

October 5, 2005 (Regular Day Meeting)  
(Page 1)

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 5, 2005, at 9:00 a.m., in Room 241, County Office Building on McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

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

---

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

---

Agenda Item No. 4. From the Public: Matters Not Listed on the Agenda.

Mr. Christopher Mislaw addressed the Board, stating that he wanted to address the overlot grading requirement for subdivisions, describing it as critical and long overdue. He noted that the Still Meadows home in which he and his wife reside, as well as the homes of many of his neighbors, have been impacted by grading and drainage problems. Mr. Mislaw said developers have offered agreements to give people their money back for their homes to avoid lawsuits. There needs to be some level of supervision at a broad level. He offered to provide the Board with any needed information.

---

Ms. Liz Palmer, representing the League of Women Voters, congratulated Ms. Sally Thomas on her appointment to the Chesapeake Bay Local Government Advisory Committee, a body appointed by the governors of bay area states. She noted that the committee enhances the participation of local government in the bay restoration effort by improving communication between stakeholders, by supplying technical assistance to local governments, and by providing a local government perspective on policy development within the Chesapeake Bay program. Ms. Palmer said that Ms. Thomas is one of just six elected officials in Virginia to be appointed to the committee.

---

Mr. John Martin of Free Union reported that there was a rally organized in June in Scottsville drawing about 150 people opposed to a pipeline being run from the James River to Charlottesville. He also said that there was an arrest made at Shopper's World for a person campaigning for office, adding that there needs to be a place for citizens to exercise their right to free speech.

---

Agenda Item No. 5a. Recognition: Landon Gregory Hatfield for efforts related to Raintree fire.

Mr. Rooker recognized 14 year old Landon Hatfield, a freshman at Albemarle High School, for his quick-thinking and heroic efforts in helping a woman escape a burning home on August 8, 2005. He said Mr. Hatfield helped the victim escape through a garage window from the four-alarm fire. Mr. Rooker also commended firefighters from the many stations who responded to the blaze. He asked Mr. Dan Eggleston, Director of Fire/Rescue to come forward and recognize Landon.

Mr. Eggleston thanked Landon for his selfless act of heroism that helped save a life and then presented him with a plaque.

---

Agenda Item No. 5b. Recognition: Students Make A Difference Day Proclamation.

Mr. Rooker recognized "Students Make a Difference Day" in Albemarle County to be honored on October 22, 2005. He urged fellow citizens to encourage and assist students for the benefit of the community. Mr. Rooker congratulated June Smith (of Community Engagement) and Kelly Cramer (a student at Albemarle High School) and presented them with the following proclamation:

#### **STUDENTS MAKE A DIFFERENCE DAY**

**Whereas**, the youth of our nation are its future; and

**Whereas**, working together to help others bridges the differences that separate Americans and strengthen the bonds that tie us together; and

**Whereas**, we, the American people have a tradition of philanthropy and volunteerism;  
and

**Whereas**, many of our citizens need the help of others to live happy and productive lives;  
and

**Whereas**, millions of individuals have already enhanced the lives of others on this annual day of doing good by giving where there was a need, rebuilding what had been torn down, teaching where there was a desire to learn, and inspiring those who had lost hope; and

**Whereas**, USA WEEKEND Magazine and its affiliate newspapers and The Points of Light Foundation and its affiliate volunteer centers have joined to promote an annual national day of doing good that celebrates and strengthens the spirit of volunteer service; and

**Whereas**, volunteer services is an investment in the future we all must share;

**Now, Therefore, we**, the Albemarle County Board of Supervisors, do hereby proclaim

**October 22, 2005**

**As**

**Students Make a Difference Day**

in Albemarle County, Virginia, and urge our fellow citizens to encourage and assist our students in completing projects to benefit the community.

---

Agenda Item No. 5c. Introduction of George Shadman, General Services Director.

Mr. Tucker introduced Mr. George Shadman, the County's first Director of General Services. He will help address issues of urban infrastructure in the way of regional solid waste management and water and sewer service. Mr. Tucker said Mr. Shadman's expertise will be helpful in implementing urbanization goals as well as the Neighborhood Model. He said Mr. Shadman has over 30 years of experience in public works, including 19 years in supervising operations and maintenance of public works and utilities systems. Mr. Tucker said Mr. Shadman had previously worked as Director of Public Works and Utilities for the Town of Front Royal.

Ms. Thomas offered **motion** to appoint Mr. George Shadman as General Services Director. The motion was **seconded** by Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

---

Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Boyd to approve items 6.1 through 6.6 on the Consent Agenda (see two changes in Item 6.3) and to accept the remaining items for information. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

---

Item 6.1. Approval of Minutes: September 8A, and October 6, 2004; April 6, April 18A, May 4, June 1 and June 8, 2005.

Mr. Boyd had read the minutes of September 8 (Afternoon), 2004, and found them to be in order as presented.

Mr. Boyd had read the minutes of October 6, 2004, and found them to be in order as presented.

Mr. Bowerman had read the minutes of April 6, 2005, and found them to be in order as presented.

Ms. Thomas had read the minutes of April 18 (Afternoon), 2004, and found them to be in order as presented.

Mr. Rooker had read the minutes of June 8, 2005, and found them to be in order as presented.

**By the above recorded vote, the minutes which had been read were approved. The minutes of May 4 and June 1 will go to the next meeting for approval.**

---

Item 6.2. Solomon Road (Route 1430) Watch for Child Playing Sign.

It was noted in the Executive Summary that residents of the Solomon Road neighborhood met with Mr. Rooker and requested that "Watch for Child Playing" signs be installed to warn the traveling public that children may be playing in the area. The County has criteria for reviewing such sign

installation requests. This request meets three of the four criteria. There are no central child activity attraction areas along the road (criteria 3). However, given the number of homes in the neighborhood with children and the lack of sidewalks, it is staff's opinion that this request for installation of signs has merit. The average cost to install a sign is approximately \$125. VDOT will utilize the County's secondary road maintenance funds to install the signs. Staff recommends that the Board adopt a resolution supporting installation of "Watch for Child Playing" signs on Solomon Road.

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

**RESOLUTION TO AUTHORIZE  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON  
SOLOMON ROAD**

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

**WHEREAS**, the residents of Solomon Road requested the County to take the necessary steps to have a "Watch for Child Playing" sign installed; and

**WHEREAS**, there are numerous children that live and play on Solomon Road and that a "Watch for Child Playing" sign would help alleviate some of the residents' safety 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 "Watch for Child Playing" signs on Solomon Road (Route 1430).

---

Item 6.3. Authorize staff to proceed with Eastern Connector Alignment Study.

It was noted in the Executive Summary that County and City staff has developed a draft work plan for an alignment study of the Eastern Connector. (Recent discussions by County and City officials, as well as the CHART, place a high importance on an Eastern Connector as part of the regional transportation solution.) The study will evaluate a minimum of three possible alignments for cost effectiveness, environmental impacts, impacts on private property and impacts on public property. The work plan also includes a series of public participation meetings and processes for acceptance by the Board and City Council. As proposed, this study is estimated to have a project cost of \$500,000 with a 50-50 cost share by the City and County.

As currently proposed, the project would be directed by a steering committee comprised of a City Council member, a County Board member, a planning commission member from each locality, a citizen from each locality, and two staff members from each locality. Given that the area to be studied is largely within the County, the study would be managed by County staff. Staff will ask the Board to confirm this project direction and assign members to the steering committee at a later date. The City will be considering a matching appropriation request at its meeting on October 3, and staff will advise the Board if that request is not approved.

The County's approved FY '05-06 CIP set aside \$1.0 million for undesignated transportation projects. The Eastern Connector study was one of the projects considered to be funded with this source. County staff has not been able to locate any other funding sources for this study. As this study has not yet been contracted, a 20 percent contingency for the project budget is planned. With this contingency, staff is seeking approval for a project budget of \$300,000. Today, the Board is requested to authorize staff to proceed with procuring this study using a 50-50 cost share agreement with the City and that it be allowed to expend no more than \$300,000 from the CIP for the County's share of this study.

**(Discussion:** Mr. Boyd said in the past a connector road south of Route 250 had been considered. He thinks that should be studied as an option in addition to other options in the connector study. He does not like the idea of a 20 percent contingency. Mr. Tucker said the City has allocated \$300,000 for their part of the study.

Mr. Boyd said it seems to him that \$500,000 is a lot to spend on this study since there should be information available from previous studies.

Mr. Rooker agreed with approving \$250,000, and agreed with the suggestion to include a road south of Route 250 as the primary point of congestion is right around Free Bridge. He added that previous studies have not done much to resolve the alignment issue, and expressed uncertainty as to whether that old information would be of much value.

Mr. Wyant asked if there was a target date for completion of the study. Mr. Tucker replied that staff is trying to move quickly, but it will depend on the availability of engineers, etc.

Ms. Thomas said that she was surprised to learn that the northern Free State Road connector would not even be a part of the modeling. Mr. Mark Graham, Director of Community Development, said that was viewed as an extensive addition to the modeling. He said there is uncertainty about how the "Places 29" master plan might impact crossings, etc.

Mr. Dorrier said the Lewis & Clark Exploratory Center is planned for the southern part of the area above Route 20, and that might impact traffic in that area.

Ms. Thomas agreed that it should be considered. Mr. Graham commented that each additional consideration takes more time and money.)

**By the recorded vote set out above, the Board authorized staff to proceed with procuring this study for an Eastern Connector using a 50-50 cost share agreement with the City and that it expend no more than \$250,000 from the CIP for the County's share of this study.**

Item 6.4. Resolution to accept roads in Parkside Village Subdivision, Phases 1 & 2, into the State Secondary System of Highways.

**At the request of the Community Development Department the Board adopted the following Resolution:**

### RESOLUTION

**WHEREAS**, the street(s) in **Parkside Village Subdivision, Phases 1 and 2**, described on the attached Additions Form LA-5(A) dated **October 5, 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 street(s) in **Parkside Village Subdivision, Phases 1 and 2**, as described on the attached Additions Form LA-5(A) dated **October 5, 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 LA-5(A) is:

- 1) **Hilltop Street (State Route 691)** from the intersection of Indigo Road (Route 1233) to the intersection of Sunflower Lane (Route 1296), as shown on plat recorded 10/03/2002 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2284-2415, pages 80-90 and 214-223, with a 40-foot right-of-way width, for a length of 0.11 miles.
- 2) **Hilltop Street (State Route 691)** from the intersection of Sunflower Lane (Route 1296), to the end of maintenance, as shown on plat recorded 10/03/2002 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2284-2415, pages 80-90 and 214-223, with a 40-foot right-of-way width, for a length of 0.04 miles.
- 3) **Sunflower Lane (State Route 1296)** from the intersection of Hilltop Street (Route 691) to the cul-de-sac, as shown on plat recorded 03/27/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2415, pages 214-223, with a 40-foot right-of-way width, for a length of 0.05 miles.

**Total Mileage – 0.20 miles**

Item 6.5. Adopt resolution authorizing County Executive to set Mileage Reimbursement Rate.

It was noted in the Executive Summary that it has been the practice of the County to set the reimbursement rate to match the rate authorized for Commonwealth employees. The reimbursement

rate for private vehicles used by persons while traveling on County business is currently set in the County's adopted FY '06 Annual Resolution of Appropriations at the "same rate as that established by the State of Virginia for its employees". That rate is 32.5 cents per mile and was set in the General Assembly's adopted FY '06 Appropriations Act. That rate cannot be reconsidered by the General Assembly until its next session. The current Internal Revenue Code standard rate that can be deducted as a business expense is now 48.5 cents per mile. That rate became effective September 1, 2005. The Federal government has acted to set the reimbursement rate for federal employees to match the 48.5 cents per mile rate.

Because of the significant increase in the price of gasoline since the state reimbursement rate was set, staff feels it would be timely and appropriate for the County to reexamine its reimbursement rate. Rather than have the Board set a specific rate, staff recommends that the Board authorize the County Executive to periodically set and adjust the rate to address the cost of gasoline in the currently fluctuating market. The maximum rate that could be authorized by the County Executive is the IRS rate of 48.5 cents with the caveat that for any person for which the Commonwealth bears any portion of the reimbursement expense the reimbursement is limited to the current state reimbursement rate of 32.5 cents. It is recommended that the County Executive be given the authority to set and adjust the reimbursement rate from time to time depending on the market conditions affecting the cost of travel so as to fairly reimburse persons using private vehicles while conducting County business.

Impact on the budget will be dependent upon the reimbursement rate set by the County Executive. If the maximum reimbursement rate is set, reimbursement costs could increase by approximately 50 percent. It is anticipated that the funds for these increased costs would be covered by already appropriated funds in the local government and school budgets and that no additional appropriation of funds would be necessary. Staff recommends that the Board adopt a resolution authorizing the County Executive to set and to adjust from time to time the mileage reimbursement rate or rates to reimburse any person for using a private vehicle while traveling to perform the business of the County in the discharge of their official duties.

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

**RESOLUTION TO AUTHORIZE  
COUNTY EXECUTIVE TO SET MILEAGE REIMBURSEMENT RATE**

**WHEREAS**, Virginia Code § 15.2-1508.1 authorizes a county to reimburse any person using a private vehicle while traveling on business of the county; and

**WHEREAS**, the rate of reimbursement may not exceed the standard rate that is deductible as a business expense pursuant to the Internal Revenue Code and its promulgated regulations; and

**WHEREAS**, Virginia Code § 15.2-1508.2 further restricts the maximum rate of reimbursement for those persons that the Commonwealth bears any portion of the reimbursement expense to the reimbursement rate set for the Commonwealth's employees in the Appropriations Act; and

**WHEREAS**, it has been the practice of the County to set the reimbursement rate in the Annual Resolution of Appropriations adopted by the Board in June of each year; and

**WHEREAS**, due to the dramatic increase and fluctuation of gas prices, the Board finds that greater flexibility is needed to fairly reimburse persons using private vehicles for public business; and

**WHEREAS**, the Board finds that the County Executive should have the authority to set and adjust from time to time the reimbursement rate on behalf of the Board.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to set and to adjust from time to time the mileage reimbursement rate or rates to reimburse any person for using a private vehicle while traveling to perform the business of the County in the discharge of their official duties. Such rate or rates shall not exceed the standard rate that is deductible as a business expense pursuant to the applicable Internal Revenue Code, and its promulgated regulations. In addition, for those persons for whom the Commonwealth bears any portion of the reimbursement expense, the maximum rate shall not exceed the reimbursement rate allowed by the Commonwealth of Virginia.

---

Item 6.6. Forest Lakes Traffic Calming Resolution – request to install speed humps on Powell Creek Drive.

It was noted in the Executive Summary that in January of 2005, residents of Powell Creek Drive in the Forest Lakes South subdivision contacted several State and Federal elected officials concerning

the safety of Powell Creek Drive. This information was forwarded to the local VDOT Residency office and the Department of Community Development. VDOT conducted a speed study that indicated there was a speeding problem on Powell Creek Drive. The posted speed limit on Powell Creek Drive is 25 mph, but the average speed is 34 mph. Staff met with the Forest Lakes Community Association (FLCA) to discuss the safety of pedestrians and vehicles in both Forest Lakes North and South. Staff informed the FLCA about the VDOT Traffic Calming Program so the FLCA has not requested a number of improvements to address vehicular and pedestrian safety. One of these improvements can be made under the traffic calming program (the majority of the improvements requested by the FLCA can be completed without Board approval because they are considered maintenance type improvements and/or are improvements that can be approved by VDOT administratively). The improvements that VDOT and/or the County staff will complete that do not require Board approval include:

- Paint 6-inch edge lines on Powell Creek Drive in the Forest Lakes South section, typically the edge line is four inches (VDOT has completed this improvement).
- Paint "Slow 25 MPH" on the road in large print on Powell Creek Drive near the Ashwood Boulevard intersection and the roundabout (VDOT anticipates a Fall 2005 completion date).
- Speed enforcement through Forest Lakes North and South (County Police will periodically conduct speed enforcement).
- Reduce unnecessary use of school buses on Powell Creek Drive in the Forest Lakes South section (County Pupil Transportation Department has made this a standing policy).
- Change the color of the existing "Watch for Children Playing" signs on Powell Creek Drive to fluorescent yellow-green (VDOT anticipates a Fall 2005 completion date).
- Place a yellow "Caution" sign on top of the existing speed limit signs (VDOT anticipates a Fall 2005 completion date).
- Selective trimming of hanging tree branches on Powell Creek Drive to improve sight distance (VDOT anticipates a Fall 2005 completion date).
- Installation of a flashing 15 mph school zone sign may be added on Powell Creek Drive (Route 1521) in front of the schools. (This improvement would be considered at a later time if other improvements are not effective.)

The FLCA requested two improvements that by VDOT policy require verification of support from residents directly impacted by the project. They also require endorsement of the Board. Specifically, the FLCA requested the installation of 1) speed humps; and, 2) establishment of enhanced fines for speeding (and the installation of signs notifying the traveling public of the enhanced speeding fine) on Powell Creek Drive. Speed humps are considered a traffic calming improvement. VDOT's Traffic Calming policy requires the establishment of a Task Force to discuss and recommend traffic calming improvements for the neighborhood. Staff convened a Task Force including representatives from the FLCA, County staff from the departments of Community Development, Pupil Transportation Division, Police, Fire/Rescue Office, and VDOT District and Residency offices, and a member of the Board (Ken Boyd). This Task Force has met on numerous occasions to discuss specific traffic safety concerns and the best way to address those concerns.

The Task Force determined that four speed humps should be located along Powell Creek Drive between Ashwood Boulevard and the traffic circle with installation of signs notifying the traveling public that there is an enhanced fine for speeding on Powell Creek Drive. Speed humps are a traffic calming improvement and require a petition indicating community support. Enhanced fines for speeding is not an official VDOT traffic calming improvement, but does require community support as well. The Task Force decided to consider implementing enhanced fines for speeding only after the speed humps had been installed for several months. If the speed humps are effective in reducing speeding then establishing enhanced fines (and installing enhanced speed signs) would not be necessary. This position also aligns with the Boards' policy on installation of signs notifying the traveling public of enhanced fines for speeding; signs are not to be installed until other traffic calming alternatives have been exhausted.

The FLCA was required by VDOT to obtain approval of 75 percent of the residents in the impacted area for the speed humps and the installation of signs notifying the traveling public there are enhanced fines for speeding. The FLCA was able to garner approximately 82 percent of the residents in the impacted area to support the request. Upon adoption by the Board of the Forest Lakes Traffic Calming resolution, the Task Force will work with VDOT to install the speed humps. It is possible the speed humps could be installed before winter. Once the speed humps and the other improvements bulleted above are installed, staff will monitor the traffic situation in the area to determine if enhanced fines for speeding should be pursued.

The estimated cost for each speed hump is approximately \$5,000 (\$20,000 total). The cost for the speed humps will be funded from the VDOT Six-Year Secondary Road Construction Program where funds have been allocated for traffic calming. Other improvements will be funded through VDOT maintenance funds. Staff recommends that the Board adopt the Forest Lake Traffic Calming Resolution.

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

**RESOLUTION TO SUPPORT TRAFFIC CALMING MEASURES  
IN THE FOREST LAKES SOUTH AND HOLLYMEAD SUBDIVISIONS  
ON POWELL CREEK DRIVE (ROUTE 1521)**

**WHEREAS**, speeding has been identified as a major concern with the residents of Forest Lakes and Hollymead Subdivisions; and

**WHEREAS**, the Virginia Department of Transportation has conducted a speed study in the Hollymead and Forest Lakes South Subdivisions, which confirmed that a speeding problem does exist on Powell Creek Drive (Route 1521); and

**WHEREAS**, The Forest Lakes Community Association has worked with Virginia Department of Transportation and Albemarle County staff to establish the Forest Lakes Traffic Calming Task Force, which fulfilled the requirements listed in VDOT's Traffic Calming Policy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia supports the construction of four strategically placed speed humps on Powell Creek Drive (Route 1521) that will encourage slower speeds; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia will further consider the installation of signs advising drivers of an additional maximum penalty of \$200.00 for exceeding the posted 25 MPH speed on Powell Creek Drive if the speed humps are not effective in reducing speeding; and

**BE FURTHER RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia requests the Virginia Department of Transportation to construct four speed humps on Powell Creek Drive as recommended by the Forest Lakes Traffic Calming Task Force.

---

Item 6.7. FY 2006-07 Operating Budget and FY 2006-2010/2011-2015 CIP Events Calendar.

It was noted in the Executive Summary that the process of developing the County's Operating Budget for FY 2006-07 and the Capital Improvements Plan (CIP) for FY2006-10 and Capital Needs Assessment for FY 2011-15 is underway. The proposed schedule for the upcoming budget process is sent to the Board to establish firm dates for Board meetings and public hearings on the budget and CIP, and to provide the public with as much notice as possible for planned community meetings, public hearings, and work sessions related to the budget and the CIP. Dates are identified in March and April, 2006, for public hearings on the budget, Board work sessions, and adoption of the FY 2006-07 Operating Budget, CIP, and the 2006 calendar year tax rates.

**This calendar was received for informational purposes.**

---

Item 6.8. 2006 Thomas Jefferson Planning District Commission Legislative Preliminary Draft Program, **received for information.**

---

Item 6.9. Copy of Albemarle County Service Authority Board of Directors minutes for July 21, 2005, **was received as information.**

---

Item 6.10. Copy of assessments made for the year 2005 by the State Corporation Commission of Virginia of the real and personal property of electric light and power corporations (including electric suppliers), gas and pipeline distribution corporations, telecommunications companies and water corporations, as of the beginning of the first day of January 2005, **was received as information.**

---

Item 6.11. Copy of letter dated September 21, 2005, from John Shepherd, Manager of Zoning Administration, to Edward D. Campbell, III, Roudabush, Gale and Associates, re: Official Determination of Development Rights and Parcels – Tax Map 65, Parcels 11A1 and 12B (property of Keswick Acquisitions, LLC) - Section 10.3.1, **received as information.**

---

Item 6.12. Copy of letter dated September 19, 2005, from Gerald Connolly, VACo President, regarding proposed real estate tax relief plans by candidates for Virginia Governor, **received as information.**

---

Item 6.13. Motor Vehicle Decal Program.

It was noted in the Executive Summary that County staff was informed on Tuesday, September 28, 2005 that the Charlottesville City Council is considering, at its meeting on October 3, 2005, an ordinance to eliminate vehicle decals. The following Executive Summary provides the Board of

Supervisors with information about the ordinance being considered by the City of Charlottesville, the County's Vehicle Decal Program, and other jurisdictions that have eliminated annual vehicle decals.

At its meeting on October 3, 2005, the Charlottesville City Council is considering an ordinance to eliminate its vehicle decal program effective January 1, 2006. As noted in the report accompanying the ordinance, the City would replace its vehicle decal fees with a license tax, resulting in no loss of revenue for the City. The report further states that the elimination of the decals would result in cost savings for the City of approximately \$42,000 in materials and postage fees and eliminate the impact on City staff of issuing decals, a very manual and time-intensive task.

Attached to this Executive Summary is a report (on file) prepared in March, 2005 by County staff about the County's Vehicle Decal Program. As noted in the introductory paragraph, the report reviews the vehicle decal program as currently administered by the County, discusses the program as modified by three other jurisdictions, and summarizes the major issues for consideration in analyzing the program. Also attached is a list of jurisdictions that have eliminated annual vehicle decals.

This Executive Summary and Attachments are provided for information purposes only. Staff is available to respond to Board questions.

---

Agenda Item No. 7a. Transportation Matters: Charlottesville (VDOT) Residency Report for September, 2005.

Mr. Jim Utterback, Resident Engineer, reported that VDOT has spent over \$26,000 in Albemarle this year to spray thistle and Johnson grass along Routes I-64, 250, 29, 20 and 6, adding that every stretch of guardrail has been sprayed. He reported that sidewalks around Hydraulic Road have also been sprayed within the past week, and said that next year they will take a more proactive approach. He asked Board members to work with staff or himself to identify areas that are of concern to citizens.

---

Mr. Utterback Updated the Board on the contract for secondary road line painting and markings. He mentioned that on Lynchburg Road and Garth Road there has been some new line-painting done, but since there is new paving planned, VDOT will wait before doing the edge lines. He said this has taken a little bit longer than anticipated.

---

Mr. Utterback said VDOT has awarded a contract for picking up dead carcasses from roads.

---

Mr. Utterback said the Route 649 (Airport Road improvement project) and Buck Creek bridge replacement projects are on schedule to be completed about November 1st.

---

Mr. Utterback said that district-wide bridge painting will not be complete this month; it is anticipated to be complete the first of December.

---

Ms. Thomas asked about the clean-up of the Ivy intersection. Mr. Utterback said it is still in the process. He will keep the Board members updated.

---

Mr. Utterback noted that he has had discussions with County staff about Jarmans Gap Road, and recommends that there be a public hearing on the plans in early March after the Hydraulic Road review is complete.

---

He said that the Georgetown Road project is Still on schedule for a spring Citizens' Information Meeting. The project is expected to be scoped this month.

---

Mr. Utterback said that in reference to Dickerson Road, there is an issue about right-of-way with the University Real Estate Foundation and some of their proffers.

---

Mr. Utterback noted that he had talked with County staff and there is some potential to accelerate the advertisement of the Rio Mills Road project.

---

Mr. Utterback said the Rural Rustic Road improvements for Route 640, Gilbert Station Road, should be completed by end of the month.

---

Mr. Utterback said the District Traffic Engineer is looking at the intersection of Route 29 with Austin Lane where there was an accident a couple of weeks ago. They will reevaluate or update the study again.

---

Agenda Item No. 7b. Transportation Matters: Matters not listed on the Agenda.

Mr. Wyant thanked Mr. Utterback for the work on Millington Bridge and the relocation of signs in White Hall.

Mr. Wyant asked VDOT to take a look at the bridge on Route 811 going up Jarmans Gap Road toward Greenwood.

---

Mr. Wyant asked VDOT to look at installing "blind curve" signage on Route 240 near The Meadows in Crozet. There is a problem there with sight distance.

---

Ms. Thomas said that last night some Batesville citizens met to discuss traffic calming measures for their area. A lot of ideas were generated and she thinks they will be forwarded to the Rural Technical Committee. She asked Mr. Utterback to research whether there could be speed limit signs that are unconventional (like 22 1/2 mph) to catch people's attention.

---

Ms. Thomas commented that the Dry Bridge bridge has severe potholes.

---

Mr. Rooker stated that there needs to be a "Dead End" or "No Outlet" street sign on Dunromin Road. Mr. Utterback replied that he would have staff look into that matter.

---

Mr. Utterback said regarding the drainage issue on Woodstock Drive, the Superintendent is trying to get in touch with that individual and identify some options.

---

Mr. Boyd said that he appreciates VDOT's efforts for traffic calming in Forest Lakes, and he commended Mr. Juan Wade for his work on this resolution.

---

Mr. Boyd said he has received comments concerning safety issues regarding on Doctors Crossing. Mr. Utterback said he will check the status of this road.

---

Mr. Dorrier noted that the intersection of Route 250 and the North Grounds Connector is dangerous because several lanes quickly merge into one and there is no lead time to get into the one lane. This is the new road leading to the new UVA basketball stadium.

---

Mr. Tucker asked Mr. Cilimberg to brief the Board on the Annual Primary Road Plan public hearing to be held in Culpeper later in October.

Mr. Cilimberg reported that the meeting on October 18 would include a public officials briefing about the proposed 2007-12 improvement plan. MPOs have also been invited to present their long-range transportation plans. He added that a public discussion session would follow and said that if any Board members plan on attending, they should let him know.

---

Agenda Item No. 8. Update on "Places 29", Lee Catlin.

Ms. Catlin reported that as part of the study the first task was the initial mapping and data gathering. This was done before the public meetings started and it formed the basis for the meeting on May 25. The public workshop on community visioning produced the material which has been put together and assessed by the consultant. The Planning Commission is looking at the results of that process, and two public meetings are scheduled for early November. The consultants would be refining and assessing the framework and planning concepts that have come from the public, as well as developing initial implementation strategies. In February the consultants will bring forward the preferred master plan including implementation strategies and other ideas. The final draft plan will have a public review and comment period beginning September, 2006.

Ms. Catlin said the intent of Places 29 is to bring together residents, business owners, and other interested parties to "map out" the best possible shared vision for northern Albemarle County. Places 29 is really two studies in one – the northern development area master plan which defines how to

accommodate development in northern Albemarle, and to manage growth by creating livable urban places. The U.S. 29 North Transportation Study will coordinate with the master plan to balance regional and local functions and create a circulation network to serve all modes of transportation, and to support and integrate with the master plan. Both needs will be accommodated during the same public process.

Mr. Boyd said that he has received feedback that people don't feel enough attention is being paid to interconnecting existing neighborhoods.

Ms. Catlin said the consultant and staff are very aware of this feeling. It is important for the public to know the difference between connecting roads that carry local traffic and parallel roads that carry through/truck traffic. The Citizens Planning Academy held on May 12 had over 100 attendees representing 30 to 35 neighborhoods, as well as businesses and groups from outside of the area. There were about 175 attendees at the public meeting held May 25, representing 40 to 45 neighborhoods. She added that there have been stakeholder meetings with the consultant, including neighborhood representatives, advocacy groups, business groups, the ARB, developers, etc.

Ms. Thomas asked about JABA participation in this process. Ms. Catlin indicated that JABA is part of the advocacy stakeholder group, and they have met as part of this several times.

Ms. Thomas noted that the 2020 Community Plan on Aging is a great resource for future planning.

Ms. Catlin reported that Charette #2 is taking place between October 31 and November 4. The purpose of this first meeting is to get public comment on the draft vision statement and guiding principles, then to verify the materials on assets, needs, and opportunities that the consultant has drafted. She mentioned that there would be a joint meeting with the Board, Planning Commission and consultant on Places 29 at the Board's next day meeting, followed the next evening by a public meeting. There will be stakeholder meetings that week also, with the ARB, and with a group of internal stakeholders. She noted that there is a Places 29 "A-mail" list containing a few hundred names of members.

Ms. Catlin concluded by presenting the draft vision statement and guiding principles drafted by the consultant, adding that feedback indicating a multi-modal transportation system will be the foundation for the success of this area as a thriving urban community. She said that feedback also indicated language and concepts should be about urban areas and this exercise should not get sidetracked by discussion of the rural areas.

Mr. Dorrier asked if Greene County is included since they are part of the northern corridor. Ms. Catlin said "yes."

**(Note: At 10:17 a.m., the Board recessed and reconvened at 10:35 a.m.)**

---

Agenda Item No. 9. JAUNT Annual Report, Donna Shaunesey.

Ms. Donna Shaunesey, Executive Director of JAUNT, said the JAUNT service provided in the County has continued to improve every year. This year they celebrated their 30th Anniversary and carrying the five millionth passenger. She mentioned that JAUNT has implemented an intelligent voice response system – funded entirely by a Federal grant – allowing JAUNT to use voice recognition software to help passengers. Passengers can call in to check schedules or cancel trips without having to talk to someone, accommodating them at all hours. She added that the system will call the passenger if their pickup time changes.

Ms. Shaunesey said there were unexpected increases in the number of rural riders over the last year, 19 percent over the previous year. She added that some people can't use regular routes and that caused an increase in demand response. There was Federal funding for the Welfare-to-Work participants, but that program has been discontinued. Most of those people have been able to find alternate forms of transportation. She said more people would be out of work if they could not use JAUNT to get to work, and more people would be in nursing homes. She thanked the Board for the great members they have appointed to the JAUNT Board of Directors.

Ms. Shaunesey reported that there have been more people riding to north Route 29 as new developments open up and this presented challenges to JAUNT.

Mr. Bowerman asked if there had been a change in interest since gasoline prices have increased. Ms. Shaunesey replied that there had not been; commuter route ridership from outlying counties has actually gone down. She mentioned that the urban boundary moved further out into the County after the 2000 census. Funding for the urban ring is more limited than rural funding.

Ms. Thomas asked if site plan designs were taking JAUNT pick-ups into consideration. Ms. Shaunesey responded that in the case of The Laurels facility, it does not have a high enough canopy to accommodate their vans.

Ms. Thomas asked why adult day care had fewer trips this year. Ms. Shaunesey responded that it is not a big dip, just a category change due to people riding different routes.

Mr. Rooker thanked Ms. Shaunesey for the report.

---

Agenda Item No. 10. Report on National Ground Intelligence Center, Colonel John Chiu, Commander.

Col. John Chiu said he assumed this position in July. He presented a series of PowerPoint Slides on NGIC, stating that they provide intelligence to the U.S. military about future threats they may face; they focus on ground forces of future threats. He said there are more than 1,200 employees on their workforce, broken out by government and civilian workers, enlisted men, reserve soldiers and officers, and contractors. He mentioned that they have a small library that supports research and analysis, a small police force for security, and a state-of-the-art computer facility. He also has employees at Fort Meade, Maryland, to assimilate information collection, as well as staff at the Aberdeen Proving Grounds in Maryland.

Col. Chiu reported that the Nicholson Building was named after a foreign area officer in Eastern Europe killed during the Cold War. He said the NGIC building stands on more than 28 acres north of the North Fork of the Rivanna River and it has over 250,000 square feet. Within that building there is analytical space, a couple of labs, a cafeteria, and a state-of-the-art auditorium. He said that 100+ reservists play an active role in NGIC's work, bringing in \$3.0 million to the local economy. He mentioned that the extended active duty reservists receive their regular salary and a substantial per diem.

Col. Chiu explained NGIC's "University Experts" program, noting that one reason for the facility's Charlottesville location is to take advantage of expertise at U.Va. on an ad-hoc basis – computer science, mathematics, engineering, etc. He mentioned that for the next fiscal year, \$125,000 is budgeted for this program. He said there are also two officers from the U.K. stationed here to work at NGIC.

Col. Chiu said a major part of the NGIC mission is to follow ground forces of other countries in the world – how they're organized, how they train, what equipment they're buying and have on hand – to give senior U.S. military leaders information on their capabilities. He added that the science and technology aspect of NGIC is to conduct research and analysis and produce assessments on grounds weapons systems. NGIC acquires foreign weapons systems such as Russian tanks, for the Aberdeen facility to reverse technology and find out what their capabilities are. He said the exploitations are done at Aberdeen, with the intelligence analysis being done at NGIC, partnering closely with different Department of Defense organizations.

Col. Chiu reported that NGIC was able to use their imaging capability from satellites and airborne platforms to show where water supplies were contaminated, where fuel was leaking, etc. He presented a three-dimensional flythrough image of Baghdad from overhead, showing ingress and egress routes. He noted that they maintain a round-the-clock watch situation, post 9-11. He said NGIC would soon be connected to the "Global Information Grid Bandwidth Expansion" project, which will give them bandwidth to accommodate any requirement. He said the Rivanna Station was identified as the Continuity of Operation site for INSCOM headquarters.

Col. Chiu emphasized that NGIC employees are an involved part of the local community, with many living in Greene, Albemarle and Charlottesville and many being active in local affairs. He explained that Chaplain Nelson is an analyst working at NGIC who serves as chaplain, and is the Deputy Emergency Services Coordinator for Albemarle County. He said his payroll is over \$63.0 million annually for the civilians and contractors, with the military being over \$5.0 million. He added that they spent \$1.5 million last year in travel costs, and \$225,000 in local small purchases, with \$39.0 million being spent on local contracts. He said NGIC hosts over 11,000 visitors per year from around the world, citing a recent example of an envoy visiting from China. He said NGIC leases nine apartments at Turtle Creek at a cost of \$14,000 per month.

Col. Chiu said there would be 900 Defense Intelligence Agency employees relocating from Bolling Air Force Base to the Rivanna Station, and an additional 130 staff would be added between now and then. He said the Army Corps of Engineers is purchasing land contiguous to the Rivanna Station where a new 220,000 square foot building will be constructed in FY 2008 as a "Joint Use Intelligence Facility." He added that some analysts in the old building would be moved into the new one to work with the DIA analysts.

Several Board members expressed concern about the mass of parking at the facility and encouraged Col. Chiu to explore carpooling and vanpooling opportunities with employees.

Mr. Rooker thanked Col. Chiu for his presentation and for his participation in the community.

Col. Chiu acknowledged the Albemarle Sheriff and Police departments for their assistance when foreign dignitaries visit, noting that his small police staff of 18 cannot always handle that duty. He added that he often contracts with the state police for part-time assistance from troopers.

---

Agenda Item No. 11. Update on Retirees Health Insurance (continued from September 7, 2005).

Mr. Melvin Breeden, Director of Office of Management and Budget, reported that there is no new information to give at that time. He said that at this point the Board should indicate their level of interest in moving forward with this project.

Mr. Rooker asked Mr. Breeden if it was legally permissible to only provide coverage to age 65. Mr. Davis said that issue has not yet been resolved.

Mr. Breeden stated that if people don't retire until age 64, they would be eligible for the full 10-year period. There is a current court case related to limiting coverage only to age 65.

Ms. Thomas noted that an employee retiring at age 60 in the school system can get a VRS supplement of up to \$75 per month, which costs the County \$300,000 currently. She doesn't understand how the proposal affects a person in that situation. Mr. Breeden said the program to which Ms. Thomas is referring applies only to teachers, administrators and clerical staff; other classified personnel are not covered. He noted that the first option being reviewed is to have the County participate in a program mirroring the Schools' plan. He explained that the allocation for teachers only provides up to \$75 per month, with \$45 per month for other employees.

Mr. Tucker clarified that this is a contribution for school professionals only to the Virginia Retirement System, with criteria dictated by the State.

Mr. Breeden noted that the State paid this at one point and then turned it over to localities. He said the existing program is in place based on 10 years of service at 50 years of age, with that employee receiving the employer contribution toward health insurance for five years at 100 percent, and recalculation of VRS with five additional years of service; the difference in that calculation and what is actually drawn from VRS is paid to them for five years. In order to qualify for the second tier, an employee would need to have 20 years of service and be 55 years of age. He emphasized that with 10 years of service and at least 50 years of age, everyone qualifies for the existing VERIP program.

Mr. Rooker asked if that would cover school employees as well as all local government employees. Mr. Breeden responded that the dollar amount shown makes the assumption that everyone would receive the benefit, but noted that there would still be some inequity to be addressed. He confirmed that teachers and classified personnel were considered as part of this scenario, adding that it would be over and above the \$300,000 currently paid out to teachers.

Ms. Thomas asked what the situation would be for a 60-year-old retiree. Mr. Breeden replied that this makes the VERIP program a two-tier program – the existing program based on 10 years of service and 50 years of age. That person receives the employer contribution toward health insurance for five years at 100 percent. Then, their VRS retirement benefit would be recalculated adding five additional years of service; the difference between that calculation and what they actually draw from VRS is paid to them for five years. He explained that in order to qualify for the second tier, you would have to have 20 years of service and be 55 years of age. He recalled that the total cost for the health insurance program for retirees is about \$1.5 million from the County.

Mr. Rooker asked if it would be possible to create a more equitable system, noting that people retiring at age 50 with 10 years of service are receiving very generous benefit in the way of the health insurance payment. Mr. Breeden said the School System feels the existing program is a good tool for retention of teachers for at least a 10-year period.

Mr. Boyd agreed with Mr. Rooker that there should be a reworking of the VERIP allocation so it remains affordable for the County. Mr. Breeden said a substantial number of employees are slated to retire over the next five to ten years and that might present some problems for teachers. Going to 20 years of service to qualify for the second phase would hopefully keep some of those people who have 15 or 16 years working for a few more years.

Mr. Dorrier asked if the plan treats public safety employees the same as all other County employees. Mr. Breeden responded that it does, noting that Sheriff's Department employees qualify under the VRS program for the \$45.00 per month, which is currently paid by the State.

Mr. Boyd used the analogy of "coordination of benefits" as insurance companies do, so that if there is coverage from one source, there isn't from a second source.

Mr. Rooker expressed concern about rising health insurance costs and wondered if the plan could be set up in a flat dollar amount.

Mr. Boyd said the State pays a fixed amount per year of service.

Mr. Breeden said there is an assumption under the current policy for a marginal increase each year. Mr. Rooker's suggestion for having the flat dollar amount could be done at the discretion of the Board. He pointed out that the original assumption was that everyone who had 20 years of service would retire at age 55 and that is unlikely to occur.

Ms. Thomas said she would like to have staff look at the benefit. Mr. Breeden mentioned that it is time-consuming to perform the calculations, and he would like to make sure the Board wants to move forward.

Mr. Rooker said he would like it to be a fixed cost so the County does not have a mushrooming liability. He wants to make sure it is integrated with the VRS amount so the same net benefit would be applied across the board to all employees.

Mr. Dorrier suggested forming a committee to evaluate the system.

Mr. Rooker replied that a committee might slow the decision-making process down and suggested waiting until a report comes back. Mr. Breeden asked what the Board would like to see in the report.

Mr. Rooker said he would like to see what impact the benefits might have on retention and hiring, as well as a proposal for a fixed dollar amount for health benefits.

Mr. Tucker noted that the School Board is going to want to review the proposal as well.

Mr. Boyd wondered if it could be discussed at the next joint Boards meeting. Mr. Tucker responded that the full report would probably not be ready at that time.

Mr. Rooker suggested that the Boards have the discussion in general terms. Mr. Tucker noted that the LEOS system provides some coverage for law enforcement personnel in an effort to remain comparable with what the City offers.

---

Agenda Item No. 12. Proposed Annual Fire Inspections Program.

Mr. Dan Eggleston, Director of Fire/Rescue, reported that there had been a number of commercial structural fires and fatalities as the urban area developed. With that in mind, he said County fire personnel feel the need to move toward a "risk-based program," not based on the current minimum standards in the State Fire Prevention Code.

Mr. Rooker referred to the Executive Summary and said the recommendation is to establish an annual fire inspections program through authorization of a new fire inspection position, and to adopt a resolution amending the current fee schedule. He asked if the fees are expected to offset the cost of this inspector so it would be a net zero cost to the County. Mr. Eggleston said both the Budget Office and the Finance Department have reviewed the figures and agree with the calculations.

Mr. Wyant asked why the cost of a burn permit has increased so much. Mr. Eggleston replied that most fires are related to land clearing, including burning by farmers.

Ms. Thomas said she wants to make sure that using fire in their work, i.e. a blacksmith, does not make that person subject to a \$100 fee every time. Mr. Eggleston replied that the County is allowed to charge a number of fees under the State Code, but it is discretionary as to whether they're imposed. They want to concentrate on things that generate risk, and a blacksmithing operation is very low-risk.

Mr. Wyant commented that a lot of people have welding, etc. operations, especially on farms. Mr. Eggleston emphasized that the focus is on flames that could cause fires in commercial buildings.

At this time, Ms. Thomas **moved** to approve the establishment of an annual fire inspections program as described in the Executive Summary through authorization of a new fire inspector position. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

---

Ms. Thomas **moved** adoption of the following resolution amending the fee schedule to increase the fees as proposed. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

### **RESOLUTION**

**WHEREAS**, the Board of County Supervisors, pursuant to Virginia Code Section 27-97, has adopted the Virginia Statewide Fire Prevention Code as set forth in section 6-200 Code of Albemarle; and

**WHEREAS**, the Board of County Supervisors is authorized by Virginia Code section 27-98 to establish such procedures or requirements as may be necessary for the administration and enforcement of the Virginia Statewide Fire Prevention Code; and

**WHEREAS**, the Board of County Supervisors is authorized by Virginia Code section 27-98 to levy fees in order to defray the cost of such administration, enforcement and appeals.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Supervisors of Albemarle County, Virginia, hereby adopts the following fee schedule, which shall be administered by the County Fire Official and his authorized assistants.

**FEE SCHEDULE**

<b><u>FEE</u></b>	<b><u>CODE SECTION</u></b>	<b><u>FIRE CODE REFERENCE #</u></b>
<b>\$ 175.00</b> Annual Per location	<b>Aerosol products</b> An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	<b>2801.2</b>
<b>\$ 100.00</b> Annual Per location	<b>Combustible fibers</b> An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m3). <b>Exception:</b> An operational permit is not required for agricultural storage.	<b>2901.3</b>
<b>\$ 175.00</b> Annual Per location	<b>Compressed gas</b> An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. <b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	<b>3001.2</b>
PERMIT AMOUNTS FOR COMPRESSED GASES TYPE OF GAS AMOUNT (cubic feet at NTP) Corrosive 200 Flammable (except cryogenic fluids and liquefied petroleum gases) 200 Highly toxic Any amount Inert and simple asphyxiant 6,000 Oxidizing (including oxygen) 504 Toxic Any amount  For SI: 1 cubic foot = 0.02832 m3		
<b>\$ 175.00</b> Annual Per location	<b>Cryogenic fluids</b> An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed ICC Fire Code table 105.6.11 <b>Exception:</b> Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.	<b>3201.2</b>
<b>\$ 100.00</b> Annual Per location	<b>Cutting and welding</b> For those who weld, cut with gas, electric arc or flammable liquid or any combination thereof, outside of areas approved for this purpose an operational permit is required to conduct cutting or welding operations within the jurisdiction. <b>Exception:</b> In the case of an emergency which does not allow time for the prior notification.	<b>2601.2</b>
<b>\$ 100.00</b> Annual Per location	<b>Dry cleaning plants</b> An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	<b>1201.2</b>
<b>\$ 300.00</b> Annual Per location	<b>Explosives</b> To Manufacture, sell (wholesale or retail), or operate a terminal which handles explosives or blasting agents	<b>3301.2</b>
<b>\$ 200.00</b> Annual Per location	<b>Explosives</b> To store, possess or otherwise dispose of explosives in connection with operations involving blasting. This will include, but not be limited to company yards, storage sites and storage sites at job locations within the county.	<b>3301.2</b>
<b>\$ 200.00</b> 30 days Per location	<b>Explosives</b> To use explosives or blasting agents at any project site. The permit shall specify at each location the type and extent of blasting to be performed and shall not exceed 30 days.	<b>3301.2</b>
<b>\$ 175.00</b> As specified in applicable section Per location	<b>Flammable and combustible liquids</b> An operational permit is required: 1. To use or operate a pipeline for the transportation within facilities of combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOT) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6). <b>(annual)</b>	<b>3401.4</b>

2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building **(annual)**, except that a permit is not required for the following:
  - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.
  - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment. **(annual)**
4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes. **(per event)**
5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. **(annual)**
6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected aboveground or aboveground flammable or combustible liquid tank **(per event)**.
7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed. **(per event and annual thereafter)**
8. To manufacture, process, blend or refine flammable or combustible liquids. **(annual)**

<b>\$ 175.00</b>	<b>Hazardous materials</b>	<b>2701.1 &amp; 107.2</b>
Annual	An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.	

**PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquid	See flammable and combustible liquids
Corrosive Materials	
Gases	See compressed gases
Liquids	55 gallons
Solids	1000 pounds
Explosives	See explosives
Flammable Materials	
Gases	See compressed gases
Liquids	See flammable and Combustible liquids
Solids	100 pounds
Highly Toxic Materials	
Gases	See compressed gases
Liquids	Any amount
Solids	Any amount
Oxidizing Materials	
Gases	See compressed gases
Liquids	
Class 4	Any amount
Class 3	1 gallon
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any amount
Class 3	10 pounds
Class 2	100 pounds
Class 1	500 pounds
Organic Peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon
Class IV	2 gallons
Class V	No permit required
Solids	
Class I	Any amount
Class II	Any amount
Class III	10 pounds

	Class IV	20 pounds	
	Class V	No permit required	
	<b>Pyrophoric Materials</b>		
	Gases	See compressed gases	
	Liquids	Any amount	
	Solids	Any amount	
	<b>Toxic Materials</b>		
	Gases	See compressed gases	
	Liquids	10 Gallons	
	Solids	100 pounds	
	<b>Unstable (reactive) Materials</b>		
	Liquids		
	Class 4	Any amount	
	Class 3	Any amount	
	Class 2	5 gallons	
	Class 1	10 gallons	
	Solids		
	Class 4	Any amount	
	Class 3	Any amount	
	Class 2	50 pounds	
	Class 1	100 pounds	
	<b>Water Reactive Materials</b>		
	Liquids		
	Class 3	Any amount	
	Class 2	5 gallons	
	Class 1	55 gallons	
	Solids		
	Class 3	Any amount	
	Class 2	50 pounds	
	Class 1	500 pounds	
<b>\$ 175.00</b>	<b>HPM facilities</b>		<b>801.5 &amp; 2701.1</b>
Annual	An operational permit is required to store, handle or use hazardous production materials.		
<b>\$ 100.00</b>	<b>Hot work operations</b>		<b>2602.1</b>
30 days	An operational permit is required for hot work including, but not limited to:		
Per site	1. Public exhibitions and demonstrations where hot work is conducted.		
	2. Use of portable hot work equipment inside a structure.		
	<b>Exception:</b> Work that is conducted under a construction permit.		
	3. Fixed-site hot work equipment such as welding booths.		
	<b>Exception:</b> Fixed facility hot works, such as shops can be approved on an annual basis at the discretion of the fire official		
	4. Hot work conducted within a hazardous fire area.		
	5. Application of roof coverings with the use of an open-flame device.		
	6. When approved, the fire official shall issue a permit to carry out a Hot Work Program.		
	This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.		
<b>\$ 100.00</b>	<b>Lumber yards and woodworking plants</b>		<b>1901.2</b>
Annual	An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft <sup>3</sup> ) (236 m <sup>3</sup> ).		
Per location			
<b>\$ 175.00</b>	<b>LP-gas</b>		<b>3801.2</b>
Annual	An operational permit is required for:		
Per location	1. Storage and use of LP-gas.		
	<b>Exception:</b> An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.		
	2. Operation of cargo tankers that transport LP-gas.		
<b>\$ 325.00</b>	<b>Open Burning (Land clearing)</b>		<b>301.2</b>
60 Days	For the burning of land clearing debris such as brush, stumps, trees and other clean wood to be burned at the site at which it is generated. This would include debris waste generated from the development of property and from burning unwanted, leaning or dead trees regardless of size.		
Per location			

<b>\$ No fee</b> No permit Required	<b>Open Burning (Yard maintenance)</b> For the burning of vegetation that is removed from trees, shrubs or garden plants. This would also include twigs and branches that fall or are removed from trees. <b>Note:</b> The burning of trees, stumps and logs is considered land clearing.	<b>301.2</b>
<b>\$ No fee</b>	<b>Open Burning (Certified burn program)</b> For the burning of land clearing debris by persons who qualify for and have attended the certified burn program and have received a certificate from the Fire Marshal.	<b>301.2</b>
<b>\$75.00</b> Per occurrence	<b>Bonfire</b> Issued to the owner of the land upon which the bonfire will be kindled. Fire is utilized for ceremonial purposes only. Size shall not exceed 5'x5'x5'. The duration of the fire shall not exceed 3 hours. Permit is valid for the date or dates specified only.	<b>307.3.1</b>
<b>\$ 100.00</b> Annual	<b>Open flame in public buildings</b> To use open flames or candles in connection with assembly and educational areas, dining areas of restaurants or drinking establishments ( annual).	<b>308.3</b>
<b>\$300.00</b> Annual	<b>Fireworks (Wholesale)</b> To sell class C or 1.4 fireworks to stands or businesses within the county. A bond is required in amounts specified in the Fire prevention code.	<b>3301.2</b>
<b>\$75.00</b> Per job	<b>Fireworks (Public &amp; private display)</b> To display or discharge fireworks for ceremonial, sports, fairs or amusement purposes. For each additional date or location, there will be an additional fee. Before issuance of a permit, a bond in the amount specified by the Fire Marshal shall be furnished for payment of any and all damages which may be caused to persons or property as a result of any permitted display.	<b>3301.2</b>
<b>\$100.00</b> Annual Per site	<b>Fireworks (Retail)</b> To sell, offer for sale, expose for sale, store awaiting sale at any retail stand or business in the county, of any class C or 1.4G fireworks. Insurance or bond required in an amount specified by the Fire Marshal.	<b>3301.2</b>
<b>\$100.00</b> Annual Per location	<b>Storage of scrap tires and tire byproducts</b> An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71m3) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	<b>301.2 &amp; 2501.2</b>
<b>\$100.00</b> 30 Days Per location	<b>Tents and Membrane Structures</b> Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent. <b>Exceptions:</b> 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m2) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons. 3. Fabric canopies and awnings open on all sides which comply with all of the following: 3.1. Individual canopies shall have a maximum size of 700 square feet (65 m2). 3.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65m2) total. 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.	<b>2403.4</b>
<b>\$100.00</b> Annual Per location	<b>Operation of Junk yards (Waste material)</b> An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	<b>301.2 &amp; 1404.2</b>

Agenda Item No. 13. Albemarle County Efficiency Report.

Mr. Tucker summarized the Executive Summary by stating that in 2003, the Board of Supervisors adopted the FY2003-FY2006 Strategic Plan which included a Strategic Direction stating the County would "provide effective and efficient County services to the public in a courteous and equitable manner." As an illustration of the County's commitment to this Strategic Direction and its goals, staff prepared an "Albemarle County Efficiency Overview". This report highlights cost saving and other efficient practices undertaken by the County government over the course of the FY2003-FY2006 Strategic Plan with a strong emphasis on the past year.

This report is the first of its kind to be formally delivered to the Board and was prepared as a result of both the Board's and staff's desire to specifically demonstrate how the County conducts its operations in an efficient manner. Additionally, the actions detailed in the report extend beyond the County's Strategic Plan by providing numerous examples of the County's values in action, particularly stewardship and innovation.

Through this Executive Summary, staff will also provide information on how the County's efficient efforts will be identified, managed and reported in the future.

The "Albemarle County Efficiency Report" was prepared over the past few months by staff from all local government departments. In determining the value of a given efficiency, staff used the most reasonably conservative estimate possible. However, in instances where the value of an efficiency could not be established due to measurement or resource constraints, a specific value was not reported.

While staff has worked to develop and report efficient practices in their department's operations, it is recognized that finding ways to be more efficient is and will be an on-going effort. In order to better identify and report the efficient practices in the County's operations, the Office of Management and Budget (OMB) will continue working with departments through the budget process to ensure departments' performance indicators include an efficiency measure. These efficiency measures will be connected to departments' objectives and available in the budget document.

Additionally, County Executive staff will evaluate all newly funded initiatives using additional criteria. Staff members have attended training on the Return on Investment (ROI) methodology and will apply ROI principles of varying degrees to evaluate programs and additional efforts on initiatives that have a high cost, visibility, or for those that are long-term programs. It is the aim of this practice to ensure a high level of accountability for all new programs and to assist the County Executive and Board in making their respective budget-related recommendations and decisions.

The efforts to manage efficient performance indicators and evaluate new funded requests are key components of the performance-based system that the County is striving to achieve. These additional new efforts will take some time for refinement, however; staff hopes the Board will find this information of value.

The specific examples of measures taken to reduce, avoid and eliminate costs are reflected each year in the County's adopted budget. It should be noted that in instances where increasing costs were offset or avoided, year-to-year savings may not be evident when comparing budget documents. Furthermore, many examples that reduce staff time do not result in a direct fiscal impact, but rather allow staff to pursue more productive endeavors with the time saved.

This Report is before the Board for information. Staff has also informed the Board of ways they plan to proceed with identifying, managing and reporting efficient practices in the future. If the Board has any questions regarding this report or suggestions regarding this overall approach, staff asks the Board to provide them and to further define the Board's expectations.

Mr. Tucker reported that this is an ongoing program by the Office of Management and Budget to demonstrate staff efficiency, noting that some staff attended a training session on "return on investment." He mentioned that Albemarle was the only local government group attending, as the rest were private businesses.

Ms. Thomas said she did not think this effort should become a major expenditure.

---

#### Agenda Item No. 14. Update on Auditorium Renovations.

The Executive Summary states that staff received guidance from the Board of Supervisors in the fall of 2004 to proceed with a design of Lane Auditorium that retains the large venue capacity, is sensitive to the original character, and provides a means of conversion into a Board Room capable of supporting smaller audience sizes in an appropriate atmosphere. A design team was assembled to work with Moseley Architects in this effort: Lee Catlin (Community Relations Manager), Ella Carey (Clerk, Board of Supervisors), Jennifer Johnston (Clerk, School Board), Sharon Taylor (Clerk, Planning Commission), Ana Kilmer (Clerk, BZA), Mike Brown (Information Technology) and Ron Lilley (Project Manager). Their progress was presented to a joint meeting of the Albemarle County Board of Supervisors and School Board on August 9, 2005. As a result of that meeting, the Board requested staff/architect to bring back more options that would allow a narrower dais configuration. In addition, the Board requested that the Planning Commission and other appointed committees and Board's be given an additional opportunity to provide input before bringing revisions back to the Board. Comments from the Planning Commission and Architectural Review Board are attached (Attachment A) for your review. The Board of Zoning Appeals had no comments.

Based on input received to date on the design of Lane Auditorium, the County's architects have developed the enclosed alternatives for your consideration. These alternatives represent various options to provide a more narrow dais configuration, as requested by the Board. Staff provides the comments from the Planning Commission and ARB for the Board's consideration in making any final changes to the preferred option.

Regarding the input from the Planning Commission and ARB, it is important to point out that the decision to proceed with the renovations of Lane Auditorium was based on the Board's desire to improve the public's ability to observe and participate in the meetings of the Board of Supervisors and other Boards and Commissions of the County. It was ultimately decided that the investment needed to provide

a more functional space that provided adequate audio and visual aids should be made in a space that would have more versatility than room 241. Because the architects were able demonstrate that Lane Auditorium could be designed with the flexibility to serve both small and large meetings, the Board agreed it was the best location for the investment needed in audio, visual and other improvement to better serve the public regarding their participation in the meetings. In addition, the Board felt strongly about the need to renovate Lane Auditorium because of its significance as a community asset and location for various community events. While also retaining room 241 for meetings is possible, it would require an additional significant investment in audio, visual and other improvements for it to be adequate to meet the Board's original goals of improving the public's ability to observe and participate in meetings.

Finally, regarding the Board's selection of an alternative configuration of the dais, staff has arranged for the Board to visit Lane Auditorium prior to lunch to gain a more clear perspective on the originally proposed configuration regarding the distance of the various positions on the dais from one another. While the Board may still prefer one of the new alternatives, it will at least provide perspective on how much improvement they provide. Some input up to this point has suggested that the original configuration provides more adequate seating given the varying needs of the County's different Boards, Committees and Commissions.

The County's Capital Improvement Plan (CIP) includes \$1,180,000 for the renovation of Lane Auditorium. An additional \$210,000 for audio visual improvements is also available for the project from the previous fiscal year.

Staff recommends that the Board provide final direction on the dais configuration and indicate any additional changes that may be necessary to the proposed design so that final preparation can be made for the project to go out to bid in January.

Mr. Tom Foley, Assistant County Executive, said the architects are present in the auditorium this morning to make a presentation about alternatives for the renovation. He noted that the Planning Commission, BZA, and the ARB have provided input on the plans. Mr. Foley emphasized that staff hopes to get requests for bids out in January, with renovations to begin in September. He said the Board's budget hearings may have to take place at the County Building on Fifth Street this year if auditorium construction is underway at that time. He emphasized that the main goals for this renovation were to allow the public involvement in meetings, as well as renovation of the auditorium itself. He noted that the investment is going to be substantial, primarily because of audio-visual improvements.

At this time the Board recessed into the Auditorium to receive a presentation from the architects and to discuss the proposed designs.

Following the architects presentation, it was the **consensus** of the Board to go with Option A for the dais in the Lane Auditorium.

---

Agenda Item No. 15. Closed Session: Personnel and Legal Matters.

At 12:06 p.m., Mr. Dorrier **moved** that the Board go into closed session pursuant to Section 2-2-37.11 A of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions; under Subsection (3) to discuss acquisition of real property for a public purpose, and, under Subsection (7) to consult with legal counsel and staff regarding a specific matter requiring legal advice relating to taxation. Mr. Boyd **seconded** the motion which passed by the following recorded vote:

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

---

Agenda Item No. 16. Certify Closed Session. At 2:14 p.m., the Board reconvened into open session. **Motion** was immediately offered by Mr. Dorrier that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard discussed, or considered in the closed session.

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

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

---

Agenda Item No. 17. Appointments to Boards and Commissions.

**Motion** was immediately offered by Mr. Boyd to:

Appoint Mr. Fred Missel to the Architectural Review Board with said term to expire November 14, 2008.

Appoint Mr. Stanley Binsted to the CHART committee with said term to expire April 3, 2008.

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

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

---

Agenda Item No. 18. FY 2005 End-of-Year Preliminary Financial Report.

Mr. Richard Wiggins, Director of Finance, noted that preliminary real estate tax collections for the year total over \$17.0 million, a 10.8 percent increase over collections for FY 2004. He noted that approximately 69 percent of local revenues come from general property taxes, with total local revenues up 10.4 percent from one year ago. He confirmed that these figures reflect one-half year of the rate reduction, with the higher values.

Mr. Wiggins reported that the total General Fund expenditures for the year equaled \$164.5 million, a 12 percent increase over one year ago. He said the distribution shows 45 percent going to Schools, 35 percent for General Fund departments, and the remaining 19 percent split between non-departmental expenses and transfers (to the CIP, etc.). Last fiscal year (2004) ended with a Fund Balance of a little over \$20.1 million, and \$19.956 million of that amount was used, with \$13.0 million going into the Cash Reserve with the remaining \$6.956 million being used for appropriation increases as approved by the Board, leaving a Fund Balance of over \$146,000 for 2004.

Mr. Wiggins said revenues for FY 2005 exceeded expenditures by a little over \$6.5 million, with a preliminary Fund Balance of \$6.653 million. He noted that approximately \$5.8 million of that is proposed to be used, \$2.6 million already authorized by the Board for expenditures in 2006, and another \$764,000 slated for expenditures in FY '06. Based on the Board's approved policy for transfer of funds to the CIP, he said \$2.474 million will be transferred, leaving a Fund Balance of over \$800,000 above the \$13.0 million held in the Cash Reserve.

Mr. Wiggins said that today he is asking for approval of the preliminary report. The auditors are expected to come in next week to review the performance for FY 2004-05. He noted that the certified financial report is expected to come out at the end of December 2005, with the final audited figures to follow.

Mr. Boyd commented that he liked the format of Mr. Wiggins report, and suggested that Debt Service be separated for Schools and Local Government.

**Motion** was immediately offered by Mr. Bowerman to accept the Preliminary June 30, 2005, End-of-Year Financial Report, as presented. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

---

Agenda Item No. 19. **Public Hearing:** FY 2005 Budget Amendment. (Notice of this public hearing was published in the Daily Progress on September 25, 2005.)

Mr. Melvin Breeden, Budget Manager, said there are several expenditures for consideration today (please see Executive Summary which is on file in the Clerk's Office with the permanent records of the Board of Supervisors).

Mr. Rooker opened the public hearing. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

**Motion** was immediately offered by Mr. Boyd to approve the FY 2005 Budget Amendment in the amount of \$1,514,805.00, and to adopt Resolutions of Appropriation No. 2005-068, No. 2005-069 and No. 2005-070. Ms. Thomas **seconded** the motion which passed by the following recorded vote:

COUNTY OF ALBEMARLE  
APPROPRIATION NO. 2005-068  
DATE: 10/05/05  
EXPLANATION: Various Education Programs

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3104	24000	240266	Revenue-Murray	J 2	7.00		
2	3104	24000	240362	Rev-Touring Grants	J 2	165.00		
2	3104	18000	189900	Misc Revenues	J 2	5,500.00		
2	3154	33000	330031	Comm Svs Grant	J 2	49,953.60		
2	3306	60301	161201	Tuition-Open Doors	J 2	12,000.00		
2	3307	33000	330610	Federal - USDA	J 2	7,597.27		
1	3104	60216	312500	Prof Service-Inst	J 1	37.00		

October 5, 2005 (Regular Day Meeting)  
 (Page 21)

1	3104	60253	312500	Prof Service-Inst	J 1	165.00		
1	3104	61101	420100	Field Trips	J 1	5,500.00		
1	3154	61311	301210	Contract Services	J 1	49,953.60		
1	3306	60301	135000	PT/Wages-Clerical	J 1	4,900.00		
1	3306	60301	210000	FICA	J 1	422.33		
1	3306	60301	312700	Prof Serv Consult	J 1	6,677.67		
1	3307	61129	600200	Food Supplies	J 1	7,597.27		
	3104		0501	Est Revenue			5,702.00	
			0701	Appropriation				5,702.00
	3154		0501	Est Revenue		49,953.60		
			0701	Appropriation				49,953.60
	3306		0501	Est Revenue		12,000.00		
			0701	Appropriation				12,000.00
	3307		0501	Est Revenue		7,597.27		
			0701	Appropriation				7,597.27
TOTAL						150,505.74	75,252.87	75,252.87

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2005-069  
 DATE: 10/5/05  
 EXPLANATION: FY '05 Overexpenditures

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	1000	11010	530700	BOS-Liability Insurance	J1	1,950.00		
1	1000	12040	300203	C/A-Special Litigation	J1	4,500.00		
1	1000	21010	601200	Cir Ct-Books & Subscr	J1	7,000.00		
1	1000	21020	540100	Gen'l Dist Ct-Rentals	J1	500.00		
1	1000	39000	561405	Fire/Rescue Tax Credit	J1	4,500.00		
1	1000	39000	563400	Juvenile Detention	J1	61,200.00		
1	1000	53014	457107	DSS-Child Care Fee	J1	56,000.00		
2	1000	51000	510100	G/F Balance	J2	135,650.00		
1	2433	64600	800101	Mach & Equip	J	27,854.16		
1	2433	64600	800903	Abestos Removal	J1	46,788.38		
1	2433	62420	510100	Electrical Services	J1	(74,642.54)		
	1000		0501	Est Revenue			135,650.00	
	1000		0701	Appropriation				135,650.00
TOTAL						271,300.00	135,650.00	135,650.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO.: 2005-070  
 DATE: 10/05/05  
 EXPLANATION: FY '05 Grants and Programs

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
<u>HUD Section 8 Grant</u>								
1	1227	81920	579001	Housing Asst Payment	J1	373,000.00		
2	1227	15000	150101	Interest	J2	5,800.00		
2	1227	33000	330016	Voucher Program	J2	363,450.00		
2	1227	51000	510100	Fund Balance	J1	3,750.00		
<u>Drug Seized Assets-Commonwealth's Attorney</u>								
1	1234	22010	800700	ADP Equip	J1	1,400.00		
2	1234	51000	510100	Fund Balance	J2	1,400.00		
<u>Drug Seized Assets-Federal</u>								
1	1235	39000	580902	Drug Assets	J1	7,500.00		
2	1235	51000	510100	Fund Balance	J2	7,500.00		
<u>Drug Seized Assets-State</u>								
1	1236	39000	580905	Drug Assets	J1	7,200.00		
2	1236	24000	240403	State Seizures	J2	4,000.00		
2	1236	51000	510100	Fund Balance	J2	3,200.00		
<u>Bullet Proof Vest Grant</u>								
1	1241	31020	601000	Police Supplies	J1	162.50		
2	1241	33000	330001	Grant Revenue	J2	162.50		
<u>Child Care Initiative</u>								
1	1561	53115	600100	Supplies	J1	158.91		
2	1561	33000	330001	Federal Grant	J2	158.91		
<u>V.P.A. Grant</u>								
1	1660	53014	800700	ADP Equip	J1	450.00		
2	1660	33000	330027	Substance Abuse	J2	450.00		
<u>Summer Nutrition</u>								
1	3002	63115	800700	ADP Equip	J1	8,700.00		
2	3002	16000	161247	AIMR	J2	8,700.00		
<u>AIMR Summer Rental</u>								
1	3145	62190	800700	ADP Equip	J1	63,000.00		
2	3145	15000	150201	Rental	J2	63,000.00		
<u>Internal Service-Vehicle Repair</u>								
1	3910	62341	600800	Vehicle Fuel	J1	203,500.00		
2	3910	16000	161271	Fuel Charges	J2	203,500.00		
<u>Food Services</u>								
1	3000	60000	600000	Material & Supplies	J1	304,400.00		
2	3000	16000	161204	Cafeteria Sales	J2	91,000.00		
2	3000	51000	410100	Fund Balance	J2	213,400.00		
	1227		0501	Est Revenue			373,000.00	
	1227		0701	Appropriation				373,000.00
	1234		0501	Est Revenue		1,400.00		
	1234		0701	Appropriation				1,400.00
	1235		0501	Est Revenue		7,500.00		
	1235		0701	Appropriation				7,500.00
	1236		0501	Est Revenue		7,200.00		

1236	0701	Appropriation		7,200.00
1241	0501	Est Revenue	162.50	
1241	0701	Appropriation		162.50
1561	0501	Est Revenue	158.91	
1561	0701	Appropriation		158.91
1660	0501	Est Revenue	450.00	
1660	0701	Appropriation		450.00
3002	0501	Est Revenue	8,700.00	
3002	0701	Appropriation		8,700.00
3145	0501	Est Revenue	63,000.00	
3145	0701	Appropriation		63,000.00
3910	0501	Est Revenue	203,500.00	
3910	0701	Appropriation		203,500.00
3000	0501	Est Revenue	304,400.00	
3000	0701	Appropriation		304,400.00
TOTAL			1,938,942.82	969,471.41

Agenda Item No. 20. **Public Hearing:** FY 2006 Budget Amendment. (Notice of this public hearing was published in the Daily Progress on September 25, 2005.)

Mr. Melvin Breeden reported that this 2006 Budget amendment is for a little over \$44.0 million, primarily related to re-appropriation of various capital projects from last year into the current fiscal year. He explained that the first appropriation is for the Fire Inspection Program, DSS funding for child care initiatives (\$23,000), the re-appropriation of projects approved in FY 2005 that have not been completed and are coming forward in FY 2006 (\$620,000). He said there have been amendments totaling \$66,000 related to a study of development related inspection fees, replacement of equipment in the Circuit Court Clerk's office, \$159,000 for outstanding purchase orders rolled over from last year, a Police Department grant of \$26,000 for overtime, \$129,000 for School programs requested for grants and donations received, and Capital Fund projects outstanding in the amount of \$31.0 million, including those where the County is the fiscal agent such as that for the ECC (mobile data, 800 MHz radio project). He said School capital projects have brought \$2.7 million from last year, and the Stormwater Fund brought \$1.4 million.

Mr. Rooker opened the public hearing. With no one from the public rising to speak, the public hearing was closed and the matter placed before the Board.

**Motion** was immediately offered by Mr. Boyd to approve the FY 2006 Budget amendment in the amount of \$44,027,649.04, and to adopt Resolutions of Appropriation No. 2006-012, No. 2006-018, No. 2006-019, No. 2006-020, No. 2006-021, No. 2006-022, No. 2006-023, No. 2006-024, No. 2006-025, No. 2006-026 and No. 2006-027. Mr. Dorrier **seconded** the motion, which carried by the following recorded vote:

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

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-012  
 DATE: 10/5/05  
 EXPLANATION: Funding to implement new Fire Inspection Position and fees.

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	32013	110000	Salaries	J1	15,962.50		
1	1000	32013	120000	Overtime	J1	500.00		
1	1000	32013	210000	FICA	J1	1,020.68		
1	1000	32013	210000	Medicare	J1	238.71		
1	1000	32013	221000	VRS	J1	1,810.88		
1	1000	32013	231000	Health Ins	J1	2,876.00		
1	1000	32013	232000	Dental Ins	J1	100.00		
1	1000	32013	270000	Wkrs Comp.	J1	165.00		
1	1000	32013	311000	Health Services	J1	600.00		
1	1000	32013	332104	Computer Maint	J1	325.00		
1	1000	32013	360000	Advertising	J1	2,000.00		
1	1000	32013	520300	Telecommunicat	J1	400.00		
1	1000	32013	530900	Vehicle Ins	J1	325.00		
1	1000	32013	550100	Training	J1	1,000.00		
1	1000	32013	580000	Background Invest	J1	400.00		
1	1000	32013	600100	Office Supplies	J1	500.00		
1	1000	32013	600800	Vehicle Fuel	J1	1,000.00		
1	1000	32013	600900	Vehicle Maint	J1	0.00		
1	1000	32013	601100	Turnout Gear	J1	3,300.00		
1	1000	32013	601315	Pub Safety Suppl	J1	12,900.00		
1	1000	32013	800500	Motor Vehicle	J1	24,000.00		
1	1000	32013	800700	Computer	J1	1,500.00		
2	1000	13000	130361	Burn Permits	J2	13,477.00		
2	1000	13000	130367	Haz-Mat Permits	J2	13,477.00		
2	1000	51000	510100	G/F Balance	J2	43,969.76		
	1000		0501	Est Revenue			70,923.76	
	1000		0701	Appropriation				70,923.76
TOTAL						141,847.51	70,923.76	70,923.76

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-018  
 DATE: 10/5/05  
 EXPLANATION: Social Services Child Care Initiative Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1561	33000	330001	Federal Grant	J 2	23,964.05		
1	1561	53115	110000	Salaries	J 1	21,221.96		
1	1561	53115	210000	FICA	J 1	1,595.09		
1	1561	53115	600100	Office Supplies	J 1	147.00		
1	1561	53115	310000	Criminal History Ck	J 1	1,000.00		
	1561		0501	Est. Revenue			23,964.05	
	1561		0701	Appropriation				23,964.05
TOTAL						47,928.10	23,964.05	23,964.05

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-019  
 DATE: 10/05/05  
 EXPLANATION: Reappropriation of projects and programs from FY '05

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	12015	312210	OMB-Contract Services	J1	16,842.00		
1	1000	13020	800100	Registrar-Equip	J1	47,110.00		
1	1000	32015	561415	Car Seat Safety Program	J1	1,642.31		
1	1000	39000	565510	SPCA Sterilization Fund	J1	1,955.40		
1	1000	42040	999851	RSWA Contribution	J1	250,000.00		
1	1000	81022	312342	PI-Development Area Study	J1	249,255.90		
1	1000	81022	312344	PI-S Urban Area B	J1	2,717.00		
1	1000	81022	312342	Development Areas Study	J1	5,500.00		
1	1000	81021	800200	Furniture & Fixtures	J1	2,500.00		
1	1715	71018	800605	Recreation Trail Greenway	J1	43,150.00		
2	1000	19000	190240	UVA Share-Area B	J2	8,300.00		
2	1000	19000	190245	City Share-Area B	J2	27,300.00		
2	1000	24000	240607	State-HAVA Reimbursement	J2	47,110.00		
2	1000	51000	510100	G/F Balance	J2	494,812.61		
2	1715	24000	240765	Virginia Trail Fund Grant - Rivanna Greenway	J2	34,520.00		
2	1715	51000	512031	Transfer from GF/CIP	J2	8,630.00		
	1000		0501	Est Revenue			577,522.61	
	1000		0701	Appropriation				577,522.61
	1715		0501	Est Revenue			43,150.00	
	1715		0701	Appropriation				43,150.00
TOTAL						1,241,345.22	620,672.61	620,672.61

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-020  
 DATE: 10/05/05  
 EXPLANATION: FY '06 Supplemental request for use of FY '05 Surplus

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
				<u>Community Development</u>				
1	1000	81021	800200	Furniture & Fixtures - Repl	J 1	3,400.00		
1	1000	81022	130000	Part-time Wages	J 1	4,500.00		
1	1000	81024	312105	Prof Consulting Services <u>Clerk of the Circuit Court</u>	J 1	20,000.00		
1	1000	21060	63005	Salaries-Regular	J 1	14,568.00		
1	1000	21060	130000	Part-time Wages	J 1	4,640.00		
1	1000	21060	600100	Office Supplies	J 1	9,974.00		
1	1000	21060	312800	Prof Ser Audit	J 1	2,900.00		
1	1000	21060	601700	Copy Expense	J 1	3,500.00		
1	1000	21060	800101	Machinery & equipment	J 1	2,500.00		
2	1000	51000	510100	G/F Balance	J 2	65,982.00		
	1000		0501	Est Revenue			65,982.00	
	1000		0701	Appropriation				65,982.00
TOTAL						131,964.00	65,982.00	65,982.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-021  
 DATE: 10/5/05  
 EXPLANATION: FY '05 Purchase Order Reappropriation

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
See Attached Details								
				County Executive		2,725.39		
				Finance		3,500.00		
				Gen'l Dist Court		2,628.84		
				Police		1,660.66		
				Fire/Rescue-Adm		18,436.41		
				Fire Prevention		1,199.90		
				Fire/Rescue-Operations		17,174.75		
				Monticello Fire Station		4,445.80		
				Solid Waste/Recycling		44,458.04		
				Gen'l Services-Maint.		24,244.13		
				Gen'l Serv-Custodial		9,515.00		

				VPA Management		15,017.00		
				Parks/Rec-Maintenance		2,477.34		
				Planning		3,400.00		
				E911/Planning		8,000.00		
				Zoning		368.75		
2	1000	51000	510100	G/F Fund Balance	J2	159,252.01		
	1000		0501	Est. Revenue			159,252.01	
	1000		0701	Appropriation				159,252.01
TOTAL						318,504.02	159,252.01	159,252.01

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-022  
 DATE: 10/5/05  
 EXPLANATION: Funding for DOJ Grant #2005-DJ-BX-0891 to cover police overtime

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	1536	31013	120000	Overtime Wages	J1	24,228.02		
1	1536	31013	210000	FICA	J1	2,006.98		
2	1536	33000	300001	Federal Grant Rev	J2	26,235.00		
	1536		0501	Est Revenue			26,235.00	
	1536		0701	Appropriation				26,235.00
TOTAL						52,470.00	26,235.00	26,235.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-023  
 DATE: 10/05/05  
 EXPLANATION: Various Education Programs and Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	2000	18100	181109	Donation	J 2	4,400.00		
2	3104	18000	181258	Golden Apple	J 2	6,000.00		
2	3220	24000	240000	Prof Partnership Gr	J 2	99,927.00		
2	3502	18000	181223	Shannon Found	J 2	13,955.00		
2	2000	18100	181109	Donation	J 2	5,150.00		
1	2210	61101	601300	Ed./Rec Supplies	J 1	4,000.00		
1	2215	61411	580000	Miscellaneous	J 1	400.00		
1	3104	61311	580500	Staff Development	J 1	6,000.00		
1	3220	61311	160300	Stipend-Stf Dvlp	J 1	23,500.00		
1	3220	61311	210000	FICA	J 1	1,797.75		
1	3220	61311	312700	Prof Serv Consult	J 1	46,000.00		
1	3220	61311	550100	Mileage	J 1	100.00		
1	3220	61311	580500	Staff Development	J 1	8,130.00		
1	3220	61311	601300	Edu Supplies	J 1	16,250.00		
1	3220	61311	601700	Printing	J 1	4,149.25		
1	3502	60606	601300	Instr Materials	J 1	13,955.00		
1	2210	61101	112100	Salary - Teacher	J 1	4,644.68		
1	2210	61101	210000	FICA	J 1	355.32		
1	2212	61101	601300	Ed./Rec Supplies	J 1	150.00		
	2000		0501	Est Revenue			9,550.00	
			0701	Appropriation				9,550.00
	3104		0501	Est Revenue			6,000.00	
			0701	Appropriation				6,000.00
	3220		0501	Est Revenue			99,927.00	
			0701	Appropriation				99,927.00
	3502		0501	Est Revenue			13,955.00	
			0701	Appropriation				13,955.00
TOTAL						258,864.00	129,432.00	129,432.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-024  
 DATE: 10/05/05  
 EXPLANATION: Reappropriation of projects and programs from FY '05 General Fund CIP

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
See Details On File				Finance	J 1	30,613.81		
				Information Tech	J 1	915,191.04		
				Courts	J 1	50,649.13		
				Gen'l District Court	J 1	5,000.00		
				Juvenile Court	J 1	6,136,339.36		
				Clerk of the Court	J 1	51,165.21		
				Public Safety	J 1	1,033,004.71		
				Police	J 1	1,352,028.69		
				Fire/Rescue	J 1	20,301.01		
				Northern Fire Sta	J 1	4,273,435.70		
				Pantops Fire Sta	J 1	880,000.00		
				Monticello Fire Sta	J 1	549,000.00		
				Volunteer Fire	J 1	1,552,656.94		
				Volunteer Rescue	J 1	100,538.82		
				Engineering	J 1	2,263,397.41		
				Street Imp	J 1	2,416,413.78		
				Public Works	J 1	2,629,248.73		
				Health Department	J 1	70,000.00		
				Parks & Recreation	J 1	884,659.18		
				Tourism	J 1	1,390,273.30		
				Libraries	J 1	565,269.23		
				Planning	J 1	4,350,691.29		

October 5, 2005 (Regular Day Meeting)  
 (Page 25)

			Zoning	J 1	4,781.72			
2	9010	16000	160536	City-Visitor's Ctr	J 2	244,000.00		
2	9010	24000	240800	Clerk's Tech	J 2	36,004.00		
2	9010	33000	330630	DEQ-Red Hill Std	J 2	65,800.00		
2	9010	41000	410500	Loan Proceeds	J 2	7,015,000.00		
2	9010	51000	510100	CIP Fund Balance	J 2	23,667,136.06		
2	9010	51000	512027	E911 Radio Sys	J 2	496,719.00		
	9010		0501	Est.Revenue			31,524,659.06	
	9010		0701	Appropriation			31,524,659.06	
					TOTAL	63,049,318.12	31,524,659.06	31,524,659.06

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2006-025  
 DATE: 10/05/05  
 EXPLANATION: Reappropriation of FY '05 ECC Projects To FY '06

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	4101	12000	120605	E911 Service Chg	J2	496,719.00		
2	4110	16000	160503	County Share	J2	496,719.00		
2	4110	33000	330325	Grant	J2	1,987,600.74		
2	4110	51000	510100	Fund Balance	J2	2,502,932.00		
2	4105	16000	160502	City	J2	62,712.27		
2	4105	16000	160503	County	J2	56,653.06		
2	4105	16000	160512	UVA	J2	11,503.35		
2	4105	16000	160540	City	J2	16,827.83		
2	4105	16000	160541	County	J2	27,306.86		
2	4105	16000	160542	UVA	J2	8,093.51		
2	4105	16000	160543	Airport	J2	1,620.85		
2	4115	16000	160502	City	J2	6,064.00		
2	4115	16000	160503	County	J2	120,847.00		
2	4115	16000	160512	UVA	J2	1,519.00		
2	4115	16000	160544	City	J2	178,766.53		
2	4115	16000	160545	County	J2	169,855.58		
2	4115	16000	160546	UVA	J2	50,944.36		
2	4115	33000	330325	Grant	J2	934,076.57		
2	4115	51000	510100	Fund Balance	J2	72,053.72		
2	4100	51000	510100	ECC Fund Balance	J2	58,392.67		
1	4101	93010	930024	Transfer To CIP	J1	496,719.00		
1	4110	31050	312700	Consultants	J1	558.27		
1	4110	31060	800300	Comm Equip	J1	138,632.00		
1	4110	31060	800305	Radio System	J1	1,704,455.39		
1	4110	31060	800308	Subscriber Units	J1	1,728,511.53		
1	4110	31060	800625	Utilities	J1	5,208.63		
1	4110	31060	800635	Tower Sites	J1	21,634.81		
1	4110	31060	999999	Contingency	J1	1,388,251.11		
1	4105	31061	800306	Dispatch	J1	130,868.68		
1	4105	31061	950180	Spec ECC Proj	J1	53,849.05		
1	4115	31065	312700	Consultants	J1	72,053.72		
1	4115	31065	800316	Mobile Data Proj	J1	971,634.57		
1	4115	31065	800714	Tech Upgrade	J1	290,438.47		
1	4115	31065	999999	Contingency	J1	200,000.00		
1	4100	31042	520300	Phone Upgrade	J1	58,392.67		
	4101		0501	Est Revenue			496,719.00	
	4101		0701	Appropriation				496,719.00
	4110		0501	Est Revenue			4,987,251.74	
	4110		0701	Appropriation				4,987,251.74
	4105		0501	Est Revenue			184,717.73	
	4105		0701	Appropriation				184,717.73
	4115		0501	Est Revenue			1,534,126.76	
	4115		0701	Appropriation				1,534,126.76
	4100		0501	Est Revenue			58,392.67	
	4100		0701	Appropriation				58,392.67
					TOTAL	14,522,415.80	7,261,207.90	7,261,207.90

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-026  
 DATE: 10/05/05  
 EXPLANATION: Reappropriation of School CIP projects from FY '05

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
				School Board	J1	2,222.33		
				Cale	J1	1,628,000.00		
				V L Murray	J1	5,282.80		
				Henley	J1	228,905.87		
				Jouett	J1	53,082.50		
				Albemarle	J1	196,502.65		
				W Albemarle	J1	52,133.82		
				Murray	J1	307,500.55		
				Monticello	J1	87,540.24		
				Class/Instruction	J1	73,359.48		
				Adm Technolgy	J1	216.74		
				Facility Maint.	J1	70,187.87		
				VPSA Refund	J2	825,141.95		
				Fund Balance	J2	1,879,792.90		
	9000		0501	Est Revenue			2,704,934.85	
	9000		0701	Appropriation				2,704,934.85
					TOTAL	5,409,869.70	2,704,934.85	2,704,934.85

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2006-027  
 DATE: 10/05/05  
 EXPLANATION: Reappropriation of Stormwater CIP projects from FY '05

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9100	41000	800975	Stormwater Imp	J 1	1,045,230.94		
1	9100	41000	950093	Drainage Study/PI	J 1	32,493.36		
1	9100	41036	312400	Birnam Engineering	J 1	3,837.10		
1	9100	41036	800975	Birnam Imp	J 1	12,750.95		
1	9100	41037	800975	Ivy Road Imp	J 1	34,587.50		
1	9100	41049	800975	Woodbrook Imp	J 1	26,105.00		
1	9100	41058	800975	Key West Imp	J 1	285,380.95		
2	9100	51000	510100	Fund Balance	J 2	1,440,385.80		
	9100		0501	Est Revenue			1,440,385.80	
	9100		0701	Appropriation				1,440,385.80
TOTAL						2,880,771.60	1,440,385.80	1,440,385.80

Agenda Item No. 21. **Public Hearing:** Designation of Plank Road (Route 692) between Route 29 and Route 692 as a Virginia Scenic Byway. (Notice of this public hearing was published in the Daily Progress on September 19 and September 26, 2005.)

Mr. Cilimberg said this request originated with the Batesville Ruritan Club in March of 2005. They requested designation of Plank Road between Route 250 and Route 29 as a "Virginia Scenic Byway." He said staff officially requested in May that VDOT begin its process to designate Plank Road as a byway. VDOT has evaluated the County's request and recommended that Plank Road be designated, pending a recommendation of approval by the Board after holding a public hearing. He noted that after adoption of a resolution, the Commonwealth Transportation Board can officially designate Plank Road at its next scheduled meeting, and subsequently signs can be posted and changes made to maps. He mentioned that this designation would be included in the printing in the map for scenic roads in Virginia as part of the Jamestown 2007 celebration. He said staff recommends approval of the designation.

Mr. Dorrier asked what section of the road would be approved. Mr. Cilimberg confirmed that it is the road between Routes 250 and 29.

Mr. Juan Wade, Transportation Planner, noted that the road is about 10 miles long.

Mr. Rooker said the scenic byway designation has no land use implications.

Mr. Wade said he has received calls from residents concerning road improvements and he has assured them it would not be impact any road improvements. He said billboards are not allowed on scenic byways. The byway designation may actually cause a slight increase in traffic with travelers choosing that road as an option.

Ms. Thomas said Plank Road itself has a historic marker, in addition to the town of Batesville which it passes through. She noted that residents were initially concerned about the potential for increased traffic, but agreed that it was the type of traffic they wanted coming through the area.

At this point, Mr. Rooker opened the public hearing.

Mr. Randy Layman addressed the Board. He is a resident of Plank Road and he is opposed to the scenic byway designation because of the potential for increased traffic. Residents complain now about the traffic that is already there, and the designation does nothing to help Plank Road residents as far as improvements, brush cutting, etc.

Ms. Diane Guyer, a resident of Plank Road, expressed concern about the potential for more traffic. She emphasized that Batesville residents are already concerned about speeding traffic and trucks on the road. There are narrow passages and there are problems with trucks and buses. She also noted that there are developments going up on both the east and the west ends of Plank Road. She suggested that a study be done on the traffic along the road.

Ms. Bronwyn Bryans said there is too much traffic on the road, especially log trucks. There are no shoulders on the road, and no lines painted. She emphasized that the village residents should not speak for the entire road.

Ms. Molly Bishop echoed the concerns of her neighbors. She suggested that if the byway is approved, a four-way stop should be put at the intersection of Plank and Route 691 (Ortmann), as there is a dangerous turn there.

There being no further comments from the public, the hearing was closed and the matter placed before the Board.

Ms. Thomas said there was a petition circulated by people wanting the byway, and now those in attendance at this hearing are opposed. She said the type of traffic on scenic byways is usually from those characterized as "leisurely drivers", such as foliage viewers, etc., who tend to obey the speed limits

better than residents who disregard signs. She said she is leaning toward favor of the scenic byway proposal.

Mr. Wyant said he has received calls expressing concern about traffic, and he is against the request.

Mr. Rooker said he feels there should be agreement from the supervisor of the district in which the road designated for change lies.

Mr. Wyant felt a traffic study would be very helpful.

Ms. Thomas said the Planning District Commission, last night, offered to have the Batesville traffic situation looked at by Rural Tech – VDOT, the County, and the MPO staff.

Mr. Rooker noted that this just raises the issue of lack of funds for improving secondary roads.

Ms. Thomas agreed that this request could be deferred until the TJPDC takes a look at it. She thanked staff for their work.

Mr. Wyant said that there is a PDC meeting tomorrow night, and he and Ms. Thomas would raise the issue at that time.

At this time, it was the **consensus** of the Board to defer the resolution indefinitely. Staff is directed to forward the request/resolution to TJPDC and MPO for review and comment.

---

Agenda Item No. 22. **Public Hearing:** To consider an ordinance to amend Chapter 15, Taxation, of the Albemarle County Code, by adding Article XVII, Certified Solar Energy Equipment, Facilities or Devices and Certified Recycling Equipment, Facilities or Devices. The amendment would establish in Albemarle County a real estate and property tax exemption for certified solar and recycling equipment, facilities and devices pursuant to Virginia Code Section 58.1-3661. (Notice of this public hearing was advertised in the Daily Progress on September 19 and September 26, 2005.)

Mr. Tucker said Virginia Code Section 58.1.36-61 permits localities to exempt or partially exempt certified solar energy equipment facilities and devices and certified recycling equipment facilities from local taxation. He said staff, in August, was instructed to prepare an ordinance for adoption. He said a person owning such equipment would apply to the County's Inspections Department and they would examine the equipment and ensure that it meets the definitions set out by the Code. At this time, impact to the budget would be just \$1,500 a year.

Mr. Boyd asked if this would apply only to new installations, or if existing ones would be grandfathered. Mr. Davis said it could pick up previously installed equipment providing it is still functioning, and costs can be demonstrated. The jurisdictions surveyed by staff have a five-year limit to the program, and uses the fair market value as the tax deduction.

Mr. Rooker said the counties that have done this have not been overrun with requests, adding that Albemarle should take a leadership position on this type of tax break.

At this time, Mr. Rooker opened the public hearing. With no one from the public rising to speak, the public hearing was closed, and the matter placed before the Board.

**Motion** was immediately offered by Mr. Wyant to adopt An Ordinance to Amend Chapter 15, Taxation, of the Code of the County of Albemarle, Virginia, by adding Article XVII, Certified Solar Energy Equipment, Facilities or Devices and Certified Recycling Equipment.

The motion was seconded by Ms. Thomas. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

(Note: The ordinance as adopted is set out in full below.)

#### **ORDINANCE NO. 05-15(2)**

#### **AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA**

**BE IT ORDAINED** By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, is hereby amended and reordained as follows:

By Adding:	
Article XVII.	Certified Solar Energy Equipment, Facilities or Devices and Certified Recycling Equipment, Facilities or Devices
Sec. 15-1700	Definitions
Sec. 15-1701	Tax Exemption of certified solar energy equipment and certified recycling equipment
Sec. 15-1702	Application generally
Sec. 15-1703	Certification of solar energy equipment or recycling equipment.
Sec. 15-1704	Determination of Exemption.
Sec. 15-1705	Presumption of Value.

## CHAPTER 15. TAXATION

### ARTICLE XVII. CERTIFIED SOLAR ENERGY EQUIPMENT, FACILITIES OR DEVICES AND CERTIFIED RECYCLING EQUIPMENT, FACILITIES OR DEVICES

#### Sec 15-1700 Definitions.

The following words and phrases, when used in this article, shall have, for the purposes of this article, the following respective meanings except where the context clearly indicates a different meaning:

(1) *Certified recycling equipment, facilities, or devices.* The term "Certified recycling equipment, facilities, or devices" means machinery and equipment which is certified by the Virginia Department of Waste Management as integral to the recycling process and for use primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth, and used in manufacturing facilities or plant units which manufacture, process, compound, or produce for sale recyclable items of tangible personal property at fixed locations in the Commonwealth.

(2) *Certified solar energy equipment, facilities or devices.* The term "Certified solar energy equipment, facilities or devices" means any property, including real or personal property, equipment, facilities, or devices, certified by the local certifying authority to be designed and used primarily for the purpose of providing for the collection and use of incident solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas, or electricity.

(3) *Local certifying authority.* The term "Local certifying authority" means the county's building official.

(4) *Local building department.* The term "Local building department" means the inspections division of the county's Department of Community Development.  
(Ord. 05-15(2), 10-5-05)

**State law reference-- Va. Code, § 58.1-3661(B).**

#### Sec 15-1701 Tax Exemption of certified solar energy equipment and certified recycling equipment.

Certified solar energy equipment facilities or devices and certified recycling equipment, facilities, or devices, as defined in this article, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. Such property is exempt from local taxation, as provided in this article.

(Ord. 05-15(2), 10-5-05)

**State law reference-- Va. Code, § 58.1-3661(A)**

#### Sec 15-1702 Application generally.

A. Any person residing in the county may proceed to have solar energy equipment, facilities or devices, or recycling equipment, facilities, or devices certified as exempt, wholly or partially, from taxation by applying to the local building department.

B. The person claiming an exemption under this article for solar energy equipment, facilities or devices, or recycling equipment, facilities, or devices must file an application with the local building department on forms provided for that purpose.

C. The application must be accompanied by a complete set of plans and specifications of the solar energy equipment, facilities or devices, or recycling equipment, facilities, or devices for which exemption is claimed. The application must also be accompanied by sworn statements of contractors or suppliers attesting to the cost of the purchase and

installation of the solar energy equipment, facilities or devices, or recycling equipment, facilities, or devices for which exemption is sought.  
(Ord. 05-15(2), 10-5-05)

Sec. 15-1703 Certification of solar energy equipment or recycling equipment.

If, after examination of such equipment, facility or device, the building official determines that the unit primarily performs any of the functions set forth in § 15-1700 and conforms to the requirements set by regulations of the Virginia Board of Housing and Community Development, such department shall approve and certify such application. The local building department shall forthwith transmit to the county assessor those applications properly approved and certified by the local building department as meeting all requirements qualifying such equipment, facility or device for exemption from taxation. Any person aggrieved by a decision of the local building department may appeal such decision to the local building code board of appeals, which may affirm or reverse such decision.  
(Ord. 05-15(2), 10-5-05)

**State law reference-- Va. Code, § 58.1-3661(C)**

Sec 15-1704 Determination of Exemption.

Upon receipt of the certificate from the local building department, the county assessor shall proceed to determine the value of such qualifying solar energy equipment, facilities or devices or certified recycling equipment, facilities, or devices. The exemption provided by this article shall be determined by applying the local tax rate to the value of such equipment, facilities or devices and subtracting such amount, wholly or partially, either (i) from the total real property tax due on the real property to which such equipment, facilities, or devices are attached or (ii) if such equipment, facilities, or devices are taxable as machinery and tools under *Virginia Code* § 58.1-3507, from the total machinery and tools tax due on such equipment, facilities, or devices, at the election of the taxpayer. This exemption shall be effective beginning in the next succeeding tax year after the date of approval by the county assessor, and shall remain in effect for the four (4) following tax years. In the event the qualifying equipment, facilities, or devices is part of a new building subject to assessment pursuant to § 15-1001, the exemption shall be first effective when such real estate is first assessed, but not prior to the date of such application for exemption.  
(Ord. 05-15(2), 10-5-05)

**State law reference-- Va. Code, § 58.1-3661(D)**

Sec 15-1705 Presumption of Value.

It shall be presumed for purposes of the administration of this article, and for no other purposes, that the value of such qualifying solar energy equipment, facilities and devices is not less than the normal cost of purchasing and installing such equipment, facilities and devices.  
(Ord. 05-15(2), 10-5-05)

**State law reference-- Va. Code, § 58.1-3661(E)**

---

Agenda Item No. 23. **Public Hearing:** SP-2005-016. Hope Builders International (Signs #30 & 68). Request for amendment of SUP for church & priv school, to remove condition prohibiting transfer of permitted use to new operator & to make possible expansion of office space w/in the use, in accord w/Sec 10.2.2(5) & 10.2.2(35) of the Zoning Ord, which allows priv schools & churches respectively. TM 70, P 22, contains 13.473 acs. Znd RA. Loc at 7444 Plank Rd (Rt 692), 0.65 miles E of its intersec w/ Ortman Rd (Rt 691). White Hall Dist. (Note of this public hearing was published in the Daily Progress on September 19 and September 26, 2005.)

Mr. Cilimberg said this is a request for an amendment to an existing special use permit to allow continuance of a church and religious retreat center, and operation of the business office for a missionary organization. This amendment would remove a requirement that the facilities be operated only by the original owners, Christian Retreats, Inc., who held meetings and retreats for other churches on the property, the historic Oak Leigh House on Plank Road through a special use permit approved in 1989. He said conditions were imposed to minimize the impact to surrounding rural areas for such things as traffic, noise, rural and historic character while permitting a religious organization to carry out its planned activities. Staff recommended approval subject to conditions, and the Planning Commission, at its hearing modified a couple of those conditions, added a 13th condition and recommended approval of SP-2005-016.

Mr. Cilimberg stated that since that Commission meeting, the applicant has approached the County regarding the conditions addressing the seating capacity of 100 persons. The applicant has asked about increasing that limitation, and staff indicated that issue would need to be raised at this meeting. The applicant would like to amend the sixth condition to allow seating for 150 for a maximum of five weddings per year. He said that without further review regarding the impact of that additional attendance on available parking and Plank Road, staff cannot advise the Board as to the acceptability of such an amendment to the request. Should the Board choose to approve the special use permit with the

condition as requested by the applicant, Conditions No. 1 through No. 4 may still limit the area of assembly to less than that maximum after the necessary approvals of the Health Department, Fire/Rescue, the building official and VDOT. Otherwise, staff recommends approval of the request with the conditions recommended by the Commission.

Mr. Wyant asked how many acres this site encompasses. Mr. Cilimberg replied that the site is 13 acres, noting that the Planning Commission recommends a condition that the parcel cannot be subdivided or reduced in size in an attempt to address the development rights which could increase activity and traffic.

With no further questions for staff, Mr. Rooker opened the public hearing and asked the applicant to speak.

Mr. Lance Thollander, President of Hope Builders, addressed the Board and introduced some of his co-workers. He explained that for over 30 years the property has been owned by Christian Retreats, Inc., and used by Oak Leigh Christian Fellowship as a church meeting place and fellowship center. He said that on a weekly basis 200 or more people gather there for worship, fellowship and meals, with weddings and training sessions held on the grounds. He mentioned that church leaders, their families, and guests, lived in a 10,000 square foot, nine-bedroom, nine and one-half bath home that sits on the 13 acres. Hope Builders acquired the property in 2003 with the intent of continuing those activities as well as have offices on the property. They have begun weekly meetings including prayer, singing, bible study and meals. Those meetings would soon move to Sunday mornings.

Mr. Thollander said the property has been kept up nicely and they have received positive comments about its upkeep. He acknowledged that there may be parking and traffic issues, but they have over 40,000 square feet available for parking on one side of the building. When Oak Leigh was meeting there, they had about 17,000 vehicle trips per year, and his mission's maximum numbers would be about 11,600 trips per year. They would like to hold weddings on the property, but past restrictions have prohibited that activity. He read from a letter received from a constituent who liked Oak Leigh and wanted to have her son's wedding there. He added that they accept the other conditions and would be willing to operate within those parameters.

Mr. Wyant asked if the attendees for training sessions stayed on the grounds. Mr. Thollander responded that they would be on grounds and residential, with few vehicle trips.

At this point, Mr. Rooker asked the public to speak.

Mrs. Lucinda Riley of Kings Way Road, across the street from Hope Builders, addressed the Board. She explained that she was a member of Oak Leigh Christian Fellowship, when approximately 200 to 250 people attended church there each Sunday, many of whom stayed to eat lunch after church. She never found parking and traffic to be an issue, adding that her brother-in-law was married there, as was his daughter. She noted that the site easily accommodates 200 guests with no issues.

Mrs. Riley's husband addressed the Board. He said he has a full view of the property and has a full eye of what happens there. He has observed a number of events over the years and none of them produced negative issues for the neighborhood. He said the events usually wind down at a reasonable hour, and there have not really been traffic problems.

Mr. Albert Culliman addressed the Board, stating that he and his wife Kathy live next to the Oak Leigh property. He has worked for a number of non-profits and this organization seems to be more of a business than a religious organization. The weddings are basically fundraising events for the church, and he cited his concerns about the impact of additional people attending. He would like to see the limitation kept at 100 people.

Ms. Diane Guyer addressed the Board, noting that she purchased her property in 1986 from the Christian Retreat. At that time Oak Leigh was a local church with a smaller congregation. Now the traffic along Plank Road has picked up. She thinks Hope Builders was using Oak Leigh illegally as their business headquarters before they assumed ownership. She stated that none of the Hope Builders board members actually live on the site, noting that this is not a local church serving local people. She is concerned about the balance of nature that increasing the church congregation and conference activity might bring. The surrounding properties were supposed to be protected by the covenant defining "church," and now Hope Builders wants to redefine "church." She added her concerns about the impact to water and sewer in the area, and the impact to roads and traffic.

Ms. Kathy Culliman, a Plank Road resident adjacent to the church property, addressed the Board. She said the church has done nothing offensive, and her family has attended church there. She does not see the Hope Builders initiative as personal, but it does impact neighbors personally when there is excess noise, traffic, etc. She asked the Board to honor the Comprehensive Plan and not let a "conference center" come in next door.

Ms. Bryans addressed the Board, stating that she bought her property from Christian Enterprises believing that Oak Leigh would remain the same without becoming a business.

Mr. Dan Whitten addressed the Board, stating that he owns property on Ortmann Road, owning and managing farms along the road. He expressed concern about traffic along Ortmann Road from Route 250 to Plank Road, as that stretch is very narrow. He encouraged the Board to vote against the change in the special permit.

Mr. Michael Riley addressed the Board. He is in favor of Hope Builders plan, stating that he attended church there in 1977, and was married there in 1980. He does not see car traffic as an issue as trucks cause most of the traffic concerns.

Mr. Johann Bell addressed the Board. He said he would really appreciate the Board's endorsement, as there has been a reduction in the traffic that used to be there.

Mr. Mark Haskins addressed the Board, stating his favor for the revised special use permit. He said Hope Builders is a non-profit Christian organization and it meets all IRS requirements as such. The purpose of the request is just a continuation of how the site has been used. He said the people involved with Hope Builders are upstanding and respectable.

Mr. Jeff Bowman addressed the Board, stating that he has lived in Albemarle County for 21 years, owning property for seven years near the site in question. He has heard the landowners discuss what they would like to do with the property, and he does not find it objectionable. The owners are trying to make the site an asset to the community, and the church has made their facility available for others to use for conferences and meetings.

Mr. Thollander readdressed the Board, and stated that if they had just wanted to run a business, they would not have chosen this site. He stated that they love the property, and want to make the best of it.

Mr. Wyant asked if they plan to have Sunday service on a weekly basis. Mr. Thollander replied that they do.

Mr. Wyant asked if the conferences would be kept to three days a month, with attendance of 100 each time. Mr. Thollander responded that it would be an average, with two in one month, and none in the next month. He said that there would be no more than 12 per year.

Mr. Wyant asked if the definition of "church" is met with this application.

Mr. Davis replied that the term "church" in the Zoning Ordinance has a broader definition than what might be commonly known as a church that encompasses other religious uses. He said the Zoning Administrator has determined that the use as described in the application falls within the church classification. Mr. Davis said the Board must consider the application as it relates to land use, such as traffic, noise, etc. The Board should not take into consideration whether it wants 200 people attending a religious activity, but whether 200 people being on that property would cause concerns related to whatever factors are appropriate for a land use decision.

Ms. Thomas asked about the covenant referred to in the applicant's presentation. Mr. Davis replied that he believes the applicant is referring to limiting the special use to that owner.

Mr. Rooker said they were referring to the original special use permit as a "covenant" from the County.

Ms. Thomas noted that weddings were not mentioned at all in the conditions. Mr. Davis said that right now there could be weddings regularly having no more than 100 attendees; the amendment calls for allowing weddings of 150 up to five times per year.

Mr. Cilimberg pointed out that there are currently no restrictions on weddings within the conditions, just on areas of assembly. He said that there were only five conditions related to the previous special use permit.

Mr. Davis noted that there are several factors that could limit capacity – fire or health department restrictions, parking restrictions, access limitations, VDOT, etc.

Mr. Cilimberg said the first four conditions mentioned in the staff's report would still govern no matter what the area of assembly is.

Mr. Rooker said he does not believe the application can legally be turned down, although restrictions related to land use could be imposed. He said staff has not yet had an opportunity to assess the requested 150-person threshold. Mr. Davis commented that Condition No. 6 could be amended to add language stating: "... except that seating for up to 150 persons may be provided for up to five weddings per calendar year."

Mr. Thollander reiterated that they are planning on five weddings maximum per year.

At this time, Mr. Wyant **moved** for approval of SP-2005-016 with the conditions recommended by the Planning Commission, but adding to Condition No. 6 the language provided by Mr. Davis (“... except that seating for up to 150 persons may be provided for up to five weddings per calendar year.”).

Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

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

1. Health Department approval of well(s) and septic system(s) for all proposed church, conference, residential, and office uses;
2. Fire and Rescue Department approval of the structure for all proposed church, conference, residential, and office uses;
3. Building official approval of the structure for all proposed church, conference, residential, and office uses;
4. Virginia Department of Transportation approval of entrance and exit;
5. The applicants shall present evidence of the approvals required in Conditions 1 through 4 and obtain a zoning clearance for the use within six (6) months of the approval of this permit;
6. Seating capacity in any area of assembly shall not exceed one hundred (100) persons, except that seating for up to one hundred fifty (150) persons may be provided for up to five weddings per calendar year;
7. Conferences or retreats, each limited in duration to no more than three (3) days, may occur up to twelve (12) times per calendar year. Attendance shall not exceed one hundred (100) persons;
8. Once per calendar year, a missionary training program may be held on the site, for a single continuous time period not to exceed eight (8) weeks. A maximum of thirty (30) people may be enrolled in the training program;
9. No more than thirty (30) persons attending conferences, retreats, or missionary training shall reside on the property at any one time. All attendees shall be housed in the Oak Leigh house;
10. No outdoor amplified sound systems shall be used on the property;
11. Outdoor group activities (meetings, services, recreational activities, and other similar events and activities) shall not occur between 10:00 p.m. and 7:00 a.m.;
12. The footprint of the existing Oak Leigh house shall not be expanded, and no other structures shall be used or constructed for this use, without amendment of this permit; and
13. This parcel shall not be subdivided or reduced in size.

(Note: At 3:50 p.m., the Board took a brief recess and reconvened at 4:03 p.m.)

---

Agenda Item No. 24. **Public Hearing:** SP-2005-017. Chick-Fil-A - Route 29 (Signs #60 & 66). Request to allow drive-in window serving fast food restaurant in accord w/Sec 24.2.2.13 of the Zoning Ord, which allows drive-in windows serving or associated w/permitted uses. TM 45, P 93A, contains 21.733 acs. Znd HC & EC. Loc in front of Lowes Home Improvement Store on N side of Woodbrook Dr (Rt 1417) & at intersec w/ Seminole Trail (Rt 29N). Rio Dist. (Notice of this public hearing was advertised in the Daily Progress on September 19 and September 26, 2005 .)

Mr. Bill Fritz, Chief of Current Development, said this is a request for a fast food restaurant. He said the restaurant is to be located in the parking lot of Lowe’s, and the proposed drive-through restaurant is in the parking area closest to Route 29 and Woodbrook Drive. The property would ultimately be subdivided. The plan was reviewed to determine if it met the requirements of the site plan and the design requirements for a drive-through, and it was determined that it does meet those elements. He added that the ARB recommended approval of the special use permit, and the Planning Commission recommended approval unanimously at it meeting on August 30, but they made changes to Condition 1 and Condition 3 as recommended by staff to clarify which plan this special use permit was for and to clarify that a certificate of appropriateness needed to be issued for the site.

With no questions for staff, Mr. Rooker invited the applicant to speak. The applicant had no comments.

Mr. Rooker then opened the public hearing to the public. With no one rising to speak, the public hearing was closed and the matter placed before the Board.

**Motion** was immediately offered by Mr. Bowerman to approve SP-2005-017 subject to the conditions recommended by the Planning Commission. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

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

1. Development shall be in general accord with the site plan titled "Chick-Fil-A Preliminary Site Plan Documents", last revised July 8, 2005, and initialed SBW on August 22, 2005;
2. The existing evergreen hedges and trees along Woodbrook Drive and the Route 29 North EC shall remain fully intact and allowed to reach mature height and habit typical of the species. Pruning shall be limited to the correction of damage and the overall maintenance of the health of the plantings; and
3. The color and material of the awning on the drive-through elevation shall be resolved to the satisfaction of the ARB and a Certificate of Appropriateness issued.

---

Agenda Item No. 25. **Public Hearing:** ZMA-2004-007. Belvedere (Signs #62, 76 & 84). Request to rezone approx 206.682 acs from R-4 to NMD to allow up to 775 du, w/overall density of 3.74 du/ac, ranging from density of 1.6 du/ac in some areas to 9.4 du in others. TM 61, Ps 154, 157, 158, 160 (portion) & 161, TM 62, Ps 2A (portion), 2B (portion), 2C, 3, 5 & 6A, & TM 62A3, PI 1. Loc on E side of Rio Rd (Rt 631) immediately E of Southern Railroad. (The Comp Plan designates this property as Neighborhood Density in northern portion of property (3-6 du/ac), Urban Density in middle & southern portions (6-34 du/ac) & Community Service adjac to railroad, in Neighborhood 2. Rio Dist. (This public hearing was continued from September 7, 2005).

Mr. Cilimberg said the new Executive Summary for this item was inadvertently not provided to the Board members in their packets. He stated that initially there was a recommendation for denial from the Planning Commission which expressed concerns regarding right-of-way dedication for the northern Free State Toad connector, no commitment to affordable housing, and resolution of right-of-way between the Fairview Swim Club and land owned by Mr. Phillip Brown. He said these issues have now been addressed so staff feels they are no longer issues. He said the applicant has worked with staff to resolve other issues including shifting of alignment of Belvedere Boulevard to accommodate future widening, an increase in the preservation areas from 3.1 acres to 7.6 acres, and the pinch point of where the boulevard will go into the northern section of development.

Mr. Cilimberg SAID staff feels the Code of Development, the proffers, and the Application Plan have been adjusted to reflect those issues. However, in reviewing the Application Plan, one feature that had been a part of the plan has been removed – the pedestrian bridge between Block One and Block Two. Staff felt that provided convenient access between the two areas which are separated by a stream valley; people would not have to walk out along the sidewalk along the boulevard. The applicant expressed concern about the unknown expense of the standard of construction for this bridge – a boardwalk that would be ADA compliant.

Mr. Cilimberg said the proposal for buffering of the already developed Dunlora and Rivercrest neighborhoods from Belvedere has been examined regarding where buffers should be provided, how they should be provided, and how they should be maintained in the long run.

Mr. Davis stated that he has not yet seen or reviewed the signed proffers.

Mr. Bowerman said he wanted to add some green buffer to the are already shown on the plan – 90 feet of existing wooded buffer – adding some evergreen plantings at the top of the hill to buffer the new development would be reasonable.

Mr. Rooker said staff recommended that the applicant incorporate tree protection language in the Code of Development.

Mr. Sean Dougherty, Senior Planner, said the applicant has expressed a willingness to do that, and has provided language to staff for this. He does not anticipate it being an issue, but it's not in the Code of Development now.

Mr. Bowerman stated that the Board needs to see this information before they can vote on this petition.

Mr. Davis said the proffers could be reviewed in time for the Board's next meeting, but he is not sure about the Code of Development.

Mr. Cilimberg said the applicant would need to provide a new Application Plan if there is further delineation and language for the Code of Development regarding how the areas would be treated. He said that language would have to be reviewed by Planning staff and the Zoning Department.

Mr. Rooker said the tree protection language used for the Old Trail development was provided to the applicant. At that time the applicant chose not to do anything.

Mr. Cilimberg emphasized that one of the areas is not on their property, and would need to be dealt with as a separate item. Staff wants to have this done as soon as it can and there is no intent to delay this item. In response to Mr. Boyd's question, Mr. Cilimberg said staff felt the applicant had met all

of the issues raised in prior meetings, with the exception of the removal of the pedestrian crossing. He added that the additional tree buffering came up later.

Ms. Thomas said it came up in the public hearing. Mr. Cilimberg said it is something staff can still take care of. He added that every new submittal is done electronically, so staff has to review and make sure that all of the accepted pieces are there.

Mr. Boyd expressed concern about doing an amendment to the Application Plan rather than having an entirely new plan. Mr. Davis responded that a replacement page would probably cover it.

Mr. Dougherty said amending the conservation and preservation space and delineating the areas for buffer would take care of most problems with the Application Plan. He added that there would need to be a reference to the tree protection language in the Code of Development.

Mr. Rooker said that it would save a lot of staff time if just one page were submitted as an amendment. Mr. Davis pointed out that the Code of Development becomes the legal controlling document for the property.

Mr. Rooker asked Mr. Cilimberg about the foot/pedestrian bridge. Mr. Cilimberg replied that when the applicant became aware of the need to provide it to a standard, there was a concern on his part that it would be too costly.

Mr. Dougherty said the project was started before he was a County employee, but Mr. Kelsey said he would like to have some kind of connection between the two blocks, even if it were vehicular instead of pedestrian, and it was his feeling that it is important. One idea discussed was providing a bridge over the dam for the stormwater facility just to the east of where the bridge is shown, in the area of the re-grading. That option is not as attractive as a direct connection.

Ms. Thomas asked if the ADA standard must be used. Mr. Dougherty replied that it is his understanding from Mr. Mark Graham and Mr. Jack Kelsey that that is the desire.

Mr. Bowerman said it is an extensive area to cross. Mr. Dougherty said from the interior of Block Two to the interior of Block One, the distance across the bridge would be about 300 feet. With no connection there, one would have to go down to Belvedere Boulevard, get on the trail, walk over, and walk back up.

Mr. Cilimberg noted that the uses to the south side of the stream are non-residential.

Mr. Frank Stoner, the applicant said they have been through about 15 reviews, and the standard of that bridge has never been raised. He said the suggestion was made that the bridge be built to VDOT standards.

Mr. Rooker asked if he had another standard in mind to offer.

Mr. Stoner replied that he had envisioned it as a wooden bridge and the shorter the span the more cost-effective it would be. He noted that the Rivanna Trails bridge would be a good model of a "Class B trail with bridge." It would need to span a minimum of 70 to 90 feet; the bridge built across Emmett Street was \$5.0 million. He said they are building a pedestrian trail along the main road, similar to one that would be along the Parkway on the southern end. The trail is 250 feet away from the proposed bridge location.

Mr. Rooker said that it would be nice to have a pedestrian connection, and he would be satisfied with a standard comparable to Rivanna Trails.

Mr. Bowerman stated that he would not feel comfortable requiring the applicant to build a bridge to VDOT standards.

Mr. Rooker suggested having Mr. Davis include in the proffers mention of a bridge sufficient to handle pedestrians that could be approved by staff.

Mr. Cilimberg noted that a key question is whether the bridge is expected to be ADA compliant, as that will dictate design.

Mr. Mark Graham, Director of Community Development, explained that one of the first questions he raised about this application was how Blocks One and Two would be connected. He asked why there was not a road to join them together, and the response was that the depth and width of the ravine made crossing it cost-prohibitive with possible environmental impacts. Putting in a span and making it ADA compliant as far as width, grade, etc., was viewed as providing the interconnection the Neighborhood Model requires. He pointed out that VDOT has standards for pedestrian bridges, bicycle bridges, etc., specifying the width of the bridge, the grade, height of handrails, etc.

Mr. Bowerman commented that it is pretty late in the process to identify that as a major issue. Mr. Dougherty replied that after the September 10 hearing with the Board, staff put together consolidated

comments. He acknowledged that it was late in the process, but the original plan for a boardwalk was part of a plan recommended for denial by the Planning Commission.

Mr. Stoner emphasized that there is a significant pedestrian connection between the two blocks and it is more convenient that the one being discussed. He said there would be a "redundant facility" 200 feet away from an existing major pedestrian facility. The cost associated with a VDOT standard bridge, balanced with the other issues they have encountered may be "a bridge too far." He confirmed that the trail would be wheelchair accessible.

Mr. Bowerman said that this isn't a "deal-killer" for him.

Ms. Thomas said it is good to have a connection, but feels better knowing that the trail is wide enough to accommodate wheelchairs.

Mr. Bowerman stated that it is frustrating to have an entire development plan hung up on one single issue. He thinks there must be a way to make approval a little bit faster and more efficient.

Mr. Stoner said the applicant has been through four revisions since the July meeting to try to finalize the plan, and the issue of the buffer arises. He said that every time the document is reviewed, staff finds something that it looked at and now think about differently. He thinks the County has to make some kind of a recommendation to bring closure to their request.

Ms. Thomas pointed out that perhaps the public needs to be brought in sooner, as the buffer issue was raised during the public hearing.

Mr. Rooker said the buffer issue came up before the Planning Commission several times, and they handled it by expanding it to 100 feet. Mr. Cilimberg said the Commission thought the buffer issue had been settled.

Mr. Rooker said it is the Board's right and responsibility to review and make changes before it votes. He asked to continue with the discussion of the bridge.

Mr. Cilimberg said the applicant mentioned having it as a Class B trail, adding that he doesn't know what kind of crossing would get incorporated. The other option would be to go up across the dam.

Mr. Stoner said he cannot build an 80-foot span bridge, even though they supported the concept and did propose it in the beginning. Part of the problem with this rezoning is that it got into so much minutia that it made the process cumbersome. He thinks enforcement of Neighborhood Model plans will be a full-time job for someone. He emphasized that at the site plan level, he is committed to building a pedestrian bridge as long as it can be kept to a Class B standard and the grades will work. He is committed to addressing the buffer issue with the Dunlora Community Association, and has provided them with a plan.

Mr. Stoner explained that the Plan has been modified three times in response to Dunlora's concerns about the buffer. The buffer zone was modified from 50 feet to 90 feet, then extended to include areas in the north end of the property, and then dedicated as preservation areas. He said the Planning Commission reported to the Board that it was not an issue any longer, it had been resolved. He expressed his frustration that the issue has now been raised by a Board member, and he plans to work through the issue with Dunlora. He said the diagram shows the areas in which there needs to be significant tree buffer protection provided after construction. That picture shows the relative benefits of a landscaped buffer on the Belvedere property behind the existing buffer in comparison to the same buffering located on the Dunlora property.

Mr. Bowerman said this had been suggested by Mr. Stoner earlier, but there was no way to deal with it in the Code of Development. He said he would like to move this application forward.

Mr. Rooker suggested deferring and bringing it back next week, provided the only thing needed is the one page regarding maintenance of the preservation area.

Mr. John Putalik of the Dunlora Community Association said they had presumed that their buffer concerns which were expressed to Ms. Susan Thomas would be forwarded to the Board.

Mr. Al Reynolds of Rivercrest at Dunlora, said his biggest concern is the preservation space. He added that he is very concerned about what he just heard.

Mr. Rooker clarified that the preservation area is proffered, and Stonehaus Developers are proposing that potential evergreen planting for additional screening be handled pursuant to what they set out in the letter presented as a private matter between their company and the homeowner's association.

Mr. Reynolds said he does not understand how this will end up, but emphasized that the homeowners would like a substantial fence at the drip line behind the buffer to protect the trees so they aren't damaged or killed during construction. He added that they were disappointed that the sanitary sewer system would have to be routed through the mature tree forest in the Dunlora open space area,

behind four units of Rivercrest. He thanked the Board and staff for their in-depth work on this application. He also applauded Mr. Stoner for his willingness to agree to the preservation area.

Mr. Bowerman said he is going to look to staff to see how this should be moved forward.

Mr. Davis said the question is how comfortable the Board is with a private agreement between Stonehaus and Dunlora.

Mr. Bowerman said he is not comfortable with that since there is no guarantee this developer will be the one to actually develop the property.

Mr. Davis said amendments to the Code of Development could possibly be done using replacement pages in order to simplify the review process, but he is unsure about the plans that have to be changed.

Ms. Thomas said the letter seems to address what is going to be done with the homeowners in Rivercrest because that is believed to be the better buffer. She understands Board members to be in agreement that the bridge can be a Class B bridge.

Mr. Rooker said the applicant has provided a letter to the Homeowners Association that shows additional plantings for screening purposes would be more effective. He asked Mr. Dougherty to point out on the Plan the location of the additional 80 evergreen trees for screening. Mr. Dougherty indicated on a map where they would be planted.

Mr. Cilimberg said the Plan shows what would be planted in between the sight line from the houses in Rivercrest to the dam.

Mr. Davis clarified that the trees would be planted at Belvedere's expense on Rivercrest property, then maintained by the Rivercrest property owners.

Mr. Wyant said the proposal is for the landscape plan to come from the homeowners to the applicants, and then they give them the allowance and pay to have the trees installed.

Mr. Davis pointed out that the County can't require the alternative to happen – trees planted on Rivercrest. He said the issue could be dealt with through a condition requiring plantings onsite, or let the property owners and developer work on it privately.

Ms. Thomas said it would affect about 10 property owners.

Mr. Bob Hauser, the applicant, addressed the Board. He said in the Avamore rezoning they dealt with the public issues and concerns of the Board. They had a lengthy negotiation with the Fontana Homeowners Association for a separate agreement between two property owners. He noted that it was a similar situation of planting offsite, which really isn't a public issue.

Mr. Rooker asked if everyone agreed to have this petition come back next week with an agreement regarding what appears to be the last issue.

Mr. Cilimberg clarified that for next week's meeting there needs to be language presented regarding preservation area maintenance, and the downgraded bridge language.

Ms. Thomas said she would like to hear back from the Dunlora/Rivercrest Homeowners Association.

Mr. Putalik of Dunlora stated that he is hearing that the residents would like to have an internal meeting, and after that time they would sit down with Mr. Stoner. He added that he would like Mr. Bowerman to be a part of the meeting too.

Mr. Bowerman asked if the expected outcome is an agreement between Rivercrest and Belvedere.

Mr. Putalik said he can't promise there would be an agreement.

Mr. Rooker said the developer has expressed confidence as to how the planting would take place. He added that all of the issues raised by Rivercrest have been dealt with except for this last request concerning evergreen plantings.

Mr. Putalik said it sounds to him that Stonehaus wants to speed up the process.

Mr. Rooker emphasized that the Association needs to understand that the Board would be making a decision on the proposal and the planting agreement would be a side agreement. He added that the developer could proffer the planting of the additional evergreens on Belvedere to be in the Code of Development, and any offsite plantings would be subject to a private agreement with the Rivercrest Homeowners Association.

Mr. Bowerman agreed that the item needs to be considered at next week's meeting.

Mr. Cilimberg said he understands the Board would like to see clarification of the following for next week: the additional evergreen planting, preservation area maintenance, and lower scale crossing for pedestrians between Blocks 1 and 2. He agreed that staff would deal with separate pages instead of an entire new Plan.

Mr. Dougherty asked if the intent is to protect the entire drip line of the trees.

Mr. Bowerman replied, "Yes."

Mr. Davis suggested that the public hearing be continued to next week so that it is still a legal public hearing if needed.

**Motion** was offered by Mr. Bowerman to continue this public hearing on ZMA-2004-007 to October 12, 2005. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

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

---

Agenda Item No. 26. SP-2004-052. Kenridge (Sign #40). Request to allow development of multifamily complex in accord w/Sec 23.2.2.9 of the Zoning Ord which allows for R-15 use in CO district. TM 60, Ps 27 & 27B, contains 16.5 acs. Loc on N side of (Rt 250 W) Ivy Rd approx 1/2 mile W of intersec of Ivy Rd & Rt 29/250 By-pass. (The Comp Plan designates these lands as Office Service in Neighborhood 7. General usage for Office Service is mixed office & residential uses & is recommended for 6.01-20 du/ac, w/possible densities of up to 34 du/ac under planned development approach. General usage of the proposed amendment (SUP public hearing on request) is residential. The existing carriage & manor houses have the option of being used for residential and/or office use. The density of the proposed amendment is 4 du/ac.) This property is also located in EC. Samuel Miller Dist. (This public hearing was deferred from September 14, 2005.)

Mr. Cilimberg reported that the Board deferred this request at its last hearing in order for conditions to be provided addressing concerns discussed at the public hearing. He said staff has provided 17 conditions reflecting the discussion from that meeting; they have been agreed to by the applicant.

Mr. Rooker asked about Condition No. 15 which says the owner agrees to voluntarily contribute a sum of \$3,000 cash for each new dwelling unit to the County for funding affordable housing programs but the money would be returned to the owner if it were not spent within 10 years. He wondered how it could be determined whose money was spent from a housing trust fund. Mr. Davis stated that language is taken from proffer language, and there is no reason for the sentence if the Board and applicant agree it should not be included.

Ms. Thomas said the parking limit was intended for the office use, not residential, and the applicant has agreed to that. She added that concern has been expressed about the way Condition No. 9 is worded, suggesting that the language say "exteriors of blocks" instead of just "exteriors" so there's no chance of a "checkered" affect.

At this time, the Chairman asked for public comments.

Ms. Diana Strickler said she is Chairman of the Route 250 West Task Force appointed by the Board to advise on traffic issues related to the Route 250 West corridor. One of the positive aspects of the Kenridge proposal is the provision of a new entrance opposite Birdwood, which would enable an internal access road involving four parcels of land – the old Textile Institute, Kenridge, White Gables, and the National Legal Research property. She stressed the importance of having the internal traffic funneled to a single traffic point. She noted that when White Gables was approved, the county engineer or VDOT, were given the power to require White Gables to close its entrance to Route 250 or convert it to right-in, right-out access, or some other modification as determined by the County. She added that the Task Force believes there should not be a separate entrance here.

Mr. Davis stated that when the entrance is constructed, the County can provide notice to adjacent property owners that they need to convert the entrance. He added that they do have the option of maintaining it as a right-in, right-out access.

Mr. Cilimberg said either VDOT or the County's Director of Engineering may require the applicant to close the existing entrance shown on the conceptual plan, convert it to a right-in, right-out only entrance/exit, or require that other modifications be made to the entrance.

Mr. Jeff Werner addressed the Board. He finds the offering of \$3,000 per unit for affordable housing to be repulsive. He said that a few weeks ago, Mr. Cetta had offered \$20,000 per unit for a

development. He emphasized that developers are paying a token fee to buy them back into the market. This is not what should be done.

Mr. Rooker pointed out that this property is zoned commercial. This is a request for a special use permit, not a rezoning. He understands the requirement could not be imposed on the applicant if he had not voluntarily offered to do it. With 66 units at \$3,000 each, there would be \$200,000 put into the Affordable Housing Trust Fund, matching what the County has put in the fund this year. A sizable housing trust fund is needed to help people with down payments; sometimes price points for homes make it impossible to offer a larger per unit offering. He had never heard of a per unit contribution of \$20,000.

Ms. Thomas pointed out that \$20,000 per unit was discussed for the Fontaine apartments, but that did not happen. She expressed her desire to see more contributed both in per unit allocations and in the provision of affordable homes. But, this is a different situation because it is a special use permit rather than a rezoning.

Mr. Rooker said the proposed Fontaine contribution of \$20,000 was intended to be a replacement for affordable units, and the number worked out to be almost identical to the number here.

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

Ms. Thomas said the applicant has worked to meet the conditions arising out of the concerns expressed in the application process. She has concerns about the lack of affordable units, and the design of these proposed units which conflicts with the Comprehensive Plan. She hopes the rest of the development community is not watching and that the Board does not feel it is setting a precedent and that it is always going to be happy with this kind of design. She appreciates the preservation of the front yard and the tree conservation plan. She said there are many good aspects to this plan. She then offered **motion** to approve SP-2004-052 subject to the conditions recommended by the Planning Commission, but making the following changes: In Condition No 1, the second sentence, language addition: "Parking for the office use shall be limited to the area and number of spaces shown on the Conceptual Plan." For Condition No. 9, first sentence, language addition: "... the exteriors of blocks of attached single family buildings shall be either red brick, or white painted brick, with gable roofs." For Condition No. 15, eliminate the language: "If this cash contribution has not been exhausted by the County for the stated purpose within ten (10) years from the date of the last contribution, all unexpended funds shall be refunded to the owner."

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

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

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

1. The approved final site plan shall be in general accord with the Conceptual Plan prepared by McKee Carson, dated June 16, 2005, revision ("Conceptual Plan"). (See Attachment). Parking for the office use shall be limited to the area and number of spaces shown on the Conceptual Plan. If additional parking is required for the office use, an amendment of this special permit shall be required;
2. There shall be a minimum front yard of two hundred seventy-five (275) feet between the southernmost structure (the "Main House") and the property line adjacent to Route 250 as shown on the Conceptual Plan; side and rear yards shall be as shown on the Conceptual Plan;
3. All streets on the property connecting to adjacent properties as shown on the Conceptual Plan shall be constructed by the applicant to an urban section with the intent that such streets on the property connecting to adjacent properties will be built to a standard consistent with the connecting street on the White Gables property. All streets and pedestrian accesses shall be constructed to a standard acceptable to the County Engineer in accordance with the highlighted sections of Attachment A, revised and dated August 30, 2005, and initialed as CTG;
4. The connecting road extending from the former ITT property (Tax Map 60, Parcel 28) and across the Kenridge property to its entrance at Ivy Road, as shown on the Conceptual Plan, shall be established as a private street in conjunction with the final subdivision plat or site plan. As a condition of final subdivision plat or site plan approval, the applicant shall grant all easements deemed necessary by the Director of Community Development to assure the public's right to use the connecting road for purposes of ingress to and egress from Tax Map 60, Parcel 28;
5. The applicant shall comply with all requirements of the VDOT related to design and construction of the entrance to the property, as shown on the Conceptual Plan, and shall pay its pro rata share of the cost for signalization of this infrastructure contributed by traffic from the development as follows:
  - (a) Prior to the issuance of a building permit, the applicant shall place funds in escrow or provide other security ("security") acceptable to the County in an amount equal to its pro rata share of the cost of the signal which amount shall be

- calculated by the Director of Community Development in the year in which the security is provided. The security shall continue so that it is available to pay for the cost of the signal until ten (10) years after the date of approval of this special use permit; security provided that is not in an interest-bearing account shall be annually renewed, and the amount of the security shall be adjusted each year according to the consumer price index, as determined by the Director of Community Development; and
- (b) If, at any time until ten (10) years after the date of approval of this special use permit, VDOT authorizes in writing the installation of the signal, and VDOT and the County's Engineer approve the signal's installation before the applicant has obtained a building permit, the County may demand payment of the applicant's pro rata share of the cost of the traffic signal, and the applicant shall pay its pro rata share of the cost to the County within thirty (30) days of that demand.
6. Screening adjacent to the railroad right-of-way and along the west and east sides of the project shall be provided and maintained as depicted on the Conceptual Diagram of Perimeter Screen and Privacy Planting, dated May 12, 2005, by Charles J. Stick, attached as Attachment B. The continuous evergreen trees noted as Leyland Cypress Hedge along the north, east and west sides of the project shall be installed at ten (10) feet to twelve (12) feet in height after lot grading but prior to issuance of a building permit for any dwelling unit construction. The Leyland Cypress Hedge also shall be planted on eight (8) foot centers. Underground irrigation shall be provided for all the planting areas. Screening deemed acceptable to the Director of Community Development shall be provided adjacent to the railroad to mitigate the impact of this development on adjacent property and the impact of the railroad on this development;
  7. Prior to any alteration or demolition of any building, a reconnaissance level documentation to include black and white photographs and a brief architectural description shall be provided to the satisfaction of the County's Historic Preservation Planner;
  8. Regardless of the ownership of the open space and amenities, they shall be made available for use by all residential and commercial units in the development;
  9. Except for those attached single family buildings located in Zone (A) the exteriors of blocks of attached single family buildings shall be either red brick, or white painted brick, with gable roofs. The exteriors of attached single family buildings in Zone (A) shall be red brick with gable roofs. The features in Zone (A) shall be reviewed and approved by the ARB during its review of the site plan for these buildings. The exteriors of detached residences shall be either red brick or painted white brick. These materials shall be reviewed and approved by the Design Planner before the issuance of a building permit for the buildings (See Attachment C);
  10. Exterior roof surfaces shall be constructed of either copper or synthetic slate;
  11. The new villa and town home units shall include garden improvements, generally as depicted on the Front Garden Diagram, dated August 24, 2005, by Charles J. Stick, Landscape Architect (See Attachment D). Maintenance of these areas shall be provided for and required by the Homeowner's Association which shall be set forth in the Covenants for this development. The decorative walls, steps and walks shall be constructed of either brick or stone;
  12. To ensure the retention of the majority of the existing trees in the two hundred seventy-five (275) foot front yard setback described in Condition 2 (located between the main house and the Route 250 West Entrance Corridor), the applicant shall submit for review and approval by the County's Design Planner a tree conservation plan prepared by a state certified arborist that meets the requirements of Section 32.7.9.4 of the Zoning Ordinance. This plan shall be required for all erosion and sediment control plans, site plans, and subdivision plats;
  13. The site wall immediately adjacent to Route 250 West shall be included on all drawings that include its context. All grading, road alignments, turning lanes, and other improvements shall be adjusted to insure that impacts to the wall only include closing the existing entrance and adding a single entrance. Notes shall be included on the grading, site plans and subdivision plats that state: "The existing site wall shall remain. Disturbance shall be limited to the closure of the existing entrance and the opening of the proposed entrance into the site." Any changes to the wall shall be minimal and articulated to blend with the character of the existing wall to the satisfaction of the Architectural Review Board. Prior to the issuance of any building permits in the final block, the stone pillars shall be replaced at the new entrance from Route 250;
  14. The design of all single family detached residences, including but not limited to colors, roofing, siding and foundation material selections, shall be coordinated with the Architectural Review Board-approved designs of the attached residential units, as determined by the Design Planner;
  15. The owner agrees to voluntarily contribute a sum of three thousand dollars (\$3,000) cash per new dwelling unit to the County for funding affordable housing programs [including the Housing Trust Fund]. The cash contribution shall be paid at the time of the issuance of the Building Permit for such new unit. The acceptance of this special use permit by the owner shall obligate the owner to make this contribution;
  16. Pedestrian access deemed acceptable by the Director of Community Development shall be provided to the Manor Home and the Carriage House; and

17. With the exception of the entrance road, all streets within the development shall conform to the neighborhood model matrix deemed appropriate by the Director of Community Development.
- 

Agenda Item No. 27. From the Board: Matters Not Listed on the Agenda.

Ms. Thomas referenced the letter from Peacock Hill residents noting that they are in a leash law area, and the fine for violation is still \$25, and has been since 1973. She said she would be happy to go to the maximum allowed of \$250, and asked staff to come back with an amendment. Mr. Davis pointed out that a judge can impose any amount of fine up to \$250.

Ms. Thomas then offered **motion** to authorize staff to draft an amendment to County Code Section 4-213B to raise the maximum allowed fine to \$250. Mr. Bowerman **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

---

Ms. Thomas said in light of increasing fuel costs, she would suggest that the County share on its web page or through press releases, tips for reducing energy usage. She said Ms. Lee Catlin has already put together five pages on energy efficiency. She also encouraged County staff to look at its operations for both conservation and efficient use of energy. Mr. Tucker said he has spoken to the new Director of General Services about this matter.

---

Mr. Tucker said a voting delegate and alternate need to be appointed to represent the County at VACO's Annual Conference in November. The VACO business meeting is scheduled for November 15, and he asked the Board to choose a member to serve in this role. Mr. Rooker volunteered to serve as the voting delegate, and Mr. Dorrier agreed to serve as alternate.

---

Mr. Tucker said the City is moving toward eliminating the requirement for an automobile decal effective next calendar year. He said County staff is suggesting that a decal be furnished that does not have an expiration date, or has a longer effective period, noting that cars can be ticketed in some areas when they display no decal. Mr. Dorrier stated that he is in favor of decals with no expiration date.

It was the **consensus** of the Board that the County has a permanent or long term decal rather than eliminating the decal all together. The Board asked that staff bring back an amendment to the County Code with a public hearing in December.

---

Agenda Item No. 28. Adjourn. At 6:03 p.m., there being no further business to come before the Board, the meeting was adjourned.

---

Chairman

Approved by the  
Board of County  
Supervisors

Date: 03/15/2006

Initials: EWC