

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 7, 2005, at 9:00 a.m., Room 241 of the County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. David P. Bowerman, Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, and Mr. David C. Wyant.

ABSENT: Ms. Sally H. Thomas.

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

Agenda Item No. 1. The meeting was called to order at 9:05 a.m., by the Chairman, Mr. Rooker.

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

During the Moment of Silence the Chairman asked everyone to remember Mr. John Baker who recently passed away. Mr. Baker served two terms on the Albemarle County School Board and was a former County employee. He was recognized by the County when it named the Baker-Butler Elementary School in his honor.

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

Mr. Tom Loach addressed the Board, noting that recently-approved developments in Crozet will bring 2600 new homes to the area, while the Crozet Master Plan only calls for 1240. He thinks the Planning staff knew about a project for another 400 homes at the time of the Old Trail discussion, but did not mention it. Mr. Loach emphasized that the Board has an obligation to the Crozet community to implement the approved Master Plan and should have had staff come back to the community with changes to the plan. He said "it will be a shame if the definition of master planning in Albemarle County becomes 'you plan, we ignore'."

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Ms. Paula Brown-Steadly of Doctors Crossing Road addressed the Board. She said tow trucks pulling school busses are not considered as accidents and are recorded; single-car accidents are not recorded. She said that in 1984 a chicken barn burned down on property along this road and the fire could not be put out because fire trucks could not use the road. In 1989 she submitted a petition to the County asking that the road be fixed, not necessarily paved, and was advised by VDOT that nothing could be done unless they had 50 feet of dedicate right-of-way. At that time, four-tenths of a mile of that road was paved because it had become virtually impassable due to erosion. She emphasized that there are two graveyards and at least five homes that prevent getting the required 50-foot right-of-way. She said two new subdivisions have been approved on the road, even though the road is "too dangerous" and residents have opposed these developments for that reason. She said the residents were advised that the road "is too dangerous to fix in place." She has requested signs for lower speed limits and no passing zones but has been told that is not VDOT's procedure. She has been told it is not appropriate to pave a road without the 50 feet of right-of-way, but something needs to be done.

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Ms. Mary Rice of White Hall addressed the Board. She said the Board asked staff for an update on the approved density figures for Old Trail in Crozet. In the July, 2003 draft of the Crozet Master Plan, a table showed an estimate of 1240 homes for the Old Trail Village area, not the 2200 that were ultimately approved. The development actually includes the 2200 and the 400 by-right homes being built in the same area. She said this discrepancy has big implications for the total build-out population of Crozet, citing the figure from the Master Plan "Basic Assumptions" as 12,500. During the master planning process, residents were told repeatedly that the Master Plan would not increase the population of Crozet over the by-right build-out figure. She emphasized that all assumptions about schools, roads, fire and safety, and other services were predicated on a population build-out of 12,500. She added that the current population figure referred to in this document was derived at the start of the master planning process, and the June, 2005 Crozet population figure from planning staff is now about 3600, not including homes that are approved as part of rezonings, but which have not been built. She indicated that for most of the homes in the Crozet area, the County uses a multiplier of 2.63 people per home; if you take 3600 people and add in the 2200 Old Trail homes and 400 by-right homes and 200 Wickham Pond homes, you get 10,800 people – just 1700 people (or 646 homes) away from the total population build-out. She asked that the Board deny all future Crozet rezonings until it has looked closely at the implications of each rezoning with regard to the total population build-out of Crozet.

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Mr. Katurah Roell addressed the Board, presenting maps showing the proposed transportation layout for the Pantops area. He hopes the proposed parallel road to Route 250 will continue to be reviewed by the County's engineering staff.

Mr. Rooker asked if the "dotted lines" shown on the map presented have been approved. Mr. Roell replied that some have been approved, some are just proposed.

Mr. Rooker clarified that Mr. Roell represents owners of the properties that will contain the roads. Mr. Roell explained that several roads are conceptual, and several reflect those proposed by different groups within the County, including mass transportation routes and connector route options, such as the Eastern Connector whether it is south or north of the river crossing. He added that the ones his group is prepared to build themselves are on land they own. He confirmed that the red lines are "just conceptual," and the City has copies of this plan as well.

Mr. Rooker commented that the Board has generally agreed that parallel roads and connections are very important, and reiterated to staff to bring forward any actions needed to make them happen. He said the developments Ms. Brown-Steadly mentioned in her comments were built by-right, and the County does not have the right to stop that based on insufficient transportation facilities. He said the County and VACo have asked for "Adequate Public Facilities" legislation to enable localities to turn down developments based on the fact that they are not served by adequate public facilities. He emphasized that the County currently has no power to turn down developments on that basis, and he asked that attendees at this meeting encourage their legislators to support such legislation. He added that Virginia is one of the few states that do not have this type of legislation on the books; it never gets out of committee in the General Assembly.

Mr. Tucker commented that the subdivision could not be denied at the Planning Commission level either.

Ms. Brown-Steadly pointed out that Turkey Hill required a special use permit because of the internal subdivision aspect, and Stonewood was approved as "village residential" in an area that did not have the infrastructure for it. She said that these were special uses, not by-right uses, and there have been others added by-right. Mr. Tucker agreed to look into the specifics of those situations.

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Mr. Jeff Werner applauded Ms. Brown-Steadly's comments, stating that there are consequences of developing in the rural area, regardless of clustering, and that is why phasing is important. He stated that the Piedmont Environmental Council has strongly supported the adequate facilities legislation, which is defeated each year because the development community throws millions of dollars at the General Assembly stating they will not be able to build affordable housing if this is mandated.

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Agenda Item No. 5. Recognitions. **Removed from agenda.**

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Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Wyant, **seconded** by Mr. Bowerman, to approve Items 6.1 through 6.8 on the consent agenda, and to accept the remaining items as information. (Discussions on individual items are included with that agenda item.) Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Thomas.

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Item 6.1. Approval of Minutes: November 3 and December 1, 2004; June 1, August 3, August 10(N), September 14(A) and September 14(N), 2005.

Mr. Rooker had read his portion of the minutes of November 3, 2004, and found them to be in order.

Mr. Bowerman had read his portion of the minutes of December 1, 2004, and found them to be in order.

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

Mr. Boyd had read the minutes of September 14(A), 2005, and found them to be in order.

Ms. Thomas had indicated to the Clerk that she had read her minutes of September 14(N), 2005, and found them to be in order.

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

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Item 6.2. ZMA-2004-017. Wickham Pond (Sign #64). (Defer to December 14, 2005).

(**Discussion:** Mr. Wyant recalled that this item had been deferred pending a traffic study impact. Mr. Cilimberg said staff has not received the traffic study data yet, so the petition needs to be deferred again.

Mr. Rooker said there should be time left for discussion of density in Crozet when this petition comes back for consideration. Board members agreed that they would not like to vote on the Wickham Pond item until the traffic information is submitted.

Mr. Dorrier noted that he attended a public meeting last night for Rivanna Village, where 200 people attended, many of whom expressed concern about density.

Mr. Rooker responded that the area in and around the Rivanna Village has not been master planned yet; Crozet is the only area where master planning has been completed; framework has been started for the Pantops master plan. Until then, the Comprehensive Plan is the master plan.

Mr. Tucker suggested deferring Wickham Pond to the January 4, 2006, meeting of the Board. Board members agreed.)

**At the request of staff and by the recorded vote set out above, the Board deferred this petition until January 4, 2006.**

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Item 6.3. Requested FY 2006 Appropriations.

It was noted in the Executive Summary that the Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The total of this requested FY '2006 appropriation is \$178,755.01. It is anticipated that a budget amendment public hearing will be proposed in January, 2006 and these appropriations would be incorporated into it.

This request involves the approval of nine new FY'2006 appropriations as follows: One appropriation (No. 2006-028) reappropriates \$9,950.61 in unexpended funds for the CERT Grant; one appropriation (No. 2006-029) totals \$19,500.00 and is for three public safety grants; four appropriations (No. 2006-030, No. 2006-031, No. 2006-032, and No. 200-033) total \$88,507.40 for various education programs; one appropriation (No. 2006-034) reappropriates \$26,747.00 in unexpended funds and appropriates \$27,050.00 in additional funds within the General Government Vehicle Replacement Fund; one appropriation (No. 2006 035) in the amount of \$7,000.00 for an Emergency Medical Services grant; and one appropriation (No. 2006-036) distributing the salary contingency approved during the FY '05/06 budget process.

Staff recommends approval of the FY 2006 Appropriations No. 2006-028, No. 200-029, No. 2006-030, No. 2006-031, No. 2006-032, No. 2006-033, No. 2006-034, No. 2006-035 and No. 2006-036. Details of the requests are set out below.

Appropriation No. 2006-028, \$9,950.61. In FY 2004-2005, the Emergency Communications Center was awarded a CERT Grant in the amount of \$16,000.00. These funds can only be used for training and equipment for this specific program. As of the end of FY '2005, \$9,950.61 in grant funds was unexpended and will require a FY '2006 reappropriation.

Appropriation No. 2006-029, \$19,500.00. The busiest times for major shopping in the County occur during the Thanksgiving to New Year's holiday season. December tends to have the highest frequency of traffic accidents, shopping thefts and socializing. DUI's are at their highest level during the season as well. To help support the Police officers during this time, DMV has awarded a grant in the amount of \$6,000.00 for payment of overtime for traffic safety as part of the larger efforts of "Operation Safe Holiday".

Albemarle County is a rapidly developing area. Part of this development is bicycle activity. Several hundred miles of the County is designated as "Share the Road" with bicyclists. There is a planned network of roads with bike lanes throughout the County. In addition to actual accidents and injuries, the County is experiencing a growing number of complaints about motorists and bicyclists not abiding by the laws of the road. In an effort to increase public safety awareness and to increase coverage at large "non-vehicle" friendly events, DMV has awarded Albemarle County a grant in the amount of \$3,000.00 for overtime pay for our bicycle officers.

In the recent years, Albemarle County has found 73 percent of fatal crashes were a result of excessive speed. In an effort to increase efforts at combating this deadly speeding problem, DMV has approved a grant for Albemarle County in the amount of \$10,500.00 to purchase six new radar units. These radar units will be distributed to patrol shift officers so they may have the most up-to-date equipment available for effectively measuring and prosecuting violators.

These three grants have a 20 percent "in-kind" local match that will be funded and tracked through the Police Department's appropriated budget and will require no additional local funding.

Appropriation No. 2006-030, \$26,000.00. At its meeting on September 22, 2005, the Albemarle County School Board approved the following appropriation requests:

- State Farm Insurance Company has awarded Agnor-Hurt Elementary School a grant in the amount of \$25,000.00. This grant will fund the Mobile Classroom Project, The Do Drop In Bus. This is an Albemarle school bus that is equipped as if it were a classroom. The goal of the program is to improve the academic performance of students through extending the time available to learn.

- Hollymead Elementary School received a donation in the amount of \$1,000.00 from Dr. and Mrs. Young Soo Kim. This donation will be used toward purchasing technology equipment for Hollymead Elementary School.

Appropriation No. 2006-031, \$850.00. At its meeting on October 10, 2005, the Albemarle County School Board approved the following appropriation requests:

- Cale Elementary School received a donation in the amount of \$50.00 from the Valentine Richmond History Centre. This donation will be used in the music department at Cale.
- Woodbrook Elementary School received a donation in the amount of \$500.00 from Wal-Mart Foundation. It has been requested that this donation be used primarily for snacks and materials in the extended learning/ tutoring program at Woodbrook.
- Western Albemarle High School experienced a theft of two cameras. The insurance company reimbursed Western Albemarle for these cameras. The person responsible for the theft was ordered to pay restitution of \$300.00 for the cameras. Restitution has been made so the insurance company will need to be reimbursed \$50.00 since the County's deductible was \$250.00. The remaining \$250.00 will be returned to WAHS.

Appropriation No. 2006-032, \$60,407.40. At its meeting on October 27, 2005, the Albemarle County School Board approved the following appropriation requests:

- Woodbrook Elementary School received a donation in the amount of \$1,500.00 from Century 21, Ray Cadell & Associates. This donation will be used to support Dr. Brown's EDGE (Extended Day Generates Excellence) program.
- Burley Middle School received a donation in the amount of \$1,000.00 from H. M. Walker, Jr. Burley also received a donation in the amount of \$500.00 from Mary P. Evans. These donations will be used to fund activities for the students at the school.
- "Opening Doors through English Literacy and Civics Education Program" have been funded through a competitive grant awarded by Virginia Adult Education. The goal of this Federal grant is to help adult ESOL students to integrate into the community by focusing on employment and work skills as they learn English. "Opening Doors" (this program is not associated with the Open Doors Adult Education Program at Albemarle High School) is designed to partner the successful methodologies, curricula, community partnerships and staff of the Albemarle Adult Education program with the potential of the community at large and the ESOL community specifically, to determine employment needs, develop classes/workshops to address those needs, and implement on-going efforts to expand opportunities to improve language acquisition and job skill services. It is a cost-effective program to connect the ESOL population to the community, while at the same time:
  - Providing area employers and volunteer/service organizations with a more informed, qualified and productive job pool;
  - Providing information to students and their children on career planning;
  - Improving students' English language, job skills, and job opportunities;
  - Improving the job force and increasing volunteerism in the Central Virginia area; and
  - Ultimately increasing ESOL students' involvement in their community.

There is a fund balance retained by the State in the amount of \$31,324.66 from FY '04/05 which may be reappropriated for FY '05/06. The funds will be received and disbursed as attached.

- V.L. Murray Elementary School received a donation in the amount of \$200.00 from Douglas and Susan McKibbin. This donation will be designated to meet the track needs at Murray.
- The Albemarle Resource Center (ARC) experienced embezzlement during the 2004-05 Fiscal Year. The person responsible for the embezzlement has reimbursed the ARC \$17,282.74.
- Stone Robinson Elementary School received a donation in the amount of \$8,600.00 from the Stone Robinson PTO. This donation will be used to reimburse teachers for their out-of-pocket expenses.

Appropriation No. 2006-033, \$1,250.00. At its meeting on November 3, 2005, the Albemarle County School Board approved the following appropriation requests:

- Jack Jouett Middle School received a donation in the amount of \$50.00 from Jessica Servis. It has been requested that this donation be used to support students at Jack Jouett who have special needs.
- Cale Elementary School received donations totaling \$200.00: Philip Gerard donated \$100.00, Jill K. Leahman donated \$71.00, and Ruth A. Leahman donated \$29.00. It has been requested that these donations be used to meet the needs of the music department at Cale.

- Monticello High School received a donation in the amount of \$1,000.00 from Douglas W. Dupont. It has been requested that this donation go toward the needs of the program, Art Infusion, at Monticello.

Appropriation No. 2006-034, \$53,797.00. At the end of FY 2005 funds in the amount of \$26,747.00 were unexpended in the General Government Vehicle Replacement Fund for a vehicle to be purchased by General Services. This vehicle has now been purchased and will require the reappropriation of these funds.

When vehicles are scheduled for replacement staff reviews the vehicle requests to determine if a hybrid vehicle can be used to meet the department's needs. An additional appropriation in the General Government Vehicle Replacement Fund is also needed to fund the increased costs associated with the purchase of hybrid vehicles in General Services and Real Estate. These additional funds, totaling \$27,050.00, will be funded from the Fund Balance in the Replacement Fund.

Appropriation No. 2006-035, \$7,000.00. The Department of Emergency Medical Services-Rescue Squad Assistance Fund has granted the Fire/Rescue department, specifically the Recruitment and Retention division, a grant in the amount of \$2,000.00 for a volunteer display system and for recruitment supplies and materials. There is a 50 percent local match. Wal-Mart Corporation has donated \$1,000.00 toward this local match and the Jefferson Country Fire Rescue Association is contributing \$4,000.00; \$1,000.00 of which will make up the remainder of local match monies.

Appropriation No. 2006-036, \$-0-. During the FY 2005/06 budget process, \$240,000.00 was allocated to fund position reclassifications primarily in public safety, which included a complete review of all Police and Fire/Rescue personnel and the Sheriff's Office. These funds were initially appropriated into a lump sum salary reserve. The actual reclassifications have now been determined and an appropriation is required to move the funds into the appropriate department budgets. No additional funds are required.

**By the above recorded vote, the Board adopted the following Resolutions of Appropriation for FY 2006 Appropriations, No. 2006028, No. 2006029, No. 2006030, No. 2006031, No. 2006032, No. 2006033, No. 2006034, No. 2006035, and No. 2006036, all as set out below:**

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-028  
 DATE: 12/07/05  
 EXPLANATION: Reappropriation of CERT Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	4100	31045	301210	Contract Services	J1	400.00		
	4100	31045	800100	Mach & Equip	J1	9,550.61		
2	4100	51000	510100	Approp-Fund Bal	J2	9,950.61		
	4100		501	Est Revenue			9,950.61	
	4100		701	Appropriation				9,950.61
TOTAL						19,901.22	9,950.61	9,950.61

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-029  
 DATE: 12/07/05  
 EXPLANATION: Public Safety Grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1535	33000	330011	Federal DMV Grant	J2	6,000.00		
2	1532	33000	330011	Federal DMV Grant	J2	3,000.00		
2	1529	33000	330011	Federal DMV Grant	J2	10,500.00		
1	1535	31013	120000	Police - Overtime	J1	5,541.00		
1	1535	31013	210000	Police - FICA	J1	459.00		
1	1532	31013	120000	Police - Overtime	J1	2,770.50		
1	1532	31013	210000	Police - FICA	J1	229.50		
1	1529	31013	800311	Radar Equip - New	J1	10,500.00		
	1535		501	Est Revenue			6,000.00	
			701	Appropriation				6,000.00
	1532		501	Est Revenue			3,000.00	
			701	Appropriation				3,000.00
	1529		501	Est Revenue			10,500.00	
			701	Appropriation				10,500.00
TOTAL						39,000.00	19,500.00	19,500.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-030  
 DATE: 12/07/05  
 EXPLANATION: Various Education Programs and Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3104	18000	181247	State Farm - Agnor Hurt	J2	25,000.00		
2	2000	18100	181109	Donations	J2		1,000.00	
1	3104	60215	132100	PT Wages-Teachers	J1	21,000.00		
1	3104	60215	210000	FICA	J1	1,606.50		
1	3104	60215	601300	Instructional Supplies	J1	2,393.50		
1	2205	61101	800700	Data Process Equip	J1	1,000.00		
	3104		501	Est Revenue			25,000.00	
			701	Appropriation				25,000.00

2000	501	Est Revenue	1,000.00	
701		Appropriation		1,000.00
TOTAL			52,000.00	26,000.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-031  
 DATE: 12/07/05  
 EXPLANATION: Various Education Programs

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	550.00		
2	2000	18000	189900	Misc. Revenue	J2	300.00		
1	2214	61101	601300	Inst/Rec. Supplies	J1	50.00		
1	2212	61101	601300	Inst/Rec. Supplies	J1	500.00		
1	2302	61101	800100	Mach. & Equipment	J1	250.00		
1	2431	62160	580000	Misc. Expense	J1	50.00		
	2000		501	Est. Revenue			850.00	
			701	Appropriation				850.00
TOTAL						1,700.00	850.00	850.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-032  
 DATE: 12/07/05  
 EXPLANATION: Various Education Programs and Grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9000	18100	181109	Contributions	J2	200.00		
2	2000	18100	181109	Contributions	J2	11,600.00		
2	3218	33000	330001	Grant Rev-Federal	J2	31,324.66		
2	2000	18000	189900	Misc Revenue	J2	17,282.74		
1	2210	61101	601300	Inst./Rec Supplies	J1	8,600.00		
1	9000	60216	800909	Murray Elem Track	J1	200.00		
1	2251	61131	580500	ALPS/Staff Develop	J1	1,500.00		
1	2212	61101	601300	Inst./Rec Supplies	J1	1,500.00		
1	3218	61101	111400	Salaries-Other Mgm t	J1	1,194.00		
1	3218	61101	114100	Salaries-Teacher Aide	J1	1,200.00		
1	3218	61101	132100	Salaries-P/T Teachers	J1	23,146.80		
1	3218	61101	210000	FICA	J1	1,953.86		
1	3218	61101	221000	VRS	J1	146.00		
1	3218	61101	550100	Travel-Mileage	J1	500.00		
1	3218	61101	601300	Educ/Rec Supplies	J1	2,184.00		
1	3218	61101	601700	Copy Supplies	J1	1,000.00		
1	2114	61320	800100	Mach & Equip-New	J1	6,000.00		
1	2114	61320	800101	Mach & Equip-Replace	J1	2,000.00		
1	2114	61320	601200	Books & Subscriptions	J1	5,282.74		
1	2114	61320	601300	Inst./Rec Supplies	J1	4,000.00		
	2000		501	Est Revenue			28,882.74	
			701	Appropriation				28,882.74
	9000		501	Est Revenue			200.00	
			701	Appropriation				200.00
	3218		501	Est Revenue			31,324.66	
			701	Appropriation				31,324.66
TOTAL						120,614.80	60,407.40	60,407.40

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-033  
 DATE: 12/07/05  
 EXPLANATION: Education Programs and Contributions

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	1,250.00		
1	2253	61101	601300	Inst/Rec Supplies	J1	50.00		
1	2214	61101	601300	Inst/Rec Supplies	J1	200.00		
1	2304	61101	601300	Inst/Rec Supplies	J1	1,000.00		
	2000		501	Est Revenue			1,250.00	
			701	Appropriation				1,250.00
TOTAL						2,500.00	1,250.00	1,250.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-034  
 DATE: 12/07/05  
 EXPLANATION: Reappropriation of unexpended funds in Vehicle Replacement Fund and additional funding for the purchase of hybrid vehicles

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9200	43002	800500	General Services	J1	26,747.00		
1	9200	12144	800500	Finance-Real Estate	J1	17,000.00		
1	9200	43002	800500	General Services	J1	10,050.00		
2	9200	51000	510100	Approp-Fund Balance	J2	53,797.00		
	9200		501	Est Revenue			53,797.00	
			701	Appropriation				53,797.00
TOTAL						107,594.00	53,797.00	53,797.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-035  
 DATE: 12/07/05  
 EXPLANATION: EMS Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1560	32016	800100	Mach & Equipment	J1	7,000.00		
2	1560	18100	181114	Donations	J2		1,000.00	
2	1560	18110	181114	Contributions	J2	4,000.00		
2	1560	24000	240415	EMS Funds	J2	2,000.00		
	1560		501	Est Revenue			7,000.00	
			701	Appropriation				7,000.00
TOTAL						14,000.00	7,000.00	7,000.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-036  
 DATE: 12/07/05  
 EXPLANATION: Distribution of Salary Contingency

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	12010	110000	Salaries-Regular	J1	7,400.00		
1	1000	12013	110000	Salaries-Regular	J1	1,200.00		
1	1000	12015	110000	Salaries-Regular	J1	4,400.00		
1	1000	12040	110000	Salaries-Regular	J1	11,800.00		
1	1000	21070	110000	Salaries-Regular	J1	58,000.00		
1	1000	31013	110000	Salaries-Regular	J1	75,000.00		
1	1000	32011	110000	Salaries-Regular	J1	14,800.00		
1	1000	32012	110000	Salaries-Regular	J1	11,000.00		
1	1000	32013	110000	Salaries-Regular	J1	16,000.00		
1	1000	32015	110000	Salaries-Regular	J1	-80,800.00		
1	1000	32016	110000	Salaries-Regular	J1	2,000.00		
1	1000	32019	110000	Salaries-Regular	J1	112,700.00		
1	1000	34050	110000	Salaries-Regular	J1	5,500.00		
1	1000	95000	999999	Salary Reserve	J1	-239,000.00		
TOTAL							-0-	-0-

Item 6.4. Request to set public hearing to amend the Service (Jurisdictional) Area Boundary of the Albemarle County Service Authority (ACSA) to provide water and sewer service to Tax Map 55, Parcel 50 (Chitester property) located in the Crozet Community.

It was noted in the Executive Summary that the applicant is requesting ACSA Jurisdictional Area designation for water and sewer service to an approximately two-acre parcel located on the west side of Buck Road (Route 789), near its intersection with St. George Avenue. The property is located within the designated Crozet Development Area, in the White Hall District. The water supply for Crozet is provided by the Beaver Creek Reservoir. Sewer service is provided by the Moore's Creek Treatment Plant via the Crozet Interceptor.

The parcel is currently designated for "water only to existing structures." The applicant is requesting water and sewer service for an addition to be constructed on an existing house. The existing septic system located on the site would not be adequate to serve the expanded structure. The applicant prefers to connect to public sewer, and that connection would be consistent with County utility policies. The properties adjacent to the north and south of this parcel are similarly designated (water only to existing structures). The properties across Buck Road to the east are designated for water and sewer service.

Staff notes that while most of this part of the Crozet Development Area is designated for water and sewer service, there are some parcels in the area that have restricted designations ("water only", "water only to existing structures" or "limited service") or are not included in the Jurisdictional Area. The water supply for Crozet is provided by the Beaver Creek Reservoir. Sewer service is provided by the Moore's Creek Treatment Plant via the Crozet Interceptor. The property owner will bear the costs for water and sewer hook-up.

As a general policy, staff has advised that public utility capacity should be reserved to support development of designated Development Areas. Since this property is located within a designated Development Area, the provision of both water and sewer service to the property would be consistent with the Comprehensive Plan public utility policy. Therefore, staff recommends that the Board set a public hearing for January 4, 2006, to be heard this request. Furthermore, staff recommends that the Board direct staff to do the necessary research and set a separate public hearing to designate all properties within the designated Development Area for water and sewer service.

**(Discussion:** Mr. Tucker said staff is recommending that there be a public hearing January 4 on this request. It also wants to look at other properties within the growth area of Crozet that might not be in the jurisdictional areas and bring those back at a later date for discussion.

Mr. Wyant said he has heard some concerns about the extension of services. Mr. Tucker said this would not be recommended if the property were outside of the growth area. Mr. Cilimberg said the parcel in question currently has water service, and they are hoping for full water and sewer service, noting that the current policy is to extend sewer and water to locations within the jurisdictional boundaries.

Mr. Rooker said Ms. Thomas is attending a meeting of a statewide committee to which she has been appointed, but shared some notes with him. The building report for the last quarter shows 80 percent of new dwelling units being in the development areas with 20 percent in the rural areas.)

**By the recorded vote set out above, the Board directed staff to advertise for a public hearing on January 4, 2006, to consider amending the ACSA Jurisdictional Area Boundary so as to provide water and sewer service to Tax Map 55, Parcel 50.**

Item 6.5. Draft 2006 Thomas Jefferson Planning District Commission Legislative Program.

**2006  
Thomas Jefferson Planning District Legislative Program**

**Representing the Local Governments of:**

**Albemarle County  
City of Charlottesville  
Fluvanna County  
Greene County  
Louisa County  
Nelson County**

**November 2005**

**Grant Tate, Chairman  
Harrison B. Rue, Executive Director  
David C. Blount, Legislative Liaison**

**ACTION ITEMS**

**TRANSPORTATION**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District's member localities urge the state to establish stable and consistent state revenues for Virginia's transportation infrastructure without heavy reliance on the general fund or debt. The state should address funding shortfalls in transportation construction while continuing to provide secondary road and street maintenance funding on top of construction dollars.**

Transportation will be a primary focus of the 2006 legislative session. Despite continued documentation of the need to fund a declining transportation infrastructure, no reliable and long-term transportation funding solutions have been approved. Absent a major infusion of a sustained investment in transportation, Virginia faces a congestion and mobility crisis that will stifle economic growth and negatively affect the quality of life of our residents.

The state should direct its funding efforts at all transportation modes. Specifically, it should account for urban area needs where public transportation is very important, the traffic demands placed on fast-growing localities and the ongoing improvements necessary on rural, secondary roads. These improvements are vital to our region's ability to respond to local and regional congestion and economic development issues.

We support the ongoing state and local efforts to coordinate transportation and land use planning, and state incentives for localities that implement such planning practices. Unfortunately, since the early 1990's, the General Assembly has enacted legislation that erodes local land use authority, while local government requests for adequate public facilities ordinances and impact fees for transportation improvements and school buildings have been handily defeated. VDOT should be mindful of local comprehensive, land use and trail/bicycle plans, as well as regional transportation plans, when planning transportation systems within a locality.

We request that the state recognize that creation of any local transportation district serve as a mechanism to enhance accompanying public and private dollars for projects in accordance with local priorities, rather than to replace that funding. We also request that the state provide funding for improvements along rural sections of the Rt. 29 corridor, such as acceleration/deceleration lanes, crossovers and pedestrian walkways. In addition, the state should allow the use of Rural Rustic Road funds to pave rural addition roads.

We support funding for the TransDominion Express with stops at Oak Ridge and Charlottesville. We endorse the use of modern roundabouts in lieu of conventional intersection design and allowance of signal replacement funding for construction of roundabouts.

**LOCAL REVENUE AUTHORITY**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District's member localities urge the governor and legislature to preserve the adequacy of local revenues so that local government leaders can take appropriate measure to raise sufficient revenues to sustain and improve services to the public.**

We believe that changes to Virginia's tax code should not reduce local government revenues or restrict local taxing authority. The legislature should broaden the revenue sources available to local governments, rather than capping, removing or restricting those sources, taxing authority or user fees. It also should equalize the revenue-raising authority of counties with that of cities and consider sharing a portion of state income tax revenues with localities.

**Real Property:** Candidates for statewide office have made various proposals for residential property tax relief, by restricting assessment authority or tax rates, exempting portions of value increases, or other property tax limitations. These approaches of limiting residential tax increases could force local governments to reduce services or impose other tax or fee increases.

**Personal Property:** The General Assembly must meet its obligation to localities and fully fund car tax relief. Funding to cover the six months' shortfall in FY06 must be appropriated in the budget and the state should promptly reimburse localities. State car tax relief policy should not cause local cash flow problems or cause localities to lose investment income because of a delay in reimbursement.

**Telecommunications:** Any changes to the telecommunications tax structure should preserve local government revenues, on a locality-by-locality basis and including those for E911 services, and guarantee that localities receive growing tax revenues from emerging and advancing industries and services. The state should not divert any such new revenue to address future budget shortfalls.

**Mandates:** We oppose unfunded state and federal mandates and the cost shifting that occurs when the state fails to fund mandates or reduces or eliminates funding for state-supported programs. This cost shifting reduces the ability, especially in our rural localities, to meet local needs and forces our citizens to bear local tax and fee increases (which our localities have implemented) to pay for such programs and services. State funding reductions for state-required services/programs should be accompanied by relaxation of the state requirement.

Finally, we believe the state should consider paying all costs for fully funding certain state programs carried out at the local level, such as constitutional officers. We also request that the state undertake long term planning in establishing VRS rates so that localities are not burdened with significant year-to-year rate changes.

**PUBLIC EDUCATION FUNDING**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District's member localities believe the state should fund its share of the realistic costs of meeting the Standards of Quality (SOQ) and enhance teacher salaries to help recruit and retain high-quality instructional personnel.**

It is essential that the state fully meet its responsibilities to fund its share of public education costs. In 2004, the state acknowledged that localities have greatly exceed their mandated responsibilities for education funding, by providing dollars for initiatives already being paid for by local governments, such as resource and technology personnel and planning time for teachers. State funds required during the next biennium associated with increased costs for the SOQ are expected to reach nearly \$1 billion.

Though the recent state investments in public education were appreciated, we continue to believe that additional state revenues are necessary for the Commonwealth to meet its responsibility for funding education, specifically as enumerated by the 2001 JLARC recommendations and the 2003 Board of Education (BOE) initiatives. The BOE's unaddressed changes to the SOQ include enhanced principal and assistant principal staffing, reading specialists and lower speech language pathology caseloads.

Regarding teacher salaries, the state budgeted salary figure (on which it bases its share of teacher costs) falls well below both the statewide and national averages. For FY04, the state budget amount was only about 85% of the statewide average salary and 80% of the national average. About three-quarters of the state's school divisions pay more to their teachers than the state budgeted salary amount.

Concerning apportionment of education funding, the state should consider the effects on localities of such factors as land use taxation, revenue sharing and poverty. Regarding school capital needs, we continue to urge state financial assistance with school construction and renovation needs. We also remain concerned about the continued raiding of the Literary Fund, historically used to provide low interest loans for school construction, to pay for teacher retirement.

Finally, as our school divisions make progress toward meeting the Standards of Accreditation (SOA) accountability goals for both schools and students, and face increased costs for complying with accountability provisions of the federal No Child Left Behind (NCLB) Act, any reductions in state education funding would hinder the efforts being made.

**COMPREHENSIVE SERVICES ACT**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District's member localities support full funding of the state pool for the Comprehensive Services Act (CSA), with allocations based on realistic anticipated levels of need, and a cap on local expenditures for serving a child through CSA.**

Since the inception of the Comprehensive Services Act over a decade ago, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs. During this time, state and local costs of residential and non-residential mandated services continued to increase. Initial state appropriations for CSA typically fall short each year, challenging the state to find its share of funding and forcing localities to request supplemental state appropriations.

Many localities across the state exhaust their annual base allocation before the end of the year. We believe the distinction between base and supplemental budgets should be eliminated. We also support a state cap on local expenditures to combat higher local costs for serving mandated children, costs which in many instances are driven by unanticipated placements in a locality. We support enhanced state funding for CSA administrative costs and services for non-mandated children. We believe that the categories of populations mandated for services should not be expanded unless the state pays all the costs.

We urge the state to establish state contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs. We also encourage the state to be proactive in making service providers available, especially in rural areas, and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

**PUBLIC SAFETY**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.**

We encourage the state to make Compensation Board funding a top priority. The Compensation Board should fully fund local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation. Local governments continue to provide much supplemental funding for constitutional officer budgets, which were shortchanged in recent years.

The state should not adopt language that would disallow exemptions from the federal prisoner offset and should maintain the per diem payment to localities for housing state-responsible prisoners. We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.

In addition, we support the following:

- Continued state funding of the HB 599 law enforcement program.
- State support of local governments in the delivery of emergency services by ensuring that telecommunication systems provide optimal information to adequately address emergency situations.
- Changes to state laws governing mopeds and similar vehicles that will assist local law enforcement toward ensuring community safety.
- Continued state funding of drug courts, which have proven to save dollars and lower rates of recidivism.
- Continued state funding for services under the Pre-Release and Post-Incarceration Services (PAPIS), Community Corrections and Pretrial Services Acts.
- Local participation in planning processes for homeland security measures.
- State funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program.
- Legislation that will prevent convicted domestic abusers from being allowed to possess a gun, as exists in federal law.

**LAND USE AND GROWTH MANAGEMENT**

*Legislative Position of TJPDC, Charlottesville,  
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**The Planning District's member localities oppose any preemption or circumvention of existing local authority to regulate land use and encourage the state to provide local governments with additional tools to manage growth.**

Current land use authority often is inadequate to allow local governments to provide for balanced, sustainable growth in a manner that protects and improves quality of life. This has posed particular challenges for fast-growing localities, which often need additional powers to shape and manage growth. Unfortunately, in recent years, the state has limited local governments in their efforts to manage growth by enacting provisions that reduced local authority to implement the comprehensive plan or to regulate land use. The state should resist any further restrictions on these local powers.

To enhance the ability of local governments to pay for infrastructure costs and to support services associated with new developments, we support legislation allowing localities to adopt ordinances that include provisions for determining whether public facilities are adequate ("adequate public facility," or APF ordinances). Such ordinances require that proposals for new residential projects provide payment for or be timed to coordinate with construction or upgrade of public facilities necessitated by the new development.

In addition, we have the following recommendations:

- We support enabling legislation that would provide local governments with various additional tools, such as impact fees, flexibility for proffers, and transfer and purchase of development rights, to manage growth.
- The General Assembly should not unduly restrict the ability of local governments to acquire property necessary to carry out their governmental functions, including schools, transportation facilities and redevelopment projects carried out by a governmental entity to avoid and abate blight. However, we do not endorse the use of eminent domain for purely economic development purposes.
- We support 1) dedicated state funding to acquire, preserve and maintain open space and recreation lands, including directing available federal funds to localities, and 2) the full authority to generate local dollars for such efforts.
- We endorse legislation to enable localities to enact scenic protection and tourist enhancement districts.
- We support an examination of various state laws and regulations for conflicts in provisions addressing local land use.

**AREAS OF CONTINUING CONCERN**

***ECONOMIC DEVELOPMENT***

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies that closely link the goals of economic development and workforce development and that result in an increased standard of living for all residents.

- We support an Economic Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and includes new tools for local governments to use in attracting economic development opportunities.
- We support restored funding for the Regional Competitiveness Act to continue meaningful opportunities for regional projects. We also support restored state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- The state should recognize the disparity in rewards of economic development between the state and localities, as well as between host locality and surrounding areas.
- We encourage the state and local governments to work with other entities to identify and promote local, regional and state agricultural products.

***ENVIRONMENTAL QUALITY***

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach and address air and water quality, solid waste management, land conservation and land use policies. We are committed to the protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources and adequate state funding to support local and regional efforts.

We believe the following:

- The state should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The state should be a partner and advocate for localities in water supply development, and should work with and assist localities in addressing water supply issues, including investing in regional projects. Specifically, the state should provide funds from the Department of Environmental Quality (DEQ) to promote regional solutions to improving water supply. Also, the state's water supply planning efforts should continue to involve local governments.
- The state should reduce permit application fees associated with storm water management and stream mitigation projects, as recent fee increases have adversely impacted local abilities to adopt regional storm water management programs and to undertake projects needed for stream protection. Fees should be used only to cover costs of administering the program.
- The state should 1) ensure landfill closure schedules permit facilities posing no threat to property or the public to continue to operate through their allowable life, and 2) provide adequate funding for landfill closure and post-closure costs.
- The legislature should provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state's impaired waterways, while ensuring that system design standards remain compatible with any new state requirements. The state also should explore alternative means of preventing and remediating water pollution.
- The state should not enact legislation mandating expansion of the area covered by the Chesapeake Bay Preservation Act. Instead, the state should provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, allow localities to use other practices to improve water quality and provide funding for other strategies that address point and non-point pollution.
- The state should allow material reuse to be counted when it defines how the mandatory minimum 25% recycling rate is to be calculated.
- We support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).

#### **HEALTH AND HUMAN SERVICES**

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.

- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services, including changes that would require additional local contributions for indigent care.
- The state should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has produced a statewide 25% drop in Department of Juvenile Justice commitments since 1998. Further, the state should maintain a formula-driven allocation process for VJCCCA funding.
- The state should fund local Offices on Youth and provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We support state action to increase 1) investment in the MR waiver program for adults and young people, 2) Medicaid reimbursement for children's dental services, and funds for the determination of eligibility and administrative impact of the Medicare Part D prescription drug program. We also oppose any shifting of Medicaid matching requirements from the state to localities.
- We support efforts to fund mental health and substance abuse services at juvenile detention centers.
- We oppose new state or federal entitlement programs that require additional local funding.
- We support sufficient state funding for local social services facilities and for local departments to maintain adequate office space to deliver services. We also request that the state provide funds for staffing local social services departments to 1) determine eligibility for residents seeking social services such as Medicaid, food stamps and Temporary Assistance to Needy Families (TANF), and 2) meet federal child and family services review goals. We also support state assistance for providing pre-admission screening services for nursing homes and for prompt investigation and services in cases involving abuse, neglect or exploitation of the elderly or disabled.
- We support continued state funding for local Disability Services Boards, as well as restored state dollars for the Rehabilitative Services Incentive Fund.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs which can make a difference in children's lives. This would include the state's program for at-risk four-year-olds, the Child Health Partnership and Healthy Families programs. The state should not use TANF monies to fund such programs, as localities cannot use federal TANF funds as match for other federally funded prevention programs. To do so only serves to shift costs to localities seeking to leverage federal dollars for services and administration.

- We support Virginia's welfare reform program and encourage efforts to promote family preservation and work requirements. We support initiatives and funding to help former VIEW participants maintain continuity in childcare and oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We support state efforts to expand access to education and training needed by welfare recipients to become employed and self-supporting. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs. The state should take advantage of TANF reauthorization to streamline eligibility requirements and provide maximum flexibility to localities.

### **HOUSING**

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The state and local governments should work toward expanding and preserving the supply and improving the quality of affordable housing for the elderly, the disabled and low- and moderate-income households. Regional housing solutions and planning should be implemented whenever possible.

- We support changes to the Code to allow local flexibility in the operation of affordable housing programs, establishment of affordable dwelling unit ordinances and the award of grants and loans to low or moderate-income persons to aid in purchasing dwellings.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- In addressing the lack of input that local governments have concerning housing issues, we support local government notice provisions for all proposed low and moderate-income housing projects seeking federal tax credits, including VHDA.
- We support VHDA criteria for funding which encourages rehabilitation of existing housing and discourages new construction in close proximity to existing subsidized housing.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality, and sustainability of the region.

### **LOCAL GOVERNMENT STRUCTURE AND LAWS**

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

- We support legislation to enhance the ability of local governments to provide services required by citizens and to meet their responsibilities in state/local partnerships. Accordingly, we support a requirement for state agencies to notify localities of planned construction projects that may affect the locality's comprehensive plan.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances. We do, however, encourage the state to authorize localities to utilize an administrative hearing officer in lieu of the three-member panel in all grievance cases, similar to the method established for state employees.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve a local governing body's ability to meet in closed session, as well as the list of records currently exempt from disclosure under FOIA and provisions concerning creation of customized computer records.
- We support local requests to the state for enabling legislation to increase the income and financial worth limitations for real property tax exemption or deferral programs.
- We encourage clarification of Code provisions that stipulate law enforcement responsibilities when transporting persons for whom a temporary detention order has been issued for emergency medical treatment or evaluation.
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support state funding for regional planning districts.
- The state must ensure that the continued implementation of electric utility restructuring is revenue neutral to localities and that any necessary stopgap appropriations to adversely affected localities are fully funded.
- We support legislation to increase permissible fees for courthouse maintenance.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.
- We oppose any changes to state law that further weaken a locality's ability to regulate noise.
- We support changes to dangerous and vicious dog provisions that provide added authority and flexibility for localities regulating such animals kept by residents.

**By the above-recorded vote, the Board approved the draft 2006 Thomas Jefferson Planning District Legislative Program.**

Item 6.6. "Watch for Child Playing" Sign Request for Albert Court (Route 1491) located in Camellia Garden Subdivision.

It was noted in the Executive Summary that the County has received a request from the Camellia Garden Homeowners Association to install a "Watch for Child Playing" sign on Albert Court which is located off of Whitewood Road near the intersection of Whitewood Road and Greenbrier Drive. Camellia Gardens is also located adjacent to Charlotte Humphris Park.

The County has developed criteria for reviewing a "Child at Play" sign installation request. Staff opinion is that this request meets all four evaluation criteria and recommends that the Board adopt a resolution supporting the installation of "Watch for Child Playing" signs on Albert Court.

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

**RESOLUTION TO AUTHORIZE  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON  
ALBERT COURT**

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

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

**WHEREAS**, there are numerous children that live and play on Albert Court and that a "Watch for Child Playing" sign would help alleviate some of the residents' safety concerns.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby supports the community's request for VDOT to install the necessary "Watch for Child Playing" signs on Albert Court (Route 1491).

Item 6.7. Resolution to accept road(s) in Springridge Subdivision into the Secondary System of State Highways.

A memorandum dated November 29, 2005, was received from Mr. Greg Cooley, Roads Engineer, Department of Community Development, addressed to Ms. Ella Carey, Clerk, stating that certain roads in Springridge Subdivision were ready for acceptance into the Secondary System of State Highways.

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

**RESOLUTION**

WHEREAS, the street(s) in **Springridge Subdivision**, described on the attached Additions Form LA-5(A) dated **December 7, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Springridge Subdivision**, as described on the attached Additions Form LA-5(A) dated **December 7, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

\* \* \*

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

- 1) **Powell Creek Drive (State Route 1521)** from the intersection of Route 1546 (Tinkers Cove Road) to the intersection of Route 1731 (Cove Pointe Road) and Route 1720 (Timberwood Parkway), as shown on plat recorded 01/02/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2143, pages 614-616, with a 120-foot variable right-of-way width, for a length of 0.28 miles.

Total Mileage – 0.28 miles

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Item 6.8. Resolution to accept road(s) in Stonegate, Phases B & C, Subdivision into the Secondary System of State Highways.

A memorandum dated November 29, 2005, was received from Mr. Greg Cooley, Roads Engineer, Department of Community Development, to Ms. Ella Carey, Clerk, stating that certain roads in Stonegate Subdivision, Phases B & C, were ready for acceptance into the Secondary System of State Highways.

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

#### RESOLUTION

WHEREAS, the street(s) in **Stonegate, Phases B & C, Subdivision**, described on the attached Additions Form LA-5(A) dated **December 7, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Stonegate, Phases B & C, Subdivision**, as described on the attached Additions Form LA-5(A) dated **December 7, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

\* \* \* \* \*

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

- 1) **Stonegate Lane (State Route 1258)** from the existing end of maintenance to the intersection of Route 1295 (Stonegate Court), as shown on plat recorded 04/15/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2015, page 514, with a 46-foot right-of-way width, for a length of 0.04 miles.
- 2) **Stonegate Lane (State Route 1258)** from the intersection of Route 1295 (Stonegate Court) to the cul-de-sac, as shown on plat recorded 04/15/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2015, page 514, with a 46-foot right-of-way width, for a length of 0.12 miles.
- 3) **Stonegate Court (State Route 1295)** from the intersection of Route 1258 (Stonegate Lane) to the cul-de-sac, as shown on plat recorded 04/15/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2015, page 514, with a 40-foot right-of-way width, for a length of 0.09 miles.

Total Mileage – 0.25 miles

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Item 6.9. 2005 Third Quarter Building Report as prepared by the Department of Community Development, **was accepted for information.**

The report indicates that during the third quarter of 2005, 138 building permits were issued for 234 dwelling units. In addition, two permits were issued for mobile homes in existing parks at an average exchange value of \$2,500, for a total of \$5,000.

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Item 6.10. Copy of September 15, 2005, minutes of the Albemarle County Service Authority Board of Directors, **was received for information.**

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Item 6.11. Copy of letter dated November 4, 2005, from John Shepherd, Manager of Zoning Administration, to Paul and Julia Given, **re: Official Determination of Development Rights and Parcels – Tax Map 97, Parcel 19 (property of Paul and Julia Given) - Section 10.3.1., was received for information.**

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Item 6.12. Copy of letter dated November 3, 2005, from John Shepherd, Manager of Zoning Administration, to Alice Nye Fitch, **re: Official Determination of Development Rights and Parcels –**

**Tax Map 20, Parcels 3A and 3C7 (property of Eleanor C. Godsey, Trustee) - Section 10.3.1., was received for information.**

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Item 6.13. Copy of letter dated November 4, 2005, from John Shepherd, Manager of Zoning Administration, to Brian S. Ray, **re: Official Determination of Development Rights and Parcels – Tax Map 86, Parcel 27 (property of Boaz Mountain LLC) - Section 10.3.1., was received for information.**

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Item 6.14. Copy of First Quarter Report for JAUNT services for FY 2006, **was received for information.**

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Item 6.15. Copy of Charlottesville-Albemarle Convention and Visitors Bureau ROI (Return on Investment) Report Card, **was received for information.**

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Item 6.16. Human Resources Annual Report, **was received for information.**

**(Discussion:** Mr. Boyd wondered why this report was not presented formally to the Board. Mr. Tucker said it has been presented in the past, but there were few questions. He agreed that staff could bring it back as a formal presentation. Mr. Boyd expressed concern that the measurable information in this report is “anecdotal,” and he would like to see information presented in a more detail/data-oriented way. Mr. Rooker said there is a lot of data in the report, such as work satisfaction and longevity. Mr. Boyd emphasized that he would like to see specific information on positions that were created to save money. Mr. Rooker suggested setting aside time at an upcoming meeting for questions and answers with personnel from the Human Resources Department.)

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Item 6.17. Copy of application (Case No. PUE-2005-00090) of Appalachian Power Company filed with the State Corporation Commission to revise its fuel factor pursuant to §56-249.6 of the Code of Virginia, **was received for information.**

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Agenda Item No. 7a. Transportation Matters: Six Year Secondary Road Plan, Work Session.

Mr. David Benish, Chief of Planning, said in a separate matter not part of the consideration of the Six-Year Secondary Road Plan 2006-07/2011-12, staff has discussed with the Albemarle Planning Commission a request from the town of Scottsville to assist it in securing Revenue-Sharing Funds for a primary project located at the intersection of Route 20 and Route 6 to improve drainage at that intersection. The town has requested that Albemarle County assist it by submitting the necessary forms to obtain matching funds from VDOT in the amount of \$100,000. The town will cover the local requirement of \$100,000. Revenue-Sharing Funds can be utilized on primary projects. The request for the town must be processed through the County because Scottsville is not a qualifying locality.

Mr. Benish said this update of the Six-Year Plan does not contain many new projects. The format of the Plan is that format agreed upon last year; it contains updates on previous strategic priorities. This work session is to receive comments from the Board on the draft Priority List. A public hearing is scheduled for December 14, 2005.

Mr. Benish said the Jarman's Gap Road project is scheduled for a public meeting in the Spring of 2006 before scoping that project; the VDOT Residency Office is looking for ways to assist with the project. VDOT has recommended that the County proceed with the public hearing, and the County will then get further directions in the Spring. Regarding the Georgetown Road project, Mr. Benish said County staff has scheduled meetings in the Spring with residents of that area to review concepts for the project. He said the Unpaved Road Project list includes the paving of Rio Mills Road and Dickerson Road. VDOT believes they will be able to pave them within the next year or two and that will provide an improved parallel road system primarily for the local community.

Mr. Rooker asked about the right-of-way issues on Dickerson Road. Mr. Benish replied that staff is not clear as to whether full right-of-way is available; one complication may be with the right-of-way at the North Fork Research Park where they have a 50-foot buffer requirement. Their dedication of easement would impact that proffered buffer area. That is one reason the project was “flip-flopped” and Rio Mills Road is to be done earlier – it was a cleaner project to do. Dickerson Road is also potentially expensive because of two bridge crossings in flood plain areas.

Mr. Benish said that under the Revenue-Sharing Program, towns (such as Scottsville) are not eligible to make requests independently; those requests have to come through the County in which the town is located. He added that the amount of Revenue-Sharing funds is limited to \$500,000 from VDOT with the County contributing \$500,000. Any Scottsville request would impact the total Revenue-Sharing allocation to the County. Scottsville follows like a development center even though it is a town, and the project they are proposing has positive impacts on safety and would have merit in the County's rating system.

Mr. Rooker commented that the County would not receive its full match for Revenue-Sharing Funds this year because of the statewide cap of \$60.0 million. He asked if it might be possible to get more if the County talked with Mr. Butch Davies and discussed Scottsville's request. Mr. Benish said staff

can pursue that idea. Mr. Cilimberg said this is the first year there has been a cap placed on requests. Staff does not know the total amount to be allocated statewide. Mr. Tucker said he always thought towns were part of counties. Mr. Rooker agreed, but said it would be worthwhile to talk to Mr. Davies.

Mr. Dorrier commented that Scottsville wants to move forward with its project this Spring. They would like to integrate drainage improvements in with their streetscape project.

Mr. Jim Hogan, Chairman of the Quality of Life Committee for the town of Scottsville, said it was Mr. Butch Davies who recommended that the improvements be done. He explained that on visits with VDOT's Engineer, Mr. Jack Hodge, Mr. Hodge said the system was "inadequate and unsafe," and needed to be replaced.

Mr. Rooker said he supports the request, but would like to see it done in a way that does not cut Albemarle County's Revenue-Sharing allocation. Mr. Tucker explained that there is a cap on amounts for the whole state. The idea is to get Scottsville \$100,000 without it impacting the cap for Albemarle County. He does not think the regulations allow that, but staff will ask the question.

Mr. Barry Clark, Scottsville Town Administrator, said that unless the town owns the infrastructure of the drainage improvement, they cannot apply directly to VDOT for Revenue-Sharing funds, it has to be done through the County. He said that in Kilmarnock, Lancaster County had to apply for the drainage improvement matching funds because they did not own the infrastructure. It was owned by VDOT.

Mr. Hogan said the town is in the final stages of submitting its plans to VDOT; it is a Federal project. He added that they have been working on the project for almost a year. They are waiting for the final revised estimate so Mr. Hodge's group can take it to VDOT next week. He said they hope the plan can go through the competitive bidding process in March, 2006 and hopefully be completed by the Summer.

Mr. Rooker asked staff how quickly the Board needs to act on this request. Mr. Cilimberg replied that Scottsville's timing necessitates that the Revenue-Sharing money be available in this fiscal year, not next fiscal year. He said discussion of the Six-Year Secondary Road Plan today will focus on next fiscal year, adding that if \$750,000 is received, the \$100,000 would come out of that amount unless Mr. Davies can find a way not to impact that figure. He said the County applied for the maximum \$1.0 million and indicated at that time what projects the funding would go toward.

Mr. Rooker asked if this item could be brought back in January for action, with discussions with Mr. Davies taking place between now and then. Mr. Dorrier and Mr. Rooker offered to attend such a meeting. Mr. Benish said he would check with VDOT to see if the project must show up on the County's priority list.

Mr. Rooker asked if the Board was generally in favor of this request. Board members indicated they were, expressing concern that every attempt be made to minimize the impact on the County's Revenue-Sharing Funds. Mr. Cilimberg mentioned that the project will take place on a primary road, so it would not be on the Secondary Road list. This could be on the priority list for projects that are not getting Secondary Road moneys.

Mr. Dorrier said the Scottsville plan is in conjunction with improvements on the intersection of Route 795 (Hardware Street) and Route 20, which is on the Secondary Roads project list. The two projects overlap.

Mr. Benish said the Secondary Road priority list of the top 21 projects is now called the "Inventory of Potential Projects." He said the Board and Planning Commission had expressed an interest last year in splitting the unpaved road projects into two lists – rural rustic roads and unpaved roads. When these lists were separated it caused a little conflict as to which list is the higher priority.

In response to a question from Mr. Boyd about separating funds for the two lists, Mr. Benish clarified that the Board has not yet done that at this time, but may want to consider doing so. He explained that new project requests have not been determined to be eligible for rural rustic road funds yet, so they have been placed on the regular unpaved listing until they are reviewed for eligibility. The list of projects the Board has before it today has been reviewed by VDOT for eligibility.

Mr. Boyd said it would be helpful to know which projects on the Six-Year Secondary Road list already have funding allocated to them. Mr. Benish said Attachment "D" to the Executive Summary contains that information.

Mr. Rooker pointed out that the list is based on current allocations, and those figures can change. Mr. Benish responded that this year there have not been major changes, so the priority list is an accurate reflection of projects.

Mr. Rooker mentioned that the Barracks Road/Garth Road bicycle path is on both regional and national trail lists, not just local, and the road is extremely unsafe. He said that road currently carries 22,000 vehicle trips per day. There are a number of accidents on the road each year. A recent study done on paving shoulders showed that it is the most cost-effective way of making a road safe. He thinks the Board and staff should look at the cost of doing that.

Mr. Boyd said he would like to know what project might be "bumped" if that idea were pursued.

Mr. Rooker said a significant component of the County's transportation plan is to have pedestrian infrastructure. Money has been allocated in the CIP for transportation improvements. He would like to have a study conducted to see what might be accomplished. Mr. Jim Bryant, former Resident Engineer, had begun work on it at one point.

Mr. Wyant commented that he thinks several dangerous County roads "open the County up to liability," and he requested an accounting of roads such as Doctors Crossing, Garth Road, etc. that have immediate safety concerns.

Mr. Boyd asked why several roads on the list are already inactive projects. Mr. Cilimberg noted that the Gilbert Station and Allen Road projects have to remain on the list until they are paid for; they cannot be removed when the actual work is completed.

Mr. Boyd noted that several of the projects on the Rural Rustic Road list are ahead of the Rocky Hollow Road project. He asked how many of these projects can be done each year. Mr. Benish said the number of projects that can be managed each year has not been determined. It takes time for VDOT to get contracts or to decide a project might be done in-house. This has to be balanced with other unpaved road projects, such as that on Rio Mills Road.

Mr. Rooker said he is in favor of using the Rural Rustic Roads program, but there are roads such as Dickerson Road and Rio Mills Road that are extremely important for traffic movement and they are on the general unpaved road list. He suggested creating a split in available funds and allocating a certain amount of dollars each year on both sides.

Mr. Juan Wade, Transportation Planner, explained that each year the County gets \$700,000 to \$800,000 that is dedicated to unpaved road projects. Staff looks to the Board for directions on how to allocate those funds. He noted that VDOT likely does a 50/50 split for rural rustic and regular unpaved improvements, adding that last year they contracted with other companies to do the rural rustic road paving in Albemarle and Greene. VDOT will put out a request for bids to do projects in the Summer of 2006.

Mr. Boyd said he thinks it is important to "get a handle" on the timing of projects so funding allocations can be streamlined appropriately. Mr. Cilimberg said three things affect the County's allocation each year: finishing a project underway that must be fully funded – such as Allen Road and Gilbert Station Road; the regular unpaved road projects which are much more expensive – such as Heards Mountain and Dickerson Road. The cost of those projects is more than the allocation received so that means part of the payment for each project must be made in the next year. Going half and half for rural rustic road and unpaved road projects would allow more rural rustic road projects to be done, but fewer unpaved road projects would be done because they are very expensive projects.

Mr. Boyd suggested looking at a one-year time period to see what projects are coming on-line.

Mr. Rooker said he thinks it would be helpful to have that information along with the Six-Year Road financial projections. Mr. Cilimberg said staff does not have information yet as to how much money will be available each year to rural rustic road and unpaved road projects.

Mr. Benish said VDOT wants directions from the Board regarding the priority consideration of Rio Mills Road and Dickerson Road. If VDOT gets that information in January there would still be adequate time in which to do the work. He emphasized that the bulk of the total funding source is intended for unpaved roads since they are so expensive. Right now, staff is using a year-to-year approach as to the priorities for unpaved road projects.

Mr. Rooker said the Board needs that kind of detail so it understands what projects in the unpaved categories are getting the funds this year.

Ms. Teresa Butler, Assistant Resident Engineer, added that VDOT can provide an up-to-date cost estimate on all proposed rural rustic road projects, as well as provide information on issues that accompany each project, such as required drainage easements. She said comments on the rural rustic road projects that have been completed, have been overwhelmingly positive. She said these projects are about three times cheaper than a regular construction project.

Mr. Boyd commented that residents are very pleased with the Gilbert Station Road project.

Mr. Dorrier said there is a bad intersection at Hardware Street and Cemetery Road in Scottsville and he thinks it should be moved up on the priority list. Mr. Wade said that project is far down on the list; VDOT has not looked at the project yet even though the town wants to move forward with it in Spring, 2006.

Mr. Rooker said he supports the Scottsville project, but there is no cost estimate for it yet. There are projects in the top ten that have not moved forward yet. Mr. Cilimberg said the Board will be deciding on the priority list in January. The County can make a request for specific project cost estimates even if the projects are not currently on the list.

Mr. Wyant asked if VDOT has information on accidents and fatalities for dangerous roads and intersections. Ms. Butler replied that they do. VDOT goes to particular locations after accidents occur and makes a list of needed improvements. Often these projects require right-of-way from property owners or guardrails that conflict with utility placement. VDOT does what it can to make improvements at the

specific time it receives the reports. They keep a list for long-term planning so that as monies become available it can extend those in the priority list.

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**(Note:** The following two items were given currently.)

Agenda Item No. 7b. Transportation Matters: VDOT Monthly Report for November, 2005.  
Agenda Item No. 7c. Transportation Matters Not Listed on the Agenda.

Ms. Butler reported that dealing with the weather and the sinkhole on Route 29 North has kept VDOT very busy. Mr. Dorrier asked about the size of the sinkhole. Ms. Butler replied that the hole was 25 feet deep and 18 feet wide, but there were no accidents related to the mishap. She said that storm cleanup continues. It will likely take three-plus weeks to finish the work.

Ms. Butler said Mr. Dorrier had mentioned a concern about Route 20 improvements at the November 2 Board meeting. The request has been submitted to VDOT's Traffic Engineering Division and a response is pending relative to the study he requested.

Mr. Wyant asked about Route 250 West at the second entrance to Greenwood on Route 691. He has received complaints about safety at that location.

Mr. Wyant said he has spoken to Mr. Utterback about a drainage issue at the Buck Mountain/St. George Avenue intersection in Crozet. Ms. Butler replied that VDOT is looking into it, as well as some speed issues in that area.

Mr. Wyant said some residents had asked him about having a white line placed on the edge of Garth Road. Ms. Butler said she will check on that request.

Mr. Bowerman said there is some erosion occurring again on Carrsbrook Drive; the slope needs to be stabilized. Ms. Butler agreed to take a look at it, noting that the recent heavy rains have taken a toll on roadways.

Mr. Rooker asked Ms. Butler to look at traffic-calming measures on both Solomon Road and Inglewood Drive. Both roads carry a significant amount of traffic but the roads have no shoulders nor do they have sidewalks for pedestrians. He pointed out that the residents of Solomon Road and Inglewood Drive do not have homeowners associations so they are not organized in their concerns. Ms. Butler said she believes Solomon Road has been reviewed within the last 90 days. She and Mr. Wade have staffed numerous public meetings to address safety concerns, including placing speed radar boxes, etc. She explained that VDOT works with the police, and she keeps a list of routes that are regularly reported for safety concerns. She indicated that two speed boxes are regularly moved to different areas, sometimes in response to resident concerns.

Mr. Rooker said a site plan has been filed for Albemarle Place. It includes a significant proffer for transportation improvements at the Hydraulic Road/Route 29 intersection. He mentioned that three corners of that intersection are in the City; there needs to be coordination with them to implement those intersection improvements.

Mr. Boyd asked the status of the letter sent to Mr. Jim Utterback from Mr. Juan Wade addressing issues regarding Doctor's Crossing. Also, the new pipes VDOT put under the road have broken away and he wants to be sure VDOT is aware of the situation. Ms. Butler replied that she will look into this immediately, but the heavy rains have caused severe problems with that construction. VDOT has drainage issues all over the County relative to pipes being clogged, debris under bridges. It has been a busy time this year.

Mr. Dorrier said the Curator at Ash Lawn has requested that raised pavement reflectors be installed along the stretch of Route 795 between Route 53 and Ash Lawn, a length of three-plus miles. The road is curvy and narrow and carries a lot of traffic. Ms. Butler said VDOT has a contract in place for placement of these markers on all primary routes in Albemarle County. It may be possible for VDOT to add that roadway to the contract already in place. She will check on this.

**(Note:** The Board recessed at 10:45 a.m. and reconvened at 11:02 a.m.)

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Agenda Item No. 8. Bright Stars Annual Report.

Ms. Charity Haines, Program Coordinator, Bright Stars Program, addressed the Board. She said printed copies of the report had been sent to the Board. This is the tenth year for the Bright Stars Program. They have learned what it takes to make an early childhood program successful. She said they know the value of qualified staff. The Bright Stars team is highly trained and interested in early childhood education and working with families. They have had limited turnover in staff. Securing such a qualified staff came about through collaboration between the School and the Human Resources Department. It is important that the program be located within the schools so children become comfortable with the setting, adding that they are trying to move from trailers into the main school buildings.

Ms. Haines said there are reading buddies for the second, third and fourth grades, people who come and read with the children on a regular basis. They have transition activities in the Spring where Bright Stars children go to kindergarten classes and meet the teachers. Collaboration with preschool

special education has been especially important and has led to a much smoother referral process and shared training. Shared ownership of the program has made it successful. When there is a strong connection with Social Services, families get what they need more quickly. A sixth classroom was added at Woodbrook in 2004-05; that program was pulled together in about six weeks. She mentioned that the class started with 16 children, and there was a waiting list this year. The curriculum across the six Bright Stars sites has been strengthened and standardized, and program outcomes continue to be strong.

Ms. Haines explained that in the beginning of the school year only 17 out of 88 children met their developmental benchmarks in performance. By the end of the school year, 70 out of 88 children met that mark. More children reached that achievement level than in previous years, but the PALS testing was revised with increased expectations, adding that they expect better results now that teachers and students know what to expect.

Mr. Wyant asked if other counties have Bright Stars programs. Ms. Haines said the program falls under the Virginia Preschool Initiative, which is a grant available to all localities in the state.

Mr. Dorrier asked how the program fits in with Governor Kaine's initiative for four year olds. Ms. Haines responded that Governor Kaine was talking about universal preschool for four-year-olds, Bright Stars only serves at-risk four-year-olds. She added that the Governor's proposal is a very ambitious project to serve all four-year-olds, and it would require substantial funding. She said it might be best to focus on the at-risk students first, noting that three of the Bright Stars locations had a waiting list this year.

Mr. Wyant asked about the barriers to expanding the program in Albemarle. Ms. Haines said there is not sufficient space to accommodate additional Bright Stars programs, as most school buildings are full. About 20 percent of the participant population has limited English proficiency, mostly Hispanic, and there are cultural differences as well as language differences with many of these families. They are trying to develop family nights to help bridge the cultural divide, adding that transportation is provided to and from the day program itself.

Mr. Boyd asked that they include comparative data to measure the program's success in the next report. Ms. Haines said they do have this information for a few of the years; also they have data on the comparative SOL performance of these students.

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#### Agenda Item No. 9. Commission on Children and Families (CCF) Annual Report.

Ms. Tracey Hopper, member of the CCF Board, addressed the Board. She thanked them for their appointments to the Commission. She reported that initially the Commission's sole responsibility was to plan, coordinate, monitor and evaluate a community-wide system of children and family agencies. As time went by, the Commission fulfilled some State and local mandates and serves as the City-County designee for the Comprehensive Services Act Fund as well as the designee for the Virginia Juvenile Community Crime Control Act funds. She said the Commission helps manage the locality's allocation of funds to local human service agencies through the agency review process.

Ms. Hopper reported that the CCF has evolved to now play four major roles in the community: as an information source, as an advisor, as a coordinator, and as a catalyst. She gave examples of how the Commission serves each role. In an effort to examine the reasons for why low-income children do not use after-school activities, 23 youth leaders went around to middle and high schools and sat down with 276 students. The students brainstormed and that led to the writing of a pamphlet containing information on what activities are available after school. The Commission collects information from localities and compiles it so it can be accessed by agencies striving to meet local needs. The Commission serves as a technical assistance resource for local non-profits, as well as facilitating grant applications for public and private non-profits. The Commission has helped draw down an additional \$717,000 worth of grants. She said the CCF has met with their youth representatives to evaluate volunteer opportunities for young people in the community, and Lexis-Nexus offered to fund a publication that is a toolkit for providing youth volunteer opportunities.

Mr. Madison Cummings, member of the CCF Board, addressed the Board. He said that in 2006 the CCF will publish the first Human Services Investment Portfolio, an inventory of all public and non-profit assets supported by localities organized by area of need, age, source of funding and dollars/leverage. CCF hopes to make this an annual document to help with strategic planning, and a collaborative team will be working together to form a Child advocacy Center. Grants totaling \$125,000 have been secured, and a task force is in the process of creating a non-profit organization and developing a board with plans to open the center in 2007. He said CCF members have embarked on a project working toward improved outcomes for local children and families. In 2006 the organization will act on prioritized recommendations through an interactive annual meeting process to bring together recipients of services as well as stakeholders and decision-makers. He said members will be working to bring in additional private funds to support applied research, planning and community problem-solving in CCF priority areas; additionally, CCF members will be seeking approval to add new members representing law enforcement, recreation, the school boards and the private sector. He concluded that the health and welfare of children and families is critical to, and reflects the future health of Charlottesville and Albemarle. CCF members are confident that the area can be a model community with proactive policies in place to bring about improvements.

Ms. Roxanne White, Assistant County Executive, reported that Ms. Saphria Baker, Director of CCF, is leaving her position at CCF to become the Deputy Chief Administrative Officer for Human Services in Richmond, and will work under Mayor Wilder to oversee Human Services such as the

Department of Social Services. Ms. White said Ms. Baker has been instrumental in getting the CCF office organized and operating.

Mr. Rooker read a note that Ms. Thomas had given him to read: "If Saphira Baker is present, please give her many words of gratitude for the work she has done in developing a Commission on Children and Families that is doing significant, effective, cutting-edge type work for the community." Mr. Rooker thanked Ms. Baker for her work in the community and wished her well in her new position.

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Agenda Item No. 10. Personal Property Tax Relief Update.

Mr. Robert Walters, Division Manager of Business, Finance Department, addressed the Board. He said that in 2004 and 2005, the General Assembly, as part of a budget compromise, substantially altered the Personal Property Tax Relief Act of 1998 (PPTRA). Under the original PPTRA, individual taxpayers paid a percentage of their local personal property taxes, and the state reimbursed localities the remaining balance. In 2005, taxpayers' relief funded by the state was seventy percent of the tax. However, because of the growing cost of the PPTRA, the 2004 General Assembly elected to freeze the state's future PPTRA obligations at \$950.0 million per year. Localities will now only receive annually from the state a fixed amount of state dollars for personal property tax relief. State law requires the Board to elect how to allocate this relief among personal property tax taxpayers. The implementation must be approved by ordinance or resolution. The actions of the Legislature will take effect January 1, 2006.

Mr. Walters said that beginning July 1, 2006, PPTRA reimbursements to localities will be capped at \$950.0 million. This change will mark a shift from a vehicle-based entitlement program to a fixed, annual block grant program. Future payments to localities will be based on their percentage share of 2004 tax year personal property tax collections to total 2004 state personal property tax collections. The amount of funds to be remitted to Albemarle County, estimated at \$15.0 million, will be known on March 1, 2006. With that amount fixed for the foreseeable future, the percentage relief individual taxpayers will actually receive each year will decline as that fixed amount is spread over an ever-increasing personal property tax base.

Mr. Walters said there are primarily two options available to the Board to provide personal property tax relief. *Virginia Code* § 58.1-3524(C), adopted by the 2004 General Assembly, enables localities each year to set two personal property tax rates: one for the value of each qualifying vehicle that is valued in excess of \$20,000, and a second lower value for each qualifying vehicle that is not valued in excess of \$20,000. The lower rate is required to off-set the amount of dollars funded by the state for personal property tax relief.

Mr. Walters said the 2005 Appropriations Act provides a simpler, more precise alternative. Item 503.E. of that Act permits a locality to provide by ordinance or resolution, or as part of its annual budget, specific criteria for the allocation of the Commonwealth's payments among the owners of qualifying vehicles. The Act requires that the locality's tax bills provide a general description of the criteria upon which relief has been allocated and set out the specific dollar amount of relief so allocated. If the Board elects this "specific relief" alternative, Finance Department staff would annually calculate the percentage of relief available to each taxpayer spread equally among qualifying taxpayers, and it would be reflected on the personal property tax bills without any additional action by the Board.

Mr. Walters said staff has drafted an ordinance proposed to implement this "specific relief" alternative, and it also includes two other discretionary provisions: 1) It continues to provide 100 percent car tax relief for qualified vehicles assessed at \$1,000 or less; and 2) It authorizes supplemental tax bills to be issued by the County for tax year 2005 and for prior years for 100 percent of the personal property tax which remains due and owing as of September 1, 2006, or such earlier date as reimbursement is no longer available from the Commonwealth. The state will not reimburse the County for what had been the state's share for delinquent bills after that date. Delinquent taxpayers would be billed for the unpaid state share for delinquent bills after State reimbursements are no longer funded.

Mr. Walters said the County will not experience a fiscal impact as a result of the change in state law. The County will continue to receive full personal property tax revenues; only the source of those revenues will change. Under the PPTRA, the state has paid a share (currently 70%) of personal tax revenue that would otherwise come from individual taxpayers. With the state now limiting its personal property tax relief commitment to a fixed amount, individual taxpayers will shoulder a steadily increasing share of their personal property tax bills.

Mr. Walters said the \$950.0 million state cap was derived to approximate the 2006 PPTR payments for current, not delinquent, tax bills at a 70 percent rate. The 70 percent rate has been used since 2001. The estimated \$15.0 million payment to the County of Albemarle for 2006 current year tax bills approximates the estimated PPTR reimbursement at the 70 percent rate. The \$15.5 million shown above for FY '06 includes delinquent taxes, which will no longer be reimbursed by the state in FY '06 and thereafter. Future payments are frozen at the estimated \$15.0 million and will result in loss of future state revenues. The loss of state revenue would be offset by additional local taxpayer funds. The state's payment for the tax year 2005 and prior year outstanding bills is eliminated for FY '07 and thereafter.

Mr. Walters said staff recommends that the Board authorize that the proposed ordinance be set for public hearing on January 4, 2006. It includes the following options: 1) It adopts the 2005 "specific relief" structure; 2) It continues to provide 100 percent relief for qualified vehicles assessed at \$1,000 or less; and, 3) It authorizes the supplemental billing of outstanding PPTR reimbursements which remain due

and owing as of September 1, 2006, or such earlier date as reimbursement is no longer available from the Commonwealth.

Mr. Rooker stated that the Board needs to take action today to set it for public hearing on January 4, 2006.

**Motion** was offered by Mr. Bowerman moved to set the ordinance for public hearing on January 4, 2006. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Thomas.

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Agenda Item No. 11. Policy on Submission of Materials for Zoning Applications (deferred from November 9, 2005).

Mr. Mark Graham, Director of Community Development presented the Executive Summary as follows: "After reviewing a proposed policy at the November 2 Board meeting and considering a revised policy at the November 9 Board meeting, staff was directed to meet with the community on possible issues related to this policy. Staff met with the community on November 16 and 17 to discuss possible issues. The meetings were primarily with members of the development community. The following bullets summarize the comments:

- In principle, the policy is fine but many felt it should be considered as part of the overall improvements to the legislative review process rather than in advance of consideration of other changes.
- Most felt they could accept this change if County staff could commit to a two week turnaround of plans and proffers between the Planning Commission meeting and the Board meeting. Mr. Graham indicated staff could make this commitment if the changes were limited to the specific issues identified at the Planning Commission meeting and those changes did not result in substantive changes to other parts of the plans and proffers. He said this would be the goal, but not a commitment when extensive plan and proffer changes were made requiring total review of all of the submittals. He committed to constructive comments that offer at least one solution staff would consider acceptable.
- Applicants would like the policy to require final proffers, but not necessarily signed proffers at the time of advertisement, but indicated they would be willing to commit to provide signed proffers a minimum of nine days before the public hearing. That timing would allow staff sufficient time to review the proffers to assure that they conform to the final proffers previously reviewed by staff and to place the signed proffers in the Board's agenda packets.
- Applicants would like a commitment from the County to complete a total review of the legislative process. Mr. Graham indicated staff has been working on this internally and plans to schedule public discussions on alternatives at the beginning of next year.

Mr. Rooker said a project such as that for North Pointe would be difficult to turn proffers around on in two weeks, but in other cases it is a reasonable time frame.

Mr. Davis said state law requires that proffers be submitted prior to the public hearing; the only thing that can be changed at the public hearing is to have more restrictive amendments to those proffers. If they are changed to be less restrictive, an additional public hearing must be held. Often a petition has to be deferred because signatures are needed.

Mr. Dorrier asked if proffers come up at the end of the process, or at the beginning. Mr. Graham replied that staff typically sees a draft of the proffers before the petition goes to the Planning Commission for public hearing. Comments about the proffers are received at that time.

Mr. Rooker said the Board has had an informal policy in place requiring applicants to have the proffers finalized prior to advertising the hearing, and this just formalizes that policy.

Mr. Boyd said he views this as a band-aid approach to a much bigger problem. He does not think the development community is happy with the approval process. He suggested forming a "strike force" to include two members of the Board of Supervisors, two people from the development community, two people from the general community, and Mr. Tucker. That group should evaluate the Neighborhood Model over a six-month time period, what has worked and what has not, and make recommendations for changes.

Mr. Bowerman asked if he thinks the process is broke.

Mr. Dorrier responded that during drafting of the Crozet Master Plan some people felt they were not part of the process. He mentioned that the meeting last night had about 200 attendees, many of whom indicated their displeasure with the process, particularly as housing figures have grown as projects have been approved.

Mr. Rooker said he would like for a group such as that proposed by Mr. Boyd to have a refined mission. There are many different elements to implementation of the Neighborhood Model, site plan approval, Comprehensive Plan, rezoning, proffers, etc., which are wide ranging. He has asked for a

report on the claims by people in Crozet regarding density. He emphasized that having a few people come to the Board and speak does not necessarily reflect the entire view of the community.

Mr. Bowerman added that it also does not mean those people are correct in what they've said.

Mr. Rooker said before he voted for the Old Trail project, he specifically asked the question of whether the density approved for Old Trail was within the limits contained within the approved master plan. The answer was "yes." Concerning Glenmore, there has only been a Comprehensive Plan amendment so far, not a rezoning. He said there are people who want the process speeded up, usually the development community, and other people who want to slow it down. He emphasized that people do not always get involved in the process until it is well underway. He thinks the Board needs to be careful about making "knee-jerk" changes based upon anecdotal circumstances.

Mr. Dorrier said some Glenmore citizens have suggested forming a town to separate themselves from the County.

Mr. Rooker said a few people might have suggested that, but it is not certain how many people actually want that.

Mr. Boyd said he does not think anyone is happy with the Neighborhood Model process, and a small group wouldn't hold up the development process.

Mr. Rooker said the Comprehensive Plan has been around for more than 30 years. There were designated growth areas in the county long before this Board ever got involved. The Board is trying to master plan those development areas now to give a better sense of how the public wants those areas to look. Part of that whole process is to get significant public input. He emphasized that what people really don't like is having additional people move into their neighborhoods.

Mr. Bowerman commented that he has not seen large packs of people from Crozet coming to the Board's meetings.

Mr. Boyd asked if people in Crozet are happy with the way the planned development is going; the Crozet Community Association does not seem to be happy.

Mr. Wyant responded that the question is whether they are representative of the whole community. It would be helpful to clarify the role of each body – the staff, the Planning Commission and the Board.

Mr. Bowerman added that the law sets those roles.

Mr. Rooker said in the case of Glenmore, the Board has gone way beyond anything that's contemplated or required by statute for public involvement. The Board has tried to put people on the Planning Commission who have expertise in land use, planning, etc. He thinks everyone would like to see the Board ignore the process in their case. The citizens of Crozet are upset primarily because people are moving into their area, noting that the Comprehensive Plan calls for 12,000 residents in Crozet. The Board is trying to create more order with respect to the way that occurs.

Mr. Bowerman said there is a fundamental conflict with growth. Every community in this country is facing it. It gets to the point where hard decisions have to be made, and they're made by the Planning Commission, and they're made by the Board of Supervisors. Generally it's a compromise between what the citizens will live with and what the developers can afford to do. He does not think the Board will ever make it so the people in development areas are happy to live with the decisions that are made. Time takes care of it, because the next person who buys into that situation knows those conditions exist there.

Mr. Boyd reiterated his desire to have a "high level" committee look at the situation.

Mr. Bowerman said the development community and citizens have always been "at" the Board, and the Board has gone a long way to improve the process. The process can only be fine tuned so much; there will still be the fundamental conflict. There is no way the Board can legislate itself out of the situation so people are going to be unhappy about change.

Mr. Rooker pointed out that recent surveys have indicated that people are very happy overall with how things are going. Albemarle continues to be one of the best places to live in the country, and people continue to move here.

Mr. Bowerman emphasized that Board members each have projects in their districts that are fundamentally opposed by the people they most affect, although from a county point-of-view they are positive moves.

Mr. Rooker mentioned that the Glenmore application is very close to the Comprehensive Plan ideal for that area.

Mr. Bowerman said that County policy has been to have concentrations of people in the growth areas.

Mr. Rooker said that it could be debated whether or not Crozet should have been a growth area, but the point is, water and sewer have been run out to that community with anticipation that growth will occur there.

Mr. Wyant said that for some reason people do not feel they are involved, and the question is at what level people can provide their input.

Mr. Rooker emphasized that people have the opportunity to provide input at all levels.

Mr. Boyd asked if members were in favor of the committee he mentioned.

Mr. Rooker said he would consider it as a separate agenda item in a work session, adding that he would like to see Planning Commission members on it if it is formed.

Mr. Boyd commented that he is not ready to vote on the proffer item, as it is just a symptom of a larger problem.

Mr. Bowerman emphasized that this deals with a specific policy.

Mr. Rooker mentioned that the Board has had this policy in place for a long time, but the policy has been ignored lately. This will formalize it so people understand when they need to have their proffers in, so the petition can be properly advertised and so the public knows when they get to a meeting there will not be a significant change from what was advertised and what was mailed to the Board in the materials for the meeting. Regardless of whether any committee is formed, this policy would be better enforced. He cannot think of any reason not to adopt a policy that says the applicant needs to submit his proffers at a certain time so they can be properly advertised and the public has time to respond to them.

Mr. Dorrier said he thinks the Board should be willing to accept a proffer at any time.

Mr. Rooker responded that the problem occurs because they have to be advertised. This policy does not prevent the Board from making a change at a hearing that is in the public good. It sets a time frame.

In response to a question from Mr. Wyant about the timing for proffer submission, Mr. Graham clarified that the applicant needs to submit the final proffers before the advertisement deadline. But, since some signatures are difficult to secure, the timeframe has been suggested as nine days for signature.

At this time, Mr. Bowerman offered **motion** to adopt a Policy entitled "Submission of Materials for Zoning Applications" as submitted by staff. Mr. Wyant **seconded** the motion.

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

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

NAYS: None.

ABSENT: Ms. Thomas.

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

#### **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 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.

Final signed proffers shall be submitted to the County no later than nine days prior to the date of the advertised public hearing. 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.

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Mr. Boyd asked if his committee suggestion would be set for a work session early next year.

Mr. Wyant said he knows of another locality that has a more streamlined process. He would like that information to be part of any work session.

Mr. Tucker said the process problem will never change. People do not understand the timing, what the issues are and when they need to get information to the Board. He emphasized that people need to come forward at the time of Comprehensive Plan changes.

Mr. Bowerman commented that every time the Board meets, it makes the system better.

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Agenda Item No. 12. Transportation Strategies, Work Session (continued from November 9, 2005).

Mr. Mark Graham, Director of Community Development, addressed the Board. He presented the following Executive Summary:

"Over the past several months, staff has worked with the Board to develop and clarify a strategy for more effectively addressing the County's transportation needs. This has resulted in a written "County Transportation Strategy" to help clarify and direct the County's efforts. In addition, the Board recently amended its Strategic Plan and identified the need to accelerate two local and two regional transportation projects. Both the Transportation Strategy and the Strategic Plan call for the County to be more active in moving "critical" transportation projects forward, rather than waiting on VDOT in every case. While the County is currently engaged in efforts to address important regional projects, the focus of recent Board discussion has been on addressing the critical local roads identified in the Secondary Six-Year Plan (SSYP) and in approved master plans.

As a result of the most recent work sessions, staff was directed to develop a list of critical local projects and a plan for how local transportation funds might be utilized to accelerate those projects. In response, staff identified two projects currently in the SSYP: Jarman's Gap Road and Georgetown Road, and two projects from currently approved master plans: Eastern Avenue and Main Street in Crozet. Proffit Road was also identified as a future SSYP project. Each of these projects was identified as those with the best opportunity to be accelerated through County involvement. However, staff also identified the need for a staff transportation engineer and recommended the position as an essential component to move these projects forward and to implement the County's transportation strategy and Strategic Plan. After discussion, the Board requested more information on existing staff responsibilities and responsibilities for the new position.

Staff believes the proposed transportation strategy reflects a new reality for the County. The reluctance of the State to commit to adequately fund secondary roads, combined with the County's effort to assure attractive and desirable Development Areas, effectively requires a new effort regarding transportation. Staff anticipates the current demands will not lessen and, if the State does not significantly increase transportation funding, the County's transportation role may need to increase over time. However, just to address the current transportation strategy and strategic plan goals, staff believes a qualified transportation engineer with VDOT experience is necessary. The proposed transportation strategy is seen as an ongoing effort that must closely coordinate with VDOT on issues related to funding, design, right-of-way and construction management.

Over the last decade, the County's role in the construction of roads has been limited to two transportation projects, Berkmar Drive and Mill Creek Drive. In both cases, the County's role more closely resembled that of a developer than a surrogate for VDOT. Both were isolated and fairly simple projects with a fairly limited need to coordinate with VDOT. The role required to carry out the County's new Transportation Strategy will require considerably more effort on a continuous basis in order to be effective. Using the Crozet Eastern Avenue/Bridge project as an example, a timeline shows that the County cannot simply design and build a bridge, but must first work with private property owners and VDOT to establish an alignment for Eastern Avenue so the bridge will be located in the proper place. This will require a continuous effort rather than the shorter-term effort that a consultant would provide. The same would be true for other projects if the County hoped to see their completion accelerated. For example, work with VDOT on a Proffit Road design will likely require exploring how the County could accelerate the preliminary engineering and design efforts, all while soliciting public input. Even if VDOT managed the design and construction of the project, a transportation engineer devoted to proactively working to keep the project on schedule would be a benefit. Additionally, work on the Places 29 and Pantops master plans, as well as the regional transportation plan, are anticipated to generate a number of other possible road projects which will need preliminary engineering to find cost effective designs. Regarding staff's current ability to fill the role of a transportation engineer to undertake this new program, staff sent the Board a table describing both existing positions and the proposed transportation engineer position in terms of responsibilities. Alternatives to funding this new position would require difficult choices between existing programs and this new program. For

example, Community Development could hire consultants to perform engineering reviews which would allow existing resources to be used on transportation projects. However, the review costs with this change would be much greater than the cost of this new position. In addition, even if the County could shift this new program to current engineering staff, they are not experienced with many of the VDOT constraints the transportation engineer would likely experience. While they are qualified with respect to managing the design of roads and bridges to VDOT standards, VDOT has extensive project management requirements that must be followed with any project receiving State funding. It is anticipated it would take a minimum of a year for current County engineers to become proficient with VDOT project management requirements.

Based on the Board's desire to move forward with "critical" local road projects and in light of the new transportation strategies, staff recommends funding the Transportation Engineer position to assure this work can be accomplished in a timely manner. A draft project schedule for Eastern Avenue/Bridge project indicates establishment of this "critical connector" will require a continuous effort over the next four to five years to meet the timeline identified in the Crozet Master Plan and to prepare for the development approved through that master plan. In addition, follow up and continuous attention will be needed in working with VDOT to determine ways to accelerate the Jarman's Gap Road project and other priority SSYP projects. Staff sees the addition of a transportation engineer as an essential first step in proceeding with the County's Transportation Strategy and to begin addressing currently identified priorities and any new priorities that will emerge from the master planning process. If the Board does not believe it is the right time to start this program, staff would recommend delaying implementation of the Transportation Strategy and consider the Transportation Engineer position again in the second half of 2006.

To be effective, this position will require an experienced transportation engineer. At a grade 19, this position would require approximately \$80,000 in the first year, to include startup costs, and \$77,000 in subsequent years. Between County funding, developer funding, and State funding, this position would oversee approximately \$5.0 million in annual transportation expenditures. Thus, the position represents about one and one-half percent of the investment in County transportation improvements. It is anticipated the cost of the position would be offset by project savings through better design and expedited schedules for projects. For example, the position's annual cost would be recovered if the engineer helped avoid a two month delay in the Jarman's Gap Road project.

Staff requests approval of the establishment of a Transportation Engineer position at Grade 19 and approval of an appropriation of \$80,000 from current transportation funding to fund the position in FY '05-06. If approved, an appropriation request for FY '06 will be presented for approval on a future consent agenda and the position would be funded in the General Services Department in subsequent fiscal years."

Mr. Rooker asked if any Board member has a problem with the recommendation to add the position of Transportation Engineer.

Mr. Wyant said he views this person as being a manager of transportation projects, hiring consultants when needed. He emphasized the importance of not diluting this position. Mr. Graham agreed that this person should not be located in the Community Development Department for that reason; this person would be located in the General Services Department.

Mr. Boyd said he opposes the position as no justification has been provided as to how existing staff could be "juggled" to create the dollars for this position. He feels that every time he turns around we're adding people.

Mr. Rooker said Mr. Graham has made it clear that staff does not currently have that type of expertise. Mr. Graham responded by explaining that there are three filled engineer positions and one vacancy, noting that there has been a 25 percent turnover in staff each year because of burnout. He said that using existing engineers for this additional work will only slow down the development review process.

Mr. Bowerman stated that staff has analyzed this question and made a recommendation.

At this point, Mr. Bowerman **moved** that the County hire a transportation engineer at Pay Grade 19, with an appropriation of \$80,000.00 coming from current transportation funding to fund the position in FY '05-06.

The motion was **seconded** by Mr. Dorrier.

Mr. Dorrier agreed to support the request since transportation is "one of the biggest problems in the County." He emphasized that at last night's public meeting, transportation was a key issue, and it was obvious people expected local government to solve that problem.

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

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

NAYS: Mr. Boyd.

ABSENT: Ms. Thomas.

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Agenda Item No. 13. Closed Session.

At 12:42 p.m., Mr. Dorrier offered **motion** that the Board go into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions.

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

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

NAYS: None.

ABSENT: Ms. Thomas.

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Agenda Item No. 14. Certify Closed Session.

At 1:50 p.m., the Board reconvened into open session. **Motion** was immediately offered by Mr. Dorrier, **seconded** by Mr. Boyd, to 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.

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

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

NAYS: None.

ABSENT: Ms. Thomas.

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Agenda Item No. 15. Boards and Commissions: Vacancies/Appointments.

Mr. Boyd offered **motion** to:

Reappoint Mr. Joseph Samuels, Jr. and Mr. Ross Stevens to the ACE Appraisal Review Committee with said terms to expire December 31, 2006.

Reappoint Mr. Alan Collier as the Rivanna District representative on the Equalization Board with said term to expire December 31, 2006.

Reappoint Mr. Dabney B. Sandridge as the White Hall District representative on the Equalization Board with said term to expire December 31, 2006.

Reappoint Mr. A. Scott Ward as the Scottsville District representative on the Equalization Board with said term to expire December 31, 2006.

Reappoint Mr. David Cooke, II, as the Jack Jouett representative on the Equalization Board with said term to expire December 31, 2006.

Reappoint Ms. Alice Nye Fitch as the Samuel Miller District representative on the Equalization Board with said term to expire December 31, 2006.

Appoint Ms. Helen Flamini as the Piedmont Housing Authority representative to the Albemarle County Housing Committee with said term to expire December 31, 2008.

Reappoint Ms. Ida Lee Wooten as the University of Virginia representative to the Albemarle County Housing Committee with said term to expire December 31, 2008.

Reappoint Mr. David T. Paulson as the AHIP representative to the Housing Committee with said term to expire December 31, 2008.

Reappoint Mr. Frank L. Robinson, III, to the Joint Airport Commission with said term to expire December 1, 2008.

Reappoint Mr. William Edgerton as the Jack Jouett representative on the Planning Commission with said term to expire December 31, 2009.

Appoint Mr. Stephen Kirkup to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire December 31, 2007.

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

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

NAYS: None.

ABSENT: Ms. Thomas.

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**Non-Agenda.**

Mr. Tucker said the School Board has asked the Board of Supervisors to change the date of its budget public hearing because it falls during the week of Spring break. He said Ms. Thomas suggested having the hearing on the County Executive's proposed budget earlier, but that complicates the process for Finance Department staff. He has suggested that the Schools' Spring Break be changed but they are hesitant to do so because the County Schools break is aligned with that of the City at this time. He said Ms. Moran will bring this up at a joint meeting of the two boards in the near future. During the next budget cycle, it might be possible to have the hearing on the County Executive's budget earlier. He said that would move everything up a month to spread the hearings out sufficiently.

Mr. Rooker said he did not want to move the hearings solely on the basis of perception, and he would need some substance for rationale in moving the meetings.

Mr. Boyd said that he's been on the other side of the coin as a School Board member, and he doesn't see any real rationale either, other than perception.

Mr. Rooker said if members of the public expressed concern about not having input, that might be a reason to look into changing the hearing schedule, but so far that is not the case.

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Mr. Tucker gave Board members a copy of the draft statement Development Department staff prepared for tomorrow night's Moving Virginia Forward town meeting. Mr. Benish said the statement sufficiently reflects issues staff wants to deal with regarding transportation and its relationship to land use.

Mr. Boyd asked that the letter be sent electronically to Board members so they can edit it/respond to each other.

Mr. Rooker said particular projects are not discussed in the statement, just funding and the general decline in funding for transportation.

Mr. Boyd asked about the statements regarding localities raising enhanced taxes through local referenda.

Mr. Rooker said the Transportation Funding Committee recommended that the power to levee local taxes be granted to localities who would decide whether or not to implement a particular tax.

Mr. Boyd asked which types of tax this pertains to.

Mr. Rooker responded that the Committee considered a gasoline tax and a sales tax.

Mr. Rooker said the meeting is in Staunton tomorrow evening, and Ms. Thomas is planning to attend.

Mr. Cilimberg said he is not sure if any staff members are able to attend that meeting so suggested that any comments be given to Ms. Thomas.

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Agenda Item No. 16. **Public Hearing** to consider proposed ordinance to amend County Code Chapter 9, Motor Vehicles and Traffic, Article IV, County Vehicle Licenses, to replace current annual vehicle decal with permanent vehicle decal and to replace current annual vehicle license fee with annual vehicle license tax of same amount. (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Tucker said that at its meeting on October 5, 2005, the Board received information about recent developments in vehicle licensing and decals in other Virginia localities. Specifically, as the prior report indicates, a growing number of localities are either replacing annual vehicle decals with permanent decals, or are eliminating vehicle decals altogether as a convenience to their citizens. Following its review of this information, the Board directed staff to prepare a proposal to replace annual vehicle decals with permanent decals. In response to the Board's direction, staff has drafted an ordinance to revise and update the County vehicle license ordinance.

Mr. Tucker said this proposed ordinance would replace the current annual vehicle license fee with an annual vehicle license tax of the same amount. The proposed ordinance would clarify the pro-ration of both new and discontinued licenses. A number of other technical changes are also proposed to bring the County's ordinance into conformity with State law. He emphasized that most practices would remain unchanged under this new ordinance; as previously noted, the amount of the license tax would not increase, and this ordinance is being proposed primarily as a convenience to citizens to spare everyone the need to "scrape off" decals each year. He said most localities are still requiring that a decal be displayed, but some localities are choosing a permanent decal to be displayed. Eliminating a decal altogether would most likely subject County taxpayers to ticketing in other jurisdictions.

Mr. Boyd asked if there are any negatives to the proposal. Mr. Davis said currently the collection system requires people to pay personal property taxes entirely before getting their decals. That is probably more efficient than what the new system will be. With the decal requirement, the County can still catch people who have to come to the County and register their vehicles. The County will become aware of new vehicles coming into the County and will not be totally dependent on DMV.

Mr. Boyd asked what would happen if people quit paying the decal fee. Mr. Davis responded that the County would collect the fee the same way personal property taxes are collected, and verify it through DMV.

Mr. Bowerman said the decal was devised originally as a way to collect personal property taxes. Mr. Tucker said it would still help the County do that.

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

An unidentified speaker addressed the Board encouraging them to eliminate the decal entirely. He thinks it will give law enforcement an impossible task to determine if the vehicle comes from a jurisdiction not having a decal requirement. He suggested that the Board partner with Charlottesville City Council to see about passing legislation to eliminate the decal requirement throughout the State.

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

In response to a question from Mr. Rooker, Mr. Tucker said there are only 17 localities planning to eliminate the decal system altogether; all others are requiring it in some other form.

Mr. Davis indicated that the lingering issue about discontinuing decals altogether is the problem with traveling to other localities. The decal also offers a visible means for County law enforcement to find violators. He said it also provides identification for the citizens to use parks and landfills, etc.

Mr. Boyd said this is a stepping stone toward total relief from the decal system.

Mr. Wyant commented that the Legislators seem to be moving in the direction of eliminating the system statewide. Mr. Davis said the danger there is that they might try to eliminate all enabling authority to charge a fee or tax.

Mr. Tucker emphasized that the vast majority of localities will still have some type of decal system.

At this time, Mr. Boyd **moved** to adopt An Ordinance to Amend Chapter 9, Motor Vehicles and Traffic, Article IV, County Vehicle Licenses, of the Code of the County of Albemarle, Virginia by amending Sec. 9-400, Fee imposed; Sec. 9-401, Violations; Sec. 9-403, Application for license; payment of fee; issuance of decal, etc.; Sec. 9-404, License fees—Amounts; Sec. 9-405, License fees—Prorating; Sec. 9-406, License fees—Refunds; Sec. 9-407, License fees—Disposition; Sec. 9-408, License not to be issued until all personal property taxes are paid; Sec. 9-409, Duration; Sec. 9-410, Display of license decal, etc.; Sec. 9-411, Transfer of license decal, etc.; and, Sec. 9-412, Duplicate license decal, etc.

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

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

NAYS: None.

ABSENT: Ms. Thomas.

**(The adopted ordinance is set out below:)**

#### **ORDINANCE NO. 05-9(2)**

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, COUNTY VEHICLE LICENSES, 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 9, Motor Vehicles and Traffic, Article IV, County Vehicle Licenses, is hereby amended and reordained as follows:

**By Amending:**

Sec. 9-400 Fee imposed

Sec. 9-401 Violations

Sec. 9-403 Application for license; payment of fee; issuance of decal, etc.

Sec. 9-404 License fees – Amounts

Sec. 9-405 License fees – Prorating

Sec. 9-406 License fees – Refunds

Sec. 9-407 License fees – Disposition

Sec. 9-408 License not to be issued until all personal property taxes are paid

Sec. 9-409 Duration

Sec. 9-410 Display of license decal, etc.

Sec. 9-411 Transfer of license decal, etc.

Sec. 9-412 Duplicate license decal, etc.

#### **CHAPTER 9. MOTOR VEHICLES AND TRAFFIC**

#### **ARTICLE IV. COUNTY VEHICLE LICENSES**

**Sec. 9-400 Vehicle license tax imposed.**

There is hereby levied a license tax upon every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county, except as otherwise specifically provided in this article.

(Code 1967, § 12-90; Ord. of 2-14-90; Code 1988, § 12-21; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

**Sec. 9-401 Violations.**

It shall be unlawful to fail to obtain and display a valid local decal, as required by this article. Law enforcement officers may issue citations, summonses, warrants, parking tickets or uniform traffic summonses for violations. A violation of this article may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license tax has been paid. The procedure for enforcement of section 9-410 and penalties for violation thereof shall be as provided in section 9-118, except that fines as provided in section 9-118(f) shall be as follows:

If paid within ninety-six (96) hours.....\$25.00

If paid after ninety-six (96) hours.....\$50.00

(Ord. of 8-8-90; Ord. of 6-9-93; Code 1988, § 12-21.1; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

**Sec. 9-402 Exempted vehicles-Generally.**

A. The provisions of this article shall not apply to any vehicle exempted by the provisions of Virginia Code §§ 46.2-663 through 46-2.683 or Virginia Code § 46-2-755, nor shall the provisions of this article apply to any vehicle licensed pursuant to Virginia Code §§ 46.2-750 through 46.2-751.

B. The provisions of this article shall not apply to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission for buses operated in special or chartered party service or to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission or the Interstate Commerce Commission, or under a local franchise granted by any city or town pursuant to Virginia Code § 46.2-696.

(Code 1967, § 12-91; Ord. of 2-14-90; Code 1988, § 12-22; Ord. 98-A(1), 8-5-98)

**Sec. 9-403 Application for decal; payment of tax; issuance of decal, etc.**

A. Every person owning a motor vehicle, trailer, or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county will be issued a permanent vehicle decal for that vehicle provided that:

1. The vehicle is licensed by the county on December 31, 2005; and
2. All local taxes specified in section 9-408 have been paid.

B. Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county and not issued a permanent vehicle decal for such vehicle pursuant to paragraph (A) above, shall make application for and procure a county motor vehicle decal for that vehicle. The application for the decal required by this article shall be made to the director of finance on forms providing for the name and address of the applicant and a description of the motor vehicle for which the decal is to be issued. The license tax shall be paid to the director of finance. Upon the payment of the license tax and of all local taxes specified in section 9-408, the director of finance shall issue to the applicant a permanent vehicle decal or other indicia of license for such motor vehicle.

C. The purchaser of a new vehicle or a new resident of the county is required to obtain a county decal within thirty (30) days of the purchase date or the date the owner moved into the county.

(Code 1967, § 12-92; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-24; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

**Sec. 9-404 License tax--Amounts.**

A. On all motor vehicles, except as otherwise specifically provided in this article, there shall be an annual license tax based on gross vehicle weight. The license tax shall be twenty-five dollars (\$25.00) for vehicles with gross vehicle weights of four thousand (4,000) pounds or less and thirty (\$30.00) for gross weights in excess of four thousand (4,000) pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.

B. On every motorcycle there shall be an annual license tax of twenty dollars (\$20.00).

C. On every trailer or semitrailer not designed and used for transportation of passengers, there shall be an annual license tax as follows:

<u>Gross Weight</u>	<u>Annual Tax</u>
0 - 1,500 lbs.	\$ 9.50
1,501 lbs. and above	\$20.00

D. In the case of a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of such combination shall be taxed as a separate vehicle.

E. On every motor vehicle, trailer or semitrailer upon which well-drilling machinery is attached or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B), there shall be an annual license tax of sixteen dollars and fifty cents (\$16.50).

F. Except as provided in section 9-403(B), the license tax prescribed herein shall be due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.  
(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06)

State law reference--Va. Code § 46.2-752.

#### **Sec. 9-405 License tax--Prorating.**

For new registrations only, the license tax prescribed by this article shall be prorated monthly commencing with the month in which such license tax first becomes due and payable. Renewals, timely or otherwise, of previously registered vehicles, trailers or semitrailers shall not be prorated. The license tax shall be collected from and include that month on the basis of one-twelfth of the annual license tax through each month remaining in the current license year. The prorated license tax shall be rounded to the nearest dollar. In no case, shall the amount of license tax collected be less than two dollars (\$2.00).  
(Code 1967, § 12-94; 4-21-76; 6-7-89; Ord. of 3-20-91; Code 1988, § 12-26; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

#### **Sec. 9-406 License tax--Refunds.**

Any person who has paid a license tax under this article who disposes of the vehicle, trailer or semitrailer for which the tax was paid and does not purchase another vehicle, trailer or semitrailer may surrender the permanent vehicle decal or other indicia of license to the director of finance and may request a prorated refund of the license tax paid. The request for refund shall be accompanied by the permanent vehicle decal or other evidence satisfactory to the director of finance that the original decal has been destroyed. The director of finance shall refund to the applicant one-twelfth (1/12) of the annual license tax for each full month remaining in the current license year. The refund shall be rounded to the nearest dollar. An amount of less than two dollars (\$2.00) shall not be refunded nor applied to any other fee, tax or amount due the County of Albemarle.  
(Code 1967, § 12-95; 4-21-76; 6-7-89; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-27; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

#### **Sec. 9-407 License tax--Disposition.**

All license taxes collected pursuant to this article shall be deposited by the director of finance in the general fund of the county.  
(Code 1967; § 12-96; 4-21-76; Ord. of 2-14-90; Code 1988, § 12-28; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

#### **Sec. 9-408 Decal not to be issued until all personal property taxes are paid.**

No motor vehicle, trailer or semitrailer taxable under the provisions of this article shall receive a permanent vehicle decal unless and until the applicant for such decal shall have produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer or semitrailer to be licensed which have been assessed or are assessable against such applicant have been paid, and satisfactory evidence that any other delinquent manufactured home, motor vehicle, trailer or semitrailer personal property taxes owing by the applicant and which have been properly assessed or are assessable against the applicant have been paid.  
(Code 1967, 12-97; 4-9-80; Ord. of 8-8-90; Code 1988, § 12-29; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

#### **Sec. 9-409 Duration.**

The license tax year under the terms of this article shall commence on the first day of January and shall expire on the thirty-first day of December of the calendar year. The permanent decal shall be valid as long as (1) the vehicle is normally garaged, stored, or parked in the county

and owned by the licensee, and (2) all license taxes assessed against the vehicle owner pursuant to this article have been paid.  
(Code 1967, § 12-98; Ords. (2) of 2-14-90; Code 1988, § 12-30; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

**Sec. 9-410 Display of license decal, etc.**

Decals or other stickers issued pursuant to this article shall be displayed on the vehicle in accordance with state law and regulation. A decal may not be attached to any motor vehicle, trailer or semitrailer for which it has not been assigned.  
(Code 1967, § 12-99; Ord. of 2-14-90; Code 1988, § 12-31; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

**Sec. 9-411 Decal for replacement vehicle.**

Any owner who sells or transfers a registered motor vehicle, trailer or semitrailer, previously registered under the provisions of this article and acquires another vehicle of like class and weight may purchase a permanent vehicle decal for such replacement vehicle upon application to the director of finance on forms prescribed by the director of finance. The prior decal, or evidence satisfactory to the director of finance that the prior decal has been destroyed, must be returned with the application. The fee for a permanent vehicle decal for a replacement vehicle shall be two dollars (\$2.00).  
(Code 1967, § 12-100; 4-9-80; 6-7-89; Ord. of 2-14-90; Code 1988, § 12-32; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

**Sec. 9-412 Duplicate license decal, etc.**

In the event that any decal issued under this article shall be lost, stolen, mutilated or otherwise become illegible, the owner of the vehicle, trailer or semitrailer shall make immediate application on forms prescribed by the director of finance and obtain a duplicate or substitute decal. The fee for a duplicate decal shall be two dollars (\$2.00).  
(Code 1967, § 12-101; 6-7-89; Ord. of 2-14-90; Code 1988, § 12-33; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

**This ordinance shall be effective on and after January 1, 2006.**

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Agenda Item No. 17. **Public Hearing** to consider proposed ordinance to amend County Code Chapter 15, Taxation, Article VII, Real Estate Exemptions for Certain Elderly and Disabled Persons. (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Tucker said the Real Estate Tax Exemption for Certain Elderly and Disabled Persons program provides a real estate tax exemption for eligible elderly or disabled persons who are subject to a real estate tax burden that is extraordinary in relation to their income and financial worth. At the Board's meeting on November 2, 2005, information was presented concerning increasing the acreage excluded from the calculation of net worth for purposes of the real estate tax exemption program from 1.0 acres to 5.0 acres. The annual cost to Albemarle County of increasing the exempt acreage from 1.0 acres to 5.0 acres for existing program participants is estimated at \$8,000. After holding the public hearing, staff recommends adoption of the advertised ordinance to increase the acreage excluded from the calculation of net worth from 1.0 acres to 5.0 acres.

Mr. Bowerman said he thinks it is the right thing to do, but it does not make a whole lot of difference because \$8,000 does not translate into a lot of real savings for individual taxpayers. He thinks the County should look at the maximum allowed under State law, in terms of income. Mr. Tucker agreed that could be considered at budget time.

Mr. Rooker said he believes there are a number of people who failed the income test because substantial acreage that is basically at a single-home site, and this measure will help address that.

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

**Motion** was offered by Mr. Dorrier to adopt An Ordinance to Amend Chapter 15, Taxation, Article VII, Real Estate Exemption For Certain Elderly and Disabled Persons, of the Code of the County of Albemarle, Virginia, by amending Sec. 15-702, Definitions.

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

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

**(The adopted ordinance is set out below:)**

**ORDINANCE NO. 05-15(4)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE VII, REAL ESTATE EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS, 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 VII, Real Estate Exemption for Certain Elderly and Disabled Persons, is hereby amended and reordained as follows:

**By Amending:**

Sec. 15-702 Definitions

**CHAPTER 15. TAXATION**

**ARTICLE VII. REAL ESTATE EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS**

**Sec. 15-702 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article:

(1) *Dwelling*. The term "dwelling" means a building occupied as a residence.

(2) *Income*. The term "income" means the total gross income from all sources comprising the amount of money received on a regular basis which is available to meet expenses, regardless of whether a tax return is actually filed, the money is taxable or deductible from the taxpayer's income tax return.

(a) Income shall include: (i) retirement payments, including the portion that represents the contribution of the retiree; (ii) nontaxable social security retirement benefits; (iii) disability payments; and (iv) rental income.

(b) Income shall not include: (i) life insurance benefits; (ii) receipts from borrowing or other debt; and (iii) social security taxes taken out of the pay of a retiree.

(c) The income of a self-employed person received from the business shall be the gross income of the business, less the expenses of the business.

(3) *Manufactured home*. The term "manufactured home" means a structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(4) *Net combined financial worth*. The term "net combined financial worth" means the net present value of all assets, including equitable interests, and liabilities of (i) the owners, (ii) the spouse of any owner, and (iii) the owner's relatives living in the dwelling. The term "net combined financial worth" shall not include: (i) the value of the dwelling and the land, not exceeding five acres, upon which it is situated; (ii) the value of furniture, household appliances and other items typically used in a home; and (iii) the outstanding balance of any mortgage on the subject property, except to the extent that the subject property is counted as an asset.

(5) *Owning title or partial title*. The term "owning title or partial title" means owning the usufruct, control or occupation of the real estate, whether the interest therein is in absolute fee or is in an estate less than a fee, such as the holding of a life estate.

(6) *Permanently and totally disabled person*. The term "permanently and totally disabled person" means a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death, or can be expected to last for the duration of such person's life.

(7) *Real estate*. The term "real estate" includes manufactured homes.

(8) *Relative*. The term "relative" means any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the owner.

(9) *Taxable year*. The term "taxable year" means the calendar year for which the exemption is claimed.

(10) *Total combined income*. The term "total combined income" means the income received from all sources during the preceding calendar year by the owners of the dwelling who

use it as their principal residence and by the owners' relatives who live in the dwelling. The following amounts shall be excluded from the calculation of total combined income:

- (a) The first sixty-five hundred dollars (\$6500.00) of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption provided by subdivision 9 c hereof.
- (b) The first seventy-five hundred dollars (\$7500.00) of income for an owner who is permanently disabled.
- (c) If a person otherwise qualifies for the exemption and if the person can prove by clear and convincing evidence that the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided that the owner of the dwelling has not transferred assets in excess of five thousand dollars (\$5,000.00) without adequate considerations within a three (3) year period prior to or after the relative moves into the dwelling.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-23; Ord. 98-A(1), 8-5-98; Ord. 03-15(2), 11-5-03; Ord. 05-15(4), 12-7-05, effective 1-1-06)

State law reference--Va. Code §§ 36-85.3, 58.1-3210, 58.1-3211, 58.1-3217.

**This ordinance shall be effective on and after January 1, 2006.**

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Agenda Item No. 18. **Public Hearing** to consider proposed ordinance to amend County Code Chapter 9, Motor Vehicles and Traffic, Article I, In General, Section 9-114, Removal and disposition of abandoned or unattended vehicles, to conform time requirements for removal of such vehicles to state law. (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Tucker said that upon review of County Code Sec. 9-114 which authorizes the County Police Department to remove motor vehicles from public and private property under certain circumstances, staff determined that this section was inconsistent with the State enabling authority in certain respects. The proposed ordinance does not enlarge the authority of the County Police to remove vehicles from private property, but simply changes the time within which abandoned or unattended vehicles may be removed from 48 hours to 10 days, and otherwise conforms these provisions to State law. Adoption of this ordinance is not expected to generate additional revenue or cost. After holding the public hearing, staff recommends that the Board adopt the ordinance as advertised.

Mr. Davis said in the advertised ordinance applies to anything deemed to be a motor vehicle under State Code. Under this ordinance, after 10 days the County could assist in removal, if appropriate. In response to Mr. Boyd's question about enforcement in parking lots, Mr. Davis said the ordinance does apply to private apartment complexes, etc.

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

Mr. Wyant immediately **moved** to adopt An Ordinance to Amend Chapter 9, Motor Vehicles and Traffic, Article I, In General, of the Code of the County of Albemarle, Virginia, by amending Sec. 9-114, Removal and disposition of abandoned or unattended vehicles. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Thomas.

**(The adopted ordinance is set out below.)**

**ORDINANCE NO. 05-9(1)**

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, 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 9, Motor Vehicles and Traffic, Article I, In General, is hereby amended and reordained as follows:

**By Amending:** Sec. 9-114 Removal and disposition of abandoned or unattended vehicles

**CHAPTER 9. MOTOR VEHICLES AND TRAFFIC**

**ARTICLE I. IN GENERAL**

**Sec. 9-114 Removal and disposition of abandoned or unattended vehicles.**

A. As used in this section, "abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is inoperable and is left unattended on public property for more than forty-eight hours; or
2. Has remained illegally on public property for more than forty-eight hours; or
3. Lacks either a current license plate, current county sticker or current state inspection sticker and it has been in a specific location for four days or more without being moved.

B. As used in this section an "unattended vehicle" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is illegally parked and the owner or operator is not present; or
2. Is stopped on a public highway or other public property, constitutes a traffic hazard and the owner or operator is not present; or
3. Is stopped on a public highway or other public property or private property without the consent of the property owner, lessee or occupant and the vehicle has been in such location for more than ten (10) days without being attended by the owner or operator; or
4. Is immobilized on a public roadway by weather conditions or other emergency situation.

C. An abandoned or unattended vehicle may be removed for safekeeping or other authorized purposes to a storage area.

D. Removal of abandoned or unattended vehicles under this section shall be carried out by or under the direction of police officers or other uniformed law enforcement personnel designated by the chief of police. Vehicles removed under the authority of this section shall be taken to storage area(s) for safekeeping or other authorized purposes.

E. Abandoned or unattended vehicles left on private property may be removed or caused to be removed by or under the direction of police officers or other uniformed law enforcement personnel designated by the chief of police, but only at the written request of the property owner, lessee or occupant of the premises. The property owner, lessee or occupant of the premises must provide in writing for the indemnification of the county against any loss or expense incurred by reason of removal, storage or sale of the abandoned or unattended vehicle.

F. As soon as possible after removal has occurred under paragraph (C), the police department must notify the owner of the vehicle of the vehicle's location and the procedure for the owner to recover the vehicle.

G. After authorized removal has occurred, disposal of a motor vehicle, trailer, semitrailer or part thereof may occur under the provisions of this section after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Virginia Department of Motor Vehicles (DMV) against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least sixty (60) days. The DMV shall be notified of the disposition of any motor vehicle, trailer, or semitrailer under the provisions of this section.

H. In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property under this section, when it cannot be readily sold, the motor vehicle, trailer, semitrailer, or part thereof may be disposed of in accordance with law and pursuant to procedures adopted by the county.  
(Code 1988, § 12-6.4; Ord. 98-A(1), 8-5-98; Ord. 05-9(1), 12-7-05)

**State law reference**--Authority, Va. Code §§ 46.2-1200, 46.2-1213.

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Agenda Item No. 19. **Public Hearing** to consider proposed ordinance to amend County Code Chapter 4, Animals and Fowl, Article II, to classify permitting a dog to run at large as a Class 4 misdemeanor and to increase the maximum fine to \$250.00. (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Tucker said County Code Sec. 4-213(B) provides that the punishment for unlawfully permitting a dog to run at-large within the designated areas of the County set forth in Sec. 4-213(A) is a maximum fine of \$25.00. County Code Sec. 4-315 provides that the punishment for permitting a dog to run at-large without a license tag, with limited exceptions, is a maximum fine of \$100.00. This item came up because of concern expressed by some Board members that the penalty for allowing dogs to run at-large was too small. He said that in Virginia the fine can be up to \$250, and the purpose of this ordinance is to allow the County to use the maximum the State Code allows. He said the court, upon conviction, would have the

authority to determine an appropriate fine. After holding the public hearing, staff recommends that the Board adopt the ordinance as advertised.

Mr. Wyant asked if the penalty would apply even to a dog wearing a license tag. Mr. Davis said Sec.4.2.13 provides that the owner can be summonsed even if the dog is licensed. It is a separate offense for dogs running without a license displayed, under 4.3.14 and 4.3.12. He confirmed that at-large means "off of your property and out of your control." He said this ordinance applies only to defined areas in the County, and it is a long and growing list.

With no questions for staff, the public hearing was opened.

Dr. William Krauss addressed the Board as a resident of Peacock Hill. He said he authored the petition to his Community Association and it ended up coming to the Board. He explained that the complaint arose from a situation with an individual who had a number of dogs that continually ran at large and he was only being fined \$25 for each incident. One of the dogs bit a neighbor. He recommended that the Board consider a limit on the number of dogs a resident could have within a leash-law area.

Mr. Ron Keaney, President of the Squirrel Ridge Neighborhood Association, addressed the Board. He said there are 18 dogs in the 23 houses there, and only one is a problem.

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

Mr. Bowerman said he is surprised that only two people came out to speak as this issue usually brings a large turnout. **Motion** was then offered by Mr. Bowerman to adopt An Ordinance to Amend and Reordain Chapter 4, Animals And Fowl, Article II, Dogs And Other Animals, And Article III, Licenses, of the Code of the County of Albemarle, Virginia, by amending Section 4-213, In certain areas, and Section 4-315, Penalties for violation of sections 4-312 and 4-314.

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

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

NAYS: None.

ABSENT: Ms. Thomas.

Mr. Rooker mentioned that Ms. Margaret Marsh of Foxvale Lane wrote him a letter with other recommendations concerning dogs. He asked that all Board members, Mr. Davis and Mr. Tucker be given copies of the letter.

**(The adopted ordinance is set out below:)**

**ORDINANCE NO. 05-4(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, DOGS AND OTHER ANIMALS, AND ARTICLE III, LICENSES, 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 4, Animals and Fowl, Article II, Dogs and Other Animals, Division 2, Running At Large, and Article III, Licenses, is hereby amended and reordained as follows:

**By Amending:**

Section 4-213 In certain areas

Section 4-315 Penalties for violation of sections 4-312 and 4-314.

**CHAPTER 4. ANIMALS AND FOWL**

**ARTICLE II. DOGS AND OTHER ANIMALS**

**DIVISION 2. RUNNING AT LARGE**

**Sec. 4-213 In certain areas.**

A. It shall be unlawful for the owner of any dog to permit such dog to run at large at any time within the following designated areas of the county:

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B. For the purposes of this section, a dog shall be deemed to be running at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section, and, upon conviction, shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00). It shall be the duty of the animal control officer to enforce the provisions of this section.

(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; 05-4(1), 12-7-05)

**State law reference**--Authority of county to adopt this section, Va. Code § 3.1-796.93; Violation is Class 4 misdemeanor, Va. Code § 3.1-796.128; Punishment for conviction of Class 4 misdemeanor, Va. Code § 18.2-11.

### ARTICLE III. LICENSES

#### **Sec. 4-312 License tags--Collar and tag to be worn by dog; exceptions.**

It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section (i) when the dog is engaged in lawful hunting, (ii) when the dog is competing in a dog show, (iii) when the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) when the dog is confined, or (v) when the dog is under the immediate control of its owner.

(Code 1967, § 4-29; 4-13-88; 9-13-89; Code 1988, § 4-32; Ord. 98-A(1), 8-5-98)

**State law reference**--Similar provisions, Va. Code § 3.1-796.92.

\* \* \* \* \*

#### **Sec. 4-314 License tags--Kennels.**

The license tag for a kennel shall show the number of dogs authorized to be kept under such license, and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag. The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this article.

(Code 1967, § 4-31; 4-13-88; Code 1988, § 4-34; Ord. 98-A(1), 8-5-98)

#### **Sec. 4-315 Penalties for violation of sections 4-312 and 4-314.**

The owner of any dog found running at large at any time of the year in violation of either section 4-312 or section 4-314, upon conviction, shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

(Code 1967, § 4-32; 4-13-88; Code 1988, § 4-35; Ord. 98-A(1), 8-5-98; 05-4(1), 12-7-05)

**State law reference**-- Violation is Class 4 misdemeanor, Va. Code § 3.1-796.128; Punishment for conviction of Class 4 misdemeanor, Va. Code § 18.2-11.

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Agenda Item No. 20. SP-2005-011. Rio East Commercial Area (Signs #45 & 49). **Public Hearing** on a request for minor amendment to SUP to allow slightly larger veterinary office & hospital than what was shown on the "sketch" plan that was part of the previously approved SP-2003-58 in accord w/Sec 25A.2.2 of the Zoning Ord which allows for uses by SUP in C-1, CO & HC districts, which veterinary office & hospital is one of those uses. TM 61, P 124A, contains approx 2.137 acs. Znd PD-MC. Loc on Rio East Ct (private), approx .1 mls from intersec of Rio East Ct & Rio Rd East (Rt 631). Rio Dist. (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Cilimberg said this request concerns prior approval of SP-2003-058. That permit limited the size of the facility approved and also required that any expansion of the facility for a veterinary office and hospital use would require an amendment of that special use permit. The request now is to enlarge the veterinary office and hospital to 7,500 square feet on a site that can accommodate the larger building. He said there are some issues related to the site plan – parking, location of the lot, handicap ramps, etc. – but they can all be addressed at the site plan approval stage. He said staff and the Planning Commission recommend approval of SP-2005-011 subject to five conditions.

With no questions for staff, the public hearing was opened.

The applicant was present but had no comments.

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

Mr. Bowerman offered **motion** to approve SP-2005-011 subject to the conditions recommended by the Planning Commission. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

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

1. A site plan shall be submitted for approval that shall be in general accord with the sketch plan prepared by Keeney & Co., Architects dated August 29, 2005, revised October 13, 2005;
2. The sketch plan shows the building to be seven thousand five hundred (7,500) square feet. Any additional square footage of the veterinary office and hospital use will require an amendment to this Special Use Permit (SP-2005-00011);
3. No overnight boarding use other than for those animals under medical care shall take place at the veterinary hospital;
4. The outside area for walking of animals shall be separated from access by the public by fencing; and
5. The building shall be sound-proofed and air-conditioned.

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Agenda Item No. 21. SP-2005-021. American Spirit Institute (Sign #75). **Public Hearing** on a request to allow use of private school in accord w/Sec 23.2.2.6 of the Zoning Ord which allows private schools in CO. TM 61, P 27, contains approx 0.835 ac. Znd EC. Loc at 2776 Hydraulic Road, near corner of Hydraulic Rd & Whitewood across from Albemarle High School. Jack Jouett Dist. (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Cilimberg said that this is a request for a private school to be located in an office complex on Hydraulic Road across from Albemarle High School. There are two other office buildings in the complex that all share parking. He said this particular use has been operating in violation of the Zoning Ordinance, and this permit would allow for a private school for training in massages and facials. He noted that classes would be somewhat restricted because parking during daytime hours would not allow for more than an employee and three students, but it could be unlimited during the evenings. To ensure that there is adequate parking for the school, staff has included a limitation on normal business hours.

Mr. Cilimberg said staff noted several favorable factors to the request, including adequate parking and the classroom training would provide a service to the community. He said the Planning Commission added a second condition establishing an expiration date of December 7, 2007, for this special use permit because the office intends to move from this location in the near future. He added that the other condition limits operating hours from 7:00 a.m. to 5:00 p.m.

Mr. Rooker expressed concern that if the applicant decided to stay in this location, the expiration date would require them to come back through the entire process again.

With no questions for staff, the public hearing was opened.

Ms. Sylvia Hines, the applicant, addressed the Board. She had recommended that the special use permit be granted for as long as she is in that location, adding that she would come back to the Board if she had the opportunity to expand within that building.

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

Mr. Rooker said that he would like to see the time limit removed.

Mr. Boyd offered **motion** to approve SP-2005-021 subject only to Condition No. 1. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

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

1. The number of students in any class offered between 7:00 a.m. and 5:00 p.m. shall not exceed three (3) students.

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Agenda Item No. 22. ZMA-2005-012. Sandridge (Signs #59 & 71). **Public Hearing** on a request to rezone .68 acs from R-2 to R-4 to allow creation of add'l lot & construction of single-family dwelling. The R-4 district allows up to 6 du/ac. Property loc at 5709 Wayland Dr. TM 56A1, Sec 2, Block A, P 3, between Wayland Dr (Rt 1216) & St George Ave (Rt 1202), approx 200 feet E of Crozet Ave (Rt 810). Property in the Community of Crozet as designated in the Comp Plan. The Crozet Master Plan designates the property as Urban General (CT 4), which is intended to support the center of downtown with variety of residential types & mixture of residential & commercial uses. Maximum allowed residential

density is 4.5 du/ac for single family detached, single family attached & duplexes; up to 12 du/ac for townhouses & apartments; & up to 18 du/ac in mixed use setting. There is a concurrent subdivision application (SUB-2005-00274) for this property. White Hall Dist. (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Cilimberg said the applicant wants to up-zone the property to allow for a second house along St. George Avenue, as the property runs between that road and Wayland Drive. He explained that in this general area there are several other properties that have houses on both streets. He noted that this proposal is in compliance with the Master Plan recommendations for Crozet, and both staff and the Planning Commission have recommended approval.

With no questions for staff, the public hearing was opened.

The applicant was not present, and there were no comments from the public. The hearing was closed, and the matter was placed before the Board.

Mr. Wyant offered **motion** to approve ZMA-2005-012 as recommended. Mr. Bowerman **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Thomas.

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**(The next three agenda items were discussed concurrently.)**

Agenda Item No. 23. ZMA-2004-011. Charlottesville Power Equipment (Sign #37). **Public Hearing** on a request to rezone approx 2.142 acs from C-1 (Commercial) to HC (Highway Commercial) to allow 12,000 square feet of commercial space in two buildings with proffered plan. The proposal also includes requests for special use permits for fill in the floodplain & for outdoor sales & display in an Entrance Corridor (see SP-2004-36 & SP-2004-37 below). TM 78, Ps 4A1 & 4B, are located in the Rivanna Magisterial District on the northwest corner of intersec of Rt 20 & Rt 250 East behind McDonald's Restaurant. The Comprehensive Plan designates these lands as regional service in the Neighborhood Three (Pantops) Development Area. General usage for regional service is regional-scale retail & service, wholesale, office, lodging & conference, employment center & residential (6-34 units/acre). General usage within the C-1 commercial zoning district permits retail sales, service, public use & residential by special use permit (15 units/acre). General usage within the HC zoning district permits commercial & service uses & residential use by special use permit (15 units/acre). (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

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Agenda Item No. 24. SP-2004-036. Charlottesville Power Equipment (Sign #37). **Public hearing** on a request to allow fill in the floodplain in accord w/Sec 30.3.05.2.2(3) of the Zoning Ord which allows for filling of land. (See concurrent requests, ZMA-04-11 & SP-04-37). (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

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Agenda Item No. 25. SP-2004-037. Charlottesville Power Equipment (Sign #37). **Public hearing** on a request to allow outdoor sales & display associated with permitted uses, which would be visible from an Entrance Corridor Street in accord w/Sec 30.6.3.2(b) of the Zoning Ord. (See concurrent requests, ZMA-04-11 & SP-04-36). (Notice of this public hearing was advertised in the Daily Progress on November 21 and November 28, 2005.)

Mr. Cilimberg said a critical slopes waiver has already approved by the Planning Commission, so the Board does not need to take action on that item. He explained that this location would provide for a 12,000 square foot, two-story building for equipment sales, offices, limited repair and storage facilities and a yard area for storage of equipment behind the building. He pointed out on a map the location of the property, noting its proximity to the Rivanna River, the established Rivanna Greenway, and the one hundred year floodplain that runs through the property. He said there is a small portion of the property that would need to have fill in the floodplain through special use permitting.

Mr. Cilimberg said when this request was originally presented to the Planning Commission at a work session, the Commission was less concerned about the use than they were about the design of the building, the parking layout, and how it would relate to the Entrance Corridors – Route 250 and Route 20 – as well as how it would relate to Rivanna Greenway and Free Bridge Lane. He said the parking will surround the building, which is an infill site tucked behind the Wilco development. There is a storage area in the back that is visible from the Entrance Corridor and hence subject to a special use permit for outdoor storage and display.

Mr. Cilimberg said staff sees positive aspects of this project as: it will provide access from Route 20 to sidewalks along that route, and it will provide access to the Greenway from the site. He said it is only one use. It is not a mix of uses, and it does fit the character of a regional service type of activity; this area is designated for Regional Service in the Comprehensive Plan.

Mr. Cilimberg added that from the Neighborhood Model standpoint, the facility would not be providing a mix of uses and is part of a larger area providing regional service for the general population. It is not really oriented to residential activity. He said some Planning Commissioners expressed concern

about how the facility relates to the floodplain and the Greenway. Their vote was split with dissenting members citing concerns about the building layout design and the fact that the use is not being oriented to the Greenway.

Mr. Cilimberg said staff recommended approval of ZMA-2004-011 subject to the four proffers offered by the applicant. As to SP-2004-036, staff believes fill in the floodplain would necessitate a letter of map revision from FEMA in addition to copies of permits. Regarding SP-2004-0-37 for outdoor storage and display, staff followed the ARB's recommendations regarding conditions.

Mr. Rooker asked about the condition requiring construction of pedestrian features. Mr. Cilimberg said they are part of the proposed plan so have to be in accord with the plan in any of the development aspects including a resting station with benches, and construction of a pathway.

Mr. Rooker asked when the applicant would be required to build and install those features in relationship to construction of the building. Mr. Cilimberg said those are part of the site plan, and would need to be completed before a certificate of occupancy could be granted. In response to a question from Mr. Rooker about screening from the Greenway, Mr. Cilimberg said Proffer No. 4 signed November 30 indicates on the landscape plan that the applicant will install and maintain landscaping which meets ordinance requirements in Section 32.7.98. He explained that the screening would be of a quantity, size and variety that would screen the development and parking from Free Bridge Lane and the Rural Area district on the opposite side of Free Bridge Lane, as determined by the Director of Planning in consultation with the County's design planner, and it would need to be shown on the site plan. He said that proffer was a follow-up to concerns raised by the Planning Commission; the proffer did not exist at that time.

Mr. Rooker asked if Sec. 32.7.98 was an ordinance requirement that would apply to this project anyway, or is it an additional requirement. Mr. Cilimberg said it is an additional requirement establishing a level of installation and maintenance that is the same as the ordinance would require in stipulated areas.

Mr. Rooker asked about the height of the trees, and asked if the proffer includes incorporation of those details. Mr. Cilimberg responded that the landscape plan dictates the height, and that plan was included in the Board packets.

With no further questions for staff, Mr. Rooker asked the applicant to speak.

Ms. Judy Wiegand, Planner, clarified that the evergreen trees are required to be six to eight feet in height.

Mr. Katurah Roell, representing Charlottesville Power Equipment, addressed the Board. He said they took in Commissioner Rieley's comments and added in a complete row of the six to eight-foot tall evergreens, as well as maintaining the shrubs that are planted at three feet and grow to six feet in height. He said there will also be additional trees planted to help screen the site from Route 250 per ARB requirements. They continued the plantings along the frontage that separates the parking and which is relegated to the buildings that it is behind – over a sewer line where an easement and building could not go. He noted that the building elevations and grades were established based on the topography, keeping above the floodplain and leveling off in the back of the Wilco site. There will also be a six-foot black metal fence along the side that will be behind the evergreens.

Mr. Roell emphasized that the applicant is affecting less than one-half of the parcel, adding that they expect a response from FEMA soon regarding the floodplain issues. The small portion of the building to the left is not for use for power equipment, but is available as office space for a second use on both floors.

Mr. Wyant asked about the size of the retaining wall. Mr. Roell said that it is a four to five-foot high wall, and there would be landscaping behind the Wilco site and at the back of this site. They met with Mr. Dan Mahon, of the Planning Department to work on the greenway trail. They will be dedicating a portion of the land for greenway use, and their portion of Free Bridge Lane to the County or VDOT.

Noting the staff report reference to "limited repair and storage facilities," Mr. Bowerman asked if repairs would be done for as much equipment as the business could take in. Mr. Roell said he was not sure.

Mr. Cilimberg stated that in the Application Plan, the applicant would describe exactly what would take place on the site.

Mr. Rowell said they feel it is a good use for the area. The applicant looked at several sites before settling on this one in the Pantops area. They felt that the site behind the gas station for the muffler shop would be acceptable. He emphasized they are aware of the sensitivity to the river and screening.

Mr. Bowerman asked where this business is currently located. Mr. Roell said it is currently next to Bob's Wheel Alignment on High Street in Charlottesville, stating that the business has been there for a number of years but has outgrown the facility.

Mr. Rooker said dedication of the Greenway and the Free Bridge Lane portion is not covered in the proffers. Is an enforceable obligation being created to do that?" Mr. Davis responded that it is shown on the site plan.

Mr. Roell pointed out that they have done it that way with two other joint parcels to the north on the same lane. Mr. Cilimberg demonstrated on a map what area Mr. Roell was referring to, but said it was not provided for in the proffers.

Mr. Roell said he would be happy to offer the dedication of 25 feet off of the center line to match the right-of-way north of that sufficient for the road area, as well as a 50-foot strip for the Greenway itself. Mr. Davis agreed to draft a sentence covering this dedication.

Mr. Rooker noted the reason for his concern is the fact that a special use permit runs with the property, not the applicant.

At this point, the public hearing was opened. There being no public comment, the hearing was closed and the matter was placed before the Board.

(Note: At 3:05 p.m., the Board took a recess while Mr. Davis worked on the wording of a condition. The Board reconvened into session at 3:20 p.m.)

Mr. Cilimberg explained that the property line is just to the west of the one hundred foot stream buffer line. This condition would dedicate upon demand of the County everything on the west side of that stream buffer for the purposes of the Greenway and such. He added that the applicant has already proffered to dedicate to the County a resting station with benches.

Mr. Davis reported that the new condition is proposed as Condition No. 3 to SP-2004-036, reading as: "Upon request, the owner shall dedicate to the County the portion of the property within the one hundred foot stream buffer deemed necessary by the County for a Greenway trail, and the area designated on the plan produced by Terra Partners, LLC, dated October 19, 2004, last revised October 10, 2005 entitled 'Williams Property' as the "Resting Station with Benches."

Mr. Boyd then offered **motion** to approve ZMA-2004-011 subject to the proffers submitted. Mr. Bowerman **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Thomas.

**(The proffers are set out in full below.)**

#### **PROFFER FORM**

Date: 11/30/2005

ZMA # 2004-011

Tax Map and Parcel Number(s) TMP 78-4B and TMP 78-4A1

2.142 Acres to be rezoned from C-1 to HC

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

1. The development on TMP 78-4B and TMP 78-4A1 shall be in general accord with the plan produced by Terra Partners, LLC, dated October 19, 2004, last revised October 10, 2005, entitled "Williams Property", herein referred to as the plan.
2. Permitted by right uses of the property shall be only those two use classifications identified in the following sections of the Albemarle County Zoning Ordinance in effect on July 13, 2005, a copy of which is attached hereto:
  1. Sec. 18-24.2.1(22) Machinery and equipment sales, service and rental.
  2. Sec. 18-24.2.1(41) Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.

This proffer shall not be construed so as to prohibit any use permitted by special use permit authorized by Albemarle County Zoning Ordinance § 24.2.2.

3. No building permit shall be issued unless and until the Director of Planning, or his assigns, determines that those building facades that are not governed by a certificate of appropriateness issued by the Albemarle County Architectural Review Board are in general accord with the building elevations prepared by C.W. Hurt Contractors, dated December 28, 2004, entitled "C'ville Power Equipment," (the "building elevations") attached hereto. The facades shall be determined to be in general accord if the form, massing, character and detailing conform in all material respects to the building elevations.

4. In the area shown as 'Evergreen Screen' on the Landscape Plan, prepared by Terra Partners and dated November 30, 2005, the owner shall install and maintain landscaping pursuant to Section 32.7.9.8. The landscaping shall be of a quantity, size and variety of species that screens the development and parking on TMP 78-4B from Free Bridge Lane and the RA District on the opposite side of Free Bridge Lane, as determined by the Director of Planning in consultation with the Albemarle County Design Planner. This landscaping shall be shown on the site plan for the development on TMP 78-4B and be installed in conjunction with the improvements for TMP 78-4B.

<u>(Signed) Charles Wm. Hurt</u>	<u>Charles Wm. Hurt</u>	<u>11-30-2005</u>
Signatures of All Owners	Printed Names of All Owners	Date

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Mr. Boyd then **moved** for approval of SP-2004-036 subject to the two conditions recommended by the Planning Commission adding No. 3 reading "Upon request, the owner shall dedicate to the County the portion of the property within the one hundred foot stream buffer deemed necessary by the County for a Greenway trail, and the area designated on the plan produced by Terra Partners, LLC, dated October 19, 2004, last revised October 10, 2005 entitled 'Williams Property' as the "Resting Station with Benches" as worded by the County Attorney.

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

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

**(The conditions of approval for SP-2004-036 are set out in full below:)**

1. A letter of map amendment must be obtained from FEMA;
  2. Copies of state and federal permits (DEQ, Army Corps of Engineers) must be provided; and
  3. Upon request, the owner shall dedicate to the County the portion of the property within the one hundred (100) year stream buffer deemed necessary by the County for a greenway trail and the area designated on the plan produced by Terra Partners, LLC, dated October 19, 2004, last revised October 10, 2005, entitled "Williams Property" as the "resting station with benches".
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Next, Mr. Boyd **moved** for approval of SP-2004-037 with the four conditions recommended by the Planning Commission. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

**(The conditions of approval for SP-2004-037 are set out in full below.)**

1. Site lighting shall be limited to the satisfaction of the ARB, as illustrated in the ARB-approved lighting plan, dated October 12, 2005, and prepared by Terra Partners, LLC;
  2. The storage yard fence shall be of material, character, and design that are coordinated with the building, as approved by the ARB;
  3. Regarding items for storage/display:
    - a. Equipment shall be stored/displayed only in areas indicated for storage/display on the "Display Area Exhibit" plan dated October 12, 2005;
    - b. Items located in the storage lot on the north side of the building shall not exceed ten (10) feet in height;
    - c. Items located in the storage/display areas under the two easternmost awnings on the south side of the building shall be limited to small lawn mowers, rototillers, and other similarly sized items. Items on display shall not extend into sidewalk, landscape, or parking areas;
    - d. Items located under the tower shall be fully contained within the structure of the roofed tower, as shown on the architectural elevation drawing sheet A3 (East/Front Elevation) and A5 (South Elevation), dated December 28, 2004; and
    - e. Items for sale/storage/display shall not be elevated anywhere on the site; and
  4. Retaining wall materials are subject to ARB approval and shall be indicated on the ARB-approved site development plan.
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Agenda Item No. 26. CPA-2005-001. Land Use Plan Transportation Update, **Work Session:** Proposal to amend the Transportation Section of the Comprehensive Plan to include, but not be limited to, references and updated information based on adopted regional transportation plans.

Mr. Benish said the Planning Commission held several work sessions on the Transportation Section of the Land Use Plan and the transportation recommendations in the Neighborhood and Community Profiles in the Land Use Plan. It recommended approval of the draft at its meeting on October 25, 2005. The primary purpose of this amendment is to incorporate the MPO's adopted Charlottesville-Albemarle Regional Transportation 2025 Plan, the recommendations of the adopted Regional Bicycle,

Pedestrian and Greenway Plan, and the recommendation of the Rural Area Transportation Long Range Plan. These plans make up the adopted UnJAM - CHART 2025 Regional Transportation Plan. The update also incorporates the most current data and language to the General Transportation section, Neighborhoods and Communities sections of the Land Use Plan. In developing that plan, the pedestrian plan was consistent with what the County already had in transportation planning but does incorporate goals and objectives that are regional in nature.

Mr. Benish said some "housekeeping changes" have been made. Updated project descriptions and policies adopted by the Board have been included. Staff has done updates to the Transportation sections of the profiles for the Neighborhood Plans, but has not done comprehensive changes to that section. Neighborhoods 1 through 5 will be updated along with more comprehensive master plan changes for those areas. He mentioned that staff has already incorporated some technical changes in the draft that were provided by Ms. Thomas. The next work session on this amendment is scheduled for January.

Regarding "General Principles" for the Transportation Plan, Mr. Benish said staff has typically reflected the goals of the regional plan which mirrors the goals in the UnJAM plan. Additional goals have been added by staff and the Planning Commission recognizing the need for multi-modal transportation and providing options for the disadvantaged.

Mr. Benish said the primary change to the beginning of the Transportation Plan section is to reflect new terminology with the adoption of UnJAM; it now reflects the urban area transportation component of that plan and rural area transportation long-range planning, which were not distinguished in the previous plan. The section on Streets and Roads has been used to provide narrative on major road corridors. Staff added projects that have not been in prior plans, such as Hillsdale Drive and the Northern Free State Road, as well as updating text on other roads already included in previous plans.

Mr. Benish said the section that covers the Route 29 Corridor mentions the Route 29 Corridor Development Study and the Southern Route 29 Study, which were undertaken by VDOT a number of years ago. He mentioned that the Fauquier Study was never adopted by VDOT, and there have been changes in expectations to the Northern Route 29 corridor; however, staff included them anyway even though VDOT does not necessarily plan on using the studies to dictate their policies for the road.

Mr. Rooker said the studies he is aware of did not deal with the southern portion of Route 29, adding that this seems to be more inclusive than the Routes 29/250 study. He suggested the language be clarified to show that the portion of Route 29 being considered is from Hydraulic Road north to the Greene County line. He also said that what is not mentioned is the widening of Route 29 in the gap area between the South Fork Rivanna River bridge and the Hollymead Town Center. He thinks it would be wise to have that in Albemarle's plan if the Board is going to ask that it be funded. Mr. Cilimberg replied that the item is part of the Board's priority list for road improvements.

Mr. Rooker wondered if it should be included in the Land Use Plan. Mr. Benish said it could not hurt to include it, although the plan's intention is to refer to underlying transportation plans.

Mr. Boyd asked how this section might be changed with the Places 29 project currently underway. Mr. Benish responded that this section recognizes existing adopted studies, and it also notes that the Places 29 study is underway. Once the Places 29 Master Plan is adopted there may need to be additional changes in the Transportation Land Use Plan.

Mr. Boyd said he does not understand the practical application of this document. Mr. Benish said this section was adopted in 1995. It was intended to provide discussion of major road corridors and to identify the importance of broader issues, with recommendations that refer to other studies – such as the Route 29/250 study. This is sort of an educational, informational piece about major road corridors.

Mr. Wyant asked where the "vision" portion is covered. Mr. Benish responded that the UnJAM plan reflects specific proposed network improvements. Other sections of the Land Use/Comprehensive Plan will have specific recommendations. The Places 29 study will result in an entire set of recommendations for that area. He said the Jones & Jones study done for the Meadow Creek Parkway is referenced in many other documents.

Mr. Boyd said it seems to him that there are a lot of transportation documents. Mr. Benish replied that the Comprehensive Plan is detailed in the sense that it covers a lot of areas. It is intended that anyone picking up the Plan and reading about transportation would have enough information to refer them to the correct plans. Once UNJAM Plan is amended, all the other citations have to be kept up to date. That is why the Plan "toys" with being overly complex. If everything is repeated in these plans then a multitude of sections of plans are updated also.

Mr. Bowerman emphasized that the more information available to the reader, the better, and it is important to refer people to the underlying documents that led to a specific plan or implementation of a plan. Mr. Cilimberg said this is largely a reference document, the one place you can go to find information rather than having to go to many existing documents separately.

Mr. Wyant said this is only the skeleton. The other documents include the details that are hung on this skeleton.

Mr. Boyd expressed the need for a simple flow chart that contained the information necessary to getting a road paved or built. Mr. Benish indicated that there are written policies already available for that.

Mr. Dorrier said that at last night's meeting, residents expressed concern about not having input into some changes put into the master plan for Rivanna Village. Mr. Benish explained that those particular changes came from the Comprehensive Plan amendment for Rivanna Village's commercial area, and they did go through the public hearing process. There is no change being proposed. That is existing language.

Mr. Rooker wondered if citing the sections of the Comprehensive Plan that the language is summarized from might make it easier for the reader. Mr. Cilimberg explained that the whole chapter was pulled out and presented today for the Board's review. All of the words which carry a strike-through will be removed and all of the words in bold will be added, but nothing else is changing.

Mr. Rooker suggested looking at the references within the document to Comprehensive Plan amendments, which are referenced in this document.

Mr. Wyant said the references might not be fully clear because they refer to the Plan not the sections themselves. Mr. Benish agreed to make the references more specific.

Mr. Bowerman said because the Comprehensive Plan is updated often, it is difficult to keep references accurate. Mr. Tucker said State law requires review of the Comprehensive Plan every five years, but now the Plan is so large the County updates elements periodically rather than the whole plan.

Mr. Cilimberg said this amendment is just a piece of the whole plan. This document does refer to various pages in the document that the Board is not seeing in this amendment. The resolution of intent that was adopted covered only things that are transportation-related. What is before the Board today is what was adopted in 2002 and it is not being proposed for change with this amendment.

Mr. Rooker said there are many things in the Community Profile section that are very outdated, such as references to Sperry and Comdial as the County's largest employers. Mr. Cilimberg said that information could be updated when Places 29 is completed. The Board needs to make just the transportation changes now; it could then pass a resolution of intent to make other changes but knowing that there will be further updating when Places 29 is completed.

Mr. Boyd said there are major changes occurring that people are not picking up on as it is confusing, citing Glenmore as an example.

Mr. Rooker said there had been a general public notice to everyone in the County for this item. He asked Mr. Boyd what he would suggest be done to better inform the public. Every owner of property that adjoins Glenmore and within Glenmore received notices at the time that meeting was held. He said the developer held a meeting in Glenmore and presented the plan before it was even presented to this Board. He emphasized that residents in Glenmore will receive notices before any rezoning requests before the Planning Commission and the Board of Supervisors.

Mr. Boyd said it is not something necessarily that people would easily pick up on, that this affects them.

Mr. Rooker asked Mr. Boyd if he wanted the County to send every resident in the community a notice every time the Comprehensive Plan is changed.

Mr. Boyd said homeowner associations in the communities being affected should be notified.

Mr. Dorrier pointed out language within the transportation plan that is very specific to one particular area, a parcel slated for development.

Mr. Rooker said that is the Comprehensive Plan for that area, and it was adopted in 2002, and there is no change proposed there. If Mr. Dorrier wants to readvertise and start a Comprehensive Plan amendment for the Village of Rivanna, there is a whole process for doing that; however, that is not what the Board is doing right now. Mr. Cilimberg clarified that the adopted resolution of intent calls for changes only to transportation in those areas. The other things would not be subject to change.

Mr. Davis said if someone wanted to amend the Rivanna Village section of the Comprehensive Plan, they could petition the Board or Planning Commission to do so. There is a process to initiate a Comprehensive Plan amendment.

Mr. Wyant said in this case the Board is just updating the Transportation section to incorporate the other plans that are available.

Mr. Rooker said the Plan is an information document the public can refer to and find their way to transportation information, such as the Route 250 study. Regarding the Rivanna Village situation, he noted that a developer has made a rezoning proposal to match what the Comprehensive Plan calls for. He added that if the Comprehensive Plan is to be changed, there is a specific process for doing so.

Mr. Wyant asked why the critical base rating system is crossed out in the document. Mr. Benish explained that staff is moving away from the "Menu TP" system as it is "going out of fashion." He said the specific modeling system to be used seems to be a bit of a technical detail that is probably less important to the general public.

Mr. Tucker noted that the Planning Commission has already reviewed this draft and has recommended approval. He explained that approval of the draft today will take the amendment to public hearing in January.

Mr. Bowerman stated that the expectation in January is to have a public hearing on the Transportation component of the Comprehensive Plan, which contains references to other documents like Rivanna Village, which will be open for public comment. He said the Board is liable to get a lot of comments about some things not being changed.

Mr. Rooker commented that the County must be careful about notifying people individually.

Mr. Boyd said he thinks the County needs to be very careful that those people are notified. He thinks they must be notified. It is part of the Board's job to make sure they are notified.

Mr. Bowerman commented that that village is not in front of the Board.

Mr. Rooker commented that there seems to be a misunderstanding. The Rivanna Village Comprehensive Plan is not going to be before the Board for action or change. Since this document affects everybody in the County, he guesses that an individual letter would be sent to everybody in the County. He said when the Secondary Six-Year Plan is adopted, the Board adopts transportation improvements within that plan that have an impact countywide, such as a project including Route 250 East. He said this document references historical documents, but it is not proposing to change those documents. He emphasized that the Board is not adopting a Transportation Plan; it refers to existing transportation plans. Mr. Davis said the purpose of this amendment is just to incorporate plans that have already been adopted into the Comprehensive Plan.

Mr. Rooker said the Board is not proposing to change those plans at this point. However, plans are changed every time there is a change in the Secondary Six-Year Road Plan or the twenty-year road plan. This amendment will just incorporate existing plans into this plan by reference. The UnJAM Plan will not be changed by this action. If that is what people think is being done, it will create a false expectation.

Mr. Cilimberg said that there are no substantive changes in the Profiles for Transportation; what is referenced primarily evaluates transit opportunities. He said it might be easier to remove the Profiles section.

Mr. Tucker agreed. He thinks it is confusing everybody more than it is helping.

Mr. Benish said staff has deleted references to road improvements that have already been completed.

Mr. Rooker said that there is a section in this document that references JAUNT, but there are no recommendations to change the JAUNT service. Mr. Tucker clarified that the document would be only pages 1 through 36 sent to the Board. Mr. Rooker said the attachments are not being dealt with although that seems to be the impression.

In response to concerns expressed by Mr. Boyd about Rivanna Village, Mr. Rooker said there is an existing master plan for that area. Mr. Cilimberg said there will be an "application opportunity" to file for amendments to the Comprehensive Plan in March, 2006. Anyone can make application for a change to the Plan. He has been contacted by a representative from Glenmore, so there may not need to be anything else done to get that amendment filed.

Mr. Davis said January 11, 2006, is the public hearing date set for CPA-2005-001. Mr. Cilimberg said the Profile part of the amendment is in the Comprehensive Plan, so if that is to be removed, it will have to go through a public hearing process.

At this time, Mr. Bowerman offered **motion** that the Transportation section of the Land Use Plan, Pages 1 through 36 only, be taken to public hearing on January 11, 2006. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

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

Mr. Wyant asked about the proffer connected to Crozet Park as it relates to the old radio station.

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Mr. Wyant asked about coordination with Orange County regarding a development which is just across the county line. Mr. Tucker responded that it is a senior living development, and Orange County is in a different Planning District. Mr. Cilimberg explained that the development is a by-right development, and is later development stages at this time. Albemarle was not given an opportunity to be involved with the project.

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Mr. Wyant wanted to know how the Recreation Study fits in with the Old Trail proffers for recreation.

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Mr. Boyd asked about the Key West Dam project. Mr. Cilimberg said Mr. George Shadman was present and would answer that question. Mr. Tucker said staff received quite an interesting bid on the project and Mr. Shadman is trying to work with the contractor to get the price down.

Mr. Shadman explained that eight contractors attended the pre-bid meeting, including two who actually submitted bids – one for \$929,000 and one for \$872,000. He said these bids were not acceptable. There is a meeting scheduled tomorrow with the contractor, the County Engineer, and staff from the General Services Department to establish why the bid is so much higher than staff had estimated.

Mr. Wyant asked if staff had looked into value engineering. Mr. Shadman explained that the procurement people said that to value engineer it to the extent wanted would cause the County to repackage the bid specifications and go out for a bid beyond the value engineering concept.

Mr. Bowerman asked the meaning of “value engineering.”

Mr. Wyant said value engineering is an attempt to reduce the cost of each element of the contract. Mr. Shadman said given the extent of the project, it would basically be a redesign of the whole project.

Mr. Boyd said he understands from the neighbors that the biggest reason for the cost increase is that one lane of the bridge would have to remain open during construction. Mr. Shadman that would be considered tomorrow, as well as an overhead power line, a waterline, use of a fire lane as an alternate route, all the things that drove the cost estimates up considerably.

Mr. Tucker said if school busses are an issue, perhaps residents would be willing to take their children to a different bus stop.

Mr. Rooker commented that the Board had approved about \$300,000, and the estimates are now three times that.

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Mr. Boyd asked if there are proposals to build parallel roads that connect with commercial areas or connect with other neighborhoods at Pantops. He would like any such proposal to come to the Board; he does not want it to be decided just by staff. Mr. Graham said there is an issue because one builder is proposing that a road be built across critical slopes without having to apply for a critical slopes waiver. He said staff has responded that the road is not shown on any plan in the Comprehensive Plan and there are alternatives so the road would not have to go across a critical slope.

Mr. Boyd commented that the Pantops Master Plan is “dead in the water.” Mr. Graham said until that master plan is approved it is not a part of the Comprehensive Plan. Staff cannot say at this time that the County has expressed an interest for a road to be in that location. He said there are alternatives to putting the road across a critical slope. It is on land the applicant owns.

Mr. Rooker noted that the Planning Commission can handle critical slopes waivers reasonably quickly. Mr. Cilimberg mentioned that the Planning Commission, at one time, saw a site plan for a restaurant in the same general area on Route 250. There were multiple lanes shown on Route 250 for an intersection to provide a road that would make these connections. The Commission agreed to concept. He does not think there has been any foreclosing of connections occurring.

Mr. Boyd asked if there is a piece of the connection to which staff objects. Mr. Cilimberg said there is no objection, but a waiver may be necessary. Mr. Graham said that is all it is.

Mr. Rooker said a message needs to be sent that enhanced connections are desired there. If a developer has a project coming to the County in the near future, a connection should be facilitated so an entire parallel road can be built. Mr. Cilimberg noted that in the Fontana development, there may be people who oppose a connecting road.

Mr. Rooker said to make a parallel road work at Pantops, there would need to be a connection to Route 20.

Mr. Boyd expressed concern about having a road that connects existing neighborhoods with new neighborhoods.

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Mr. Dorrier asked for a status of the study concerning Route 250 East. Mr. Cilimberg said there is the old corridor analysis the Board never adopted. He said staff has asked that three primary roads from the east side of the urban area into Fluvanna County be included in the study to be undertaken by the Planning District Commission. That study will consider the northwest part of Fluvanna area around Zion Crossroads and the impact of changes in that area on Route 250, Route I-64 and Route 53. Mr. Tucker said several years ago there was a proposal to look at four-laning Route 250 East. That is what the Board did not support.

Mr. Rooker said the proposal in VDOT's Six-Year Primary Plan for potential new projects is going to the MPO Technical Committee for review. The proposal includes four-laning of Route 250 East from where the four lanes end now just east of I-64 out to the Fluvanna County line. The other item to be recommended is an access ramp situation on I-64, which ultimately must be approved by the MPO.

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Mr. Dorrier said he has agreed to write a letter to Mr. Gordon Walker, School Board Chairman, requesting that the School Board reconsider placing a school at Rivanna Village at Glenmore because the new rezoning request includes 27 acres that had previously been proffered to the County for a school or other public use. Residents at the meeting last night felt it should be considered.

Mr. Rooker said he feels it would be wise to have the School Board look again before the rezoning is completed as elimination of a school site has been on the table for consideration. He said that question was asked when the Board considered the Comprehensive Plan change. He said this Board specifically asked the School Board whether they felt a school site was needed, and the School Board said "no."

Mr. Tucker said the County had considered the land for a school site, but the School Board said "no", so the County asked the applicant for a park instead. Mr. Davis clarified that the proffer was for 27 acres for a school or other public use. He said the time limit to take the property is the year 2010.

Mr. Boyd said when he was a member of the School Board and this proffer was discussed, there was no intent to build an elementary school at that point. Mr. Cilimberg said staff has asked the question a number of times and has been told "no."

Mr. Wyant said he hopes the School Board would be working closely with County staff. Mr. Davis said staff has asked the developer to incorporate a park into the plan.

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Mr. Boyd asked about the status of the Eastern Connector study. Mr. Graham said staff is continuing to work with the City on it, as they had questions regarding the amended study scope. It looks like discussions are at the point where the study can start. He said a traffic analysis, not a detailed study, is planned for the short term.

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Mr. Rooker asked about the Lethal Wrecker issue. Mr. Davis said his office is looking into this issue and will have a report back to the Board in January.

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Mr. Rooker asked the Clerk to make copies and distribute an article from the Wall Street Journal, "State, Local Officials Face Looming Health-Care Tab" regarding retiree health insurance, to Board members. He said the long-term financial impact needs to be considered as the County moves forward to deal with retiree health insurance.

Mr. Boyd wanted to know when that issue was coming back to the Board. Mr. Tucker said he will check with Mr. Breeden.

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Mr. Cilimberg discussed with the Board the proposed statement for the "Moving Virginia Forward" meeting in Staunton tomorrow night. He will provide Board members with a copy of the statement with the proposed changes for their review. He asked that comments be sent to him as soon as possible. He mentioned the bullet saying the State should consider mechanisms such as bonds to raise additional revenue.

Mr. Davis clarified that an amendment to Title 15.2 could not permit counties to do that. It would require a Constitutional Amendment to authorize a county to issue debt without a referendum. Additionally, he said that transportation districts already have the authority to issue debt without holding a referendum, but counties cannot do it independently of a transportation district. The issue is how transportation districts get revenue to fund a bond issue. Counties can enter into contracts with a transportation district to provide annual revenue, but it is not as efficient as general obligation debt. He recommended that the second sentence be struck.

Mr. Rooker suggested removing the entire bullet, because it is just a general statement.

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Agenda Item No. 28. Adjourn. At 4:40 p.m., there being no further business to come before the Board, the meeting was adjourned.

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Chairman