

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 14, 2005, at 6:00 p.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. David P. Bowerman, Mr. Kenneth C. Boyd (arrived at 6:10 p.m.), Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 6:07 p.m., by the Chairman, Mr. Rooker.

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

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

Mr. Rhett Ripplinger, coordinator of the Rivanna Citizens Committee, addressed the Board. He said that his group represents nearly 2,000 citizens living and owning land in the Village of Rivanna designated growth area. He said that they pay property taxes on nearly one-half billion dollars of real estate, and probably spend over \$10 million annually in the local economy. Mr. Ripplinger said that several members of their community have been selected "Albemarle Citizen of the Year," and many of them are retired. He said that the Planning Commission has not followed the Comprehensive Plan regarding the rezoning of 100 acres in the village. State law says "the Comprehensive Plan shall be made with a purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory which in accordance with present and probable future needs and resources best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants including the elderly and persons with disabilities."

Mr. Ripplinger commented that the County has not given the residents an adequate place at the table. We want to master plan the Village of Rivanna before the ZMA creating the county "guinea pig" of Rivanna Village. He added that the Board "shall accept the 27 acres proffered in 1990 and hold it in perpetuity for a school or other public use," and the Board "shall arrange for their representation on the Planning Commission." He emphasized that the Comprehensive Plan and Neighborhood Model are "the best that money can buy," and should be followed by the Board. They want their village to be the best it can be. He then thanked Mr. Bowerman for his public service.

Mr. Tom Loach of Crozet addressed the Board. He would like to respond to the Board's discussion at their last meeting on the issue of the status of the county's growth areas. He disagreed with the contention of Mr. Boyd that the sentiment in Crozet was that the community was unhappy with the process used in developing the Master Plan. Mr. Loach emphasized that it is not the planning process that is the problem, but the implementation of the plan that lies at the heart of their complaints. The plan is not the problem. It is the Board and their inability to respond to the changes required to make the plan work, especially when it relates to the zoning and infrastructure.

Mr. Loach added that what was presented at the last Board meeting were facts relating to the density as they were presented to the community of Crozet, and Planning staff could not provide a coherent explanation for the Old Trail calculations at the time of the vote. He noted that Crozet community members have asked for the data, only to be told that staff is recalculating it. Mr. Loach said that infrastructure concerns came to light in the recent county survey that showed that the ability for the county to provide necessary infrastructure was in the "least satisfied" category. He added that with regard to support for the development area, it has dropped overall by 10 percent in the past two years, and has dropped by 17 percent from the overall approval rate in 2000. Mr. Loach noted that the Board has only a 56 percent approval rate in managing growth.

Mr. Loach emphasized that he disagrees with Mr. Boyd's request to appoint another committee to look into the question of master planning because the composition suggested assumes equity between developers and growth area residents. He does not believe that the interest of over 40,000 growth area residents against a handful of developers is equal. He suggested that maybe it is time to stop "our self-imposed caste system" between rural and growth areas.

Mr. Jeff Werner addressed the Board, speaking on behalf of the Piedmont Environmental Council. He asked the Board to become directly involved in the Gardner landfill situation in Cismont, noting that the issue of unregulated landfills will not end with the Gardner site and what the county does here should establish the protocol for dealing with future situations. Mr. Werner reported that according to the attorney representing an adjoining landowner, materials are being removed from the site without a record of where they are being taken and there is no evidence that they are being taken to a regulated facility or are being transported by qualified handlers. He added that there are also reports of late-night removal.

Mr. Werner stated that last week there was a debate on the Neighborhood Model, and local residents are concerned about growth in Albemarle, but it is inaccurate to blame the model for growth or

for the community's anxiety over that growth. He added that the growth potential did not change as a result of the master plan, and there would still be complaints about schools, roads and public services.

Mr. Werner emphasized that the DISC Committee was made up of a diverse group of local residents, and the consultants for the Crozet Master Plan were local firms and DISC II Committee members were appointed by the Board. He added that the model doesn't force the developer to submit a plan that won't work, and doesn't cause delays as most projects being debated involve major rezonings requiring significant proffer discussions usually for substantial infrastructure and transportation issues that would exist even without the model. Mr. Werner said that the perpetuation of the myth that the model creates unaffordable housing "must stop." He stated that market determines price and builders and developers will sell at what the market will bear.

Mr. John Martin addressed the Board, stating that he is a member of Friends of the Moorman's River. He stated that democracy would not work without people like David Bowerman, and expressed his gratitude for Mr. Bowerman's years of service on the Board of Supervisors.

The following people and organizations also recognized and expressed gratitude to David Bowerman: Liz Palmer, League of Women Voters; Steven Meeks, Thomas Jefferson Soil & Water Conservation District; Jack Marshall, Advocates for a Sustainable Albemarle Population; David Toscano, Delegate-Elect and former City Councilman; Gerry McCormick Ray, Citizens of Albemarle; Leslie Middleton, Citizen of Charlottesville and the Ivy Creek Foundation; Kay Slaughter, Former City Councilwoman and Southern Environmental Law Center; Marcia Joseph, Planning Commission member; Rodney Thomas, Planning Commission member; Jeff Werner, Piedmont Environmental Council, and Sherry Buttrick, Virginia Outdoors Foundation.

Mr. Bowerman said that it has been a good 26 years of wrestling with these problems, of wrestling with the public and I he wouldn't have missed it for the world. He thanked everyone for what they have done. Mr. Bowerman also thanked his wife Mimi and recognized her in the audience.

Mr. Rooker said that Mr. Bowerman has been a friend and mentor for a long time and said, the community is a better place because he served the community. He noted that Mr. Bowerman's record of service is unparalleled, with years of service on both the Planning Commission and Board of Supervisors.

Agenda Item No. 5. Consent Agenda. **Motion** was offered by Mr. Boyd, **seconded** by Ms. Thomas, to approve Items 5.1 through 5.3 on the consent agenda, and to accept Item 5.4 for 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, Mr. Rooker and Ms. Thomas.
NAYS: None.

Item No. 5.1. Approval of Minutes: November 3, and December 1, 2004; June 1, August 3 and September 14A, 2005.

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

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

Mr. Wyant had read the minutes of August 3, 2005 and found them to be in order.

Item No. 5.2. Resolution approving the issuance of revenue bonds by the Industrial Development Authority of the City of Charlottesville in the amount not to exceed \$2,850,000 to assist the Recording for the Blind & Dyslexic, Inc.

A letter dated December 8, 2005, from Elton Oliver, Secretary of the Industrial Development Authority, was received. Recording for the Blind & Dyslexic, Inc. (the "Company") has requested that the Industrial Development Authority of Albemarle County, Virginia ("Authority") approve the issuance by the Industrial Development Authority of the City of Charlottesville, Virginia of up to \$2,850,000 of its revenue bonds ("Bonds") to assist the Company in financing the acquisition, construction and equipping of a new headquarters facility for the Company's Regional Unit of the Virginias and the Carolinas, to house its regional administrative offices and recording facilities, consisting of approximately 11,650 square feet to be located on Greenbrier Road just west of Route 29, in the County of Albemarle, Virginia. ("Project").

The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that you approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

Attached (on file in the Clerk's office) hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and (3) the form of resolution suggested by counsel to evidence your approval.

By the above-recorded vote, the Board adopted the following resolution approving the issuance of revenue bonds by the Industrial Development Authority of the City of Charlottesville in the amount not to exceed \$2,850,000 to assist the Recording for the Blind & Dyslexic, Inc.

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Industrial Development Authority of Albemarle County, Virginia (the "Authority"), has been asked by Recording for the Blind & Dyslexic, Inc. (the "Company"), a non-profit, Virginia nonstock corporation, to approve the issuance of a revenue bond by the Industrial Development Authority of the City of Charlottesville, Virginia (the "Charlottesville Authority") in an amount not to exceed \$2,850,000 ("Bond") to assist the Company in financing the acquisition, construction and equipping of a new headquarters facility for the Company's Regional Unit of the Virginias and Carolinas, to house its regional administrative offices and recording facilities consisting of approximately 11,650 square feet ("Project") to be located on Greenbrier Drive just west of Route 29 in the County of Albemarle, Virginia, and has held a public hearing on December 8, 2005;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Project is to be located in the County of Albemarle, Virginia (the "County") and the Board of Supervisors of the County of Albemarle, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bond; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bond, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA:

1. The Board approves the issuance of the Bond by the Charlottesville Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The Board concurs with the resolution adopted by the Charlottesville Authority and approves the issuance of the Bond by the Charlottesville Authority for the benefit of the Company as required by Section 15.2-4905 of the Act.
3. The approval of the issuance of the Bond does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Project or the Company.
4. This resolution shall take effect immediately upon its adoption.

Item No. 5.3. Set public hearing for January 11, 2006 to receive input on potential projects for Community Development Block Grant.

The Virginia Department of Housing and Community Development (DHCD) administers the federal Community Development Block Grant for non-entitlement jurisdictions. Albemarle County is designated as such and is eligible to apply for funding through a competitive application for eligible community development activities. Prior to making an application, two public hearings must be conducted. The first hearing, for which this request is made, is to provide information on the availability of funding, types of activities that are eligible and past uses of CDBG funds in the locality. The second hearing would review and approve/disapprove potential applications proposed for submission.

DHCD anticipates that approximately \$8.6 million will be available in competitive grants for 2006. Albemarle County could apply for one or more projects that meet one of three national objectives which are benefiting low- and moderate-income persons, aiding in prevention or elimination of slum and blight, and responding to a community need having particular urgency. Grants may be for community improvement activities and/or planning grants for future community improvement activities.

The most recent grant received by the County was used to construct a community center at Park's Edge Apartments, formerly Whitewood Village, in conjunction with the renovation of 96 apartment units. The center was completed in September 2004 and currently houses after-school activities and the apartments' management office. The center is meeting the outcome measures of providing after-school programs to 42 children, GED training to adults, and job and business start-up training. Albemarle County will start a Homebuyers Club at Park's Edge in the spring of 2006.

An application for CDBG funding would be completed by Housing Office staff and staff of the Albemarle Housing Improvement Program. Specific projects may require some type of local commitment including a possible monetary contribution. Until a project is identified, the commitment and budget impact would not be known.

Staff recommends setting a public hearing for January 11, 2006 to provide information on available funding and receive public input on potential projects.

By the above-recorded vote, the Board set the public hearing for January 11, 2006.

Item No. 5.4. Copy of draft Planning Commission minutes for November 15, 2005, **was received for information.**

Agenda Item No. 6. **SP-2005-022. Berean Baptist Church Minor Amendment (Sign #72).** **Public hearing** on a request to allow expansion of existing church in accord w/Sec 13.2.2.10 of the Zoning Ord which allows churches in R-1. TM 76 P 51B contains 4.0 acs. Loc at 1284 Sunset Ave in the ECOD. Samuel Miller Dist. (Advertised in the Daily Progress on November 28 and December 5, 2005.)

Mr. Cilimberg reported that the expansion of this church would accommodate classrooms, offices, nursery, bathrooms, a conference room and a gymnasium. He said that the property is located on four acres at the intersection of Sunset Avenue Old Lynchburg Road, an area designated in the Comp Plan as Neighborhood Density. Mr. Cilimberg said that there are also anticipated supporting uses such as religious institutions. He stated that the church is planning a fundraising drive for the work and is requesting a longer period of time for the special use permit – five years instead of two years.

Mr. Cilimberg stated that zoning has determined there is sufficient parking on the site, and the proposed addition does not require a change in the parking for the activities that will be occurring. He said that there is an old septic tank and drainfield that will need to be removed, and it is the church's intent to connect to the public sewer system and abandon that existing drainfield before construction begins on the addition. Mr. Cilimberg said that the actual opportunity to connect to public sewer has not been finalized yet. He mentioned that the Planning Commission added a condition to ensure either public sewer connection or septic system approval before any building permit is granted. Mr. Cilimberg added that there are four other proposed conditions, and he clarified that the first condition should refer to a plan rather than a concept plan and should be dated August 22nd, not August 8th. He said that the second condition should say "the floor area" rather than "the floor plan." Mr. Cilimberg said that the third condition should also strike application in front of plan and the date should be changed to August 22nd also.

Mr. Cilimberg concluded that staff recommends approval with the four staff conditions plus the fifth condition added by the Planning Commission regarding installation of public sewer or septic system.

Public comment was invited.

The applicant's representative, architect Allison Carver, addressed the Board, stating their agreement with the staff report.

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

Motion was offered by Ms. Thomas to approve SP-2005-022 subject to the five conditions recommended by the Planning Commission and modified at the Board meeting. Mr. Wyant **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

1. The improvements and the scale and location of the improvements shall be developed in general accord with the plan dated August 22, 2005;
 2. The floor area of the proposed addition will be no larger than fifty-one hundred (5,100) square feet;
 3. The construction of the church expansion, as shown on the plan dated August 22, 2005 and titled Berean Baptist Church, shall commence within five (5) years of the approval of this special use permit or this special use permit shall expire;
 4. There shall be no daycare center or private school provided on site without approval of a separate special use permit; and
 5. Connection to public sewer or installation of septic system as approved by the Health Department prior to issuance of building permit.
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Agenda Item No. 7. **SP-2005-023. Ford, Linda - Alltel Tier III PWSF (Sign #77). Public hearing** on a request to allow replacement of existing 43-foot tall wooden power pole w/ new 53-foot tall wood pole that would allow co-location of personal wireless fac in addition to existing power lines. This application is being made in accord w/Sec [10.2.2.48] of the Zoning Ord which allows for Tier II personal wireless service fac in the RA district. TM 59 P 80C, contains 155.45 acs. Znd RA & EC. Loc adj to S side of Ivy Rd (Rt 250 W) across from intersec with Old Ballard Rd (Rt 677) & the Christian Aid Mission. Samuel Miller Dist. (Advertised in the Daily Progress on November 28 and December 5, 2005.)

Mr. Bill Fritz, Chief of Current Development, said that this is a request to replace an existing utility pole within a Virginia Power easement, stating that the applicant is planning to remove the pole and replace it with a slightly larger pole to allow co-location of a wireless facility with the power line, and also involves construction of a new access easement. He reported that the property is located just east of Broomley Road across from the Christian Aid Mission on Route 250. Mr. Fritz said that the ARB recommends approval with conditions, and the Planning Commission voted unanimously for approval and asked about the access and additional co-location, which is most likely not possible.

Ms. Thomas asked about the screening of the ground equipment as you're driving east on the road, as the existing equipment is "fairly evident." Mr. Fritz responded that the applicant is going to paint the ground equipment cabinets a flat natural brown and/or provide screening, and the ARB will also review this again.

Mr. Pete Caramanis, representing Alltel, addressed the Board. He reminded the Board that this item had come before the Board a year and a half ago, and it was suggested that Alltel look at the power poles as an alternative site to the proposed location on the flagpole on the Christian Aid property. Mr. Caramanis reported that Alltel would be replacing a 42-foot tall power pole with a 52-foot pole that would host a flush-mounted array painted to match the pole. He added that the ARB recommended a hedgerow from the equipment extending 50 feet to the west, which would prevent passersby from seeing the ground cabinet.

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

Ms. Thomas said that she normally prefers not to "add any further clutter and ugliness along a road," but given the alternatives, adding 10 feet to a pole is better than most other alternatives. She noted that once this one is put up, it will give everyone an idea of how this type of arrangement looks.

Mr. Rooker pointed out that Albemarle has adopted some of the strictest cell tower ordinances in the country to protect the aesthetics of the community and this particular application would co-locate an antenna on an existing power line facility. He said we are trying to prevent the county from ending up with a proliferation of large towers, which you see in many communities.

Motion was then offered by Ms. Thomas to approve SP-2005-022 subject to the nine conditions recommended by the Planning Commission. Mr. Wyant **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

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

1. The replacement power pole, antennas and ground equipment shall all be sized, located, installed and maintained in general accord with the site construction drawings of the facilities, structure elevations and schematic drawings, entitled "Alltel - Linda Ford Bucks", last revised November 7, 2005 and initialed SBW on November 8, 2005;
2. Prior to the issuance of a building permit, the applicant shall submit a final revised set of site construction drawings of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of this special use permit have been addressed;
3. The top of the replacement pole antenna shall not exceed a height of fifty-three (53) feet above ground and elevation of seven hundred thirty-one (731) feet above sea level;
4. The replacement pole shall be of a color and finish that is consistent with the other existing poles that are to remain within the power line easement, and the antennas shall be painted to match that color and flat finish as well;
5. The ground equipment cabinets shall be painted a flat, natural dark brown color and/or screened in accordance with the requirements of the Architectural Review Board;
6. The gravel access road shall be screened from State Route 250 in accordance with the requirements of the Architectural Review Board;
7. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the

facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in technology that makes it likely the tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent;

8. The owner of the facility shall submit a report to the agent by no earlier than May and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and/or operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report; and
9. Certification by a registered surveyor stating the height of the replacement pole, measured both in feet above ground level and in elevation above mean sea level, and using the benchmarks or reference datum identified on the construction plan shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy.

Agenda Item No. 8. **Public hearing:** FY 2006/07-FY 2011/12 Six Year Secondary Road Program. (Advertised in the Daily Progress on November 28 and December 5, 2005.)

Mr. Cilimberg reported that the Board had a work session on the plan last week and discussed projects and the priority list, and had some requests that will be considered at their January meeting. He said that the 21 general projects have not changed much since last year, with the only change being to move Northern Free State Road down the priority list as it is part of the Places 29 Study. Mr. Cilimberg added that in the unpaved road priority list, there is the change of Rio Mills Road between Route 29 and Route 743 moving ahead of Dickerson Road (Route 606) because it was felt the project could be done sooner as an unpaved road project. He said that there were some public paving requests for roads in the county and there was also a request to add bike lanes on Dickerson Road when that is paved. Mr. Cilimberg said that the Planning Commission recommended no changes to the priority list as provided by staff.

Mr. Cilimberg mentioned that the county is pursuing discussions with Butch Davies on the use of revenue-sharing for Scottsville as a separate possibility to qualify on their own. He should have more information on that in January. He added that staff would be working together in the next year or two to put together cost estimates on two projects from the list that were requested by Board members – the paving of shoulders on Garth Road, and the Route 795/Route 20 intersection in Scottsville. Mr. Cilimberg added that before January he would provide additional information on the unpaved road lists as to the planned priority for projects, and would have the status on completed road projects that may be deleted from the list if they no longer need to be there.

Ms. Thomas pointed out that on Page 6, 712 North Garden Lane is in North Garden, and 712 Rolling Road is near Scottsville, and therefore should not be combined. She also said her urban constituents in the Sunset Avenue/Old Lynchburg Road area often tell her how terrible the impact is of the new developments on Sunset Avenue. By next year, she would like to have a new traffic count because there have been many large multi-family developments built since the last count in 1996.

Other Board members agreed that the traffic counts looked low.

Mr. Cilimberg said that he would check on the traffic counts.

At this time public comment was invited.

Mr. Dale Abrahamse addressed the Board on behalf of residents of Rocky Hollow Road. He stated that two years ago, a petition with signatures from 80 percent of that road's residents was submitted to the county requesting inclusion and action under the Rural Rustic Road program. Mr. Abrahamse said that the road meets all of that program's requirements, is less than a mile and a half long with limited development. He emphasized that the residents all support the program, and it is in dire need of surfacing. Mr. Abrahamse stated that he understood that the road was once sixth on the list of that program, and he hopes they have moved up. He said that the road is currently in as bad of a state of repair as in any of the 15 years he has lived there. They feel that they deserve some attention.

Ms. Paula Brown Steedly addressed the Board. She stated that Route 784 (Doctor's Crossing) has been on the road long before she moved there 24 years ago. Ms. Steedly said that since the petition she submitted in 1989, the road has moved "little to none" on the list, but the homes have almost tripled. She stated that four-tenths of the road was paved because of erosion in 1989, with 1.6 miles unaddressed, adding that the priority lists upgrades for two miles. In 2000, that cost was listed at \$1,240,000 and in January of 2005 that cost was \$1,350,000 and today it is \$1,550,000. Ms. Steedly said that she sought a bid from a local firm that has done work for VDOT before, and to prepare the most dangerous section of this road, which is four-tenths of a mile, and two additional drainpipes, the bid was \$181,600 reduced to \$170,000 if VDOT fixes the pipes. She noted that the road can't be repaired all at one time because of cost and suggested that it be fixed in sections. Ms. Steedly suggested that the bridge be eliminated as part of the upgrade, and noted that the county and state cannot get 50 feet of right of way without condemning homes and exhuming pre-1900 graveyards. She emphasized that the dust

from cars on the road is a health risk. Excuses are no longer acceptable. She asked that they not be bumped any more for growth reasons. Re-measure the traffic count. The time to fix this road is now.

Ms. Hollis Golden addressed the Board, stating that she and her husband moved onto Doctor's Crossing in March of 2005, and it quickly became apparent that the road needed paving. She re-submitted the petition and stated her support for the repaving.

Mr. Ronald Hahn addressed the Board, stating that he has lived on White Mountain Road (Route 736) for 31 years, and it is the "worst road in the county." Mr. Hahn said that there have been several accidents on the road, and it is very difficult for school buses to pass through when other vehicles are on it.

Mr. Eric May addressed the Board, stating that he supports Mr. Hahn on the need for improvements on Route 736. Mr. May said that he has occasionally had to back his car up to let school busses pass.

Mr. Hahn noted that he has talked with the fire chief, who says there is no way a fire truck could turn around once it came down that road.

Mr. James Jackson said that Doctor's Crossing Road is very dangerous, and should be improved as soon as possible.

Mr. Granville Brown of 400 Rocky Hollow Road addressed the Board, stating that the road has been on the plan for many years, and is dangerous especially for school busses. (Audience members in support of repairing Rocky Hollow Road stood.)

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

Mr. Rooker explained that transportation funding has been a state responsibility – not a local responsibility. He said that localities were asked to pay for schools in terms of capital improvements, and the state's obligation was to take care of roads; in some areas, the state does both. Mr. Rooker stated that two years ago, the total secondary road funds allocated to the county were about \$4.5 million, and this year it's about \$3.8 million, projected to go down to about \$2.8 million two years from now. He emphasized that during that period of time construction costs for project will have about doubled, meaning in real dollars the county will have one-third of what it had two years ago to spend on road improvements.

Mr. Rooker said that the county has asked legislators consistently to adequately fund transportation, and that has not happened. He encouraged audience members to contact their legislators regarding the dwindling funding. In the county's six-year plan, the Board is trying to take this small amount of money given by the state every year and spread it out equitably among projects to improve transportation as best the Board can for the small amount of money that's being allocated. He added that the county has begun putting money away for transportation funding since the state is "walking away from it."

Mr. Wyant said he will contact VDOT regarding Route 736, White Mountain Road, which was addressed earlier as being too narrow and dangerous.

Mr. Boyd clarified that the county has done two rural rustic road projects this year, with Rocky Hollow now being fourth on the list. He said that Doctor's Crossing does not qualify for the rural rustic road funding, but it is fourth on the six-year plan.

Mr. Rooker noted that the rural rustic road program only came about a year and a half ago, and two roads have already been completed.

Mr. Wyant added that the rural rustic road program does not require acquisition of right-of-way, so roads in that program need to be fairly level without steep grades or big cuts on the side. He said that he would look into the roads in his district to see if they qualify.

Ms. Thomas said that if the roads do have big drop-offs on the side, they won't meet the rural rustic criteria.

Mr. Boyd asked Mr. Cilimberg if Doctor's Crossing could be divided into multiple projects.

Mr. Cilimberg replied that there was some maintenance work done on Doctor's Crossing, and VDOT is still looking at the possibility of some more maintenance type of work. He added that he would check into breaking the project up into sections.

Mr. Rooker asked if other Board members had received information on the Transportation Partnership Opportunity Fund Guidelines and Criteria. There may be some opportunity for the county to apply for a grant or an interest free loan this year. Mr. Rooker asked the Clerk to provide Board members with a copy of the information.

Mr. Dorrier asked what the figure is for White Mountain Road. Mr. Tucker replied that VDOT has not estimated the cost of that yet. Mr. Cilimberg said that there is no point in estimating the cost now if the project is down the road a few years.

Agenda Item No. 9. From the Board: Matters Not Listed on the Agenda.

Mr. Wyant asked Mr. Davis to comment on the Brown's Gap Turnpike situation.

Mr. Davis reported that this issue came to the Board about 15 years ago, when a property owner closed the road without permission from the county. He said that the Board instituted litigation to establish that it was a public road, and the county prevailed in federal court. Mr. Davis said that at that time the landowner proposed that the road be closed and that there be established an easement that would allow non-vehicular access up the mountain. He stated that the Board unanimously rejected that proposal, which has now again been offered by that property owner in relation to an ACE easement for that land. Mr. Davis commented that the issues are the same as they were 15 years ago, when there was a great deal of concern from the park service and adjacent property owners. He said that an easement would allow non-vehicular access only.

Mr. Wyant said that he has met with property owners, and the ACE Committee wanted to move ahead if the applicant wanted to, without the closure of the road. He said that he has not been able to get agreement among all parties.

Mr. Bowerman said that unless circumstances have changed, there won't be consensus. Mr. Wyant stated that he is not interested in having staff do a report or bringing it to public hearing at this time.

Mr. Wyant mentioned small businesses in the rural areas and the issues the Board will be facing as they deal with the County's rural areas plan.

Ms. Thomas mentioned a letter from Margaret Marsh concerning the number of homeless dogs and cats in Virginia, and her recommendations. She asked if Board members had any interest in pursuing this. Mr. Rooker responded that they had discussed this issue at the last meeting.

Ms. Thomas said that she learned that it is possible to charge higher fees for "unaltered" dogs. Mr. Rooker asked how that would be determined. Mr. Davis stated a lot of the suggestions are about collecting the maximum fine. The fines are at the discretion of the judge and the judge may or may not choose to enforce the maximum fine. He said the County has struggled with the increased enforcement issue. The allocation of resources to enforce the animal laws has been a topic of ongoing discussion.

Ms. Thomas commented on the meeting she attended last week. In addition to there being discussion about point source pollution, there was a lot of discussion on financing the clean up waters in the Chesapeake Bay. It is going to be an expensive proposition. She said the Governor is proposing more money for the point sources. She will keep the Board informed.

Mr. Bowerman noted that this is the last time he will be in this room with everyone as a Board member. He will miss everyone.

Mr. Rooker said that Mr. Bowerman will be greatly missed.

Mr. Boyd said that he has some comments on Neighborhood Model issues, but he would save them for an upcoming meeting. Some people misunderstood what he was trying to say last week.

At 7:35 p.m., **motion** was offered by Mr. Dorrier that the Board go into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia, under subsection (7) to discuss with legal counsel and staff specific legal issues regarding an interjurisdictional agreement for joint court facilities and the negotiation of a related contract. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 10. Adjourn to December 15, 2005, 3:00 p.m., for Joint Meeting with Legislators.

At 8:10 p.m., **motion** was offered by Mr. Dorrier 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; and to adjourn to December 15, 2005, at 3:00 p.m., for a joint meeting with Legislators. Mr. Boyd **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Chairman

Approved by Board

Date: 03/01/2006

Initials: DJM
