

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 9, 2005, at 3:30 p.m., in Room 235 of the County Office Building on McIntire Road, Charlottesville, Virginia. This meeting was adjourned from November 2, 2005.

PRESENT: Mr. David P. Bowerman, Mr. Ken C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker (arrived at 3:34 p.m.), Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 3:32 p.m., by the Vice-Chairman, Mr. Ken Boyd.

Agenda Item No. 2a. Work Session: Transportation Strategies.

Mr. Tucker said the purpose of today's work session will be to: 1) inform the Board of preliminary discussions with VDOT on ways to accelerate Six-Year Secondary Road priority projects; 2) review the list of other local projects not approved for funding by VDOT but which are important to implementation of master plans; and, 3) discuss ways to move forward in addressing these priority local road projects.

Mr. Tom Foley, Assistant County Executive, said staff will review with the Board today its directions concerning local roads, discuss opportunities to accelerate local road projects, and consider more specific implementation measures. In September, the Board amended the Transportation Strategy and he will discuss that later. In addition to regional commitments, the Board dedicated a portion of CIP funding to accelerate priority local road projects in the VDOT Secondary Six-Year Plan and in the County's approved master plans. Not knowing how much money to dedicate, the Board directed staff to do an initial assessment of local priorities.

Mr. Foley said the current Transportation Strategy needs to be emphasized because the road problems cannot be solved with only one solution. He then read: "1) Continue to pursue all available VDOT funding; 2) Maximize leveraging of state revenue sharing funds; 3) Pursue regional solutions for important regional projects; 4) Utilize local funds for studies and design, and construction in certain circumstances; 5) Dedicate a portion of CIP funding to accelerate priority local road projects in the VDOT Secondary Six-Year Plan and in approved master plans; 6) Utilize proffers as a component of funding needed improvements; and, 7) Provide funding for public transportation.

Mr. Foley said that in addition to that Strategy, the Board set some broad goals for the strategic planning which has been on-going for more than five years. For the FY 2002-06 Strategic Plan there is "Develop and implement policies that address the county's growth and urbanization while continuing to enhance the factors that contribute to the quality of life in the county; develop and implement policies, including financial, that address the County's growing transportation needs." From the Draft 2007-11 Strategic Plan there is "Accelerate two local and two regional projects that would not have occurred without extra efforts (in addition to the Meadow Creek Parkway); develop a comprehensive strategy for funding transportation improvements."

Mr. Cilimberg said staff discussions with VDOT so far have been only preliminary. The first project to discuss is that for Jarmans Gap Road. There is a public hearing scheduled for March and the bulk of the work has been completed. VDOT has staff to do right-of-way acquisition, but the work load of that staff may make contracting that effort a better option. The County may be able to fund the cost difference in contracting to achieve optimal timing. In the contract and construction phase, the current advertisement date is December, 2008. Staff has discussed with VDOT the possibility of phasing the project so as to expedite the start of Phase I. The County does not need to fund the phasing, but phasing would allow the project to begin sooner.

Ms. Thomas said it appears that the best way to speed up the project is phasing and that does not require the County to put in any money. Mr. Cilimberg said he does not have anything in writing from VDOT, but it appears that the right-of-way process could be speeded up, and that would allow the contract and construction in the first phase to get started earlier.

Ms. Thomas said she has not heard VDOT say having the County put money in contracting for the right-of-way acquisition would speed up construction. Mr. Cilimberg said that would be the intent of the money.

Ms. Thomas asked if that intent would be the outcome. Mr. Cilimberg said he has not heard anything from VDOT yet.

Mr. Foley said staff met with people from VDOT and told them the County needs some answers. These people said they would "run it up the chain" and it has not come back down with anything in writing. He said there was an issue at one time where staff did a lot of work with VDOT on Airport Road and they did not deliver. It has been more than six weeks without an answer. He thinks the real key to speeding up the project would be phasing. It is important to know that the County has a sidewalk project planned for that road, and it cannot be done without first having a determination made concerning the intersection of Jarmans Gap.

Mr. Wyant said none of the phasing will work without the necessary right-of-way.

Mr. Rooker asked the current schedule for obtaining the right-of-way. Mr. Cilimberg said there is a certain sequence of things that will happen after the public hearing in March. First the project goes to the CTB for approval of the design. Following that would be right-of-way acquisition and utility relocation. VDOT has not put a specific date on any of these things except for the advertisement date of 2008.

Ms. Thomas said she learned recently that the average time for a VDOT project is 17 years from the date it is first listed as a project. Mr. Cilimberg said that in each of the examples, there are things on which the Board has to make specific decisions.

Mr. Foley said if putting money into contracting for right-of-way acquisition only saved a few months, it would not be worth the investment. Staff always seems to be in the position of waiting for an answer from VDOT.

Mr. Wyant asked if it helps to have Board members involved in a project in the member's district.

Mr. Rooker said he has met with VDOT staff and County staff for the initial scoping of the Georgetown Road project for the public information meeting. He has been directly involved with VDOT and he thinks they have been responsive. He is concerned that the projected secondary road money keeps going down. This year the County got \$2.8 million, and in 2007 it is projected to be \$2.2 million. He does not know how that decline in road funds affects the County's schedules. Mr. Cilimberg said the schedules are based on the moneys that VDOT expects to have.

Mr. Foley said there are two other road projects listed for discussion today, Georgetown Road and Proffit Road.

Mr. Cilimberg said the second project is Georgetown Road; the project actually started in the late 1990s. Recently it was decided that a Citizens Information Meeting would be held in March, 2006. In the way of right-of-way acquisition, it is not yet known whether any will be required. The County's participation will be based on whether right-of-way is necessary. He said there will be three alternative concepts presented in March. In terms of construction, for some time VDOT has been using the date of December, 2011. He thinks the actual date will be determined as part of the local and design process.

Mr. Cilimberg said the last project, Proffit Road from Route 29 to the Baker-Butler Elementary School, is one which is not scheduled by VDOT in their preliminary engineering process, but County funds might allow the preliminary engineering and additional design work to get started. It is a critical project which has not yet been scoped.

Mr. Boyd asked how much discussion staff has had with VDOT about this project. Mr. Cilimberg said that has yet to occur. Right-of-way acquisition will depend on the location and design process. Contracting and construction are based on that location and design. Staff feels this is a project which has phasing opportunities. There might be an opportunity for the County to accelerate the project by supplementing VDOT funding. Of the projects discussed, this one has the best opportunity for the County to reach some agreements with VDOT as to how to make the project happen.

Mr. Boyd said people living along that road are against the County doing anything that would continue it as what is already a *de facto* eastern bypass. He wants feedback from people in the community before any project is accelerated. At a recent meeting, he was told that these people just got the postal service to put their mailboxes on their side of the road so they did not have to cross in traffic to get their mail.

Mr. Rooker said that years ago when Hydraulic Road was widened, there were the same concerns expressed. Hydraulic is now a four-lane road with sidewalks on both sides, it handles a lot more traffic, and it has been opened to a lot of foot traffic. If a vote of the people had been taken back then, the project probably would not have gone forward.

Mr. Boyd said there may not be any opposition in the Proffit Road neighborhood, but he does not want to spring this on them until they have had time to comment.

Mr. Foley said staff is not talking about changing VDOT's process but just trying to find ways to accelerate the process. He does not think VDOT would change their public input process. On each of these three projects, staff will be requesting more input from the Board.

Ms. Thomas said she was not surprised at the first two projects mentioned, but is a little surprised at the third. She asked why it was chosen. Mr. Cilimberg said it was based on priorities in the plan, and partly on its location.

Mr. Mark Graham said staff discussed with VDOT projects which might be accelerated. The Jarmans Gap project is so far along there is not the opportunity for County expenditures to accelerate that project, but there is that opportunity with Proffit Road.

Mr. Rooker said he is concerned about the inflation factor on projects. The Board allocated \$2.0 million total, including \$1.5 million from the CIP and \$0.5 million from operating funds, to transportation projects this year. He asked if the Board spends moneys on a project if it lowers the amount of money the County gets from VDOT. If the County money did not replace VDOT funds, that is fine because the VDOT funds could be moved to other projects on the list. He is concerned that these projects will stretch far out

into the future. VDOT told him they expect the Georgetown Road project to cost less than estimated. If it is a \$4.0 million project today, in 2011 it will probably be \$8.0 million. He thinks that instead of holding those dollars or spreading them around, it behooves the Board to use them to move in and finish a project. \$2.0 million a year can go a good way toward a project. It might be possible to have the money saved for the Georgetown Road project in about three years.

Mr. Boyd said he understands that, but he wants to be sure the Board accelerates the right projects.

Mr. Foley said the reason for the first two projects seems to be clear. When staff identified Proffit Road, it was identified as being a future project. Staff can give the Board its top 21 list to review.

Mr. Boyd said he is not opposed to Proffit Road, but he has heard no complaints about the road.

Mr. Tucker said by the time complaints are received, it is will be too late.

Mr. Cilimberg said there is a work session scheduled at the December day meeting on the Six-Year Secondary Road Plan. It was used as the basis for picking these projects.

Mr. Foley suggested the Board move on to discussion of master plan streets such as Eastern Avenue and Main Street in Crozet.

Mr. Mark Graham said Crozet has the only completed Master Plan so far. These two streets are new and will require expenditure on the part of the County. Eastern Avenue is planned to be constructed by private developers, but the Lickinghole Creek crossing is planned as a County expenditure. Main Street is planned as a private expenditure, but the first part of the street off of Crozet Avenue is recognized as a high priority project.

Mr. Graham said he looked at the preliminary engineering for Eastern Avenue. The intent is that the County will construct the Lickinghole Creek Bridge. There has been no work yet to establish an alignment for the street. The County will have to work with private developers to be sure it gets a road that is satisfactory. Preliminary engineering to define alignment and make cost estimates for that road could start in 2006.

Mr. Rooker asked who will pay for the preliminary engineering.

Mr. Graham said the County would pay that cost. The County will have to work with private developers along that alignment for Eastern Avenue. He said no one has done any work yet to determine the accuracy of the preliminary cost estimate. It is not expected that the County would acquire any right-of-way except for that necessary for construction of the bridge at a later date, but the County might look at establishing an official map. He said that while the bridge is a high priority item, it is a bridge to nowhere until the adjoining property owners develop their property and construct their part of the road.

Ms. Thomas asked the cost of the proposed bridge.

Mr. Graham said it was originally estimated at \$6.0 million including all the preliminary engineering; start to finish.

Mr. Wyant said he is meeting next week with a developer of larger projects. This person indicated that he can probably get the developers together if the County builds the bridge. All that is needed now is an alignment for the road.

Mr. Graham said that is the purpose of an Official Map. If the alignment is set, then the development community will know the expectation and can work toward that expectation rather than just guessing at the end of the process whether a bridge can be constructed that is good.

Mr. Graham said the other project is the Main Street project. He said this street is listed as being constructed by private developers along the route, but the County's work to establish the alignment and address how the Crozet Avenue streetscape improvements will be made, can help to start some of that work. Where does the road really need to go? How can it work with the property owners? The preliminary engineering could help in working with those property owners to establish an alignment that works for both those property owners and the County. He said the Board could consider creating an Official Map to give the developers a known alignment for Main Street. He does not see construction of the road as a County role under the master plan. The master plan does recognize that some construction with the Crozet streetscape improvements will be needed just to set the entrance. There should not be anything constructed which will later have to be torn out to construct Main Street.

Mr. Foley said Route 29 North and the Pantops area are also mentioned on the slides as future projects. There are no master plans for those areas yet, but opportunities will come out of those plans for critical connectors.

Mr. Boyd asked if the Board will be discussing the Pantops area again in the near future. There is a lot of development taking place there now. Mr. Cilimberg said staff is going to have some plan concepts ready for review by the public and the Board soon.

Mr. Foley said staff wanted to give the Board an assessment of those two areas today just to let it know there are some opportunities but a lot of work needs to be done to keep this moving forward. He

has just begun discussions with VDOT concerning the phasing of construction of Jarmans Gap Road. He would like to talk about some implementation measures today. He said an Official Map has been mentioned several times and the County Attorney will handle that part of this discussion.

Mr. Davis handed to the Board members a sheet entitled "Official Map" (copy on file in the Clerk's Office with the official records of the Board of Supervisors). He said this is not a tool which is widely used, but it can be a useful tool in certain circumstances. The purpose of it is to show the location of proposed future improvements, particularly roadways. The State Code requires that when an official map is adopted it must identify the centerline and the width of the road; there is no engineering requirement beyond that. The process for preparing an official map is fairly straightforward. An engineering effort must be done either by a physical survey or a photographic survey. The planning commission has to consult with VDOT, and has to recommend it. Notice must be given to all property owners along the alignment and the board must hold a public hearing. The official map must be adopted by ordinance; once it is adopted it is valid for only five years unless readopted using the same process. It is not intended to be a long-range planning tool.

Mr. Wyant said he did not think an actual physical survey is done, but it is done from aerial photos sketched to scale.

Mr. Davis said it can be done that way depending on how accurate the Board wants the centerline to be. He said the aerial photography is sometimes not clear as to topography and other features which must be taken into account. A physical survey is a more exact science for determining the centerline.

Mr. Davis said if someone comes in for a by-right development and applies for a building permit after an official map is adopted the County has 60 days to determine if it wants to approve that building permit. If the permit is denied, the County has 120 days to acquire the property. During those 120 days the County would either have to negotiate a sale or take just the right-of-way by use of the eminent domain procedure. After that 120-day period, if the County has not acted, the Board would have to approve the building permit. He said the building permit process is usually at the end of the normal planning process. There is usually a subdivision plat and/or a site plan involved, so during that subdivision or site plan process, County ordinances may or may/not require some of this to be located anyway so the official map would be the basis for staff, the Commission, and the Board to encourage the developer to put things in a place that would be convenient. Since County ordinances require interconnections and orderly lay-out of streets, it would be a tool that would help in that process. If the improvements were substantially necessitated by the development, they might be required to be built, period. If they are not substantially necessitated by that development, the County could not require that as part of a subdivision plat or site plan.

Mr. Davis said there are advantages and disadvantages to having an official map. An advantage is that it prevents any by-right development from occurring that would interfere with the future plans for the roadway. It also establishes the exact location of future public improvements so that developers can coordinate their plans with the County for future improvements. It does not require the developer to dedicate the right-of-way; just show it on the plat.

Mr. Davis said there are some disadvantages to the process; the Board might not want to do it in every instance. The County can go ahead and design this and when a development plan comes in, if the developer does not want to locate the roadway there (such as in the case of the Old Trail development where it was not the exact location shown in the master plan), the alignment could be moved in cooperation with the developer. The County would have expended funds to create the official map and the same thing might have been accomplished by just waiting for a developer to design his road in general coordination with the master plan. It could be a duplication of funds in some areas, especially in areas where the County anticipates a rezoning being involved. In those instances, if the County designs the roads for the developer, and a rezoning would otherwise be involved, the County would probably be paying for that developer's planning expenses.

Mr. Davis said if the County lays out these plans and a developer has by-right uses, they could come in with a plan and force the County to actually acquire and pay for the property. That is another aspect that may or may not occur. He has seen that happen in other localities.

Mr. Wyant asked if a developer could go through a similar process to find a way to get to a public sewer. Mr. Davis said if the Service Authority wants to extend service to a location that is in their plans, and the developer cannot negotiate to make that happen, sometimes the ACSA gets involved by acquiring property so the service can be extended in an efficient way. That is different from this discussion about roads. These would be facilities the County has planned for and which it would insist be built by the developer, or by the County.

Mr. Davis said an official map would need to be selectively utilized. For an area where the County fears by-right development will interfere with a project, an official map should be seriously considered. If there are a number of developers that need to coordinate the ultimate alignment, it might be helpful. If it is for an area where a developer will probably need a rezoning, it might not be as useful to the County.

Mr. Boyd asked if it could be added to. Mr. Davis said he would envision there being a number of official maps.

Mr. Boyd asked if the official map has a widespread use. Mr. Davis said "no." Cities use it more than other areas. Fairfax has used it. In some cities there are exact plans for locating and expanding roads. Generally, counties do not have a need for this map.

Mr. Dorrier asked if the official map uses technology such as the GIS, graphic interface survey. Mr. Davis said it is more than just a paper exercise. There has to be a survey of some sort.

Mr. Wyant said Mr. Davis said earlier that design of the road would be done by the County. A centerline of the right-of-way is not a design. That is only an alignment. Mr. Davis said the official map only uses an alignment.

Mr. Wyant asked if the developer applying for a rezoning would be paying for the improvements through their parcel of land. Mr. Davis said if there is a rezoning of sufficient magnitude to create an economic benefit, it may be something they would be willing to offer to do. If it were a by-right development they may not be willing to do that.

Ms. Thomas asked where an official map might be useful. Mr. Foley said staff is not ready to tell the Board that an official map should be adopted. There are a few major property owners for Eastern Avenue (Crozet) and staff has already had discussions with them. He does not think the County will tell them they are going to do all of the design work if it is the developer's obligation. He said staff needs to talk with them in order to get an alignment.

Ms. Thomas asked how long it would take to draft an official map if there were a by-right development "in the rumor mill." Mr. Davis said it would be a two or three-month process if the work were expedited. There is no public hearing required by the Planning Commission.

Ms. Thomas said it sounds like something the Board would want "in its hip pocket." She said staff might want the Board to put something in the Comprehensive Plan, or the Strategic Plan, so everyone would know it is a possibility.

Mr. Foley said the whole point of this discussion is to identify the projects which staff thinks should move forward before development pressure occurs.

Mr. Rooker said the Master Plan for Crozet shows Eastern Avenue. He asked if the County is not in the same position with that project as it is with the Free State Road Connector. Mr. Davis said the only difference would be if the Board viewed the existing alignment of Eastern Avenue to be threatened by by-right development, then the official map may have usefulness. If the Board envisioned all of that property being requested for a rezoning, then the official map might not be useful.

Mr. Rooker said he thinks it would be helpful to look at its location on the map and plan and understand the zoning there today. It is RA zoning, yet it is designated for higher density. It is not likely there will be a request to use RA. Mr. Davis said that property is actually shown as R-2 zoning.

Mr. Wyant said since the Crozet Master Plan is part of the Comprehensive Plan, an official map might apply in that instance. Mr. Davis said an official map could be done on top of that master plan. It would take that general location of Eastern Avenue and find a centerline for it.

Mr. Tucker said there was a difference with the Belvedere Development. The alignment shown in the Comprehensive Plan showed the road as running almost parallel to the railroad tract. Eastern Avenue is different because topography will be moved significantly in that general area.

Mr. Foley suggested discussing another subject. He said the heart of implementation concerns a new position entitled "Transportation Engineer." He said Mr. Graham will explain why staff feels this would be a good thing to do.

Mr. Graham said to date staff has only been working with VDOT. The County has no one on staff whose primary duty is to coordinate this work and see that it is carried forward. A person with expertise in working with VDOT is needed. It is not the actual construction, but someone who understands VDOT's administrative process. There needs to be more continuity between what is put into the master plans and what is then put in the CIP. A transportation engineer could follow these things all the way from the conceptual standpoint to the preliminary engineering, to actual design and construction. The engineer could appoint a person to serve as a VDOT liaison to assure that projects stay on schedule.

Mr. Wyant asked if this is a new position. Mr. Foley said "yes."

Mr. Wyant asked if the Board did not put together a public works crew to handle the construction side and field supervision, and also coordinate with VDOT, and other people in transportation.

Mr. Foley said there is an important distinction regarding what has been done the last couple of years with Community Development and General Services. There is a long-term planning function that needs to continue, which is what Juan Wade (Transportation Planner) focuses on. Then there are those who would actually get into the design to be sure it works, coordinate construction, etc. There is no one on staff now who can do that. General Services was formed to be that kind of an arm, but that has not occurred. There is a planning function occurring now, but staff is talking about moving beyond planning and actually doing some preliminary engineering.

Mr. Wyant said this is just a need staff sees; he thinks the work could be put out to a consulting firm in order to get the expertise needed. It would be very difficult for just one person in transportation to do all of that design.

Mr. Graham said the transportation engineer would not be the person drawing up that alignment, but would be the person managing the consultant doing that work.

Mr. Foley said this is new business for the County. Staff has talked about four projects today and a lot of complications. There will be new master plans coming forward with critical connectors which need some work to see how they can occur. That is not something staff does now. There is an effort needed if this new program is to be moved forward. This person would not be doing all the work; an engineer would still need to be brought in to do the design work.

Mr. Foley said the last implementation issue is: If the design work is done, does the Board want to proceed to construction? If it does, would the projects be paid for as pay-as-you-go or financed? It could be done with general obligation bonds or by setting up a CDA or service district. Those are not topics to discuss today. Planning and the functions talked about today are critical to moving these projects forward. Ultimately, the Board will have to decide whether to go to the next step.

Mr. Foley said to wrap up, staff showed some ways to move forward with the Strategic Plan. Staff is recommending that a Transportation Engineer be hired to manage these efforts including preliminary engineering, design and location studies and eventual construction management. Staff will recommend that some of the money set aside in the CIP be used for that purpose beginning in this fiscal year. It is also recommending that money be allocated from the money in the CIP to begin preliminary engineering for Eastern Avenue and Main Street.

Mr. Rooker asked if there would be enough work to require a full-time transportation engineer. He thinks it would depend on how committed the Board is to doing these projects with County funds. He does not think there is an engineer needed for Jarmans Gap Road which is already scheduled, or for Georgetown Road. He said there are two projects on the list that a transportation engineer might help with, and he wonders how committed the Board is to pushing those projects forward.

Mr. Foley said these two projects and the constant follow-up with VDOT and exploring phasing for Jarmans Gap are things someone needs to spend time doing. If there had been someone working on this, phasing for Jarmans Gap may have been looked at a long time ago. He suggested that Mr. Graham explain what has been envisioned for this engineer to do.

Mr. Rooker said this is a continuing effort by the County because it will be more involved with the secondary system of transportation and will be taking a more active role to get things built. It would not make sense to hire a transportation engineer for a one-time thing such as Eastern Avenue and Main Street. If the County is going to take a more active role in secondary street construction, in the long-term there has to be someone to manage it.

Mr. Boyd said he would like to look internally to see if some existing jobs could be restructured or when employees leave, to bring in people with different qualifications so as to provide that expertise with existing staff.

Mr. Graham said staff had spent quite a bit of time discussing that issue. The question is, what has to "come off the table" to make that happen? At this time, the engineers in Community Development are a critical part of accelerating review of development plans. To take resources from that would require some sacrifice on the review schedule, or something would have to be eliminated from that review, i.e., not review transportation needs associated with rezonings and let VDOT make those decisions.

Mr. Wyant said there is a difference between someone who is designing and someone who is just coordinating with VDOT. He just wonders if this person would actually be doing design.

Mr. Graham said a person is needed who has enough knowledge to guide and direct a consultant. Also, enough knowledge to know about the administrative processes for funding of secondary roads to know if the roads are actually being done in a way that VDOT finds acceptable in order to get the money from VDOT.

Mr. Foley said staff will send information to the Board on the exact duties for a transportation engineer and also show what existing staff members are doing. This may give the Board a sense of whether this is the right decision.

Mr. Rooker asked if the County provided a considerable portion of the money for a project if VDOT would assign one of their engineers to manage the project in a timely manner. Mr. Foley said staff would have to explore different ideas as to how this might be done.

Ms. Thomas suggested looking at the possibility of Planning District Commission or MPO staff helping if the County paid a portion of a salary.

Mr. Rooker said when there is a project using a VDOT internal engineer, and it is a \$4.0 million project, is some of VDOT's effort being billed to the County's Secondary Road Plan? If it is, there would be a VDOT cost anyway, and the County could hire an engineer full-time for less.

Mr. Foley said staff will explore answers to these questions and return that information to the Board at another time.

Mr. Tucker said it has been mentioned that staff is having an extremely hard time getting any answers from VDOT. He suggested that in the future, letters be signed by the Chairman and copies be

sent to the Culpeper District Office, being more proactive. He knows that VDOT is busy, but the County might go to a higher level of VDOT for help.

Agenda Item No. 2b. Work Session: Fire/Rescue.

Mr. Foley said staff has recently discussed changes and challenges in the County's Fire Rescue system and the need for direction from the Board regarding expectations and the roles of the various emergency providers in the system. Because of the significant increased investments in the system over the past several years, and the anticipated changes ahead with the addition of staff to support volunteer stations and to man new stations, establishing guiding principles and service expectations is particularly important. In addition, the changes in the system have created the need for clarity regarding the role of staff and the Fire Rescue Advisory Board in policy development and service delivery decisions. The purpose of this work session is to discuss current and future challenges facing the County in the provision of Fire Rescue services and to receive directions from the Board regarding 1) guiding principles; 2) specific goals and expectations; and, 3) the roles and responsibilities of staff in carrying out the Board's directions.

Mr. Foley said there are major system changes occurring at this time. Since 9/11 and due to some natural disasters which happened in the last few years, the Federal Government has taken a different approach as to how it funds localities and states. The National Incident Management System (NIMS) says that everybody on the scene of an event has to work together according to the same set of operating procedures. There has to be a unified command. If the County is to continue getting Federal money, it has to follow the new NIMS procedures. The Board has adopted a resolution to that effect. That kind of unified approach is something everyone is struggling with because of relationships; volunteer chiefs versus career staff.

Mr. Foley said there are service demand gaps in coverage which have been created by the growth occurring in the County. The proposed new northern station is being placed in the middle of the development area in order to provide five-minute response in that area. At this time the volunteer stations are right outside of that area in the rural area. Staff is monitoring the urban response standards to be sure that the five-minute response time is being met. Replacement of City services in 2010 is very important. By 2007, the County has to decide if it wants to renew that existing contract in 2010. Since there is no way to get five-minute response from a vehicle in the City, a system is being put into place so the County does not have to rely on the City and that is a significant change.

Mr. Foley said as to the Fire Rescue Department, the County must support the volunteer stations. At this time there are 23 field staff supplementing the volunteer stations. Seven additional staff will be requested in the budget for FY 2006-07. Crozet will ask for five staff members, and CARS is also asking for help. The County has been running out of CARS' station with the staff members approved for funding last year in order for them to get their training done. Now CARS has come to rely on the County's help because they are experiencing problems with staffing.

Mr. Foley said for fire stations in the northern area, at Pantops and in the Ivy area, 37 additional career firefighters will be needed to staff those stations over the next five years. He said that is assuming that there will also be volunteer help, not that the County will fully staff those stations. In addition, the system has changed dramatically over the last five years with support of the volunteer system. There are continued requests for help in the way of building repairs, etc.

Mr. Foley gave the following improvements in volunteer support over the past few years. 1) One hundred percent of volunteer basic operating costs are paid; 2) one hundred percent of volunteer vehicle insurance premiums are paid; 3) one hundred percent of training is supplied free plus any funds needed for out-of-town training; 4) a meal stipend is provided for volunteers while they are on duty; 5) career staff is provided to supplement the volunteer response; 6) there is an annual allocation of \$75,000 for the personal protective gear used while fighting fires; 7) there has been a \$500,000 investment in equipment (SCBA & defibrillators); 8) \$1.5 million in outstanding loans has been forgiven for volunteer stations; and 9) there is \$15.2 million proposed in the CIP over the next five years for replacement of apparatus used by volunteers.

Mr. Foley said putting funding in the CIP requires that some standard specifications be established. If a fire engine is to be bought, the County needs to know what a basic fire engine costs. If the volunteers want extra things on the fire engine, they can do that. It has taken over two years to put together some standard specifications and to establish an operating formula. He said because the County needs to establish some procedures and policies, it is causing some conflicts.

Mr. Dan Eggleston, Director of Fire and Rescue, said not all of the volunteers share these concerns, but there is some confusion at the Advisory Board level that makes this an issue and bogs down the process. He said that sometimes there is a lack of focus on response times and service levels. As an example, yesterday there was a major accident on I-64 that tied up three departments for more than five hours. There was a need to have some of the stations covered. In one instance, one station was covered by one person with one piece of equipment. That is not the level of service expected. He said it is more than getting a truck to an incident. There have to be enough people present who can help.

Mr. Rooker asked if staff has looked at the number of fire trucks being dispatched to accidents to see if there are too many responding. Sometimes he sees what he would consider a minor incident, and he sees more than one fire truck at the scene. Mr. Foley said that is a good example of what staff wants to discuss. Although Mr. Rooker asked if staff has looked at that situation, staff is not sure if the Board

wants it to look at that situation because it is the volunteer stations that make the decision about what equipment to send. The County is paying for the equipment and the gas and the repairs to the equipment, but it does not have a voice in that decision.

Mr. Wyant said they do not know what the incident is until they get on the scene. The call goes to E-911 and until they get to the scene they do not know if they will need other things, so that coordination in the work has not been developed.

Mr. Foley said the response protocols that dispatch uses are designed by the volunteer chiefs and not by County staff. Mr. Eggleston said that sometimes it is a matter of getting enough people to the scene in order to get the job done.

Mr. Rooker asked if some of those people could not go to the scene in other than big apparatus.

Mr. Eggleston said they try to do what is best for the person who placed the call. In most cases, it is the number of people who are needed. He has an example to give. He has been discussing with a department the need for some career assistance. This department says that at this time they do not run EMS calls, and when career people are put in that station they do not want them to run EMS calls even though that is 60 percent of all calls. Staff feels it is a basic expectation of the citizens who call when they are sick that the closest unit will be sent. It is frustrating in some cases. The focus has to be on the citizens and in some cases that is not always the focus.

Mr. Eggleston said that there is general resistance to a systems approach and development. For the last couple of years staff has been working on what is the best fleet size for the system. During this process, staff developed a plan so resources could be shared should a unit break down. Recently, Earlysville had a tanker out of service for over a month. Other stations who had two of that type of apparatus would not share that equipment. The entire northern section of the County went without that piece of equipment. He said it is sometimes difficult at the Advisory Board level to take a systems approach. If you look at the voting record of the members you would find that when it is a hard decision, members often abstain from voting because they do not want to "go against their buddies."

Mr. Eggleston said there is a lack of willingness to meet minimum training standards. There is a high compliance at the firefighter level, but there is a need for compliance at the officer level to help comply with the NIMS level required by the Federal government. There is resistance to this; it is an issue of roles because the volunteers say it is their responsibility to define the standards. There is a lack of work on some system level operational policies in order to adhere to some of the mandates from the Federal government.

Mr. Eggleston said there has been resistance following policies set by the Board of Supervisors. Recently, a department brought forward an alternative recommendation to the building repair and renovation policy. It took staff out of the picture, requesting that it come directly to the Board. He said it is the same situation staff worked through last year for the Scottsville supplemental staffing. The Advisory Board recommended that 24-hour staffing be provided to Scottsville with no recognition of the Rural Response Time standard set forth in the Comprehensive Plan or the fact that 30 percent of their calls are from outside of Albemarle County. Those are considerations that staff needed to look at in order to make a recommendation.

Ms. Thomas asked if there is not also a problem in having this Board step in and decide "the squeaky wheel" should get some attention even though it does not fit the policy adopted by the Board.

Mr. Foley said staff was able to come up with a compromise within the Board's policy to not put resources in a rural area, but to run instead out of the Monticello station and supplement the rural area. That stayed within the Board's policy but staff is having a hard time getting along with Scottsville since that decision. They are very angry about the fact that Mr. Eggleston suggested an alternative. He did so because of what is in the Comprehensive Plan.

Mr. Eggleston said staff is trying to adhere to the policies adopted by the Board while working on a solution to these problems. That is where the conflict lies. Scottsville also provides services to both Fluvanna and Buckingham counties. He said several policies have been adopted at the Advisory Board level, but there is resistance from some stations from lack of the systems perspective in following those policies. A "backing" policy has been put in place to address rising insurance costs. Some stations have said they will not follow that policy. There is a safety policy which requires that the helmets of junior firefighters or people who are not allowed to go in a burning building be so marked. The Chairman of the Advisory Board said he has seen people not following that policy.

Mr. Rooker asked if there is any leverage to get things done. The County is paying a lot of the expense of these operations, and he asked if the funding can be tied to compliance with reasonable policies adopted by the Advisory Board which is comprised of the chiefs of these departments.

Mr. Foley asked if staff should be in the role of doing that. If that question were raised at the Advisory Board, he thinks they would want to come straight to the Board of Supervisors to talk about it. They do not understand the Board is asking these questions.

Mr. Wyant said the County is providing the service, and in some cases that is going to mean career personnel. In order for the County to provide funding, it has to expect something in return. For one thing they did not understand the deadline for putting in requests for the budget. That is something they have been trying to get across to all the chiefs and the companies. He came out of the last Advisory

Committee meeting with a question about their role to the Board. They have a lot of expertise and knowledge the County needs to take advantage of. They have been doing this for many years, and the County can tap that resource, and in return the County is providing funding, plus training, and other things. He said these are all individual companies, but he thinks this is headed toward becoming a countywide service. That is the system Mr. Eggleston has been talking about.

Mr. Eggleston said staff has a systems perspective, but most of the chiefs are elected by their membership. They have a perspective as to what is best for their department so when they come to the Advisory Board meetings they are thinking that way. It is difficult for them to make a system level decision without thinking how their membership will view what they are voting on. That generates conflict between staff and the Advisory Board.

Mr. Boyd said he keeps hearing from constituents that there is a communication problem between central office staff and the individual chiefs.

Mr. Wyant said there is a little of that on both sides. He said the policy is looked at by this Board as a broad sweep, but the chiefs are looking at the details. There is also the question of the Board's expectations of the different departments.

Mr. Boyd asked if someone is needed to work on just improving communications. Mr. Foley said he believes that is necessary and that is one thing staff hopes the Board will endorse today. He said what is occurring here is a significant change in the system, in autonomy, in the systems approach versus the way "it has always been done." Staff talked to the Board members individually several months ago and told them there was going to be some significant changes in future months, so the members would know about it before they started getting telephone calls. Staff thinks the Board needs to have some communication in terms of expectations.

Mr. Bowerman said he has been dealing with this issue for ten years. This has been an ongoing process which has now reached a critical point. It will either work from this point forward or it will not. He said the station in his district has always run more calls than the other stations, and they have always wanted special assistance from him and he never did that because he has always looked at it from the systems approach. If the public knew some of the stuff that is going on, they would not stand for it. These are public dollars going into these departments. The public will find out. He said it is this Board's responsibility to see that there is a cohesive fire unit in the community, rather than individual stations. He cannot say how much time was spent in keeping the volunteer system as the most important part of this whole concept. The career people are present to help the volunteers. The process is as the Board sees it today, and he cannot express how far this has come. It is extremely critical that this process move forward at this time. The next few months will make or break what will be the long-term success of the system. It is in the Board's hands.

Ms. Thomas said she understands Mr. Bowerman is saying that the Board should not short circuit the process. She asked what else is being suggested.

Mr. Bowerman said he is strongly suggesting that the Board follow staff's advice.

Mr. Eggleston said he has recently been addressed by three different chiefs saying they will come directly to the Board over issues which have already been addressed by the Advisory Board. That is why staff needs some guidance from the Board on service expectations and return on investment, and staff's role in carrying out those expectations.

Mr. Eggleston then referred to some Guiding Principles: 1) Commitment to support a volunteer system through funding and training and staff support; 2) Service and quality care to the citizens as the County's first priority; 3) Expect a return on investment; 4) Expect a systems approach; 5) Financial stewardship; and, 6) Make decisions based on data and best practices.

Mr. Eggleston said for Return on Investments, the expectations are: 1) Follow County policies and procedures; and, 2) Require data on expenditures, membership, training, etc. Goals are: 1) Develop a plan to meet response standards and monitor performance; 2) establish minimum training standards; 3) develop countywide operational policies; and, 4) create common specifications on apparatus, tools and equipment.

Mr. Foley said that ultimately staff will ask that the Board endorse some guiding principles and to also endorse some expectations and goals which should help shape future discussions.

Mr. Rooker asked if any Board member disagrees with either of those two things.

Mr. Dorrier said he thinks part of the problem is the way the system has been set up. There are the chiefs on the Advisory Board advising the Board. He does not think it was intended that this Board would micromanage the system. He thinks there needs to be a way for input to come in and go to the right people so the volunteers are satisfied they received a fair hearing. He thinks the real problem is in the way of communications. He said the volunteers feel like the County is trying to take over the system.

Mr. Rooker said there will not be a system without establishing some general guidelines. There would just be a collection of individual stations that do their own thing, that make their individual requests for things that may or may not fit into a system. It is a nightmare. There has to be a commitment to a system and its components.

Ms. Thomas said she heard from people in her district that they agree with the system, but it breaks down when they think an exception has been made. When a certain type of equipment was not on the priority list but it was then given to a company, they think the system has broken down. She thinks it is up to the County to keep with the system and that exceptions to the system not be created.

Mr. Rooker suggested that the Board focus on the Guiding Principles. He asked if anybody disagrees with any of them.

Ms. Thomas said as long as commitment to support a volunteer system is number one, she does not disagree.

Mr. Wyant said that is the key to the departments buying into this. He said this is going through a transition and the County is expecting the volunteers to furnish some financial data, and they have not gotten onto the reporting system. In the future there will be information from every station in the County.

Mr. Rooker asked if the Board wants to support these Guiding Principles at this time.

Mr. Bowerman said this is really sending the issue back to staff.

Mr. Rooker said these guiding principles have all been discussed before.

Ms. Thomas said this will not solve the problems, but if it helps she is in favor.

Mr. Wyant said the Board needs to be clear as to who the Advisory Board is advising. It is the Board of Supervisors. That is critical in getting the message across.

Mr. Foley said the Goals set out above call for a plan to meet response standards. Staff will "put it on the table" and say the Board wants this to be monitored. It will be a big issue for the volunteers. They do not operate that way now in terms of monitoring response times. It is a part of the Comprehensive Plan, and staff thinks it is priority one to providing quality service. He said staff would like the Board to endorse the Goals.

Mr. Rooker said investment in the system has been increasing at a faster rate than inflation plus population growth. He is not comfortable to continue throwing millions of dollars into a system and not understand the response time and how it leads to the achievement of goals. The question is: are we over-expending? If response times are not measured, how is that known?

Mr. Wyant said the bottom line is to provide service.

Mr. Boyd said when setting specific goals, it is getting into the details. He asked if staff has talked to the Advisory Board about this. He is agreeable that Mr. Wyant serve as the Board's liaison to make sure this is communicated clearly. If there are problems with these goals that should be made known to the Board before it gets this specific.

Mr. Wyant said the Advisory Board has talked generally about this. He sees the Board moving to the next level and developing the expectations.

Mr. Boyd said he does not know what the objections are of the volunteer chiefs.

Mr. Eggleston said these issues have all been addressed at least one time. There has been resistance, and questions about why it is even being put on the table. This is what staff believes the Board wants from the system.

Mr. Tucker said if this is the Board's general direction, staff will take this back to the Advisory Board and asked what they disagree with. If there is reaction to that question, staff will bring that back to the Board and it can decide to stay with what has been proposed or make a change.

Mr. Rooker said when it comes back for the Board to review it would be helpful to get a schedule showing what was spent on fire and rescue services for the years from 2000 to the present.

Mr. Bowerman said the County has come a long way since it had a contract with the City that was not working. A great system has been created.

Mr. Foley said there is one more item and that is the Board's expectations for staff.

Mr. Eggleston said there are two decisions to be made as to the staff's role in this and its work with the Advisory Board. First is the development of an administrative and funding policy. He said that some members of the ACFRAB would prefer to address the Board directly without any involvement from the Fire/Rescue Department, the Office of Management and Budget, or the County Executive. Will the Board expect justification and critical analysis to establish funding and other policy issues to be done by staff, or will the Board rely on its liaison to work directly with the ACFRAB to develop and resolve policy questions?

Mr. Foley said the Building Repair Policy was brought through the process and at the next meeting of the chiefs someone came with their own policy, said the first one was "sorry" and said they wanted their policy to come directly to the Board. That is a conflict. They do not understand that the Board expects staff to do some review and bring it to them.

Mr. Wyant said he was going to advise them strongly not to come to the Board with that policy.

Mr. Eggleston said it is currently up to the local chiefs to make a decision about what is best for their area. In taking a systems approach, staff feels there is a need for system wide operational policies which address service to the customer. Staff is asking if the Board wants it to be involved in making some of those decisions working with the volunteer chiefs. He said there is a fragmented system currently that needs work.

Ms. Thomas asked if this is a priority. Does it need to come back for further discussion? Mr. Eggleston said he believes so. It goes back to some of the expectations in the goals.

Ms. Thomas said there is a lot that might come before this, such as assessing what equipment they have and need, and the budgeting stuff. They could be very busy with that for a while.

Mr. Eggleston said staff is now working with the local rescue squads. The rescue squads send in a staffing report every day. Staff knows the rescue squad has an empty building. If it were up to staff, they would send the next closest rescue squad, but at this time the way the protocol is, they have to wait five minutes before sending someone else because that department wants to give their members a chance to answer that call. That is counterproductive to what should be done for the citizens.

Mr. Wyant said he understood from one of the chiefs that if one of them drove by an accident they could not stop, and that is unacceptable.

Mr. Foley said staff feels that is more serious than getting a policy on standard specs. He said the County has no role in this now; the protocol is set by the chiefs. Staff does not think that makes sense because the County is paying for all of the equipment, etc.

Mr. Boyd said he thinks staff should move forward as soon as possible with getting a system wide approach to operations. He thinks the Board would support that but it cannot be done in a vacuum. He can't believe they won't get together and decide what is best for the community.

Mr. Foley said it has taken two and one-half years to get operating policies so they can have more money. The process gets difficult. If there is an expectation from the Board now, it will make it easier. Mr. Wyant's role in this will be important.

Mr. Rooker said in order to support staff the Board will need some more information.

Agenda Item No. 3. Recess. At 5:32 p.m., **motion** was offered by Mr. Dorrier that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to discuss with legal counsel and staff specific legal issues regarding an existing inter-jurisdictional agreement and the negotiation of a contract.

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

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

Agenda Item No. 4. Reconvene and Call to Order. At 6:00 p.m. the Board reconvened in Room 241. The meeting was called to order by the Chairman, Mr. Rooker.

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

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

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

Agenda Item No. 5. Pledge of Allegiance.
Agenda Item No. 6. Moment of Silence.

Agenda Item No. 7. From the Public: Matters Not Listed on the Agenda.

Mr. Rooker welcomed a group of students from government classes at Western Albemarle High School.

Mr. Neil Williamson of the Free Enterprise Forum spoke about Consent Agenda Item 9.4., Policy on Submission of Materials for Zoning Applications. He said that after reviewing the proposed policy, they

feel it is in need of additional review. The section on zoning materials and when they are due does not say when the enterprise pursuing the application receives back their materials. The Free Enterprise Forum believes that the timely submission of materials so the materials are available for review by the public prior to the hearing to be a critical objective of the Board. They think there is more to this than a policy statement, and it encourages the Board to engage the community in a discussion on how the system can be built so that it better serves the County's citizens.

Mr. Tom Loach, a resident of Crozet, discussed what he thinks is a major discrepancy in the Old Trail rezoning and the approved Crozet Master Plan. He said the rezoning approved by the Board was for up to 2200 units with up to 250,000 square feet of commercial usage. He said that Old Trail, Creekside and Ballard Field added another 365 units bringing that number up to 2565 units. The Crozet Master Plan recommends only 1240 units with 141,450 square feet of commercial space. He wants to know the reason for being off by a factor of 100 percent on residential units and 78 percent on commercial space. He said this challenges the integrity of the Master Plan process and the Board's votes on that master plan. Other communities will now look at their master plan and wonder if the Board is going to vote the same way for their master plan as the Board voted for the Crozet Master Plan.

Mr. Loach said the Board had this data when this decision was made, therefore, he would like an explanation from someone on this Board.

Mr. Rooker said the Board does not generally engage in conversation on matters from the public. The Board could discuss it at the end of this meeting.

Ms. Barbara Nordin said she writes the Fearless Consumer column for The Hook (a local newspaper). She said that both the City of Charlottesville and the University of Virginia refuse to let Lethal Wrecker tow any vehicle within their legal limits. She asked why the Albemarle County Police continue to allow their dispatchers to call Lethal Wrecker when someone has been in an accident, or otherwise needs to be towed from public property. She said that in March, 2002 the City wrote Lethal a letter explaining why the City was turning down their contract. Basically the City turned them down because the City's policy requires vendors to have the equipment to tow and to also have the business integrity to be considered a responsible bidder. She then read from a letter from the University in April, 2004 to Lethal which for similar reasons said Lethal could not come anywhere on Grounds to tow a vehicle.

Ms. Nordin said her column in the next issue of The Hook will be about a gentleman who had an automobile accident near Wal-Mart on Route 29 about a year ago. Lethal Wrecker was called by the County Police, and his car was towed to the impound lot. He went the next day and claims that Lethal demanded \$700 in cash and he gave it to them. When he asked why they were charging such an amount, he was told it was because they cleaned up the highway. Lt. John Teixeira has assured her it is not legal for anyone to charge a citizen to clean a public highway. This gentlemen said when he left the scene of the accident firemen present at the scene were cleaning the highway.

Ms. Nordin said the City in its letter noted a State Code section which allows the tow company to keep the vehicle until the fee is paid, but it specifically prohibits that company from keeping any personal property that is not necessary to the operation of the motor vehicle. She has heard from many consumers that when they tried to claim personal property from their vehicles, they were denied that opportunity. She said there are large stretches of I-64 in the County. Many people who are not local residents pass through on I-64. If they should have an accident in Albemarle County and Lethal Wrecker were called, they might decide it is not worth their time to come back to General District Court to try and recover sums like \$700. She asked why this has never been considered in the County's procurement procedure.

Ms. Valerie Long commented on the proposal that is on the Consent Agenda regarding the timely submission of materials for rezonings and other actions. She echoed the comments made by Mr. Neil Williamson and suggested that the Board consider forming a small ad hoc committee with representatives from the Planning staff, zoning staff, applicants, landowners, and community citizens to talk about the problem in a more comprehensive fashion. She would be happy to participate and hopefully they could come up with a way to address everyone's concerns and everyone's need for timely information. She said the proposal put forth tonight is a Band-Aid solution that may not fix the problem, and may even make it worse. She is afraid it will cause the process to take much longer than at the present time.

Mr. John Martin said he lives in Free Union. He wishes to speak about the First Amendment to the U.S. Constitution. He said those running for public office cannot go to commercial areas where people shop, meet people and hand out literature to get their message out. This was by a decision of private property owners who run these commercial centers. He said the citizens do not have the ability to go where they shop every week and meet people running for public office. This is a violation of a precious liberty on which the democratic society is founded. He said this issue is in the courts and it may be in the Legislature. During the two years before the next election he urges the Board members to sit down with the Free Enterprise Forum and work out some sort of procedure so that political candidates can meet with citizens in the urban area without interfering with businesses and without causing any commotion. There must be a way to work this out.

Agenda Item No. 8a. Presentation: House Joint Resolution recognizing Walter F. Perkins, presented by Delegate Steve Landes.

Delegate Landes read into the record House Joint Resolution No. 726 adopted by the Virginia General Assembly. He then presented a copy of the resolution to Ms. Joanne Perkins and other family members in memory of Mr. Perkins.

Agenda Item No. 8b. Recognition: Tre Harris, Charlottesville Triathlon Club.

Mr. Tre Harris thanked the Board of Supervisors and the Albemarle County Parks & Recreation Department for allowing the Charlottesville Triathlon Club to stage its races at Walnut Creek Park during the summer (he handed to the Board a letter dated November 9). The use of the park allowed them to donate \$15,000 to four beneficiaries: the Childhood Obesity Task Force, the Free Clinic, the Virginia Institute of Autism, and the Boy's and Girl's Club of Charlottesville/Albemarle. (Letter is on file in the Clerk's Office with the permanent records of the Board of Supervisors.)

Agenda Item No. 9. Consent Agenda. **Motion** was offered by Mr. Wyant, **seconded** by Mr. Bowerman, to approve Items 9.1, 9.2 and 9.3, but to pull Item 9.4 for discussion later in the meeting. 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 9.1. Approval of Minutes: December 8, 2004; May 4, June 1, July 6, August 9, August 10A and August 10N, 2005.

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

Mr. Dorrier had read the minutes of May 4, 2005 (pages 21 to the end) and found them to be in order.

Mr. Bowerman had read the minutes of June 1, 2005 (pages 1 through 19 ending at Item 11b) and July 6, 2005 (beginning with Item 10 on page 22 to the end of the minutes) and found them to be in order as presented.

Mr. Dorrier had read the minutes of August 9, 2005, and August 10 (Afternoon), 2005, and found them to be in order as presented.

By the recorded vote set out above, the minutes noted were approved, with those not having been read going to the next meeting for approval.

Item 9.2. Authorize County Executive to sign Key West Lake Dam Easements.

It was noted in the Executive Summary that on December 1, 2004, the Board approved an appropriation to fund Option 3 of Key West Dam "Opinion of Probable Projects Costs Report" (Kimley Horn Associates dated August 4, 2004). The total budget was \$347,000. Design is now complete and the Invitation for Bids was advertised on October 23, 2005. Bid receipt is scheduled for November 30, 2005. The construction period is programmed for February 1, 2006, to June 1, 2006. Staff's initial schedule was to complete this project well in advance of June 1, 2006. However, delays in securing easements plus site plan review concerns have delayed the project to this point. Residents are fully aware of the new schedule. For construction and subsequent maintenance of the facility, five Permanent Access and Maintenance Easements are required. The following describes each easement and its respective Owner:

1. TMP 62B1-D-5, owned by John F. Herberg and Mitzie M. Herberg, Trustees, 400 Key West Drive, Charlottesville, VA 22911.
2. TMP 62B1-D-4, owned by Joseph W. and Margaret A. Reed, 100 Northwest Lane, Charlottesville, VA 22911.
3. TMP 62B1-D-4A (former Well Lot), owned by Joseph W. and Margaret A. Reed, 100 Northwest Lane, Charlottesville, VA 22911.
4. TMP 62B1-E-3, owned by Robert F. and Francene M. Bossi, 401 Key West Drive, Charlottesville, VA 22901.
5. TMP 62B1-1, owned by Key West Club I, 393 Key West Drive, Charlottesville, VA 22911

Deeds prepared by the County Attorney's Office have been signed by the property owners. One of the five properties (Bossi) requires that a "Consent of Lienholder" form be signed by Chase Manhattan Mortgage Corporation. Construction cannot commence until a) the "Consent of Lienholder" form is signed by the Chase Manhattan Mortgage Corporation, and, b) the five deeds of easement are signed by the County Executive. At the time of writing this Executive Summary, Chase Manhattan Mortgage Corporation was reviewing the document.

Option 3 of the "Opinion of Probable Projects Costs Report" approved by the Board on December 1, 2004, was based on a pre-design estimated design and construction cost of \$347,000. At the completion of design, the County Project Manager asked the Consultant to revise their estimate taking into account recent spikes in site construction costs nationwide. This estimate also reflected changes in the original scope as a result of actual hydrologic studies and County Engineering review. The Consultant's

August 8, 2005, revised estimate revealed a probable design and construction cost of \$530,000, an increase of approximately 50 percent in one year. Should the bids exceed the current appropriated amount of \$347,000, funding is available in the Storm Water Control Improvement account (1-9100-41000-900975) which currently has a balance of \$1,402,414.00.

Staff recommends that the Board authorize the County Executive to sign the easements (currently residing in the Board Clerk's Office) on behalf of the County. Should the bids come in above the originally appropriated amount of \$347,000 staff will schedule this item for further Board review in December.

By the recorded vote set out above, the County Executive was authorized to sign the five Permanent Access and Maintenance Easements as noted in the Executive Summary.

Item 9.3. Endorsement for Seminole Trail Fire Department to operate as an Advanced Life Support EMS Agency in Albemarle County.

It was noted in the Executive Summary that the Seminole Trail Fire Department currently provides Basic Life Support (BLS) Emergency Medical Service (EMS) response within the department's coverage area. Seminole Trail VFD is licensed to provide BLS care by the Virginia Office of EMS. During weekday hours when Albemarle County Fire/Rescue personnel are supplementing staffing at the Seminole station, Advanced Life Support (ALS) response is provided; the County Fire/Rescue Department is licensed by the State of Virginia to provide this level of patient care. The Seminole Trail VFD currently has several members who are certified to provide ALS care. The department is currently seeking to upgrade its EMS license from BLS Non-Transport to ALS Transport. This upgrade will allow the volunteer members with ALS certification to provide care at the ALS level.

Advanced Life Support (ALS) emergency medical care includes establishing intravenous access, administration of medications for breathing emergencies, cardiac emergencies, allergic reactions and pain control in the out of hospital environment. To provide this level of care, an EMS agency must be licensed as an ALS Agency by the Virginia Office of EMS. The Seminole Trail VFD is seeking to upgrade their current EMS License from BLS Non-Transport to ALS Transport. The Charlottesville-Albemarle Rescue Squad (CARS) currently has an ambulance stationed at the CARS station next door to the Seminole Trail Fire station. By upgrading to a transport level license, the Seminole Trail Fire Department will be better positioned to assist CARS in staffing this ambulance. There is currently a Memorandum of Understanding being developed between CARS and Seminole Trail to address this cross-staffing. There are multiple advantages to the citizens and visitors to Albemarle County if the Seminole Trail Fire Department upgrades its EMS license. These advantages include:

- Increased availability of Advanced Life Support EMS Services along the 29 North Corridor.
- Increased availability of a staffed ambulance for the EMS system.
- Increased opportunities for individuals with advanced emergency medical skills to utilize and maintain their patient care skills.
- An increase in the level of EMS service to the citizens of Albemarle County.

There is no impact to the budget. The required equipment for providing Advanced Life Support is currently in stock at the Seminole Trail Fire Department. Staff recommends that the Board endorse the upgrade of the Seminole Trail Fire Department's EMS License from BLS to ALS Transport.

By the recorded vote set out above, the Board endorsed the upgrade of Seminole Trail Fire Department's EMS License from BLS to ALS Transport.

Item 9.4. Policy on Submission of Materials for Zoning Applications (deferred from November 2, 2005).

PROPOSED POLICY 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 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.

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.

This item was pulled from the Consent Agenda for discussion later in the meeting.

Consent Agenda Item No. 9.4. Mr. Rooker said the Board would discuss the policy at this time.

Mr. Boyd said several people had mentioned this policy to him this past week. He thinks the Board should look at the policy closer to be sure it is not just putting a Band-Aid on the problem. He thinks the proposed policy is missing some input from the side of the applicants.

Ms. Thomas said the policy says it is the Board's preference that a public hearing 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. She asked Mr. Boyd what portion of that statement he does not agree with.

Mr. Boyd said if submissions are made only two days before a public hearing and staff has to make comments back to the applicant on that submission, that would occur while the public hearing is going on. What happens then if what staff hears at the public hearing requires more discussion or changes or modifications? There needs to be a system which allows for the process to come to fruition rather than have it pending on staff response. If the applicant puts in his application two days before the petition is advertised and staff responds negatively to some of the things in the application, how does the process deal with that?

Mr. Wyant said there could be changes in the application once it has been advertised so it is not the final thing until it gets to the public hearing.

Mr. Boyd said that is correct.

Ms. Thomas said it was her understanding that the date was selected by staff as the date on which they would have time to respond before advertising for the public hearing.

Mr. Rooker said it was not a minimum of two days but two weeks before the notice deadline.

Mr. Boyd asked if that allows enough time for staff to respond and get something back. If staff gets it two weeks in advance and during that two-week period they respond back to the applicant, then how many days does the applicant have to get something back?

Mr. Davis said this application would have already been through Planning Commission review and public hearing(s). It would have received a significant amount of review, so the applicant will know the advertising date two weeks in advance of the deadline date. They will know what the deadline is and how they have to work with staff to get comments back from staff. The deadline date is key to the date it has to be advertised for public hearing which is 21 days before the date on which the public hearing will be held. As Mr. Tucker pointed out at the last meeting, those public hearing advertisements are very expensive so staff does not want to advertise petitions for public hearing and then cancel that public hearing. It is presumed that once the first advertisement is in the paper that those plans are available for public inspection. The intent of the policy was to allow citizens to come in after the first advertisement was placed in the paper and review the materials on file believing that what they are seeing is what will be heard. He can understand that more input may be needed but not for what this policy says. The applicants and staff need to understand when they have to get together to get plans finalized. If substantive changes are made by the Board at the public hearing, the Board needs to decide if an additional public hearing is needed.

Mr. Boyd said he needs to understand the process. The applicant gives or gets the materials two weeks before a public hearing. Staff takes two weeks to review it. How long?

Mr. Davis said it is anticipated that there will be an exchange of plans and comments well in advance of the advertising deadline, and that two days before the public hearing advertisement goes to the newspaper, the final plans will be submitted, all comments will have been reviewed and communicated back and forth. Then the application is advertised. There is no anticipation that a new set of plans will be received 23 days before the public hearing and then there will be more comments back and forth. The whole idea is that there will be finality in the plans.

Mr. Wyant said there will be a chance that they may not be able to resolve a couple of issues, like we have some of, and that will move forward to the public hearing for us to deal with.

Mr. Davis said that is correct.

Mr. Rooker said that is the reason the language "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."

Mr. Tucker said that legally the proffers can be made or changed up to the time of the public hearing.

Mr. Boyd said his question was not answered. Let's talk about the reality of the situation. The reason this was brought about was because there are exchanges going on back and forth between staff and developers right up to the last minute. We want to prevent that. If a developer or applicant submits the plans and materials to the Planning staff within two weeks of the notice date, when will staff turn it back to them; two weeks later giving them one day to respond or two days to respond?

Ms. Thomas said to remember that this is a plan that has gone all the way through Planning Commission review so this is not a brand new plan.

Mr. Boyd said to talk about the reality of the question, there are a whole lot of them that come out of Planning with a lot of issues still to be resolved. We can look at Old Trail and we can look at Belvedere and we can look at some of them just recently. This is what prompted this whole policy.

Ms. Thomas said what prompted it was that the Board was getting proffers as it sat down at the public hearing and she believes that is cheating the public.

Mr. Boyd said he does not want that to happen either, but he is being informed from the applicants that this may not be, nobody talked to them about this policy and whether it is actually going to work. That is all he is saying. Should we take enough time to at least get feedback from the users of it?

Mr. Mark Graham said there is quite frankly no time for the developer to receive comments, the applicant to receive comments and respond to comments. What this is saying is that the date you advertise, the Plan, the Proffers, the Code of Development, are locked down as far as what is going to be brought forward to a public hearing. That way, what the public sees, what the public reviews in anticipation of the public hearing, what is presented to the Board at the public hearing, are all the same. It avoids the circumstances we have had where the plan that has been available for the public is not consistent with the plan being presented to the Board on the night of the hearing, and the proffers are in the same condition, and furthermore, the staff report reflects some other plan, and the public is sitting out here confused by not understanding what plan. It is who's on first. They really do not know what we are reviewing. The whole idea is to say, if you are ready for a public hearing, the plan, the proffers, everything is locked down. All the comments, all the back and forth between the staff and the applicant should have already occurred.

Mr. Rooker said this does not deal with what happened prior to this deadline. It just says that whatever the process it has gone through to get there, you need to meet this deadline or the County will not be able to advertise it for public hearing.

Mr. Boyd said he appreciates that we keep talking about the symptoms, and he knows what the symptoms are and he agrees with it, and we need to correct it, but what he is hearing and maybe he does not know enough about the other side, but what he is hearing is that the applicants do not agree that this will solve that problem. He is just asking if you talked to the applicants about it to see if we go to a policy like this will they buy into it, and will it solve this problem of last minute proffers and changes and things like that.

Ms. Thomas said it will mean that the last minute proffer changes are made before the public hearing is announced.

Mr. Bowerman said we just delay advertising the public hearing until it is finished.

Mr. Tucker said, and the applicant is ready to move forward.

Ms. Thomas said it is the same thing.

Mr. Rooker said otherwise we pay for advertisements for things that do not end up on the agenda.

Mr. Boyd said he really knows what the problem is, but he is hearing from the other side that someone should have asked them because they do not think this is going to solve that problem. He is just saying, do we want to take whatever time it takes to ask the public what they think about this policy and then if they agree that it will work, that is fine.

Mr. Tucker said they do not understand exactly what is intended.

Mr. Boyd said two people brought up the question tonight.

M. Wyant said before when you got down to the public hearing that was kind of the deadline because there were changes up to that day. We have seen that the last couple of months. Now, this is moved back two weeks, plus two days, that is when the last changes are pretty much made if I understand what we are doing.

Mr. Bowerman said, or you do not advertise it.

Ms. Thomas said there is always a deadline. The question is: when is that deadline?

Mr. Boyd said he is only saying the applicants are not agreeing. Either they do not understand how it works, or they do not agree it will accomplish what we all want to accomplish which is adequate time not to have these last minute changes so the public will know what is going on, for the Board to know

what is going on, for everybody. We all want what you are telling me we want, but I am just hearing this is not going to achieve that.

Mr. Davis said he does not know that they object to this policy. What he understands they are saying is they think there is more to be done for staff and applicants to communicate and move it to a point in time where you can have final comments. That does not affect this policy.

Mr. Tucker said that is all prior to the policy.

Mr. Davis thinks staff will agree there are system improvements that need to be made and should be dealt with and maybe that is where staff and the development community need to get together and work on that process. This policy is not impacted by that.

Mr. Boyd said he thinks staff should have talked to the users of the policy before they brought it forward to us.

Ms. Thomas said there has to be a deadline; we all agree there has to be a deadline. It is either when we sit down, or it is two hours before we sit down, or it is two days before the public hearing notice is put in the newspaper. Every school kid in the room will agree there are always reasons why you would like the deadline to be changed slightly, but he thinks that saying we are setting the deadline two days before we go to the taxpayer's expense of putting the advertisement in the newspaper is a reasonable deadline because our purpose is to make sure the public knows what we are discussing and deciding on when we sit down. You can set the deadline some other place if you want to, but I do not think it will serve the public purpose as well as this proposal will.

Mr. Dorrier asked why two days was set rather than five.

Mr. Graham said two days before the advertising deadline for the newspaper is the minimum that staff considered would have to be assured so the advertisement was ready to be submitted for the newspaper. If we had the materials two days before that deadline, we were confident.

Ms. Thomas said if the advertisement is not accurate, then there has to be re-advertisement, and that creates a real delay.

Mr. Dorrier asked if the real problem is the two weeks. What is the main problem?

Mr. Bowerman said he thinks it is that we pick a meeting date and everything has to work to that rather than having the application done before we advertise for the public hearing. We should not get it on our agenda until it is ready.

Mr. Boyd said he has never gone through the process of submitting an application and going through this so he is not qualified to say this is good or not. There are people in the community who are and they should be given a chance to comment on it before we pass it.

Mr. Wyant asked if Mr. Graham agrees. He said he has been through the process in the past; years ago. The deadline is one thing, but the process, back and forth between staff and the applicant has always been the issue.

Mr. Graham said that is a totally separate issue.

Mr. Wyant asked how staff communicates back and forth between the county and the applicant.

Mr. Graham said we are still working on that and we will be talking to the applicants and the public and others as to how to improve the legislative review process. This is just the deadline so the public can know what is being heard by the Board of Supervisors.

Mr. Tucker said he thinks he heard Mr. Neil Williamson say, and that may be where the miscommunication or lack of understanding of the intent is, that there should be a *quid pro quo*. If the applicant has to submit something then the staff should have a certain amount of time to turn it around and get back. We may get to that, but that is not what this deals with. This policy does not deal with that. All of that has to be done prior to the submission of the application for a public hearing. Once the application is submitted we do not review it any more and they do not get a chance to make any changes. That is the purpose of it. It is so the public has a plan that they are looking at that is not going to be changed at the last minute, and the Board is getting a plan that has not been changed two days before, by changing proffers or whatever.

Mr. Dorrier asked if the process is to encourage proffers or not.

Mr. Tucker said it has nothing to do with that. He said if it would help move this along, if the Board would like to delay it one more time until December 7, staff will be happy to meet with some developers and Ms. Valerie Long and others to make sure they understand what we are doing. He said they may be reading something into this that is not intended.

Mr. Rooker suggested this be put off until the first meeting in December. Put it on the consent agenda at that time.

Ms. Thomas said she will come back to haunt the Board members if they do not pass it while she is not present. She will not be present on December 7.

Mr. Boyd said he agrees with what has been said but he thinks we need some input from the developers to make sure it accomplishes what is intended.

Mr. Rooker said this item will be on the agenda for December 7.

Agenda Item No. 10. Annual Reassessment Ordinance. **Public hearing** on an ordinance to amend Chapter 15, Taxation, of the Albemarle County Code, by amending Section 15-1000, Biennial Assessment of Real Estate, and Section 15-1002, Time Limits for Appeals of Real Estate Assessments. The proposed amendment would provide for the annual assessment and equalization of real estate for local taxation and establish March 15th of each year as the deadline to file an administrative appeal of that year's annual real estate assessment. The proposed effective date of this ordinance is January 1, 2007. (Notice of this public hearing was published in the Daily Progress on October 24 and October 31, 2005.)

Mr. Tucker said at its meeting on July 6, 2005, the Board discussed the merits of changing the County's real property reassessment schedule from a biennial to an annual assessment. The Board directed staff to prepare an ordinance for the Board's consideration and to advertise a public hearing. Virginia Code § 58.1-3253(B) authorizes the county to adopt an ordinance providing for the annual assessment of real estate for local taxation. The proposed ordinance provides that effective January 1, 2007 the Real Estate Assessment Office will annually conduct a new assessment of all real property in the County for taxation purposes. To accommodate the compressed schedule for an annual assessment process, the deadline for appeals to the Board of Equalization is moved from the end of March to March 15. All other aspects of the appeal process are unchanged. The first annual reassessment would be for tax year 2007 effective January 1, 2007. At the conclusion of the public hearing, if the Board supports a move to an annual reassessment, staff recommends adoption of the proposed ordinance to establish an annual reassessment of real property effective January 1, 2007.

Ms. Thomas said she will point out that part of the effect of going to an annual reassessment is something that appears to be a windfall. The County would end up after six years with about \$20.0 million more and the median household would have paid \$85.00 a year more in taxes. If the tax rate were cut by two cents that would almost wipe out that windfall. She would ask that when this ordinance is discussed by the public the Board distinguish between the windfall aspects of it and the value of annual versus biennial assessments. She said the Board can make this change revenue neutral if it chooses to do that. There is still the issue of having annual reassessments.

Mr. Rooker said it will also depend on what the reassessment shows. Staff has made some assumptions that may or may not play out. He said the Board has discussed this subject at length in past meetings, so their comments will be rather brief tonight. With no further discussion by Board members, the public hearing was opened.

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

Ms. Thomas said it appears to be a hidden way to get more money, and that is why she mentioned lowering the tax rate by two cents. However, she does not know what else that two-cent cut might do. When the Board held budget sessions earlier in the year, it was found that if the tax rate were cut further than the two cents discussed at that time, the Board would not be able to meet long-term obligations as the years went by.

Mr. Rooker said the City of Charlottesville will get more money through the Revenue Sharing Agreement if this ordinance is adopted. He said the two-cent computation may be impacted somewhat by the fact that Revenue Sharing will be a constant amount based upon the tax revenues.

Mr. Boyd said he thinks it is important to point out that this is not an effort to increase the tax rate. There is an adjustment time period needed for the public to understand the tax system and be more in line with what other localities are doing. There are a number of reasons that have nothing to do with the amount of tax revenue. He agrees with Ms. Thomas that if there is a windfall to consider, he always thinks windfalls should be given back to the public.

Mr. Dorrier said he is surprised that no one from the public is present to speak about this proposed change.

Motion was offered by Mr. Boyd, **seconded** by Mr. Bowerman, to adopt an Ordinance to Amend Chapter 15, Taxation, of the Albemarle County Code, by Amending Section 15-1000, Biennial Assessment of Real Estate, and Section 15-1002, Time Limits for Appeals of Real Estate Assessments, with the ordinance being effective January 1, 2007.

Ms. Thomas asked Mr. Boyd why he had changed his mind since the last time this subject was discussed.

Mr. Boyd said for all the reasons Mr. Rooker just read (See list of advantages and disadvantages from a 2003 staff report on file with the permanent records of the Board of Supervisors). It is not designed to increase taxes. He was glad to hear Ms. Thomas say she had been thinking ahead and that any windfall could be refunded through a tax rate decrease. That solves his concern.

Mr. Rooker said several people have asked him about that, and he told them the same thing.

Ms. Thomas said her concern was that there would be fewer physical inspections of the property whether it is the house itself or the land use taxation parcels. It may be old-fashioned to "eyeball" the property but she likes that way of appraising houses.

Mr. Bowerman said the County is not forging any new ground, only catching up with what other localities have been doing.

Mr. Rooker said that in the past the assessors looked at every property every two years. Under the proposed ordinance they will look at the property only every three years. When this was discussed with the County Assessor, he said that with the computerization of records, much of the appraisal is based upon data rather than going to the property. If anyone objects to their appraisal, they can get an inspection and then appeal the result of the inspection determination.

Mr. Tucker said he thinks there will be more appeals filed in the future so it will be more difficult for the assessors to view every parcel.

Mr. Boyd said this policy will make it easier for the Board and the public to understand appraisal values going up; the tax rate can then be adjusted to be fair to the taxpayers in the long run.

Mr. Rooker said if the values are locked in for two years, the revenue increases are "lumpy" which is always a problem when trying to create a budget. If there is a six percent increase per year in values, the reality is that the year after the reassessment there won't be any increase and then the following year there will be a twelve percent increase. That makes it more difficult to put together a good, steady budget for the County.

At this time, Mr. Rooker asked that the roll be called. The motion carried by the following recorded vote:

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

NAYS: None.

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

ORDINANCE NO. 05-15(3)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE X, REAL ESTATE – IN GENERAL, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article X, Real Estate - In General, is hereby amended and reordained as follows:

By Amending:

Sec. 15-1000 Biennial assessment of real estate.

Sec. 15-1002 Time limits for appeals of real estate assessments.

CHAPTER 15. TAXATION

ARTICLE X. REAL ESTATE - IN GENERAL

Sec. 15-1000 Annual assessment of real estate.

A. All real estate in the county shall be assessed annually for purposes of taxation by the director of finance of the county as of January 1 of each year.

B. The office of real estate assessments of the county shall annually conduct a new reassessment of all real property to be applicable for the tax year beginning January 1, 2007, and every tax year thereafter.

C. All assessments of real estate in the county shall be made at one hundred percent (100%) of fair market value.

(§ 8-1.1, 11-3-76; Ord. of 2-5-92; Code 1988, § 8-64; Ord. 98-A(1), 8-5-98)

State law reference--Authority to impose tax generally, Constitution of Virginia, Article X, Section 4; Va. Code §§ 58.1-3200 et seq.; Biennial reassessment methods, Va. Code § 58.1-3253; amount of assessment, Constitution of Virginia, Article X, Section 2, Va. Code § 58.1-3201.

Sec. 15-1002 Time limits for appeals of real estate assessments.

A. Pursuant to the provisions of Virginia Code § 58.1-3330, all applications for appeals from any annual assessment of real estate must be made by the property owner or lessee to the county assessor by the last business day of February of the year in which the assessment takes effect. A property owner or lessee may also appeal any annual assessment by making an application directly to the board of equalization by March 15 of the year in which the assessment takes effect, or if an appeal has been made to the county assessor within thirty (30) days from the date of the decision of the county assessor, denying an appeal for such assessment, whichever date is later.

B. Applications for appeals from any supplemental assessment or pro rata assessment for new construction assessed between January 1 and October 31 must be made by the property owner or lessee to the county assessor within fifteen (15) days of the date of the notice of the supplemental or pro rata assessment. A property owner or lessee may also appeal any supplemental or pro rata assessment by making an application directly to the board of equalization within thirty (30) days of the date of the notice of the supplemental or pro rata assessment, or if an appeal has been made to the county assessor within thirty (30) days from the date of the decision of the county assessor denying an appeal for such supplemental or pro rata assessment, whichever date is later.

C. The board of equalization shall finally dispose of all annual assessment appeals by September 1 of the year in which the assessment takes effect and of all supplemental or pro rata assessment appeals for new construction by December 31 of the year in which the supplemental or pro rata assessment takes effect.
(§ 8-1.7, 7-12-89; Ord. of 2-5-92; § 8-66, 3-4-98; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 58.1-3330, 58.1-3378.

This ordinance shall be effective on and after January 1, 2007.

Agenda Item No. 11. SP-2004-024. Northtown Center (Sign #8). **Public hearing** on a request in accord w/Sec 24.2.2(13) of the Zoning Ord for drive-in window for bank. TM 45, Ps 110, 110A, 111, 111A & 111B. The subject parcel contains approx 15.9 acs. Znd HC, EC & AIA. Loc on E side of Seminole Trail (US Rt 29 N) immediately opposite Lowes & Kegler's. (Also subject of SDP-2004-45, Northtown Center Preliminary Site Plan.) Rio Dist. (Notice of this public hearing was published in the Daily Progress on October 24 and October 31, 2005.)

Mr. Bill Fritz, Chief of Current Development, presented the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this is a request for a special use permit in accordance with Section 24.2.2(13) for a drive-through window for a bank. The area surrounding the property is residential (Carrsbrook and Woodbrook subdivisions). The area to the south is commercial, and large-scale commercial development is located across Route 29 from the site. The request was reviewed by the Architectural Review Board and it had no objection to the use. The Planning Commission, at its meeting on October 18, 2005, reviewed the request and unanimously recommended approval subject to one condition.

Mr. Rooker brought to Mr. Fritz's attention that the square footage of the buildings on the property is not consistent throughout the staff's report. Mr. Fritz said there were a number of applications made for this particular property during the time staff reviewed the request. Several amendments were made to the original request. The total square footage now stands at 199,800.

At this time, Mr. Rooker opened the public hearing and asked the applicant to speak.

Mr. Wendell Wood first congratulated the Chairman for his victory last night (Mr. Rooker was reelected to an additional term on the Board). He said it shows long dedication and it is to be commended. For Mr. Bowerman to have served in excess of 20 years says that in this community there can be longevity for the members of the Board. Ms. Thomas has served for a long time also.

Mr. Wood said some of the Board members have seen this plan a number of times previously; this property was the proposed site for a Home Depot Store at one time. The big box aspect has been removed from this proposal. The mix of uses on the site has changed in square footage to allow more office space. Retail uses takes more parking. The large building on the site will be occupied by Second Bank and Trust that will be moving employees to Albemarle to have a regional headquarters office. It is a four-story office building. An issue in the past was the critical slopes. The storm drain that comes under Route 29 will be buried in the ground about 12 feet deep and the green area shown on the plan will still be 12 to 15 feet below the buildings with parking on each side. They will also be treated for water quality. By doing this, they were able to conform to the site as was requested in previous requests for this property.

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

Mr. Bowerman said he thinks it is appropriate that the Board approve the drive-through window for the bank, and it is the only issue before the Board tonight. He then offered **motion** to approve SP-2004-024, Northtown Center, subject to the one condition recommended by the Planning Commission.

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

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

(The condition of approval is set out in full below.)

1. A by-pass lane, sixteen (16) feet minimum width shall be provided. Striping and lane widths must be shown on the final plan.
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Agenda Item No. 12. From the Board: Matters Not Listed on the Agenda.

Mr. Rooker said he would like to mention a couple of items brought up by the public at the beginning of the meeting. He knows the Board members have gotten correspondence about the Lethal Wrecker situation. He asked Mr. Davis the status of this matter.

Mr. Davis said the County does not procure these services. The Police Department has a list of all the providers in the community. They rotate down that list for services. The issue would be whether Lethal Wrecker should be on that list. There is more to the issue than what was presented tonight. He has not dealt with that issue with the Police Department recently but they had looked at it in the past based on the same type of comments. He thinks staff needs to bring additional information to the Board about the issue.

Mr. Rooker said since he has been a member of the Board there have been several complaints about this particular wrecker service. There was one communication from Police Chief Miller about it, so it might be helpful to get a copy of that communication. If it is a perpetual problem with consumers and the Board has the ability to take them off the list, he thinks that should be considered.

Ms. Thomas asked if the Board has the ability to set standards and then make sure the providers on the Police list meet those standards. Mr. Davis said yes. It is something staff can look at.

Mr. Dorrier said the Board could look at the charges of these people and if they are charging \$500.00 that is outrageous.

Mr. Rooker said he does not think the names should be removed based on just one side of the story.

Mr. Boyd said the University of Virginia removed them from their list, and the City removed them from their list, so he thinks the County needs to look into the matter. There must be some justification to the complaints.

Mr. Rooker said Mr. Loach raised a question about the density in the areas of the Crozet Master Plan occupied by the Old Trail development. He said at the time of the public hearing on the Old Trail development, the Board specifically asked staff whether the density limits being proposed were within the density limits in the Master Plan. He understands staff said "yes." He would like to have a report from staff on this question. If there is additional density being proposed, perhaps the Board will have to look at reducing density in other areas of Crozet so the Master Plan stays within the overall parameters that are envisioned for the area.

Mr. Wyant said the last plan that came through was kept to the density in the Master Plan.

Mr. Rooker said that is what he remembers. He said the statistics handed out tonight seem to be substantially different. He feels it would be helpful to have a staff report on this question.

Ms. Thomas said a concern mentioned by Mr. John Martin was that there is not the same free speech in commercial areas in the County as there might be in downtown Charlottesville. She thinks the Board might address this in some way. She said the way it is handled when one is in charge of a public festival is to designate a certain area as a free speech corner. It does not mean that picketers have to be allowed throughout the event, but a place is designated and it is shown on a map of the event for those attending.

Mr. Bowerman asked how this would be handled in just normal commercial areas, not during a festival.

Mr. Davis said there is no way for a county board of supervisors to legislate First Amendment rights on private property.

Ms. Thomas said there are an increasing number of privately-owned areas that the Board thinks of as a town square, but the land is owned by a commercial development, so that does not create the old-fashioned town square, but a shopping center plaza which has quite different rules.

Mr. Dorrier said the Board can keep up with the issue before the Virginia Supreme Court.

Mr. Davis said if that case finds that private space was really a public space then the First Amendment would apply. There is precedent for that in at least one other state. He has no idea how the Virginia Supreme Court will ultimately rule.

Mr. Rooker said that case will probably be appealed, and it will be an interesting case. The difference between what this Board is talking about and the Charlottesville downtown mall is that the mall is public property.

Ms. Thomas said the Board is thinking that it is forming little neighborhood centers using the Neighborhood Model, but in fact that element will be missing unless those centers become public property.

Mr. Rooker said in Old Trail there is a 40-acre park in the center of that development. He understands that will be a County park, dedicated to public use. In that case, people would be able to exercise their freedom of expression in those areas.

Mr. Davis said it will also have a public street with sidewalks which will be public spaces people can use.

Mr. Wyant said there are small businesses in the rural area which have been in place for a good number of years, and suddenly they have been served with a zoning violation. These are rural activities. One that came to his attention recently was a tree-cutting service. He has had others brought to his attention over the last year or so. As the Board approaches adopting the Rural Plan, it will have to decide how to deal with those little businesses. He thinks most houses have some form of business operating out of them today. He said these little companies are being run out of the County. He has talked with the Zoning Administrator and the staff is working on something to accommodate the little businesses.

Mr. Rooker asked if they could qualify for a home office use.

Mr. Wyant said the person with the tree-cutting service had an office in the home, but the equipment is parked in a different location. The equipment is what people see. He told the person applying for a special use permit that eventually they would be in violation. He lives in Mr. Wyant's district, but the business is in Ms. Thomas' district.

Mr. Dorrier said a home occupation is legal.

Ms. Thomas said the problem was that the home occupation was not operated in his residence so it is not a home occupation.

Mr. Rooker said it is on the lot where he is parking the equipment. He said that Mr. Wyant successfully moved the violation from his district to Ms. Thomas' district.

Ms. Thomas said when she was campaigning door-to-door and no one answered the door she would look around at the 12 or so cars parked on the property and think they probably had a zoning violation. She said there are a lot of businesses and she would not complain about such a thing because it is how people are making their living. But, it is a very rural thing, and the County is becoming more suburbanized, so someday when someone moves onto the property next door to where the 12 cars are parked, there will be a complaint lodged.

Mr. Boyd said that has happened in his district.

Mr. Wyant said they are looking for LI zoning and it is difficult to find that in the County. He thinks the Board needs to be aware of this situation.

Ms. Thomas said she does not think the Board should be in the business of taking away someone's livelihood just because they do not fit the suburban mold that the County is getting into more and more.

Mr. Boyd said a situation has occurred where people buy old cars, fix them up, and then sell them. The neighbors complain that they are running a used car lot and that is a violation. He said the cars are licensed and they are within the number of cars allowed on the property. He does not know how to solve that.

Ms. Thomas said the Board used to go along with Charles Martin's leadership, and he asked "Who was there first?" He always went with the one who was there first.

Mr. Wyant said when people move into the rural area, they sometimes have some different expectations. This family has been doing this business for some time. The Board is now seeing that friction being created, and he thinks there will be more of it. It is getting to be a big problem for the Zoning Department.

Mr. Rooker said it is the same friction as that between farmers fertilizing their crops and people in a nearby subdivision.

Mr. Boyd asked if someone has a junkyard because they keep their freezer on the front porch. Some people find that offensive.

Agenda Item No. 13. Adjourn. At 7:22 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman