

November 2, 2005 (Regular Day Meeting)
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A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 2, 2005, at 9:00 a.m., 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, Director of Community Development, Mark Graham, and Director of Planning, V. Wayne Cilimberg.

Agenda Item No. 1. The meeting was called to order at 9:00 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. Tom Loach addressed the Board about the County's Land Use Program. He said the real property value deferred for 2005 was \$1.752 billion or a tax deferment of \$12.967 million for the wealthiest landowners in the County. He said the difference between the assessed value and the land use value cost taxpayers another \$1.1 million because of the difference paid in the County largely by growth area residents. He said if these wealthy landowners only paid what the lowest income homeowners pay at a tax rate of 64 cents it would generate the same amount of revenue as the 2005 tax rate of 74 cents, adjusted for land use. He mentioned that \$1.0 million put into the ACE Program protects about 1,000 acres of land. According to data from the Piedmont Environment Council, 61,460 acres were lost to development between 1998 and 2003. He suggested taking the land use money and putting it into the ACE Program.

Mr. Bill Tompkins, a Glenmore resident, addressed the Board. He encouraged them to support VDOT's recent recommendation to widen Route 250 east of the I-64 interchange. He has to be at work at 8:00 a.m., and if he leaves his house after 7:00 a.m. he sits in traffic on Route 250. It's just like a parking lot. He said Route 29 North from north of Hollymead to Airport Road has a traffic count of about 7,000 and Route 29 south of I-64 has about 16,000. The traffic count on Route 250 East at the Route 22 intersection at Shadwell is about 22,000. He thinks the situation will get worse with the new developments occurring in that area and on out to Zion Crossroads.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He said it is ironic that people would choose to live way in Glenmore and then complain that they have to drive into town to work. He said VDOT is reviewing the Six-Year Secondary Road Plan. It does not include roads that a lot of counties have in their comprehensive plans. PEC has been actively communicating with the Governor's Office on some real alternatives. He pointed out that the current list includes seven roads in Albemarle County that are not in its Comprehensive Plan, the MPO's plan, or any transportation plans for this community. In fact, VDOT has \$234.0 million for what it wants to build that is not consistent with the County's Comprehensive Plan. He emphasized that transportation is being used very irresponsibly as political rhetoric in the current election campaign. He encouraged the Board to put forth a good accounting of what has been done in this community with allocations from VDOT as there has been a lot of inaccurate information circulated. He also encouraged the Board to not let the State dictate what the County does with its road allocation funds.

Mr. Richard Herskowitz, Director of the Virginia Film Festival, addressed the Board. He reported that the 18th Annual Film Festival concluded on Sunday, with a record high attendance of 13,074, 2,000 more than last year and 300 more than the previous record year in 1993. He noted that the Festival venues were expanded this year to include the Paramount Theatre and Charlottesville Pavilion, as well as the recently renovated Victory Hall Theatre in Scottsville. He explained that ticket sales bring in less than 20 percent of what it costs to run the Festival and the year-round film society. He thanked the Board for its annual contribution to the Festival noting that the City of Charlottesville and local businesses such as Sprint, Adelphia, and Pepsi Bottling also provide support. He said the audience is far bigger than the number of people who actually show up at the event, as people who live here comment on how nice it is to have film and book festivals.

Mr. Dorrier thanked Mr. Herskowitz for his contributions to the community, commenting that he is masterful at organizing the large event.

Ms. Paula Brown-Steadly addressed the Board, noting that she lives on Doctors Crossing. Since the February 11, 2004, Board meeting where residents applied for Rural Rustic Road designation for this

road, it seems that their petition has been lost. She explained that there is four-tenths of a mile on Doctors Crossing that is extremely dangerous, where school buses have to be towed up the hill with a tow truck. She emphasized that letters have been sent, and residents have been told by the Highway Department that nothing can be done. She requested emergency repair funds for that stretch to protect children along that road, and suggested that the bridge be closed if the road can't be repaired. She stated that she has a private bid in hand for the repair costs, and said that she is "not going away."

Agenda Item No. 5. Recognitions. (This item had been removed from the agenda.)

Agenda Item No. 6. Consent Agenda.

Mr. Bowerman **moved** for approval of the Consent Agenda with the amended language to Item 6.6 and the minutes. Mr. Wyant **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Item 6.1. Approval of Minutes: December 8, 2004; April 18A, May 4, June 1, July 6, July 13, August 9A, August 10A and August 10N, 2005.

Ms. Thomas had read her portion of the minutes of June 1, 2005, and found them to be in order.

Mr. Dorrier had had read the minutes of August 9, 2005 and found them to be in order.

Mr. Wyant had read the minutes of August 10N, 2005 and found them to be in order.

By the recorded vote set out above, the minutes which had been read were approved.

Item 6.2. Resolution to authorize the Region Ten Community Services Board to act as its own Fiscal Agent.

It was noted in the Executive Summary that the Region Ten Community Services Board (CSB), by letter dated September 19, 2005, requested the County to take formal action to authorize it to act as its own fiscal agent. The CSB was established by the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson and the City of Charlottesville to provide mental health, mental retardation, and alcohol and drug addiction services.

Virginia Code § 37.2-504 was amended effective October 1, 2005, to allow a Community Services Board to receive State and Federal funds directly and to act as its own fiscal agent, when authorized by the governing body of each city or county that established it. Albemarle County has served as fiscal agent for the CSB since its inception. The sole purpose for the County in this role has been as a pass-through agent for funds from the Virginia Department of Mental Health/Mental Retardation/Substance Abuse Services (DMHMRSAS) to the CSB. Since 1998, the CSB has directly received funding from the DMHMRSAS. The CSB has, in effect, been acting as its own fiscal agent. Approval of a resolution would formally authorize the CSB to continue in this role upon the concurrence of the other partnering localities. Staff recommends adoption of the necessary resolution to authorize the Region Ten Community Services Board to act as its own fiscal agent.

By the recorded vote set out above, the Board adopted the following Resolution authorizing the Regional Ten Community Services Board to act as its own fiscal agent:

**RESOLUTION TO AUTHORIZE REGION TEN COMMUNITY SERVICES BOARD
TO ACT AS ITS OWN FISCAL AGENT**

WHEREAS, Virginia Code § 37.2-504 allows a Community Services Board to receive state and federal funds directly and to act as its own fiscal agent, if authorized by the governing body of each city or county that established it; and

WHEREAS, the Region Ten Community Service Board (CSB) is a community services board established by the counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson and the City of Charlottesville; and

WHEREAS, the County of Albemarle has served as fiscal agent for the CSB since its inception; and

WHEREAS, the CSB has received funding since 1988 from the Virginia Department of Mental Health/Mental Retardation/Substance Abuse Services (DMHMRSAS); and

WHEREAS, the sole purpose for the County in the role of fiscal agent is to act as a pass-through agent of funds from the DMHMRSAS to the CSB; and

WHEREAS, the CSB has requested the County to formally authorize the CSB to act as its own fiscal agent.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the Region Ten Community Services Board to act as its own fiscal agent.

Item 6.3. Reappraisal of Round 4 ACE properties.

It was noted in the Executive Summary that the Board of Supervisors, on March 16, 2005, approved the ACE Committee's request to have four properties from the Round 4 applicant pool (Year 2003-04) reappraised. These included the Bieker, Hill, Page and Shifflett properties. This request became necessary when the Appraisal Review Committee rejected the original appraisals and the subsequent revisions of two of the appraisals. According to the ACE ordinance, the Appraisal Review Committee is charged with reviewing ACE appraisals to assure they are consistent with appropriate appraisal guidelines and practices, and to make recommendations thereon to the Board. If the Appraisal Review Committee determines the appraisals do not satisfactorily meet the established guidelines and practices, they may ask the appraiser to revise the appraisals.

Following the Board's approval to have the properties reappraised, staff solicited bids for the reappraisal work. In early June, Pape and Company was hired to complete the appraisal work. By early September, the appraisals were completed and submitted to the Appraisal Review Committee for review. At its September 27 meeting, the reappraisals were accepted by the Committee. In reviewing the appraisals, the Committee noted that the new appraisals were well prepared, readable and the appraised values were well-documented.

Following much discussion and a thorough review of the appraisals for Year 2003-04 properties, the Appraisal Review Committee recently recommended approval of Pape and Company's four reappraisals for the four properties in the Year 2003-04 applicant pool. Before the County can extend an "Invitation to Offer to Sell" a conservation easement on these properties, the appraisals must be formally approved by the Board of Supervisors. There is no additional request for funding related to this request for action. All funding for the reappraisal work will come from the CIP-Tourism-Conservation budget (line item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with "tourism value". The accepted appraisals will be the basis for the value of the easements which would be purchased utilizing funds from the CIP-Tourism-Conservation budget and the CIP-budget (line item #1-9010-81010-580409).

The ACE Appraisal Committee recommends that the Board approve the four appraisals by Pape and Company for applications from the Year 2003-04 applicant pool (Henry C. Page; Daniel Bieker; James M. Shifflett; and, Samuel Hill) and authorize staff to send invitations to offer to sell to the applicants.

By the recorded vote set out above, the Board approved the four appraisals by Pape and Company for applications from the Year 2003-04 applicant pool for the ACE Program (Daniel Bieker, Samuel Hill, Henry C. Page and James M. Shifflett) and authorized staff to send invitations to offer to sell to the applicants.

Item 6.4. Resolution to accept road(s) in Murray Subdivision into the State Secondary System of Highways.

At the request of County staff, and by the above recorded vote, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Murray Subdivision**, described on the attached Additions Form LA-5(A) dated **November 2, 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 **Murray Subdivision**, as described on the attached Additions Form LA-5(A) dated **November 2, 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) **Murray Lane (State Route 1125)** from the intersection of Route 637 (Dick Woods Road) to the cul-de-sac, as shown on plat recorded 11/21/2002 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2321, pages 608-618, with a 40-foot variable right-of-way width, for a length of 0.47 miles.

Total Mileage – 0.47 miles

Item 6.5. Resolution to accept road(s) in Forest Lakes South, Phase 3, Block P, Subdivision into the State Secondary System of Highways.

By the recorded vote set out above, at the request of County staff, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Forest Lakes South, Phase 3, Block P, Subdivision**, described on the attached Additions Form LA-5(A) dated **November 2, 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 **Forest Lakes South, Phase 3, Block P, Subdivision**, as described on the attached Additions Form LA-5(A) dated **November 2, 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) **Teakwood Cove (State Route 1655)** from Route 1656 (Teakwood Drive to the cul-de-sac, as shown on plat recorded 07/21/1998 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 1729, pages 306-311, with a 40-foot right-of-way width, for a length of 0.14 miles.

Total Mileage – 0.14 miles

Item 6.6. Submittal Policy for Zoning Applications.

It was noted in the Executive Summary that the Board has requested staff to prepare a policy for its consideration for submission deadlines before public hearings for materials relating to zoning applications. While there have been discussions regarding appropriate submission deadlines, it does not appear the Board has an adopted policy for submission deadlines.

Recently, several public hearings took place even though plans and proffers were submitted shortly before the meeting began. This resulted in staff not having adequate time to review legally binding documents and the public not having any opportunity to review the materials in advance of the public hearing. The resulting public hearings saw a high level of confusion and frustration. Without

adequate time from submission to public hearing, staff was not able to concisely report on the applications and the public may have been frustrated as they were not certain what were included in the plans and proffers considered.

As a possible policy, staff believes the Board should consider the following:

- An opportunity for the public to review materials prior to the public hearing. Public hearings for rezonings and special use permits are required by law and must be advertised for a minimum of two weeks prior to the public hearing. While plans, codes of development and proffers are available for public inspection during the advertisement period, it can be confusing and misleading to the public if the materials presented at the public hearing are not the same as those available for public review.
- An opportunity for staff to review materials in advance of the public hearing. While changes may appear limited in scope, the complexity of plans, codes of development and proffers require careful consideration. Without that review, there is an increased risk of unanticipated consequences in legally binding documents.
- An opportunity to make reports available to the Board in advance of the meeting. When required materials for zoning applications are not received timely, staff cannot provide a comprehensive report for the Board that identifies and analyzes the key issues in advance of the meeting (i.e., approximately 21 days before the public hearing).

Staff believes these issues could be addressed if all the materials are submitted to the County at least two days prior to the deadline for placing an advertisement for a public hearing in the newspaper. Staff believes this is the shortest time interval that could allow the issues to be addressed. If the Board believes a policy is appropriate, staff recommends that it consider the following policy as drafted by staff.

PROPOSED POLICY FOR SUBMISSION OF MATERIALS FOR ZONING APPLICATIONS

It is the Board's preference that a public hearing should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final signed proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

This Zoning Policy will be included in the Board's Rules of Procedure for adoption each year, so that the policy can be re-examined annually.

(Discussion: Mr. Boyd asked how minor adjustments would be made to proffers and zoning requests. He thinks the policy should state that the purpose of the public hearings is to get input and then make modifications. He thinks there needs to be a little more "wobble room" to allow minor adjustments to be made. Mr. Tucker pointed out that this policy does not affect the submittal to the Commission or its review of that submittal. Staff was trying to address what it thought were the Board's concerns. The intent was to give the Director of Community Development some basis for flexibility.

Mr. Boyd said he thinks minor adjustments should be allowed during the meeting after an item gets to public hearing and receives input from the public.

Mr. Rooker said this policy does not prevent that. Mr. Tucker said adjustments requested by the Board could be referenced in the language to make it clearer.

Mr. Rooker said this policy would prevent deferring an item for a month and then have the proffers come in the day before that meeting.

Ms. Thomas pointed out that this policy allows the public time to see public documents before the hearing.

Mr. Bowerman asked what the staff's responsibility is in making sure this works. If the materials get in, how clear is the review time for staff to the applicants? What are staff's obligations in getting information back to the applicants? Mr. Tucker responded that staff will make the applicants aware of this policy before implementing anything. He said any information must be filed at least two days before advertising the public hearing, and those dates are given to the applicants.

Mr. Bowerman asked about the turnaround time once something is submitted and there is a staff/applicant meeting. Mr. Tucker said the Zoning Ordinance sets out specific timelines that must be followed; staff may have their own additional policies at staff level. It depends on what other petitions staff may be reviewing, and how quickly they can turn it around.

Mr. Cilimberg said that when staff receives the information, they tell the applicants that the review will normally take a two-week period, and give them the information they need to decide what they're going to do from there. It's back in their hands at that point.

Mr. Bowerman asked what happens if the applicants receive staff's comments, two weeks pass and the applicants come back without having addressed those issues.

Mr. Rooker said that anytime an applicant brings something forward without a staff recommendation, the item stands a good chance of being denied.

Mr. Bowerman said the real holdup seems to be with issues that has either not been considered by the applicant, or are not able to be worked out between the applicant and staff.

Mr. Rooker said that situation does not occur frequently. Using the Belvedere petition as an example that was a situation where the applicant wanted to see what the Board said before attempting to address individual issues. He does not think it is possible to prevent complicated applications from coming to the Board with everything not having been resolved. He suggested adding language that says: "This policy is not intended to prevent changes made in proffers at public hearing resulting from comments received from the public or from Board members at the public hearing." Mr. Tucker noted that the people who have to sign the proffers would need to be present to initial any changes.

Mr. Rooker said it is understood that the proffers have to be legally tendered before the Board can act. Mr. Tucker said the County is often blamed for delay, but the applicant is not always upfront with the Board. They may not bring back their changes for months.

Mr. Boyd stated he does not want to give any impression that the Board has already made up its mind when it goes into a meeting.

Mr. Rooker acknowledged that there is a problem in perception if there cannot be changes made to proffers during a public hearing. Mr. Davis said the issue is that staff wants to get final documents to the Board, rather than documents that are in a state negotiation.

Ms. Thomas cautioned about having a loophole that allows major changes to be made during a meeting; a great change to what was received before the public hearing advertisement.

Mr. Wyant commented that he thinks the applicant often waits to see what the Board is going to do.

Mr. Rooker noted that if the proffers are not finalized, the petition can be deferred. Mr. Tucker emphasized that staff tries to get the proffers in as final a form as possible so the Board does not have to get into a negotiating mode in a public forum.)

This item was deferred. It was the consensus of the Board to add the following language and bring the policy back for Board approval on the next Consent Agenda: "This policy is not intended to prevent changes made in proffers at the public hearing resulting from comments received from the public or from Board members at the public hearing."

Item 6.7. Notice from the Auditor of Public Accounts, Commonwealth of Virginia, of review of the Commonwealth collections and remittances of the Director of Finance and Sheriff of the County of Albemarle for the year ended June 30, 2005, **was received for information.**

Item 6.8. Copy of minutes of the Albemarle County Service Authority Board of Directors for August 18, 2005, **was received for information.**

Item 6.9. Groundwater Monitoring Program Implementation.

It was noted in the Executive Summary that the Natural Resources & Cultural Assets section of the Comprehensive Plan lists 20 separate strategies related to groundwater. Many of these address gathering data and utilizing groundwater data to develop plans to aid in decision-making. Various

strategies call for water supply testing; conducting groundwater vulnerability mapping; seeking an effective way to collect, store and use groundwater data; developing a hydro-geologic testing policy; disseminating relevant information to groundwater users; and, developing a wellhead protection plan. Each of these strategies would be aided by the establishment of long-term monitoring wells.

The Groundwater Committee was formed in the Fall of 2000 based on authorizations from both the Board of Supervisors and the Planning Commission. Many meetings of the Groundwater Committee, five work sessions with the Planning Commission, two public hearings, and four work sessions with then Board of Supervisors took place during development of the Groundwater Ordinance. At the Board of Supervisors' meeting on December 8, 2004, the Board approved modification of the Water Protection, Zoning and Subdivision Ordinances. The effective date of adoption of the Groundwater Ordinance was February 8, 2005. This Ordinance requires groundwater assessments to be conducted prior to approval of new subdivisions. In addition, the Ordinance requires aquifer testing under certain circumstances and drilling the necessary water well prior to receiving a building permit.

A Private Groundwater Testing Ordinance was adopted on May 4, 2005, as part of the Building Regulations of the County Code. This Ordinance requires that prior to the issuance of a building permit for a structure which will be located within an active contamination area and which will be served by a private groundwater well as its primary potable water supply, the well must be tested for benzene, toluene, methylbenzene and xylenes.

The recent passing of these two Ordinances indicates a strong commitment by the County to monitor and protect the groundwater resources of the County. An important part of the Groundwater Ordinance is the County's commitment to promoting the long-term sustainability of its groundwater resources. To accomplish this, a long-term groundwater monitoring program will be initiated. The Board has already approved funding in this fiscal year's budget to implement a monitoring program which includes establishing County-operated long-term monitoring wells in selected locations throughout the County.

An informal Advisory Group composed of three individuals with expertise in environmental monitoring or hydrogeology has been formed. This Group will convene as necessary to help guide the Groundwater Monitoring Program in both conceptual and technical aspects. Two plans have been identified in general terms; a countywide program and a defined-area program. The countywide program will provide the County with data on water table levels and provide sites for water quality samples. The defined-area program will be a more intensely-studied area and will have goals related to identifying what, if any measurable, impacts land development or land use activities have on water table levels and water quality. The Groundwater Monitoring Program is by necessity a long-term program.

Water levels will be recorded digitally by equipment housed within each borehole and collected at regular intervals by County staff. Discussions are being held with other agencies to consider real-time monitoring of water tables and making data available to the public via the internet. Water samples will be obtained from the wells for chemical quality tests at least annually. Staff has identified and is currently ranking several sites for the establishment of monitoring wells. It is estimated that three monitoring well sites will be in place and actively monitored before the end of the current fiscal year. Data obtained from the monitoring wells will aid in the understanding of both water quality and quantity.

A budget of \$20,000 for initiation of the Groundwater Monitoring Program is in place at this time. The monitoring program focuses on an effort to obtain permission to use existing wells, obtain easements for locating wells on private properties and public lands/facilities. Costs will be incurred for the construction of wells and for monitoring equipment, although these costs will be well within the allocated budget. Once up and running, this program will be reviewed annually to determine the need for additional funding. Grant possibilities and partnerships with State and Federal agencies are being evaluated and discussed at this time to further enhance the program's budget and scope.

This report is for information only. No action is requested from the Board at this time. The budgeted Groundwater Monitoring Program is currently in the planning stage and implementation will begin in the near future.

(Discussion: Mr. Wyant said he understands test wells are still going to be drilled. He asked if existing wells would be used as much as possible. Mr. Graham responded "yes." Mr. Wyant said he does not want the County to pay more than necessary because of State and Federal requirements.

Mr. Boyd noted that according to the report three wells would be drilled in the first year.

Mr. David Swales, Groundwater Manager, addressed the Board, stating that no final decision has been made on drilled versus existing wells. He acknowledged that it would be much more economical to use existing wells. But, existing wells must be up to par if they are to be relied upon.

Ms. Thomas said she and Mr. Swales sit on an advisory group with representatives from the University's School of Engineering. This group is dealing with groundwater monitoring in the County, specifically in the Ivy area.

Mr. Rooker suggested that some wording changes be made in the results of the Board's Strategic Plan Retreat (see Item 6.10 on the Consent Agenda).

Ms. Thomas pointed out that it is important to keep the water supply recommendation separate from the comprehensive water supply plan.

Mr. Rooker said that putting the two items in different sentences would be helpful.

Mr. Tucker agreed to rework the language to clarify the difference.)

This report was received for information only.

Item 6.10. Strategic Plan Results from September 9, 2005 Retreat.

It was noted in the Executive Summary that the Board established a FY 2003-04/FY 2005-06 Strategic Plan in 2002. Then, in the Fall of both 2003 and 2004, the Board held strategic planning retreats to review the County's progress, and receive additional data in order to make adjustments to the FY 2004-06 plan as appropriate. The FY 2003-04/FY 2005-06 Strategic Plan's activities will be completed in June, 2006.

At the Board's retreat on September 9, 2005, it initiated the development of the County's FY 2006-07/FY 2010-11 Strategic Plan. This retreat was facilitated by Mr. Michael Chandler, Director of Education for the Citizen's Planning Education Association of Virginia and Professor Emeritus in the Department of Agricultural and Applied Economics at Virginia Tech. After reviewing the County's progress, additional analysis of the 2004 citizen survey results, County data, and information provided by County staff, the Board: 1) reviewed the County's Vision and Mission statement, 2) identified and voted on the top priorities, and, 3) identified five goals for inclusion in the FY 2006-07/FY 2010-11 Strategic Plan.

The results of the retreat were as follows:

The Board agreed to consider modifying the County's Vision Statement to read as follows:

Albemarle County will have (walkable) pedestrian-friendly and self sufficient communities. The countryside will be rural. The County's natural resources and natural beauty will have been maintained. The County's educational system will be world class and the County's quality of life will be exceptional.

The Board agreed that the County's current Mission Statement be incorporated into the FY 2007-11 Strategic Plan:

To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

The Board agreed that the following five concepts be developed as goals to be included in the FY '07-11 Strategic Plan:

- 1) Enhance the Quality of Life
- 2) Fund the Future – Commit significant public dollars for County's infrastructure
- 3) Protect Natural Resources
- 4) Develop Infrastructure
- 5) Manage Growth.

Board members individually identified strategic priorities for the County and then, collectively, the Board voted to identify the top priorities for the FY '07-11 Strategic Plan. The highest ranking priorities are as follows:

1. Enhance Quality of Life
 - a. Commit to having an education system that is among the best in the state and nation (Top Priority).
 - b. Develop and implement an affordable housing policy that actually works.
 - c. Be proactive in promoting economic vitality.
2. Fund the Future — Commit significant public and local dollars for County's infrastructure
 - a. Develop a comprehensive strategy/plan (involving others) using current funding and private sector/future money — both public and private, especially for transportation. (Top Priority)
 - b. Fund our Storm Water Management Plan and other mandated activities.
 - c. Find a revenue stream for infrastructure improvements such as transportation districts.

3. Protect the County's Natural Resources

- a. Increase land in conservation easements by 50 percent in four years in all ways — using both public and private sources and the use of educational means. (Top Priority)
- b. Implement additional strategies for resource protections — i.e., mountain protection, forestry and water.

4. Develop Infrastructure

- a. Over the next four years accelerate two regional and two local projects that would not occur without our extra effort including the Meadow Creek Parkway. (Top Priority)
- b. Move forward in dealing with water issues by finalizing the comprehensive water supply plan and obtain its approval in two years (also, a comprehensive wastewater plan).
- c. Implement an integrated Water Resource Management Plan.

5. Manage Growth

- a. Establish and Implement a schedule for completing the Master Plans for County Growth Area. (Tied for First)
- b. Implement all strategies in the Rural Area Plan within four years. (Tied for First)

The Board also identified the following potential strategies that should be considered as this Strategic Plan is more fully developed:

1. Improve public/private partnerships as a priority.
2. Do a better job connecting governance to the citizens.
3. Work more closely with UVA, City and neighboring counties in a more proactive way.
4. Utilization of talents in community to help solve our problems.

Since the Retreat, County leadership has been collecting additional information on the top priority areas, identifying potential outcome measures, and is working to "operationalize" the top priorities into measurable time specified objectives for the Board's further consideration. A draft of the complete FY 2007-11 Strategic Plan will be completed by May 1, 2006, and after a 30-day public review period, be approved by the Board. The new plan will begin July 2006.

Staff requests that the Board review this information and schedule a work session on December 7 to provide further direction to staff as it works to "operationalize" the Board's priority statements into measurable time specific objectives.

(Discussion: Ms. Thomas asked that the Strategic Planning work session scheduled for December 7 be rescheduled since she cannot attend that meeting.

Mr. Rooker had a few wording changes. Under the Vision Statement, change third sentence to read: "The County's natural resources and natural beauty will be maintained."

Mr. Rooker suggested changing 4a. to read: "Over the next four years accelerate two regional and two local projects that would not occur without our extra effort in addition to the Meadow Creek Parkway";

Mr. Rooker suggested changing 4b. to read: "Move forward in dealing with water issues by obtaining final approval for the water supply plan in two years"; and then add a separate item for comprehensive water and waste water plans.

Mr. Rooker suggested changing 5a. to read: "Establish and implement a schedule for completing the Master Plans for each County Growth Area"

Mr. Boyd asked if under 2c. "such as transportation districts" is needed in that sentence. Mr. Rooker suggested the words "Find revenue streams for infrastructure improvements")

This report was received for information, with changes suggested as noted above.

Item 6.11. Copy of Planning Commission minutes for August 30, 2005, **was received as information.**

Agenda Item No. 7. Board-to-Board Presentation.

Mr. Gordon Walker, Chairman of the Albemarle County School Board, addressed the Supervisors. He reported that the School Board has contracted with the Virginia School Boards Association to assist in the search for a new superintendent. They circulated 9,000 surveys throughout

the community to families, businesses, etc., and have received 700 back. There have been 64 inquiries to the VSBA about the position with 20 full applications being received. He said 11 of the 20 were from out of state, including 18 men and 2 women with 17 of 20 characterizing their race as white. He reported that the School Board would be conducting interviews shortly, which will run through November 15 with the expectation for a decision by the end of November. In response to Ms. Thomas' question, Mr. Walker said they plan to interview seven candidates.

Mr. Walker announced that Yancey Elementary School has now met the Adequate Yearly Progress requirements under the No Child Left Behind act. The School Board has accepted the redistricting plan proposed by the Superintendent. In November the School Board will be reevaluating the process and setting in place some triggers to better alert the community to crowded school conditions that might require redistricting in the future.

Mr. Walker announced that there has been a joint meeting with the Charlottesville City School Board to discuss collaborative opportunities for advancing healthy schools (nutrition, exercise) and improving coordination when children move between school districts, especially the at-risk population. He added that both school systems would be partnering with Region Ten, the Commission on Children and Families, the Departments of Social Services, and the Police Departments to develop a \$3.0 million joint proposal to the Federal government to help create better safety and health conditions in schools. He said this is one outcome from the public education fund jointly created.

Mr. Walker reported that Ms. Carla Hunt, a math teacher at Albemarle High School, was recognized as teacher of the year for Region Five, which includes 20 city and county school divisions. He said that each year the Virginia Association of Health, Physical Education, Recreation and Dance, selects a teacher of the year, noting that Ms. Regina Kirk – Coordinator of the Health and Physical Education programs within the County – received a supervisor of the year award from that association.

Mr. Walker reported that 11 Albemarle High School, one Monticello, and three Western Albemarle students are among 16,000 semi-finalists competing for merit scholarship awards. Two Western Albemarle students have been named semi-finalists in the National Achievement Scholarship Program's 42nd annual academic competition for black American high school students.

Mr. Rooker said he thinks it would be helpful to circulate this information to real estate agents so they can share it with prospective homebuyers who are convinced that the schools in the western part of Albemarle are somehow superior to other schools in the County.

Mr. Walker noted that fuel costs are likely to be a budget issue for the County, although fuel rates have declined somewhat. Approximately \$53,000 in additional funding will be required to purchase fuel oil if the current rates continue. The fuel adjustment for electricity has increased by 20 percent, which could create a revenue shortfall of nearly \$380,000. He assured the Board that the Schools would be working on energy conservation measures to try and assure cost avoidance as much as possible.

Mr. Walker said if fuel prices remain at their current levels, more than \$300,000 in additional funding will be required. He said that buses put in 11,000 miles per day on the roads in the County, noting that there is a reserve in the Building Services account of \$200,000 and a reserve of \$100,000 in Transportation to address these issues.

Mr. Walker said the Supervisors are invited to attend the National Making Connections Conference to be held at Monticello High School. The theme is Preparing Students for our Future not for our Past, which underscores a theme from the County School Board's Strategic Plan of connecting students with the community.

Mr. Walker said that at its meeting on November 10, the School Board will present directions to staff as to budget preparation for the next fiscal year.

M. Boyd asked if the Supervisors could receive copies of reports concerning school bus mishaps.

Ms. Pam Moran, Acting School Superintendent, mentioned that she is aware of the issue with Doctors Crossing; there have occasionally been bus issues on that road in bad weather. She said the school's Transportation Department has tried to make sure the information gets into the pipeline to appropriate sources.

Mr. Rooker said it would be helpful to have information on road conditions so the Supervisors could consider that when making Six-Year Plan recommendations.

Mr. David Benish, Chief of Planning, mentioned that at the beginning of the Six-Year Plan process each year, planning staff contacts Mr. Willie Smith at the Transportation Department, as well as fire and rescue officials, to garner information about road conditions and needed projects. He explained that they provide information on problematic areas back to planning staff, noting that he is aware there is a problem with a section of road on Doctors Crossing.

Mr. Wyant asked if the redistricting issue will be revisited.

Mr. Walker responded that the School Board would be looking at ways to better inform the community about schools nearing capacity so that redistricting plans don't come as a surprise.

Mr. Dorrier presented petitions to Mr. Walker asking that Scottsville Elementary School be renamed after its former principal, Mr. Tom Allison. He reported that the Scottsville Town Council recommended that a portion of the school be named after him, rather than the entire school.

Mr. Rooker thanked Mr. Walker for the report.

Agenda Item No. 8a. Transportation Matters: VDOT Primary Road Policy.

Mr. Jim Utterback, Resident Engineer, said he has asked Mr. John A. Giometti, VDOT's Planning & Land Development Manager for the Culpeper District, to address the Board regarding the County's Six-Year Primary Road Plan.

Mr. Giometti reported that both JLARC and the Auditor of Public Accounts have indicated the need for better coordination between the State's highway planning and what actually is programmed into the Six-Year Secondary Road Plan. Based on that, VDOT's Planning Division in its Central Office worked on developing a process which would provide some analytical and technical evaluation of projects identified in the State highway plan, in order to rank them. He noted that the State highway plan currently has 1,600 to 1,700 projects. The challenge is to boil that list down district by district. The process used by VDOT was first to divide the State highway plan into three tiers, with the first tier being needs within the next six years, the second tier being mid-term needs, and the third tier being long-term needs. He added that the Culpeper district has 43 projects which are then evaluated against a set of criteria.

Mr. Giometti conveyed that the State Department of Transportation goals are: (1) to provide a transportation system that efficiently moves people and goods; (2) to provide safety and security; (3) to improve economic vitality and provide access for economic growth; (4) to improve quality of life and protect the environment; and, (5) to preserve the existing transportation system and promote efficient systems management. He mentioned that a technical analysis of those goals was limited by what is available from statewide databases. He said the data was then used to establish a ranking. He has spoken with Mr. Butch Davies and presented the information. Some projects appeared to "float to the top of this process" and they will be revealed at the Fall meeting of the Commonwealth Transportation Board. Some additional feedback has been pursued through the MPO Technical Committee in particular to the two projects identified in Albemarle.

Mr. Rooker recalled three projects: the widening of Route 250, the interchange at I-64, and the widening of Route 29 north of Airport Road.

Mr. Giometti added that each District was asked to identify one interstate project that would then be evaluated on a statewide basis. The interstate moneys are not a formula by geography type allocations.

Ms. Thomas said that communities that may have come up with data and studies that are far more refined than anything gathered from statewide data may not have that information considered by the State. She expressed concern that this is wasteful.

Mr. Dorrier asked if the economic opportunities as described are based solely on truck volume.

Mr. Giometti responded that the unemployment rate was also used, adding that it is one of the weakest information areas in the State analysis. In talking with the MPO Technical Committee, there was general agreement that the 29 corridor north of Charlottesville and the 250 corridor east of Charlottesville are two high priority primary corridors that need improvement in the future. VDOT will continue to work through the Planning District Commission and the MPO and the localities to determine what those solutions might be.

Ms. Thomas commented that disregarding the finer detailed planning that has been done seems to be a strange use of State resources and intelligence at the VDOT level.

Mr. Wyant asked how it can be ensured that there is consistency among localities; it is possible that data may not always be consistent.

Mr. Giometti responded that JLARC asked VDOT to provide more objective data to the CTB so the decision-making process is not so subjective.

Mr. Rooker said that in some ways it is an important step, and they are still refining the process. He emphasized that Primary Road funds are not allocated the same way as Secondary Road funds are. Prioritizing the Route 29 and the Route 250 improvements is important. He suggested getting traffic light synchronization on these routes so the City and County traffic stops are better coordinated.

Mr. Giometti responded that the City purchased hardware for synchronizing their traffic lights that does not coordinate well with the VDOT equipment. Regarding the gap in improvements from the Polo

Grounds Road to Airport Road, he explained that projects already in the plan were removed from consideration as the goal was to recommend projects not already planned. He mentioned that VDOT is also anticipating the results of the Places 29 study, so it can coordinate well with County engineering. He said the Route 29 study from Hydraulic to Route 250 wasn't considered because technically that is in the urban system and Charlottesville receives maintenance payments for that section of roadway and for the section of the Route 250 bypass from Route 29 to Barracks Road.

Agenda Item No. 8b. Transportation Matters: VDOT Monthly Report for October, 2005.

Mr. Utterback addressed the Board, stating that the Airport Road improvement project (including placement of the new roundabout) should be finished up in the next week or so.

Mr. Utterback reported that the bridge project on Route 53 at Buck Island Creek has moved along quite well, and although it did not meet the November 1 deadline, it will be completed by November 14.

Mr. Utterback commented that the district-wide bridge painting project has been troublesome, so it will be next Spring before this project is completed.

Mr. Utterback said there has been a scoping meeting with County staff and Mr. Rooker concerning the Georgetown Road project. That project will be moved forward to a Citizens Information Meeting in the Spring.

Mr. Utterback said the last piece of the Gilbert Station Road improvements is almost complete. He expects that work to be completed this week except for the final seals.

Ms. Thomas asked Mr. Utterback to provide a copy of the cost estimate for the two bridge replacement projects on Dickerson Road to the County when it is available.

Ms. Thomas asked about rock removal for the Ruckersville Parkway. Mr. Utterback said that that project is shown in the Secondary Plan. He will provide that data.

Mr. Dorrier said the Monthly VDOT Report seems to indicate that it costs as much to paint a bridge as to replace it. Mr. Utterback responded that the painting figure takes in a number of bridges in the district, not just those in Albemarle.

Mr. Utterback said VDOT's traffic engineers are looking at placing "Blind curve" signage on Route 240. He said unconventional speed limit signs such as 22 1/2 miles per hour are not done in Virginia at this time.

Mr. Utterback addressed the question of some potholes on Dry Bridge bridge.

Mr. Utterback said VDOT will schedule installation of a "Dead End" or "No Outlet" sign on Dunromin Road.

Mr. Utterback said safety funds are tied to traffic data/traffic accidents, etc. Doctors Crossing, which was brought up under "Other Matters", did not come up as a safety project candidate. He will investigate to see if VDOT has any accident data, along with what comes through County staff and County School Board bus data, and look at the potential use of safety funds for this road. Mr. Boyd asked if Mr. Utterback has addressed the letter. Mr. Utterback said he will send Mr. Boyd a written response to the letter.

Agenda Item No. 8c. Other Transportation Matters Not Listed on the Agenda.

Mr. Wyant asked Mr. Utterback to look into dealing with the drainage issues on Route 811.

Mr. Wyant asked the status of the bridge at Advance Mills. Mr. Utterback said VDOT does bridge inspections by district. The district bridge engineer expressed concern about the way the bridge responded to heavy loads. He then requested that a consultant come in and do a bridge inspection. They decided to shut the bridge down for a week so it could be studied, and they are waiting for the

results of that inspection. He mentioned that the bridge was posted as closed, although citizens said there was not sufficient notification of the closing. He said they found the condition of the bridge to be fairly serious. Depending on what comes out of the inspection, appropriate action will be taken.

Mr. Rooker asked about the Solomon Road "Child-at-Play" sign. Mr. Utterback responded that the County handles those requests. Mr. Juan Wade reported that the resolution was forwarded to VDOT for processing following the October Board day meeting. Mr. Utterback said he will follow up on the request.

Mr. Boyd asked if Mr. Utterback got the name of the person who was interested in the Route 22/250 Intersection design. Mr. Utterback stated he did and will follow-up with him.

Mr. Dorrier said the Route 20 South improvements have been excellent, but the area between the Monticello High School entrance and I-64 is still dangerous. He said traffic coming off of Route 53 moves at a fast pace and he thinks there are some safety concerns that need to be looked at.

Mr. Utterback stated he has asked VDOT's Traffic Engineer Department to look at that intersection and the next mile and a half stretch. He said that project would compete for funds just like other candidate projects. Mr. Rooker said it should be higher up on VDOT's list for safety funds.

Agenda Item No. 9. 2006 Draft – Thomas Jefferson Planning District Commission Legislative Program, David Blount.

Mr. David Blount addressed the Board. He said the Legislative Program includes several high priority items, such as positions on:

1. Transportation – encouraging stable and consistent state revenues for transportation infrastructure, with funding directed toward various modes; a stronger focus on transportation and land use planning;
2. Local Revenue – urging preservation of local government revenues and revenue-raising authority, specifically addressing the residential real estate property tax issue and the car tax shortfall, as well as the ongoing telecommunications tax issue and unfunded mandates;
3. Public Education funding – urging the state to take greater responsibility for funding prevailing education costs and practices and enhanced teacher salaries;
4. Comprehensive Services Act – emphasizing that the state should realistically fund CSA costs, ask for a cap on local expenditures in cases where there are high-cost placements, and increased money for administrative costs; and endorsing state contracts with CSA providers in an effort to help control costs for services;
5. Public Safety – addressing Compensation Board funding, 599 funding, jails, drug courts, and access to E-911 from multi-line phones;
6. Land Use and Growth Management – emphasizing protection of the authority currently in place as well as asking for more land use tools; and addressing the Supreme Court's recent imminent domain ruling.

Mr. Blount explained that there are also areas of continuing concern such as economic development, environmental quality, health and human services, housing, and local government structure and laws.

Mr. Blount then reminded the Board that the Legislative Luncheon will be held on Tuesday, November 29 at the PDC's new offices at 401 East Water Street.

Ms. Thomas suggested that in the Transportation section, the first paragraph should be changed to read: "The Planning District's member localities urge the state to establish stable and consistent state revenues for Virginia's transportation infrastructure . . ." ; and

Ms. Thomas said that under Public Education Funding, the second paragraph, second sentence, should be changed to read: "New state dollars for public education in 2004 recognized that localities have greatly exceeded their mandated responsibilities for education funding. . . ."

Mr. Rooker commented that some things like adequate public facilities legislation never get out of committee. He said the average citizen cannot comprehend that localities do not have that type of power. In his view, it is almost an outrage. He added that the Legislature tends to ignore the issues because of lobbying by the interests that contribute to their political campaigns. Mr. Blount acknowledged that there is one particular committee that definitely has a strangle-hold on that issue.

Ms. Thomas said she spoke at the transportation session. She said if land use and transportation are to be more closely aligned, local governments need to be given a tool that would enable them to get the attention of develop[ers] to get their adequate public facilities in line.

Mr. Rooker said one item that came up at the recent Culpeper District Transportation meeting was the potential for providing incentives so localities could tie their land-use decisions to transportation plans. It is probably too late to consider something like that this Session, but Senator Ed Houck was particularly receptive to that idea as was Delegate Scott. Maybe something could be arrived at where localities that did combine land use with transportation planning would get some financial incentive – perhaps enhanced transportation funding. Mr. Blount said he could work that into the Transportation section if the Board so desires.

Mr. Bowerman suggested that under Public Education, the second paragraph, second sentence should be changed to read: “The state has acknowledged that localities have greatly exceeded their mandate for funding education, by providing dollars for initiatives already being paid for by local governments, . . .”

At this point, Ms. Thomas **moved** for approval of the draft 2006 TJPDC Legislative Program with modifications as made at this meeting, with those changed to be reviewed prior to final approval. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

Mr. Tucker said any changes made to the draft by the other localities during the next few weeks will be put on the December 7 Consent Agenda for the Board’s final approval.

Agenda Item No. 10. Water Supply Update, Ragged Mountain/Urban Pipeline Option.

Mr. Tom Frederick, Executive Director, Rivanna Water and Sewer Authority, addressed the Board to give an update on the Public Outreach Meeting on Community Water Supply which was held last Thursday night. He summarized information on the Ragged Mountain alternative, stating that the proposal includes raising the reservoir by 45 feet, accomplishing that by constructing a new dam just a few feet below the existing dam to improve dam safety and expand the water supply. He said the issue with the tail of the reservoir going under the culvert under I-64 remains a concern. VDOT has been included in the discussions. He said there are technical issues related to resolution of the problem. He said the Ragged Mountain Reservoir will continue to supply the Observatory Water Treatment Plant. Any hiking trails lost due to rising reservoir levels will be replaced in time.

Regarding the Ragged Mountain plan, Mr. Frederick reported that the pipeline to refill the reservoir would come from the South Fork Rivanna River Reservoir instead of the Sugar Hollow Reservoir. He said they propose that the water be pre-treated at the South Fork Water Treatment Plant, adding that it has solid handling capabilities, so the pool would be kept clean and free of sediment and phosphorus, etc. He said that idea was received favorably by the public. The pipeline would be 36 inches in diameter. Keeping the objectives of the County’s Comprehensive Plan in mind, the water flows coming into the reservoir would be moderate to high; that proposal was also favorably received by the public. He said the RWSA is recommending that upon completion of a new pipeline, the Sugar Hollow pipeline be abandoned and the Moormans River would then be able to mimic natural conditions.

Mr. Frederick said two lower and two higher options are shown in the maps in the Board packet. Public discussions tended to favor the more western route below and above Ivy Road that would follow the property already acquired by VDOT for construction of a new road. Following that route would minimize impacts to private properties. Concerning the southern part of the route below Ivy Road, there are negotiations with the University that need to be completed; the University has been most cooperative. He said costs between the Ragged Mountain and the James River alternatives remain competitive; the difference will likely be whatever is the least environmentally damaging. He said the strong arguments for the Ragged Mountain alternative are: the streams above the existing reservoir are very small and on very steep slopes; but while they have significant high-quality insect environments, they don’t support fish or larger organisms. The existing reservoir has been there for over 100 years, and has effectively cut off the high end of the watershed from Moore’s Creek, and below the dam the habitat has adapted to that condition. No new impacts will be added to Moore’s Creek by expanding the reservoir. He added that the plan would actually increase open water habitat to support fish and other organisms in a reservoir habitat.

Mr. Frederick concluded that 26 people out of 29 people who filled out a questionnaire indicated they preferred the Ragged Mountain option, one person preferred the James River option, and two people did not express a preference.

Mr. Rooker said that Charlottesville Tomorrow has been running a continuous newspaper page explaining the options, and he has not received any comments in favor of the James River pipeline. He has received over 100 in favor of the Ragged Mountain pipeline expansion. He suggested that this

feedback be included in the application packet. Mr. Frederick responded that he is in touch with the publication, adding that the results of the breakout group discussions are posted on the RWSA website.

Ms. Thomas said the only question she received was related to the cost of the Ragged Mountain dam, and asked if dam reconstruction was considered equally in that option as well as the James River option. Mr. Frederick replied that the issue of satisfying dam safety is addressed in both alternatives, but the costs are different because expanding the reservoir by 45 feet and building a new base is a greater cost than patching an existing reservoir. He added that there are a few areas which the consultant is working on in more detail, including differences in the treatment plants in both alternatives. He said it was a conscious decision to pre-treat the water so as not to carry sediment and phosphorus to Ragged Mountain; this is not yet in the James River alternative, but it will be.

Mr. Bowerman commented that strategically, that is very far-sighted.

Mr. Wyant said one of the options must be the ability to use gravity flow. Mr. Frederick responded that there would be intake in both reservoirs. The intake would be at the deepest part of the reservoir – which is near the dam in both cases. He said that if it transfers back from Ragged Mountain, it is also in the deepest part. Even in a drought water could be transferred from the South Fork Reservoir. The Ragged Mountain Reservoir will be the higher of the two. That means it will be pumping most of the time. He emphasized that they have tried to avoid going up a hill, which is why it comes out in the valley below the dam.

Mr. Dorrier asked how citizens could be involved in the public process. Mr. Frederick replied that comments are accepted by E-mail anytime at the website info@rivanna.org, and each will be evaluated and reviewed. He added that there is another planning meeting scheduled for early in 2006, with the plan being to announce recommendations for the preferred alternative, how to phase it, how to finance it, and a mitigation plan to satisfy regulatory requirements. Videotaped meetings will be shown on the Scottsville cable station, as well as the City of Charlottesville's public access station.

(Note: At 11:05 a.m., the Board recessed and reconvened at 11:10 a.m.)

Agenda Item No. 11a. YMCA Recreation Facility Report.

Mr. Tucker said that last December the Board received a needs assessment report for an indoor recreation facility. After that presentation staff was asked to work with the YMCA to see about partnering. He said the YMCA has been good to work with, and they have moved forward in developing a conceptual facility design and phasing plan, as well as hiring a nonprofit fundraising consulting firm from Atlanta.

Mr. Patrick Mullaney, Director of Parks & Recreation, addressed the Board. He said that in 2004 a recreation needs assessment was done which indicated a need for additional indoor recreation space. The greatest needs were for an indoor family aquatic center, indoor walking and running track, weight room and cardiovascular fitness area, aerobics fitness space, and lap lanes for exercise swimming. He added that the assessment also showed a need for more gymnasium space, more activity areas for teens and seniors, and space for local competitive swimmers. County Parks and Recreation looked at different ways to meet these needs and potential sites such as one on land across from Monticello High School. At the work session last December it was determined that a County-owned and operated facility was not feasible due to its expense.

Mr. Mullaney said the YMCA has wanted to build a facility for quite some time, and he then introduced Mr. Kurt Krueger of the Piedmont Family YMCA.

Mr. Krueger acknowledged his YMCA Board members and staff. He said the YMCA is proposing a three-way partnership between the County, the YMCA and PVCC, which would allow combining of resources to build a new facility in a cost-effective manner. He said they are seeking \$2.0 million in capital from the Parks & Recreation Department allocations in the CIP for FY 2006-07, and they would also look for program expertise from the County, as well as in-kind work for planning, permitting and perhaps construction. Mr. Krueger said PVCC President Mr. Frank Friedman and Mr. Bill Jacomide, Vice-President for Finance and Administrative Services, are present. PVCC would contribute land for the building site; that is part of the master plan for PVCC which will be presented to the PVCC Board this afternoon. PVCC would also provide some exterior facility management in the form of snow removal, landscaping, etc. The YMCA would provide capital support through private donors, health and wellness programs, child care, and education programs, as well as facility and staff management and scholarships for those in need, as well as multi-generational family and community enrichment programs.

Mr. Krueger said this would fill a majority of the County's identified needs as set forth in the needs assessment Mr. Mullaney referred to earlier, as well as provide a first-class facility for recreational programs. He emphasized that the YMCA would be responsible for ongoing operating costs, adding that the County would have a smaller financial commitment than if it tried to build the facility itself. The facility also makes good use of PVCC land, and could serve as a first-line emergency shelter response for County residents, as is done in other communities. The plan satisfies PVCC's long-range goal for a recreational facility, expands educational program opportunities, provides a place for intramurals and

physical education for PVCC students, and benefits students and faculty, as well as serving as a recruiting tool and providing jobs.

Mr. Krueger said the YMCA is an experienced and recognized organization, with a strong national entity behind it. He reported that there are over 2,500 YMCA's nationally, noting that Richmond counts as one but has 14 branches. He added that the YMCA has over 20 million members nationally and 600,000 volunteers. He said the local YMCA was established in 1994 and has a \$1.0 million annual operating budget, offering basketball, summer day camp, licensed child day care, and many other programs. The YMCA offered over \$220,000 in scholarships last year, currently serving over 6,000 youth with 150 volunteers and a dedicated 10-member board. They propose a phased construction operation, with a multi-purpose indoor pool, a large fitness center, full locker rooms, a full gymnasium, a multi-purpose and aerobics room, and a child watch room.

Mr. Krueger said Phase 2 would include an indoor competition and fitness pool – a cold-water pool that could be used by all three high school swim teams. He noted that this phase would also include a second multi-purpose and aerobics room, a second gymnasium, a full-time daycare center, and a senior/teen center. Partnering with PVCC gives the YMCA a great location for accessibility and wide community reach, especially with its proximity to I-64. Partnering with the County gives financial support and private fundraising momentum. Being able to build the facility, he said, gives the YMCA the ability to balance solid operating financials with maximum outreach to those in need.

Mr. Boyd said he wants the facility to be available to all kids regardless of income level. He thinks the City of Charlottesville should also be involved, especially as it relates to transportation. He would like to see the competitive swimming pool as part of the first phase. Mr. Krueger replied that over \$2.0 million in pledges has been raised by the YMCA Board just through staff and YMCA Board efforts.

Ms. Thomas said she wants public transportation to be an integral part of the planning. Mr. Krueger responded that there is currently a bus to PVCC, but that schedule would probably have to be expanded. He explained that the YMCA Board's approval would be the kickoff for private fundraising, and a partnership agreement would be struck between the County, the YMCA and PVCC.

Mr. Dorrier commented that he would also like to ensure the pool meets the needs of the competitive swim teams at a minimum.

Mr. Bowerman asked about the capital campaign goal. Mr. Krueger responded that the entire campaign is estimated to be \$7.0 million, with \$4.0 million of that \$7.0 million accounted for via the County and the YMCA's existing pledges. He said that both phases are \$10.0 million, adding that the competitive swimming pool is a large chunk of the operating expense, but it is easily supported with the first phase operations.

Mr. Bob Vandespiegel, the Piedmont Family YMCA Executive Director, addressed the Board. He said they could handle 3,000 memberships easily with a 67,000 square foot facility. He emphasized that program scheduling influences how many participants can use the facility, with staggered program times allowing more members. He added that they are working with the YMCA-USA to determine exactly what facilities and equipment are needed. In response to Mr. Dorrier's question about public/private partnerships, he confirmed that this type of relationship has occurred in other localities throughout the country.

Mr. Bowerman said that he initially he was skeptical about whether the community could support this type of facility, but the partners have all done their homework very well, and he is now convinced of its feasibility.

Mr. Boyd offered **motion** to authorize staff to develop plans for a YMCA/County partnership for a fitness facility subject to the Board's final approval. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 11b. Historic Preservation Committee, Status Report.

Mr. David Benish, Chief of Planning, said on August 3, 2005, the Board accepted the Historic Preservation Committee's progress report of June 2005, which included recommendations. At that meeting the Board was notified that staff would provide an analysis of the recommendations provided in the Committee's report. Of the 12 recommendations, Nos. 1, 3 and 4 have been completed. Work is ongoing on Nos. 2, and 5 through 11; the Committee has requested that the Board consider some modifications on Nos. 7 and 9.

Mr. Benish said that today, staff recommends approval of a Resolution of Intent to consider the recommendations of the Historic Preservation Committee for an amendment to the Historic Preservation section of the Comprehensive Plan. Staff identified in the executive summary several Committee recommendations which will need to be further analyzed during the amendment process for their

implementation and additional resource requirements. Based on staff's current work program commitments and available staff resources, it is anticipated that the Comprehensive Plan amendment process would begin in January, 2006 with recommendations presented for review by the Planning Commission no earlier than October, 2006.

Mr. Dorrier asked if a separate office would be set up for historic preservation, or whether it would be associated with zoning.

Mr. Benish explained that the committee work is done by Ms. Margaret Maliszweski, Planner. Also, two years ago the Board approved a new historic preservation position, and that person who focuses on historic preservation is housed in the Planning office. He added that the Committee provides resources to do a lot of the work needed to augment assigned County staff. He said the Committee will continue to do public education concerning country stores and resources, and expand that work to include schools, churches, etc.

Mr. Boyd asked if additional staff would be needed to work with the Committee. Mr. Benish replied that it would not in all likelihood, but there would be additional work for staff to deal with the Committee's recommended changes.

Mr. Cilimberg said staff noted in the executive summary that certain items which would need to be considered as part of the Comprehensive Plan amendment process could have costs associated with them if they are part of what is adopted in the policy. He said staff would analyze that and present information before any Board action is requested.

Mr. Benish said the Committee is just formulating their proposals and staff has done the best they can in presenting what the impacts might be.

Mr. Wyant said he is in favor of preserving the small country stores. He said they are great gathering places, but do not generate a lot of profit for the owners. Current regulations make it difficult for people to buy one of these structures and do anything with them. He emphasized that it is the structure that needs to be preserved, regardless of what new use might be in the building.

Mr. Rooker wondered if there was something the County could do to provide interim waivers until the Comprehensive Plan amendment issue is resolved. He thinks there needs to be a quick way to enable someone to deal with alternative uses while the amendment process continues.

Ms. Thomas said the Covesville Store owners expressed their dismay over the large amount of parking required for their store. Why does it take an amendment to the Comprehensive Plan to make Historic Preservation Committee members available to staff for consultation and recommendations? She expressed concern that this is "real heavy water" for just a few recommendations.

Mr. Cilimberg said staff has a lot of work in the "hopper", and few people available to do the work. He said on the Comprehensive Plan side, the Historic Preservation Committee is still going to be doing many things with and for County staff, but they want recognition in the Comprehensive Plan as to their role.

Ms. Thomas wondered if the Comprehensive Plan could mention that the Historic Preservation Committee holds a list of existing country stores rather than mentioning each store by name in the plan. Mr. Benish said the Comprehensive Plan would give the Committee as much policy weight as possible by including that reference.

Mr. Rooker asked about the parking requirements, such as the Covesville Store situation. Is there some way, as an isolated event, to look at the parking regulations? He suggested that Mr. Davis draft some changes that might accommodate these circumstances rather than changing the general commercial standard. Mr. Cilimberg said the Zoning Administrator would have to deal with that question.

Mr. Tucker acknowledged that parking requirements change the character of a country store more than any other thing. Mr. Cilimberg said there are waiver allowances in place for parking, and perhaps it is just a matter of revisiting those requirements.

Mr. Rooker suggested that the waiver could be made available to the stores on the list.

Mr. Dorrier said that needs to be expanded to barns, sheds, etc.

Mr. Rooker said the idea is to help people trying to make a living from the store. Mr. Tucker asked if the concept is to move the parking issue ahead of other items.

Mr. Dorrier suggested talking with the Committee about their opinions.

Mr. Wyant referenced the Secretary of Interior's standards for preservation.

Ms. Thomas commented that she does not think the Secretary's standards are appropriate, but adhering to them does allow for tax benefits that are important in allowing maintenance of buildings.

Mr. Boyd said if the process is working, why should staff spend time on the whole thing? He suggested that the Committee and staff work on the smaller issues, rather than delaying the larger issues for years. Mr. Benish said the Comprehensive Plan amendment process to update the list is not that onerous, and suggested that staff could move ahead on specifics such as parking.

Mr. Rooker said that he is in favor of going ahead with the Resolution of Intent, but the two items related to parking and commercial use could be pulled out. Mr. Cilimberg noted that Comprehensive Plan work is primarily that of the Planning division, whereas ordinance changes involve other people in Community Development. Staff needs to know what is most important to the Board and work on those issues first.

Mr. Davis emphasized that a motion will cause staff to focus on those issues and initiate a Zoning Text Amendment with the Planning Commission, which is a faster way to move forward.

At this time, Mr. Wyant offered **motion** to adopt the following Resolution of Intent so staff can proceed with work on the issue related to country stores represented in items 2(a) and 2(b) of the executive summary as presented as top priorities. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

RESOLUTION OF INTENT

WHEREAS, it is the intent of the Albemarle County Board of Supervisors to protect Albemarle County's historic and cultural resources; and

WHEREAS, the County's Historic Preservation Plan (the "Plan") was adopted by the Board of Supervisors in 2000 as part of the Albemarle County Comprehensive Plan, and Priority Recommendations for the implementation of the Plan were adopted by the Board in 2001; and

WHEREAS, the Plan is intended to further the Comprehensive Plan's goal of protecting Albemarle County's historic and cultural resources by defining specific implementation strategies; and

WHEREAS, in the course of the Historic Preservation Committee's work on the Priority Recommendations, the Committee has identified and recommended certain clarifications, revisions, and additions to the previously approved implementation strategies, in particular regarding the role of Historic Preservation Committee members, the treatment of the County's country stores, the identification and designation of other significant building types in the County, and the identification of significant County viewsheds.

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

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

Agenda Item No. 11c. Community Development Authorities Report. This item was deferred to a date to be determined later.

Agenda Item No. 12. Real Estate Tax Exemption for Certain Elderly and Disabled Persons, Discussion of.

Mr. Tucker said the Real Estate Tax Exemption for Certain Elderly and Disabled Persons program provides a real estate tax exemption for eligible elderly or disabled persons who are subject to a real estate tax burden that is extraordinary in relation to their income and financial worth. The criteria used in determining eligibility for the program is based on age or disability, income and net combined financial worth. The qualifying matrix used by the County exempts varying percentages of real estate tax, depending on ranges of income and net worth, from 20.0 percent to 100.0 percent. The formula used in determining net combined financial worth excludes the value of an individual's home and the land, not exceeding one acre, upon which the home is situated. The current cost to the County of the program is approximately \$284,000 annually.

Mr. Tucker said the 2004 General Assembly amended Virginia Code § 58-1-3211 to allow localities to exclude the value of up to ten acres of land in the net worth calculation. Prior to 2004, only

the value of one acre of land could be excluded. Staff surveyed a total of nineteen counties as to whether or not they had amended their program based on the new state-allowed maximum exclusion. Of the counties surveyed, four (21%) have raised the amount of excluded acreage to exceed one acre. Of those localities, two have raised the acreage from 1.0 to up to 5.0 acres and two have raised the acreage up to 10.0 acres. Staff asked the four counties that raised their acreage exclusion if they had determined the financial impact of this action. Two of the four counties (Gloucester and Prince George) stated that they anticipated minimal financial impact on their county due to the increase. The third (Pulaski) did not estimate the impact and has seen no impact to date. The fourth (Henrico) estimated a \$20,000 impact based on assumptions derived using the existing program.

Mr. Tucker said Albemarle currently has 327 participants in the program. These individuals own a total of 690 acres or an average of just over two acres each. Based on existing program participants, staff estimates the cost to Albemarle County of increasing exempt acreage from 1.0 acres to 5.0 acres is approximately \$8,000. The cost to the County of increasing the exempt acreage from 1.0 acres to 10.0 acres is approximately \$10,000. This would be the financial impact on the County resulting from the change to existing participants due to greater tax exemptions computed on the sliding scale used to compute the amount of tax to be paid. Staff is not able to calculate the number of new participants who would qualify for the program because of an increased exclusion of land value used to calculate their net worth and the impact these new participants might have on the overall cost of the program.

Mr. Tucker said if the Board wants to increase the amount of acreage excluded from the calculation of net worth for purposes of the real estate tax exemption program, the definition of "Net Combined Financial Worth" in the County Code must be amended to set the new amount of acreage to be excluded. To be effective for tax year 2006, staff recommends that the necessary ordinance to amend the County Code be advertised for a public hearing on December 7, 2005.

Mr. Boyd **moved** to authorize setting a public hearing for December 7 on an ordinance to increase the amount of acreage excluded from the calculation of net worth for purposes of real estate tax exemption for certain elderly and disabled persons from one acre to five acres. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 13. FY '06 First Quarter Financial Report. Because of the lateness of the hour, this item was moved to later in the day.

Agenda Item No. 14. Report from Police Chief John Miller.

Chief John Miller addressed the Board regarding disturbances that have occurred both at Wolfie's Restaurant and the Waffle House and the Police Department's zero tolerance of the disorderly people. He said that at Wolfie's Restaurant on East Rio Road, most of the activity was occurring on Wednesday night and Thursday morning because of music that drew large crowds. The Department has been working with Wolfie's manager, Mr. Alan Powell, who has secured adequate staff to handle problems inside, as well as assigning his staff to work in the parking lot after closing to clear the area. He said that police have a presence at Wolfie's and will remain there until the culture changes. Also, the music at Wolfie's changes at 1:00 a.m. to a slower style.

Chief Miller said problems occur at the Waffle House because young adults are looking for something to do after Wolfie's closes. The management at the Waffle House now limits the number of people going in the restaurant to five people at a time. He added that Waffle House management has also hired a security firm to monitor people coming in and out, adding that crowds have shrunk down to 50 people at the restaurant.

Chief Miller said the Police Department has adopted a zero tolerance for activity at the Waffle House, where arrests have been made for alcohol and disorderly conduct, as well as loud music. He said there is an officer waiting at the Waffle House each Wednesday evening, and the partiers have agreed to turn down their car stereos. He said that it is impossible to abate the noise entirely because the Waffle House is open 24 hours. He stated that Lieutenant Allen took a position on Commonwealth Circle recently, and the noise he heard was coming from trucks on Route 29, not just the Waffle House crowd.

Mr. Boyd asked about the report at the last meeting from a resident close to the Waffle House who pointed out that there are large groups of people there. Chief Miller responded that a lot of the noise residents hear comes from Route 29 and the Waffle House; it carries more at night. He said because there is limited seating in the Waffle House, it became difficult for staff to keep up with who is eating and who is not. He said fights broke out when the restaurant was packed with the after-Wolfie's crowd. He said the Waffle House on Fifth Street does not regulate numbers, so people could always go there. He emphasized that Route 29 is not in a quiet place, stating that when the officer is at the Waffle House, he asks people to turn their radios down. He pointed out that the County has spent about 200 overtime hours each year on problems at Wolfie's and the Waffle House.

Mr. Boyd asked about putting up screening between the neighborhoods. Mr. Tucker replied that it would be difficult, as there is only about 50 to 100 feet separating the homes from the Waffle House.

Mr. Bowerman said that is the problem with having Highway Commercial located next to Residential.

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

At 12:20 p.m., **motion** was offered by Mr. Dorrier that the Board go into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees and commissions; under Subsection (3) to discuss acquisition of property for a public facility; and, under Subsection (7) to consult with legal counsel and staff regarding legal issues concerning an existing and a potential inter-jurisdictional agreement. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 16. Certify Executive Session. The Board reconvened into open session at 1:58 p.m.

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

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

NAYS: None.

Agenda Item No. 13. FY '06 First Quarter Financial Report. (This item was brought forward from the morning agenda.)

Mr. Richard Wiggins, Director of Finance, addressed the Board. He said the First Quarterly Financial Report provides information on the County's General Fund and Preliminary Fund Balance as of September 30, 2005. He said the Department of Finance estimates that current fiscal year General Fund revenues will exceed appropriated revenues by \$4.166 million (2.4%). Combined with an additional \$1.005 million use of the Fund Balance and reduced transfers from Other Funds of \$0.222 million, there will be a total increase of \$4.949 million (2.8%), over appropriations of \$176.6 million.

Mr. Wiggins said local revenues are broken down into eight different categories. It is estimated that Local Revenues will be \$3.1 million better than expected, which is a 2.1 percent increase over budget estimates. He said the Finance Department does not project expenses until further into the fiscal year, but did include in this report some information on expenditures versus total appropriations for the first quarter. He said approximately \$41.0 million, or 23.2 percent of total appropriations for the fiscal year have been spent in the first quarter. He said that non-departmental expenditures such as the transfer to the City for the Revenue-Sharing Agreement have not been made yet. He stated that \$11.3 million of School Division transfers is for the School's CIP and Debt Service payments. He said that the School Division portion represents 52 percent of General Fund expenditures.

Mr. Boyd asked him if the Local Government side is saving in expenses somewhere. Mr. Wiggins explained that initially \$176.6 million was budgeted on the revenue side, and the Board has so far approved appropriation increases from fund balances of approximately \$1.0 million. The \$4.9 million better than budget performance is really just \$3.9 since \$1.0 million has already been approved, which includes the Microsoft agreement.

Mr. Wiggins noted that some departments, such as Parks & Recreation, spend their appropriations later in the year so show a low spending pattern at this time. He pointed said there have been two quarterly payments to AHIP from Community Development, which have caused that department's expenditures to exceed 29 percent for the quarter. He said the preliminary unaudited Fund Balance is at about \$814,000; audited numbers should be available next week.

At this time, Mr. Bowerman **moved** to accept the first quarter financial report for FY 2006-07 as presented. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 17. Appointments: Board and Commissions. No appointments were made at this time.

Agenda Item No. 18. **Public Hearing:** SP-2005-019, Buck's Elbow Mountain – Ntelos (WBP701) (Signs #35 & 36). Request to allow attachment of 6-foot long, 11.7-inch wide antenna supporting portable wireless broadband services on existing structure. The antenna will be attached with an extension rod extending 9 ft above the structure, which will result in total top height of approx 42-ft above ground level & 3153 above mean sea level (AMSL). This request is being made in accord w/Sec (10.2.2.48) of the Zoning Ord which allows for Tier III personal wireless service fac in the RA zoning dist. TM 39, P 1E, contains 0.22 acs. Znd RA. Loc on Buck's Elbow Mountain approx 3-1/2 mls NE of intersec w/Jarmans Gap Rd (Rt 611). White Hall Dist. (Notice of this public hearing was advertised in the Daily Progress on October 17 and October 24, 2005.)

Mr. Stephen Waller, Planner, reported that Ntelos is the applicant, and they are proposing the collocation of an omni-directional antenna and microwave dish on an existing structure near the top of Buck's Elbow Mountain. He explained that this site is located on a small parcel owned by American Tower Corporation, and the structures would be located on an existing 15-foot tower on a 12-foot building. This request is for a Tier III facility and requires a special use permit because the antenna would be mounted with an extension pole, rather than being flush-mounted. He noted that the total antenna height would be 40 feet above ground level, and 3,157 feet above mean sea level. The Planning Commission supported the request with a unanimous vote because it represents collocation on an existing structure with minimal impact.

Mr. Rooker commented that he thinks this is a good site, as there is limited visibility from surrounding areas and it is reasonably well-screened.

With no questions from Board members, Mr. Rooker asked the applicant to speak.

Ms. Emily Walker, representing Ntelos, addressed the Board. She said the antenna would provide portable broadband wireless service to western Albemarle County and portions of Waynesboro; currently many residents there do not have that option. Also, it will offload some traffic from the Bear Den Mountain site. She said the antenna would extend no higher than 13 feet above the existing self-supporting tower for a total height of 40 feet. The microwave dish would be mounted on the existing tower at four feet above the rooftop, and would be used to back-up customer traffic and to reduce redundancy. She said that in order to provide broadband service the antenna needs to be mounted higher than other surrounding antennas.

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

Mr. Wyant immediately offered **motion** to approve SP-2005-019 subject to the six conditions recommended by the Planning Commission. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

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

1. The antenna, mounting pole, microwave dish and ground equipment shall all be sized, located, installed and maintained in general accord with the construction plans, structure elevations and schematic drawings, entitled "Telecommunications Facility Co-location, Bucks Elbow Mountain - Waynesboro/Crozet (WBP701), Crozet, Virginia 22932", last revised August 12, 2005 and initialed SBW on September 20, 2005;
2. Prior to the issuance of a building permit, the applicant shall submit a final revised set of site drawings for construction of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of this special use permit have been addressed;
3. The top of the omni-directional antenna shall not exceed an elevation of three thousand one hundred fifty-seven (3157) feet;
4. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in

technology that makes it likely that tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent;

5. The owner of the facility shall submit a report to the agent by no earlier than May or and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and/or operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report; and
6. The following shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that the lightning rod's height does not exceed two (2) feet above the top of the monopole and width does not exceed a diameter of one (1) inch.

(Note: Agenda Item Nos. 19 and 20 were heard concurrently.)

Agenda Item No. 19. ZTA-2005-008. Entrance Corridor. **Public Hearing** on an Ordinance to amend Sec 30.6.2, Application, of Chap 18, Zoning, of the Albemarle County Code, to add segment of St Rt 631 (East Rio Rd) from US Rt 29 N easterly to Norfolk Southern Railway tracks, as a highway upon & along which an entrance corridor overlay district is established. (Notice of this public hearing was published in the Daily Progress on October 17 and October 24, 2005.)

Agenda Item No. 20. ZMA-2005-016. Entrance Corridor. **Public Hearing** on a proposed amendment to Chapter 18, Zoning, of the Albemarle County Code, to amend zoning map to establish entrance corridor overlay district (Sec 30.6 of Chapter 18 of the Albemarle County Code) upon each parcel of land contiguous to that segment of St Rt 631 (East Rio Rd) from US Rt 29 N easterly to Norfolk Southern Railway tracks, from edge of St Rt 631 right-of-way to the greater of either: (1) the full depth of each parcel as that parcel existed on October 3, 1990; or (2) to a depth of 500 feet. This proposed amendment would not affect the general usage & density range authorized by the applicable underlying zoning district regulations for each parcel. The general usage & density range of the 6 land use designations in the comprehensive plan along this segment of St Rt 631 are as follows: (1) neighborhood density residential (residential, 3-6 units/acre & supportive uses such as religious institutions & schools & other small-scale non-residential uses); (2) urban density residential (residential, 6-34 units/acre & supportive uses such as religious institutions, schools, commercial, office & service uses); (3) neighborhood service (neighborhood-scale retail, wholesale, office, service, & residential, 6-34 units/acre); (4) community service (community-scale retail & service, wholesale, office, employment center & residential, 6-34 units/acre); (5) regional service (regional-scale retail, wholesale & service, office, lodging & conference, employment center & residential, 6-34 units/acre); & (6) office service (office parks, supportive commercial & service, lodging & conference, limited production activities & residential, 6-34 units/acre. (Notice of this public hearing was published in the Daily Progress on October 17 and October 24, 2005.)

Mr. Bowerman disclosed that he receives more than \$10,000 annually from Parkside One, LLC, 690 Berkmar Circle, Charlottesville, the owner of Glenwood Station on Rio Road. He said he has an ongoing business relationship with Mr. George Ray, a principal in Parkside. However, he believes he can act fairly and vote on this item.

Mr. Cilimberg said that at its meeting on May 4, 2005, the Board considered a request from the Chair of the Architectural Review Board to reclassify East Rio Road as an arterial highway and to establish it as an Entrance Corridor Overlay District. By consensus, the Board agreed to support the request. On July 14, 2005, VDOT notified the County that Route 631 (East Rio Road) between Route 29 North and the Norfolk Southern Railway tracks had been officially changed to an Urban Minor Arterial roadway. On August 10, 2005, the Board adopted a Resolution of Intent to establish this segment as an Entrance Corridor Overlay District and to amend the zoning map accordingly. The Board directed the Planning Commission to hold a public hearing on the zoning text and map amendments and make recommendations as soon as possible.

Mr. Cilimberg said the re-categorization of East Rio Road as an "arterial" roadway meets one of the two State enabling legislation criteria for local Entrance Corridor designation. The other criterion is that the proposed roadway must represent a significant tourist access route to the locality or to designated historic sites within the County or adjoining localities. East Rio Road provides access from Route 29 North to downtown Charlottesville, which is a historic community. Designation of East Rio Road

automatically applies Entrance Corridor (EC) Overlay zoning to adjacent lands (based on 1990 parcels) and to property within 500 feet of the right-of-way.

Mr. Cilimberg said each final site plan requiring review by the ARB has a fee of \$200.00. Each sign requiring review by the ARB has a fee of \$75.00. While each review provides revenue to the County, the costs associated with these reviews can often exceed the fee received. Staffing of the ARB to cover the existing Entrance Corridors fully utilizes two staff persons and can take from six to 25 staff hours. The addition of the Rio East Entrance Corridor would increase this already full workload, further stretching staffing capabilities to administer the Entrance Corridor overlay districts. He mentioned that staff is not sure what effects the proposal will have on affordable housing as it applies to multi-family site plans but not to proposals for single-family detached housing.

Mr. Cilimberg said the Planning Commission tied 3-3 on all votes relating to this proposal, so it failed to gain their approval. If the Board approves this proposal, an effective date for the ordinance will need to be established.

In response to a question from Mr. Wyant about staff time, Mr. Cilimberg clarified that simple reviews can take as little as six hours, but items that go back and forth between planning staff and the ARB can take 25 hours. He added that there are four site plans and a site plan amendment currently under review in the area this Entrance Corridor would encompass. He pointed out that this corridor is already well-developed, and the Board would likely see site plan amendments and building permits rather than large-scale developments.

Mr. Davis confirmed that building permits would come under ARB review unless the Board grandfathered them; he has developed some language to address this situation.

Mr. Bowerman asked what projects are currently under review. Mr. Cilimberg replied that the Rio East Veterinary Office, the Rio Road Truck Repair, Bailey Offices, and the Community Self-Storage, as well as Glenwood Station are the projects currently active. He noted that building permits go to the ARB for review if projects are in process.

Mr. Bowerman said knowing that information about current activity, he would **abstain** from further discussion and vote, and he left the room at 2:25 p.m.

With no further questions for staff at this time, the public hearing was opened.

Ms. Candace Smith said she is Chairman of the Architectural Review Board. Regarding the criteria to be met, the Planning Commission had a fair amount of discourse, noting that the ARB initiated the request for the EC designation. She said the ARB is absolutely unanimous in supporting the corridor request. When a project goes through the site plan approval process it is reviewed for quantities and setbacks, but if a building elevation is submitted to the Planning Department, it is not considered. She emphasized that aesthetics are not considered by Planning, only by the ARB, and she presented examples of buildings that did not include screening of transformers, air handlers, etc. She showed other examples of home placements, trees and shrubs, etc., that would be addressed by ARB guidelines should this be designated as an Entrance Corridor. She reminded the Board that there is still open land available for development, and a pending redevelopment. She mentioned the Kangaroo gas station, which contains bright red box lighting right along the road. She said they started this process six months ago. It would have been nice to temper that facility a little bit. She said this road goes directly into Court Square in downtown Charlottesville, and commented that the Places 29 people felt it should be in the Entrance Corridor.

Mr. Chuck Lebo of the Architectural Review Board spoke, stating he is in favor of having the road designated as an Entrance Corridor.

Mr. Winfred Adler, a property owner, addressed the Board. His property was rezoned in 1991, and got a special use permit for a building which allowed them to have a small business on the site. He said VDOT put a few transformers on his property without any consultation or announcement. He is in favor of beautification and image, but he was shocked that there would be a Certificate of Appropriateness required which puts another layer of bureaucracy on the landowner. He thinks County residents are overwhelmed with restrictions; he left a socialist country to get away from that. He is not in favor of making this road an Entrance Corridor, and concluded by saying that in 1991 he spent 40 percent of his property costs in development costs.

Mr. Paul Wright of the Architectural Review Board addressed the Board, stating that he is in favor of making this an Entrance Corridor. He noted that there are not 22 entrance corridors in the County; some roads such as Route 29 and Route 250 comprise several in that count. He is confident the Meadow Creek Parkway will be built, and it would be good to have the designation prior to that happening. This is a proactive move. He noted that everyone will use this road from Route 29 to get to downtown Charlottesville, and this action will help the road in the event of future developments.

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

Mr. Rooker said the Board adopted a Resolution of Intent to get this request to where it is today. There is nothing that has a more profound impact in improving the aesthetics of the community than the ARB and the Entrance Corridor designation. Looking at the changes and types of buildings in the entrance corridors since 1990, the effect has been profound, adding that the City has now implemented entrance corridors that parallel the County's.

Ms. Thomas said she has been impressed that most people end up supporting the entrance corridor designation because the flavor of the corridor raises the value of the property all along that corridor, not just the building that has the landscaping, but the nearby buildings. She emphasized that the corridors have a sense of continuity held together with elements such as hedges of the same height.

Mr. Rooker added that Rio Road West is an Entrance Corridor, and the east side is really more of an entrance to Charlottesville. He noted a significant difference along Hydraulic Road since the entrance corridor designation was placed on that route. He emphasized that the corridor contains a mix of uses, citing the Kangaroo Gas Station as an example of something most residents probably would not want to have placed next door to their home.

Mr. Boyd said he has mixed emotions about this request. He has heard from many small business owners that the entrance corridor designation is obtrusive. He is concerned that it will take additional County staff time to work with the ARB on the new corridor.

Mr. Wyant asked if this designation applies only to commercial properties. Mr. Cilimberg said it applies to commercial and multi-family residential, adding that essentially it applies to site plans as well as building permits for other than single-family detached.

Mr. Dorrier commented that this is an important arterial road, and while he understands Mr. Adler's concerns, he supports the designation. Mr. Cilimberg said there may be ways of accomplishing the measures resulting from the entrance corridor designation without hiring additional staff; there may be some administrative standardization that could cut down on that time.

Mr. Rooker said there will be a huge amount of money spent on the aesthetic appearance of the Meadow Creek Parkway. It would be a huge mistake to not protect the aesthetics of the rest of that road, especially in light of the estimated 20,000 cars per day which use it. Mr. Cilimberg said site plan review would always be an ARB review involving County staff, but perhaps the signage and peripherals could be handled administratively.

Mr. Davis said the effective date of the proposals could be immediate. The question is whether or not to grandfather existing applications. In order to grandfather, the ordinance should be made effective November 2, 2005, provided, however, any preliminary site plan or sign permit application that has already been submitted and which is deemed completed prior to that date and which is approved prior to April 2, 2006, could be approved under the ordinance as it existed prior to November 2, 2005. He clarified that it would pertain to building permits, sign permits, or preliminary site plans.

Mr. Rooker said that type of grandfathering has not been done anywhere with Entrance Corridor Overlay Districts in the past. The Board has always been consistent.

At this time, Ms. Thomas offered **motion** to adopt ZTA-2005-008, Entrance Corridor, as advertised. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSTAIN: Mr. Bowerman.

ORDINANCE NO. 05-18(9)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article III, District Regulations, of the Code of the County of Albemarle is amended as follows:

By Amending:

Sec. 30.6.2 Application.

Chapter 18. Zoning

Article III. District Regulations

Sec. 30.6.2 Application

The entrance corridor overlay district is created to conserve elements of the county's scenic beauty and to preserve and protect corridors: (i) along arterial streets or highways designated as such pursuant to Title 33.1 of the Virginia Code found by the board of supervisors to be significant routes of tourist access to the county; (ii) to historic landmarks as established by the Virginia Landmarks Commission together with any other buildings or structures within the county having an important historic, architectural or cultural interest and any historic areas within the county as defined by Virginia Code § 15.2-2201; or (iii) to designated historic landmarks, buildings, structures or districts in any contiguous locality.

a. An entrance corridor overlay district may be established over any basic zoning district and/or any other overlay district, and upon the highways and their rights-of-way identified in subsection (c) (the "EC streets"), regardless of whether such EC streets are otherwise within a zoning district.

b. Entrance corridor overlay districts are hereby established upon the parcels of land contiguous to the EC streets delineated in subsection (c), from the edge of the right-of-way to the greater of either: (i) the full depth of the parcel, as the parcel existed on the original adoption date of section 30.6; or (ii) a depth of five hundred (500) feet.

c. Subject to subsection (b), entrance corridor overlay districts are hereby established upon and along the following highways:

1. U.S. Route 250 East.
2. U.S. Route 29 North.
3. U.S. Route 29 South.
4. Virginia Route 20 South.
5. Virginia Route 631 South from Charlottesville City limits to Route 708 and from U.S. Route 29 North to Route 743. (Amended 11-14-90; Amended 4-12-00)
6. U.S. Route 250 West.
7. Virginia Route 6.
8. Virginia Route 151.
9. Interstate Route 64.
10. Virginia Route 20 North.
11. Virginia Route 22.
12. Virginia Route 53.
13. Virginia Route 231.
14. Virginia Route 240.
15. U.S. Route 29 Business.
16. U.S. Route 29/250 Bypass.
17. Virginia Route 654. (Added 11-14-90)
18. Virginia Route 742. (Added 11-14-90)
19. Virginia Route 649 from U.S. Route 29 North to Virginia Route 606. (Added 4-12-00)
20. Virginia Route 743 from U.S. Route 29 North to Virginia Route 676. (Added 4-12-00)
21. Virginia Route 631 from U.S. Route 29 North easterly to the Norfolk Southern Railway tracks.
(12-10-80, § 30.6.2; 11-14-90; 9-9-92; Ord. 00-18(4), 4-12-00; Ord. 01-18(3), 5-9-01; Ord 05-18(9), 11-2-05)

the Entrance Corridor Overlay District with an effective date of November 2, 2005. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSTAIN: Mr. Bowerman.

(**Note:** Mr. Bowerman returned to the room at 2:55 p.m.)

Agenda Item No. 21. CPA-2005-001. Land Use Plan Transportation **Work Session**. Proposal to amend the Transportation Section of the Comprehensive Plan to include, but not be limited to, references and updated information based on adopted regional transportation plans.

Mr. Tucker suggested scheduling another work session to discuss CPA-2005-001 since the meeting is running far behind schedule.

Mr. Rooker commented that a lot of the information provided on the character of the area in neighborhoods needs to be updated, as it uses outdated information.

Mr. Benish said a number of the neighborhood profiles would be updated with the Places 29 Master Plan and Pantops Master Plan. He noted that the primary goal was to make specific road references consistent. He stated that the version of the amendment the Board received does not contain the last set of changes since the Commission's last action was only one week ago.

Mr. Cilimberg said the Resolution of Intent was for transportation elements only; getting into amendments not covered by that resolution might not be a good idea. He said the neighborhood information will be updated with the new master plans, adding that if it can be kept just to transportation it would expedite things and save significant staff time.

Ms. Thomas asked when this CPA might be considered by the Board. Mr. Tucker said staff will try to have it on the agenda for December 7.

(**Note:** At 3:07 p.m., the Board recessed and reconvened in Room 235 to hold the scheduled work sessions.

Agenda Item No. 22. Financial Condition Evaluation FY 1999-00/2003-04, **Work Session**.

Ms. Roxanne White, Assistant County Executive, presented information on the County's financial picture, including comparison to other "AA" localities. She said that Mr. Steve Allshouse, Fiscal Planner, would present the Financial Condition Evaluation.

Mr. Allshouse said he would be presenting the ICMA's Evaluation of Financial Condition for local governments and an accompanying spreadsheet. He explained that the idea behind what he is presenting is to look at historical data and evaluate how the County has done financially over a five-year period, including pertinent trends that might indicate areas of problems or success. He said the "trend lines" attempt to get the best fit with the five data points used in the process. The County's financial position over the years which were reviewed looked very good with few negative indicators. He said net operating revenues per capita is measured in constant dollars, and the ICMA set up a system using early 1980's dollars, although the trend lines remain valid.

Mr. Allshouse reported that a warning indicator is to have decreasing net operating revenues per capita. That could signal possible difficulties in maintaining existing levels of service. He emphasized that Albemarle did not have that indicator. Per capita revenue increased by approximately 10 percent in constant dollar terms over that period of time. Expenditures per capita increased by nine percent so the two trend lines were roughly in-sync. In response to a question from Mr. Boyd, Mr. Allshouse reported that demographic information on population from the Weldon Cooper Center was used to compile the data.

Regarding the County's long-term debt, Mr. Allshouse reported that the debt level trend line was sloping upward, and increasing net-bonded long-term debt per capita could mean that a locality's ability to pay that back is diminishing; however, Albemarle's trend is not going up sharply. He emphasized that long-term debt when considered as a percentage of the County's assessed real property value is actually decreasing proportionately. Regarding the issue of regional personal income, Mr. Allshouse noted that the Bureau of Economic Analysis data combines Charlottesville and Albemarle and he has never been able to acquire the data in a separated format.

Ms. Thomas asked if it would be possible to take the City and County's long-term debt and put it on that kind of chart. Mr. Allshouse agreed that could be done.

Mr. Rooker emphasized that the absolute number is what is important regarding debt and the ability to pay it back, as opposed to whether it has increased or decreased.

Mr. Allshouse said he is also looking at operating revenues to pay off that debt, noting that interest rates during the time period considered had come down dramatically. Regarding the County's debt service, he noted that the figures used in the table are in nominal dollars, which have not been adjusted for inflation. He explained that the warning trend is increasing debt as a percentage of net operating income, and the data shows a decrease between FY 2000 and FY 2001 but it started rising thereafter. He said the overall trend line is relatively flat, although more debt has been incurred during the latter part of the study.

Mr. Wyant asked how the trend line was developed. Mr. Allshouse responded that the formula takes five data points and figures out how to best fit a straight line through those data points.

Regarding school employee figures, Mr. Allshouse said the ICMA says there is a warning trend if there are an increasing number of full-time equivalents per thousand residents in the county. That number has not grown proportionately which indicates a higher level of service by employees.

Mr. Boyd contended that County demographics have changed. The overall population increase did not yield an increase in school enrollment. Mr. Allshouse said the data actually includes school employees lumped together with local government employees, and if the level of service provided now is higher that seems to indicate increased productivity. He added, "It's not clear to me how we measure total output."

Mr. Rooker said in a recent Fiscal Review Committee meeting, Mr. Allshouse indicated that school enrollment was increasing at a rate of about 225 to 250 students per year, but that did not turn out to be the case, but they could not pinpoint any one factor as to why the difference occurred.

Ms. White presented information from Davenport & Company comparing four AAA localities and nine AA localities to Albemarle. Regarding per capita income, she said, Albemarle County remains even with other AA localities and just below AAA localities. She stated that total assessed value for Albemarle properties remains slightly below average for AA locations and significantly below AAA localities. The growth in assessed value shows that Albemarle is slightly above AAA localities, but is below AA localities. Obviously the County is seeing its assessed values go up, but some other AA localities like Prince William, Stafford and Spotsylvania, are also seeing greater increases than Albemarle has in assessed values. She said the tax rate when compared to other AA and AAA localities shows Albemarle to be significantly lower than those averages. When comparing retail sales, she reported, Albemarle is slightly below AA localities and significantly below AAA localities. Regarding growth rate in retail sales per capita, Albemarle is above AA localities and just slightly below AAA localities. Albemarle County debt does not exceed two percent of its total assessed values, and even with a debt increase, the percentage remains at around one percent. She noted that the County remains significantly under both the AA and AAA localities, with the averages staying below six and eight percent.

Ms. White said the Board has a policy that the cash flow for the Undesignated Fund Balance must be kept at no less than eight percent of the County's total operating budget; that includes both the General Fund and the School Fund. She emphasized that Albemarle is in good shape with that number currently holding at eight percent.

Mr. Rooker asked if when money is moved to the CIP, it is included in that balance. Ms. White replied that it is included before it is moved, but not after.

Mr. Rooker noted that "pay-as-you-go" capital expenses are still capital not operating expenses.

Mr. Melvin Breeden, Budget Manager, reported that the financial model for the 2006-07 Budget shows revenues of \$1.6 million over expenditures compared to the \$586,000 figure used previously. He said there has consistently been a surplus, and the model at this point is based on assumptions except for the 2007 revenues.

Ms. Thomas said revenues are slightly lower than the last time Mr. Breeden reviewed this model with the Board, and expenditures are slightly lower also.

Mr. Breeden said the biggest increase in revenues is due to real estate tax assessments which have increased by \$14.0 million; also, sales taxes and business licenses are up by \$3.0 million. State and Federal figures appear to be increasing by \$1.2 million, although there is not much data available yet to confirm those numbers. He said there is about \$16.0 million to work with next year, unless some of the \$4.0 million surplus is used. He clarified that \$2.6 million of the current year FY '06 revenues are surplus from the prior year, so that will not be repeated the following year.

Mr. Dorrier asked if the chart shows increases that take into consideration the tax rate. Mr. Breeden replied that it assumes a level tax rate at the current \$0.74. Staff is assuming a 15 percent increase in reassessments for 2007, and thereafter a base increase of four percent for new construction, with 7.5 percent inflation for 2008-09, and 5.5 percent for 2010-11. Staff is being conservative with those numbers, but only a relatively small percentage of assessments have been completed at this point. He noted that the rapid upward trend in values would probably not continue based on what market experts are saying.

Regarding State personal property taxes, Mr. Breeden reported that it is likely residents will gradually pay more of that tax over the next few years. He thinks there will likely be a significant increase in delinquent personal property taxes. Anytime the taxpayer has to pay a larger share of the bill, the number of delinquents will be greater.

Mr. Breeden said staff is estimating a seven percent increase in Sales and Use Tax revenues over a five-year period. Consumer utility taxes such as those on telephones, land lines, cellular phones, etc. remain on a steady growth trend, although land line telephone revenues are decreasing as cellular use increases. He said the Business and Professional License Tax revenue is expected to increase between seven and eight percent. There is little change in Motor Vehicle License revenues. Transient Occupancy taxes are increasing at a steady pace.

Mr. Breeden summarized the budget impact as a \$14.6 million increase in General Property taxes, \$3.0 million in other local taxes – both shared with the Schools. There is a \$407,000 increase in the Revenue-Sharing Agreement payment to the City; allocation to the CIP of an additional \$2.0 million: the Board's Reserve Fund held at \$300,000; and, Tax Relief for the Elderly and Handicapped was just increased by \$9,000. This leaves about \$15.3 million for the 60/40 split with the Schools based on current projections. He noted that this means an increase for the Schools from \$5.9 million to \$9.1 million for next year with the General Government share going from \$3.9 million to \$6.1 million.

Regarding budgetary impacts, Mr. Breeden explained that there will be about \$7.4 million in new revenues. The reclassifications and salary changes for employees made this year will cost \$500,000 next year, and the health and dental increases will cost an additional \$200,000; the merit pay plan approved will cost almost \$1.4 million; the new police officer positions will cost additional money from the General Fund. He said the baseline departmental increases would be a little over \$1.0 million, with agency increases of about \$900,000, and CIP operating impacts totaling \$1.2 million.

Ms. White clarified that the overall agency increase is seven percent as an average; this does not mean that every agency or department expense is increasing by that amount.

Mr. Breeden said the previous adjustment in income requirements for Tax Relief for the Elderly and Handicapped did not increase the expense for that substantially. He said there is \$200,000 in this year's budget set aside for retiree health insurance. Staff is not sure what the increase will be in Virginia Retirement System expenses next year, but early indications show that the increase in the portion for School employees alone might be seven percent. He noted that the Board could consider rate reductions or additional capital allocations for ACE Program, adding that each one cent capital increase costs about \$1.3 million.

Mr. Tucker said in January his office will present the Board's business plan and there can be further discussion at that time about these items.

Mr. Boyd said he needs more data on the increases in expenses, including salary adjustments and the seven percent average agency increase. Other Board members agreed.

Mr. Breeden noted that the figures include the cost of new positions, as well as salary increases, and merit increases and benefit increases.

Agenda Item No. 24. Places 29 **Work Session** - to discuss and give feedback to the consultant on the Vision and Guiding Principles.

At this time, members of the Planning Commission were present for a joint meeting with the Board. Members present were: Mr. William J. Craddock, Mr. William Edgerton, Ms. Jo Higgins, Ms. Marcia Joseph, Mr. Calvin Morris and Mr. Will Rieley. Mr. Rodney Thomas was absent.

The meeting was called back to order at 4:00 p.m. by Mr. Rooker.

Mr. Cilimberg introduced Phil Erickson from the lead consultant team (Community Design + Architecture, Inc.) to discuss Places 29. Mr. Erickson introduced Mr. Fred Dock (Meyer, Mohaddes Associates), Ms. Sara Woodworth (ZHA, Inc.), Mr. Thomas Kronemeyer (Community Design + Architecture, Inc.), Mr. Will Thompson (Meyer, Mohaddes Associates), and Ms. Kathy Galvin (local Charlottesville consultant).

Mr. Erickson explained that the team has been evaluating the place types and how the plan works with the County's Neighborhood Model, especially what it means for the northern development areas. He said the team looked at retail and residential development along Route 29 North, and considered how they relate as neighborhoods. He said some of those areas already have gathering areas such as parks and schools, retail areas, etc., as their centers, although not that much of the residential development has a center with walkable places to give neighborhoods an identity. In the retail areas, they are considering retail districts and retail nodes where there is a lot of service activity not connected to surrounding uses.

Mr. Erickson explained that the UVA Research Park and other places in the planning area are employment districts – single-use areas. Woodbrook Subdivision has the school as a central place, and there are areas that are walkable to neighborhoods. There is the potential in the employment districts to identify opportunities to bring in other uses, even open spaces to structure areas and make them more pedestrian-oriented places. The team is evaluating what it means to have open space inside of development areas, and how that is different from open space in rural areas. He said they are considering open space as part of a network that defines places within the development areas and allows for multi-modal transportation. He mentioned that these open spaces will also provide natural wildlife and stream corridors.

Regarding the transportation system, Mr. Erickson stated that the team has been studying transportation south of the South Fork Rivanna River, looking at existing road networks and the ways both VDOT and the County look at the road system and how it fits in planning.

Mr. Fred Dock addressed the Board, stating that the team has been working as part of the network to address the issues of interconnectivity. They are looking at connectivity on many levels to come up with a way to provide movement between neighborhoods and centers. They are also studying how to get work trips in and out of the corridor, and how the residents of the corridor reach their places of employment and retail centers. He indicated that the team is highlighting the fact that the transportation initiative is not about putting big roads in the neighborhoods but how to get transportation on the edges.

Mr. Dock said the team has been able to study the composition of trips currently being made in the Route 29 corridor. Those that are completely external represent about 25 percent of the trips along Route 29 to the Greene County line. However, since there is so much more local traffic on Route 29, by the time the route is evaluated near Hydraulic Road and the Route 250 Bypass, external travel ends up being only 12 percent of the average daily traffic. He said there is a tendency for about 70 percent of this traffic to travel the entire length of the Route 29 corridor from the Greene County line to the Route 250 Bypass, which means it is destined for the University or the City of Charlottesville.

Mr. Dock indicated that another traffic scenario is for local trips, those generated from the urbanized portion of Albemarle County going to and from activities within the corridor, representing 60 to 65 percent of the traffic that takes place in the southern end of the corridor. He emphasized that there are three different travel markets which all respond differently to initiatives that attempt to reduce travel time. He said it becomes evident fairly quickly that a single bypass concept is not going to address all three of these travel markets.

Mr. Boyd agreed that a single bypass would not resolve all travel issues, but noted that much of the 60 percent of local traffic could and would likely use a bypass to get from the top of the corridor down to the University.

Mr. Rooker said that 12 percent is through-traffic, and 24 percent is the population that might use the bypass.

Mr. Dock emphasized that there needs to be more than one single solution examined, as there is a very diverse travel market that will respond to different things. He noted that the team would be bringing back more detail regarding how transit placement, parallel routes and hybrid alternatives would address short and long-distance options.

Mr. Rooker asked him if the team could determine based on development patterns, where transit would be feasible. Mr. Dock replied that they would be able to determine where potential transit demand might occur in certain areas working with a modeling platform as well as estimating techniques.

Mr. Rooker asked how the demand side of that is established. Mr. Dock responded that they would be working from their experience in other localities, noting proposed development patterns and their relationship to existing development – how much more dense they might be, how close transit might be to residents, and whether there are enough people traveling in a particular corridor.

Mr. Rieley noted that the term transit incorporates a wide range of options such as VRT versus light rail, etc. Mr. Dock replied that the team is trying to approach transit by looking at it from a service characteristic standpoint – how often a service would need to go by a certain point, how fast it would move through the corridor, how often it would stop – rather than looking at it from a VRT/LRT standpoint. With that level of information it gives an opportunity to work through and figure out what kind of transit technology would be used because several types may be able to deliver that service pattern.

Ms. Thomas asked if they would be considering what makes an area transit worthy, not just feasible. Mr. Dock said that is one reason the team has been looking at land uses in terms of employment neighborhoods so the need for automobile transportation is diminished when a short transit trip might suffice.

Ms. Woodworth said the team looks at this information so the land use planning side is brought into the market realm of what's happening in the County. There are fewer than 200,000 people in the entire metropolitan area. This makes the Charlottesville area about 212 out of 300 metropolitan areas in the country which can impact the type of retailers who will locate here. She emphasized that the growth

rate has been comparatively fast and has included many “empty nesters.” There are about as many jobs as households, and that is a positive factor; the employment growth has also been strong over the last eight years. She has received comments that much of that growth has been in lower-wage industries, but data indicate that government, health care and education have also been major growth areas with manufacturing on the downswing.

Ms. Woodworth presented household characteristics by life stage – younger households that have no children, a family with children, and the mature years (55+) who no longer have children at home. She explained that the younger households comprise about one-quarter, while single-family detached housing units represent about two-thirds of the product type available in the County. That diversification of residential product type may be necessary for the northern development areas, which contains about one-quarter of the County’s total households. She noted that one-third of the household growth in the County over the last 15 years has occurred in those areas, and about 40 percent of the County’s jobs are located in this area, along with the majority of retail centers.

Ms. Woodworth noted that Charlottesville and Albemarle are the regional retail center for the metropolitan area, with about 90 percent of sales occurring here. She added that the cache of the area is the additional retail development potential for the area, including the northern area which could absorb over one million square feet to 1.3 million square feet over the next 10 years. In terms of the office market, she said the rental portion is relatively small as there is a lot of build-to-suit, owned space. The northern development area accounts for about one-third of that space, and the vacancy rate is just seven percent. She noted that office-inclined employment would likely grow over the next 10 years, with an estimate of 750,000 square feet of new offices by the year 2020. In terms of residential market, she said the vast majority of the demand would likely be for single-family detached, but one of the things to consider is the aging of households over time and the different product types needed to address those demographics; they have projected a need for 5,000 units in the County.

Mr. Boyd asked if references to sources for the information given could be provided.

Mr. Edgerton asked if the projection for the ability to accommodate more retail was consistent with the County’s fiscal planner’s numbers.

Ms. Woodworth said the numbers are preliminary. They are working to ensure they are the same.

Mr. Boyd noted that the County is approving a lot of attached housing proposals. He expressed concern that there may be overbuilding in that market. Ms. Woodworth replied that two-thirds of current building permits are for single-family detached.

Mr. Rooker said there have been many recent approvals for the older, “empty-nester” market. He is aware of many people who are moving out of detached homes into more maintenance-free dwellings. Ms. Woodworth emphasized that is part of their analysis, as the vast majority of the empty nester market is going for the detached type, but suggested that there are some households that prefer a different type if the right product is available. She said they are not assuming that suddenly the market is going to change its taste in preferences, but nationally they know that market is driving a whole lot of new attached and multi-family product types.

Ms. Joseph asked if the team would be considering the affordability aspect as far as diversity is concerned. Ms. Woodworth replied that they would be.

Mr. Boyd said some people living in these neighborhoods cannot afford a home if they work at CVS or Target or Wal-Mart, adding that the County is challenged to maintain a level of employment to sustain them.

Mr. Rooker said everything at Old Trail in the \$300,00 price range has sold, adding that there has not been a time in this market when someone who works at Wal-Mart could afford to buy a home.

Mr. Erickson asked that the Board members provide direct feedback on the Vision Statement, which focuses on issues of a more compact, urban style of development with walkability, a variety of housing choices, and high-quality retail and employment opportunities.

Ms. Thomas asked him to define “high-quality” retail. Mr. Erickson replied that comments from the first Places 29 workshop included a desire for more aesthetic retail environments that include walkability. He said stores like Whole Foods are valued and there is a desire to get more of that type of retail.

Mr. Erickson said the Vision Statement includes a reference to a more multi-modal transportation system, considering walking, bicycling, and transit, as well as automobile circulation. The public has expressed an interest in more parks and open space in terms of recreational space, visual open space, and the character of major roads in the development areas.

Mr. Dorrier commented that having walkable neighborhoods is a good goal, but he has not seen a lot of pedestrians walking along Route 29.

Mr. Rooker responded that the intent is to have neighborhoods located off of Route 29, such as Belevedere, where the neighborhood is connected by sidewalks and walking paths.

Ms. Thomas noted that the Woodbrook area has an ice-cream store, but has no sidewalks to access it. To her mind that is bad planning. It would raise everyone's quality of life to have sidewalks be a possibility.

Mr. Bowerman said people would likely be using their cars when carrying a lot of items from shopping.

Mr. Rooker noted that Forest Lakes does have shopping, a recreation center, and open space within walkable distances. He thinks a car trip to the grocery store is not necessary, because the trip is fairly short.

Mr. Erickson pointed out that a lot of this process is about "giving people a choice," because some of the existing neighborhoods were built in a way that car travel is the only option. He added that part of the process is coming up with the right names for neighborhoods.

Ms. Higgins suggested that the term "excellent" should probably be deleted from quality of life, and also said that the term "high-quality" retail should also be changed.

Mr. Erickson asked if it would make sense to include reference to the aesthetics and visual quality of development. Ms. Higgins responded that the terms she was referring to can be misconstrued.

Mr. Edgerton reminded everyone that the big argument for approving Albemarle Place was that it would bring into this community some of the higher economic retail stores that are in Washington, D.C., and New York, and provide a bigger tax base.

Mr. Rooker emphasized that the County is striving for something better than the ordinary. He added that this is a vision.

Mr. Dorrier asked how a variety of housing choices would be determined as that is based on the economy and the developer. Ms. Woodworth replied that the plan needs to incorporate a variety of housing types.

Mr. Rooker said part of the goal is to provide neighborhoods that will accommodate people in different walks of life.

Mr. Edgerton said if there were developments with grids of streets, the developer could change the mix of housing types. Cul-de-sac style neighborhoods do not readily accommodate apartments and townhomes. He added that the plan ought to be flexible, with the actual choice of housing product being up to the developers and market-driven.

Mr. Boyd commented that it is difficult to have grid neighborhoods with our topography. He said the people living in Woodbrook Subdivision do not necessarily desire a mixed-use type of environment.

Mr. Edgerton commented that if the County continues to be developed in the single-family model, the County will not be able to accommodate a lot of the growth. He added that it might reduce traffic if not all trips had to be made by car, noting that the rural cross-section does not give someone a safe place to walk.

Mr. Wyant said roads can be designed to create traffic-calming measures, but VDOT won't always accept those. Mr. Erickson said they are making progress with VDOT, but it is slow. He added that this is just a summary of the guiding principles, as the Vision Statement does not include everything. He said the team has received comments from some Board members, and he encouraged all to provide comments to Ms. Judy Wiegand over the next few weeks.

Mr. Dorrier asked if the multi-modal transportation system would pay for itself or would it have to be subsidized. Mr. Dock answered that most transportation systems in the country operate with some level of subsidy, and there are a variety of ways to accomplish this.

Mr. Edgerton asked if there had been any studies done on the cost of not providing alternative transportation. Mr. Dock replied that there is a lot of information available on true-cost pricing in transportation, adding that there have been studies done on the cost of a transit versus an automobile-based system.

Mr. Edgerton said it would be helpful to him to have that information so the County can back up any future position on subsidizing a transit system.

Ms. Thomas mentioned that the Eastern Planning Initiative study done a few years ago contains information on how much time can be saved by not using a vehicle in congested traffic, even if just one out of six trips is replaced.

Ms. Joseph commented that she was glad to see open space as a top priority in the Places 29 process. It is important to have these spaces to attract people to the urban areas, especially planned spaces instead of leftover parcels.

Mr. Rieley said the Planning Commission was impressed with the Crozet Master Plan study and the degree to which the broader open space system of connecting stream corridors was knit together with a more urbane system of open space to have more open space than each element would provide individually. Mr. Erickson stated the team would be looking at the trails network as an opportunity to create a community focus.

Mr. Rooker pointed out that it is a lot easier to deal with a large parcel being developed by a single developer for park and open space placement.

Board members acknowledged that there would need to be changes in the current mindset to make people less reliant on automobiles and more likely to use alternative transportation forms.

Mr. Erickson concluded by stating that the team is preparing some alternative sketch plans for the public to use as a starting point to get feedback and give more qualitative direction.

Agenda Item No. 23. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd asked about the status of the Eastern Connector Study and when the Board would start appointing people to the committee. Mr. Tucker said Mr. Graham is working on this with the City, and at this time trying to develop the scope of work. Mr. Tucker said he does not know when we will start appointing committee members.

Mr. Boyd said he is concerned with meeting with the neighborhoods because he has been receiving telephone calls from citizens about the plans. Mr. Tucker said he can send some information to the Board or they can discuss it next week.

Mr. Rooker said at their last meeting, as part of its resolution approving funds, the Board asked the City to look at a route south of Route 250. He does not think the City is reacting well to a southern route. Their concept of an eastern connector is to find a way to keep County people, who are going from one point in the County to another point in the County, from driving through the City to get to that destination. He also talked about the eastern connector in that light. Somewhat at the last minute the Board said let's look at this connection. In the City's view, the Meadow Creek Parkway is a done deal and in their minds it is a route that takes traffic into the City. The City does not look at the eastern connector as another road in the City. It has been a road that would prevent County people from driving through the City to get from point of the County to the other. He thinks it is important for the Board to look at what it thinks is the purpose of the eastern connector in terms of connecting Rio Road or Route 29 to Route 20. It may mean looking at traffic coming on to the Route 250 bridge during peak hours and it being backed up on Route 250. Traffic is not backed up that badly on Rugby Road. Mr. Boyd said traffic is bad on Rugby Road if you are trying to get out in the evenings. Mr. Rooker said the City views it somewhat as bad faith in the sense that they do not think it solves the traffic problem that they had in mind when they agreed to fund one-half of the study for a road in the County.

Mr. Boyd said he thinks that the City is being a little narrow minded. If he is going to go into the City (part of that 40 percent of the people that come from Fluvanna goes into the City) he is not going to take an eastern bypass and go all the way up to Route 29 and come back on the parkway; he is going to go through the City. He is only trying to accommodate the people who are going there anyway. As an example, if he was going to go to Lowe's, he would not go through the City to get there. The only thing he really wants to do is address what the traffic counts are because if we build an eastern connector and still have the traffic problems on Route 250, that is not going to help us.

Mr. Rooker said he thinks the traffic data will show how many people will take an eastern connector in the County. He thinks you are addressing two different traffic issues. There is an internal traffic to the City and there is another one of County people going through the City. He views the eastern connector as something that deals with the latter issue, not the former issue, not that the City shouldn't look at a connection. It does address a different traffic movement.

Mr. Boyd said we are working with a bottle-neck on Route 250 and how we alleviate that, and if 40 percent of that traffic can be alleviated with a road that feed into the city.

Mr. Bowerman said we need to leave some money for Free Bridge.

Ms. Thomas said there was the idea by a citizen that we make Free Bridge a double-decker which still appeals to her because of the topography.

Mr. Rooker said we have a pretty good coalition with the City in moving forward with some transportation projects including the Meadow Creek Parkway. When we talk about an eastern connector we do not have any money identified for the road at this point. We are talking about something that is probably out in the future and whether or not the City ended up making a connection on the south side of

I-64 or the south side of Route 250, he thinks it is wise for us to look at corridors for the Route 29 to Route 20, Rio Road and Route 20 which we have had in our plans for a long time. The road that you wanted to study in the City has never been in our plans or their plans.

Mr. Bowerman said he thinks it was a good idea to throw it out and it was thrown back at us. Mr. Rooker said he agrees.

Ms. Thomas said she concurs with Mr. Boyd on this one.

Mr. Rooker said we have a fragile relationship on transportation. Ms. Thomas said it was Kevin Lynch who first drew it on the map and she did not realize it was our responsibility.

Mr. Boyd said Mr. Lynch pointed out to him that most of those eastern connector roads that we have been looking at have been drawn by Kevin Lynch and a couple other people.

Mr. Rooker said he thinks if we are going to go forward with that study with shared revenue and move forward with the other components of the transportation network that we somewhat agree with, the Board needs to consider backing off on this.

Ms. Thomas asked if we can find out traffic counts and how many people are going cross that bridge and essentially turning left going into the City. Ms. Thomas said how many people who cross the bridge actually go into the heart of the City as opposed to just going on the bypass.

Mr. Rooker said if we want to we can run our own traffic model. Mr. Bowerman said the big issue is what is on the Route 250 bypass, what of it is coming down Park Street and coming in that the eastern connector is designed to deal with. Mr. Rooker said we need to keep in mind that the Meadow Creek Parkway will bring traffic onto Route 250 in the City and the idea of the eastern connector was to remove some of that traffic that is not destined for some place in the City or just on the eastern side of Free Bridge, to remove the traffic that just presently goes through the City to get from one point in the County to another point in the County. To him it is a reasonable request.

Mr. Boyd said he appreciates what Mr. Rooker is saying, but he is as much concerned with getting City traffic off of County roads, and we are talking about City traffic. If he lives in Fluvanna and works at Martha Jefferson Hospital, UVA, SNL Securities or downtown, he is not going to take an eastern connector, if he can get clear of that congestion. He just wants to know if that is a great majority of the traffic. Mr. Bowerman said that would be left to use Free Bridge, it is a good thing. Mr. Boyd said all the rest of the people are not going to take the eastern connector either. Mr. Rooker said he would suggest that how they enter the city is probably more of a city issue than a county issue. If the city finds out they are stacked up on River Road, we are going to have to look for an alternative. Mr. Rooker said we can look at including the traffic number on that but in terms of studying the routes what we take back to the city is that is one of the reasons for the study they had in mind and we had in mind before.

Mr. Tucker said they are doing the scope of work for this study and that is when they ran into a snag when they found out from Jim Tolbert what Mr. Rooker just shared with us. Depending on what you decide to do today we might be able to move forward.

Mr. Boyd asked how much of the eastern connector is going to be in the city. Mr. Bowerman replied none. Mr. Boyd said it is purely a county road and the city wants to tell us how to build it. Mr. Rooker said what we have is the city interested in that project and they are willing to foot half of the bill for the study and the question is do we go ahead with working on it jointly or do we want to study a road in the city. He is suggesting that we are in a position where we have good cooperation. He thinks the city is interested enough in an eastern connector route that they are willing to fund half of the cost of the study. In fact they authorized more than we did. They authorized \$300,000 and we only authorized \$250,000 at this point. We can talk to the city about studying that route and running traffic models on it but to tie it to this eastern connector he thinks create a set of problems we do not need right now. Mr. Bowerman said he agrees.

Mr. Davis said you could not cause it to be built in the city anyway because they are not interested in building it.

Mr. Dorrier said it seems kind of strange to spend \$550,000 to study a road that probably will not be built.

Mr. Rooker said if we are going to change a prior motion to eliminate that part, then we need a new motion.

Mr. Bowerman said he is going to **move** that that the Board eliminate from the study the southern route which was approved October 5th so that the Eastern Connector Study can move forward. We do that based upon the fact that the city is reacting the way that it is. He does not think we should jeopardize our study of the eastern connector as he envisioned it.

Mr. Rooker said the work on the Eastern Connector Study will not go forward. We can be stubborn about it, but it will not go forward, if we do not act.

Mr. Graham said regardless if you include the southern part in the Eastern Connector Study it is being considered with the Pantops Master Plan and can still be introduced as part of that Plan. Mr. Rooker said we can certainly do traffic modeling.

Ms. Thomas **seconded** the motion, but said she will continue to bring it up. Mr. Rooker said he does not think we should stop work on the eastern connector because of that.

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

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

NAYS: Mr. Wyant, Mr. Boyd and Mr. Dorrier.

Mr. Bowerman said this is crazy. Mr. Rooker said we have essentially stopped the study. Mr. Boyd said, "no", we put it back in the City's corner. Mr. Rooker said he thinks we are making a significant mistake. Mr. Bowerman said he thinks we are making a major mistake. Mr. Rooker said he thinks there are other things we are doing with the city that he thinks are a lot more important than whether we study a road in the city that we cannot possibly build. If they do not want to build that road, they do not have to build it. He thinks all we are doing here is creating inter jurisdictional problems that we do not need to create because it becomes meaningless if they do not want to build that road.

Mr. Boyd asked if he is saying the city voted against this. What is the process that they voted against including it in the study? Mr. Rooker said this was brought up at the last minute. From their perspective it is not what they agreed to fund and they did vote to fund the eastern connector study, and that is a road in the county, and they are matching our funds. He thinks we are making a big mistake to change the table after they have voted on it to allocate the money. His understanding from talking to people in the city is that the study will not go forward with that in it. We can be stubborn about it.

Mr. Dorrier asked why we are spending \$500,000 to study a road that probably will not be built. Ms. Thomas said because it is a major problem. It was presented to us today that traffic backs out to Glenmore and it probably does. That bridge has been the bottle neck and we have known that it is the bottle neck for a good six years. Mr. Dorrier said traffic is backed up even back to Keswick and with the hospital, even more traffic problems. Ms. Thomas said that is true, but this is the biggest problem. Mr. Rooker said part of what we will find out in this study is how many people would take the route; we do not know that today without doing the traffic model.

Mr. Boyd asked if we can do the traffic model before we go into the expenses of the land study. Mr. Rooker then repeated the question which was could we do some route selection and do some traffic modeling before we go forward with the full route selection process. Can \$50,000 or \$75,000 of that \$500,000 be used upfront to determine whether it appears the traffic volumes would substantiate the study. Mr. Bowerman said you would do an origin and destination study. Mr. Wyant said if that panned out would we come back and say we do not need the eastern connector. Mr. Rooker said if it came back that the traffic is not significant, it may be difficult to justify going forward with the rest of the study. He thinks we can do that administratively. Mr. Tucker said this would be like a first phase of the study. Mr. Rooker said he thinks Mr. Graham can work that out administratively and we do not need a motion.

Mr. Boyd said if you find from this study that it will only divert ten percent of the traffic, then we not need to proceed. Mr. Bowerman said we wouldn't want to do it. Mr. Graham said the problem is just the opposite, what if we do the traffic modeling and it turns out that the lower bridge is a very cost effective solution and the city does not support that. Mr. Wyant said at least we have the data to support whatever decision we make. Mr. Bowerman said wouldn't we have done an origin and destination study anyway.

Mr. Rooker asked for a motion. Administratively Mr. Graham will talk with Jim Tolbert about running the traffic models on some routes to make certain before we spend \$500,000 that there is enough traffic to make a connector route, to justify spending the additional funds. Mr. Bowerman said he thought we had already done that. Why would we spend \$500,000 to study it for if we did not think it was appropriate? Mr. Tucker said you would be doing it as a study; they would then do the analysis and go ahead and start looking at alternative routes. Now you are trying to get the data from the traffic analysis before looking at any alignments which would be part of the study. Mr. Rooker said you would have a break point before all the monies are committed and determine if it makes sense to go ahead and complete the study.

Mr. Dorrier said VDOT picked the intersection at Shadwell to give some money for improvements this year as one of their primary projects. Ms. Thomas said they were making up projects that do not exist on anyone else's plans.

Mr. Davis said to try to help Mr. Graham agree on scope of study, what if the motion were that you ask that there be traffic count information, and have the southern route be a separate item added on if the traffic count justifies studying the southern route. Mr. Rooker suggested doing this study based upon what the city voted on and determine whether there is a real project on the north side based on the traffic data.

Mr. Boyd then offered an **alternate motion** to rescind the southern route from the Eastern Connector Study and for the Director of Community Development to work with the City staff to develop a

scope of work that includes an initial phasing for traffic analysis in order for the Board to review traffic (Origin and Destination) numbers before moving forward with the remainder of the study or further expenditure. Mr. Wyant **seconded** the motion.

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

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

NAYS: None.

Mr. Bowerman again said he cannot imagine we were going to spend \$500,000 defining an alignment for a route that we do not need. Mr. Rooker said we have not approved the scope of work. He thinks the normal scope of work would include some traffic modeling early on to determine what routes might be based upon potential traffic volumes. If none of them are feasible then obviously it does not make sense to move forward.

Mr. Boyd mentioned an item the Board discussed at another meeting about having funds available for fire stations for specific building needs. Mr. Tucker replied that that is a policy item on the Board's agenda for next week's work session.

Mr. Wyant said people from different fire stations had started giving him financial information directly, and he would give that data to with staff.

Ms. Thomas mentioned that in the City, people using natural gas have been asked if they would contribute some additional money to help other residents, and she wondered if that is something the County could do as well. Mr. Tucker said his staff is trying to find out whether County residents using natural gas would be assisted by such a donation, or would it just be City residents.

Ms. Thomas reported that the Virginia Municipal League (VML) has worked out a proposal to do with the question of eminent domain, as the Virginia Constitution seems to protect the public a little more. She said VML is proposing that "public" be defined more carefully and is hoping that the General Assembly will move in that direction.

Ms. Thomas said the White Gables development has construction vehicles parked in front of the development, and contact with some vehicles has caused some trees to die. She said the ARB is aware of the situation, but there is something wrong with the ordinance if trees are not being protected during construction.

Mr. Graham reported that most of the time, this problem does not exist. He said the development has a tree conservation plan as well as an erosion sediment control plan, and normally the tree protection measures are included in the erosion plan, which is required to be on the job site. In this case, it did not get put on the plan and the inspectors did not catch the mistake. He emphasized that this is not the typical situation, and noted that the applicant is responsible for protecting the trees.

Mr. Thomas said the ARB wondered if it would be possible to require mitigation by requiring them to replace the tree canopy. Mr. Graham this is part of an ARB condition, so technically the applicant is violating that condition. He added that there is not an ARB inspector.

Mr. Benish emphasized that enforcement is a constant issue.

Mr. Graham pointed out that County inspectors may only get to a jobsite once every few weeks.

Mr. Thomas noted that other localities have "stronger teeth" in their regulations.

Mr. Bowerman said that part of the approval of that plan was based on the preservation of the front. Mr. Graham said there are a dozen trees that have been potentially harmed, but it is uncertain as to how many will be lost.

Mr. Rooker noted that the issue is what the mitigation will be if they are lost.

Ms. Thomas said she has received a telephone call from a person who said Albemarle street signs are "flimsy."

Mr. Tucker noted that the County changed the dimensions of the signs a few years ago, and said that staff could bring that item back again. He added that people used to bend the signs, but now you cannot do that because of the frames they are set in. He emphasized that it is cheaper to put up the smaller signs.

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Mr. Rooker said that he received a letter from the Tayloe Murphy Institute about the \$26.0 million which is available for water quality improvement non-point source pollution implementation grants. Mr. Graham said staff is aware of that grant fund, and is following up on it.

Mr. Rooker presented information on the \$30.0 million Washington County industrial revenue bond, where the City agreed to basically eliminate 50 percent of its real estate taxes over the next 10 years.

Agenda Item No. 24. Adjourn.

At 5:56 p.m., with no further business to come before the Board, Mr. Bowerman **moved** to adjourn this meeting to November 9, 2005, at 3:30 p.m. for a work session. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

Chairman

Approved by the Board of County Supervisors

Date: 05/06/2006

Initials: EWC
