

An adjourned meeting and a regular meeting of the Board of Supervisors of Albemarle County, Virginia, were held on February 8, 2006. The adjourned meeting began at 2:00 p.m. in Room 235 of the County Office Building on McIntire Road. The regular meeting began at 6:00 p.m. in the Auditorium of the Burley Middle School on Rose Hill Drive in Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, and Clerk, Ella W. Carey.

Agenda Item No. 1. The meeting was called to order at 2:05 p.m., by the Chairman, Mr. Rooker.

Agenda Item No. 2. FY 2007-FY 2010 Strategic Plan, Work Session.

Ms. Lori Allshouse, Strategic Management Coordinator, said the purpose of today's work session is to review the staff's recommendations. Staff needs to clarify priorities before the Strategic Plan takes effect in July. She explained that there are five goals and several priority areas in the plan. At the Board's last meeting on this subject the Conservation Easement priority was clarified under Protecting Natural Resources. Today, staff will focus on Education and Transportation priorities. She said the Board has indicated its commitment to having an education system that is among the best in the state and nation. She noted that in the last Strategic Plan, Lifelong Learning goals covering education opportunities at all stages of life were discussed.

Ms. Allshouse reported that the School System started its own strategic planning effort in 2004, setting five goals to meet between 2005 and 2009. Those goals are: prepare students to succeed in a global community; eliminate the achievement gap; recruit and train top-level personnel; establish efficient resource systems; and, obtain world-class recognition. The School System sees itself as a community facilitator and has hired a person to facilitate their strategic plan, facilitate a partnership with businesses and government, and increase community efforts. Local Government already collaborates in many ways with the School System, sharing the Finance and Human Resources systems, the Social Services system, computer systems, Parks and Recreation facilities, and Police/safety systems. She commented that County (local government) staff has some additional ideas on collaboration addressing these areas.

Mr. Boyd asked how Albemarle County Schools were measured to show they have reached a world-class education system. Ms. Allshouse replied that the key is receiving recognition as an outcome measure, explaining that the Schools are using the Baldrige system for that. The state is implementing that system of standards as well. Mr. Tucker said staff is also looking at that system for local government as well.

Ms. Allshouse explained that the next level of strategic planning – specific strategies – would identify the areas where collaboration could occur. She said this summer local government leadership would start meeting regularly with school principals to make sure efforts are not duplicated.

Mr. Boyd said he thinks Information Technology should be considered as one department for the County, as is Human Resources. He thinks it could be reconsolidated for better efficiency. He thinks the timing is right since the County is going to a new centralized database system, and some of the IT locations are going to be remodeled. He said the department it used to be one department for both, but was separated at the School System's request. It was done because there was a difference in philosophy with a mainframe based system.

Ms. Thomas wondered if goals and objectives should be formed for the non-school system part of IT as the education objective has always had a bit of a schizophrenic existence. It does not know whether it's talking about the County as a whole or what General Government does separate from the School System. She has felt that it ought to talk about the County as a whole, and include a goal for education since that's how over 60 percent of revenue is used.

Ms. Allshouse said it would be helpful to her if Local Government and the Schools could align on some of their educational goals.

Mr. Tucker said he does not think it can be the best in the state, the nation, nor can it be world-class unless what is done in Local Government can be aligned with the Schools from their educational standpoint. He said Local Government does not want to interfere with what they do best and what they're required to do by Code, but there needs to be cooperation with them so Local Government can offer its help to them. He said there is not that kind of collaboration in many other school systems, but it's important to work toward the same goal.

Ms. Thomas suggested that the staff's recommendation include a sentence saying "Local Government assists the School Division in achieving"

Mr. Slutzky said he does not understand the language because it's obvious the School System wants to have the best system. Perhaps isolating elements such as improved collaboration would make the goals clearer. Ms. Allshouse agreed, stating it was challenging to identify specific benchmarks, as was done with items such as conservation easements.

Mr. Boyd said he thinks specifics addressing test scores, achievement gaps, etc. would probably be in the School's strategic plan.

Mr. Rooker said the goals for both Schools and Local Government seem to align, but it is the Schools' primary responsibility to meet those goals, with Local Government supporting them.

Mr. Slutzky said it is obvious that everyone wants the best School System possible so he is wondering where this will go beyond the generic and obvious for this particular goal. The goal is to increase collaboration toward the obvious outcome of a great school system.

Mr. Rooker said that it is okay to have the goal be to have one of the best school systems in the state or nation. However, the strategies need to focus on specific measures such as to be recognized within four years as having the best school system.

Mr. Dorrier said specific measurable strategies such as raising test scores would address that issue.

Mr. Slutzky acknowledged that this meeting is just focusing on the broader goals, with specific strategies to follow.

Ms. Thomas commented that having one of the best school systems has not always been a County goal, although it has been for Charlottesville. She said it is a very strange goal if it doesn't tie into the Board's budgeting decisions. Although it is nice to say it will be done through collaborative efforts, she thinks there's a parent or two who's going to suggest that it be done through the budgeting system also.

Mr. Wyant said for the welfare of the County there needs to be an emphasis placed on the importance of addressing educational needs beyond K-12.

Mr. Rooker said it is important that Local Government support things like the Senior Center and JABA to help coordinate and offer educational opportunities. There are other resources in the community that can help to achieve these goals.

Regarding transportation, Ms. Allshouse said at the Board's Retreat, it agreed that accelerating regional and local transportation projects including the Meadow Creek Parkway should be a top priority of transportation. She said the County has been maximizing the State Revenue-Sharing Program with VDOT. It has also constructed roads such as Berkmar Drive and Mill Creek Drive, and put \$1.5 million per year in the CIP towards transportation. She indicated that the Board has provided clear direction in this area, directing staff to use CIP transportation funds for local projects, to work with VDOT to accelerate Six-Year Secondary Road priority projects, and approved hiring a transportation engineer to accelerate projects.

Ms. Allshouse said the Board implemented a Transportation Strategy from the old strategic plan that includes: Pursuing all available funds with VDOT; pursuing regional solutions for regional projects, using local funds for study, design, and even for construction; dedicating money to increase local priority projects; utilizing proffers for needed improvements; and, funding public transportation. She said there have been challenges in this strategic issue as transportation needs continue to increase while funds continue to decrease. If a project is delayed the cost goes up, so the key is accelerating projects. There are other funding tools available for transportation such as public-private partnerships, CDA's, etc., although each has its own set of difficulties and challenges.

Ms. Allshouse explained that recently a couple of local projects have been the focus of attention To maintain the construction schedule for Georgetown Road; to maintain the construction schedule for Jarmans Gap Road; to complete design of Eastern Avenue in Crozet; and, to schedule construction of the Lickinghole Creek Bridge. She noted that the Transportation Funding Options Working Group recently provided a report to the MPO on strategies for funding the top priority projects in the region. She clarified that the word "accelerate" in transportation might include just maintaining a schedule as many of the projects fall behind schedule. Regarding outcomes, she said a specific strategy could be to do things which would keep a schedule on track.

Mr. Rooker commented that the County is talking with the City about ways to enhance transit in the area, and the MPO is pursuing having a unified regional transit system that might also include UVA. The idea is to have the County be part of the decision-making body for regional transportation, and perhaps one goal could reflect participation in such an effort.

Mr. Slutzky suggested a goal be included to proactively look into alternate transit issues beyond just road projects. He doesn't want this goal to be just about roads; the specific item of developing transit collaboration should be included.

Mr. Rooker one of the projects from the list of regional projects might be expanded transit through collaborative efforts with the City and the University.

Mr. Boyd asked if this goal would be looking at more studies, or would it be for plans and funding mechanisms to actually accomplish something.

Mr. Rooker responded that the idea is to use the MPO as a body to explore multi-jurisdictional participation in a system.

Mr. Boyd asked why a road system in the County, such as the Southern Parkway, would be considered a regional road system.

Mr. Rooker replied that the Southern Parkway is in the Six-Year Secondary Road Plan the Board adopted. The Board has to decide whether or not to fund these projects. The City views the Parkway as an important piece of regional transportation, so there is no reason for them not to join in discussions about the Parkway.

Ms. Thomas said that all of these discussions take place at the MPO level, but that doesn't mean the MPO controls them.

Mr. Rooker said the MPO is charged as a matter of law with adopting a plan. In order to get Federal funds, a project has to be included in that plan. The MPO does other things such as collaborating on specific projects, such as Places 29, etc. How the money is spent in the area ultimately lies with this Board. There is not a single project on the list that is not a high-priority County project as established by this Board.

Mr. Slutzky emphasized that he just wants to make sure transit options other than roads are included.

Mr. Rooker said if there is to be a good regional transportation system, it is important for the County to collaborate with other entities. He and the City's mayor met with Mr. Butch Davies recently to discuss the need for funding for specific improvements. He noted that the interchange for the Meadow Creek Parkway at the Route 250 Bypass lies entirely in the City and the cost is estimated at \$25.0 million.

Ms. Thomas said the region has outgrown its infrastructure. She emphasized that the Board does not think four projects will take care of transportation needs. It's good to be specific, but maybe the overall goals should have specific references to what is achievable over the next four years. Ms. Allshouse responded that the Conservation Easement goal was very specific, so perhaps it all needs to be carefully aligned to convey broad goals and specific strategies.

Mr. Slutzky said he thinks there should be language to address the multi-modal transportation issue and that there be collaboration with other jurisdictions.

Mr. Rooker expressed concern that measurable statements be included.
Mr. Tucker suggested including those in the strategies.

Ms. Allshouse said there would be broader language in the goals, with more specifics in the strategies.

Mr. Rooker noted that transit is reflected in the term transportation, so the goal of accelerating transportation projects could include a road, a pedestrian walkway, bike lane, etc.

Ms. Allshouse said what the Board discusses is helpful to the Community Development department by giving them directions on priorities.

Mr. Tucker said staff is looking for the Board's endorsement of the plan in March or April.

Agenda Item No. 3. FY 2007 Business Plan, Work Session.

Mr. Melvin Breeden, Budget Manager, said staff is confident the reassessment rate for real property has increased by 19.4 percent over the last two years, a 1.4 percent increase over what was predicted by staff, adding approximately \$728,000 to revenues. He said about 25 percent of the reassessment has been completed at this time, and the remainder will be completed before the single-year (annual reassessment) system goes into effect.

Mr. Breeden said the system set up by Davenport (financial advisors) to fund capital projects involved putting two cents of the tax rate into the CIP. Shortly after that was adopted, the County had a couple of "lean" years and dropped that allocation back to one cent of the tax rate. Staff now proposes that this be increased to 1.5 cents with the \$728,000 also being added to the CIP Fund. He said the Juvenile & Domestic Relations Court project will take more money than that budgeted. The Crozet Library will be larger than originally planned and because of construction delays several transportation issues will require additional funding, as will solid waste management.

Mr. Tucker noted that Local Government and the Schools share the CIP money. The 19.4 percent reassessment figure could change depending on what the remainder of the reassessment process shows. It is his recommendation to hold in the Board's Reserve any revenue increase which can then be allocated as the Board sees fit.

Ms. Thomas said the AAA bond rating people look strongly at the two cents allocation for capital projects.

Mr. Rooker said he believes the County should put two cents in now, as recommended by the financial planners. He emphasized that the County got off track with that because of "lean" years, but now there are good years so the two-cent goal should be met. He did say that capital projects are certainly not getting any less expensive.

Mr. Boyd said it is important to look at the additional money put into the CIP Fund from budget surpluses. Mr. Breeden confirmed that \$4.0 million has been put in, but \$2.0 million of that will go to the Juvenile Court project.

Mr. Tucker said the two cents is in recurring versus one-time funds. He confirmed for Mr. Slutzky that a 1.5 cent allocation for Capital projects would not impact the County's AAA bond rating.

Mr. Breeden said staff is estimating \$21.024 million in new revenues for FY 2007, and the first thing to come out of that funding is \$8.145 million for Capital/School/Debt. In order to fund existing operations, \$1.637 million will be needed for salaries; \$1.352 million will be needed for benefits; \$1.591 million for operations; and, \$1.285 million for outside agencies. He said this leaves \$2.280 million unallocated. This will be addressed as the Board talks about initiatives.

Mr. Breeden said departmental operating costs – not including salaries, benefits or capital – are explained within his report. He noted that cost increases for Social Services are offset by state funds.

Mr. Rooker asked about funding for the Bright Stars program. Mr. Breeden noted that Bright Stars and Family Support operations are funded in part by the County which provides funds to cover a gap caused by a drop in State and Federal funding.

Mr. Rooker asked if staff has any information on funding for Governor Tim Kaine's pre-K initiative.

Ms. Roxanne White, Assistant County Executive, responded that this has not been fully revealed yet, but there is funding for Bright Stars which will give the County the ability to increase the program to nine locations. The ratio of funding is the same as it was in 1995.

Mr. Breeden stated that \$774,223, or an 8.5 percent increase, is estimated for operations needs; many of those costs are out of the County's control, such as insurance costs which this year are about 20 percent more than budgeted (that is in real property and liability insurance, not health insurance).

Mr. Rooker asked if the County could be self-insured instead of going through VML (Virginia Municipal League) for insurance. Mr. Breeden said premiums have been more than claims recently, in contrast to prior years when claim costs were almost double premium costs.

Mr. Rooker said he does not know where the claims come from. Mr. Breeden said there have been several public safety claims and also liability claims.

Mr. Slutzky asked why advertising costs (shown with a 24.2% increase) have increased so drastically. Mr. Tucker said there was a recent court case involving the way public hearing notices are worded. The County must now expand all abbreviations, and that has doubled the length and size of print ads.

Mr. Breeden reported that the General Fund budget for next year is estimated at \$197.624 million with departmental operations being 8.7 percent of the total.

Mr. Boyd said he thinks personnel costs should be included in department costs. Those are the big costs with which the County is faced. Mr. Breeden said cutting baseline departmental operations budgets is not an area where a great deal of savings can be realized.

Mr. Breeden explained that the proposed budget for FY 2006-07 includes an additional \$598,317 going into the Board's Reserve. Hiring three additional police officers and one evidence supervisor, plus expenses of the new Northern Fire Station is estimated to cost \$0.523 million. He said \$1.030 million is allocated for departmental initiatives, and new agency initiatives total \$129,000. That uses up most of the expected funds. He said one-time costs are typically funded from the current year's carryover funds. He said the Charlottesville Transit Service (CTS) is requesting \$278,817 more than staff's recommendation, the SPCA is asking for \$159,408 more than what their contract calls for.

Mr. Tom Foley, Assistant County Executive, said the County worked out a formula two and one-half years ago based on the number of animals at the SPCA, and this request has moved away from that formula because of the SPCA's increased operational costs for their new facility.

Mr. Wyant asked if the estimated cost for the Northern Fire Station includes the cost of personnel and construction. Mr. Breeden responded that those costs are primarily for personnel and operating costs, with the construction part being covered in the CIP.

Mr. Rooker said the County needs to look at the reality of the fire and rescue response times shown in the Comprehensive Plan, as there have been large increases in the public safety portion of the budget. Mr. Tucker said this is a good example of how costs are associated with the Objectives and Standards adopted by the Board.

Mr. Breeden said this is the second year the Board has seen this financial model which was originally developed by Davenport & Associates (Five-Year Financial Forecast showing master operating and salary increases). He noted that it does not include any of the new initiatives requested. These initiatives would impact the budget by using up all of this year's money and would reduce the \$7.0 million projected for the year 2011 to \$3.0 million. Staff has included in its forecast 3.95 percent for salary increases, with merit increases costing another seven-tenths of a percent (additional positions from

Capital Improvement Programs and initiatives adopted in the current year, as well as positions for public safety, have impacted the fund).

Ms. White said this doesn't include new initiatives in the out years that are not connected to the CIP.

Mr. Boyd said when "Access Albemarle" is implemented it will provide more accurate information and feed information on individual departments into the forecasting system. Mr. Breeden said the current system already does that, but the new system may make that process easier. In response to a question from Mr. Boyd about reassessment revenue, Mr. Breeden responded that the County is anticipating an increase of about 19.4 percent over the two-year period including new construction, but in the future the reassessments will be done on an annual basis.

Mr. Boyd commented that as long as assessments continue to go up at this rate and salaries increase by about four percent per year, it will totally defeat the Board's strategy for affordable housing.

Mr. Rooker responded that assessments are changing based on fair market value. The Board does not control assessments.

Mr. Wyant asked how projected revenues compare to projections made last year. Mr. Breeden replied that the economy has been good so revenues have been collected as expected. In theory the County will be \$2.3 million better off in 2010 than what staff thought at this time last year. He said fuel costs, advertising and insurance costs use a good deal of that increase.

Mr. Wyant wondered if volunteers might be considered for the new Northern Fire Station instead of career fireman. Mr. Breeden said that would probably not be known until after this budget is adopted, and there is concern about what would happen if volunteers can't be found.

Mr. Wyant said there needs to be a strong recruitment program. Mr. Foley said a recruitment plan has been put in place for the Earlysville Station, as well as a partnership agreement being forwarded to get them to commit to night and weekend staffing.

Mr. Boyd said these people would be hired well in advance of the fire station opening. Mr. Breeden emphasized that this budget only includes three months of funding for those staff members.

Mr. Foley clarified that there is an initiative proposed to hire the EMS staff at the beginning of the year rather than at the last quarter, but that is not reflected in this model.

Mr. Rooker reminded Board members that they approved hiring three staff members for CARS at its last meeting.

Mr. Wyant said that he would like to allocate resources toward recruiting volunteers.

Mr. Breeden commented that personnel costs and benefit costs are the largest portion of any governmental budget, and they have a significant impact on future years. He also noted that although \$2.0 million seems like a lot of money, it only represents one percent of the entire County budget.

Mr. Dorrier asked how much effort goes into training, as that is a major obstacle to getting volunteers to join a station. Mr. Tucker responded that the County helps with training, but there is a tremendous amount of mandated training which takes a lot of time.

Ms. Thomas pointed out that it is difficult to find people who have the time to devote to training because of their paid work demands.

Mr. Breeden asked if the Board wished to discuss other initiatives.

Mr. Rooker said he would like to see something like a "rainy day" fund created where money could be set aside in good years for use in leaner years.

Mr. Boyd asked if the Board could move money from the CIP Fund into operating funds.

Ms. Thomas said she views the CIP Fund as a "rainy day" fund.

Mr. Rooker said he is cautious about jumping into new initiatives that might require recurring operating expenses. He said there will not be good revenue years every year.

Ms. Thomas wondered about increasing agency budgets by the same amount as the County departmental figure of 8.5 percent, as those agencies are impacted by the same factors such as fuel, insurance, etc. She said many of those agencies are also suffering because private contributions have gone to victims of the Katrina hurricane, etc.

Mr. Tucker said in the Five-Year Financial Forecast, Mr. Breeden has used a figure of eight percent in the Master Operating Budget Increase for the out years. If the Board adopted a policy saying staff should develop the budget using that percentage, in good years there would be revenue left over for a "rainy day" fund, etc.

Mr. Boyd asked why the budget is increasing by eight or nine percent when inflation is only at four or five percent. He thinks the budget should be based on the CPI (Consumer Price Index) or growth in the community for new initiatives. Mr. Tucker said for the out years, staff used the CPI and growth in the community, and about three percent for new initiatives, for planning purposes in the out years. The Board could use any number it wished to use.

Mr. Dorrier asked if the maximum amount for low-income tax relief would be considered as part of the revenue. Mr. Tucker explained that this year, not all of the money allocated for the Tax Relief for Elderly and Handicapped Program was used.

Ms. Thomas asked if Mr. Boyd's suggestion of reducing increases could be realized by cutting salary increases in the FY '07 budget from 6.9 percent to three percent.

Mr. Boyd said that he would not recommend that. He does think the budget increase should be reduced so it is not 11+ percent.

Ms. Thomas said salaries comprise the biggest portion of the budget. Mr. Tucker said he does not know how much Mr. Boyd would want to reduce the increase. He will be making a recommendation based on those initiatives.

Mr. Boyd said the budget is being based on revenues. Mr. Tucker said that is not totally correct. The Board will have almost \$1.0 million in its Reserve Fund, and he did not use those funds.

Ms. Thomas said if salaries were reduced to three percent, it would reduce the tax rate by one cent. If the Board wants to talk about how to reduce the cost of County government, it needs to talk about real things in that Five-Year Forecast. An obvious category would be to target salaries. She is not recommending that, but it is better than just saying something should be done and not coming up with any answer.

Mr. Slutzky asked Mr. Boyd if he is not comfortable with the 6.9 percent salary increase.

Mr. Boyd replied that he is uncomfortable with the County spending all of the almost 12 percent of the expected revenue increase. Mr. Tucker said staff can reduce that percentage anywhere the Board directs, but last October this Board agreed with the School Board about the increase for salaries and benefits. Unless the Board changes that percentage, the only category left where reductions can be made is in operating expenses (which have increased due to the cost of fuel, utilities and insurance). The Board can change those or delete new initiatives. If the Board feels the new initiatives are not things which should be considered (\$1.7 million), then it could use that amount to realize a reduction in spending.

Mr. Boyd said he is still not convinced that every penny being spent is absolutely necessary. Mr. Tucker said the County tried zero-based budgeting for a few departments a few years ago. The Board as a whole did not feel that exercise made that much difference in the overall budgeting process. He said staff does not take just what has been spent to date and add to it to make the next budget. Every budget is reviewed. Salaries drive the formulating of a budget. The County is a people-intensive business. It is a service industry. There are not a lot of other things that can be cut other than new initiatives.

Mr. Breeden said in order to cut expenses a service of some type would have to be cut because actual expenses are not going up that much.

Mr. Wyant said he would like to look at how efficiency can be improved.

Mr. Rooker said staff provided the Board an efficiency report that addressed what every department had done to initiate efficiencies.

Mr. Slutzky said he looked at the report and was impressed.

Mr. Tucker noted that the State makes a comparison of localities, and Albemarle does well except in two areas: revenue-sharing and Community Development, because the Board wanted to fund that well.

Mr. Slutzky said the Board chooses to invest in a lifestyle and managing growth, things that the Board member's constituents insist they do. He agrees with Mr. Boyd's effort, but perhaps the best approach would be to work with staff on a line-item basis to make improvements.

Mr. Boyd said he thinks staff should be working on efficiencies already.

Mr. Slutzky said the 10-page efficiency report shows that it is being done. He said constituents are demanding an increased commitment to certain kinds of services. He does not think the County budget is bloated or wasteful; in fact there is a lot of evidence to the contrary.

Mr. Rooker said the County has tried to take an objective professional approach to salaries. He is impressed with what the Human Resources Department is doing. Either positions can be cut people or some other approach can be taken to salaries. He said Mr. Tucker counts on his department heads requesting what is needed for their departmental budgets. The Board can say it does not want the new initiatives. However, each time the Board supports initiatives there is a cost associated for the long-term, especially in the way of personnel. He added that the goals in the Comprehensive Plan can always be changed to lower expectations.

There was no further discussion of this subject at this time.

(Note: At 4:00 p.m. the Board recessed. The meeting reconvened at 4:05 p.m.)

Agenda Item No. 4. North Pointe, Work Session.

The executive summary is set out in full below:

“At the Board of Supervisor’s meeting on January 4, 2006, staff provided a summary of progress for the North Pointe project and asked the Board to provide additional direction prior to an upcoming public hearing. The current application plan is dated November 21, 2005. The Board reviewed the issues raised by staff and asked that it provide additional information for its next work session, i.e., Analysis of proffers citing agreements and disagreements remaining from the proffers offered in November, 2004 proffers; discuss the phasing provided in the special use permit conditions with emphasis on how it will assure the residential component can be built out; description of the impacts on Places 29 in delaying a decision on North Pointe; overlot grading special use permit condition, what applicant agrees to provide versus what staff expects, with discussion on why staff believes this is important; and, analysis of current affordable housing proffer. In addition, the Board asked for a guarantee that residential development will be constructed concurrent with commercial development.

“Phasing of residential units to commercial, office and hotel construction. The applicant has requested that the special use permit conditions allow for more than 290,000 square feet of commercial, office and hotel construction before more than 116 units are constructed. The figure of 290,000 square feet is roughly half of the total square footage allowed. Staff believes that at least 224 units should be constructed before more than 290,000 square feet of commercial type space is allowed. The 224 units equate to 25 percent of the total units. The 116 units equate to 13 percent of the total number of units. This issue may be moot since it is more likely that residential demand will be greater than commercial demand. Should the housing market change and more units be constructed elsewhere in the County, without the restriction, the mix could contain much more nonresidential use for some time. Staff recommends that the special use permit conditions require that at least 224 (one-fourth) of the total units be built prior to more than 290,000 square feet (approximately half) of the commercial, office and hotel is constructed.

“Impacts on Places 29 in delaying a decision on North Pointe. The County’s master planning consultants are developing scenarios for future land use for all of the development areas north of the City. It is likely their recommendations will contain a different land use mix than currently appears on the County’s Land Use Plan if North Pointe is not approved. If North Pointe is approved, the consultants may need or want to design around the approved plan rather than recommend a change to the Land Use Plan for this large acreage. Lack of knowledge of how to treat this property is affecting the transportation modeling at present as well as knowing how to propose land use surrounding the approximately 270 acre project. Action on the proposal would resolve these conflicts with the Places 29 work.

“Library block design. The only true “mixed use” portion of the development occurs in the library block and the block east of the library. While single-use residential areas will have good pedestrian access via a sidewalk system, the non-residential areas are characterized as having large expanses of parking lots surrounded by single use or almost single use buildings. The only opportunity to create a mixed-use “place” with the pedestrian orientation of a downtown is in the mixed use part of the development.

“The applicant and staff have agreed that the library provides a “center” for this part of the development. An illustration of the applicant’s and the County’s proposal side-by-side is included with this executive summary. For the applicant’s proposal, the location of parking surrounding the library and across the street from the library dilutes the look and feel of that area as a comfortable pedestrian-oriented shopping area with a public park. The applicant, however, believes that parking in front of all the buildings is essential. He also believes that, in the block east of the park, the grades cannot sustain a building and instead support a parking lot. Staff disagrees because using the existing grades requires extensive retaining walls for the parking lot. Staff acknowledges that additional grading is likely needed to create the design shown by the County on the illustration; but, staff finds that preferable to 6-foot and 8-foot retaining walls along the street. Staff also believes that a redesign of the block east of the park could better utilize grades and potentially not require as extensive grading. The applicant is unwilling to redesign the library block or nearby areas to eliminate parking lots in front of the buildings.

“Overlot grading special permit condition. Staff has proposed grading conditions with the residential component that reflect the original subdivision text recommendation rather than relying on the compromise version discussed with the Supervisors in January. Staff recommended this higher level of protection due to the topographic conditions on the residential north end of this property and the anticipated mass grading of the southern end of the property. In the northern end, the combination of critical slopes and environmentally-sensitive streams leads to concern with assuring runoff from housing is being adequately managed. On the south end of the site, the applicant has indicated that the entire property is anticipated to be mass graded, creating a land disturbance approximately one and one-half times the size of the disturbance that occurred with development of the Hollymead Town Center. Staff believes the overlot grading condition is

needed for the residential development in the southern part to avoid impacts to homeowners associated with this mass grading.

“Affordable housing. The affordable housing proffer contains the following provisions: 12 single-family detached units for sale for the workforce; 12 townhouse units, condos in the commercial area, or duplexes for sale; 12 apartment condos for sale; four carriage house units for rent or sale as condos; 40 rental units; \$300,000 in cash (upfront) for the Housing Initiative fund for home ownership loan programs, with a sunset of three years if not used.

“The programmatic aspects are as follows:

- To qualify for the for-sale attached and condo affordable units, income limits could not exceed 80 percent of the area’s median family income;
- To qualify for the for-sale workforce units, income limits could not exceed 120 percent of the area’s median family income which exceeds the Comprehensive Plan’s definition of affordable housing;
- To qualify for rental units, income must be less than 80 percent of the area’s median family income;
- For rental units, the owners of those units must report annually to the County on the incomes of the individuals renting those units;
- The carriage house units would not be able to be subdivided off from the lot with the main house; The for-sale units would be identified on subdivision plats and site plans and would have to be provided at a rate of three to eight units per year until the obligation is exhausted, with a carryover potential of excess units to future subdivision plats and site plans;
- The for-sale units would have a 90-day (previously recommended by staff) period in which the County would provide a qualified buyer to a builder.

“The Housing Director believes the unit and cash combination is sufficient to meet the policy of the County, with the exception of the short sunset date for the cash proffer. If the applicant provided 15 percent of the units, which would be the same percentage proffered by most recently approved rezonings including Old Trail, up to 134 affordable units would be provided by this project. However, there is value in accepting cash in lieu of affordable units to provide loan assistance.

“Programmatically, there are several problems with the way in which the applicant wishes to have the County administer the programs, including a non-standard way of determining which incomes qualify for affordable housing, higher income limits for the for-sale units than the County recognizes as affordable, and the way the units would be accounted for through the site plan/subdivision process.

“Staff and applicant fiscal impact reports are included with this executive summary. As discussed at the January work session, the positive impact occurs with build-out of the commercial development. Also, as previously discussed with the Supervisors, staff is concerned this project will not complete more than 290,000 square feet of commercial for an extended period of time. If the residential part of the project is completed but the commercial development does not build out past 290,000 square feet for an extended period of time, the fiscal impact will be negative for that same period of time.

“For the reasons stated in the executive summary for the January 4, 2006, meeting, staff cannot recommend approval. These reasons are summarized as follows:

- The form and design overall does not adequately meet recommendations of the Neighborhood Model which is the preferred form of development identified in the Comprehensive Plan. This is especially important given the size of the project (270 acres) on a green field site.
- The design of the library block area within the center of the development does not create a pedestrian-friendly environment or appropriately relegate parking.
- The County cannot reasonably absorb the additional commercial square footage within a ten-year period. The results would be either stale zoning or overdevelopment with high vacancies in existing shopping centers.
- The timing for the southbound improvements for Route 29 will result in a varying number of lanes and no correction of the vertical curvature, potentially for a long period of time.
- No commitment is made to obtain right-of-way which may be needed for Route 29 improvements.
- Affordable housing proffers are unworkable as written.

“Because the prolonged consideration of North Pointe is adversely impacting the Places 29 Master Plan process, staff asks that the Board discuss the outstanding issues and provide clear direction to staff for final action on March 15, 2006.”

Mr. Mark Graham, Director of Community Development, reported that this is a continuation from last month’s work session where the Board asked staff for additional information on the North Pointe petition. He said the applicant has also submitted some additional information.

Ms. Elaine Echols, Principal Planner, said the Board had asked for fiscal impact information and that has been provided as “Attachment F” to the executive summary. She said Mr. Steve Allshouse,

Fiscal Impact Planner, is in attendance at this meeting to provide the rationale for the analysis. She listed the discussion points for today. She emphasized that staff has concerns about the ability of the market to absorb the additional amount of retail being proposed. One thing that has come from the Places 29 consultant concerns how much retail the County can actually absorb. The consultants think the County can absorb less than 30,000 square feet of additional retail (with this development) or up to 400,000 square feet of additional retail over the next 10 years.

Ms. Echols said the Board does not have any information on how other projects currently under review may play into the amount that can be absorbed. She reported that the Cascadia project has 20,000 square feet under review, Hollymead Town Center Area A-1 has close to 300,000 square feet under review, Hollymead Town Center Area A-2 has 440,000 square feet under review – about 750,000 square feet total. She continued that Rivanna Village at Glenmore has up to 240,000 square feet, and there is additional commercial square footage requested for the UVA Research Park. These proposals, plus a few others including North Pointe, add up to 1.4 million square feet of new retail space (this figure does not include approved projects). She said that adding 300,000 square feet for a project on Fifth Street (which is part of a Comprehensive Plan amendment and not a project yet) would bring that figure to about 1.7 million square feet.

Ms. Echols mentioned that the consultant's information includes fiscal impact and retail absorption information. She said the Integra report includes the North Pointe applicant's information on fiscal impact as well as limited information on retail absorption. She then asked Mr. Allshouse to explain what was addressed in the Integra report (the applicant's report) on retail absorption.

Mr. Allshouse said he has not looked at that report for a number of years, but recalls that the Integra report used a similar methodology but does not recall specifically how they arrived at their number for retail absorption.

Mr. Rooker said he knows that at some point in these conversations, there was a difference between the absorption figures provided by the applicant, and those completed by Mr. Allshouse. He asked if that information is included in this report provided to the Board today or is it included in a separate report.

The applicant, Mr. Chuck Rotgin said there are differences between his report and Mr. Allshouse's report. Mr. Allshouse's original report was based on the original TRIM data points. There was a phone conversation with the consultant and Mr. Allshouse that helped reconcile the differences between the fiscal impact of the Integra report and Mr. Allshouse's report. He said a lot of the differences related to school/pupil generation and overall population generation. He said they went back and made changes to the fixed-generation points that were used. At that time, Mr. Allshouse and his consultant were able to get within a couple of hundred thousand dollars of each other.

Mr. Graham noted that there is a memo dated August 14, 2003, from Mr. Allshouse included in the Board's materials today which discusses the differences and comes up with a \$480,000 difference.

Mr. Rotgin said Mr. Allshouse had assumed that the Integra consultant had not accounted for the ten cents per hundred Revenue-Sharing Agreement portion of the real estate tax. After talking with each other, they realized the error and narrowed down the difference.

Mr. Rooker said the Board does not have a clean updated fiscal impact study from Mr. Allshouse. He thinks it would be helpful to have one. Also, he wonders if there is information in the Integra report about retail absorption.

Mr. Rotgin replied that they have some recent data based retail sales in the community, square footage, housing starts, income, etc. He said the TRIM model which is used to generate fiscal imports reports uses average cost data throughout the County to determine its outcome. It also takes the total retail sales in the County and dividing it by the total number of retail square feet of commercial space in the County to give an average. He said new centers produce \$250.00 per square foot as opposed to old centers that only produce \$100.00 per square foot.

Mr. Rooker said it would be helpful to him to have some clean, updated data on that.

Mr. Graham noted that Mr. Allshouse's figure on retail demand was similar to the retail demand calculated by ZHA's consultant for Places 29. They are very similar numbers.

Mr. Rooker said that he would like to see the applicant's information on this.

Mr. Rotgin stated that Mr. Allshouse's report originally came out in 2001. It said the community could absorb two million square feet of retail space, and 18 months later he revised it to say it could only absorb one million. He said Mr. Allshouse said he couldn't find a way to calculate "leakage of people" for those people shopping in out-of-the area retail markets.

Mr. Rooker said he wants to see the full reports.

Mr. Boyd emphasized that whatever fiscal impact study is used, it shows a positive impact to the County. He said the Board has had this discussion several times before, and he thought the Board was going to leave that to market sources rather than trying to second-guess how much retail will be needed in the community.

Ms. Thomas said that is one of the main reasons the Board can turn down rezonings. If it is poorly timed with the market, so she thinks it is relevant to look at the market and what has already been approved by the Board. When old shopping centers decline, the new center attract the clients and that is the sort of thing citizens notice.

Mr. Boyd said he has not seen any indication that will happen here. He asked that Ms. Thomas given him some demonstrated history showing this will happen.

Ms. Thomas suggested that he drive to Fredericksburg.

Mr. Rooker said every Board member will make his decision based on how they view this question. At this point, he thinks the Board needs to see all of the information.

Mr. Boyd said he thought the Board had already discussed this thoroughly and it had been decided that market forces would control, that the Board would not make retail absorption as part of the discussion.

Mr. Dorrier recalled that when Fashion Square Mall came online, everyone predicted it would kill Barracks Road Shopping Center, but that has not happened. Both centers are "booming" now. One cannot predict based on abstract numbers.

Mr. Boyd asked the situation in the County now. He understands staff is using statistics from other parts of the country. He does not think there is a history of abandonment in the County.

Mr. Rooker said he thinks the applicant can make his own best case. He recommended that Mr. Boyd consider the applicant's case when deciding his vote. Ultimately, he has to vote as to whether or not he thinks this development, at this particular point in time, is in the best interest of the community. That's the vote, when the Board has to vote for a rezoning. He added that it is up to each Board member to weigh all information.

Mr. Boyd said he understands that but he thinks the Board needs to move away from this point.

Mr. Rooker said he feels it is important and he wants to see the applicant's information on retail absorption.

Ms. Thomas said Mr. Allshouse, in his report, said the figures he uses in the CRIM system are not the marginal costs. She did not understand what that meant so called him. She thinks the Board should decide whether it wants any of the marginal costs figures into the study the Board is asking him to do. She said the current water and sewer costs and the capacity of roads should be included in order to get a much more accurate figure on impact. She said that would give a more accurate impact of a large project than the costs run through CRIM originally.

Mr. Rooker said the CRIM model is based on average costs. If there was a predictable inflection point for a large capital expenditure, it would be helpful to know that especially if it is location-driven. This would have to be balanced against the applicant's contribution toward infrastructure.

Mr. Boyd said he thinks staff considers those capacities in every rezoning approved. Mr. Tucker said that is correct. Also, the RWSA has looked at putting the Rivanna interceptor in place because it knows that eventually the Camelot Sewage Treatment Plan will have to be closed.

Mr. Rooker said it is the same thing for transportation. He had asked Mr. Cilimberg if he has a report indicating the levels of service on the roads around this development after the proffered improvements are made.

Mr. Graham responded looking at the year 2010, it shows a slight improvement at the intersections into North Pointe. They address the immediate area impacts. What is not being modeled, and what nobody knows are the regional impacts resulting from the North Pointe development. He cited possible impacts at Forest Lakes, Hilton Heights, etc., but said those were impossible to model.

Ms. Thomas asked why it was possible to model all the way to the Hydraulic and Rio Road intersections, but it is not possible to do that for North Pointe. She said the applicant was able to take care of the immediate problems, but not the ones on the other side of the Rivanna River.

Mr. Graham replied that staff had a lot of doubts about the accuracy of those numbers. He was not comfortable relying on those numbers. A more comprehensive model was needed to do that modeling, and that is being now for Places 29. At this point it would be speculative to try and estimate the regional impacts.

Mr. Rotgin said their proffers are designed to take care of even marginal costs. On the issue of sewer, they have been working with the Service Authority, and likely will help them with the Camelot Sewage Treatment Plant situation. He said as a result of the last work session, they had a vacancy study performed. It shows 3.525 million square feet of commercial shopping space between Barracks Road and Proffit Road including Hollymead Town Center. It showed a vacancy rate of less than 1.8 percent. As a participant in this market, he will argue that this is unhealthy. It does not allow for any friction. He said these shopping centers project life styles. He has a separate list of 2.4 million square feet of anchor tenants who want retail space in this market. In order to capture all the sales that the income in this

community would support, they have a model showing 2.4 million square feet as being the number that can be supported easily, and they will provide that amount in North Pointe.

Ms. Echols said originally there was a proffer related to phasing but that is now part of the special use permit conditions. However, there is a disagreement between staff and the applicant as to what that condition should say. Staff believes there should be at least 25 percent of the residential units constructed before more than 290,000 square feet of commercial space built. The applicant thinks it should be 116 units – or roughly 13 percent. That is an issue the Board wanted to discuss. Staff thinks there needs to be a fairly established residential development at this location before increasing the commercial; staff believes that should be at 25 percent, while the applicant believes it should be at 13 percent. Staff thinks demand for residential is greater now than for commercial.

Mr. Boyd said he thinks the market will drive that need. He thinks a builder will build what he can sell, and if he can sell more houses, he's going to do that first.

Mr. Rooker said there is a lot of retail in development stages on Route 29 and elsewhere. The attractive feature of this development is its mixed use aspects. He does not think that what staff has recommended is adequate. They basically said that 289,000 square feet of commercial could be built, and no residential units built. He asked if that is a correct interpretation. Ms. Echols said that is correct.

Mr. Rooker said he does not find the prospect of having a shopping center in that location for many years without the commercial component which makes the development a mixed use development.

Mr. Boyd said Ms. Valerie Long offered that at the last meeting.

Mr. Rooker said it was offered orally. He brought this up at the last meeting and he thinks it is back to the Board now in the proffers.

Ms. Valerie Long, the applicant's attorney, replied that she and the applicant have been working through this since the last meeting. She had not personally thought about the situation the way Mr. Rooker had phrased it until that meeting. Since then, they had been talking internally about ways to address Mr. Rooker's concern. They have put together some concept numbers based on the way the project will build out. The concept they are contemplating (it will probably be a condition rather than a proffer), is to commit to platting within the first 90 days of issuing the first commercial area building permit to platting 24 residential lots. Then, before more than 142,000 square feet of commercial space is built, they would then plat 36 residential lots. Ultimately, in the four-part phasing they are requesting, there would be 138 residential lots before the 290,000 square foot threshold is exceeded. That compromise position to phase incrementally leading up to that point, will hopefully address the Board's concerns.

Mr. Rotgin said the first phase of the residential in this development will be single-family housing, not detached housing. They think the market is 40 to 60 units per year, so when they say 138 units that is two to three years worth of construction. Hopefully, they can do it quicker, but when they get to the multi-family section it will not develop as fast. He emphasized that a lot of the residential is in the second phase of the commercial, the mixed-use area. But, they can't get to that until they have the anchor stores in place to create the customer demand needed to service the small shops in the mixed-use area.

Mr. Rooker said there is a residential component that is in attached housing lying on the northern end of the development. Ms. Echols said they are actually single-family detached.

Mr. Rooker asked if that is the component Mr. Rotgin referred to as bringing on line first.

Ms. Long confirmed that the detached units would be the first homes built, and the second phase would include the single-family attached.

Ms. Thomas asked when the affordable housing would be offered.

Ms. Long said there would be three to eight affordable units built each year.

Mr. Rotgin said there are about 112 condominium units in the mixed-use area, so once the second phase of commercial construction begins, they will be permitting the shells for 112 condominiums. If they get 138 in the single-family portion, once they get into phase two of the commercial, that number is up to 250. He thinks it is important to recognize that a lot of North Pointe is very high-density, which is what the County and staff has wanted. This development will contain 62 percent multi-family units of some form. When the County asks for 224 units as a trigger for the second phase of commercial, it get the development all the way into the northern part of the community; it might take six years to get to that point. That puts off the area they want, and the area the County wants, and that is the mixed-use portion.

Mr. Rooker said he thinks the Board needs something in writing related to the various sections of the project and how it would be phased. That information is not currently in front of the Board.

Mr. Wyant asked how that will tie in with internal roads. He said some things are very difficult to phase, such as stormwater management facilities.

Ms. Long said the stormwater management facility lake will be constructed immediately. The interesting thing about the project is that the drainage all slopes into the lake area. She said the spine road, North Pointe Boulevard, will be constructed in Phase 1, and she noted on a plan where it will lie in relation to other roads and entrances. She said the alternate plan is that the southern entrance would be

built first with North Pointe Boulevard being extended to Northwest Passage and then Northwest Passage would be extended to Route 29. She said one of those two options will be the Phase 1 of the internal road improvements. Those have to be completed essentially before the first stores open. She said that also includes Phase 1 infrastructure and the third lane along Route 29 extending from Proffit Road to Lewis & Clark Drive and Northwest Passage.

Mr. Graham explained that the pond is being constructed for sediment control. It will capture a good part of the sediment before it gets to Flat Branch. It cannot be converted until the area is substantially built out, so it will not provide stormwater management as far as quality protection is concerned until it can be converted from a sediment control basin. He said the entire area will have to be stabilized before that can happen, it will take years before that can happen.

Mr. Rotgin disagreed noting the crossover point on the map. He said they will be forcing drainage into the pond, so the first phase of construction will drain there. Once the first section of commercial area is finished they will be in good shape. They have a lot of bio-filters located through the commercial parking lots to treat the water. Those will go in first also.

Mr. Boyd emphasized that he does not want to encounter the same problems as those experienced with the Hollymead Town Center. Mr. Graham said this project will have significant sediment, and sediment basins only capture about 60 percent of sediment, but this project runs straight into the Rivanna River instead of running into Lake Hollymead and affecting a private facility. That's the real difference between the two developments.

Mr. Wyant said it sounds like the impervious area will be on the upper end of the property, so for a couple of years that sediment basin could be turned into a stormwater facility. Mr. Graham emphasized that it would take from two to three years before that basin could be converted into a stormwater management facility. He said there are facilities located throughout the site to address this issue. He said the Board is addressing one of his concerns and that has to do with the need for a higher level of overlot grading protection as a special use condition, rather than relying on the compromise talked about last January. There are very steep slopes on the northern end of the property. Those are very sensitive streams that everyone – the applicant and staff – agreed were important to protect. He emphasized that it is going to be hard to protect that area.

Ms. Thomas asked if the applicant is opposed to taking care of that issue. Ms. Long said the applicant is completely supportive of accepting a condition for overlot grading, but the distinction between where the applicant is and where the staff is on overlot grading is that they have assured all along that the overlot grading provisions Mr. Wyant negotiated with the Builders' Association and that the Board approved on January 4 is the plan that would eventually be turned into the stipulations.

Ms. Thomas said the applicant is then saying what the Board was already told, that he is not willing to do the higher standard of overlot grading. Ms. Long said they think it would be inappropriate to be held to the same standard that is going to be put forth in the upcoming legislation. That was carefully negotiated.

Ms. Thomas said they are both saying the same thing. Ms. Long said they do not object to overlot grading.

Ms. Thomas said it is the higher standard the Board is talking about. Ms. Long said Mr. Graham had noted that there has been a tremendous amount of attention paid to the environmental features of some areas. The areas labeled conservation areas and the special use permit conditions spell out that these areas must essentially remain undisturbed. With the exception of overlot grading, she does not believe there is any concern on County staff's part that the applicant has not fully responded to all of their requests in that regard. The lots in this area are substantially smaller than the way they were originally designed in order to avoid slope areas. It's a tremendously more protective plan in this area than it was when it was originally submitted. She said that is due to the staff's strong input. She all of these strong protections combined with the new overlot grading plan the Board endorsed in early January will be sufficient to address the area. They do not deny it is a sensitive area.

Mr. Rotgin said he is agreeable to the higher standards. They are agreeing to carve out from the Blue Ridge Homebuilder's/Mr. Wyant's compromise, the opportunity to get a grading plan per lot. They will abide by that compromise language, and will do it on the subdivision plat. He said that the way the compromise language is drafted, any lot of over 15,000 square feet will be granted a grading permit on a per lot basis. They acknowledge the overlot grading on the southern end of the property where the lots are smaller.

Mr. Wyant said the criticism the County received during development of the Hollymead Town Center came about because they disturbed all that open land. The intent of the overlot grading language is to identify the lots where an overlot grading plan is needed, rather than opening a lot of undisturbed land where there is more potential for erosion to occur. He wants to guard against that happening on this development.

Mr. Rotgin said that is a good point. He pointed to an area on the map where he said grading will take down a knoll; grading has to happen in that area. He said overlot grading is appropriate in this area, but the commercial area is subject to a different standard which comes from the Soil and Erosion Control Ordinance. Once they get past the area noted, they will not be doing a lot of disturbance of the land other than that for the roads. Mr. Graham disagreed saying he has seen too many things go wrong with grading.

Mr. Slutzky asked why the overlot grading on this property needs to be at a higher standard. Mr. Graham said staff is not worried about the south end of the property but this site is going to have to be mass-graded, so essentially everything will be disturbed from the road back to the trailer park.

Mr. Rooker asked what happens on the south side of the property to the sediment once the grading is done. Mr. Graham said that 60 percent of the sediment would go into the pond, and the remainder would go into the Rivanna River. He said the rule of thumb, according to the Department of Conservation and Recreation, is that a sediment basin is effective for about 60 percent removal of the sediment that comes to it if it works properly. The reality is, it is not a perfect result. That requirement could be increased to 80 percent, but he does not know that that would make a lot of sense. What he learned with Hollymead is that even if they had required 80 percent removal in that case, there would still have been the same problems downstream. The particles that go downstream are smaller in size and they stay suspended for a very long period of time.

An unidentified gentleman asked if the area between the pond and bridge currently a non-perennial stream, a stream bed without an active stream. Does not the active stream come across Route 29 so it is actually a dry valley? In that case, if there is sediment coming out of the pond, there is a dry stream bed for a distance before getting to an active stream.

Ms. Thomas said with all the extra non-porous surface there will be a tremendous increase in the runoff there. It will not be the same quantity of water as is seen today in that streambed. The gentleman said that once there is a non-porous surface, they do not have the sediment problem.

Mr. Graham this stream is not going to be a receptor for the sediment, it will simply be a transmitter for the sediment before it gets to the Rivanna River.

Mr. Wyant said that is the fine sediment that stays in suspension. Mr. Graham said some of it will settle out in the sediment basin, but the remainder will go downstream. It will be in the chain forever.

Mr. Rooker said it will not be coming toward the road which is what occurred with the Hollymead Town Center.

Ms. Thomas said the County does have commitments to the Chesapeake Bay Act. She asked about the northern areas of the property. Mr. Graham said these are the areas where there is the most concern. These are fairly steep slopes in that area. He said the applicant has been good in recognizing the importance of protecting these resources, and they did a great job with their proposals for the conservation areas. However, with the runoff which will come from the backs of the houses to be built, he is concerned about the impact that will create on these areas.

Mr. Rooker asked if Mr. Graham was talking about during construction or after construction. Mr. Graham said both during and after construction. The storm facilities will capture all of the water from the roads and some of the water from the yards, but there will be additional water. He is concerned about how that will be handled. That is why he is asking for a higher level of protection in this case.

Mr. Rooker said the Board has a public hearing scheduled for 6:00 p.m., so will have to conclude this conversation at this time.

Mr. Rotgin said he would like to discuss the remaining issues.

Mr. Rooker said there will need to be another work session focusing on the differences the applicant and staff have related to the proffers.

Mr. Rotgin said he would like to focus on the six reasons staff is recommending denial of this request.

Mr. Rooker suggested Mr. Rotgin furnish the Board with the missing information mentioned earlier in the meeting.

Agenda Item No. 5. At 5:02 p.m. the meeting which began at 2:05 p.m. was adjourned.

Agenda Item No. 6. Call to Order. At 6:00 p.m., the Board reconvened at the Burley Middle School Auditorium for continuation of this meeting.

Agenda Item No. 7. Pledge of Allegiance.
Agenda Item No. 8. Moment of Silence.

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

Mr. Tom Loach addressed the Board, stating that the residents from Crozet deserve an explanation from the County for the discrepancy found in the Master Plan with the maximum population shown as 24,000 versus 12,000 in the original DISC document. He indicated that there have been many references to the Crozet build-out population as 12,000, with no references to a subsequent build-out. He

brought forth minutes from the August 2004 Board of Supervisors meeting where Mr. Rooker is quoted as saying, Even before this Master Plan was drawn, Crozet was designated to build out to 12,000 people. Mr. Loach stated that the number of 12,000 was derived from County staff, the consultants, and the master planning document itself. He said that staff realized the population would soon be exceeded, and County staff used the 24,000/20-year population as a cover story.

Agenda Item No. 10. Consent Agenda. Ms. Thomas **moved** to approve the items on the Consent Agenda. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

Item 10.1. Adopt a resolution accepting a landowners' offer to sell a conservation easement (ACE Program).

It was noted in the Executive Summary that the regulations for the ACE Program require each landowner who desires to sell a conservation easement to submit a written offer to the County to sell the easement for a fixed price, determined by an appraisal and subject to an adjustment based on adjusted gross income. The easements would also be subject to the terms and conditions contained in a proposed deed of easement negotiated by the parties. If the Board accepts the offer the regulations require that it must do so in writing and only after an action authorizing acceptance. The Board is not required to accept an offer to sell a conservation easement. Either the Albemarle County Public Recreational Facilities Authority ("PRFA") or the Virginia Outdoors Foundation ("VOF") may be co-holders of the easements. Regulations also require the ACE Committee to recommend to the Board which parcels, from an initial pool of applicants, should be offered invitations to sell conservation easements. In the event a higher ranked applicant(s) drops out of this initial pool, the Committee may substitute another parcel(s) that is ranked lower provided it is still eligible.

In early January, 2006 the County received offers to sell conservation easements from Mr. Henry Page and Mr. Dan Bieker, both of whom live in the North Garden area. These properties were the only two from the class of 2003-04 (Round 4) that agreed to sell an easement to the County for the appraised value. Two other landowners from this class declined to accept the County's offers.

The Page property of 558.900 acres is located on the eastern flank of Taylor's Mountain, approximately 10 miles southwest of Charlottesville. It consists of rolling farmland, forested mountain land and over 11,000 feet of permanently protected stream buffer, established by the CREP program. The primary source of points from the ACE ranking evaluation criteria include: 1) It is a very large tract of land; 2) it contains 250 acres of prime farmland; and, 3) the property has 39 acres of ridge areas (those ridge areas are located in the Comprehensive Plan's Mountain Overlay District Elevation Map). In addition, the Deed of Easement would permit no further subdivision, thereby eliminating 30 division rights. In August, 2005 the Virginia Land Conservation Foundation awarded a grant of \$85,433 for purchase of the Page easement and related closing costs.

The Bieker property of 107.240 acres lies on the east face of Cook Mountain near North Garden. Except for the lowest foot slopes, most of the property is wooded mountain land. The primary source of points from the ranking evaluation criteria include: 1) An easement to provide permanent protection for 4,300 feet of stream with a 100-foot wide woodland buffer; 2) the property has 66 acres of ridge areas (located in the Comprehensive Plan's Mountain Overlay District Elevation Map); 3) the owner relies on farm income from the property; and, 4) an easement would eliminate 19 division rights.

The two properties consist of eight tax parcels that together contain 666.140 acres:

Owner	Tax Parcel Number	Acres	Price	Co-holder
Page	TM 73, Parcel 24	558.900 acres	\$450,000	PRFA
Bieker	TM 99, Parcel 38A	75.250 acres	161,000	PRFA
Bieker	TM 99, Parcel 39	13.190 acres		PRFA
Bieker	TM 99, Parcel 40	5.370 acres		PRFA
Bieker	TM 99, Parcel 40A	5.380 acres		PRFA
Bieker	TM 99, Parcel 40B	1.800 acres		PRFA
Bieker	TM 99, Parcel 40C	3.120 acres		PRFA
Bieker	TM 99, Parcel 40D	3.130 acres		PRFA
Total		666.140 acres	\$611,000	

There is no additional request for funding related to this request. Funding for the purchase of these conservation easements will come from the CIP-Tourism-Conservation budget (line item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with tourism value. The Virginia Land Conservation Foundation also awarded a grant of \$85,433 for purchase of the Page easement and related closing costs.

As stated in the November 2, 2005, Executive Summary, the recently accepted appraisals of these properties was the basis for the value of the easement and the County's purchase price. The ACE Committee recommends that the Board adopt a Resolution accepting the landowners' offer to sell a conservation easement to the County for the price specified and subject to the terms and conditions

contained in the proposed deed of easement, and to authorize the County Executive to execute all documents necessary to acquire the easements.

By the above recorded vote the Board adopted the following resolution accepting the landowners' offer to sell a conservation easement to the County for the price specified and subject to the terms and conditions contained in the proposed deed of easement, and also authorized the County Executive to execute all documents necessary to acquire the easements.

RESOLUTION ACCEPTING OFFER TO SELL
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM

WHEREAS, the County has received an offer to sell a conservation easement under the ACE Program from owners of the following properties:

Tax Map 73, Parcel 24	(558.900 acres)	- Henry C. Page Property
Tax Map 99, Parcel 38A	(75.250 acres)	- Daniel Bieker Property
Tax Map 99, Parcel 39	(13.190 acres)	- Daniel Bieker Property
Tax Map 99, Parcel 40	(17.000 acres)	- Daniel Bieker Property
Tax Map 99, Parcel 40A	(5.380 acres)	- Daniel Bieker Property
Tax Map 99, Parcel 40B	(1.800 acres)	- Daniel Bieker Property
Tax Map 99, Parcel 40C	(3.120 acres)	- Daniel Bieker Property
<u>Tax Map 99, Parcel 40D</u>	<u>(3.130 acres)</u>	<u>- Daniel Bieker Property</u>
Total	(107.240 acres)	

WHEREAS, each owner offered to sell conservation easements on the respective properties to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County's invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby accepts the offers to sell conservation easements described above, and authorizes the County Executive to execute all documents necessary for completing the acquisitions.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owners of the properties identified herein, or their contact persons.

Item 10.2. Bentivar Drive (Route 1033) Watch For Child Playing Request.

It was noted in the Executive Summary that the County has received a request from Delegate Rob Bell to install a "Watch for Child Playing" sign on Bentivar Drive. Bentivar Drive is located off of Polo Grounds Road. Delegate Bell and his staff visited the Bentivar neighborhood and during this visit his constituents requested a Watch for Child Playing sign. The County has developed criteria for reviewing a Child at Play sign installation request. The criteria and staff comments are provided below.

1. Child at Play signs shall only be considered on secondary roads. Bentivar Drive is in the Secondary Road System (Route 1033).
2. The request must come from a Homeowner's Association where applicable. This request came from Delegate Rob Bell after speaking with residents from Bentivar Drive.
3. There must be child activity attraction nearby for the sign to be considered. Bentivar Drive does not have sidewalks. There is no established tot lot, playground or recreational area on Bentivar Drive. Due to lack of amenities, children that live on this road must walk in the road to visit one another. Bentivar Drive is one mile long and has approximately 36 homes on it. There are many large lots where children can play. Due to lack of sidewalks, staff is of the opinion that this request meets the intent of this criterion.
4. The installation of the sign shall not conflict with any existing traffic control devices. The proposed location of the signs will not conflict with any existing traffic control devices.

The average cost to install a sign is approximately \$125. VDOT will utilize the County's Secondary Road Maintenance Funds to install the signs. It is staff's opinion that this request meets all four evaluation criteria and recommends that the Board of Supervisors adopt a resolution supporting the installation of Watch for Child Playing signs on Bentivar Drive.

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
BENTIVAR DRIVE

WHEREAS, the residents of Bentivar Drive 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 Bentivar Drive 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 Bentivar Drive 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 Bentivar Drive (Route 1033).

Item 10.3. Approval of Faulconer Construction Company Final Site Plan (SDP-2004-023) subject to conditions.

It was noted in the Executive Summary that Faulconer Construction Company owns a 27.37 acre parcel identified as Tax Map 58, Parcel 37, in the Samuel Miller Magisterial District. The parcel is located within the Ivy Industrial Park in the vicinity of Morgantown Road and State Route 250 and is zoned Light Industry. Faulconer desires to relocate its contractor's office and equipment storage yard on the site.

On October 27, 2004, the Board of Supervisors disapproved Faulconer's final site plan (SDP-2004-023) for the project, identifying eight inadequacies (the "Conditions") that would have to be satisfied in order for the site plan to be approved. Condition No. 8 stated: "Pavement widths and strengths of both internal and external roads shall be adequate to accommodate projected traffic generated from the site as provided by Section 26.12.1 of the Albemarle County Code." Faulconer was agreeable to satisfying Condition Nos. 1 through 7 and Condition No. 8 as it pertained to roads internal to its site, but objected to Condition No. 8 as it pertained to external roads. Faulconer appealed the denial to the Albemarle County Circuit Court to challenge the validity of Condition No. 8 as it pertained to external roads.

In an order entered January 12, 2006, the Albemarle County Circuit Court ruled that the portion of Condition No. 8 pertaining to external roads was invalid, but upheld Condition Nos. 1 through 7 and that portion of Condition No. 8 pertaining to internal roads. The Court remanded the case back to the Board of Supervisors with directions to "approve Faulconer's final site plan upon Faulconer's showing satisfactory compliance with the eight Conditions, excluding that portion of Condition No. 8 pertaining to external roads."

Pursuant to the Court's order, the County must now approve the final site plan and Faulconer must comply with the eight conditions. After the Board acts, Faulconer must resubmit a revised final site plan satisfying the eight Conditions. Staff recommends that the Board of Supervisors approve SDP-2004-023 subject to conditions which are identical to those imposed by the Board on October 27, 2004, except for Condition No. 8 which has been revised to comply with the Court's order.

(Discussion: Ms. Thomas commented that the ability of the Board to deal with the Faulconer Construction site situation "is sharply delineated by state law, and the court interpretation of that law" so all the Board is left with are the requirements for health and safety, and the few conditions that the court case left. She emphasized that the County would work as best it can to make the situation as good as possible in the neighborhood.)

By the recorded vote set out above, the Board approved SDP-2004-023, Final Site Plan for Faulconer Construction Company, subject to the following conditions:

CONDITIONS OF APPROVAL

SDP-2004-023. Faulconer Construction Company Final Site Plan Approval.

1. Submission of a revised Certified Engineer's Report as required by Section 32.7.4.2, to address each provision of Section 4.14, explaining methodology and including measurements of actual equipment where appropriate.
2. Submission of as-built plans and structural analysis to verify adequacy of pavement width and strength of Dettor Road from Morgantown Road to the Faulconer entrance as provided by Section 26.12.1.
3. Provision of street trees across Morgantown Road frontage as required by Section 32.7.9.6.
4. Provision of a double staggered row of shade tolerant evergreen screening trees such as holly or bayberry, planted fifteen (15) feet on center adjacent to Rural Area property to provide screening as required by Section 32.7.9.8.c.2.
5. The lighting plan shall be revised to comply with Section 4.17.4.
6. Sidewalk notes and dimensions must be corrected.
7. Revise all buffer notes to indicate a fifty (50) foot buffer.

8. Pavement widths and strengths of internal roads shall be adequate to accommodate projected traffic generated from the site as provided by Section 26.12.1 of the Albemarle County Code.

Agenda Item No. 11. ZMA-2005-002. County Fire Station at UVA Research Park (Signs #22, 23, 24, 44, 70). **Public Hearing** on a Proposal to: Rezone 1.16 acres from RA (Rural Areas): agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PD-IP (with proffers) (Planned Development-Industrial Park) industrial & ancillary commercial & service uses (no residential use) & rezone 477.67 acres from PD-IP to PD-IP (with amended proffers). The 1.16 acre piece of land would be added to the UVA Research Park. The property is also located in the EC (Entrance Corridor) which is an overlay zone to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. Proffers: Yes. Existing Comprehensive Plan Land Use/Density: Industrial Service--warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production & marketing activities, supporting commercial, lodging & conference facilities, & residential (6.01-34 units/acre). Location: The lands proposed for rezoning are a portion of Tax Map 32, Parcels 6A & 18, located on north side of Airport Rd (Rt 649) approx one-half mile west of intersection of Airport Rd & Rt 29 North & more particularly described as follows: (1) the lands to be rezoned from RA to PD-IP (with proffers) are portion of Tax Map 32, Parcel 18, comprised of a 1.16 acre triangular-shaped piece of land (exact location on file in the Department of Community Development) (hereinafter Parcel A); (2) the lands to be rezoned from PD-IP to PD-IP (with amended proffers) are Tax Map 32, Parcel 6A, a 477.67 acre piece of land, a portion of which abuts & is east of Parcel A. Magisterial District: Rio. (Notice of this public hearing was advertised in the Daily Progress on .)

Mr. Cilimberg said this rezoning involves two properties – the parcel originally subject to the industrial park rezoning for the North Fork Research Park (Tax Map 32, Parcel 6-A), and the one-plus acre parcel (Tax Map 32, Parcel 18), would be rezoned from RA to PD-IP. He said the Proffers and Application Plan changes for the existing zoning of the research park are also involved in this rezoning consideration.

Mr. Cilimberg said this petition has been before the Planning Commission for two public hearings. The Commission recommended approval of the rezoning after its January 17 hearing subject to the proffers presented at that meeting and the changes agreed to by the applicants regarding minimum driveway separations and timing of the extension of the sewer line to the fire station. He said the applicant has made additional minor changes to the proffers which are acceptable to both the County Attorney's office and reviewing staff.

Mr. Cilimberg stated that the additional change – Proffer 8.6 - which previously contained a commitment to build a public street between the two parcels involved in the rezoning would now allow for that street to be either public or private. He said the intent of that street connection was to give the fire station a connection to a public street that would lead to Lewis & Clark Drive, and also allow the fire station's access to that street to go to properties to the west that may be developed in the future.

Mr. Cilimberg said the UVA Real Estate Foundation has asked that the question of the street's status as public or private be considered as part of a larger rezoning for the remainder of Tax Map 32, Parcel 18, which is a different zoning map amendment currently under review by the Planning Commission. He said staff does not think delaying a decision on the status of the street will be problematic, since interconnections are an issue that will be discussed as part of that rezoning. He said the Planning Commission, at its work session on this rezoning, expressed a desire that the street ultimately be a public street. He said staff and the Commission do recommend approval of ZMA-2005-002 subject to the proffers and the amended Application Plan.

Mr. Davis said there was a change made today to Proffer 8.4 at his request. The proffer deals with the eventual provision of public sewer to the site. He said the applicant proffered to extend the sewer line and build the lateral to the station, and the County would reimburse for the lateral. In order to comply with State procurement laws and to make it in the form of a better proffer, he asked that it be amended so the lateral would be built and paid for by the County if the County requested that the lateral be built. That would allow the County to price it out and see if it is a competitive price and whether it's financially advantageous for the County to have UREF build the lateral.

In response to a question from Mr. Wyant, Mr. Cilimberg confirmed that the applicant would like to defer the decision on whether the road will be public or private until the larger rezoning request for Parcel 18 is considered. He said the Commission has indicated that they would prefer the road be public as they see it connecting to properties further west of the Real Estate Foundation properties.

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

Ms. Valerie Long addressed the Board on behalf of the UVA Foundation, the owner of the land on which the fire station will be constructed. She said they have worked closely with County staff, particularly Mr. Tom Foley and Mr. Dan Eggleston to work out the details of the proffers and the application generally. She said they agree on all of the issues. She then offered to answer questions and said Mr. Fred Missile from the UVA Foundation is also present to answer questions.

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

Mr. Slutzky immediately **moved** to approve ZMA-2005-002 subject to the proffers dated February 8, 2006, with the amended Application Plan presented. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

(The Proffers are set out below:)

Original Proffer ___
Amended Proffer X
(Amendment # 1)

PROFFER FORM

Date: February 8, 2006

ZMA # 2005-002, including an Amended Application Plan entitled, "Application Plan Amendment to ZMA 95-04 Parcel D Enlargement showing Area for County Fire Station 12," (the "Application Plan Amendment") prepared by DJG, Inc., dated January 19, 2006.

Tax Map and Parcel Number(s) 03200-00-00-01800 (1.16 acre portion) and 03200-00-00-006A0

1.16 Acres to be rezoned from RA to PD-IP
477.67 Acres to be rezoned from PD-MC to PD-IP

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.

Within the property to be rezoned, these proffers amend Proffers 7.2 and 8.1 accepted by the Albemarle County Board of Supervisors as part of Zoning Map Amendment 95-04 (Proffer Statement, University of Virginia Real Estate Foundation, Final Version: March 21, 1996) (the "Original Proffers") and add Proffers 8.4, 8.5 and 8.6. All other Original Proffers shall apply within the property to be rezoned:

7.2 Buffer Areas. Except as provided herein for Parcel D identified on the Zoning Application Plan approved in conjunction with Zoning Map Amendment 95-04 (the "Zoning Application Plan"), the Applicant shall not disturb the Buffer Areas (the "Buffer Areas") as depicted on the Zoning Application Plan, other than to: i) establish and maintain signage, fences or walls, ii) remove underbrush, or iii) plant landscaping trees for screening. The Applicant shall plant additional landscaping in Buffer Areas as reasonably required for screening.

A. Parcel D; disturbance within Eastern Buffer. Within Parcel D, the buffer on the eastern side of the parcel from Airport Road to a point one hundred (100) feet north of the parcel (the "Eastern Buffer") depicted on the plan entitled "Application Plan Amendment to ZMA 95-04 Parcel D Enlargement showing Area for County Fire Station 12," (the "Application Plan Amendment") prepared by DJG, Inc., dated December 13, 2005, attached hereto as Exhibit A, depicting the "Fire Station Parcel" and the "Fire Station", may be disturbed in conjunction with the construction and maintenance of the public street shown on the Zoning Application Plan identified as Lewis and Clark Drive. The land disturbing activity in the Eastern Buffer shall be the minimum necessary as determined by the County Engineer and reasonable construction practices to allow for the construction and maintenance of Lewis and Clark Drive, including all sidewalks and pedestrian pathways, and the construction and maintenance of erosion and sediment control structures and measures, drainage facilities, and stormwater management facilities which may be located either within or without the Eastern Buffer.

B. Parcel D; landscaping within Eastern Buffer. Any portion of the Eastern Buffer within Parcel D that is disturbed as provided in paragraph 7.2(A) shall be landscaped by the Applicant as provided herein within one hundred eighty (180) days after the County's Program Authority releases the erosion and sediment control bond for the land disturbing activity within the Eastern Buffer. The disturbed portion of the Eastern Buffer shall be planted in accordance with a landscaping plan approved by the County in conjunction with the road plan and profile for Lewis and Clark Drive. The landscaping plan shall include the following: (i) an informal mix of native species evergreens planted at least five (5) feet in height, serving as screening trees, loosely staggered, fifteen (15) feet on-center; (ii) the same species of screening trees shall be clustered in groups and alternate groups of screening trees shall be provided to create a naturalistic rural landscape; (iii) shade trees shall be interspersed among the screening trees; (iv) clusters of ornamental trees shall be provided in groups of 3's and 5's; and (v) tall shrubs shall be massed to help integrate the proposed plantings into a naturalistic rural landscape. Approved plant species shall be obtained from the Albemarle County Recommended Plants List and the buffer design shall be subject to the review and approval of the Director of the Department of Community Development. The minimum caliper of all shade trees identified herein shall be two and one-half (2 1/2) inches at the time of planting. The Eastern Buffer shall be maintained by the Applicant.

C. Parcel D; disturbance within the Western Buffer. Within the twenty (20) foot buffer on the western portion of the Fire Station Parcel and within that buffer both one hundred (100) feet north and south of the Fire Station Parcel (the "Western Buffer") as shown on Exhibit A, land disturbing activity shown on an approved site plan for the Fire Station may occur before the County issues a certificate of occupancy for the Fire Station building.

D. Parcel D; landscaping within the Western Buffer. Any portion of the Western Buffer that is disturbed as provided in paragraph 7.2(C) shall be stabilized, restored and landscaped by the developer of the Fire Station Parcel as shown on an approved site plan for the Fire Station within one hundred eighty (180) days after the County issues a certificate of occupancy for the Fire Station building. The portion of the Western Buffer that is disturbed as provided in paragraph 7.2(C) but is not within the Fire Station Parcel shall be maintained by the Applicant after all requirements of the site plan for the Fire Station have been satisfied.

E. Parcel D; duration of the Western Buffer. The Western Buffer within Parcel D shall exist only until the land identified as Tax Map and Parcel Number 03200-00-00-01800 is rezoned to a commercial, industrial, or planned development zoning district.

8.1 Fire Station. Within ninety (90) days after request by the County, the Applicant shall lease to the County the Fire Station Parcel shown as "Proposed Parcel 212,788 SF. (4.88 ac.)" on Exhibit A and grant all temporary easements as provided herein, at no cost to the County and under such other terms as are acceptable to the County (the "Land Lease"). The Land Lease shall be for a term that extends until the Applicant dedicates the Fire Station Parcel, or portion thereof, to the County as provided in paragraph 8.5. The Applicant shall bear the costs of a survey to establish the boundaries of the Fire Station Parcel, required subdivision plat(s), and the preparation of the Land Lease.

A. To allow the development of the Fire Station Parcel, the Applicant shall grant all temporary easements upon Parcel D and Tax Map and Parcel Number 03200-00-00-01800 as necessary to allow ingress and egress for vehicles and construction equipment, grading, the installation and maintenance of erosion and sediment control structures or measures, and any other associated construction easements, as such temporary easements are shown on the site plan for the Fire Station and mutually agreed to by the Applicant and the developer of the Fire Station Parcel.

B. The developer of the Fire Station Parcel shall consult with the Applicant on the design of the Fire Station, which design shall be in general accord with the University of Virginia Research Park Design Guidelines.

C. The Applicant shall provide hazardous materials training to County fire and rescue personnel. The training program shall be approved in advance by the Chief of the County's Department of Fire Rescue. The training shall consist of two (2) four (4) hour training sessions per year during the three (3) year period beginning on the date the certificate of occupancy for the Fire Station is issued. The training program shall pertain to biological, chemical and radiation elements.

D. The Applicant shall reimburse the developer of the Fire Station Parcel for all costs incurred in the construction of a complete septic disposal system on the Fire Station Parcel, including but not limited to the construction and/or installation of a septic tank and septic drainfield, and all associated connections of the system to the Fire Station. Reimbursement shall be made within sixty (60) days of receipt by the Applicant of a request for reimbursement accompanied by documentation to support the amount requested. Documentation shall include at least three (3) estimates to complete the work described herein, and shall be obtained from a list of Applicant-approved Contractors. The Applicant shall close and remove the septic disposal system on the Fire Station Parcel at its sole expense when the system is no longer required after the Fire Station Parcel is connected to the public sewer system as provided in paragraph 8.4.

8.4 Extension of Public Sewer to Fire Station. As a condition of final subdivision plat or final site plan approval for any development within Parcel D (as depicted on the Zoning Application Plan) or within Tax Map and Parcel Number 03200-00-00-01800, other than the final subdivision plat and final site plan creating and authorizing development of the Fire Station described in paragraph 8.1, the Applicant shall design and construct at its sole expense, or provide a sufficient bond or other form of surety to the County in an amount sufficient to assure construction and acceptance by the appropriate authority, a public sewer to serve the Fire Station Parcel and, in conjunction with such construction and upon request by the developer of the Fire Station Parcel, shall install a lateral from the public sewer that connects the Fire Station to the public sewer. If such request is made, the developer of the Fire Station Parcel shall reimburse the Applicant for its costs to design and install the lateral, and shall pay all fees required for connecting the Fire Station to the public sewer system. Reimbursement shall be made within sixty (60) days of receipt by the developer of a request for reimbursement accompanied by documentation to support the amount requested.

8.5 Dedication of Fire Station Parcel. Within ninety (90) days after the Fire Station Parcel is served by the public sewer system as provided in paragraph 8.4, the Applicant shall dedicate to the County in fee simple the Fire Station Parcel, less that portion no longer needed for the septic disposal system, and further less such adjoining lands within the Fire Station Parcel determined by the County to not be needed for a public use (the "Dedication Parcel"). The approximate boundaries of the Dedication Parcel are shown on Exhibit B. The Applicant shall bear the costs of preparing Exhibit B and any other required plats or surveys, and the preparation of the deed to convey the Dedication Parcel to the County. The Applicant shall provide general warranties of title in the deed conveying the Dedication Parcel. Upon such conveyance, the Land Lease described in paragraph 8.1 shall terminate.

8.6 Connection of Fire Station to Street; Alternative. The Applicant shall construct a street from Lewis and Clark Drive to Tax Map and Parcel Number 03200-00-00-01800 north of the Fire Station Parcel (the "Street") and a travelway from the Street to a connection point within the Fire Station Parcel or Dedication Parcel, as applicable, mutually agreed to by the Applicant and the developer of the Fire Station Parcel,

which will be shown on the approved final site plan for the development of the Fire Station (the "Connector"), as provided below:

A. The Street shall be designed and constructed to Virginia Department of Transportation standards or applicable street standards as determined by the County Engineer, shall be designed and constructed to accommodate its intersection with the Connector, and shall be located so that there is three hundred (300) feet, or such lesser distance approved by the Virginia Department of Transportation, of separation on Lewis and Clark Drive between the cross-over serving the Fire Station Parcel (the "Bay Door Egress") and the cross-over serving the Street to allow for the required left-turn lane and taper from Lewis and Clark Drive into the Street. The Street shall be completed for acceptance by the Virginia Department of Transportation into the state highway system or by the County, as applicable, before the median break allowing a direct left turn access from the northbound lane(s) of Lewis and Clark Drive into the northern access to the Fire Station Parcel from Lewis and Clark Drive (the "Median Break") shown and identified on Exhibit A as the "Temp. Access" (the "Temp. Access") is closed.

B. The Connector shall be designed and constructed to applicable private street standards set forth in Albemarle County's Subdivision Ordinance and Design Standards Manual. The Connector shall be completed for acceptance by the County before the Median Break is closed. The developer of the Fire Station Parcel shall close, or pay all costs to close, the Temp. Access, including the cost of removing all unnecessary pavement and installing landscaping in those areas consistent with the existing landscaping along the front of the Fire Station Parcel.

UNIVERSITY OF VIRGINIA FOUNDATION

(Signed) Tim Rose
[Signature]
[Title]

Tim Rose
[Printed Name]
[Title]

02/08/2006
Date

Agenda Item No. 12. **Public Hearing** to receive comments on whether the County should become a member of The Thomas Jefferson Partnership for Economic Development (TJPED). (Notice of this public hearing was advertised in the Daily Progress on January 23 and January 30, 2006.)

Mr. Rooker said this is a continuation of a public hearing held last month on the question of the County becoming a member of the Thomas Jefferson Partnership for Economic Development. He then invited members of the public to speak.

Mr. John Martin said he believes a decision to join the TJPED is premature and should be postponed pending further application. He said there has been no staff report because none was requested. He said the TJPED is not a partnership, and governing bodies would likely be junior partners, noting that the organization's purpose is to increase the benefit and wealth of the private sector members with some possible trickle-down benefit for the governing bodies. He thinks the County's presence would be advantageous to TJPED by allowing the organization to use the County's name on its membership roll. He thinks the organization of TJPED needs to be expanded, explaining that the Private Sector Council filed articles of incorporation just 28 days ago, and those articles show that this council appoints the private sector members of TJPED's Board of Directors.

Mr. Martin emphasized that he went to the State Corporation Commission and found that there is an organization –Greater Charlottesville Area Development Corporation – incorporated in 1979 as a 501(c)3. He reported that in 1995 this company filed a fictitious name for itself known as the Private Sector Council. He said that private sector donors are asked to donate to the charity, and the members elect the Board of Directors for Greater Charlottesville, who in turn elect the members of TJPED. Annually, Greater Charlottesville transfers money from private sector investors to TJPED. The TJPED is the only grantee of this C-3 organization. It is too complicated and is not understood at all at this point. He encouraged the Board to spend more time in their consideration of joining the TJPED.

Mr. Bob DeMari, Executive Director of the TJPED, addressed the Board. He said the purpose of the partnership is to bring together business, government and education to effectively promote the creation of career-ladder jobs and new business investment in the greater Charlottesville region. The partnership focuses on matching the needs of different businesses with the desire and needs of the communities and the region it serves. The organization is about information related to the local economy, including connecting employers to workforce training and other service providers, promoting the availability of international trade and other business assistance programs, working with the University and others to encourage entrepreneurship and taking technology and innovation to the marketplace. He said Mr. Martin had suggested that the TJPED could be considered an extension of County staff – a resource to be called upon to help achieve the County's objectives. He thinks the County and region would both benefit from partnership in the TJPED.

Mr. Steve Crohn, a County resident, addressed the Board, asking that the County join the TJPED. He is president of SunTrust Bank and Vice-Chairman of the TJPED. He also chairs the local United Way Chapter, noting that the County's population growth has been 1.8 percent annually since 2001; the growth in Food Stamp recipients has been 17 percent per year, with the County estimating that only half who are eligible actually enroll. People enrolled in Temporary Assistance for Needy Families (TANF) has increased 3.5 percent per year, and since 2001 Medicaid recipients have increased six percent per year. Adult Protective Service (APS) referrals have increased 12 percent per year, with Child Protective Service (CPS) referrals increasing 28 percent per year. Since 2000, there has been nearly zero growth in residents' annual income, and that is reflected in the United Way contribution growth. He stated that there

are two components to affordable housing – the cost of the homes and the income level of people in the community. He said the TJPED looks at both sides of that equation and he encouraged the Board to participate in the organization as one tool in its toolbox. While the TJPED is perceived as pro-growth, there are lots of other tools to deal with the legitimate issue of growth pressures.

Ms. Liz Palmer of the League of Women Voters addressed the Board. She does not understand why a staff report has not been generated, as many people in the community come to rely on these for information. When government joins an organization, government is in effect publicly endorsing that organization's activities. Therefore, it becomes even more critical for government to understand the organization's inner-workings. She has compiled a list of citizen questions that should be answered prior to the Board taking action on the matter: (1) request that staff obtain detailed information on TJPED's corporate structure, source of private funding and its stability, and obtain a comprehensive financial report. County staff needs more information than TJPED's campaign report so that they can explain why it is necessary for the organization to request private investors to donate to the non-profit Private Sector Council. Private investors should be identified as are other organizations to which the County contributes funds; (2) obtain product recommendations – direct County staff to inquire how other local governments perceive their interactions with TJPED to date. Greene County left TJPED because they could not identify any benefit for their investment. Three supervisors indicated to Ms. Palmer that Greene left the partnership because of this, and instead used the money to hire an economic development director who talks to TJPED on a regular basis; (3) explain why the Board of Supervisors is jumping the voting gun as staff recommended holding off on the vote until the revised economic development section of the Comprehensive Plan is completed; (4) identify and agree on return on investment methodology for TJPED prior to voting on membership; request that TJPED provide staff with information that would normally be required for other organizations for which the County provides funding, such as arts, social service, and tourism organizations. The County does not join these groups, but provides funding and grants, and each of these organizations provides documentation annually describing how they have used their resources.

Ms. Palmer indicated that there are philosophical reasons for the County to refrain from joining any special interest group: In a democracy, government's decision-making process must be open to public scrutiny. This often causes government to appear cumbersome and less efficient, but it was designed that way to prevent the misuse of power. She stated that Albemarle County currently operates an open democratic form of government, and cautioned against changing this.

Ms. Valerie Palamountain, Dean of Workforce Services at PVCC, addressed the Board. She said her division is responsible for providing contract training to business and industry in the region, as well as skills development for individuals interested in upgrading or improving employability. To remain current and remain employed, people must continually reinvent themselves, and TJPED understands this new economy. She presented an analysis/report done cooperatively by the Partnership and the State Community College System that shows Charlottesville's expansion in healthcare, information technology and professional services, communications and entertainment, electronics equipment and instruments manufacturing, and wood products. She said new emerging industries are chemicals and materials, finance and insurance, and metals and related manufacturing. The TJPED understands the work that must be done to attract businesses that fit the profile for the region, and understands that careers and not just jobs are the answer. She believes joining the Partnership will make the County an active participant in attracting businesses to the region.

Mr. Michael Sherrick addressed the Board. He has lived here for eight years and works for Holt Springs Publishers, one of the largest publishers in the world. His company has invested more than \$45.0 million in this region, and has 300 employees in Orange County who reside there, in other counties and in the City of Charlottesville. The company pays over \$17.0 million annually in compensation and benefits for these employees, and another \$20.0 million for transportation. The TJPED provided significant and substantive help as his company acclimated to the region and the state, demonstrating knowledge of local and state agencies that allowed their business to prosper. The Partnership was able to make connections happen. He added that TJPED is positioned to discuss critical issues facing the area's workforce by bringing together public and private interests. He encouraged Albemarle to join and be at the table.

Mr. Brian Thomas, area executive for BB&T Bank and a TJPED Board member, addressed the Board. He encouraged the County to join TJPED, stating that participation would help provide affordable housing to area residents.

Ms. Gerry McCormick-Ray, an Environmental Scientist, addressed the Board. She does not feel it is a good idea for the County to join TJPED because it is too expensive for a County to join a group that is biased toward development. That development only adds costs to the existing infrastructure needs of the County as well as adversely impacting resource protection. She said County participation in TJPED would appear to endorse development in the area, which is already happening at a very fast pace.

Mr. Carlton Ray stated that Albemarle County is doing fine without membership in TJPED, which requires a fee and promotes growth. Should public money be spent for such a purpose? He does not think so, particularly as the great majority of its citizens would think that growth is at the expense of its well-being. He said the TJPED has not yet endorsed the Comprehensive Plan, and it is unclear where they stand on rural areas, mountain protection, natural heritage, biodiversity, water supply, and other matters of public concern. He urged the County not to join the organization until their position on these issues is clarified.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He said PEC has helped permanently protect almost 250,000 acres, with 60,000 of those being in Albemarle. He said PEC urges the Board to decline the invitation to allocate funds to TJPED, or at least delaying a decision.

Having this issue brought forth without a staff report is unprecedented, and \$12,500 is not an insignificant amount. He asked that TJPED explain their relationship to the Greater Charlottesville Area Development Corporation and to the Public Sector Council. He also asked that TJPED explain why other localities have withdrawn their support for the organization, as Madison and Greene have. He said the TJPED should reveal their 990 forms and make them available to the public. The County's Comprehensive Plan identifies specific steps for resource protection, and he asked if TJPED would commit to them. If the Board votes in favor of joining the organization, the item should be reevaluated in 12 months and a majority vote should be required to continue.

Mr. Jack Marshall, president of Advocates for a Sustainable Albemarle Population, addressed the Board. He said that twice in the past three years his group has asked the County not to join the TJPED. They believe it would set a precedent by joining an organization specifically established to state a position on local growth and to influence public policy. He said to counter membership in TJPED, the County should join ASAP. The County does not need to buy what TJPED is selling as it already provides more than one job for every resident between the ages of 18 and 64. The last thing that needs to be done is to market the "best place to live in America." ASAP supports the suggestion by Mr. Jeff Werner that any investment in TJPED be reevaluated in a year. If membership in TJPED will help provide affordable housing, as the organization's representatives implied earlier, then they should be held to that belief.

Mr. George Larie addressed the Board encouraging Albemarle not to join TJPED. He said the County doesn't need help soliciting development, as the County is already developing rapidly on its own. It makes no sense to spend County money to solicit additional development given that situation.

Mr. Melton Moore addressed the Board, noting that he has served four years on the Charlottesville Transportation Committee. He strongly opposes joining TJPED and spending money the money, especially given Albemarle's 3.5 percent unemployment rate. Growth is likely to continue, so why pay \$12,500 to join this organization? What can they provide that the County does not already know and that is not already taken care of in the Comprehensive Plan?

Mr. Jim Balheim addressed the Board, stating that the County has done perfectly fine without belonging to TJPED. There is a lot of time, effort, and money spent by the County on ways to control growth. He said this seems like the wrong direction to go in, as this organization seems to be encouraging more growth.

Mr. Timothy Hulbert, president and CEO of the Charlottesville Regional Chamber of Commerce and president and secretary of the Greater Charlottesville Area Development Corporation, spoke. He explained that the Chamber is dedicated to representing private enterprise, promoting business and enhancing quality of life. The Chamber is supportive of the County's participation in TJPED along with UVA and PVCC. Continuing challenges require partnership. He explained that the Greater Charlottesville Area Development Corporation was formed in 1979 by Messrs. Leigh Middleditch and Paul Wood, among others. The corporation was formed to aid and support the economic, social, cultural and human development of the greater Charlottesville area by improving local employment opportunities, strengthening the economy of the area, reducing unemployment and eliminating poverty. The organization also created and sustained the Charlottesville Area School Business Alliance and the Thomas Jefferson Partnership for Economic Development. Any allegation that this organization has done anything that is not above-board and is not in compliance with the law is completely and totally patently false. He then presented to the Board the organization's articles of incorporation, an independent financial audit, and a recent 990 statement.

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

Mr. Dorrier said the Board has heard comments from both those who support the Thomas Jefferson Partnership for Economic Development and those who oppose the organization. He supports TJPED. He was born and grew up in Albemarle County. He loves the County, loves its people and all the good things it stands for. TJPED is an organization that exists to raise the level of the quality of life in the area. For those who have lived here all of their lives, they are concerned about jobs that should be available to their children.

Mr. Dorrier said the County's Comprehensive Plan calls for a strong economy in the area and calls for support by regional organizations. TJPED is a regional organization. It provides economic counseling and economic support to its members. It is a partnership and not a dictatorship. At the state and national levels government is always working in conjunction with economic development organizations. These organizations are supported by government money, yet at the local level some believe the County should not participate in an economic partnership. This seems absurd considering the partnership is made up of its members. Albemarle County cannot just go along and ignore economic development.

Mr. Dorrier said Albemarle has a knowledge-based economy. There are ten other organizations in Virginia competing for jobs in that economy. He believes that Albemarle County needs to participate with the partnership in bringing knowledge-based jobs to the County. The knowledge-based job industry in the County is already supported by the University of Virginia and Piedmont Virginia Community College. Albemarle County should lend its support to that. He believes the money that it costs to belong to TJPED is a small amount considering the return the County will get on its investment. The County is not seeking a large number of new jobs in the community. It is seeking replacement for low-end jobs that already exist. He is more concerned about underemployment than unemployment. The rate of unemployment is low, but the rate of underemployment is larger. The Board must realize that 25 percent of the

Charlottesville community lives under the poverty level. It needs to wake up to the fact that this will affect Albemarle County. For those reasons he supports joining the TJPED.

Mr. Boyd said he asked that this question be put on the Board's agenda. He has been in favoring of joining TJPED since he learned of the organization six years ago. The public is wrong if it believes the Board has not looked at this organization or does not know what they do. He has actual experience working with TJPED in cases of economic development. This is not a decision that has just been arrived at lightly or one that he has not given a lot of thought to.

Mr. Boyd said in the County's current fiscal year budget, the Board budgeted \$3.3 million to 23 different community organizations. Those organizations are advocates for senior citizen needs, the arts, tourism, children, the mentally ill, etc. Those people deal with their issues and provide a resource to the community. The County gives them money, supports them, and in some cases appoints members to their boards. All of these are good organizations that are needed in the community. He believes TJPED is also such a group that the County needs to be part of.

Mr. Boyd said he plans to offer a motion as soon as everybody has made their comments. He fully supports the organization and thinks \$12,500 is a bargain. Once the Board approves this it will become an annual budget line item just like anything that is budgeted. It will be brought up each year because the Board will have to decide to continue to include it in the budget. It will have to be voted on every year as money is appropriated for it. He can appreciate that people who are not as familiar with TJPED think there is a "boogey man" hidden somewhere in this organization, but he assures the public that is not the case. He has full confidence they will be an asset to the community.

Mr. Wyant said he supports the Board joining TJPED. He grew up in the County. He sees a lot of people who are not here tonight to speak. He has been hearing a lot about underemployment. There are also a lot of people who have lost their jobs. He looks at the partnership as a resource to improve the quality of jobs, businesses and quality of life for the residents in the community. He sees this organization as more of a consultant to the Board. The Board can make a decision if they bring forth a business that wants to come into the community. It will be this Board's decision to decide if that business meets the goals of the County.

Ms. Thomas said she has a long history with this concept and the organization. She recently came upon a memo she wrote to Ms. Collete Capone-Sheehy urging the University of Virginia to get involved with this organization. She was involved with the original group that did visioning and talked about regional economic development needs. When the Board of Supervisors first discussed whether to join the partnership, one member was absent, otherwise it was a unanimous vote by the Board members not to join. In making the motion, she amended it so the motion read that the County would not join it at that time. Rather, the Board would wait to see how the partnership developed. She personally took that as a commitment to attend meetings of TJPED, and she did so for many years. In fact, she probably attended more meetings than the official directors. They even had a name tag for her sitting on the table.

Ms. Thomas said that after a few years, a small group of individuals decided to meet with TJPED to see if they could get the organization to recognize the goals in Albemarle County's Comprehensive Plan. They met with them at a time when TJPED was eager to get Albemarle County's membership, but they were not willing to recognize Albemarle's rural economy or the need to keep growth in the development areas or other aspects of what is shown in the Comprehensive Plan. She never understood why that was the outcome of almost two years of negotiations. It did not come to fruition and did not enamor her or make her think this is a group the County should join, anymore than she had originally thought.

Ms. Thomas said she is in favor of looking at the economy regionally. She thinks the strongest argument in favor of Albemarle's joining is that some other counties have expressed that interest; however, the reason they expressed an interest in Albemarle's joining is because their position has been made weaker and weaker over the years. The other counties used to have a veto over enlargement of the membership. The partnership's bylaws were changed to take away that veto power from local governments. Their role is even weaker than it was when Albemarle originally was afraid it would be one out of 20 at the table. Now, it will be one out of 21. Other localities, like Roanoke, have an economic development partnership that is truly a 50/50 partnership; that has not been the direction of TJPED. If the economy is not doing well, what is it that TJPED has been doing for the last ten years? If the Board joins, then it should join with the same expectations that it has with other organizations and agencies. This is not a small amount of money. This is more than the Board gives to the Charlottesville Free Clinic, the Boys' and Girls' Club, the AIDS Services Group, the Virginia Festival of the Book, the Albemarle County Fair, etc. It is more than the increased funding for FOCUS, the Shelter for Help and Emergency, United Way Child Care, and MACAA. This is not an insignificant amount of money and usually when the Board makes this kind of decision, it has standards and strict performance targets. Recently the County had a return on investment report from its Tourism Board, and she hopes it will, at the very least, develop such standards. She believes that is what a staff report would have urged if the Board has asked for one because a portion of the Comprehensive Plan deals with economic development. The Board has the results from studies done through telephone surveys. It knows this is the sixteenth on the list of citizen concerns except for one group of citizens (a discernable group of respondents from the African-American community) that seems to have focused attention on joining this organization. She said the Board knows employment for youth is a major problem in this community. Otherwise, she thinks people want their children to have satisfying jobs close to home.

Ms. Thomas said her children live in a very large city and they are very much underemployed, so she is afraid that is a goal that is going to be impossible to meet. She does not think the Board should join

this group. They should play the usual role that other groups in the community play. Citizens need to come to public meetings and tell the Board what is necessary for their particular interest, and weigh in at budget time. If they are interested in housing, they should weigh in when the Board is struggling with how much workforce housing should be required in new developments. She would encourage the people in the audience who are concerned about these issues to take part in the public arenas available. That is the essence of how local government should be conducted. She appreciates that everyone has come with different ideas, but that will be her decision.

Mr. Slutzky said he would like to read a prepared statement explaining why he plans to vote in support of joining TJPED. While many of his constituents have expressed some support for his decision, others have shared their concerns with him. He thought it might be helpful if he stated his reasons, as well as to state for the record the basis upon which he will evaluate the prudence of this decision when the County reconsiders the question of whether to continue its membership next year.

Mr. Slutzky said he is committed to enhancing the well-being and the quality of life of all citizens of Albemarle County through his service on the Board of Supervisors. To that end, he believes that joining the TJPED could provide the following benefits to Albemarle County: 1) Diversity of Employment Base — Currently, three of the largest employers are governmental agencies (University of Virginia, Albemarle County and National Ground Intelligence Center). These are not private sector employers. He is concerned about that dependence on public sector employment. 2) Infrastructure — as the community experiences growth, it is imperative that we provide the necessary infrastructure to support it. As we grapple with worsening traffic congestion and the challenges of providing quality education to an increasing population, we must diversify our tax base so we do not have to pay for all of these public services with residential property taxes. 3) Employment — while opinions differ as to whether or not we have an underemployment problem in the County, the Board has been told by staff that approximately 20 percent of County residents live at or below 200 percent of the poverty level.

Mr. Slutzky said the Board heard comments tonight about statistics that give credibility to concern about the lower income strata of the community. He believes new jobs are needed to address this socio-economic concern. TJPED also provides valuable support to existing small businesses. He owns a business that received some of that support. He and his wife own a small business formally in the County, now in the City. They were confronted with a challenge that could have forced them out of the area. They went to the City of Charlottesville who sent them to TJPED. TJPED met with him, provided some solutions to the problem and the result is that their company continues to stay in the area and thrives. He has experienced firsthand the benefit that TJPED is capable of and provides to existing businesses. 4) A Seat at the Table — many have said that joining TJPED gives us a seat at the table. By joining we are in the best position to influence the activities of the partnership. If the partnership values Albemarle County's participation, they will see to it that we are a satisfied member, because they stand to lose credibility if we were to join and then leave.

Mr. Slutzky said he will be judging the prudence of his vote by considering the following benchmarks as they move forward in this public/private partnership. If he believes that TJPED has operated in a manner consistent with these concerns, he will support the County's continued participation. If not, he will withdraw his support. These concerns are as follows: 1) Divergent Interests — to the extent that Albemarle County may occasionally have divergent interests with surrounding communities, he expects TJPED to respect its interests. 2) Open Dialogue — it is his understanding that when TJPED holds meetings related to its mission, the meetings are open to the public. He has been assured of that by Mr. Bob DeMari and others associated with TJPED. He will ask Albemarle County's representative to inform the public as to the place and time of such meetings. He will also request that Albemarle's representative provide briefings to the Board of Supervisors regarding what was discussed, and he intends to share that information with the public.

Mr. Slutzky said No. 3 is Alignment with our Views — He expects TJPED to operate on our behalf in a manner that reflects complicity with Albemarle County's commitment to the principles of sustainability, Neighborhood Model development, and protection of rural areas, as described in the Comprehensive Plan. In some ways, he considers that the most important benchmark. 4) Lastly, there are some specific objectives that will help him measure whether this was a good idea. In addition to the aforementioned, he expects TJPED to focus its efforts on attracting businesses engaged in sustainable agriculture for Albemarle's rural areas; businesses that are appropriate for the UVA Research Park; businesses that are committed to hiring most of their employees from among existing residents; businesses that do not pollute the natural environment; and businesses that expect to operate within the County's Designated Growth Areas (except for sustainable agriculture).

Mr. Slutzky said he has "taken a lot of heat" on this issue from well-intended supporters of his campaign. He came to this Board as a Liberal Democrat and anti-sprawl candidate. He thinks their frustration is understandable but he has to make his decisions based on how he sees it. Sometimes we are going to have to agree to disagree. He has looked closely at how TJPED operates, and its purpose. He has made his own assessment of the symbolic value of the County in joining the organization. He is convinced it is the right thing to do. He has been accused of trading his vote for support during the campaign and he finds that attack on his integrity to be terribly offensive and completely unfounded. He is making this decision based on an honest belief that joining TJPED is an appropriate step for the County to take at this point in time. For those reasons he intends to vote in favor of joining TJPED with one clear caveat; he wants to make sure the motion voted on is worded in such a way that a year from now the issue will have to come back before the Board and not be left as just a budget line item. He is prepared to support joining TJPED for a period of one year and he is prepared to look at it again after that year. If he is comfortable joining it again in a year, as he expects to be, he would like to be able to vote for it again at that time.

Mr. Rooker thanked all of the people speaking tonight and also those who spoke at the previous hearing for expressing views on both sides of this issue. He thanked the board members of TJPED who have served in the community in a number of capacities. Over the years he has been friends with a number of the board members; he has attended church with them and socialized with them, but he does not support joining TJPED. It is a consistent position he has had over the years.

Mr. Rooker said he thinks joining TJPED would be a fundamental change in Board policy. TJPED is a nonprofit advocacy group with a stated purpose of increasing economic development in the area. It was formed by a group of private business people. They have asked public parties to join. Some of the communities in the area have joined; some have not. Some have joined and left. Madison, Greene, Goochland, and Fluvanna counties have all been members from time to time. Three are no longer members. TJPED does good work in the community; they bring in good ideas. He has talked and met with some prospects they introduced to the Board, but there are many nonprofit advocacy groups in this community that do excellent work. Piedmont Environmental Council, Advocacy for a Sustainable Albemarle population, the Chamber of Commerce, the League of Women Voters, the Sierra Club, all of those groups are nonprofit advocacy groups with important missions in the community. The Board has not joined any of them. It is somewhat unbalanced to join a group whose mission is economic development when the Board is not willing to join organizations whose mission is to protect natural resources in the community.

Mr. Rooker said the TJPED is not a public body. There has been some talk about requesting that their meetings be open to the public and that there be some notice provided to the public of those meetings. The reality is that they are not a public body and they are not subject to the Virginia Freedom of Information Act; they are not subject to the open meetings law; they are not subject to public comment and participation; and, they are not subject to advance public notice of meetings.

Mr. Rooker said he does not think the Board needs to spend public funds to stimulate additional growth in this community. It needs to focus on managing growth and providing the infrastructure for the growth that is occurring. A number of issues have arisen over the last years involving growth in this community. People living in the growth areas are upset by the increased population in their area. Fifteen hundred to 2000 people per year move to Albemarle County without the County spending public money trying to attract them. This area has one of the lowest unemployment rates in the nation, and in 2004 Albemarle had the highest rate of job growth in the state. Sperry Marine has added about 75 high paid employees, State Farm is adding several hundred employees. UVA has \$600.0 million in ongoing construction projects which has added about 1200 jobs to the community; they are expanding their student body and faculty; they are expanding the hospital, their medical facilities; and, they are hiring more people. This year UVA attracted \$313.0 million in research dollars in the community and according to them that produced about 1200 jobs. The National Ground Intelligence Center just announced they are going to add about 1200 jobs in this community over the next three to four years. Princeton Biotech is moving to the UVA Research Park. He does not think this community needs to be spending public dollars to attract additional growth.

Mr. Rooker said there is a legal prohibition against any member of this Board sitting as a member of the TJPED board. The Board can appoint a staff member to sit on that board but in reality when talking about "being at the table", no member of the Supervisors can legally be at that table. Finally, the Board does belong to a regional planning body that it is authorized by State law to belong to, that is the Thomas Jefferson Planning District Commission. Two members of the Board of Supervisors serve on the TJPDC. There is an economic development committee appointed by the PDC. The Board has endorsed the economic development policy of the TJPDC and that is a commission which is comprised of Albemarle plus the six neighboring jurisdictions. For those reasons he will not support joining the TJPED. He does commend them for their work in the community as he does all the nonprofits which work so hard to make this one of the best places to live in the country.

At this time, Mr. Boyd **moved** that Albemarle County join the Thomas Jefferson Partnership for Economic Development for a period of 16 months. After that time this Board will undertake a motion to reaffirm its membership in TJPED. Mr. Davis suggested that the time period be for the remainder of FY '06 and all of FY '07 since it operates on a fiscal year basis so dues would be concurrent with the fiscal year.

Mr. Boyd then **amended** his motion to join TJPED for the remainder of FY '05-06 and for FY '06-07. Mr. Slutzky **seconded** the motion. Roll was then called, and the motion carried by the following recorded vote:

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

(At this time, the Board took a short recess.)

Agenda Item No. 13. **Public Hearing** to receive comments on an illegal junkyard located on Campbell Road (TMP 65-20) in the Cismont area of Albemarle County. (Notice of this public hearing was advertised in the Daily Progress on January 23 and January 30, 2006.)

Ms. Louise Wyatt, Manager of Zoning Enforcement, addressed the Board. She explained that she and Ms. Amelia McCulley, Zoning Administrator, would provide information on the junkyard, with additional information from Mr. Jed Pascarella of the Department of Environmental Quality. Ms. Wyatt

noted on an aerial photo where the property is located, pointing out Campbell Road and the parcel in question which contains 16 acres. She emphasized that past County officials did know there was a junkyard here but incorrectly categorized it as a legal non-conforming use. She said there was a fire on the site in January, 2005, and the Zoning Department received a complaint immediately afterward. Since that time staff has reexamined the determination that the site was a legal non-conforming use and the Zoning Administrator, along with the County Attorney, has made the determination that it is a zoning violation.

Ms. Wyatt said that on February 8, 2005, the Zoning Office issued notices of violation to the property owners that included a plan and schedule for cleanup, along with prioritization of hazardous materials removal. The Department held a community meeting at a local elementary school in June and offered to provide weekly updates to the public. This past September, DEQ proposed a sampling plan and all high-priority items were removed from the site; it is estimated that the property is 50 percent cleared at this time. She presented information on the roles and responsibilities of agencies that have partnered together to address this junkyard, saying each agency has a limited scope of jurisdiction and authority. She explained that the County Zoning Office has jurisdiction and authority over surface cleanup of the property, and DEQ has jurisdiction and authority for surface and any necessary sub-surface cleanup. She said the results to date have been positive. Three area wells were tested after the fire and all tested within normal limits. The Health Department has found no evidence of any increased cancer rates in the area.

Mr. Rooker asked if the wells on neighboring properties were tested. Ms. Wyatt responded that they were. She said Health Department findings were shared with citizens in those weekly updates, and all high-priority items have been removed from the property and properly disposed of. She said procedures within the Zoning Office were changed to ensure that any legal non-conforming decision is made in conjunction with the Zoning Administrator, which was not necessarily the case in the past. She said fire and rescue officials have received some training in solid waste regulations and testing that may be useful in the future. She said the County has established a single point of contact so citizens can come to one person to get questions answered, and that person will also create the weekly updates. She said the Zoning Office has created stronger working relationships with other County agencies as well as with state agencies to address this junkyard issue.

Ms. McCulley presented photos documenting the progress which has taken place on the property. She reported that the Health Department and the Virginia Department of Emergency Management have been involved along with the County and DEQ. She showed photos of the first day after the fire; she said weekly inspection photos were found to be useful to identify high-priority materials and document their removal. The junkyard itself is not visible from Campbell Road, it is behind the house. Items remaining do not include buried materials or leaking containers, but there is an intermittent stream behind the home that at one point had shingles on its bank. She said one area is being used for sorting, separating and staging; the material needs to be brought to that area to determine how it will be disposed of. Most of what remains on the property is metal scraps. She presented photos of the burn area. She emphasized that the County made an honest mistake when it was determined that the junkyard was a legal non-conforming use in the early 1970s. Changes have been instituted which should reduce mistakes like this from happening in the future.

Ms. McCulley assured the public that the County has dedicated significant resources to this situation, and is dedicated to seeing it through. If the owners don't continue to make progress, the County will take necessary and appropriate actions. She said that weekly inspections will be conducted to confirm that there is ongoing progress in the cleanup; as long as there is continued progress, the County cannot take enforcement action. She noted that DEQ has a role in terms of implementation of a soil and water-sampling plan, which involves well testing and other processes. She is happy to do a status update if the Board desires.

Mr. Jed Pascarella of DEQ addressed the Board, stating that he has been the lead inspector on this site for the past year. He indicated that this site has been operating as a salvage yard for approximately 30 years, and DEQ became involved when a fire occurred in the main processing area. He said problems were found when they did their inspection, such as collection and storage of municipal solid waste, some commercial waste, construction and demolition debris onsite. He said DEQ issued a notice of violation for these issues, and the County also issued their own notice of violation for the non-compliance items. He said this action was the first notice to the property owners that their operation was non-compliant with County ordinances and State law. He said no materials that pose an imminent threat were found onsite during any of the inspections. Albemarle County requested the lead in the cleanup efforts, and DEQ agreed to that based upon favorable site conditions and lack of imminent hazards on the site.

Mr. Pascarella said that since January 2005, after the fire, approximately 50 percent of the material has been removed from the site, and greater than 90 percent of the material has been removed from the area of the fire. He mentioned that the County's inspector has been on site on a weekly basis since the fire, and the Gardners have made significant progress in removing material from the property. No new findings of harmful materials have been noted by the County inspector or DEQ. The next steps will be continued removal, and the pace set by the Gardners has been commendable. He added that the shingles Ms. McCulley mentioned also need to be removed, along with investigation of the total site for residual contamination. Usually there are open containers or spilled drums in sites like these, but on the Gardner property the containers were all sealed and there was no liquid detected as spillage. The next step would be for the Gardners to have a consultant review and make recommendations for changes and then implement the plan. As with the County, DEQ will do as much as possible to gain voluntary compliance at all the different sites on which they work.

Ms. Thomas asked if the soil had been checked for contamination. Mr. Pascarella replied that there are several mechanisms, including collecting random soil specimens from throughout the site, including borings of sub-surface soil that can be used. He said they also establish test pits to look for buried material. He said no one had tested the wells on site, so in the proposed plan they propose putting a well in the center of the property between the tire fire location and the main materials-handling area. An alternative plan would be to sample the two wells on site, including one that is associated with the main house and one in the back part of the property.

Mr. Rooker noted that those are offsite, and asked why they couldn't just test wells on the dump site. Mr. Pascarella replied that he believes it would be prudent to do that.

Mr. Wyant asked how close the well is to the stream mentioned. Mr. Pascarella said he guesses the distance at about one-quarter mile.

Mr. Wyant asked how progress on the site is being measured. Mr. Pascarella replied that the Gardners have been keeping receipts for all items of concern along with scrap metal material being taken to Coiner's scrap yard in Charlottesville. Ms. McCulley noted that their photo-documenting has shown what is being put into dumpsters.

Mr. Wyant said it doesn't appear that contamination has killed trees and shrubs. Mr. Pascarella agreed that the lack of dead vegetation is a positive sign.

Mr. Boyd said he visited the site and was impressed at the thoroughness of County staff and the DEQ.

With no further questions for staff, Mr. Rooker asked members of the public to speak.

Ms. Kate Bailey addressed the Board, stating that she has lived in the County for 20 years. When she first discovered there was a landfill on the Gardner property neighbors said it would be a waste of time to report it to the County. She pointed out a clear pattern of non-enforcement since 1976, and there have been four different notices of violation over those years. The fire in 1984 involved well over 2,500 cubic feet of tires and it burned for almost two weeks. She said the EPA estimates that the average passenger car tire can produce over two gallons of oil when burned, and that oil seeps into soil and groundwater. It is important to make sure the sludge from this landfill doesn't run back into the stream again, as many people in the neighborhood feel it is just a matter of time before the groundwater is irretrievably contaminated. She said three wells were tested, but they were all upstream from the area of the runoff from the tire fire. She added that the wells will also need to be tested for years as it takes a long time for the runoff to seep into the groundwater. She suggested that the County has not enforced the laws in place to protect the environment.

Ms. Pat Napoleon addressed the Board, stating that citizens have asked the County to err on the side of safety and improve tracking and accountability in garnering all receipts, but they have refused to cooperate in this situation. She noted that the County has refused to investigate or identify contributors to unlawful dumping at this site. She has retained legal counsel and expects assurances from the County that this dump will never impact their properties. She concluded by saying the County has stolen a part of our heritage.

Ms. Anne Fox asked for the DEQ official to address the tire sludge left over from the fire. Mr. Pascarella replied that the amount of residue produced from a tire fire depends on the nature and size of the piles, the depth of the tires; in a lot of cases it is difficult to extinguish a tire fire. He said that if the tires burn hot enough, most of the residue is burned off, or sometimes the tires turn into liquid. The residue would remain in the soil from the fire, and would not all wash away. He mentioned that the type of sampling DEQ proposes would give an indication of how mobile the material was and how deep it had gone into the soil, as well as how it might move. He noted that they are drilling as far as two-feet down in several locations to see how deep the contamination has gone. He confirmed that they would be taking random soil testing samples right at the spot where the fire occurred.

Mr. Wyant asked if DEQ would be laying out a grid for the sampling, and how many proposed sites would be tested. Mr. Pascarella responded that they were laying out a grid to take two individual random samples from throughout the grid at various depths, and each sample would be a separate test of zero to 12 inches, 12 to 18 inches, and 18 to 24 inches.

In response to a question from an audience member regarding pit fires, Mr. Pascarella explained that the DEQ is not aware of any burial or massive pits for open burning. There was one small trench with debris in it found on the site, but that was the only indication of any land disturbance for either burning or burial. Regarding movement of tire sludge, sampling of the location of the fire will show worst-case concentrations, more work will have to be done to determine the spread of the material.

Ms. Thomas asked if DEQ had plans for assessing the impact on the creek and its health. Mr. Pascarella responded that the initial plan will involve a simple analysis of the stream and sediment analysis to look for contaminant residue. If those findings don't show a lot of problems, then the conditions are good for the environment there.

Ms. Anne Fox addressed the Board, stating that when the County discovered the error they expected the Gardners would "foot" the cleaning bill. Mr. Davis replied that the law in Virginia says the County is not responsible for the consequences of that; they lie with the property owner.

Ms. Fox said she feels that more than three wells need to be tested as her children swim in the stream during the summer. She would like for more than three wells to be tested, and asked how the Health Department looked into cancer rates in the area.

Mr. Rooker suggested that information be compiled and a report provided to Ms. Fox and others who are interested.

Ms. Thomas asked if concerned citizens could ask for their wells to be tested at County expense.

Mr. Rooker asked Ms. Fox how far from the site she lives. Ms. Fox replied that there is one property between hers and the Gardners.

Ms. McCulley said the County does not have jurisdiction for the water testing.

Mr. Pascarella responded that after looking at several different possibilities, DEQ considered putting a well closest to the contamination source. If that well is clean, he said, then it is unlikely that other wells in the surrounding areas would have a problem. If the well closest to the contamination source is tested and found to be alright, that is a good indication that contamination has not spread.

Mr. Boyd asked when the soil and well testing would begin. Mr. Pascarella responded that the DEQ wanted to get a better handle on materials onsite that might weigh into the sampling, and now they are ready to talk with the Gardners about implementing the plan. He added that DEQ will be setting a meeting date within the next month; it is hard to estimate the timetable for any recommendations for changes and improvements.

Mr. Rooker asked why the well on the Gardner property can't be tested now, citing an inexpensive water test that could be done there and on neighboring properties. Mr. Pascarella said that type of testing is for water quality issues. The type of testing DEQ is planning to do is much more extensive, involving testing for a number of different chemicals. He said the question now is who will pay for it. Without an imminent threat, it would be difficult for DEQ to come up with the funds to do the testing. They are at the point now of needing to go to the property owners to implement the plan.

Mr. Rooker emphasized that the people who live nearby certainly need assurance that their drinking water is safe, reiterating the testing method that he has done on his own well.

Mr. Slutzky said the kind of soil and water analysis DEQ would do if this were being treated as a non-compliant storage treatment and disposal facility would include priority pollutant scans, which could cost thousands of dollars for a particular analysis. He asked if DEQ were using some different state authority to pursue enforcement instead of the more stringent RICRA guidelines. Mr. Pascarella replied that is correct, and if the Gardners do not comply in the future, those tools could be implemented.

Mr. Slutzky pointed out that the Federal Government has empowered the State to carry out these Federal laws. There hasn't been a reciprocal empowerment from the state down to the County, so local staff is somewhat limited in its jurisdictional authority. He said it has been determined by DEQ that liquid materials, those most likely to migrate into groundwater, were in containers and not leaking. They have given a lot of information suggesting that they looked carefully at this site, not casually, and they have determined in their best judgment that the level of risk to drinking water and to surface water at this particular site is minimal. He added that DEQ is still proceeding with a sampling strategy to make sure there isn't a surprise. He added that the County is not disinterested in the issue, but must turn to the state agency to support its efforts to carry out the law.

Mr. Boyd expressed concern that the County is not acting fast enough. Mr. Pascarella indicated that the only testing done was performed by Albemarle County's Fire and Rescue Division.

Mr. Howard Lagomarsino, ACFR Division, reported that those results came back in the normal range of the EPA standards, and the testing done was not for health and safety reasons, but for investigation purposes. He said if it is established that the contaminants have migrated offsite, it will increase the penalties, which can help in cases where enforcement is needed. He said they did the testing because of concerns raised as well as the fire in 2005, adding that they did not know where on the site the 1984 tire fire occurred. He said the Health Department identified sites that would most likely get a positive sample, and those sites were tested.

Mr. Rooker asked what the tests showed. Mr. Lagomarsino replied that because of the potential for criminal violation, the State laboratory in Richmond would do the test of the site. In response to Mr. Wyant's question, he confirmed that the water was tested offsite.

Mr. Rooker said he would think the Gardner's well should be tested. Mr. Pascarella said Mr. Lagomarsino did extensive testing of neighboring wells including testing for heavy metals, volatile organics and inorganics, and other chemical substances. It was extensive sampling or analyses on the water samples they took.

Mr. Rooker asked why the Gardner well has not been tested. Mr. Pascarella said they consulted with the State lab and their people came and showed them how to get the samples and what tests would be needed. He mentioned that the only division within DEQ that responds to this type of situation does not have a standing fund to deal with the sampling and analyses unless there is an actual emergency or imminent threat of emergency. He said that in 1994 they had a site assessment team which was

designated just for these purposes, but when the Superfund was disbanded, that group also was disbanded.

Mr. Rooker asked if the Gardner well were tested and found to be contaminated, if it would constitute the imminent threat that is necessary to fund testing of other wells in the area. Mr. Pascarella responded "yes." That would change the entire nature of the situation.

Mr. Boyd asked if there are people in place to take these samples. Mr. Lagomarsino responded that staff needed training on how to take the samples. He confirmed that staff has been trained to do the collections.

Mr. Boyd suggested that this be done immediately, even if the money has to come out of the Board's Reserve Fund.

Mr. Rooker said he would provide the name of the company he uses.

Mr. Slutzky suggested leaving it to DEQ because it is a different testing purpose. Mr. Tucker stated that staff would move forward on this, and perhaps even RWSA staff could be used.

Mr. Slutzky asked if DEQ could collect the samples as well as test them. Mr. Pascarella responded that he would check on that, noting that there is currently a new program in their central office.

Mr. Slutzky suggested the County gather the samples and send them off to a lab if the DEQ tells it what to sample and where.

Ms. Thomas commented that the end-product to be considered should be something that is helpful to the neighbors. Mr. Pascarella replied that a big part of getting sample collections is the mobilization fee for them to come to the site and actually collect the samples. He added that if most of the samples could be collected in one day that would be helpful.

Mr. Slutzky said he does not want to see neighbors spend time and money collecting their own drinking water for testing, and said that he would prefer if a sample were taken close to the source. Mr. Pascarella said they have not found any problems yet, and that is why DEQ put a well close to the source for testing.

Mr. Lagomarsino said staff has been trained to take the sample from the tap, not from the well.

Ms. Thomas asked if it was possible for intermittent streams to be sampled. Mr. Pascarella responded that it is difficult to sample such streams.

Mr. Wyant said there are two different sampling methods; when an intermittent stream dries up it does contain particles.

A Mr. Balheim asked if the offenders could pay for the water testing.

Mr. Rooker said the Gardners are paying for the cleanup, and the County is just trying to get a quick sample of the groundwater in the affected area to determine whether there is existing contamination.

Mr. Slutzky said the DEQ can recover costs from the property owner eventually, but that is not the issue now.

Ms. Betty Savetts asked when the citizens could expect a target date for the cleanup, and wondered if this matter would be resolved in the near future.

Ms. McCulley responded that Mr. Chris Gardner has assured the County that the site will be cleaned up by January, 2007. He hopes to have it done sooner. She added that staff will continue to provide updates, but only if there are remaining issues.

Mr. Pascarella said he believes the DEQ testing could be completed by this fall. His concerns for the peripheral areas have become less and less because of the nature of the materials being removed.

Ms. Napoleon said there is land farther away from the site that could be impacted in a different way. Mr. Pascarella responded that the worse-case area is going to be close to the burn area and the tire fire area.

Ms. Linda Shifflett, the daughter of the Gardners, addressed the Board. She said that despite what DEQ and the County have said, the Board seems to want to move forward with additional testing. She asked when this will stop, stating that the neighbors should have their own wells tested if they have concerns.

Ms. Thomas commented that it is in everyone's interest to get the cleanup and the testing done as quickly as possible. The County is putting in an extra effort to try to get things completed in order to get a sense of security back to the whole neighborhood.

There were no further comments on this matter.

Agenda Item No. 14. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Slutzky reported that in his district (Rio) a developer took down a lot of trees prior to development and the County gave him a permit to burn the debris. Nearby neighbors expressed concern about smoke entering their homes and the burn was eventually shut down because it was not done properly. He spoke with Mr. Bowerman who indicated he thought the County had eliminated burning in the growth areas. He said it would be helpful to have information disseminated to the public to let them know what steps can be taken in the case of improper or questionable burning.

Mr. Boyd asked if there is any progress on the proposal from the Free Enterprise Forum concerning the costs for interconnecting roads in the growth areas. Mr. Mark Graham said that he did not recall getting any specific directions that staff should follow up on this suggestion.

Mr. Rooker said he thinks it would be best to have the legal department look at it. He agrees that it should be looked at. He clarified that there was a feeling that the cost-share as allocated was not fair between developers.

Mr. Graham said he has no problem with looking at it, but DISC II examined the proposal and determined that there were elements of both fairness and unfairness on all sides.

Mr. Davis agreed to look at it and bring it back, although there is no enabling authority to do what the Free Enterprise Forum is requesting.

Ms. Thomas offered **motion** to appoint Mr. Kate Rosenfield as the Samuel Miller District representative on the Board of Social Services, with said term to expire December 31, 2009. Mr. Boyd **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Thomas said the request for a Child Playing sign on Bentivar Drive was granted tonight without much discussion. She thought the process usually involved getting neighborhood support. She said a local delegate wrote a letter requesting the sign and the request was basically granted.

Mr. Wyant said he has also seen speed limit signs that seemed to be based on individual requests.

Mr. Rooker said VDOT has its own process for granting the signs, but he would like to know how that process is followed. He also mentioned the tester VDOT puts down on their own accord to measure speed limits in random locations.

Mr. Wyant reported that there would be a Crozet Town Hall meeting tomorrow, February 9. He asked if the Board wants to receive public comments as to the public's understanding of population figures.

Mr. Rooker said he understood Mr. Cilimberg was going to present GIS information regarding the actual population potential for Crozet from the master plan.

Mr. Slutzky asked if there could be a resolution proposed to show the Board's commitment not to have Crozet's population grow beyond 12,000.

Mr. Rooker said the Crozet Master Plan was adopted and it proposes upper level densities – in much the same way as the Comprehensive Plan does for all areas. It is just a matter of going through and adding up those figures.

Mr. Slutzky asked if it was problematic for the Board to propose something showing they are not anticipating or intending to grow the population beyond 12,000 even though it is technically possible.

Mr. Rooker said through the Master Plan process potential densities were assigned to discrete parcels within the Crozet area. He does not see how a resolution of intent could be passed regarding population. The Master Plan does not determine population. It never did. Neither does the Comprehensive Plan. These documents simply give preferred uses which are dependent upon other factors such as zoning changes.

Mr. Slutzky asked if there is a way to reinforce public expectations without undermining the Master Plan.

Mr. Rooker said before the Crozet Master Plan was adopted, when Crozet was built out to maximum density using existing zoning it would have accommodated about 12,000 people. When the Board voted for the Wickham Pond development, it voted to change that zoning which immediately lifted

the number above 12,000. He emphasized that the minute the Board starts rezoning parcels to match the Master Plan, the density is going to exceed what is being talked about.

Mr. Tucker said that based on market expectations and population growth projections, the maximum population expected in 20 years is 12,500. Even if the land use densities could accommodate a population of 24,000, existing zoning categories at this time are not being built to their maximum capacity.

Mr. Rooker said it is probably not possible to build to accommodate 24,000 people even if maximum densities are intended. He thinks it is important to get some information from staff on this question.

Ms. Thomas said there are two sides to the growth issue. If people are concerned about growth in Crozet they should be concerned about growth in the County as a whole because that is what is going to drive it. She added that saying no in Crozet would likely mean growth would occur somewhere else.

Mr. Rooker commented that the consultants for the Crozet Master Plan provided data that shows the County needs to make better use of its growth areas, or population would need to be accommodated elsewhere.

Mr. Slutzky expressed concern that citizens feel the County has done nothing to shackle development in the rural areas, so the combination of that with the Crozet Master Plan facilitates even more growth in the aggregate of Albemarle County.

Mr. Boyd responded that The Nature Conservancy and several other groups have recently commented that Albemarle is one of the best counties in Virginia as far as focusing growth and protecting rural areas.

Mr. Rooker suggested getting information from staff and reading the Crozet Master Plan again, emphasizing that the County has never said a specific area would have a fixed population.

Mr. Rooker provided Board members with a copy of an article on tax deferral programs. He asked if Board members may want to discuss this again at sometime in the future. Mr. Davis said the enabling legislation is being reviewed again in this General Assembly session. In jurisdictions that have tried it there has been low participation because of the interest accrued in delayed payments, and the expense of implementing the program.

Mr. Rooker mentioned an article in the VML December 16 publication, regarding \$200 million earmarked for the Virginia Water Quality Improvement Fund to accelerate improvements to 92 wastewater treatment plants in the Chesapeake Bay Watershed. He asked if the County has access to any of these funds. Mr. Tucker said the RWSA is looking at going after some of the funds.

Mr. Rooker mentioned that the VML publication also includes information on funding for protection of the Chesapeake Bay watershed. He asked if the County might be eligible for funds to upgrade water treatment facilities. Mr. Tucker said the RWSA is looking into this funding source and plans to apply for funds. The General Assembly is considering additional funds for the County.

Ms. Thomas commented that President Bush, in his budget, plans to cut the Chesapeake Bay funding program, so whatever the state raises may be lost in Federal funds.

Mr. Slutzky asked what would happen if in order to do improvements on Route 29 North it became necessary for the County or VDOT, through eminent domain, to obtain some right-of-way to facilitate that road widening. He said language is being proposed in the General Assembly seeking to make it impossible for eminent domain to be exercised when there is a private party receiving the benefit from that action. He wondered if this might create a whole new limitation on public infrastructure improvements.

Mr. Rooker said the County keeps abreast of such matters through the Virginia Association of Counties (VACo) and the TJ Planning District Commission. He doubts there would be a change made in the law that impedes public highway improvements.

Agenda Item No. 15. Adjourn. At 9:50 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman

Approved by the Board of County Supervisors
Date
Initials