

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 1, 2006, at 9:00 a.m., Room 241, County Office Building on McIntire Road, 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, Deputy Clerk, Debi Moyers and V. Wayne Cilimberg, Director of Planning.

Agenda Item No. 1. The meeting was called to order at 9:03 a.m., by the Chairman, Mr. Rooker.

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Agenda Item No. 5. Recognitions: Emergency Responders Presentation.

Mr. Rooker recognized emergency responders who participated in a life-saving incident on May 27, 2005, on Stony Point Road near Gilbert Station Road. He described the event, with units arriving on the scene to find an adult female who had been riding her bicycle and was struck by a car. The patient was suffering life-threatening injuries, although she was wearing a helmet which reduced her head injuries. He reported that responding fire and rescue units initiated advanced life support care on the scene, and requested Pegasus to continue this care and provide rapid transport to the University Hospital's Trauma Center. The patient received care within "the golden hour," or the first hour within dispatch of emergency services, as she arrived at the trauma center within 29 minutes.

Mr. Rooker thanked the representatives from those units who participated in the care and treatment of Mrs. Janet Cheeseman. He said their dedication and professionalism is truly inspirational. They make the community a better and safer place to live, and show the incredible value of a well-coordinated and integrated emergency response system. He recognized the Stony Point Volunteer Fire Department, the Albemarle County Fire & Rescue Department, the Albemarle County Police Department, the Charlottesville-Albemarle Rescue Squad, Pegasus, and the Emergency Communications Center. He said the Board had waited until this time to recognize this incident so that the patient and her family could be present to participate. He then recognized Mrs. Janet Cheeseman and her husband Charles and asked them to come forward and make any comments they might like to make.

Mr. Charles addressed the Board thanking them for putting this item on the agenda. They thanked the first responders for their quick action. Mr. Cheeseman said the day of the bike ride was beautiful, and the next thing he knew his wife was lying in the road. He called 911 and the operator said they were already on their way. He said the UVA medical team did a wonderful job, but were only able to do so because of the first responders' actions. He also thanked the board for funding such a wonderful response system.

Mrs. Janet Cheeseman thanked the Board for recognizing the rescue team, and expressed her deep gratitude to the first responders' team for their care.

Mr. Rooker asked Mr. Dan Eggleston, Director of Fire/Rescue, to come forward and make a few comments.

Mr. Eggleston thanked the responders' team for their work, and thanked the Board for their support of rescue efforts.

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

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

Mr. John Martin of Free Union addressed the Board. He said the Daily Progress ran an editorial on February 23 challenging the competence of County government, alleging a pattern of public dissatisfaction with planning and communication, and suggested that "something is drastically wrong." He felt the paper had gone too far with that editorial. There is an excellent County government and staff. He commented that dissatisfaction with government stems from the fact that this is a democracy, which is messy and inefficient but absolutely the best option. He thinks there are economic interests in this community that are not getting what they want fast enough, and he feels the editorial is part of an effort to undermine the County's role in planning. He said the Task Force developed to examine the planning process is also part of that, which could mean the death of the Neighborhood Model. He said the Thomas Jefferson Partnership for Economic Development is part of that effort. He feels that by investing public money in this commercial enterprise the County has purchased responsibility to participate in the corporate governance of this organization and its related organization.

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Ms. Mary Rice addressed the Board. She has an issue with whether the Crozet Master Plan was originally intended to include a build-out figure that was looked at solely as a measuring stick against infrastructure needs in the short term, or whether that figure was an ideal population figure that would allow Crozet to retain its small-town historic nature despite its growth. If you add the number of dwelling units in the growth area to the by-right developments that have received final or preliminary approval and

to the rezonings that have taken place since the Crozet Master Plan was completed, there are a total of 4,234 dwelling units now approved to be built in Crozet. That does not count rezoning requests that are on their way to the Board, which will add another 258 units. She said a proposal being considered by developers for the property behind Con-Agra has the potential to add 600 units. This means a total of 5,092 new dwelling units with a potential population of well over 12,000 people.

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Mr. Hugh Meagher addressed the Board. He said a world-class community should not tolerate poor government. It deserves a world-class board of supervisors and planning staff. He thinks the public no longer feels that is the case. He feels the public does not deserve third-class planning and third-rate development. He thinks people see a "Board-sanctioned land bonanza perpetrated by robber-baron developers who make millions while leaving the taxpayer to foot the bill for needed upgrades and infrastructure." He presented petitions with signatures from community members expressing their concern over the lack of transparency in public affairs and asking that the Board keep the population of Crozet at 12,000. He said the County has not produced any evidence to believe otherwise, and "a deal is a deal." The Crozet Master Plan calls for just such a build-out. He mentioned that Loudoun County Supervisor Jim Burton addressed the League of Women Voters at a luncheon meeting yesterday, but no member of this Board attended. He cited many growth-associated problems in Loudoun County, including the fact that many farmers are being driven out of that county because of high taxes. He said this Board is responsible for betraying the public's trust and refusing to maintain proper balance between developer needs and its duty to protect the interest of the citizen taxpayer.

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Ms. Karen Arch addressed the Board. She said her group is present today to let the Board know they feel betrayed and they are angry and are organizing. She was part of the Crozet Master Plan process from the beginning. She has also served on the Crozet historic committee whose goal it is to preserve the "downtown" area and keep it viable. She said her family moved to Crozet because it had the quality of life they were looking for – great natural beauty, low-key and friendly nature, socio-economic diversity and inclusiveness, safe roads, uncrowded schools, and an intact downtown with locally-owned businesses. She emphasized that during the planning process she heard the citizens of Crozet state repeatedly that these were the qualities they wanted to preserve, and they agreed to accept the build-out figure of 12,000 total. She said they comforted themselves with the idea that this growth would be spread out over 20 years, but that is not going to be the case. She added that people are asking whether the Board is working for the people who elected them, whose interests they promised to represent, or the people in New Jersey who want to move here, or developers who are advertising nationally to get more people to move here.

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Ms. Barbara Westbrook addressed the Board. She said her family moved to the Crozet area about 100 years ago and has been very active in the community ever since. She expressed concern that developers' needs seem to be considered over the needs of the residents. There is a negative atmosphere in Crozet right now, with a "them vs. us" mentality. She quoted Ms. Lee Catlin from the previous evening's news: "We need to manage growth so it does not destroy the attributes of the County that people hold precious."

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Mr. David Wayland addressed the Board. He said his family came to the Crozet area around 1820. Many residents who live there now have a great stake in what is happening in the area. The sentiment is that the Board is ignoring their pleas, despite having high citizen involvement in the Master Planning process. He asked what those citizens have to do to be taken seriously when they ask that the County follow the master plan and stop the out-of-control rezoning. He said the County promised a 12,000 build-out for 20 years, but that is already going to occur. He asked if the Board was going to ignore every promise made to the citizens or keep the people-gates open, adding that the 18 percent growth rate being experienced now is "absolutely insane." He asked when the Board members would stand up and draw a line on growth. He wants to know whether the Board is for the developers or the people.

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Mr. Tom Loach addressed the Board. He cited the Daily Progress editorial that opened with the sentence, "Albemarle County can't have good planning without good communication." He mentioned that in the last three months there have been many public meetings in Crozet to discuss the new library location. The citizens indicated their preference for the new library to be located in the old school building rather than downtown. Despite this the County seems to be on a course of having the new library downtown. What the citizens have heard is that all of these conversations are taking place behind closed doors without any opportunity for the Board to acknowledge citizen views. He said there is no way to make a comparison between the two sites because there is nothing on paper to show where it might be located in the downtown area. He said the view seems to be that the community would like to have it downtown for several reasons.

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Mr. Loach said as a separate issue he would like to address the committee that Mr. Boyd has talked about. He said from the citizens' view the committee makeup is not acceptable. To have only two residents represent 11 growth areas is unacceptable. Then appointing two developers does not create any sort of equity for those in the growth areas. He has spoken to people in different growth areas around the County, and it is not acceptable. The County does not need another committee where growth area residents on growth area issues are not voting members of those committees. The County does not need another situation like the DISC Committee where there were more people on the committee from outside the County than there representing the community itself. He is not against the committee but thinks it has

to be representative of all the development areas, and a majority representation of those residents on the committee in order for it to be acceptable.

Mr. Rooker said when the Crozet Master Plan was done it seemed to be the expression of the majority of the people that participated in that process to have the library downtown to help revitalize the downtown area. Mr. Loach said he can't make a decision because the County has given him nothing to compare it with. He does not know how the downtown library would look and yet he knows from attending the recent meetings that a majority of the people prefer the old school site. A lot of that has to do with the architectural preference, i.e., if the library goes downtown, it has to go vertical which is less desirable. He heard that the people want the old school site because they want to have green space; a central green mall in the library, the library's themselves said that going vertically would make it harder for staff. There is also the traffic issue in downtown. There is no parking plan yet for a downtown library. While it might be a good idea, he does not think the County's made its case except to say that it would be better downtown for the downtown merchants. He said he thinks some people felt it would be better downtown especially since Mr., Wyant brought up the potential for the old school to be a cultural center.

Mr. Wyant said that at the last meeting of the Crozet Community Association on this subject it was agreed that all options for a library would be considered and shared. As soon as this matter can be discussed outside of closed session, he intends to bring it up for discussion in open session.

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Agenda Item No. 5. Recognitions.

Mr. Rooker expressed the Board's gratitude to Mr. Will Rieley for his dedicated service as a member of the Albemarle County Planning Commission from January 7, 1998, to December 31, 2005. He said Mr. Rieley honorably served the Board and the citizens of the County by applying the goals and objectives of the Comprehensive Plan wisely, providing insight and sound reasoning on complex land-use decisions and by diligently pursuing stewardship of the County's resources. He presented Mr. Rieley with a certificate of appreciation for his service on the Planning Commission and as a Commission representation on committees important to the community, including the Mountain Protection Committee, the Bypass Design Committee, the Development Area Initiatives Steering Committee (DISC II) and the Charlottesville-Albemarle Regional Transportation Advisory Committee (CHART). He said the Board wishes Mr. Rieley the best of luck in his future endeavors.

Mr. Rieley said it has been a gratifying experience to serve on the Planning Commission and other boards; the most gratifying part has been the thoughtful engagement of citizens in the community, and the most frustrating part has been when significant issues came forward and no one spoke about them. He thanked everyone.

Ms. Thomas added that Mr. Rieley was instrumental in the progress on the Meadow Creek Parkway, with the planning of it and the support for it.

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Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Boyd, **seconded** by Ms. Thomas, to approve Items 6.1 (as noted) through 6.8 and to accept the remaining items as information. Roll was called, and the motion carried by the following recorded vote:

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

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Item 6.1. Approval of Minutes: September 7, October 5, October 12, October 19, November 9(A) and (N) and December 14, 2005.

Ms. Thomas had read the minutes of September 7, 2005, pages 1 to 31 ending at Item No. 16, and gave the Clerk a list of typos to be corrected.

Mr. Rooker had read the minutes of October 12, 2005, and found them to be in order as presented.

Mr. Rooker had read the minutes of December 13, 2005, and found them to be in order as presented.

**By the recorded vote set out above, the Board approved those minutes which had been read. All other minutes will be moved to the next agenda for approval.**

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Item 6.2. Wickham Pond. Request to set public hearing for April 5, 2006, to amend the Albemarle County Service Authority jurisdictional area to provide water and sewer service to Tax Map 56, Parcel 92.

It was noted in the executive summary that the applicant is requesting Albemarle County Service Authority (ACSA) Jurisdictional Area designation for water and sewer service for the Wickham Pond development approved by the Board on January 4, 2006. The 20.5 acre property is located on the south side of Route 240, adjacent to the Highlands subdivision. The property is located within the designated Crozet Development Area, in the White Hall Magisterial District. The parcel is currently designated as "water only to existing structures." The applicant is requesting water and sewer service to serve the

development. Since the Comprehensive Plan recommends serving development areas with public water and sewer service designating this as part of the ACSA Jurisdictional Area for public water and sewer service would align with County policy.

In December of 2005, as part of the Board's consideration of the Chitester request to amend the Jurisdictional Area in another part of Crozet, staff noted that while most of the Crozet Development Area is designated for water and sewer service, there are some parcels that have restricted designations ("water only", "water only to existing structures" or "limited service") and some are not included in the Jurisdictional Area. At that time, the Board directed staff to do the necessary research and set a separate public hearing to designate all properties within the designated Development Area for water and sewer service. Staff is in the process of doing the research to prepare for a comprehensive amendment of the Jurisdictional Area for Crozet, but does not expect to be finished before this request goes to public hearing. The property owner will bear the costs for water and sewer hook-up.

As a general policy, staff has advised that public utility capacity be reserved to support development of designated Development Areas. Since this property is located within a designated Development Area, the provision of both water and sewer service to the property would be consistent with the Comprehensive Plan public utility policy. Therefore, staff recommends the Board set a public hearing date of March 1, 2006, for this request for public water and sewer service to Tax Map 56, Parcel 92.

**By the above recorded vote, the Board set this request for a public hearing on April 5, 2006.**

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Item 6.3. Resolution to Support Application by Buckingham Branch Railroad Company for Funding from Rail Preservation Fund.

It was noted in the executive summary that the Buckingham Branch Railroad Company (BBR) is requesting a resolution of support from this Board for the company's request for funds from the Virginia Department of Rail and Public Transportation (VDRPT), Rail Preservation Fund. The VDRPT created the Rail Preservation Fund to assist in preserving short rail lines throughout the State. A description of the improvements to be undertaken with the requested funds was forwarded with the executive summary. BBR is not requesting any financial support from the County for this work.

The BBR Company leases approximately 200 miles of tracks from CSX between Clifton Forge and Richmond, including the CSX rail line located in Albemarle County. BBR commenced operation on this line in December, 2004. BBR needs to conduct periodic maintenance and make other improvements to this track and is pursuing Rail Preservation Funds to help cover the cost of this work. Applicants for Rail Preservation Funds are required to obtain support from each locality where work will take place. BBR will also be requesting support for these improvements from the counties of Louisa, Hanover, Augusta, Rockbridge, Bath, Allegheny, and the City of Charlottesville.

There will be no budget impact to the County of Albemarle. The VDRPT's Rail Preservation Fund requires a 30 percent match from the fund recipient. BBR will provide the 30 percent match. Neither the BBR Company nor VDRPT is expecting financial assistance from the County of Albemarle for this project. This request is consistent with Albemarle's transportation policies which support the provision of rail transportation in the County, region and State. Staff recommends that the Board of Supervisors adopt a resolution of support.

**By the recorded vote set out above, the Board adopted the following Resolution of Support:**

**RESOLUTION TO SUPPORT APPLICATION  
BY BUCKINGHAM BRANCH RAILROAD COMPANY  
FOR FUNDING FROM RAIL PRESERVATION FUND**

**WHEREAS**, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for its projects; and

**WHEREAS**, Buckingham Branch Railroad has identified projects that are estimated to cost \$4,350,000.00; and

**WHEREAS**, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

**WHEREAS**, the Buckingham Branch Railroad is an important element of the County of Albemarle transportation system; and

**WHEREAS**, the Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

**WHEREAS**, the County of Albemarle supports the project and the retention of the rail service; and

**WHEREAS**, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Albemarle Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

Item 6.4. Final Endorsement of the Places29 Vision and Guiding Principles.

It was noted in the executive summary that on February 1, 2006, the Board discussed the draft Vision and Guiding Principles for the Places29 Master Plan and recommended changes before the document was given a final endorsement. The Board recommended changes, specifically changes to the Vision itself along with changes to Guiding Principles #2, 4, 5, 6, 11 and 13. Those changes have been made and are shown in the text provided with this executive summary. Staff recommends that the Board endorse the Places29 Vision and Guiding Principles.

**By the above recorded vote, the Board endorsed the Places29 Vision and adopted the following Guiding Principles:**

Vision Statement and Guiding Principles

***The Vision Statement and Guiding Principles for the Northern Development Areas Master Plan are an essential part of the plan. Both were developed from a combination of community input and policies manifest in the County's Comprehensive Plan. They are to be used in conjunction with the County's Comprehensive Plan. The County recognizes the impact of the vision and guiding principles on the City of Charlottesville and the University of Virginia, as well as on the region as a whole.***

Vision Statement

Albemarle County's Northern Development Areas will feature compact development organized into neighborhood and employment centers. These centers will be pedestrian-oriented and mixed-use; they will offer a variety of housing choices, high quality retail, office, and employment opportunities. They will be connected by an attractive, efficient, and accessible multimodal transportation system. Integrated into this urban-style development, parks and open spaces will provide a sense of respite and contribute to an overall excellent quality of life.

Guiding Principles

#### ***Development***

1. As stated in the Comprehensive Plan, the County has chosen to focus future development in the Development Areas in order to lessen development pressure on the Rural Areas. New Development in the four Northern Development Areas is intended to follow the Neighborhood Model so that those areas will include lively mixed-use pedestrian friendly centers.
2. The four Northern Development Areas form a corridor centered on US 29 North. As development in the corridor and elsewhere increases, the additional traffic it generates must be addressed by this master plan.
3. By improving on the current configuration of neighborhoods, places of employment, and shopping areas, the community seeks to create a pattern of walkable places with a diverse range of uses. Pedestrian and bicycle connections and facilities should improve access and ensure safety.
4. The Northern Development Areas can expect a combination of new development, infill development, and redevelopment to take place subject to this master plan. It is essential for this development to follow the principles of the County's Neighborhood Model; to respect and work with the terrain.
5. Preserving the character of existing neighborhoods while improving the quality, diversity, and affordability of new housing is important. Housing, including workforce housing, located close to employment centers, shopping areas, transportation, and recreation is important for the Northern Development Areas.
6. The Northern Development Areas community values high quality design, which respects the scale and character of existing development and adjacent planned open space.
7. It is important to provide infrastructure at or before the time it is needed to serve new development.

#### ***Transportation***

8. A high-quality transportation system will serve users across the entire spectrum, from local trips to regional ones, and it will be multimodal—including vehicular, pedestrian, bicycle, and

transit access. In particular, improvements to the US 29 corridor should recognize and address the road's multiple purposes. The system will also address the movement of freight by truck, train, and air.

9. Future development of the transportation system is an opportunity to increase the connectivity of places and land uses currently separated by US 29 and other high-traffic roads, such as Hydraulic and Rio roads. The future transportation system can also enhance the connectivity between neighborhoods, recreational amenities, and community facilities throughout the area. In certain instances, connections for pedestrian and bicycle access may be made where road connections would be inappropriate or would disturb established neighborhoods. The road network that will best serve the Northern Development Areas includes US 29, roads that are parallel to US 29, and good east-west connecting roads.
10. Safety and aesthetics are important for new and existing streets.
11. Public transit is now available in some parts of the Northern Development Areas. New development and transportation improvements should be transit-ready.

#### ***Open Space and Community Amenities***

12. The community values the expansive views of the Blue Ridge Mountains and other vistas; they add to the quality of life. They should be preserved through careful delineation and protection of viewsheds.
13. The Northern Development Areas community values a well-connected network of accessible public open spaces, greenways, and trails that will be created by preserving the existing planned open spaces and adding new ones, and making connections between open spaces in the Development Areas and surrounding Rural Areas and the City of Charlottesville.
14. The County's public facilities, such as libraries and schools, are both a source of pride and a resource. These facilities should be convenient and accessible to neighborhoods and employment centers.

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Item 6.5. Resolution to accept road(s) in the Quarries Subdivision, Phase 3, into the Secondary System of State Highways.

**At the request of the County's Engineering Department, and by the above recorded vote, the Board adopted the following Resolution:**

#### **RESOLUTION**

WHEREAS, the street(s) in **Quarries Subdivision, Phase 3**, described on the attached Additions Form LA-5(A) dated **March 1, 2006**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Quarries Subdivision, Phase 3**, as described on the attached Additions Form LA-5(A) dated **March 1, 2006**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Havenwood Lane (State Route 1809)** from the intersection of Route 800 (Schuyler Road) to the intersection of Route 1810 (Firefly Court), as shown on plat recorded 08/11/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2552, pages 668-680, with a 50-foot right-of-way width, for a length of 0.50 miles.
- 2) **Havenwood Lane (State Route 1809)** from the intersection of Route 1810 (Firefly Court) to the cul-de-sac, as shown on plat recorded 08/11/2003 in the

office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2552, pages 668-680, with a 50-foot right-of-way width, for a length of 0.25 miles.

- 3) **Firefly Court (State Route 1810)** from the intersection of Route 1809 (Havenwood Lane) to the cul-de-sac, as shown on plat recorded 08/11/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2552, pages 668-680, with a 50-foot right-of-way width, for a length of 0.15 miles.

Total Mileage – 0.90 miles

Item 6.6. Resolution to accept the relocation of Route 662 in the State Secondary System of Highways.

Memorandum dated February 8, 2006, had been received from Mr. Greg Cooley, Roads Engineer, Department of Community Development, asking that a resolution be adopted approving of certain changes in the State Secondary System of Highways re: Route 662, Bleak House Road.

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

#### R E S O L U T I O N

**WHEREAS**, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with a sketch dated March 1, 2006, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

**WHEREAS**, the portions of Route 662 (Bleak House Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

**WHEREAS**, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 662 (Bleak House Road), identified as from .96 miles south of Route 665 to 1.15 miles south of Route 665, a distance of 0.19 miles, pursuant to Section 33.1-155, of the Code of Virginia; and

**BE IT FURTHER RESOLVED**, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 662 (Bleak House Road), identified as from .96 miles south of Route 665, to 1.2 miles south of Route 665, a distance of 0.24 miles, pursuant to Section 33.1-229, of the Code of Virginia; and

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

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The roads described on Additions Form SR-5(A) are:

#### **Abandonment**

- 1) **Bleak House Road (State Route 662)** from .96 miles south of Route 665 to 1.15 miles south of Route 665.

#### **Addition**

- 1) **Bleak House Road (State Route 662)** from .96 miles south to Route 665, to 1.2 miles south of Route 665, as shown on plat recorded 1/12/2006 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 3138, page 473, with a 50-foot right-of-way width, for a length of 0.24 miles.

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

**At the request of the County's Engineering Department, and by the above recorded vote, the Board adopted the following Resolution:**

#### R E S O L U T I O N

**WHEREAS**, the street(s) in **Deerwood Subdivision**, described on the attached Additions Form LA-5(A) dated **March 1, 2006**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Deerwood Subdivision**, as described on the attached Additions Form LA-5(A) dated **March 1, 2006**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Deerwood Drive (State Route 1510)** from the intersection of the existing and maintenance of Route 1510 (Deerwood Drive) to the cul-de-sac, as shown on plat recorded 08/30/2001 in the office of the Clerk of Circuit Court of Albemarle County in Deed Book 2075, page 71, with a 44-foot right-of-way width, for a length of 0.22 miles.

Total Mileage – 0.22 miles

Item 6.8. Volunteer Fire Rescue Funding Policy.

It was noted in the Executive summary that during its meeting on February 1, 2006, the Board approved the proposed Volunteer Fire Rescue Funding Policy with two modifications as listed below:

- **Titling of County-Purchased Apparatus**  
The original Volunteer Funding Policy as approved by the Volunteer Advisory Board suggested that County-purchased apparatus be titled in the volunteer station's name. Based on a recommendation by staff, the Board approved a change to the proposed policy that would co-title County-purchased apparatus in the name of the County and the volunteer station.
- **Proceeds after the Sale of County-Purchased Apparatus**  
The Board also decided that when a County-purchased apparatus is sold at the end of its useful life, the proceeds after the sale will go back to the individual volunteer department. If the volunteer department originally upgraded the apparatus being sold, the volunteer department will receive the percentage of the proceeds used for the upgrade to use at its discretion. The remainder of the proceeds will go back to the volunteer department and must be used to upgrade the new apparatus.

The Board directed staff to revise the proposed Volunteer Fire Rescue Funding Policy and include the revised policy in the March, 2006 consent agenda for final approval. Attached to this executive summary is the revised Volunteer Fire Rescue Funding Policy that reflects the changes requested by the Board, specifically Sections 5.6 and 5.7 were modified to reflect the changes outlined in Items 1 and 2 above. Staff recommends that the Albemarle County Fire Rescue Advisory Board Volunteer Funding Policy be adopted as an official County policy.

**By the recorded vote set out above, the Board adopted the following Albemarle County Fire Rescue Advisory Board Volunteer Funding Policy:**

**COUNTY OF ALBEMARLE  
DEPARTMENT OF FIRE RESCUE**

**STANDARD ADMINISTRATIVE POLICY  
VOLUNTEER FUNDING**

**Purpose:**

The purpose of this policy is to outline the funding policies for volunteer fire rescue stations.

**Background:**

This policy was adopted by the Albemarle County Fire Rescue Advisory Board (ACFRAB) at the November 2003 meeting.

**Definitions:**

**Basic Operating Costs** – Basic operating costs include building utility costs, buildings & grounds maintenance, communications, fire suppression, emergency medical & rescue services, vehicle expenses, administrative expenses, training, and uniforms.

**One-Time Costs** – One-time costs include major vehicle repair, hoses, nozzles, ladders, self-contained breathing apparatus, personal protective equipment & gear, radio purchases, pager purchases, defibrillators, cascade equipment & compressors, kitchen appliances, rescue equipment, building repairs & improvements (paving, HVAC, etc.).

**Policy:**

1. **Basic Operating Costs**
  - 1.1. Annual funding of basic operating costs will be provided as a quarterly contribution to each volunteer station.
  - 1.2. The funding will be based on an annual review by ACFRAB and the County of Albemarle.
  - 1.3. An annual audited report will be provided to the County as part of the annual budget process.
  - 1.4. Future adjustments of budgeted operating costs will be based on an audited history of the previous years.
2. **One-Time Costs**
  - 2.1. One-time costs should be identified separately from operating costs and will be considered for funding separately from the annual operating contribution.
3. **Consolidated Purchase of Goods & Services**
  - 3.1. ACFRAB will strive to consolidate the purchase of goods and services to achieve better pricing. As consolidation occurs, the line items associated with consolidated goods and services will be eliminated or will reflect the revised price structure.
  - 3.2. Items to be considered for consolidation include the following:
  - 3.3. **Long Distance Telephone Service**
    - 3.3.1. Fuel Oil
    - 3.3.2. Fuel for Apparatus
    - 3.3.3. Trash Disposal
    - 3.3.4. Linen Service
    - 3.3.5. Radio/Pager Repair
    - 3.3.6. Small Tools & Equipment
    - 3.3.7. EMS Supplies
    - 3.3.8. Vehicle Repairs Outside the County Vehicle Maintenance Facility
    - 3.3.9. Uniforms
  - 3.4. Foam is provided to stations by the County; thus, no additional funds will be provided for such.
  - 3.5. Self-contained breathing apparatus (SCBA) maintenance is funded by the County; thus, no additional funds will be provided for such.
4. **Loan Payments**
  - 4.1. Outside loan payments obtained before 2003 are considered a basic operating cost. Outside loans after 2003 will not be considered a basic operating cost.
5. **Capital Expenses**
  - 5.1. The County will fund the purchase of emergency vehicle replacement based on an adopted specification.
  - 5.2. A Capital Improvement Program (CIP) for emergency vehicle replacement that identifies vehicle replacement needs will be developed and recommended by ACFRAB according to the regular schedule established by the County.
  - 5.3. Any variation from the adopted specification will be a cost born by the volunteer station.
  - 5.4. A vehicle fleet size will be established for each volunteer station and will be the basis for replacement of emergency vehicles.
  - 5.5. A vehicle replacement schedule will be established based on consideration of vehicle mileage, age, and mechanical condition.
  - 5.6. Vehicles will be co-titled in the County and volunteer station's name.
  - 5.7. Once a County purchased apparatus is sold at the end of its useful life, the proceeds after the sale will go back to the individual volunteer department. If the volunteer department originally upgraded the apparatus being sold, the volunteer department will receive the percentage of the proceeds used for the upgrade to use at their discretion. The remainder of the proceeds will go back to the volunteer department and must be used to upgrade the new apparatus.

Example: Apparatus cost at time of purchase is \$200,000. The volunteer department added \$20,000 in upgrades (10% of the total price). The apparatus is sold at the end of its useful life for \$5,000. The volunteer department will receive the upgraded percentage (10% or \$500) to use at their discretion. The remainder (\$4,500) must be used to upgrade the cost of the new apparatus.

  - 5.8. The County will consider participating in the construction or improvement of volunteer stations on a case-by-case basis [d2].

**Master Chart of Basic Operating Costs:**

Building Utility Costs	Electricity
	Fuel Oil or Gas (for heat, cooking, etc.)
	Water & Sewer
	Cable TV/DSS: Basic level of cable or DSS using \$50 per month as a budget figure.
	Trash Disposal
Buildings & Grounds	Building Maintenance (routine HVAC, plumbing, generator

Maintenance	repairs, painting, cleaning supplies, paper products, oil trap service, etc.)
	Grounds Maintenance (lawn care, snow removal, pavement sealing, etc.)
	Building Supplies (cleaning supplies, paper products, light bulbs, etc.)
	Linen Service (only provided for stations with duty crews)
	Janitorial Services
Communications	Telephone (land-based) including land-line costs
	Mobile Telephone (expense for each front-line apparatus & two chief officers): Use \$40 per month per phone as a budget figure.
	Alphanumeric Pagers (expense for each front-line apparatus and two chief officers): Use a budget number of \$200 per pager for each front line apparatus and chief officer.
	Front line apparatus includes engines, tankers, brush trucks, and a first due EMS response vehicle. Although not further defined by the committee, the volunteer funding policy implies that ambulances, squads/special rescue, and first due EMS response vehicles are included for rescue squads.
	Internet Service: Single internet-access point using \$50 per month as a budget figure.
	Pager Repairs (based on the formula: <i>Number of Active Members * 20% * \$75.</i> ) Stations requiring additional funding for pager repair due to age and condition of current stock will be addressed on a case-by-case basis.
Fire Suppression	Radio Repairs
	General Supplies (stay-dry, fire-line tape, etc.)
	Small Tools (generally, tools and equipment less than \$500)
	Maintenance (maintenance and service of portable pumps, equipment, cascade systems, etc.)
	Meals for Duty Crews (allowance for duty crew meals only provided for stations with duty crews at the cost of \$4 per member per meal.)
	One meal per 8 hour shift is to be used as a budget figure. Although most evening crews are 12 hours, it usually includes only one meal.  Example 1: one 3-person crew, M-F, 0600-1800 = \$60 Example 2: one 3-person crew, S-M, 0600-0600 = \$72
Emergency Medical & Rescue Services	General Supplies (generally, cost of disposable supplies)
	Small Equipment (generally, tools and equipment less than \$500)
	Maintenance (maintenance and service of defibrillators, etc.)
Vehicle Expenses	Fuel (includes gas & diesel)
	Preventative Maintenance (includes funds that were reimbursed by the County.)
	Repairs (Stations shall deduct insurance reimbursements from repairs to vehicles before declaring repair costs.)
Administrative Expenses	Office Supplies
	Postage
	Printing
	Dues
	Professional Services (accounting, etc.) Audit services only. Licenses
Training	Training (includes tuition, books, instructor expenses, etc. estimated by the formula: <i>Number of Active Members * \$120.</i> )
	Subscriptions
	Travel (includes lodging, meals, and mileage costs associated with out-of-town training estimated by the formula: <i>Number of Active Members * \$20.</i> )
Uniforms	Uniforms (includes the cost for any station-provided duty uniforms and dress uniforms for two chief officers based on the formula: <i>Number of Active Members * \$110.</i> ) Some stations may require a one-time amount to outfit volunteers to a minimum level (e.g. station uniforms such as boots, pants, tee-shirt, sweat-shirt); then, the \$110 per member will be used as an annual uniform allowance.
Fundraising Expenses	The following costs associated with fundraising are <i>not</i> included as a basic operating cost: painting & repairs to space, expendable items for space, janitorial items for space, office supplies, postage, printing, professional services, and/or licenses.

Loans	Building
	Apparatus

Item 6.9. 2005 Website Annual Report.

It was noted in the executive summary that Albemarle County continues to see rapidly increasing usage of its website as both an information resource and a place where business is being transacted. The website's 24 hour a day, 7 day a week, accessibility offers obvious customer convenience and access benefits, and extends the County's ability to interact with citizens well beyond the traditional work day. The constant addition of new features, for example the online proffer database and the online tax payment option in the past several months, continues to provide additional functionality that drives new traffic to the site. As we look toward the upcoming addition of GIS and Cityview online in the upcoming year, we expect to see this usage continue its dramatic increase. Coupled with the use of A-Mail, the County's online e-news service, the website offers a powerful information provision and self-service tool for citizens.

The annual report (on file in the Clerk's Office) provides a brief summary and comparison of the 2004 and 2005 Albemarle County website usage statistics provided by *WebTrends*, a comprehensive tracking software package. The report was prepared by the Community Relations Division of the County Executive's Office.

**General Statistics**

General statistics provide the best picture of website usage. Albemarle County's website usage continues to climb in all major categories.

	2004	2005	Percent Change
<b>Average Page Views Per Day</b>	12,656	16,171	+27.78%
<b>Average Page Visits Per Day</b>	1,783	2,449	+37.35%
<b>Total Number of Files Downloaded</b>	668,811	1,070,802	+37.54%

This report was received as information only. No Board action was required.

Item 6.10. 2005 Fourth Quarter Building Report as prepared by the Department of Community Development, Office of Geographic Data Services, **was received as information and is on file in the Clerk's Office.**

Item 6.11. 2005 Year End Building Report as prepared by the Department of Community Development, Office of Geographic Data Services, **was received as information and is on file in the Clerk's Office.**

Item 6.12. Review of Road Extension Regulations in the Subdivision Ordinance.

It was noted in the executive summary that one of the cornerstone principles for development in the Development Areas is interconnectivity – an interconnected network of streets within new developments and connections with existing developments. The Comprehensive Plan states that this "network is essential to support the pedestrian environment, mixed-use developments, and compact, livable neighborhoods envisioned for the Development Areas." A benefit of interconnectivity is that, over time, a network of multiple travel routes are established, thereby reducing pressures to widen existing streets. The principle of interconnectivity is implemented in Albemarle County Code § 14-409, which is part of the Subdivision Ordinance adopted by the Board on April 20, 2005. Section 14-409 requires subdividers to extend subdivision streets to the property line, terminating within the subdivision with a temporary turnaround. These streets are connected to abutting lands when those abutting lands are subdivided. The requirement to construct street extensions may be waived by the County's subdivision agent in prescribed circumstances.

The State enabling authority for Albemarle County Code § 14-409 is Virginia Code § 15.2-2241(4), which requires that local subdivision ordinances provide for "the extent to which and the manner in which streets shall be graded, graveled or otherwise improved. ..."

On January 11, 2006, Mr. Neil Williamson, representing The Free Enterprise Forum, submitted a proposal to amend Albemarle County Code §§ 14-409 and 14-428 (submittal on file in the Clerk's Office). The proposed amendment would require subdividers to merely dedicate the land for the extension, rather than construct and dedicate the extension. The amendment also would provide that, where an extension has previously been dedicated, the subdivider of the abutting lands would have to construct the street extension within the previously approved subdivision. This issue was considered at length in the drafting of the 2005 Subdivision Ordinance. The amendment proposed by the Free Enterprise Forum is not enabled by State law because it would require a subdivider to construct off-site street improvements within an abutting, previously approved subdivision. Virginia Code § 15.2-2241(4) does not enable such a

regulation. At most, the County is enabled only to provide for the voluntary funding of off-site street improvements. (Virginia Code § 15.2-2242(4))

Before the Board of Supervisors adopted the 2005 Subdivision Ordinance, some in the community characterized Albemarle County Code § 14-409's street extension requirements as unfair to subdividers because the extended streets would provide an economic benefit to the abutting landowners when those lands were later subdivided. Staff views this issue quite differently. The public's interest in diffusing vehicular and pedestrian traffic through an interconnected transportation network, as reflected in the Comprehensive Plan and the Strategic Plan, should be paramount. A network of interconnected streets promotes the public safety and general welfare and allows residents of these subdivisions to safely and conveniently travel to adjoining subdivisions and other destinations. In addition, characterizing a street extension as an unfair economic benefit to an abutting landowner fails to recognize that, over time, those subdividers who may be "burdened" by Albemarle County Code § 14-409 in one case will benefit from it in another case. Finally, the Zoning Ordinance has required, since 1980, that developers of commercial projects provide interconnectivity. Albemarle County Code § 18-32.7.2.5 authorizes the Planning Commission and the site plan agent to require commercial developments to provide travel lanes or driveways to serve adjoining properties.

As stated above, Albemarle County Code § 14-409's requirement to construct street extensions may be waived by the County's subdivision agent in prescribed circumstances. In deciding whether to grant a waiver, the agent must consider a number of factors to determine whether an extension is practical, including whether the need for the extension outweighs the impacts on environmental resources such as streams, stream buffers, steep slopes, and floodplain; whether alternative connections to the abutting lands from a different location would provide a better connection; and, whether the street would be extended into the Rural Areas. Another factor the agent must consider is whether the subdivider would contribute to the cost to complete the extension to the abutting property line when the adjoining lands were developed, and how. The agent's decision to grant the waiver must be based on two findings grounded in the public interest: (1) requiring that the extension would not forward the purposes of the Subdivision Ordinance or otherwise serve the public interest; and (2) granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, to sound engineering practices, and to the land adjacent thereto.

This report was provided for informational purposes only.

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Item 6.13. Second Quarter Report for JAUNT services for FY '06, **was received as information.**

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Item 6.14. Memorandum dated February 1, 2006, from Dr. Jonathon D. Earl, to Robert W. Tucker, Jr., County Executive, re: Planned use for the 2006 Justice Assistance Grant to Albemarle County.

Dr. Earl notes that grant funds in the amount of \$15,847 are being provided through the 2006 Edward Byrne Memorial Justice Grant Program (JAG). He said it is a requirement of the grant that the planned use of the funds be reviewed by the County Executive and made available to the Board of Supervisors for their review. The grant is proposed for prevention and control of crime and will be used in Albemarle to support overtime activities for community policing projects (see copy of the full Program Application Narrative on the Police webpage of the County's website).

**This memorandum was provided to the Board for informational purposes only.**

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Item 6.15. Copy of Albemarle County Service Authority Board of Directors minutes of December 13, 2005, and January 10 and January 11, 2006, **was received for information.**

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Item 6.16. Copy of letter dated February 14, 2006, from John Shepherd, Manager of Zoning Administration, to Paul D. Julian, re: Official Determination of Development Rights and Parcels – Tax Map 139, Parcels 25, 25A, 25D, 25E, 25F, 25G and 28 (property of Dunterry LLC) Section 10.3.1, **received for information.**

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Agenda Item No. 7. Board-to-Board Presentation, School Board Chairman.

Ms. Sue Friedman, Chairman, Albemarle County School Board, addressed the Board. She said that after a nationwide search, they found a new School Superintendent – Dr. Pamela Moran. They also have a new Board member, Mr. John Stokes, an attorney with the CFA Institute, was elected in the Samuel Miller District to take the seat of Mr. Gordon Walker. She said Ms. Diantha McKeel, Jack Jouett District, and Ms. Pamela Moynihan, Rio District, were also reelected.

Ms. Friedman said the School Board took to heart the Board's suggestion for a needs-based funding request, and will be coming forward with a budget that matches projected revenues. She said they have increased the teacher assistant time dramatically in the kindergartens and first grade, since research shows that if young people are successful in reading, they will do well later in school. They are also looking at enhancing and revamping career and guidance counseling activities at both the middle and high school levels, as the Schools have been behind what the professional associations recommend as the guidance counselor/per student ratio. She added that they are shifting away from just guidance

counseling into more of a career-focused assistance, which should be more valuable to students and the local business community.

Ms. Friedman reported that there is a salary increase component after the two-year phase in to raise the salary of all teachers to the bottom of the quartile in the adopted market. She said this was discussed with the Board last fall. They found that teachers with 25+ years of service were behind the bottom of the quartile. The salary increase for this budget cycle will help bring the teachers at the higher end back into the market arena. She said someone had mentioned to her that his wife, a career teacher, had decided not to retire as originally planned because of the new proposed salary structure. She thinks those actions are having the desired results by keeping the highly qualified teachers in the system.

Ms. Friedman said three teachers have recently accomplished National Board Certification, and there are few around the country who have done this. She said the School Board already has six in the Division and now Ms. Eliza Lathrop at Albemarle High School, Ms. Natasha Heny at Albemarle High School, and Mr. Chad Sansing at Henley Middle School, have been accepted as nationally board certified teachers. She said they will become teacher mentors and offer an enhanced opportunity for teaching excellence and peer mentorship.

Ms. Friedman said Ms. Gwen Hairston at Agnor-Hurt, has been selected as the Virginia winner of the 2006 Southern District AAHPERD "Elementary Teacher of the Year for Physical Education." She is one of six who will be competing for the national elementary teacher of the year award.

Ms. Friedman said in the Governor's Nutrition and Physical Activity Scorecard and Awards Program, Brownsville Elementary School received a bronze award and Agnor-Hurt Elementary received a gold award for enhancing the nutritional aspects of cafeteria food as well as looking at health and physical education.

Ms. Friedman handed to the Board a card containing the Schools' Vision, Mission and Goals. She said these came up through their Strategic Planning process, "that all learners believe in their power to embrace learning, to excel, and to own their future." She said that last phrase is the catalyst for what is done in the School Division. She said that is colorful and they appreciate the strategic planning process and the community's input into that process.

Ms. Friedman invited the Board members to meet with their counterpart in their magisterial district and visit a school. She has met with Mr. Rooker and Mr. Boyd and they have talked about having a series of joint meetings regarding capital improvement projects and revenue planning.

Ms. Friedman said it has been agreed that the Chairman of the School Board will provide this report only every three months, so for the months between there will be a monthly written update of School Board activities. She mentioned that the Schools are promoting their VIP Gold Card program (for those 62 years of age or over) which allows these people to attend any school activities – plays, athletic events, etc. – at no charge. She also brought the Board's attention to the new Albemarle County Public Schools logo displayed on the brochure. She then offered to answer questions.

Mr. Dorrier asked what Board certifies teachers. Ms. Friedman said it is the National Board for Certification. Dr. Pam Moran said the governor of North Carolina several years ago said teachers should be able to move across state boundaries and carry with them a high level of certification so they do not have to go back through certification procedures, as well as look at it through a differentiated pay scale so teachers who have been through a rigorous certification process would qualify for additional pay at the state or local level. It started in North Carolina which has the most national certified teachers in the nation. But, Virginia has started to pick that up. The State Legislature has funding in the budget which differentiates pay for teachers who go through this certification. They describe the process of becoming national board certified as being the equivalent of doing doctoral course work in a year. They have to prepare a portfolio, video tape themselves, and the tapes are then adjudicated by a national board certification group. They take a series of exams in their content area that last more than one session, as well as in their teaching skills set. It is a very intensive process. They can take that anywhere in the country.

Ms. Thomas said she remembers that Mr. Gordon Walker consistently asked about the living wage. She knows that school systems tend to have the lowest paid workers in county government as a whole, so she asked how the lowest paid people compare with other employees. Ms. Friedman asked if the living wage is \$8.00 an hour. Ms. Thomas said in this community, it is over \$10.00 an hour. Ms. Friedman said there are some positions that are not at that level, but adding the total benefits package raises that amount to almost \$21.00 an hour.

Mr. Wyant asked if kindergarten and first grade classes have a teachers' assistant in each class. Ms. Friedman explained that they use a formula which says that for each 20 children there's one and one-half hours of teaching assistant time, and the school system is working to increase that to four hours. She said this would allow schools to use their discretionary money to have a full-time teaching assistant in every kindergarten and first-grade class if they choose to use their money that way. It is at the discretion of the school's principal.

Ms. Thomas commented that she is a little concerned about the enrollment projections the School System is using for its CIP. If there is to be a joint meeting, this might be included as a discussion item. Ms. Friedman said those figures are always updated and changed. The Schools are using County figures, but as data changes their projections of enrollment change also.

Mr. Slutzky said he would like to see some information on the living wage, and Ms. Friedman agreed to furnish that to the Board members.

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**(Note:** The following two items were heard concurrently.)

Agenda Item No. 8a. Transportation Matters: VDOT Monthly Report, March, 2006.

Agenda Item No. 8b. Transportation Matters Not listed on the Agenda.

Mr. Jim Utterback, Resident Engineer, reported that statewide VDOT is \$40.0 million over budget in its \$1.0 billion road maintenance budget, which impacts Albemarle County's allocation by about \$900,000. He emphasized that this will not compromise safety in any way, as safety items would be moved higher on the priority list.

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Mr. Utterback reported that this VDOT residency – which includes Albemarle and Greene Counties – will become part of a Staunton Smart Traffic Center, which means reporting operations and traffic engineering will go through that center. He hopes this will mean more resources for the Charlottesville Residency.

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Mr. Utterback reported that the I-64 maintenance contract would possibly be advertised at the end of the month, although funding for it may not be available until next year. He explained that this includes ordinary maintenance on I-64 from the I-81 interchange to the I-288 interchange in Richmond, over 80 miles of interstate highways.

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Mr. Utterback said Norfolk Southern Railway has contacted him to indicate they plan to replace the railroad bridge on Proffit Road "in-kind," which means it will be rebuilt with new parts. He said they want to start in May or June, but it needs to be coordinated with the closing of schools since the road will be impassable for a while. He clarified for Mr. Boyd that the entire structure would be rebuilt to a safe capacity, but would not be made into a two-lane bridge.

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Mr. Utterback reported that Nelson County is planning to begin work on Heards Mountain Road (Route 633) this Spring.

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Mr. Utterback said staff is beginning to look at three roads on the County's priority list of Rural Rustic Road projects: Woods Edge Road (Route 623), Hacktown Road (Route 744) and Rocky Hollow Road (Route 769).

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Mr. Utterback said the Georgetown Road Citizens' Informational Meeting is scheduled for March 28, 2006.

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Mr. Utterback said the public hearing on Jarmans Gap Road is scheduled for March 30, 2006.

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Mr. Utterback said they are actively working on Rio Mills Road (Route 643) as a gravel road project. Mr. Wyant asked if there would be some attention given to the alignment of that road as some citizens had expressed concern to him. Mr. Utterback responded that VDOT would try to straighten out the curves, but there are issues with this road that make this an atypical gravel road project. "Safety is paramount and we're going to look at the typical section to address the traffic."

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Mr. Utterback said the landscape design is in process for the Ivy interchange as previously discussed with the Board. He is waiting for some feedback from the roadside manager.

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Mr. Utterback said three traffic studies are in progress – the Route 22/250 intersection, the intersection near Western Albemarle High School, and the Rio Road/Hillsdale Drive/Northfield Subdivision intersection.

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Mr. Utterback said a "No U-turn" sign was installed on Route 29 at the Rio Road intersection so that a U-turn can no longer be made on Route 29 at that intersection. VDOT received complaints that there was no sign, and now is receiving complaints about that installation. Mr. Rooker said he did not understand why there couldn't be a U-turn made since it is a four-lane highway, and cars can come out in the single right lane, make a right turn, and stay in their lane, all at the same time.

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Mr. Utterback said speed studies were done to reduce speed limits on Route 630 and Route 640. They are in Richmond now waiting for Transportation Commission approval.

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Mr. Utterback said a "school bus sign" was installed on Route 649.

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Mr. Utterback said a crosswalk on the Barracks Road ramps was not recommended.

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Mr. Utterback said the speed study on Inglewood and Solomon Roads has been completed.

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Mr. Utterback said there have been some questions about right-of-way acquisition for the Meadow Creek Parkway. That is an interim milestone in the VDOT development process. He said each project is unique and some things are handled individually just for that project. Although it appears that the notice to proceed will not be issued until June, VDOT is proceeding with parallel activities with the right-of-way acquisition process. The advertisement date in 2008 is not compromised. He then asked that Mr. Spencer DeJarnette, Assistant District Right-of-Way Manager for VDOT, update the Board on right-of-way acquisition for the Meadow Creek Parkway.

Mr. Rooker asked if the notice to proceed is for the right-of-way work. Mr. DeJarnette said "yes." Mr. Rooker said that was originally supposed to begin in February. He said they have asked the same question at the MPO and tried to be firm that VDOT needs to give a schedule and some assurance that they are moving forward with this project on schedule. The Board was assured a couple of weeks ago that there was no slippage in this project. The problem in the past has been that when this type of thing occurred, the Board was told there would be no slippage in the project, and then six months later, the project has been moved further into the future. He said with inflation the cost of delay in projects eats up a huge percentage of the County's Secondary Road funds every year.

Mr. DeJarnette explained that the right-of-way process is long and involved including many steps. He said when the notice to proceed is issued from Richmond he has the authorization to start making the actual offers. In the meantime, he will give a brief overview of where the process stands. On January 17 they received the City's resolution which was necessary for their planning people to bring together their elements and to finalize their design. At that time, estimates for right-of-way were updated as were their title examinations, so a lot of groundwork has been completed. That information needs to be updated now and the information sent to the designers to make sure the correct landowners are shown; also the property lines and survey information needs to be updated. That will take about 60 days. Simultaneously, the VDOT utility engineer has met with every utility company involved in that project, which includes five to seven companies. They met with those people on January 18 and each of those companies now has to get their requirements for right-of-way width for replacement of utility easements. They have to engineer and design their lines, and they have already done a good portion of that work, and sent those requirements to VDOT so he can buy those replacement easements for those utility companies. That information is due back to VDOT by the end of this month. He expects the notice to proceed will not be received until June or July.

Mr. DeJarnette said there is one side issue. There is a large piece of property that VDOT needs to buy to replace the City's park. He is working to accelerate that particular right-of-way acquisition ahead of the rest of the project since this is a total take and there are no utility easements involved. He is preparing a special request with a special plan sheet to be sent to Richmond asking for permission to move ahead of schedule and acquire that property. While they go through their process in Richmond and then allocate funding to do that, he is in the process of hiring an appraiser. It will take him about 30 days to prepare a contract. Hopefully within an additional 30 days there will be an appraiser working, and it will probably take him 30 to 45 days to do his report. He said VDOT could be making an offer for total acquisition of the parkland from Willow Heights LLC as early as June or July.

Ms. Thomas asked if VDOT is being led in this by the General Assembly's resolution which said VDOT should buy more than just an acre to replace an acre. Mr. DeJarnette said that is correct.

Mr. Rooker said it is the area that the City, the County and VDOT have all agreed upon. Mr. DeJarnette said VDOT is going to buy the entire 36-acre tract. He can advance this purchase because he does not have to wait for utility companies and other things. They have asked for permission to move ahead with this acquisition. The appraisal process will be started as soon as possible. When the notice to proceed is received, he will be ready to finalize the other appraisals. He cannot start those until the utility easements are shown on the plan. Once that is done, offers will be made by late summer or early fall. He does not anticipate any problems meeting the timeframe. He said the advertisement date for this project is 2008, so the right-of-way must be cleared ahead of that date because then all of the utility lines must be relocated before the advertisement can be published. He assured the Board that "time is money for all of us, particularly in the real estate purchase [market]."

Ms. Thomas asked if VDOT will be impacted by the law that is in the General Assembly now concerning condemnation, eminent domain. Mr. DeJarnette asked if there is a particular part of that legislation that concerns Ms. Thomas.

Ms. Thomas said there is a stipulation in the language that says land cannot be condemned for public use. Mr. DeJarnette said the only legislation he has seen is the result of the New England case where a municipality condemned private property for private use.

Ms. Thomas said the language was amended in the House. Mr. DeJarnette said they do not believe there will be any compromise on the Commonwealth's ability to condemn property for roadways.

The parkland for this project is already covered by a specific statute, and so they do not anticipate any problem.

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Mr. Wyant asked where VDOT is in the process for the right-of-way and utilities for Jarmans Gap Road. Mr. DeJarnette said VDOT finished the estimate today that now goes to Richmond for the public hearing to be held in March. He said the scope of the project has changed a little bit. All the title work has been done, but will have to be updated after the public hearing. They have tried to assess some of the damage issues to see what can be done to cure some of the parking situations, etc.

Mr. Utterback said that right-of-way is difficult to control in the way of the budget and a timeline for the project. It is a rigid process but there are some variables where there is limited control. He said VDOT is planning to meet with County staff and review the Jarmans Gap project before holding the public hearing.

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Mr. Wyant said in the Crozet Master Plan it talks about traffic calming and there has been a request from people who live on Hilltop Road; there are probably other areas that could benefit from traffic calming. He asked Mr. Utterback if he should talk with the Community Association and identify some other streets that may be of concern. Mr. Utterback said he thinks this process should begin with Mr. Juandiego Wade.

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Ms. Thomas said she would like to get the schedule for Heards Mountain Road.

Ms. Thomas commented that if there is to be more maintenance work on I-64, there needs to be a better plan about how to deal with "tie-ups." When that is maintenance, people "rubber neck" and then there are accidents, and the whole road is "plugged up."

Mr. Utterback said there is a center in Staunton for incidents management. There are cameras on I-64 to monitor traffic and these types of incidents, along with the variable message signs on I-81 and on I-64. There is a big initiative within VDOT to address issues with interstate tie-ups.

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Ms. Thomas said a constituent of hers got a letter saying the intersection at Owensville Road/Route 250/Morgantown Road was being looked at by the Culpeper Office. Mr. Utterback said it is and he will follow up on that. They will schedule a meeting to see if that intersection would meet the basic analysis criteria for a roundabout.

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Mr. Boyd said he has been involved with discussions with VDOT about providing some signage for the Ashcroft Subdivision entrance which is near where traffic comes off of I-64. Mr. Utterback said he has talked with the Traffic Engineer, but needs to be sure an official study has been requested. He personally is concerned about a queue on I-64; traffic coming off of I-64 onto Route 250 will take priority over traffic coming off a side street.

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Mr. Boyd mentioned the Places29 transportation study. He said the T.J. Planning District has been requested to "put on the table" the Ruckersville Turnpike, and yet it has been said to leave the Western Bypass "off the table." He is bringing this up because he thinks there is a lot of misinformation circulating about that bypass, especially regarding the cost, and what Mr. Utterback provided him as the VDOT numbers. He said the Chamber of Commerce just went to the General Assembly and they said it would be a \$270.0 million contract, when Mr. Utterback told him it would be a \$165.0 million project. He said that four of the current Supervisor members were never part of any discussion or study about the Western Bypass. He is not advocating one way or the other about a Western Bypass, but it bothers him that a totally new thing called the "Ruckersville Turnpike" is being studied at the behest of just a few individuals, and there is an engineered road on which \$30.0 million was spent, and it is not "on the table." He wants the Western Bypass to be put back in the study the MPO is doing about transportation issues on Route 29 North.

Mr. Rooker said there is a misconception here. The traffic models being run are being run with and without the bypass; that is the same with all the potential roads that are in that area.

Mr. Boyd said he did not see the bypass mentioned in the report at all.

Mr. Rooker said the Western Bypass is included in some of the traffic models being run by CHART for the traffic flows in that area.

Mr. Boyd said he was talking about the transportation study that is going on with Places29.

Mr. Rooker said he does not think the Ruckersville Parkway is a project that would ever be built. He does not think there would ever be the money needed to build it.

Mr. Boyd said it was included as one the options for Route 29. There was no Western Bypass on any of the drawings.

Mr. Rooker said he thinks the traffic modeling includes both the Ruckersville Parkway and the Western Bypass. As to the cost, the County went to its member on the CTB two years ago, and the figure he showed was close to \$300.0 million. There was a lower figure given for that project at one time and when VDOT was asked about that, they said they no longer consider the peculiar aspects of projects, but are calculating costs based on a "cost per mile" basis, and adding in a few features. The original cost figures used by Mr. Butch Davies and Commissioner Suchet before he left, were based on particular analyses of the cost of the components of that project; the cost of the southern interchange of that project is immense; the property where the northern interchange would go on the west side is currently on the market for \$40.0 million. VDOT has never designed a northern interchange.

Mr. Boyd said \$40.0 million is a ridiculous price for that property.

Mr. Rooker said even if that price were cut down to one-third of that amount, it far exceeds even the budget in the \$270.0 million estimate.

Mr. Boyd said he wants to go back to his original point. He asked Mr. Rooker if Places29 is studying the Western Bypass as a way to alleviate transportation on Route 29. He asked if there will be new information about the pros and cons of a Western Bypass.

Mr. Rooker said he understands that road is not being drawn as a new road because it is already a road that has been considered. He said the traffic modeling done by CHART and by Places29 shows the levels of service which can be achieved by building certain improvements; he understands that will include the Western Bypass.

Mr. Boyd said he is not getting that impression.

Mr. Tucker said he thinks the Chairman is right; it is in the traffic modeling.

Mr. Boyd said at the first public workshop six of the nine tables said a bypass is needed. It was fifth on the voting list of 29 priority items from the community. He wants to make sure the Board is listening to the community.

Mr. Rooker said there were only 50+ people making those comments.

Mr. Mark Graham, Director of Community Development, said the Western Bypass is being included in the Places29 traffic modeling. This was done at VDOT's insistence because they are paying for part of the cost of the modeling. He emphasized that it is not one of the alternatives being considered for the land use plan because most of it lies outside of the development area.

Mr. Boyd said he does not know what paralleling Route 29 will do. He saw Berkmar Drive Extended on some of the drawings and it is outside of the growth areas. He has heard a lot about the ease of getting across Route 29 but has never heard anything about a bypass.

Mr. Rooker said the Western Bypass project is still in VDOT's plan at this time. Whether it is built is subject to their cost-benefit analyses. When the MPO has traffic analyses done for update of the 20-year plan, it is included because they do not know whether it will be built.

Mr. Boyd said he will rephrase his question. He asked if when the Board talks about transportation options for the Route 29 Corridor the pros and cons of the bypass will also be discussed. Mr. Graham said "yes." The transportation modeling will be discussed with Places29.

Mr. Boyd said he misunderstood; he thought they were told to leave that "off the table" and not talk about it. He just wants the opportunity to see the numbers himself.

Mr. Rooker said all Board members should see those numbers. For land use planning purposes, very little of that project is in the land use planning area. When talking about Berkmar Drive, most of it is in the growth area. You can't talk about Berkmar without talking about the bridge across the Rivanna River which actually is not in the growth area today.

Mr. Boyd said the Board did not get a report on the transportation side of the Places29 study; was the preliminary information just on the land use side?

Mr. Wyant said this is not the message he got last night. The consultant just said the Ruckersville Parkway was an alternative to the bypass and that is all that was said.

Mr. Boyd said the community is vocal on this subject.

Mr. Rooker said he believes the community will be vocal on both of these issues. His district is affected by both. He said the Ruckersville Parkway has been pushed by Delegate Mitch Van Yahres and Mr. Bern Ewert who have taken the project "on the road" and showed it to a number of groups. He thinks they have enough support to have it looked at as part of a transportation study.

Mr. Dorrier said the Board has never seen that presentation. Mr. Tucker said that is correct.

Mr. Slutzky said he can't imagine what support they have gotten. Part of it goes through his district, and he has heard nothing but "hate mail and outrage" expressed by just about everybody in that district.

Mr. Boyd said he brought this up because he thinks the Board needs to have a public discussion of the issue. If it has not occurred yet because the Board has not received the transportation component of Places29, which is okay. He wants to be sure the bypass is "not off the table."

Mr. Slutzky asked if in the traffic models being run there is consideration being given to the Eastern Connector, and if there is consideration being given to a significant mass transit system. Mr. Graham said he cannot give an answer about mass transit because he does not know enough about it to speak. As far as the Eastern Connector is concerned, it was left as an option to be studied. In what they are working on now, there is no Eastern Connector as far as a point of origination, and no alignment has been set. That makes a tremendous difference.

Mr. Slutzky said he will rephrase the question. Because there was an existing plan, it sounds like the Western Bypass is being modeled. Now that the Ruckersville Parkway has appeared in one of the three scenarios, it will also be modeled into the traffic flows. What would it take to get the Eastern Connector and a look at mass transit options imbedded in the transportation study? Mr. Graham said if the Board is interested in exploring this, he would suggest that they hold a work session with Mr. Harrison Rue of the Planning District Commission and others about these issues.

Mr. Rooker said he understands that each Board member has the opportunity to have an individual meeting about Places29. He suggested that the Board members take advantage of that opportunity, and then they can talk about whether to hold a work session with the TJPDC people involved. He said the road decisions are not going to be made by Places29. This Board ultimately has to approve projects which then go to be approved by the MPO. The projects have to go through CHART and be approved by the 20-year Road Committee. The fact that some lines get drawn on the map, even if they end up being suggested by this study, does not necessarily mean these are projects which will be built. The MPO has to make cost-benefit analyses continually about the funds it gets and how to best achieve transportation results with those funds.

Mr. Slutzky said the transportation studies were generated by community demand and they are an integral component of the Places29 planning exercise. They profoundly influence the land use decision array. He said in order to make Places29 an effective planning exercise, major transportation issues that relate that planning district to the rest of the metropolitan region need to be looked at.

Mr. Rooker asked if he had had the individual meeting.

Mr. Slutzky said he attended a meeting with Mr. Rue, County staff and the consultants. In that dialogue he asked why the Ruckersville Parkway was listed since he felt it would be a "lightning rod" that would detract from a meaningful consideration of Option #3. He is asking the Board members if they want to be proactive. He would like to assert that each of the major transportation issues be reflected in this planning exercise, with due haste. He is frustrated that the only one that is visible to the public now is the Ruckersville Parkway.

Mr. Wyant said he attended a meeting in Earlysville last night at which Mr. Rue was present to talk about Places29 transportation. In Alternative #3 the Eastern Connector was excluded. He assumes they are modeling it in another alternative. Mr. Tucker said the consultant has been requested to look at an Eastern Connector. The Board may want to delay Places29 until that information is received.

Ms. Thomas said an Eastern Connector would not impact this area unless there is the Meadow Creek Parkway coming all the way to Route 29 and crossing the Rivanna River so it is another crossing. Until two years ago, that was the Board's number one request at the Culpeper District meetings. Now, it has been dropped because it was such a "lightning rod" for the City. For this planning exercise, she thinks it might not be a good idea to have it dropped. She agreed with Mr. Rooker that the Board members go to the meetings with staff so they have a better background.

Mr. Boyd said he does not have a problem doing that, but agrees with Mr. Slutzky that transportation cannot be separated from land use. He did attend one of the public meetings held in this room about Places29 and he did not hear anything about a western bypass. He did hear about the Free State Road Connector, old Meadow Creek Parkway, because that is drawn in one of the options.

Mr. Wyant said the consultant's presentation has been improved since that meeting. They elaborate on a lot of other issues now.

Mr. Rooker said he thinks the Board members are in agreement. The members should have those individual meetings. Places29 still has a lot of time to go, and a work session can be scheduled after those meetings are held.

Mr. Dorrier said Mr. Utterback has not said a word about this today.

Mr. Boyd asked that Mr. Utterback comment on his numbers.

Mr. Utterback said for the public record the numbers are not his, they were pulled from the project cost-estimating system, a statewide system used to generate estimates. They were done in Culpeper by a project manager who consulted with the location design engineer. He said that without interchanges, the project has not been completely designed.

Mr. Tucker said the right-of-way has already been acquired, so he wonders if the amount shown is just for the portion of the project left.

Mr. Boyd said Mr. Utterback told him the total project cost is \$165.688 million, and \$9.284 million has been spent for planning and engineering, and \$26.568 million has been spent for right-of-way acquisition. That totals \$35.0 million, leaving about \$130.0 million for the project.

Mr. Utterback pointed out that right-of-way acquisition is estimated to cost \$55.0 million.

Mr. Rooker said that number was generated by this system, and was received after they had estimated the cost of the project on a section-by-section basis.

Mr. Boyd said this number was just updated this year.

Mr. Rooker said that was done using a system which looks at the specific sections of that project, such as how much dirt would need to be removed from Stillhouse Mountain and where that dirt would go. They are taking a system used statewide for estimating projects and applying it generically to this project to get that number. He suggested that Mr. Boyd talk with the CTB member for Albemarle about that number. He thinks the number is close to \$300.0 million.

Mr. Utterback said when you go through each milestone of the development process for a project such as this, as more information is known about each discipline the estimates are updated, and the estimate tends to get larger. This project is not completely designed, right-of-way has not been acquired, so a full-blown estimate would take hundreds of hours of efforts to do that, and he is confident there would be a different estimate.

Mr. Boyd said it concerns him that the estimates are \$100.0 million off.

Mr. Rooker said in order to believe that estimate Mr. Boyd would have to believe that the cost has fallen by about \$100.0 million from the estimate made for the project two years ago.

Mr. Boyd asked if this estimate is less than what was originally proposed.

Mr. Rooker said it is, and when asked why, they were told it was done on a generic basis.

Mr. Slutzky asked if it would be inappropriate to ask VDOT not to spend hundreds of hours casting a new estimate, but to give the Board what VDOT considers today to be the most accurate capture of what this project is expected to cost.

Mr. Utterback said that is what VDOT knows using that generic system, which is a standard system used across the state without spending hundreds of hours on an estimate.

Mr. Slutzky asked if hundreds of hours were spent previously coming up with the higher numbers.

Mr. Utterback said the estimate has a history, as some Board members know. Over the last couple of years, just from inflation, he has seen it grow from \$153.0 million to \$165.0 million. What is in the VDOT cost-estimating system now is the number he has provided the Board.

Mr. Boyd said his question has been answered; it is on the table and is being studied as part of Places29. Mr. Tucker said transit is also part of the study. Mr. Cilimberg said there is a multi-modal component to the modeling.

Mr. Slutzky asked that his fellow Board members have their individual meetings before the April day meeting. Then the Board could discuss whether to hold a work session or not.

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Mr. Slutzky said when driving on Hydraulic Road going past K-Mart toward Route 29 there are two right turn lanes, and the inside lane has a "no turn on red" sign. Some of his constituents have asked him if they can turn right on red at that point.

Mr. Wyant said there is a sign at that point that says there can be no turn on red from that second lane.

Mr. Rooker clarified that one can make a right turn on red in the far right-hand lane, the lane closest to the edge of the road, but not in the second right-turn lane.

Mr. Slutzky said he thinks there is some ambiguity there, and he asked Mr. Utterback to check.

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Agenda Item No. 9. SUB-2005-391, Old Trail Creekside II, Phase 1 Subdivision & SUB-2006-007, Old Trail Clayton Subdivision Open Space, Dedication to Public Use.

Mr. David Pennock, Planner, addressed the Board, reporting on dedication of public space for the Old Trail/Creekside II and Old Trail/Clayton subdivisions, both of which are being pursued as by-right zoning subdivisions. He reported that Creekside II at Old Trail is zoned R-1, Residential, and the Clayton Subdivision is zoned R-2, Residential. The Zoning Ordinance allows bonuses in density for provision of certain amenities, and in this case the applicant is pursuing a five-percent increase for planting of street trees, a ten-percent increase for provision of internal public roads, and up to a maximum additional 15 percent for dedication of open space for public use. Through analysis of the subdivision plan the Planning

Commission reviewed the appropriateness of this green space, and the Department of Parks and Recreation also examined the open space's usefulness.

Mr. Pennock noted that approximately 20 acres in the Creekside II subdivision, and 2.8 acres in the Clayton subdivision were identified by staff as potential useful areas; both acreages exceed the maximum 15 percent allowed, if the full amount is accepted. For Creekside II that would be an additional 11 lots and for Clayton Subdivision it would be an additional three lots. Based on the analysis, staff recommends that the areas identified on Attachment "D" as "A" through "H" in the Creekside Subdivision and Areas "1" and "6" in the Old Trail Clayton Subdivision be accepted for public use through fee simple dedication during the subdivision process. He then offered to answer questions.

Ms. Thomas said she would like staff to verify that these areas are correct, useable and integrated.

Mr. Pennock said the green space was reviewed as to appropriateness both by staff and by the Planning Commission. The Parks & Recreation Department looked to see how useful these spaces would be toward fulfilling Strategic Plan Initiatives. A concern is that these areas of greenway provide a link from Jarmans Gap Road to existing and future dedications of green space between Ballard Field and Creekside, which will then tie in to Old Trail Park. The idea is to bring people from the opposite side of Jarmans Gap Road, Waylands Grant Subdivision, and Bargamin Park, to link the whole area with a walkable system.

Mr. Dan Mahon, Greenways Planner, addressed the Board. He said this plan is consistent with the Crozet Master Plan where there are attempts to make connections across the Old Trail development to Jarmans Gap Road serving the existing neighborhoods with safe connections to the schools. From the rest of the community, they are seeking safe and accessible off-road routes eventually to Mint Springs. In the works are some connections to Waylands Grant and other areas which will serve to make connections for new opportunities to connect with this new park. Along Jarmans Gap Road there will be a sidewalk. He said it is not the best route, but it will work. There are some areas that are tight along the creeks where there are steep slopes, but connections can be made.

Mr. Wyant asked if there can be a connection made on the Gray Rock side. Mr. Mahon said there is an area which has been dedicated on the back side of Gray Rock.

Mr. Wyant said he wanted to know what he would have to do to get across Jarmans Gap Road over to Lane Town Road. Mr. Mahon said there is not a route there. Mr. Wyant said he was actually trying to get to Mint Springs. Mr. Mahon said in the Master Plan that route is shown behind Gray Rock. The Master Plan did not go out of that area so it has not been studied. Mr. Wyant asked if this is all consistent with what the Master Plan proposes so a continuous path can be made. Mr. Mahon said there is also a connection coming down behind Orchard Acres that is part of the open space plan in the Crozet Master Plan, and there is also the potential for a future connection somewhere in that area.

Mr. Wyant asked if most of this land is being dedicated to the County. Mr. Mahon said this property would be dedicated to the County. What is not shown on the map being reviewed by the Board today is a continuation of a linear park dedicated to public use that goes as far as Henley and Brownsville schools.

Mr. Wyant asked if the County will maintain these trails after they are constructed by the developer. Mr. Mahon said "yes" as a linear park.

Mr. Wyant asked if this will take place even if the homeowners retain some of the property. Mr. Mahon said "no." All the areas where trails will be located will be on ground dedicated to the park. He said that Old Trail is developing its own trail system which will interconnect; it will be a semi-public trail system which will connect at different points. Staff has been looking for ways to connect these neighborhoods with the schools, to preserve these creek riparian areas which are dedicated to public use.

Mr. Wyant asked if they will be walkable and bikeable. Mr. Mahon said "yes."

Mr. Rooker asked the total acreage of open space. In looking at the tables on the map it appears to be 46.0 acres. Mr. Pennock said there are actually areas identified on the map that staff determined would not necessarily be useful as public open space, but are still proposed to be open space for the subdivisions, but not part of the open space to be dedicated. The charts indicate only the open space to be dedicated to the County; there is additional open space that the homeowners will maintain.

Mr. Rooker said he was looking at the map handed to the Board members today. He said for Ballard Field there is a note that 16.6 acres of open space was provided. He assumes this is just for that subdivision. Mr. Pennock said that is correct.

Mr. Rooker said that for Upper Ballard Field there is the same thing; it references 10.56 acres. The Old Trail Creekside II references 20.07 acres. For Old Trail Clayton, it references 2.8 acres. That totals between 46.0 and 48.0 acres. Mr. Pennock said that is without the Old Trail Park.

Mr. Rooker said he is just curious to know the densities designated for these areas in the Comprehensive Plan. It is a development as a matter of right, so this is not a rezoning. Mr. Pennock said Old Trail Creekside has a density of about 1.26 dwelling units per acre after the dedication, Old Trail Clayton is about 2.6 dwelling units per acre after the dedication. Based on the Crozet Master Plan which shows ranges for each of these CT dedications (based on net area), it comes out to a minimum of about

2.8 dwelling units per acre and a maximum of approximately 14.4 dwelling units per acre. He said the by-right subdivision they are achieving is actually less than what they could obtain using the full Master Plan projections.

Mr. Rooker asked about Upper Ballard Field. Mr. Pennock said he does not have the numbers for Upper Ballard Field with him.

Mr. Rooker asked if the lower end of the density range would be 2.8 dwelling units per acre according to the Master Plan. Mr. Pennock said that is correct.

Mr. Wyant asked if the 1.6 du/ac is a net figure. Mr. Pennock said it is gross.

Mr. Cilimberg said there will never be a Master Plan done this way again because the whole net density term has become a nightmare to explain and calculate. He said what Mr. Pennock provided was the gross density of the development of those two areas subject to the request for the dedication of open space, and he calculated what the CTs would translate to in gross density which he said was the 2.8. He clarified that Mr. Pennock has provided the gross resulting density for those two areas under their zoning, and the gross resulting density if you take the net density and convert it into gross density for those areas using the 80 percent factor.

Mr. Boyd said since the community has the "population meter going" does the Board need to have those numbers translated into population every time there is a request. Mr. Cilimberg said he would suggest that the Board focus on the dwelling unit numbers, which would essentially be multiplied by 2.4 people per household.

Mr. Boyd asked if Mr. Cilimberg knows what that number would be in this case since it was said this request reduces the density overall.

Mr. Rooker said when the Crozet community talks about 24,000 population, that number is based on the highest limit so that would be like applying 14.0 as the density for this piece of property as it exists in the Crozet Master Plan. He said for this request, the density will be less than 2.0, which is below the minimum. If this plan is approved, this will reduce the Master Plan computation number significantly because the upper limit is 14.0+. Instead of 14, which is the number the 24,000 population is based on, this piece of property will be approved at a density of two, which is about one-seventh of what the Master Plan would allow.

Mr. Boyd said he thinks the Board needs to make this very clear to the public; that when these decisions are made, density is not being increased.

Mr. Rooker said that is why he asked the question about the density shown in the Master Plan. He thinks it is important to understand what is being done in relation to the densities in that Plan.

Mr. Boyd said he would like to establish what the community is saying and as the Board makes decisions in the future it indicate how that impacts their numbers. Mr. Cilimberg said staff just completed a table that compiles information on recent approvals in Crozet. It was provided to the Commission and public last week. It will serve as a starting point to answer those questions.

Mr. Boyd said in theory, after getting a building permit, densities are sometimes reduced.

Mr. Slutzky asked if in the future staff could let the Board know the maximums and minimums contemplated for the property in question. Mr. Cilimberg said the Board will be hearing a request for the "Cross" property in about two weeks. Staff will provide a table showing the various approvals that have occurred in Crozet so the Board has that when considering the request.

Mr. Slutzky asked if in the future the Board will continue to get that information along with requests. Mr. Cilimberg said "yes."

Mr. Dorrier said he thinks it is important to have some specific growth number of people that are being targeted, so it can be argued to the public that the 1.8 percent figure Albemarle uses is below what other rapidly growing counties like Loudoun are experiencing.

Ms. Thomas said she has seen the chart put together for the Commission and she thinks it is useful. She thinks there are two sides. There are the population numbers that came out of the Master Plan, but also there was the picture in the Master Plan of what the community wanted Crozet to be. She is encouraged by this dedication of trails. When the Parks Department did the telephone survey of the County to determine what kind of recreation most people wanted walking trails ranked high on the list. She said all through the Master Planning process people were interested in these types of opportunities. Mr. Cilimberg said that last week staff discussed with the Commission how the development before them that night related to the densities of the Master Plan. He said there are other elements as to form and the total package that are important, it is not just about density.

Mr. Wyant said if the County had not developed the Master Plan for Crozet, the by-right population would have been about 12,500. If this request is approved, he thinks it would be nice to show the trails so everyone can see the "missing link" in getting these amenities that people in the community are looking for. If there are gaps in the system, they need to be shown. In looking for a walkable community, it is important to show the folks where they can walk and bike to schools, businesses, and other things. He thinks that would help the Board in making decisions.

Ms. Thomas said she thinks the Board should look at the impact on the community as a whole. The bonus provisions are in the ordinance, but have seldom been used. She said because the Board thought it was important to have greenways around the County those bonus provisions were kept in the ordinance.

At this time, Mr. Rooker asked the applicant to speak.

Mr. Vito Cetta offered to answer any questions the Board might have. He said they are excited about the connections and the trails. It is important to them individually and an important part of Old Trail.

Ms. Thomas asked what kind of surface will be on the trails. Mr. Cetta responded that they will use the same specs that Mr. Peter Hatch designed for the Monticello Trail – a mixture of grading, two sizes of stones and stone dust.

Mr. Wyant asked when the trail would be built. Mr. Cetta responded that the first section is under construction.

Mr. Dorrier asked the timeframe for build-out of this subdivision. Mr. Cetta said it could possibly be three years.

Mr. Rooker invited public comment at this time. None was offered, and the matter was placed before the Board.

Mr. Wyant said he thinks this plan brings amenities the citizens are looking for in the development areas. He then **moved** to authorize the acceptance of the open space areas as identified on the plats for SUB-2005-391, Old Trail Creekside II, Phase 1 Subdivision, and for SUB-2006-007, Old Trail Clayton Subdivision. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

(Note: At 11:30 a.m. the Board took a brief recess. They reconvened at 11:50 a.m. and continued with the meeting.)

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Agenda Item No. 10. **Public Hearing:** FY 2005-06 Budget Amendment. (Notice of this public hearing was published in the Daily Progress on February 29, 2006.)

Mr. Melvin Breeden, Budget Manager said the Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The proposed increase of this FY 2006 Budget Amendment totals \$571,375.28. The estimated expenses and revenues included in the proposed amendment are shown below:

**ESTIMATED EXPENDITURES**

General Fund	\$	28,000.00
Local Government Programs/Grants	\$	422,097.47
Education Fund	\$	20,366.54
Education Programs/Grants	\$	81,536.05
ECC	\$	<u>19,375.22</u>
<b>TOTAL ESTIMATED EXPENDITURES – All Funds</b>	<b>\$</b>	<b>571,375.28</b>

**ESTIMATED REVENUES**

Local Revenues	\$	32,311.76
State Revenues	\$	91,842.56
Federal Revenues	\$	406,676.79
General Fund Balance	\$	28,000.00
Other Fund Balance	\$	<u>12,544.17</u>
<b>TOTAL ESTIMATED REVENUES – All Funds</b>	<b>\$</b>	<b>571,375.28</b>

The budget amendment is comprised of 15 separate appropriations, two of which were approved by the Board on February 1, 2006: One appropriation (No. 2006-042) totaling \$15,200.00 for the CERT Grant; and one appropriation (No. 2006-043) in the amount of \$650.00 for various education programs.

The 12 new appropriations are: One appropriation (No. 2006-044) totaling \$16,710.29 to transfer funds from the Kelly Watt Scholarship Fund; one appropriation (No. 2006-045) in the amount of \$1,000.00 for education donations; one appropriation (No. 2006-046) to provide \$4,175.22 to upgrade ECC's records management software; three appropriations (No. 2006-047, No. 2006-049, No. 2006-050) for Social Services grants totaling \$89,206.00; one appropriation (No. 2006-048) in the amount of \$199,245.00 for a Police Department grant; one appropriation (No. 2006-051) for various education programs and donations totaling \$83,542.30; one appropriation (No. 2006-052) transferring \$4,167.00 from the Board's Reserve for the TJPED membership fee for FY '06; one appropriation (No. 2006-053) totaling \$9,458.47 reappropriating fund balances and current year proceeds received in the Drug Seized Assets accounts; two appropriations (No. 2006-054 and No. 2006-055) totaling \$124,188.00 for grants awarded to the

Commission on Children and Families; and, one appropriation (No. 2006-056) in the amount of \$28,000.00 funding the Citizen Survey.

Staff recommends approval of the FY 2006 Budget Amendment in the amount of \$571,375.28 after the public hearing, and then approval of Appropriations No. 2006-044, No. 2006-045, No. 2006-046, No. 2006-047, No. 2006-048, No. 2006-049, No. 2006-050, No. 2006-051, No. 2006-052, No. 2006-053, No. 2006-054, No. 2006-055, and No. 2006-056 to provide funds for various General Government, School, and ECC programs as described in Attachment A.

Appropriation No. 2006-044, \$ 16,710.29. At its meeting on February 9, 2006, the School Board approved the following appropriation: A scholarship fund was set up for Kelly Watt, graduate of Albemarle High School in 2005. At the time the fund was set up, the money was collected at the school with the intention of transferring it to the Charlottesville-Albemarle Community Foundation. The parents of Kelly Watt and staff at Albemarle High School support this transfer to the Foundation. The school system may not make a donation to another charitable organization. This appropriation will transfer the funds from the School Fund to the General Fund at which time the funds will be transferred to the Charlottesville-Albemarle Community Foundation.

Appropriation No. 2006-045, \$ 1,000.00. At its meeting on February 12, 2006, the School Board approved the following appropriation: Monticello High School received two donations totaling \$1,000.00: \$500.00 from The Oak Hill Fund and \$500.00 from Jeff and Mary Adams. It has been requested that these donations go toward the needs of the marching band at Monticello High School.

Appropriation No. 2006-046, \$ 4,175.22. The records management system at the Emergency Communications Center requires a software upgrade totaling \$4,175.22. The cost of this upgrade will be shared equally between the City of Charlottesville and the County. The County's share, \$2,087.61, will be funded from existing CIP funds.

Appropriation No. 2006047, \$ 48,623.00. The Department of Social Services has received a continuation of the Family Access to Medical Insurance Security Plan (FAMIS) Keep 'em Covered Grant in the amount of \$48,623.00. The FAMIS Plan provides Medicaid-like benefits to uninsured children. These grant funds provide for a dedicated worker to serve the community on behalf of this program. There is no local match.

Appropriation No. 2006 048, \$ 199,245.00. The Department of Criminal Justice has awarded the Albemarle County Police Department a grant in the amount of \$199,245.00 to assist in the training of public safety officials as well as educating the public in matters concerning terrorism. Examples of fund usage may include interactive web sites, additional IT support, and linking officers with lap tops for record/information sharing. There is no local match.

Appropriation No. 2006-049, \$ 29,983.00. The Department of Social Services has received funding through the Family Treatment Court for a part-time position. This funding is provided by a Federal Bureau of Justice Grant and will provide for a primary case manager for foster children whose parent(s) are involved in the Family Treatment Court Program. This case manager will coordinate substance abuse services through Region Ten, attend weekly Family Treatment Court meetings, as well as monitor and encourage parents' compliance with substance abuse treatment. Piedmont Court Appointed Special Advocates (CASA) will serve as the fiscal agent for this grant. The local match of \$3,680.00 will be funded from the existing Social Services budget.

Appropriation No. 2006-050, \$ 10,600.00. The Department of Social Services has received a continuation of funding provided by the Virginia Community Corps via a Federal grant in the form of the AmeriCorps Program. The AmeriCorps worker will serve the Adult Division of Social Services to help achieve the following strategic goals of the agency: Develop and implement strategies focused on preventing and early intervention and ensuring that all services meet the needs of the change demographics of the Community Corps.

AmeriCorps is a network of national service programs that engage more than 50,000 Americans each year in intensive service to meet critical needs in education, public safety, health, and the environment. AmeriCorps members serve through more than 2,100 non-profits, public agencies, and faith-based organizations. They tutor and mentor youth, build affordable housing, teach computer skills, clean parks and streams, run after-school programs, and help communities respond to disasters. Created in 1993, AmeriCorps is part of the Corporation for National and Community Service, which oversees Senior Corps and Learn and Serve America.

Appropriation No. 2006-051, \$ 83,642.30. At its meeting on January 26, 2006, the School Board approved the following appropriations:

- Monticello High School received a donation in the amount of \$1,000.00 from the Frederick S. Upton Foundation. This donation was made to match a previous donation made by Sarah DuPont. It has been requested that this donation be used for the educational needs of Monticello High School students.
- B.F. Yancey Elementary School received a donation in the amount of \$250.00 from Sentry Electric Company. It has been requested that this donation be used to help fund a field trip for B.F. Yancey students.

- In 2004, the Virginia Department of Education approved a new scientific calculator for use on the 6th, 7th, and 8th grade Standards of Learning assessments starting May 2006. Federal funds have recently become available to help school divisions implement the statewide Standards of Learning assessment system. The assessment funds can be used to purchase new scientific and graphing calculators, repair non-functioning calculators, or to purchase calculator batteries. The grant distribution for Albemarle County Public Schools is \$5,166.06 based on Title I eligibility.
- “Families in Crisis” is funded under the McKinney-Vento Homeless Education Assistance Improvement Act, Title X, Part C, of the No Child Left Behind Act of 2001. The program is designed to identify students eligible under the Act and provide support services needed to assure their continued success in school. Funding for FY '05/06 was increased by \$13,000.00 from the original budget amount of \$12,000.00 due to an increase in the amount awarded by the State in a new competitive grant cycle. The funds will be used to provide additional services, including tutoring for the increasing number of homeless students living in the Albemarle County school district or being forced to move out of the district because of circumstances beyond their control. In addition, The Dave Matthews Band's Bama Works fund in the Charlottesville Area Community Foundation has awarded the Albemarle County Schools “Families in Crisis” program \$2,500.00 to provide food, school supplies, clothes, books and emergency needs for homeless families in the Albemarle region. Two thousand dollars of the money will be used to purchase forty - \$50 gift certificates so that the students and their families can pick out exactly what they need with no stigma attached. The remaining funds will be spent for books for students and family members attending Adult ESL or GED classes, field trip fees, or other emergency needs. Emergency needs include purchasing and delivering items such as food, water, propane, and other items, and temporary after school fees to assure that students remain in a safe environment if needed.
- The Reading First grant is a Federally-funded program designated for Benjamin F. Yancey Elementary School. The grant funds support a comprehensive K-3 reading instructional program and the implementation of prevention and intervention services to include: hiring a literacy coordinator to work with staff to provide high quality research based classroom reading instruction in grades K-3, purchasing research based instructional materials to be used for reading instruction in K-1, providing professional development related to implementing the research based reading instructional materials purchased, purchasing research based intervention materials to be used for reading intervention in grades 2 and 3 classrooms and purchasing a variety of pleasure reading books for students to read in addition to those books read during core reading instruction time. Funding for FY '05/06 was increased by \$57,163.70 from the original budget amount of \$100,000.00. Additional funds were requested in order to provide supplemental materials to students reading well above grade level. This is an area that was previously lacking in the Voyager program at Yancey. By providing this additional component, instruction will be more rigorous for these students. In addition to these materials, teacher resource kits were purchased to assist professional development in the area of phonics. After reviewing recent data, the need for additional focus in this area is evident. This funding provides each teacher with a starter kit to support both instruction and professional knowledge in the area of phonics.
- Woodbrook Elementary School received a donation in the amount of \$500.00 from Sarah and John Lloyd. It was requested that these funds be used for the EDGE (Extended Day Generates Excellence) program at Woodbrook Elementary School.
- V.L. Murray Elementary School received a donation in the amount of \$256.25 from Lower Dryad Music. It has been requested that this donation be used toward cultural enrichment activities at V.L. Murray Elementary School.
- The Partner in Character Education Grant has a fund balance from FY '04/05 in the amount of \$3,806.29. These funds will help support K-12 character education programs.

Appropriation No. 2006-052, \$4617.00. On February 8, 2006, the Board voted to join the Thomas Jefferson Partnership for Economic Development. This appropriation, from the Board of Supervisors' Reserve, provides the one-third year membership fee in the amount of \$4,617.00 to cover the period of March 1 through June 30, 2006.

Appropriation No. 2006-053, \$9,458.47. The Police Department receives proceeds from the sale of drug seized assets through State and Federal programs. These accounts had fund balances totaling \$8,837.88 from FY '05 and they have received \$620.59 in additional revenue during FY '06. Proceeds in these accounts will be used for supplies and equipment related to drug enforcement.

Appropriation No. 2006-054, \$49,389.00. The Charlottesville/Albemarle Commission on Children and Families (CCF) has been awarded a reimbursement grant of \$49,389.00 from the National Children's Alliance to pilot a Children's Advocacy Center for Albemarle County and the City of Charlottesville. The purpose of a Children's Advocacy Center is to provide a comprehensive, culturally competent, multidisciplinary team response to allegations of child abuse or victimization in a dedicated setting, resulting in improved outcomes for child victims and improved accountability for perpetrators. The funds will be used to support and train a part-time case manager and a part-time forensic interviewer. This position will be housed at and supervised by CCF pending attaining non-profit status. No local funds are required.

Appropriation No. 2006-055, \$74,799.00. The Charlottesville/Albemarle Commission on Children and Families (CCF) has been awarded a reimbursement grant of \$74,799.00 from the Virginia Department of Health and Human Services to pilot a Children's Advocacy Center – the Foothills Child

Advocacy Center. The funds will be used to support a CAC Coordinator, provide training to police and social workers, and some equipment needs. The Coordinator will provide Case Management Services and will serve as staff of the pilot CAC. This position will be housed at and supervised by CCF pending attaining non-profit status. No local funds are required.

Appropriation No. 2006-056. \$28,000.00. Preliminary work on the Citizen Survey will begin in FY '05/06. This appropriation provides \$28,000 in funding from the General Fund Balance.

With no questions for staff, 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. Wyant **moved** to approve the FY 2006 Budget Amendment as advertised in the amount of \$571,375.28, and to approve the following appropriations. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2006-044  
 DATE: 03/01/06  
 EXPLANATION: Transfer of Kelly Watt Scholarship Fund to Charlottesville-Albemarle Community Foundation

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	16,710.29		
1	2431	93010	930009	Transfer to G/F	J1	16,710.29		
2	1000	51000	512000	Tr Fm Other Funds	J2	16,710.29		
1	1000	59000	560000	Cont to other entities	J1	16,710.29		
			0501	Est Revenue			16,710.29	
	2000		0701	Appropriation				16,710.29
			0501	Est Revenue			16,710.29	
	1000		0701	Appropriation				16,710.29
TOTAL						66,841.16	33,420.58	33,420.58

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2006-045  
 DATE: 03/01/06  
 EXPLANATION: Education Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	1,000.00		
1	2304	61101	601300	Ed/Rec Supplies	J1	1,000.00		
			0501	Est. Revenue			1,000.00	
			0701	Appropriation				1,000.00
TOTAL						2,000.00	1,000.00	1,000.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2006-046  
 DATE: 03/01/06  
 EXPLANATION: ECC Records Management System Software Upgrade

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	4105	16000	160547	City of Charlottesville	J2	2,087.61		
2	4105	16000	160548	County of Albemarle	J2	2,087.61		
1	4105	31061	950191	Records Mgmt System	J1	4,175.22		
			0501	Est. Revenue			4,175.22	
			0701	Appropriation				4,175.22
TOTAL						16,700.88	0.00	0.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2006-047  
 DATE:  
 EXPLANATION: Keep 'em Covered Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1565	24000	240615	State Revenue	J2	16,531.82		
2	1565	33000	330029	Federal Revenue	J2	32,091.18		
1	1565	53155	110000	Salaries	J1	39,632.00		
1	1565	53155	210000	FICA	J1	3,283.00		
1	1565	53155	301210	Contract Services	J1	2,900.00		
1	1565	53155	520100	Postal Services	J1	115.00		
1	1565	53155	550100	Travel/Training/Ed	J1	900.00		
1	1565	53155	600100	Office Supplies	J1	793.00		
1	1565	53155	601700	Copy Expenses	J1	1,000.00		
			0501	Est. Revenue			48,623.00	
			0701	Appropriation				48,623.00
TOTAL						97,246.00	48,623.00	48,623.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2006-048  
 DATE: 03/01/06  
 EXPLANATION: Law Enforcement Terrorism Protection Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1523	33000	300001	Federal Revenue	J2	199,245.00		
1	1523	31013	110000	Salary	J1	45,990.30		
1	1523	31013	210000	FICA	J1	3,809.70		
1	1523	31013	550403	Training	J1	13,000.00		
1	1523	31013	800700	ADP Equipment	J1	136,445.00		
	1523		0501	Est Revenue			199,245.00	
			0701	Appropriation				199,245.00
TOTAL						398,490.00	199,245.00	199,245.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-049  
 DATE: 03/01/06  
 EXPLANATION: Family Treatment Court Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1562	33000	330029	Federal Revenue	J2	26,303.00		
2	1562	51000	512004	Transfer from G/F	J2	3,680.00		
1	1562	53158	110000	Salaries	J1	19,570.00		
1	1562	53158	210000	FICA	J1	1,497.00		
1	1562	53158	221000	VRS	J1	953.00		
1	1562	53158	231000	Health Insurance	J1	1,761.00		
1	1562	53158	332104	Computer Maint	J1	800.00		
1	1562	53158	520300	Telecommunication	J1	737.00		
1	1562	53158	540200	Lease/Rent Bldgs	J1	1,162.00		
1	1562	53158	600100	Office Supplies	J1	533.00		
1	1562	53158	800100	Office Equipment	J1	270.00		
1	1562	53158	800700	Computer Costs	J1	2,700.00		
			0501	Est Revenue			29,983.00	
			0701	Appropriation				29,983.00
1	1000	53013	570610	Adoption Subsidy	J1	(3,680.00)		
1	1000	53013	939999	Transfer to Grants	J1	3,680.00		
TOTAL						59,966.00	29,983.00	29,983.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-050  
 DATE: 03/01/06  
 EXPLANATION: AmeriCorps Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1566	33000	330001	Federal Revenue	J2	9,010.00		
2	1566	51000	512004	Transfer from G/F	J2	1,590.00		
1	1566	53156	110000	Salaries	J1	9,789.00		
1	1566	53156	210000	FICA	J1	811.00		
			0501	Est. Revenue			10,600.00	
			0101	Appropriation				10,600.00
1	1000	53013	570610	Adoption Subsidy	J1	(1,590.00)		
1	1000	53013	939999	Transfer to Grants	J1	1,590.00		
TOTAL						21,200.00	10,600.00	10,600.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-51  
 DATE: 03/01/06  
 EXPLANATION: Education Programs and Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	2,006.25		
2	3146	51000	510100	Approp - F/B	J2	3,806.29		
2	3302	33000	330001	Federal Grant Rev	J2	57,163.70		
2	3304	18000	189900	Miscellaneous Rev	J2	2,500.00		
2	3304	33000	330001	Federal Grant Rev	J2	13,000.00		
2	3308	33000	330001	Federal Grant Rev	J2	5,166.06		
1	2212	61101	601300	Inst/Rec Supplies	J1	500.00		
1	2213	61101	550400	Travel-Education	J1	250.00		
1	2215	61411	580000	Misc. Expense	J1	256.25		
1	2304	61101	601300	Inst/Rec Supplies	J1	1,000.00		
1	3146	61311	550100	Travel-Mileage	J1	400.00		
1	3146	61311	580500	Staff Development	J1	1,900.00		
1	3146	61311	601300	Materials	J1	1,506.29		
1	3302	61101	112100	Salaries-Teacher	J1	4,866.00		
1	3302	61101	160300	Stipen-Stf/Cur Dev	J1	6,600.00		
1	3302	61101	210000	FICA	J1	450.25		
1	3302	61101	221000	VRS	J1	553.49		
1	3302	61101	601300	Inst/Rec Supplies	J1	44,693.96		
1	3304	61101	132100	PT/Wages-Teacher	J1	8,500.00		
1	3304	61101	210000	FICA	J1	650.00		
1	3304	61101	550100	Travel-Mileage	J1	1,000.00		
1	3304	61101	580000	Misc. Expense	J1	350.00		
1	3304	61101	580500	Staff Development	J1	250.00		
1	3304	61101	600200	Food Service	J1	250.00		
1	3304	61101	601300	Inst/Rec Supplies	J1	4,000.00		
1	3304	61101	601700	Copy Supplies	J1	500.00		
1	3308	61101	601300	Educational Supp	J1	5,166.06		
	2000		0501	Est. Revenue			2,006.25	
			0701	Appropriation				2,006.25
	3146		0501				3,806.29	
			0701					3,806.29
	3302		0501				57,163.70	
			0701					57,163.70

3304	0501	15,500.00	
	0701		15,500.00
3308	0501	5,166.06	
	0701		5,166.06
TOTAL		167,284.60	83,642.30
			83,642.30

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-052  
 DATE: 03/01/06  
 EXPLANATION: Thomas Jefferson Partnership for Economic Development membership

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	11010	580100	Dues & Mbrships	J1	4,167.00		
1	1000	95000	999990	Contingency	J1	(4,167.00)		
TOTAL						0.00	0.00	0.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-053  
 DATE: 03/01/06  
 EXPLANATION: Drug Seized Assets

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1234	24000	240403	State Drug Asset Seizure	J2	65.34		
2	1234	51000	510100	Approp. - F/B	J2	1,664.39		
1	1234	39000	580902	Drug Seizure Assets	J1		1,729.73	
			0501	Est. Revenue			1,729.73	
			0701	Appropriation				1,729.73
2	1236	24000	240403	State Drug Asset Seizure	J2	446.40		
2	1236	51000	510100	Approp. - F/B	J2	1,116.10		
1	1236	39000	580905	State Drug Asset Seizure	J1	1,562.50		
			0501	Est. Revenue			1,562.50	
			0701	Appropriation				1,562.50
2	1235	33000	330205	Federal Drug Seized Assets	J2	108.85		
2	1235	51000	510100	Fund Balance	J2	6,057.39		
1	1235	39000	580905	State Drug Asset Seizures	J1	6,166.24		
			0501	Est. Revenue			6,166.24	
			0701	Appropriation				6,166.24
TOTAL						18,916.94	9,458.47	9,458.47

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-54  
 DATE: 03/01/06  
 EXPLANATION: National Children's Alliance Children's Advocacy Center Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1570	33000	330001	Federal Grant	J2	49,389.00		
1	1570	53159	110000	Salaries	J1	31,500.00		
1	1570	53159	210000	FICA	J1	2,410.00		
1	1570	53159	221000	VRS	J1	0.00		
1	1570	53159	231000	Health Insurance	J1	5,765.00		
1	1570	53159	232000	Dental Insurance	J1	200.00		
1	1570	53159	520300	Telecommunication	J1	1,000.00		
1	1570	53159	540200	Rent	J1	2,000.00		
1	1570	53159	550100	Travel	J1	3,014.00		
1	1570	53159	600100	Office Supplies	J1	500.00		
1	1570	53159	800200	Furniture & Fixtures	J1	1,000.00		
1	1570	53159	800330	Computer Equip	J1	2,000.00		
			0501	Est. Revenue			49,389.00	
			0701	Appropriation				49,389.00
TOTAL						98,778.00	49,389.00	49,389.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-055  
 DATE: 03/01/06  
 EXPLANATION: Virginia Health & Human Services Children's Advocacy Center Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1569	24000	240545	State Grant	J2	74,799.00		
1	1569	53157	110000	Salaries	J1	37,500.00		
1	1569	53157	160305	Stipend-Proj Eval	J1	1,000.00		
1	1569	53157	210000	FICA	J1	2,858.00		
1	1569	53157	221000	VRS	J1	4,553.00		
1	1569	53157	231000	Health Insurance	J1	4,872.00		
1	1569	53157	232000	Dental Insurance	J1	200.00		
1	1569	53157	350000	Printing	J1	1,476.00		
1	1569	53157	360000	Advertising	J1	864.00		
1	1569	53157	520100	Postal Services	J1	550.00		
1	1569	53157	520300	Telecommunication	J1	1,000.00		
1	1569	53157	540200	Rent	J1	2,000.00		
1	1569	53157	550100	Travel	J1	11,426.00		
1	1569	53157	600100	Office Supplies	J1	1,500.00		
1	1569	53157	800200	Furniture & Fixtures	J1	3,000.00		
1	1569	53157	800330	Computer Equip	J1	2,000.00		
			0501	Est. Revenue			74,799.00	
			0701	Appropriation				74,799.00
TOTAL						149,598.00	74,799.00	74,799.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-056  
 DATE: 03/01/06  
 EXPLANATION: Funding for Citizens Survey

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	12010	312390	Citizens Survey	J1	28,000.00		
2	1000	51000	510100	Contingency	J2	28,000.00		
	1000		0501	Est. Revenue			28,000.00	
	1000		0701	Appropriation				28,000.00
					TOTAL	56,000.00	28,000.00	28,000.00

Agenda Item No. 11. Development Review Process.

Mr. Mark Graham, Director of Community Development, said this is a continuation of the February 1, 2006, work session when the Board tentatively agreed to proceed with the formation of a Task Force that would focus on legislative review processes. Staff was asked to develop guidelines for the establishment of the Task Force to be considered at this meeting. The Board indicated they were interested in discussing the following related to the work of the Task Force: A general charge; membership; scope of the review; and, desired outcomes. In addition, the Board discussed the anticipated staff workload impacts in supporting the Task Force. Based on that discussion in February, staff offers the following proposed guidelines and clarifications regarding the work of the Task Force:

**CHARGE:** At the work session on February 1, staff reviewed 2005 work sessions on process improvement and previous direction given to staff regarding improvements. Related to this Task Force, staff asked if it should start with the work that staff has done to date or should it start anew. Based on the Board's general discussion and specific direction that the Task Force should focus on the legislative review process, staff offers the following draft charge for consideration by the Board: *"Using the existing staff work on process improvements as a starting point, the Task Force will review and assess the current legislative review process for improvements in efficiency, effectiveness, quality and adequate public participation."*

**MEMBERSHIP:** Mr. Boyd has recommended that the Task Force include two Board members, one Planning Commissioner, two Community representatives, two Development representatives, the County Executive, and a representative from the Darden School. Mention was made of adding a second Planning Commissioner but the desire is to keep this committee small to improve effectiveness, but no final decision was made regarding the final makeup of the Task Force. After the general makeup of the Task Force is decided, the process for the appointment of specific individuals will need to be determined by the Board.

**SCOPE OF THE REVIEW:** At the February 1 work session, the Board indicated the Task Force should focus on improving the legislative review process, but should not alter policy regarding the scope of legislative reviews. With regard to process improvements, the Board mentioned that the following should be considered by the Task Force: *Public Input Process; Timeliness of Review; Quality of Review; Quality of Approved Plans; Complexity of Review, Thoroughness of Review, Clarity of Expectations in Review, Ease of the Review Process, Efficiency of the Review Process, and Review processes in the Rural Areas -vs- Development Areas.*

To this list, staff would suggest that the Task Force also consider resources that may be necessary to implement any proposed changes and, if additional resources are needed, whether changes to current development fees should be considered.

**OUTCOMES:** Staff noted that the Board was interested in the Task Force presenting recommendations for process improvements within six months. Staff has drafted the following outcomes for consideration: *"Within six months of the first Task Force meeting, present to the Board of Supervisors a set of recommendations that address the charge of the Task Force and the issues considered."*

As a part of the Board's discussion of outcomes and the six-month timeline, Mr. Slutzky has expressed an interest in assuring that the Rural Area Plan strategies and potential ordinance amendments be considered at the same time as recommendations regarding potential changes to the legislative review process. After discussion of this issue, staff was uncertain about the Board's intent regarding the timing of consideration of the rural area strategies. Currently, staff is scheduled to provide information from the Planning Commission on strategies for Rural Area implementation in June.

Finally, also at the February 1 work session, staff discussed a five-year work plan for Community Development and how support for the Task Force could impact that work plan. Until the Task Force has begun its work, it is difficult to anticipate what information and/or assistance may be needed. In starting this work, staff anticipates the Task Force will desire considerable staff assistance in getting established, providing background materials, and educating members on current processes. Staff believes the Board indicated the following work plan items could be postponed, to provide adequate support to the Task Force: Comprehensive Plan Updates – Economic Development Policy; Comprehensive Plan Implementation – Country Stores, Critical Slopes; Other – there was uncertainty as to whether or not the Board was willing to delay the Migrant Farm Workers ordinance amendment for support of the Task Force.

Staff notes that postponing these items may have a “trickle down” effect. If a work plan item is postponed, the starting time for subsequent items will likely also be deferred. It is anticipated the Task Force will require staff resources to provide background materials and education on current processes, but any additional costs cannot be estimated at this time. Staff recommends that the Board: (1) finalize the charge, scope of review, and outcomes for the proposed Task Force; (2) confirm or clarify the changes to the work plan in light of this new effort; and (3) determine the make up of the Task Force and the process to be used in making appointments.

Mr. Dorrier asked how this committee will interact with the Rural Area Study.

Mr. Boyd said they are two separate things. They are not together. He thinks Mr. Slutzky wants them to be in tandem and parallel.

Mr. Slutzky said when this Task Force reports its finding and makes recommendations to the Board, he would like for the Board to also consider the County’s efforts to put together an ordinance for Mountain Protection, phasing and for clustering so they are all considered at the same time because they are all inherently linked. It is his recommendation that whenever output is received from this Task Force that the Board vote on it simultaneously with the proposed three ordinances. It would be easier for him to vote on all of them as a package.

Mr. Dorrier said they “may be ships passing in the night” if they are working independently of the other. He was thinking there should be some interaction.

Mr. Slutzky said the interaction would happen by having staff manage the two processes, with the goal being to have them wrap up at the same time. Mr. Tucker said the Board controls when they want to hear items.

Mr. Slutzky said if the Board signals staff now that it wants to hear them on the same day then staff can do what it can to make that happen. He asked if any member of the Board objected to having that happen.

Mr. Boyd said he does not object, but thinks they will be on separate timeframes. Even if this starts next month, it will be September before it is completed, and it looks like the other group will be finished sooner.

Mr. Slutzky said he would be comfortable waiting.

Ms. Thomas said she does not think they will be ready sooner.

Mr. Wyant agreed.

Mr. Davis said he understands the Planning Commission schedule will bring the conceptual approach to the Board in May or June for phasing and clustering and perhaps mountain protection. That will not include having an ordinance that has gone to public hearing.

Mr. Slutzky asked how much time it would take to get an ordinance if the Board received that information in June. Mr. Davis said it depends on the amount of public input which could be significant in matters such as these. It takes a while to go through the Planning Commission. From a legal advertising standpoint, it could be done quickly; in a perfect environment, it would probably take 90 to 120 days to advertise, hold public hearings and get a recommendation. Experience will show that is an unrealistic timeframe and it will take much longer.

Mr. Slutzky said if there is not a lot of contention over the outcomes, it might be possible for the Board to have the three rural area protections ready by November assuming the Board actually likes what it gets in June. Mr. Davis said that is not impossible, but it is optimistic.

Mr. Boyd said the Task Force will not be dealing with ordinances, but more with the process.

Mr. Rooker said what the Task Force recommends may involve some changes in ordinances. Mr. Tucker said the Board can delay whichever comes first until the other catches up.

Mr. Slutzky said the Board may change its mind later, but he would like to know if the Board is comfortable at least guiding staff to ask how these things are linked temporally. He would like staff to know the Board does not expect to vote on one issue without voting on the others.

Mr. Rooker said he does not have a problem with that, but the Board needs to recognize that all parts may not be finished at the same time. He asked if any Board member had a problem with waiting to vote on all at the same time.

Mr. Boyd agreed, but said he was concerned that there may be too many issues to bundle them into one vote.

Mr. Slutzky said he thinks it is important to vote on the whole thing.

Mr. Boyd said he has no problem with “shooting for that.”

Mr. Rooker asked if Mr. Slutzky is suggesting that there be one final public hearing and then the Board vote on all of them at one time in one vote.

Mr. Davis said if they were all part of one ordinance that would be possible, but it is unlikely it would be structured that way. There would probably be several different ordinances that could all be voted on the same day, but probably not in one vote. It is possible that if they are initiated all together and written as one ordinance, the Board can do that.

Mr. Tucker said the Board might hold hearings separately and delay action on the hearing until all come to the Board at one time. He envisioned having three or four huge hearings. That would be difficult and confusing, but if the Board had a hearing, did what was legally required, then held off on taking action until all were ready, that might work.

Mr. Rooker said he does not think there would be a single ordinance encompassing all of these items.

Mr. Slutzky said there should be discreet ordinances which get through their independent processes, and the Board can then choose to vote on the amendments. Mr. Davis said that would take place on the same day. Mr. Slutzky said he thinks it could be in the same vote. Mr. Davis said that is not possible, each ordinance must be voted on separately because one legislative action cannot be bound to another legislative action. Each ordinance requires a legislative action.

Mr. Dorrier said there will be work sessions on each of these ordinances. They may be at "different speeds" and one might be deferred and another modified, and another readvertised. He said the Board is guessing at what it will do six months from now.

Mr. Davis said they could all be called up on the same day for a vote. A vote could be delayed on any ordinance that had gotten to the Planning Commission, or even gotten a Board public hearing, until the Board was ready to vote on them all in the same day. That is possible.

Mr. Rooker said he thinks that is as far as the Board can take the process today. He said there are recommendations before the Board today. He suggested looking at them one by one. First would be to finalize the charge, scope of review and outcomes of the proposed Task Force. He asked if the Board members were comfortable with staff's recommendation for that component.

Mr. Boyd said words could be parsed, but he thinks the recommendation covers all of the areas.

Mr. Rooker suggested taking a vote to accept staff's recommendation on the charge, scope of review and outcomes of the Task Force. He asked for a motion.

Mr. Wyant **moved** to accept the Charge, Scope of the Review, and Outcomes as recommended by staff. Mr. Boyd **seconded** the motion.

Ms. Thomas commented that she still thinks this is a waste of both staff and citizen time, but since the Board has decided to do it, she will vote for the charge.

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

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

NAYS: None.

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Mr. Rooker said the next recommendation from staff is to confirm or clarify the changes to the Work Plan in light of this new effort. He said the Work Plan is included as a part of the staff report for this item. Mr. Tucker said the Board went over that plan in detail last month.

Mr. Graham said he wanted to be sure the Board understood this will delay implementation on those measures. He added that there is a question about the migrant farm worker zoning text amendment. Staff has a draft of that ordinance change and is ready to go public. He said it probably will not be delayed, but there are two other zoning text amendments which would be delayed. That has a ripple effect because the activities that would be subsequent to those would also ultimately be delayed.

Mr. Wyant asked about the critical slopes issue mentioned. Mr. Graham said that is a change recommended in the Neighborhood Model. There are certain critical slopes being administrated that probably would not be administered, such as manmade critical slopes.

Mr. Rooker asked if any of the Board members had a question about the changes in the Work Plan as outlined by staff.

Mr. Slutzky said he assumes that if the demands on staff time with this process turn out to be higher than expected, Mr. Graham will let the Board know that fact. Similarly, if they don't take as long as expected, the Board will be informed of that fact also. Mr. Graham said what staff has presented is only its best guess as to how the process will go.

Mr. Rooker said if the Board is comfortable with this one, he would ask for a motion.

Mr. Boyd **moved** to accept the changes in the Work Plan in light of this new effort, as recommended by staff. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

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Mr. Rooker said the third recommendation is to determine the makeup of the Task Force and the process to be used in making appointments. He commented that Mr. Boyd's suggested committee makeup would include two Board members, one Planning Commissioner, two community representatives, two development representatives and the County Executive.

Mr. Boyd said one other person would be someone from the Darden School who could serve as facilitator.

Ms. Thomas said she thinks it would be difficult for someone from outside of the process, such as a Darden School representative, to be part of the Task Force although they might have good general ideas about how processes can move faster. When she was in Richmond yesterday she picked up a study done by DEQ on its full permitting process and she brought it along thinking it might be a useful document to view. Although there are many resources in the community, she questions whether bringing in a representative from Darden is the right way to utilize that resource.

Mr. Boyd said originally he thought about bringing in more help to facilitate the process. But it does not work out semester wise. He has spoken with the Darden School and has found someone who is willing to do it, and he would view this person as being a facilitator.

Ms. Thomas said that is a good reason not to have that person be a part of the Task Force. She thinks it will be hard to bring that person "up to speed."

Mr. Slutzky said the Board talked previously about having a Darden person or someone from the planning department or the architecture school because of their knowledge of these processes that may be more significant than the folks at Darden would know about. He would propose that instead of saying "Darden" to say "an appropriate university person." When the Board goes into closed session and talks about individuals, the niche that person would fill out, can be decided. He thinks the scope of this task force should include some appropriate expertise from the University community.

Mr. Rooker said he thinks that is a good suggestion. He said in the past where there have been a series of meeting, it often ended up with everybody not making every meeting. He would like to have two people from the Commission and add one or two additional community representatives.

Mr. Slutzky said he is not uncomfortable with that, but the caveat about the community representatives is that he does not want the body to become cumbersome and large.

Mr. Boyd said that is also his concern.

Mr. Slutzky said in principle he thinks there is a lot to be said for gathering as much public participation in the process as possible. He does not object to three or four being the number from the community and he agrees with having a second Commissioner.

Mr. Dorrier asked if the idea is to have representation from groups in the community such as the Farm Bureau, PEC or is the Board getting away from that.

Mr. Boyd said that was not the thought.

Mr. Rooker said when applications are received, the Board can look at what type of balance it is trying to achieve with the membership. He thinks the idea is to get the best applicants from the community at large rather than designating specific slots in advance. He asked if that is the understanding.

Mr. Boyd said "yes." However, if this task is to be completed in six months it has to be a manageable group of people, so he does not want to increase the size of the committee. His intent all along has been to make it completely open to the public and have some community input meetings where all of the people who represent different interests from the different neighborhoods would have a chance to come in and speak with this group. If the committee is not kept to a small membership, he thinks it will get off of the task it is supposed to do. It is not going to set policies, but look at the whole function of neighborhood planning in the process, and see how it might be improved.

Mr. Rooker said he agrees. He said the number one item on the list has to do with the public input process and he thinks members of the community at large may have something to add to that.

Mr. Boyd said he agrees, but he does not think all the diverse opinions in the community will be covered just because there are four community members instead of two.

Mr. Rooker said he is suggesting that the number be increased; it does not have to be four. He asked if everybody would agree to increase the number to three.

Mr. Boyd asked if that would be eleven members on this task force.

Mr. Rooker said he does not believe that all eleven people will attend a meeting. He thinks there might be only seven or eight.

Mr. Boyd said he would like to have the process laid out with dates for the members of the committee. He then moved to set the committee membership to include two Board members, two Planning Commissioners, three community representatives, two development representatives, the County Executive or his designee, and a representative from the University community. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

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Mr. Rooker asked if the usual process of advertising for committee members and accepting applications is to be followed.

Mr. Boyd asked if the Board members can just make appointments without advertising.

Ms. Thomas said the Planning Commission could pick their two people.

Mr. Rooker asked if the Board wanted to discuss this in closed session.

Mr. Dorrier said if these appointments are advertised, it will put off the process for some time, and time is the factor involved here.

Mr. Boyd said he thinks the Board should just go ahead and make the appointments. He thinks that anyone who is interested in serving will get in touch with a Board member. He has already had people approach him about this.

Mr. Rooker asked if Mr. Boyd was suggesting that there be no advertisements for the community and development community members.

Mr. Boyd said he has no preference as long as it is done expeditiously.

Mr. Slutzky said he is in favor of moving this forward but does not see how it can be done creditably without advertising for the public participants and the developer community participants.

Mr. Rooker said the Board will advertise for those positions if the advertisement can be done expeditiously. Mr. Davis said the Clerk just informed him that the advertising process usually takes 30 days. That would extend it beyond the Board's next meeting date.

Mr. Slutzky asked if it can be truncated to a two-week period.

Ms. Thomas said there is irony in the fact that this committee is supposed to talk about citizen participation and the Board is truncating the process for people to put their names in.

Mr. Slutzky said he is eager to get on with the things that have been shifted. He is not sure there will be a different applicant pool for the extra two weeks.

Mr. Rooker said the advertising could be set so the applications were available for the April 5 meeting. That would give almost an entire month for the ad to run. He asked if everyone is comfortable with that. He asked if the Board wanted to vote on it now.

Mr. Wyant then **moved** to advertise immediately for the community representatives and the development representatives, applications to be closed at the end of the month. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

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Mr. Davis asked whether the Board intends to appoint the Planning Commission members or if it will ask the Commission to appoint two members.

Mr. Rooker said in the past the Board has asked the Commission to appoint their members. He said many of them serve on a lot of committees already.

Ms. Thomas said the Commission works so hard she wonders if the Board would let them appoint retired Planning Commission members. There are two recently retired members who were on the Commission for eight years. She is not suggesting that this Board tell them to do that, but she wonders if the Board would allow them to consider that.

Mr. Slutzky said he thinks it would be positive to allow them to use their own membership or retired members.

Mr. Rooker said he has no problem with that.

Mr. Boyd said he had no problem.

Mr. Rooker asked Mr. Davis if a formal motion is needed for this. Mr. Davis said it is different from the motion just adopted on membership, so he would suggest that there be another motion.

Mr. Wyant **moved** to amend his previous motion to allow former or current Planning Commission members to be selected by the Commission to serve. The motion was **seconded** by Mr. Boyd, and passed by the recorded vote which follows:

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

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Agenda Item No. 12. County Executive's Operating and Capital Budgets. Because the meeting was running behind schedule, this item was moved to the afternoon agenda.

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Agenda Item No. 13. Closed Session. At 12:30 p.m., **motion** was offered by Mr. Slutzky that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; and, under Subsection (7) to discuss the acquisition of property for a public facility.

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

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

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Agenda Item No. 14. Certify Closed Session. At 2:03 p.m., the Board reconvened into open session.

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

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

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

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Non-Agenda. **Motion** was offered by Mr. Wyant, **seconded** by Ms. Thomas, to approve the sales contract between Edwina Harris and the County of Albemarle dated February 17, 2006, to purchase approximately one acre of property and the improvements thereon located on Crozet Avenue for the price of \$370,000.

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

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

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Agenda Item No. 15a. Boards and Commissions - Appointments.

**Motion** was offered by Mr. Wyant to:

Appoint Ms. Valerie L'Herrou to the Housing Committee with said term to expire December 31, 2008.

Appoint Mr. Edwin Adam, Ms. Rachel Collier, Ms. Beverly Ergenbright, Mr. Russell (Mac) Lafferty, Mr. Michael Marshall, Mr. JoAnn Z. Perkins, Ms. Mary Rice, Mr. James L. Stork, Mr. Terry Tereskerz, Mr. Tim Tolson, Ms. Maria Warnock, Mr. David Wayland, Ms. Barbara R. Westbrook and Mr. Duane Zobrist to the Crozet Community Advisory Council with said terms to expire March 31, 2008

The motion was **seconded** by Ms. Thomas. Roll was called, and the motion passed by the recorded vote which follows:

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

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Mr. Boyd **moved** to approve the nomination of Mr. Robert W. Tucker, Jr. to serve on the Thomas Jefferson Partnership for Economic Development. Mr. Wyant **seconded** the motion.

Mr. Slutzky asked if the Board should empower a proxy to go in Mr. Tucker's place. Mr. Davis responded that the organization's by-laws don't permit substitution.

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

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

NAYS: None.

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Agenda Item No. 12. County Executive's Operating and Capital Budgets for FY 2006-07, Presentation of.

Mr. Tucker reported that the proposed operating budget for FY 2006-07 totals \$259.3 million, representing an increase of \$26.2 million, or 11.2 percent over the current year's budget. He pointed out that 63 percent (\$16.5 million) of the increase is attributed to the School Division budget which is one of the Board's top strategic plan priorities. Another 14 percent of that increase will go toward public safety initiatives which is also a high priority in the Strategic Plan. He said when the operating and capital budgets are combined they total \$295.9 million, all funded with the current tax rate at 74 cents per \$100 of assessed real estate value; personal property taxes remain at \$4.28 per \$100 of assessed value. He added that 10 cents of the real estate tax rate automatically goes to the City of Charlottesville (Revenue-Sharing Agreement).

Mr. Tucker said the budget is a financial plan or an implementing tool for the Comprehensive Plan, the Board's Strategic Plan, and for the Capital Improvements Program. He said Albemarle is in a continuing transition from a predominantly rural and suburban county to an urbanizing county, and is facing the kinds of challenges and services that small cities might face. He said the Comprehensive Plan is basically creating small cities. The population has moved to a point where more than 50 percent of the population is in those development areas, rather than spread out through the rural areas as it had been in the past.

Mr. Tucker noted that the first Comprehensive Plan was adopted in 1971. The focus at that time was to encourage development in designated development areas and preserve/protect the rural areas as much as possible. He added that 35 square miles of the County's 720 square miles are designated as development areas so in the other 690 square miles development is discouraged as much as possible to preserve that rural character. He said that is the challenge because unlike most communities – Chesterfield, Henrico, Loudoun which are allowing development to occur anywhere in their counties – Albemarle has diligently designated development areas for the last 35 years. He said it is a challenge to protect the rural areas and also provide urban viable communities.

Mr. Tucker said a lot of things provided in the budget now were not even considered for funding ten years ago. In 1997, there were only three paid firefighters, and this budget will bring that number to 54 paid fire and rescue personnel. He added that the volunteer fire and rescue operation had about \$760,000 allocated just 10 years ago, and that number will be \$1.5 million in this budget. In 1997 there were 111 full-time police officers, and this budget calls for 147. He reported that the County spent \$321,000 on public transportation in 1997, and this budget includes almost \$1.0 million. There was no contribution made to housing 10 years ago, and the County now gives \$250,000 annually to the County's Housing Trust Fund. He said the Board has made a major commitment in the last couple of years toward roads/transportation. Ten years ago, the County tried to put \$400,000 to \$500,000 into the VDOT Revenue-Sharing program, but this next fiscal year that amount will be at almost \$2.5 million. Infrastructure costs have increased from \$61,000 in 1997 to \$1.4 million. The ACE program did not even exist 10 years ago, and the County's annual \$1.0 million contribution over the last six years has eliminated over 200 development rights and protected over 3,100 acres. He said the County has other partners who are working to put land into conservation easements.

Mr. Tucker said he listed in his budget message the progress which has been made in fulfilling Strategic Plan Goals. He wanted to mention the six major goals recently adopted by the Board. Under "Provide High Quality Education and Lifelong Learning" \$91.2 million is being transferred to School Fund operations, a \$10.2 million (12.2%) increase. Also in the capital budget for Schools, \$13.4 million is being allocated for school projects this next fiscal year with most of that going toward the Monticello High School auditorium as well as a new addition on Cale Elementary School. With regard to the goal for "Enhancing the County's Natural Resources", the County will be providing ongoing funds whereas it had been allocating funds from the Reserve or Carry-over Funds. There will be ongoing support up to \$1.0 million for the ACE Program. He said the County is providing \$640,000 for the Ivy Landfill environmental needs as well as an expanded Stormwater Program for about \$650,000, both of which are Federally and State mandated.

Mr. Tucker said "Promoting Public Safety" is a high goal for the Board. This budget recommends approximately \$5.5 million toward public safety efforts. This Board finishes the funding for the proposed Northside Fire Station which will be located on Airport Road between the Airport and Route 29 North. Significant funds are provided to go toward the first phase of planning a fire station on Pantops and in Ivy as well as purchasing capital equipment for the volunteer fire departments and fire rescue training facility. All of these initiatives are recommended to continue improving the emergency response times. For the Police Department, the goal/standard to provide sworn officers has been met at a cost of about one-half million dollars. Also provided is an additional investigator for the Police Department and an animal control officer.

Mr. Tucker said regarding the goals for "Quality of Life" and "Affordable Housing", about \$3.6 million is allocated in the CIP for the Crozet Library, and \$2.0 million for the indoor recreational program that is a partnership with the YMCA and Piedmont College (PVCC). The County is also funding \$250,000 each year for the Affordable Housing Trust Fund and Piedmont Housing Alliance.

Mr. Tucker said regarding "Urban Infrastructure" in the master planning areas, particularly in Crozet and the next plan for Places29, next year there is \$824,000 in the CIP committed for sidewalks, neighborhood planning, roadway landscaping, and other urban-type services the public is demanding.

Mr. Tucker reported that in regard to the goal where "Effectiveness and Efficiency" are stressed, staff provided a report to the Board late last year in which staff documented \$750,000 in one-time savings, \$500,000 in ongoing savings, as well as 5,800 hours that were saved and redirected toward higher priority projects. He said that hopefully by July 1, 2006, the new business systems will be online. He said Access Albemarle will provide online payments for citizens and will provide them the ability to make applications online for land use permits, for reserving parks and recreation shelters, dog licenses, employment applications, etc. He said about \$900,000 has been set aside in the Board's Reserve Fund to use at its discretion to provide funds for some other activity, reduce the tax rate if that is the desire of the Board, or move those funds directly to capital. He said staff is monitoring revenues on a weekly basis so he should have an update when the budget work sessions begin on March 13. Staff is also monitoring what is happening at the General Assembly particularly in regard to the PPTR program.

Mr. Tucker concluded by saying this budget supports the Board's Vision that Albemarle County is a community that offers a high quality of life and preserves its natural resources and visual beauty for future generations.

Mr. Rooker thanked Mr. Tucker for the presentation, and asked if any Board member had a question.

Ms. Thomas commented that this is the first time the School Board has brought forth with a balanced budget. Mr. Tucker said it is the first time that has happened since there has been an elected school board. Ms. Thomas said she appreciates their efforts.

Mr. Tucker noted that the first public hearing on the budget will be held next week at Monticello High School.

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Agenda Item No. 16. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Thomas reported that she went to Richmond yesterday to the General Assembly and would like to make a report. She said the Commonwealth realizes it does not have an energy policy. She thinks everyone would encourage them to draft such a policy, but as often happens, when these questions get to Richmond they decide that local government has no role to play. So, the siting of things like wind towers and oil storage facilities were all to be sited irrespective of what local zoning might be. She said the State Corporation Commission was to have looked at this, but did not have to follow local zoning on any of the sitings. She said VML and VACo are concerned about this. An amendment was proposed and actually adopted (in a House subcommittee) that said local governments can participate, can hold a public hearing if requested, citizens can also participate and call for a public hearing. Although it does not give local governments any veto power, it opens up the process much more than the original bill. She thinks that is a step in the right direction, but still finds it discouraging that Richmond always decides the quickest way to do things is to make sure local government has no hand in it.

Ms. Thomas said there was a bill dealing with shooting that got carried over. It said that where hunting is allowed, shooting ranges must also be allowed. She said there is a big difference where there is bottom land and deer hunting is allowed, than having a shooting range in that same location. She said a bill allowing essentially rock concerts at wineries was also carried over with modifications regarding noise restrictions, etc. She added that there is a bill that says if a roadway median strip keeps people from seeing a billboard the owner of the billboard can cut the strip down without any local government permission unless it is a county manager form of government. She does not know why VACo and VML worded the bill that way. Mr. Tucker said it was because under the county manager form of government (Arlington and Henrico) they maintain their own roads. Ms. Thomas said if the County started landscaping its median strips, billboard companies could cut it down. Also, VDOT has a standard that people who cut down trees must adhere to. They might not be able to apply their standards.

Mr. Rooker said he understands the winery bill would remove local authority over regulation of activities at wineries. Mr. Davis said it would also take away the ability of the County to require a special use permit for events that promote the sale of wine. There are two different bills now. One was passed by the House in its original form. The Senate bill is different, so the two will have to be reconciled. Neither is particularly attractive to local governments but hopefully in the end the bill will make more sense than it does now.

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Mr. Dorrier said Mr. Slutzky may want to bring up this request, but it involves Crutchfield Corporation and the BPOL tax. He thinks it is an important issue the Board should discuss and schedule for a public hearing.

Mr. Rooker said he understands Mr. Crutchfield is requesting that the Board significantly lower or eliminate the BPOL tax on internet type sales and catalog type sales where delivery is to a customer outside of Albemarle County.

Mr. Tucker said Mr. Slutzky has been researching this question with staff and has a proposal to suggest.

Mr. Slutzky said he is not so much being responsive to Mr. Bill Crutchfield as an individual, but in the context of his raising this issue he has illuminated some inherent characteristics of this specific category of tax. He understands the BPOL tax was initially created because of the demand placed on public infrastructure from the business sector drawing people into the community. He said it was modified into at least two categories, creating a much lower tax rate for the manufacturing sector. It was recognized that manufacturing was a little different than local businesses which were local, whereas manufacturing tended to represent larger geographical domains on the regional and national level. He said that is a precedent he thinks is relevant.

Mr. Slutzky said what Mr. Crutchfield has raised is that Greene County last month adopted a new category for BPOL, dropping their rate from the across-the-board 15 cents they had been charging non-manufacturing businesses to 2.5 cents for internet type businesses. Albemarle currently charges 20 cents. The example given by Mr. Crutchfield was a customer in Guam who clicked on a button to order a product manufactured and distributed out of New York, but technically it is run through Crutchfield's call center and his paperwork so he is charged a tax on that sale just like that charged on a local business providing services locally. Mr. Crutchfield thinks that is an unfair tax burden now that the technology age has emerged wherein there is a bona fide category of business doing this type of thing, and he thinks the County should consider creating a separate category within its BPOL tax structure for this type of business. He said there are several local vendors who would be impacted by this change, it is not just Crutchfield.

Mr. Slutzky said a certain amount of the revenue stream would be lost to the County if this change were made. For him there are other elements involved. He does not think the decrease in tax would be a significant revenue loss to the County. He thinks most of that revenue would be lost anyway because he does not think the County can actually capture the taxes from this type of business. He said it is a fairness issue and may help keep businesses in the County. He is interested in making this adjustment and proposes the Board schedule a public hearing for the April day meeting to consider this change.

Mr. Tucker suggested that staff have the opportunity to bring back some information for the Board to consider. If possible, the staff could draft an ordinance.

Mr. Rooker asked if any Board member objected to having that information brought back at the next meeting.

Ms. Thomas said she knows that Greene County lowered its rates specifically because Crutchfield said he would locate there if they did. She said they realize now that they are a pawn in a game. She said for Greene it is a penny on their tax rate. If the County lowered its rate, it would lose \$200,000. If Crutchfield moved to Greene County, it would lose \$300,000. She said Albemarle is part of a regional economy so she would like to have that noted when this matter is discussed at the next meeting.

Mr. Slutzky said he has discussed with staff and other Board members whether there are smart growth implications. He had asked how many of Crutchfield's employees live in Albemarle County, and found that most of them do live in Albemarle (94 in Albemarle, 15 in Greene, 10 in Fluvanna, etc.). He said there may be actual smart growth arguments that would favor making this adjustment that are hard to quantify, but are not irrelevant to the discussion.

Mr. Rooker said he hopes the Board will consider this as an issue of a fair tax rate. If there is a category being taxed too high based on some rational factors, that factor should be considered. He does not want it looked at as being done for one company.

Mr. Slutzky said he would not favor doing it for one company.

Mr. Rooker said Greene County has nothing to lose. Apparently they will not lose any business but could pick up some BPOL tax revenue. If the Board gets involved in that kind of game with surrounding counties, it is a zero-sum gain. If there is a good rational argument for doing it, it should be examined.

Mr. Slutzky said he thinks there is a legitimate fairness argument and his reason for bringing in Greene was to establish that there is a precedent. He said there are practical implications in terms of its revenue impact on the County budget. He would not bring this up if he did not think there is a legitimate underlying fairness question.

Ms. Thomas said she thinks the fairness issue goes the other way; the Board has discussed this previously.

Mr. Davis asked if the idea is to have a narrow category that only relates to internet or telephone sales and not local sales.

Mr. Rooker said that is correct.

Mr. Davis said Greene opened up a category for telephone sales and it could be for pizza deliveries and everything else. He said there are other complications even to what this Board is being asked to consider. It is not a simple concept and the fairness issue can get complicated as well. If the Board starts looking at the BPOL as a fair tax, it might be in real trouble because it is not a fair tax for

anyone, generally. He said the State has recognized that fact. If the Board just wants staff to look at this one category as to fairness, it can do that.

Mr. Slutzky said he does not mind if staff looks at the issue of fairness, but he would actually like staff to draft an ordinance the Board could choose to enact that would create a very narrow "carve out" for that category of business that is related to this emerging technology of telephone or internet sales that in itself does not imply such a burden on services as traditional local businesses actually do.

Ms. Thomas said this will shift more taxes to the local main street businesses whenever internet or mail order sales are exempted.

Mr. Slutzky said that may or may not be true if an ordinance is drafted to see how that "would play out." In this instance, the Board might enact an ordinance and the effect might be revenue neutral. He thinks it is worth knowing that. He said there are other taxes which would be impacted if Crutchfield left the County. He is not saying the Board should enact this to keep him here, but if the Board enacted it and it resulted in Crutchfield and other businesses staying in the County, there would be revenue implications for the County that would be positive, and they would offset the losses.

Ms. Thomas asked if that is the analysis Mr. Slutzky wants staff to make because that was the question asked earlier.

Mr. Tucker said staff will do all the analyses it can, and would not expect the Board to reduce the tax as much as Greene County has done.

Mr. Slutzky suggested staff look at a couple of different rates.

Mr. Wyant said it is "just a cat chasing its tail."

Mr. Rooker said he thinks this should be scheduled on the agenda for the next meeting if the information is available and have a full discussion of the request at that time.

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Mr. Boyd presented a letter from the Forest Lakes Homeowners Association, along with many petitions signed by these residents, expressing their displeasure with the heavy silt sediment deposited in their lakes from the Hollymead Towncenter. These residents request that Albemarle County and the State of Virginia address the issue of the costs associated with cleaning up these deposits from the development site. He suggested that the Board discuss the petitions in-depth at another meeting.

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Mr. Slutzky commented that when he went to purchase his County vehicle sticker for a new car he could not pay with a credit card. He waited in a long line and then could not do the transaction because he did not have cash or a check. He asked why the County does not accept credit cards.

Mr. Richard Wiggins, Director of Finance, said the County accepts VISA and Mastercard. That was instituted this year with the second cycle bill in December; it can be used online or through calling an 800 number.

Mr. Slutzky asked why credit cards cannot be used at the counter. Mr. Wiggins said there are credit card restrictions which prohibit the County from accepting the cards at the window.

Mr. Davis said there is a contract with VISA and Mastercard companies.

Mr. Wiggins said there is a public computer at the Information Desk which citizens can use to pay those taxes, but the cards cannot be accepted at the counter. He said the credit card company gets a three percent fee for use of that card. He said there are legal restrictions that prevent the County from taking the credit card at the window and processing it. It is his understanding that other jurisdictions have the same limitations.

Mr. Rooker asked if the County is paying the three percent. Mr. Wiggins said that three percent is paid by the individual cardholder.

Mr. Slutzky said if he had a Discover card he would not have this problem.

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Mr. Slutzky said he is interested in the subject of broadcasting Board meetings. He remembers the Board discussed the peculiarities of the County's status in regard to the cable contract. He knows there has also been legislation in Richmond on this subject. He asked if there is anyway to have the meetings broadcast.

Mr. Rooker asked that the memos which have been written in the past on that subject be furnished to Mr. Slutzky. He said the County has no franchise agreement with the cable company. When he first came into office he was a strong supporter of broadcasting. Adelphia was in bankruptcy. The State was changing the revenue aspects of the legislation to basically take away the franchise fees from local government and impose a tax at the State level and divide it up among localities. He thinks the Board has been waiting to see what would happen with the legislation. Adelphia is selling to ComCast and that transaction is about to close.

Mr. Slutzky asked if the Board could not negotiate a franchise agreement with them and even if the revenue streams did not benefit the County directly, it could still negotiate a public broadcast of the Board's meetings.

Mr. Davis said the General Assembly has gone forward with the legislation, so after July 1 the County will no longer be able to have a franchise fee. There would be no additional revenue to the County to fund that type of operation, but there is already a public access channel on the Adelphia system. It is possible the County might be able to broadcast on that channel which has a lot of "dead" time now. But, it only gets to the small portion of the County's citizens who have access to the cable. The Board has explored having webcasting and staff feels that has more merit than cable broadcasting.

Mr. Slutzky asked if it is appropriate to ask staff to look at the two narrow questions of podcasting versus public access and how many people would have access to these.

Mr. Tucker said Ms. Catlin may have some data on that.

Ms. Catlin said she has no data with her today, but staff is actively looking at the podcasting option right now and hopes to have information for the Board's meeting on April 5. That is a much easier option to do and can be implemented fairly quickly.

Ms. Thomas asked if that could not occur until the Board Room is moved into the new facility later this year. Ms. Catlin said it could be done immediately because the present recording equipment is able to make audio files. She said there are some software things to finalize before it can be done, and also the County Attorney has to give an opinion on other issues.

Ms. Thomas said it is then an audio stream. Ms. Catlin said that is correct.

Mr. Tucker said there is one benefit to podcasting over video broadcasting. It is possible to go directly to the item you want to listen to rather than having to view the entire meeting.

Ms. Catlin said in the citizens' survey a couple of years ago citizens were asked if they had access to the internet. Of those surveyed, about 80 percent indicated having internet access, and 35 percent indicated having Adelphia Cable television.

Mr. Slutzky asked if staff is looking at the feasibility of video streaming as well as audio streaming. Ms. Catlin said that would probably not take place until later, because the podcasting is easier to get started.

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Mr. Rooker said Ms. Thomas had forwarded to the Board members a copy of legislation which he will ask her to explain.

Ms. Thomas said there is existing legislation that requires the seller of property or the developer of large developments to have in his or her office certain things such as the Comprehensive Plan, the Zoning Ordinance, plans for the area, and proffers. She talked to a realtor about this and said that these things are available on the County's homepage rather easily. But for things like "homeowner information" she wondered if there is a way to make the webpage easier for the general citizen to use. She said this is an alternative to what this legislation would require. She was trying to think of a way to meet this need, but to do it through the County's webpage.

Ms. Catlin said staff sent to the Board members the link to the Community Development page which has been upgraded by integrating Comprehensive Plan language and the Land Use Plan with where people live. Once the CityView system is web enabled and the GIS System is online, it will be important to make information-gathering as easy as possible for people in the community.

Mr. Mark Graham said one of the strategic initiatives for Community Development which will be reviewed during budget work sessions is a digital records management system which basically would put all history files online for public availability. He said special use permit conditions and zoning proffers have already been made available. The department gets a lot of walk-in customers for that type of information. He said the department has learned that all of this information just invites more questions and uses more staff time. Most people do not know there is such a thing as a Comprehensive Plan, or what it is intended to do. There are some concerns about communicating with the public and being sure they understand the information.

Mr. Davis said in looking at the enabling legislation after it was raised, it is a very flawed piece of legislation. It only applies to sellers of new homes. If someone sells a lot they do not have to provide that information. If a developer sells the lots to builders, the responsibility would be on each builder to provide the information. If he sold it to an individual who built his own house there would be no obligation, so whoever conceived the legislation had a flawed concept sold to them. He does not think it would be helpful for what Ms. Thomas is trying to accomplish. He and Mr. Graham discussed it and felt that having a county information system that was more responsive might be a better way to get at the problem.

Mr. Rooker said the County has a great website now and there is a huge amount of information available. He thinks that as more information is added it is harder to find things. The trick is to make it easier to find that information. That is always the challenge.

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Mr. Slutzky asked if there is a component in the school curriculum that teaches something about local government and its processes.

Mr. Rooker said there is "County Government Day" and days when the Supervisors can sign up to speak to government classes. Mr. Tucker said staff also does this.

Mr. Slutzky said it would be interesting to see if the schools have it in their curriculum planning.

**(Note:** At 2:35 p.m. the Board recessed and reconvened in Room 235 at 3:00 p.m.)

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Agenda Item No. 17. North Pointe Rezoning Request, Work Session.

Ms. Echols Echols, Senior Planner, said the last time this project was discussed, the Board spent a great deal of time discussing its fiscal impact. The Board then requested additional information and staff was able to obtain that from the applicant. Before getting into that item, she asked that the Board discuss affordable housing while Mr. Ron White, Housing Director, is in attendance at the meeting. She said there are a few issues remaining and one of those is "workforce" housing. Staff would like the Board to discuss the combination of housing units and cash.

Mr. White said he sent the Board members an E-mail yesterday which addressed comments about whether the affordable housing proffers are adequate to address the County's policy. The question he was addressing came about because of the combination of cash and housing units; also, the number of units proposed is less than 15 percent. Discussions in the past have centered on what is needed to promote affordable housing in addition to units; that is cash to provide subsidies for purchasers as well as cash to help support development of other affordable housing units maybe in other areas. The response was that the cash and the units appeared to be adequate.

Mr. White said his E-mail yesterday indicated that if the workforce housing is counted, the number of units proffered is between 10 and 11 percent total. For the amount of cash needed to make up the difference in the lack of units he used the precedent set with Belvedere (\$750 per unit cash proffer in addition to some affordable housing accessory units).

Mr. Rooker interrupted to say he thought the Board accepted the concept of accessory units as being a form of affordable housing. He asked the percentage of total units counting those units as affordable. Mr. White said the total that may be provided in Belvedere is 15 percent. There is no guarantee that all of the accessory units will be built or occupied. In North Pointe, the units will be built and occupied.

Mr. Rooker asked if the developer in Belvedere offered cash because he does not expect all of the 15 percent planned to be built. Mr. White said that was his interpretation. Using that same \$750 per unit would mean about \$335,000 in cash. He said the present value and the future value of the money could be calculated because North Pointe is proffering to pay that money in a lump sum 60 days after the first site plan is approved rather than doing it over a period of time.

In response to Mr. Rooker's question about how the total for North Pointe was derived, Mr. White explained that two-thirds of the expected affordable units (893 total) would be produced, leaving one-third to be covered by cash, including the workforce housing.

Mr. Rooker asked for a definition of workforce housing. Mr. White said the definition used in Fairfax County and the Culpeper area is: "Housing where at least one member is a wage-earner and incomes do not exceed 120 percent of the median income." He noted that 120 percent would be \$90,000 in Fairfax County, and \$76,000 in Albemarle. In Albemarle, that household could afford a home costing about \$220,000, allocating 30 percent of their income to its purchase.

Mr. Rooker said this would actually create a second category of affordable housing. Mr. White said that is correct, but he will explain further. Using 80 percent of the area's median income, in Albemarle County a first year school teacher would not be eligible to purchase one of these units. As part of the Strategic Plan discussion, staff will be discussing with the Board who is to be served with the affordable housing policy, and whether the County is creating another gap. He said this is what Mr. Rotgin has come forward with in the way of workforce housing. There are other projects where similar types of things are proposed.

Ms. Thomas asked if the Housing Committee is looking at these questions. Mr. White said "yes." They are narrowing them down to who the County is trying to serve. He mentioned that 40 percent of the County's population (based on the 2000 Census) falls below 80 percent of the area median income (which for a family of four is roughly \$50,000), and 20 percent of the County's population falls between 80 and 120 percent of the area median income (which for a family of four falls between \$50,000 and \$76,000). He said the proffered housing the County will be receiving will only serve a very narrow band of that 40 percent without significant subsidies.

Mr. White said the new houses with median sales prices of \$390,000 cannot serve the population that falls in the 80 percent to 120 percent of median income category, which facilitates the need to add the category "workforce housing." If this were an environment where houses cost between \$130,000 and \$150,000, this would not be an issue because market rate houses would be affordable to those in the other income range. There are not many homes priced in the \$100,000's, although there are some condo conversions that will likely cost in the \$200,000's. He mentioned that first-time homebuyers can use a

VHDA financed or FHA insured program, which is a highly leveraged mortgage. A lot of the condo conversions are not getting certification for those types of mortgages. They tend to be more interested in selling to investors rather than to actual homeowners. In the case of Hessian Hills, about 60 percent of their units had to be owner-occupied to maintain their certification. A couple of families worked through the County Homebuyer's Club down payment assistance program and bought units in Hessian Hills.

Mr. Wyant asked where this discussion of affordable housing fits in with the North Pointe discussion. Mr. White said he wanted the Board to know what staff was talking about when they mentioned workforce housing. It is a different category of housing from what has been discussed previously. Staff is seeking guidance not only for North Pointe, but from a policy perspective because they think other developers will make similar proposals.

Mr. Rooker said he understands North Pointe is proffering eight percent affordable housing units, and two-plus percent workforce housing, along with a cash amount of \$300,000.

Ms. Thomas said she would not take what happened in Belvedere as a precedent. When working on the Subdivision Ordinance amendments, the Board found that the building community thought the Board had established a proffer system just because words like "precedent" were used in working on the Belvedere request. She does not want anyone to think the Board has agreed to \$750 per unit as an affordable housing proffer. Mr. White said staff and the Housing Committee is still working with the Planning Commission on a formula that sets \$1750 per unit as a cash contribution in lieu of providing no affordable housing.

Mr. Rooker said the land for Belvedere was already zoned for development. The Board accepted their presentation that the accessory units they proposed would provide another kind of affordable housing in that community. It was presented that those units would probably remain affordable in the community longer than other kinds of affordable units. The number of units proffered was 15 percent, but the Board recognized that there may be less than 15 percent when built out. Because a computation could not be made for that, the developer came up with an additional \$750 per unit for all units being built in the development. He sees a significant difference in this development than he did in Belvedere. The only clear cut example he is aware of is where less than the total number of units would be provided (after the Board established a policy), so they proffered about \$15,000 per missing affordable unit and that was in the Fontaine Avenue development and the townhouses on Route 250 West. Mr. White noted that the Fontaine development was established with a special use permit and there was no policy at the time of approval. He believes that occurred through negotiation between the Board and the developer. The other was a project where the developer initially offered to proffer affordable units and then came back after the fact and said he could not do it, so offered cash instead.

Mr. Rooker said Wickham Pond had 15 percent affordable units plus a cash proffer. Mr. White responded that their cash proffer was not for housing, but for infrastructure. The only two developments he can think of that offered cash were the two examples given by Mr. Rooker.

Ms. Thomas said if the Board followed one of these examples it would require \$365,000, and if it followed the other example, it would be \$600,000.

Mr. Rooker said part of it depends on how the workforce housing is counted. Just in terms of affordable units, it would be about 60 units times \$15,000 or \$900,000. What kind of credit should be given for workforce housing which is more expensive than affordable housing, but meets some other target the Housing Committee has set. He does not know if the same credit would be given for those units. Mr. White said he might want to work with the developer to see if the Housing Office would recognize the workforce housing; that would be at a rate that is affordable for people with an income of \$75,000. A product should not be created where a household income is limited for purchase.

Mr. Rooker said he thinks it would be appropriate that the developer get some credit for a category that is not being served in the market called workforce housing. The question is how much that credit should be.

Ms. Valerie Long was present to represent North Pointe. She said Mr. White worked with the applicant to help them understand the needs in the community as well as to come up with some solutions which will be more workable for Great Eastern as well as for the County's Housing Office as the units come on line. In terms of workforce housing, they feel it is an underserved market. They think this will help provide a range of housing prices to bridge the gap between the affordable units and the market units. Also, the workforce units are a relatively small percentage of the affordable units being proffered. It now stands at 16 units out of the total 84 units proffered for affordable housing. Four of the units will be single-family detached. Originally they proffered 12 units, but after meeting with Mr. Slutzky, at his suggestion, they added four additional units in the northern part ("high-end section") of the property; that is in addition to the original 80 units.

Ms. Long said it would be easier for them to forget the units and just pay cash instead. They are willing to do that, although prefer not to do so. They think cash is important to meet the needs of all the people buying the affordable units; Mr. White said even families that qualify for the affordable units, without down-payment assistance, will still be able to afford these units. The way the proffers are written, when a builder has a unit ready to be sold within 90 days, the Housing Office has to find a family that qualifies, and if no family is identified within that time period, the builder is relieved of the obligation to sell that house to a qualified family and so can sell it to anyone at any price.

Mr. Rooker said the Board understands the cash payment is in addition to the units and that is important. That is the reason the Board is contributing to the Housing Trust Fund.

Ms. Long said the time value of money had been mentioned. She said the \$300,000 would be proffered within 60 days of approval for the first site plan or subdivision plat for the project. There is an added benefit to having cash upfront as compared to projects where the cash is contributed at the building permit stage which is further into the project. They think the combination of having the money paid upfront makes it more valuable than if it were paid a little at a time over the next 15 to 20 years.

Mr. Chuck Rotgin, the applicant, said there is not a good market in this area for rental housing. That is one reason they felt it was better to pay the cash upfront. The present value of \$300,000 upfront when compared to \$750 a unit for eight to ten years is a monumental difference. He said they gave a lot of thought to this affordable housing proffer. It has been in their proffers from the very beginning. In the extra curricula activities with which he is involved he sees challenges with the very people the community needs to remain in the community, policemen, firemen, school teachers, nurses, etc. who now travel across the mountain to live. He said they have tried to design a program which they think will be accepted by the market. He said Ms. Long mentioned the additional single-family detached units, and he would like to emphasize that there will be single-family detached affordable units along with the Charleston-style family houses in the first section, but they will not be noticeable from the exterior.

Mr. Rooker asked about the phasing of affordable units with respect to the building of residential areas generally. Ms. Long said the proffer says they will be phased in over time, but the final details of that proffer still need to be worked out. They are working on a floor so their obligation will be to provide three affordable units per year.

Mr. Rooker said using a figure of five per year it would take 16+ years for provision of all the affordable units. Ms. Long said it will probably be sooner. They are also working with the same banking concept that was approved for Old Trail so if more than the minimum is provided in one year, credit would be given for those the following year. She said in the "Charleston" area it is thought that 12 of the units would be affordable. Some of the units would be platted in groups. In that section builders are excited about the lots so may provide 10 or more units in the beginning of the project and then bank the credits. The next area for residential development would basically be in single-family lots. There probably would be no affordable units in that section. In another area there will be attached units, and it may contain affordable units. She said Great Eastern has planned almost down to the individual lots when areas will be developed. Working with builders, they tried to anticipate market forces which often dictate when housing types come online.

Mr. Wyant asked the projected timeframe for completion of this development. Mr. Rotgin said he anticipates having 60 to 80 attached or detached units built per year, more if apartments and condominiums are included.

Mr. Wyant asked if it will take about 15 years to complete the development. Mr. Rotgin said it will not take that long because only 62 percent of the units in North Pointe are multi-family. There are about 300 units which are attached and detached single-family, so he thinks it will only be five to seven years. Some of the apartments proposed will take longer because there needs to be a significant additional market for apartments in that area before they are built. He pointed out on a map some land which he said was not originally a part of North Pointe, but there was some "arm twisting" done to get that road to loop all the way through, so they made a deal with a partner to add that property to address some Supervisors' suggestion that the road be connected.

Mr. Ron Keeney, the applicant's architect, said the decision about whether to put the school site on that corner will be a major element. Mr. Rotgin said when a school goes in, houses sell faster. From a planning standpoint, what happens in Phase 1 is that they start at Proffit Road and bring North Pointe Boulevard all the way to Northside Drive, and also build a commercial, signalized, right-in, right-out entrance. If it turns out that crossing a stream is very expensive, they may want to hold for a while. There is the ability to continue North Pointe Boulevard all the way through the property and connect it with Northwest Passage which goes into Lewis & Clarke. He said the road system pictured on the drawing is the road system which will be built. Anything not built early on will be in soccer fields; it will not be vacant land.

Mr. Dorrier asked when the \$300,000 will be contributed. Mr. Rotgin said it will be within 60 days of approval of the first site plan. Ms. Long said it is when the first site plan or subdivision plat is approved for the first building within the project, even before obtaining building permits.

Ms. Thomas asked the cost of workforce housing, whether it is \$220,000 or \$238,000. Mr. Rotgin responded that the figure of \$238,000 is the VHDA price-point for first-time homebuyers, and the advantage is that VHDA has significant opportunities to use lower-rate financing within their program. The interest rate on a VHDA workforce housing loan might be less than the loan the Housing Office might be able to put together for affordable housing. He said there might not be much difference in the actual monthly payment of workforce housing and affordable housing.

Ms. Thomas asked in what sense that is the limit. Mr. Rotgin said it is the upper limit. Mr. White said it is the maximum limit for VHDA.

Mr. Wyant asked how many homebuyers could be helped with the \$300,000 cash contribution. Mr. White said if workforce housing is used as a category the Housing Office would not provide any

assistance for that population. The County's policy says any assistance provided goes to households between zero and 80 percent of median income, and that \$300,000 would probably help 18 families.

Ms. Long said the applicant has also proffered four carriage units as part of the overall affordable housing plan. They would like to proffer more carriage units but the County's Zoning Ordinance definition of a carriage unit counts it as a separate dwelling unit. If there is a carriage unit on a single-family detached lot there are two dwelling units. If the market reacts well to these units and they could get an exemption from that definition for purposes of the density caps in North Pointe, they would proffer that there would not be more than 893 total dwelling units except for carriage units.

Mr. Keeney said there is the up-front present value of the cash proffer and the \$300,000 should not be treated the same as if it were being paid over a number of years. It is actually a significantly larger amount.

Mr. White said he just made some calculations using a ten-year period at a three or four-percent interest rate and came up with a future value of about \$515,000.

Mr. Rooker said in reality the affordable units are supposed to be built ratably over those years and that basically cuts in half the interest element of that computation.

Mr. Slutzky said that money could be used from day one to create affordable housing options in other parts of the County.

Mr. Rooker said his point is that if the present value were calculated in affordable units instead of cash, they would have been done ratably over a period of time, and not all at the end. He asked when the cash payments are to be made for the development on Fontaine Avenue. Ms. Echols said she believes it is tied to when the site plan is approved, early in the development.

Mr. Rooker said the Board has not typically accepted cash payments in lieu of affordable housing where the payment was made five or ten years into the project. That whole part of the assumption in this case is strange.

Mr. Rotgin said he would like to finalize this discussion from their standpoint. He said this Board has accepted things other applicants have done in the County. This affordable housing did not just come up with North Pointe. They are committed to it, having programs in their other rental housing projects.

Mr. Tucker said there are four other major categories which the Board needs to cover today.

Mr. Rotgin asked Ms. Echols to continue with another subject.

Ms. Echols mentioned the executive summary of February 8 and said she would just go down the list in that summary. First is "phasing of the residential units to commercial and hotel construction." She said staff has tried, even though this is a PD-MC with a special use permit, to get the residential and commercial a little more in sync with each other, rather than anticipating that the 290,000 square feet of the commercial will be built out and then there will be a long period when nothing else happens. She said staff has made a recommendation through the special use permit conditions that at least 224 units (25 percent) be built before more than 290,000 square feet of commercial is built. Since the Board got this executive summary, Mr. Rotgin sent the Board an E-mail on Monday at about midnight proposing to come up to 15 percent instead of the 25 percent. Staff just got this proposal so has not had time to make a formal comment. She thinks it is important to get feedback from the Board on what it thinks about the commercial relative to the residential. She said Mr. Graham may want to speak about the relationship of the 290,000 square feet to the Route 29 improvements.

Mr. Graham said the 290,000 square feet of commercial is likely what will be seen at North Pointe in the foreseeable future. The question for staff has been how much residential the Board wants to see along with that commercial and how quickly.

Mr. Rooker said he would not consider a 290,000 square foot shopping center with no residential development as a "mixed-use community." If they are striving for a mixed-use community, the Board needs to be assured that is what will be built.

Mr. Graham said the 289,900 square feet of commercial would require that 60 lots be platted for seven or eight percent of the residential units.

Mr. Rooker asked the total commercial space applied for. Ms. Echols said it is 664,000 gross square feet including offices and retail.

Mr. Wyant asked if that includes the second level of buildings. Mr. Rotgin said all of the offices are either on the second floor or the third floor.

Ms. Long said the numbers they sent by E-mail earlier this week were: within 90 days of the first commercial area building permit at least 24 single-family residential lots would be platted, with most of them being detached units starting in the "Charleston" area.

Mr. Dorrier asked the price range of those units. Mr. Rotgin said his designer is not present today, but he thinks the homes in that area would start at \$238,000 in today's dollars and go up to \$400,000 or

\$450,000. He said there are a total of 82 units in that area, but some of those are combined office/residential units.

Ms. Long said that within 90 days of the first commercial building permit, at least 24 of the residential lots would be platted. Before a building permit is obtained for 142,000 square feet of commercial space, the applicant will have to plat a total of 36 lots. The next threshold is 220,000 square feet of commercial and that would require a total of 60 residential lots. Before building the 290,000 square feet, they would need to have built on 138 single-family residential lots.

Mr. Rotgin pointed out an area on the plan that will be totally mass graded because that dirt will be moved to fill in another area close by. He said all of the lots to which he is referring will be created before the first building permit is secured. The question is how fast those lots can be developed and how fast they will sell. He thinks the market will be a total of 60 to 80 a year, but it will not be 60 to 80 in that area.

Ms. Long said these numbers were not drawn out of thin air. They tried to target numbers where they are not "over-promising" and "under-committing." They could probably do more, but want to be cautious because of market uncertainties.

Mr. Boyd asked if these are platted lots. Ms. Long said they are platted. Mr. Rotgin replied that once the lots become platted they are taxed as lots, not as acreage.

Mr. Rooker said the applicant is required to plat a lot but is not required to put in the infrastructure to support that lot. He asked how the phasing requirement for the Old Trail development compares to North Pointe in terms of timing for units being brought on line. He does not think it is measured based on platted lots. Mr. Graham said it is different in that the first 50,000 square feet of commercial was based on building permits.

Mr. Rooker said everyone knows housing is needed in this part of the County, but he does not know that the County needs the commercial. He is not comfortable with a plan that talks about platting 24 lots that never have to go to building permit. Mr. Rotgin asked if Mr. Rooker would prefer that it refer to building permits.

Mr. Rooker said he thinks it should be based on building permits. Mr. Rotgin agreed to that change.

Mr. Wyant said before the project had 142,000 square feet of commercial, there would be 60 lots.

Mr. Rooker said it is not cumulative. At 142,000 square feet, 12 units could be added, not 32. One thing that really bothers him about this plan is that he does not see a commitment to a mixed-use community. He sees a commitment to building out commercial and then maybe dragging along the residential. His concern is that it be a mixed-use community if this plan gets approved.

Mr. Keeney asked to speak about that architecturally. He said one of the characteristics of the mixed-use element the Board wants are the residential units that will be around Main Street. If they built the commercial units there and are expecting to have residences above them, they have to build the third and the fourth floors now. Since they don't know whether there's a market for that type of housing at the moment, they are anticipating vacant space above those commercial areas.

Mr. Rooker said in reality it should be based on occupancy permits, not building permits, because to obtain an occupancy permit the unit would actually be built at that point. Mr. Keeney said they understand that staff would prefer using the term "building permit" because occupancy gets tricky about someone moving in.

Mr. Dorrier asked how many people would live above these buildings. Mr. Rotgin replied that there are about 120 condominium units in the area being discussed. He said the 290,000 square feet of commercial would not pay for the Phase 1 road improvements on Route 29; there are between \$10.0 and \$12.0 million of road improvements needed. If there are 50 acres of commercial property, that will be between \$5 and \$6 a square foot just in offsite road improvements. Typically it costs \$6 to \$7 per square foot just to do the site work. He said their commitment is to this area, and he would be offended if he thought everyone sitting around this table thought they went through this exercise over the last three years just because they are involved in some sort of a ruse. This is the main part of the community (the library, the park, the pedestrian orientation, the main street), but it's the commercial properties that pay the bills. He said it was an oversight that they did not include a proffer to do some residential.

Mr. Dorrier asked the build-out period for the first phase. Mr. Rotgin responded that it would likely be about 18 months, similar to the Hollymead Towncenter. He said for construction of the second phase, it probably would not take as long as the first phase, but these are two to four-story buildings and they have to commit to them and get residents who want to live there.

Mr. Rooker said the reality is that the County has residential developments going in with no commercial. He said Mr. Rotgin keeps talking about the plan as if the residential has to be trickled out based upon the build-out of some massive amount of commercial. Mr. Rotgin asked if any other development has \$10.0 million worth of roads.

Mr. Rooker said in talking about the center part of the development, if a circle is drawn around it, he views the whole development as an integral thing and not just 20 percent of it being the most important

part. He said all the residential area around the school site is walkable to a good part of the commercial. That is a walkable community, but it is not walkable if there are only 60 residences there.

Mr. Tucker asked Mr. Rotgin to explain the road and the other infrastructure improvements which are tied to the 290,000 square feet of commercial.

Mr. Rotgin said before discussing the road improvements, he would like to say that just like Hollymead Towncenter had to build its big stores first to get the draw, Albemarle Place will build its big stores first to bring in the draw, Seminole Square was also built that way. All the shopping centers have to get their magnet stores in to be able to finish and fill up the small tenant spaces. That is where the challenge lies. He referred to the plan, and said that everything shown in purple is Phase I commercial. They start at Airport Road and in Phase I commercial have agreed to put in a third lane and all the associated turn lanes all the way up to Lewis & Clarke, the entrance into UREF. At the same time, they will close a crossover on Route 29 that both VDOT and the County want closed. On the south side where they signalized Northside Drive, they will go 1,000 feet north and 1,000 feet south with a third lane and the turn lanes. In order to close a turn lane, it is necessary for them to build a parallel road between Northside Drive and Cypress Lane to provide access so people on Cypress Lane can come out on Route 29 and make a left turn at a stoplight. They will also install a roundabout at Leake Road and Proffit Road and have agreed to put in another lane from Leake Road to Route 29 on the northbound side. That will all occur in the first commercial phase.

Mr. Rotgin added that they said that if the County could provide the right-of-way on the south side of Proffit Road, at the same time as they construct the northbound third lane they will put another lane on the south side. He said Proffit Road is in the County's Six-Year Plan. Phase II would be signalizing the southern entrance and completing the Route 29 southbound work from 1,000 feet north of Northside Drive all the way to Airport Road, which includes fixing a vertical curve which is a significant challenge. In order to take the vertical curve out they have to find a way to keep two lanes of traffic on Route 29 moving both northbound and southbound.

Ms. Echols said Phase II is triggered by the 290,000 square feet. Mr. Rotgin said with respect to the number of units they proffered to have in place before going above the 290,000 square feet, those are all single-family units. If the apartment market was such that they could be built tomorrow, there would be no problem achieving the Board's goal in terms of numbers. He said the 138 units they proffered are all single-family units. They also represent 42 percent of the single-family units.

Mr. Rooker suggested moving on to the next issue.

Mr. Graham said regarding the phasing, he is not sure staff has a clear message from the Board on what its expectation is as far as numbers of units expected. He said there are triggers set, but are those triggers acceptable, or is the Board looking for something more?

Mr. Rooker said he has expressed himself; he is looking for something more than this. He thinks it needs to be based on platted lots or something like occupancy permits in order to ensure there is a real residential area as opposed to just the potential for someday having a residential area.

Mr. Dorrier said he could support the 138 family residential units, with the combination of units above the commercial area. He said 120 condo units above the commercial area combined with the 138 single-family residences would provide more than 250 units. He thinks the appeal of this project is the terrific expense of highway improvements on Route 29 North. How many other developers will put up \$10.0 million for road improvements?

Mr. Graham said that is an interesting point. One of the most desirable parts of the development from staff's perspective is the center with the library block around it, but, there is nothing now that ties phasing to any of that development. He said staff has not pushed on that; Mr. Rotgin has laid out some of the reasons. He said the worst case scenario would be for the County to end up with 289,900 square feet of commercial space and 60 residential lots.

Mr. Rooker said that is his concern.

Ms. Thomas said she understands that what she is about to say may seem insulting, but it is a fairly common trend around the nation to have it happen. The Board is not making up something and saying it is worried. It is the kind of thing that can happen when big boxes in a development are proposed first.

Mr. Boyd said he appreciates what Ms. Thomas is saying, but if this area does not have the growth to buy those homes, how can the Board force the developer to build homes that aren't going to sell?

Ms. Thomas said the Board does not need to rezone the land.

Mr. Boyd said he knows that, but there is some demand and it has not yet been met. He does not think the Board can say it does not believe the developer when he says the need will be for 60 units per year. The Board cannot say it will be more than that because it thinks that you have to build that number or else you don't build the commercial site. He does not see it being the government's responsibility to make economic decisions for people who have invested millions of dollars into projects.

Mr. Rooker said in Old Trail it is the other way around, they can't build the commercial until they have built the residential.

Mr. Boyd said that development is not being built as a regional site.

Mr. Rooker said one of the problems with this development is that it is not being built in the form some people would support; a more neighborhood-friendly form. The design of this development does not meet a lot of those parameters, so how can the Board be assured the development is completed in a way that provides a true mixed-use community, with walkability for a number of its residents. The only way to do that is to make certain there are enough residential units built on a reasonable phasing schedule with the commercial.

Mr. Boyd said he was not part of the decision for Hollymead Towncenter and Albemarle Place, so is curious to know how many residences have been built in Hollymead, how long that project has been approved, and how long it has been under construction. Mr. Graham said there were no requirements because there were separate rezonings. In Hollymead, "Area "D" is the residential component. There is a little bit of residential in Area "C", but Area "C" is basically a rezoning of an industrial site, rather than a rezoning from a rural area site. Area "B", the Target property, was already zoned for retail.

Mr. Boyd asked if it has been about 18 months. Mr. Graham said it has been three years. Mr. Boyd said it is going to be three years before the first residential unit is build, whereas in North Pointe they are proffering to have at least 60 units in about 18 months. He thinks that is better than what is happening in Hollymead.

Mr. Rotgin said it is a hard concept to understand and a bit confusing, but it is the second phase of the commercial that finishes all of the road improvements everybody wants. It is the second phase of the commercial that yields what is essentially the town center. He does not know why the County would want to restrict them from building something for which there is a demand, when the construction of it finishes the highway work the County wants and at least gets the structure of the mixed-use area. They don't know what the demand will be but when the first footing is set for a building, there will be a four-story building built. They don't know yet that they can sell those units.

Ms. Echols said the Board "has beaten this dead horse" enough. She perceives that there are varying opinions on this, and though discussing it, nothing is being resolved. She said there have been some changes to the library block design and she thinks that issue should be discussed. She said staff has discussed for a long time the library block because it believes it is the most vital part of this development. Staff wanted to create more of a town center in appearance and use. It wanted the applicant to create a place that brought the buildings closer to the road. In the E-mail on Monday, the applicant gave a new design showing modifications to that area. Preliminarily, that seems to go a long way to create the place staff has been looking for, but there are issues related to the library site. She said they have created a pedestrian-friendly area where people feel like they are in a downtown. There are plaza areas, a green park in front of the library, and she thinks this is a positive change. Although she has not had time to totally analyze it, she feels it is a much better arrangement than previous plans.

Mr. Rooker said there were topographical issues raised in the e-mail that he had difficulty understanding in written form. He asked Mr. Rotgin to explain those. Mr. Rotgin said that on main street, north of the intersection of Library Road and the cross street that goes into the residential area, looking south from the residential area as it goes down to North Pointe Boulevard, the street goes down grade and they actually used the buildings to kill that grade so they do not need to build retaining walls. Instead of having a roofline that goes straight across with the grade, with the building behind it sunk down into the grass with parking behind it, they stepped the buildings up the hill about two or so feet for each building in order to have storefronts that open up directly onto the street across from the library. It creates some good architectural opportunities in the front because it faces the library and creates a sense of place. They are still concerned because every magazine they read talks about shoppers who want pertinent parking. So, they took out about 40 parking spaces in front of these spaces and replaced them with about eight parallel spaces which is the same as the other side of the street. It makes a difference in appearance in terms of the buildings on each block in sort of an urban park plaza area.

Ms. Long asked that Mr. Rotgin explain about the roofline from the opposite direction. Mr. Rotgin said heading north there is not a single monolithic building. They have to figure out some way to deal with the backs of these buildings. He said it will be a more expensive building.

Ms. Thomas asked what would be going in the big block part of that if the front is in separate small shops. Mr. Rotgin said they believe it will be a 30,000 square foot soft goods retail store, such as The Gap, Linens and Things, Marshalls, T.J. Maxx, Ross Dress for Less, etc. The difference is that normally retailers like the box, and that is all they like. They have actually cut into that box in order not to have one big storefront. They will cut some small tenant spaces into this box and have that retailer L-rounded. He said this is something being accepted by the retail market, whereas it was not accepted three years ago. Mr. Keener said that gives the building a townhouse perspective. Instead of seeing one long storefront there are several because there is an entrance back in the big box.

Mr. Dorrier said Target is all one store. He asks if this development will use the second and third floors. Mr. Rotgin pointed out the locations of two-story buildings on the plan, the location of three-story buildings, and the location of four-story buildings. He said when they took the parking from the front, it was moved and relegated. He said Charlottesville and Albemarle County is a regional draw for about 160,000 people. He said there are a lot of people who have the talent and the money to do something, but there is not always the market. There needs to be a critical mass, and the area is close to that point now. If the Board said the Pritchett Lane hard edge of the growth area would not be a hard edge much

longer and all the land to the east would be in the growth area, then there would be residential development in the area. They will need to draw people from not only Forest Lakes and the Proffit area, but also from Greene County, and all surrounding counties. He said Hollymead had to do that also. Albemarle County is a regional shopping destination. He said that is good because a lot of those people will be stopping in the Hollymead/North Pointe area. In the near future the importance of this area along with what the University is planning is going to be as important to the County from a revenue standpoint as the Barracks Road area and Hydraulic Road is to the City, and that Rio Road from the South Fork of the Rivanna is to the County. He thinks North Pointe will be the last big commercial development in Albemarle County.

Ms. Echols said if the Board members had no questions about the library block design, she would move onto discussion of overlot grading. She referred the Board members to Attachment "D" in the executive summary which set out the special use permit conditions. She said many of these conditions started out as proffers, but were moved into the special use permit conditions section. This section reflects staff's recommendations, which does not necessarily reflect the applicant's position on what those conditions should be. She said one of those items was phasing of the units which was not a proffer, but a special use permit condition and the applicant wanted a different condition. Another has to do with overlot grading. The overlot grading special use permit conditions staff provided reflect what it originally recommended with the subdivision text amendment, not the newer language proposed after Mr. Graham, Mr. Wyant and the BRHBA had their discussion.

Ms. Echols said the reason staff believes the overlot grading condition should be stricter than what the applicant supports is because of the topography in the residential section. She said the special use permit conditions only apply to the residential sections, not to the commercial section. There has been much discussion about the sensitivity of these areas. The applicant has protected some areas as conservation areas, but there is still the potential for impact in these areas and staff thinks it is important to have some stricter restrictions for environmental reasons. She said the applicant provided some additional information in the E-mail about overlot grading.

Mr. Graham said he thought Mr. Rotgin was interested in mass grading of the site. Part of his concern with the special use permit condition was that if the site was to be mass graded that there be sufficient controls to prevent the kind of drainage staff has seen occur in other developments, such as the Hollymead Towncenter.

Ms. Thomas said one of the complications with this request is that there has been talk about overlot grading, about mass grading, about overlot grading plans, stormwater drainage, and she thinks there might be some confusion because of different words being used. She thought staff was interested in an overlot grading plan. Then there is massive grading, which is quite different and it might or might not fit with an overlot grading plan.

Mr. Graham said that would be a totally separate issue. If there is concern that the sensitivity of this site is such that it requires a higher level of erosion and sediment control, staff can look at that. He said the one site he can think of where something was applied was for the Northtown Center site; staff wrote some specific and rigorous conditions to assure that there would be no downstream damage from that project. He said that has not been done for this project, but if that is something people think is important, staff can look at that issue. Then, the overlot grading will deal with the end result once houses are built.

Ms. Thomas said that is an overlot grading plan. Mr. Graham said that is correct. Ms. Thomas said that plan will not say all of the lots have to be graded at the same time or anything about the phasing of the grading. It just says a plan has been worked out so the topography is known, and not where the drainage/runoff will go. Mr. Graham is just now introducing the thought that there may be need for a higher standard for erosion/sediment control. She asked where the disagreement lies. Is there agreement that there will be an overlot grading plan? Mr. Graham replied that there has not been agreement on what an overlot grading plan should include. The applicant believes he should follow what is recommended in the ordinance; basically it would be as if it were a by-right development.

Mr. Rotgin said except for areas where there is going to be massive grading. That was in his E-mail. In the area where there would be grading for sure, the plan was to make that site work part of the site work for the commercial area so it could be considered at the same time; in essence there would be overlot grading. Mr. Keeney pointed to the plan and said "we can draw a line right there and mass grade that and not touch this."

Mr. Rooker said that is the difference Ms. Thomas is talking about. She is talking about an overlot grading plan, not necessarily mass grading. Mr. Rotgin replied that for any areas that are to be massively graded they will have an overlot grading plan.

Mr. Graham said he is not concerned about an overlot grading plan "down here". It is all part of a site plan, and there is a requirement for a site grading plan with that site plan. In the single-family residential area ("this area here and this area here I consider environmentally sensitive"), it would not fall under the site plan requirements, but would fall under subdivision requirements, and only the bare minimums under that ordinance. He said there isn't that kind of protection.

Mr. Wyant said going back to his experience with VDOT, when a new road is opened today you do not see the seeded slopes and everything else it has been phased down. He asked if construction in the residential area cannot be phased with overlot grading. Mr. Graham said it is difficult because often the developer will submit a plan which basically shows the road being constructed, and it has the limits of

grading and construction which are just outside of that road grading. But, once that buildable lot is graded and they start building houses there is not just the road construction, but all the lots being built on, so the whole area is basically being disturbed at one time. It is being done under two separate plans. There is a plan for a building permit for what is occurring on the lot, and then there is a permit for what is going on with building of the infrastructure to support the subdivision. Without that overlot grading plan, the two are not linked.

Mr. Wyant said Mr. Graham was really referring to how that roadway ties into each lot so grading is not created across lots in the future when someone opens it up to build a house.

Mr. Boyd said that is the problem he thinks the committee Mr. Wyant was working on tried to solve. The overlot grading plan puts a restriction on the homebuilder who to submit the design for his house. If the homebuyer wanted the garage on the left side of the driveway instead of the right side of the driveway, that would require the builder to go through an additional process. He thought that committee was working through a methodology so that did not have to be done.

Mr. Wyant said some of those lots would be built on first, so when it comes to the second house, there has to be an overlot grading plan for several lots.

Mr. Boyd asked if the committee worked that out.

Mr. Wyant said he thought it did.

Mr. Graham said he tried to make this clear in January when the Board talked about this issue. The committee recommended a reduced requirement that is a compromise. He is not comfortable that the compromise is going to adequately protect the areas he considers to be fairly sensitive.

Mr. Wyant asked that Mr. Graham point out on the plan the areas he considers to be sensitive. He understood those sensitive areas were identified to be overlot graded when the committee discussed this.

Mr. Rooker said that as the plan stands now, there is no requirement for an overlot grading plan for that section of the development.

Mr. Rotgin said they agreed that they would abide by the language the Board approved in January. He said there is a legitimate difference between the builders and Mr. Graham. He said Mr. Graham has said to go in, clear and cut down all the trees. He said there are a lot of areas in this development in trees, and they would prefer not to go in with a big piece of equipment and cut down those trees preferring to let the builders come in with a back hoe and work on the lot. That builder would not scrape that whole lot. Basically, he would scrape where the house sits and leave the natural terrain and foliage until he is ready to put in grass. He said it is cheaper to come in with the big equipment and pan and scrape the area.

Mr. Rooker said Mr. Rotgin is talking about overlot grading being done at one time. He said there is no reason why there cannot be an overlot grading plan for that area that involves preservation of certain trees. Mr. Rotgin said they will do that, and they have tied it into the agreement the Board adopted in January. He said they do not feel they should be treated differently than everybody else.

Ms. Long said they are preserving those sensitive areas. She said all the conservation areas and the streambed areas combined with the overlot grading plan that Mr. Wyant worked out with Mr. Graham and the builders works well in that area. If they were not preserving those sensitive areas she could understand better the argument for an elevated level of protection, and ultra strict overlot grading plan. She said they are already preserving those areas in a way that the staff has been complimentary of.

Mr. Wyant said that is the "light green area" outside of each of the lots. Ms. Long said all the "dark green areas" are conservation areas.

Mr. Wyant said he considers that to be different from overlot grading. He does not mind keeping the trees around the perimeter of the house, but when the next house is built, it is a different thing. When the trees are cleared between the lots, that is when the lot floods the lot below, and that is when complaints are heard. Overlot grading was intended to make sure the grades were set throughout so there were no flooding problems; they were not meant for preservation. Leaving the trees between the lots means that when they are cleared off the lot below gets the water. That is what is not wanted.

Mr. Graham said the primary difference between what has been recommended and the recommendation brought forth in January for an ordinance change is how much water can be dropped onto an adjoining lot. In the recommendation made in January, no limit was put on that. As much water as you want can be dropped onto the adjoining property. With this proposal they have said to let the water run across no more than three lots and then have it picked up in a storm structure or carry it to a drainageway outside of the lot. That is the big difference.

Mr. Wyant asked if that was in the committee recommendation. Mr. Graham said that was not in the original recommendation, but it was the compromise reached.

Ms. Thomas said she thinks that is important for this area which is close to the Rivanna and is in this sensitive area. She said what Mr. Graham just described is a higher standard. However the lot is graded to make sure the runoff from House No. 3 does not go across more than the lots for House 2 and

House 1 before it is captured in some way. It has nothing to do with when to take down the trees or when the grading is done, or that the lots are sold to separate private builders. It has to do with the standards to which the developer is held when the grading is done.

Mr. Rotgin said he understands that better now. He said when he met with the Department of Environmental Quality and the Corps of Engineers they were surprised that the water would have to be collected at a point source and then released. They would rather have the water be spread over more than three lots and then naturally disposed of. He said he is not opposed to an overlot grading plan.

Mr. Wyant said he agrees, but the complaint heard by the committee concerned the flooding of a lot below. If there were some way to be sure the grades on the pads did not affect the neighbors below that would be better.

Ms. Thomas said she knows DEQ would rather not have this area built on at all, and not have any impervious surface, and just have the rainfall spread across the land. She said when there are houses with the asphalt, the roofs, the roads and the river is nearby, it is preferable to have that water get quickly to the river so not piled up and gets to the river at the same time as water from upstream gets to that same point.

Mr. Keeney said if they design a plan for one of these sections, the builder's concern was that it would dictate where on the site he had to build the house and which side of the house the driveway had to be on. He said the builder on one lot does not want to contend with the lot where that has been reversed. They are not objecting to having the plan, it was about the level of detail they were being held to, lot by lot. He said the second issue is that DEQ has not said it does not want them to do this, but have said they would prefer to have the water sheet flow off of the roadway down the hills rather than it being collected in a curbway system that gets transported to the low point in the road and goes into a pipe and then comes out in a point load. He said a creek would be created at that point because all the water has been directed to one point. DEQ wanted to keep the water spread out.

Mr. Graham said DEQ may think they want to do that, but level spreaders have been tried over and over and have repeatedly failed in this area. He described a level-spreader as an attempt by grading to allow the water to sheet flow down the side of the hill. It does not work in the Piedmont.

Mr. Keeney said they did not suggest that it works in all scenarios. They were opposed to the idea that every spot had to be curbed.

Mr. Rooker asked if DEQ has any jurisdiction over whether Albemarle has an overlot grading plan requirement for this property. Mr. Graham said that it is a local government decision.

Mr. Rotgin said it is a local government decision, but they have to negotiate with DEQ both the mitigation and the amount of money they have to put up.

Mr. Graham said that is for impact on the stream. They are not addressing what is done on the hillside.

Mr. Rotgin said they are not opposed to the overlot grading. They are willing to superimpose what the Board agreed to in January. He asked Mr. Graham to give him the two or three main issues which are different from what the Homebuilders' had.

Mr. Graham said the one big point is how much water can be dropped from one lot to the next. The Homebuilders want no restriction on how much water can be dropped from one lot onto another.

Ms. Long said they took the Homebuilders' language which the Board approved in January and added a requirement that water not flow over more than three lots. Mr. Rotgin said Ms. Long should not confirm three lots until they have had a chance to look at the issue further. Mr. Graham said that is something that might be negotiated. Mr. Rotgin said the Homebuilders' want nothing and the County wants three. He wonders if there is a way to figure that out.

Mr. Wyant said it the generation of runoff from one lot to the next. Mr. Graham said it is how much that lot can drop on the one below it. That is the only difference between what is here and what was in the January meeting.

Ms. Thomas said that does not say where the driveway will be, but it says what the outcome has to be. Mr. Rotgin said it says where it will be initially because you have to agree with the plan. If the market does not follow what the builder has put in he has to come back and ask for a change. Mr. Keeney said location of the driveway is driven by the topography of the roadway.

Mr. Wyant said that is why much time was spent discussing this. Mr. Graham said that is included now; the builder submits a plan and then if he changes what he wants to do, he has to submit a revision to the plan.

Mr. Rooker said the Board needs to conclude this discussion.

Mr. Boyd said before leaving this discussion he wanted to answer one question. From his standpoint, he wants more sediment control in the mass graded areas. He was at that meeting last night and he does not want to go through anymore meetings with the neighbors. He would like for the County to

improve those standards on the State level to be sure that what happened with Hollymead Towncenter does not happen on this site.

Mr. Rooker asked if Mr. Boyd was referring to the mass grading.

Mr. Boyd said "yes."

Ms. Echols said the interesting thing about this discussion is that it is not complete. The last question has to do with when work on this request will be completed. She said there needs to be some decisions made. There is a lot of information in the notebook given to the Board members, and there are more sections that can be discussed. She said staff would like for these decisions to come soon, but the Board may feel there is more to be discussed. She asked if the Board wants to continue to discuss this or just say it is done.

Mr. Rooker said he thinks the Board needs to get a revised "Exhibit E" based on things that have come out of the last two work sessions and things which has been exchanged in E-mails. The Board can then decide whether or not it needs another work session. He said the proffers need to be consistent with the general understandings which have been reached. He asked if everyone was agreeable to that approach.

Mr. Rotgin said he would like to address one issue listed on Exhibit "E" dealing with form and design. He said the current design reflects the design unanimously approved by the Board-appointed ad-hoc committee on March 2, 2004. He said the next day Mr. Wayne Cilimberg presented it on that basis to the Board, and that recommendation was presented to the full Board on March 3 as being a "joint recommendation of the Engineering and Planning Departments." With the exception of a few tweaks, which included the library block and a couple of other things which have been discussed, there was never any question that the form and design presented would be anything different than what was presented. He said they have operated in good faith for two-plus years on that understanding. Second, with respect to the library itself, the staff report for that ad-hoc committee meeting on March 2, 2004, specifically said staff supports the library. He has a letter from the Library Board that says some issues need to be resolved and they want a 20,000 square foot building, not a 15,000 square foot building; they have resolved that with staff over the last few years. He does not want to see a grid come back that says anything different than what the Board agreed to and under which the applicant has been operating for the last couple of years. There are other issues that need to be discussed; timing of the road improvements is one. He said there was a meeting with VDOT on January 30, and Mr. Graham was in attendance. They have finally gotten a letter from VDOT saying they can use the right-of-way so that condition has been taken out of the proffers. The only issue now is the timing of the southbound lane. It is not a question for the County as to whether it will happen, but when. He said they have copies of minutes if the Board needs them.

Mr. Rooker asked if the ad-hoc committee kept minutes. Mr. Rotgin said for the ad-hoc committee there was a staff report dated February 26 or 27, and they had a stenographer attend that meeting so they have 17 pages of minutes. For the Board meeting on the third, they have relied on the Board's minutes.

Ms. Long said she brought copies of the Board's minutes for the day after that last ad-hoc committee meeting (March 3, 2004). She said this all occurred before she was involved with this project, but those Board minutes say exactly what Mr. Rotgin said.

Mr. Rooker asked that they be E-mailed to the Board members. Ms. Long said she had copies with her and distributed same to the Board members. She said she had done some highlighting on those minutes for her own benefit.

Ms. Echols said in terms of what the Board wants to do next, Mr. Rooker said there should be a revised Exhibit "E" distributed before deciding whether or not to discuss this project further.

Mr. Rooker said today the applicant named some things he is willing to do, and he believes those should be reflected in the proffers. There need to be changes in the proffers to reflect what has been tendered in the E-mails and what has been tendered in oral discussion today, things to do with grading, things to do with soil and erosion control, etc. He thinks that needs to come back to staff and then staff needs to prepare for the Board an exhibit comparable to Exhibit "E" so it can understand where the applicant is in regard to those 15+ issues in Exhibit "E".

Ms. Echols asked if Mr. Rooker wanted that to come back to the Board at a meeting, maybe next month.

Mr. Rooker said he wants it to come in the form of information. When the applicant presents his proffers is really driven by the applicant. After that, an exhibit should come back which summarizes the issues, and as far as he is concerned that can go out by E-mail so the Board members can think about it. Then, at a meeting after that information is received, this Board needs to decide whether or not it needs another work session, or whether it is prepared to act on the application.

Mr. Tucker said that during March on Wednesdays the Board has work sessions scheduled on the budget.

Mr. Rotgin said the revised proffers and special use permits will be in the County's hands by Friday, except for anything involving the additional erosion/sediment controls.

Mr. Rooker said the applicant will present revised proffers based on these conversations and the E-mails received. Staff will summarize where the issues stand and provide that information to the Board. Depending on when that information is received and based upon its schedule, the Board will decide how to proceed from that point.

Ms. Echols asked if the Board wants more financial information than what it has received.

Mr. Rooker said the applicant indicated at the last work session that there has been a study on retail absorption. Since that time, the Board got a single page from a spreadsheet showing vacancy rates in the Route 29 North corridor. He does not think the Board has seen a copy of the whole study. He said there was a fiscal impact study done by County staff and there was a fiscal impact study done by the applicant. Mr. Rotgin said they have their own internal data (population/retail sales/square footage) which he will make available to the Board.

Mr. Boyd said that next Tuesday night at Hollymead Elementary School there will be a meeting at 7:00 p.m. to present the North Pointe project to the community.

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Agenda Item No. 18. Adjourn.

At 5:02 p.m., **motion** was offered by Mr. Boyd to adjourn this meeting until March 8, 2006, at Monticello High School. The motion was **seconded** by Mr. Dorrier. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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Chairman

Approved by the Board of County Supervisors
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Date: 09/06/2006
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Initials: EWC
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