discussion of development in the rural areas, and hopes that it will remain a focused discussion.

Mr. Boyd said that he just wants to make sure it addresses permanent workers as well.

Mr. Tucker noted that Ms. Joseph has already made application and is trying to get reimbursement for that, which will happen as long as the Commission or Board proceed with a resolution, or she can withdraw the application and likely get the money back.

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Mr. Wyant asked if his attendance at the water meeting was the end of his responsibility.

Mr. Rooker replied that the regulators said there needed to be a pre-application meeting, and having a few representatives was easier than having the entire Board. He said that the four Board chairs had agreed to move forward with the favored option of Ragged Mountain plus a pipeline to the south fork of the Rivanna Reservoir. It has the advantages of being in the watershed solution which is what this Board has expressed a number of times it wanted to achieve. This solved one of the primary problems with [Ragged Mountain/Rivanna] as an option and would have taken a much longer period of time to fill up because it was tapping from a much smaller watershed area. He added that the water treatment capabilities are also better with this option, which was initially presented by the Nature Conservancy.

Mr. Rooker reported that there were eight regulatory agencies represented, who all felt that the option was "pretty good to take forward," except for the Army Corps of Engineers who felt it inundates more linear feet of streams than the James River option. He noted that the other agencies felt the streams were not "significantly important biological streams," but are simply gullies that wash into the reservoir, and the stream crossings made by a James River pipeline cross more significant streams. Mr. Rooker said that the Corps representative said he may be swayed with more information from Rivanna staff and consultants, adding that there will be a field trip to Ragged Mountain for the regulators to view firsthand the stream inundation issue. He added that the community supports the idea, and the boards all seem to be moving together on the issue.

Regarding John Martin's information presented at the beginning of the meeting, Ms. Thomas said that part of Tom Frederick's letter to the Board said that Rivanna staff would be working on an "updated policy statement" in coordination with Albemarle County on the Comprehensive Plan. She added that if the Board wants the nutrient reduction as part of that policy that would be appropriate guidance to give to Mr. Tucker, who represents the county on the Rivanna Board.

Mr. Tucker said that it's not just Rivanna that Mr. Martin was referring to, but all localities that have treatment plants. It's very, very costly, and Rivanna is trying to work out a balance.

Ms. Thomas stated that nutrients going downstream are going to be expensive one way or the other, and the county has an obligation to the Chesapeake Bay.

Mr. Rooker said that regulations regarding nutrients that make it to the Bay are important, but nutrients that don't make it there may be less important, and finances need to be considered.

Ms. Thomas responded that even if the nutrients don't make it to the Bay, they do make it to the James River.

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Ms. Thomas reported that she is representing the Board on a group being formed in association with the Engineering School who are looking into Albemarle groundwater, and hope to develop information on work being done that affects planning decisions. She said that they have some hefty grants and equipment available for the initiative.

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Ms. Thomas reported that the Planning District Commission had expressed concern that they were not sharing enough information with the Board. She said that Mr. Wyant would continue being the treasurer. She said that there is a task force that hopes to eradicate homelessness by the year 2012. She also said Scottsville would like to join the Commission, but that would change the makeup considerably. Ms. Thomas said that she wants to make sure that staff is weighing in on the "Greenwood Chemical Superfund Site Proposed Remedial Action Plan Summary." She added that she is not sure how staff knows which alternative is the best.

Mr. Graham replied that staff is attending and is trying to learn more about each alternative.

Mr. Rooker asked how a person buying a lot in that area knows that the soil is contaminated. Mr. Graham responded that those sites are identified, and the areas could be delineated and tested before building permits are approved.

Mr. Rooker asked if there was a way on the website to identify contaminated sites. Mr. Graham replied that there could be a link to the EPA's Superfund site.

Mr. Rooker suggested keeping it local, and not having consumers wander around the EPA site.

Mr. Wyant wondered about taking core samples and recording the results.

Mr. Davis said that there is a duty to disclose problems with a particular site, but there is nothing that the county can do to require that on a plat. He does not think that enabling legislation exists for counties to make those types of requirements on a plat.

Ms. Thomas asked how the county would carry through with the newly passed ordinance that there must be test drilling before building.

Mr. Davis responded that there is specific enabling legislation for groundwater contamination, but not just for soil. He added that there could be an adopted expanded groundwater well ordinance that says once DEQ identifies other constituents in an area, that property would have to be tested prior to issuing a building permit.

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Mr. Boyd mentioned that there is a junkyard in Cismont, and a recent public meeting brought out flaws in how the site was handled in the past by county staff. He has requested from Mr. Tucker a "post-mortem" on what went wrong so it won't happen in the future.

Mr. Rooker commented that aerial photography is very helpful in identifying these sites.

Mr. Wyant added that he has looked at aerial photos that show growth of junkyard sites prior to staff ever being made aware of the issue.

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Mr. Rooker asked if something could be done to fix the microphone system, as it is very uncomfortable to be right up on the mike to be heard. Mr. Tucker agreed to have staff look into solving the issue.

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Agenda Item No. 22. Adjourn. At 4:07 p.m., there being no further business to come before the Board, the meeting was immediately adjourned.

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Chairman

Approved by Board
Date: 11/09/2005
Initials: DM