

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 3, 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. (arrived at 9:12 a.m.), 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, Diane B. Mullins (on July 5, 2006 appointed as Acting Clerk from July 1 to August 31, 2006), and Director of Planning, V. Wayne Cilimberg.

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

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

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

Mr. Neil Williamson of the Free Enterprise Forum, presented Board members a copy of "Locked Out: The Impact of Local Regulation on Affordable Housing" which was prepared by the Forum. The report deals with affordable housing and the impact of local regulations on affordable housing. In Albemarle County just 16 percent of homes are available to families earning the median income. It was also found that Albemarle County has the largest Planning Department staff compared to surrounding counties; it has the biggest Comprehensive Plan, and the longest approval time for subdivisions. Fluvanna County had the highest percentage of homes available to families earning the median income there. The report was underwritten by the Chamber of Commerce and Hightech Signs. It seeks to identify existing regulatory barriers and encourage an open cost-benefit analysis between regulation and affordability. The report includes an analysis of new urbanism design regulations, growth boundaries and their impact on land use patterns. The subdivision information provided includes both average and median approval time for each locality.

Mr. Williamson said he was asked in a radio interview what regulation he would get rid of and he responded that it would be the confusion that occurs when there are conflicting regulations. He added that the report also suggests a number of recommendations, including a call for all localities to issue an affordable housing impact statement with each new proposed regulation. He said localities already evaluate how much a new regulation will cost the government, adding that the citizens deserve the same respect.

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Mr. Morgan Butler, an attorney with Southern Environmental Law Center, spoke regarding a recent SELC report on the "tremendous rate of retail development in the County." The report looks at the amount of retail the County can reasonably absorb in the next ten years and compares it to the amount of retail currently requested which is under review. According to County staff and consultants, the County can support between 1.0 and 1.4 million square feet of additional retail in the next ten years, but the County currently has approved or is reviewing about 3.5 million square feet of retail space, bringing the total retail space to 8.0 million square feet – a 70 percent increase over the current amount. He indicated that the SELC report explores the combined economic and environmental impacts this excessive retail development will have on the community. Existing businesses will be harmed, traffic and sprawl will intensify, more pressure will be put on the rural areas, and air and water pollution will increase. To address these impacts, SELC recommends that the Board direct staff to improve recordkeeping on the amount of existing, approved and proposed retail and office projects, and put the information into a report to the Board and Planning Commission.

Mr. Butler said the SELC report recommends that the Board defer rezoning requests or encourage developers to postpone them until the various master plans for the designated growth areas are completed. Major projects that will limit the usefulness of the master plans before they are completed should not be approved. He said the Board should insist on better design of proposed projects, including greater adherence to the Neighborhood Model. The report says the Board needs to use its authority to deny proposals that will have significant adverse impacts and which do not reflect recommendations in the Comprehensive Plan. The County should phase in retail growth in the growth areas so retail development occurs more gradually. At its meeting on March 15, the Board called for a work session to examine the rate of residential and commercial growth in the growth areas, and SELC hopes this work session takes place soon. He read in the Daily Progress yesterday a suggestion by Mr. Tim Hulbert of the Chamber of Commerce that SELC was opposing growth in the growth areas, and that is simply incorrect. SELC supports development being guided into designated areas. However, they feel the County should not approve any development proposal that comes along in a growth area.

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Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He said he had received a call from NPR (National Public Radio) asking for comments on the Free Enterprise Forum's report, which he describes as nothing more than an indictment of the Neighborhood Model. He said Mr. David Benish, County Planner, pointed out a full page in the 1977 Comprehensive Plan concerning housing affordability so for the Neighborhood Model to be the sudden culprit of affordable housing "is just a farce." He said Mr. Williamson's report states that the Neighborhood Model limits availability and

product type as it responds to buyer preferences. That is inaccurate as the Model is specifically written to allow a range of housing types. He said that in the County's growth areas between 1983 and 2005 there were building permits issued for 12,500 dwelling units.

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Agenda Item No. 5a. Recognition: Introduction of Dr. Phillip Dukes, Executive Director, Monticello Area Community Action Agency (MACAA).

Mr. Tucker introduced Dr. Phillip Dukes, who has been named Director of MACAA.

Mr. Dukes reported that MAACA is continuing to enhance existing programs, add new programs, and find funding streams, with an emphasis on making sure the programs are needed and marketed correctly.

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Agenda Item No. 5b. Proclamation: National Nurses' Week, May 6 through May 12, 2006.

Mr. Rooker recognized nurses during National Nurses week, and presented them with a certificate of recognition.

**National Nurses' Week**

- Whereas,** *the 2000 nurses at UVa Health System and 450 at Martha Jefferson, are part of our nation's largest health care profession; and*
- Whereas,** *the depth and breadth of the nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and*
- Whereas,** *a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's nursing resources; and*
- Whereas,** *professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and*
- Whereas,** *the demand for nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and*
- Whereas,** *more qualified nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and*
- Whereas,** *the cost-effective, safe and quality health care services provided by nurses will be an ever more important component of the U.S. health care delivery system in the future; and*
- Whereas,** *along with the American Nurses Association, the Virginia Nurses Association District 7 and the UVa Professional Nursing Staff Organization have declared the week of **May 6 through May 12, 2006 as NATIONAL NURSES WEEK** with the theme "**Nurses: Strength, Commitment, Compassion**" in celebration of the ways in which nurses strive to provide safe and high quality patient care and map out the way to improve our health care system;*
- Now, Therefore, Be It Resolved,** *that I, Dennis S. Rooker, Chairman of the Albemarle County Board of Supervisors, ask that all residents of this community join me in honoring the nurses who care for all of us; and*
- Be It Further Resolved,** *that the residents of Albemarle County, Virginia, celebrate nursing's accomplishments and efforts to improve our health care system and show our appreciation for the nation's nurses not just during this week, but at every opportunity throughout the year.*

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Agenda Item No. 5c. Proclamation: Clean Commute Day, May 5, 2006.

Mr. Rooker read a statement recognizing Clean Commute Day, which encourages all types of clean commuting such as walking, biking, taking the bus, carpooling, vanpooling, telecommuting, or driving an alternatively fueled vehicle. He read the following proclamation into the record.

**CLEAN COMMUTE DAY**

- WHEREAS,** improved air quality will positively impact the health and quality of life for all citizens of the Commonwealth of Virginia; and
- WHEREAS,** educating commuters, employees and employers about transportation choices and air quality is a critical step towards improving Virginia's air quality; and

- WHEREAS,** designating a specific day for clean commuting will give commuters the opportunity to try alternative commuting methods that will help improve air quality; and
- WHEREAS,** Clean Commute Day will provide a forum for commuters to learn about new and different ways of commuting; and
- WHEREAS,** Clean Commute Day will encourage all types of clean commuting such as walking, biking, taking the bus, carpooling, vanpooling, telecommuting, or driving an alternative-fuel vehicle;
- NOW, THEREFORE, BE IT RESOLVED,** that, I, Dennis S. Rooker, Chairman, on behalf of the Albemarle County Board of Supervisors do hereby recognize

**MAY 5, 2006**  
**as**  
**CLEAN COMMUTE DAY**

in the County of Albemarle and call this observance to the attention of all of our citizens.

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Agenda Item No. 5d. Proclamation: Blue Star Salute Day, May 20, 2006.

Mr. Rooker read the following proclamation into the record:

**BLUE STAR SALUTE DAY**

- WHEREAS,** throughout the history of the United States of America the sacrifices necessary to maintain our liberty and freedom have consistently been borne by citizen soldiers; and
- WHEREAS,** countless men and women of our great county have proudly worn the uniform of the United States Armed Forces; and
- WHEREAS,** many of our fellow citizens are serving today in the war on terror as members of the active military, National Guard or Reserves; and
- WHEREAS,** on Armed Forces Day 2006, it is appropriate as individuals and families to reflect upon the sacrifices of our fellow citizens and to celebrate their dedication; and
- WHEREAS,** the citizens of the County of Albemarle desire to honor and acknowledge those who serve in uniform for their sacrifice and preservation of our American way of life;
- NOW, THEREFORE, BE IT RESOLVED,** that, I, Dennis S. Rooker, Chairman, on behalf of the Albemarle County Board of Supervisors do hereby recognize

**Saturday, May 20, 2006**  
**as**  
**BLUE STAR SALUTE DAY**

in the County of Albemarle and urge all citizens of this community to honor our citizens who are serving in the United States Armed Forces by joining in the festivities of this day.

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Agenda Item No. 6. Consent Agenda. Ms. Thomas offered **motion** to approve Items 6.1 through 6.6 on the Consent Agenda and to accept the remaining items for information. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

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Item 6.1. Approval of Minutes: November 2, 2005 and January 4, 2006.

Mr. Boyd had read the minutes of November 2, 2005 (Pages 1 to 18 ending at Item No. 12) and found them to be in order as presented.

Ms. Thomas had read the minutes of November 2, 2005 (Pages 18 beginning at Item No. 12 to the end) and found them to be in order as presented.

Mr. Slutzky had read the minutes of January 4, 2006 (Pages 1 to 30 ending at Item No. 19) and found them to be in order as presented.

Mr. Dorrier had read the minutes of January 4, 2006 (Pages 30 beginning at Item No. 19 to the end) and found them to be in order as presented.

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

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Item 6.2. Resolution to Authorize County Executive to Accept Deeds of Easement for Drainage and Stormwater Management Facilities.

It was noted in the Executive Summary that the County requires easements from landowners for the installation and maintenance of drainage and stormwater facilities for site plans and subdivisions and for drainage improvement projects. The County has been acquiring easements in new subdivisions for drainage and stormwater control for several years, as established by Board policy at its April 5, 2000, meeting. The shift from privately to publicly-maintained drainage systems was an acknowledgement that public maintenance of drainage systems serving public improvements was necessary in most situations. Experience has shown that private interests, including homeowners' associations, often do not possess the technical and financial capabilities to repair and maintain drainage systems.

The deeds of easement set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to maintain the improvements within the drainage easement. Pursuant to Virginia Code § 15.2-1803, the Board must authorize the County Executive to accept these deeds on behalf of the County. It has been the County's practice to create the easements by plat or to authorize these deeds on an individual basis. The Board is enabled to generally delegate the authority to the County Executive to accept deeds of easement.

The efficiency of government would be improved by generally delegating the authority to the County Executive to accept deeds of easement for drainage and stormwater facilities on behalf of the County. This authorization would streamline the process and minimize staff resource requirements. The authorization would also save applicants three to six weeks of possible delay that would otherwise be required for staff to schedule the authorization for a Board meeting, prepare an executive summary, and then wait for the Board to act on the authorization.

Staff recommends that the Board adopt a Resolution to authorize the County Executive to accept deeds of easement for drainage and stormwater facilities on behalf of the County, provided that such deeds of easement are approved as to form and content by the County Attorney.

**By the recorded vote set out above, the Board adopted the following Resolution authorizing the County Executive to accept deeds of easement for drainage and stormwater facilities on behalf of the County, provided that such deeds of easement are approved as to form and content by the County Attorney.**

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE  
TO ACCEPT DEEDS OF EASEMENT FOR  
DRAINAGE AND STORMWATER MANAGEMENT FACILITIES**

**WHEREAS**, the County of Albemarle requires Deeds of Easement from landowners for the installation and maintenance of drainage and stormwater facilities for site plans and subdivisions and for drainage improvement projects; and

**WHEREAS**, such Deeds set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to maintain the improvements within the drainage easement; and

**WHEREAS**, the efficiency of government is improved by delegating the authority to the County Executive to accept such Deeds of Easement on behalf of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors authorizes the County Executive to accept Deeds of Easement for drainage and stormwater management facilities on behalf of the County provided that such Deeds of Easement are approved as to form and content by the County Attorney.

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Item 6.3. Acquisition of Conservation Easements (ACE) Ranking Order for FY 2005-06.

It was noted in the Executive Summary that the Acquisition of Conservation Easements (ACE) Program received seven applications for the FY 2005-06 (Round 6) deadline. Staff evaluated each of the properties according to the ranking evaluation criteria identified in the ACE ordinance and was able to determine the ranking order for this class. This evaluation indicates that all but one property scored high enough to be eligible for ACE funding. The McLaughlin property did not score the requisite 15 points needed for eligibility. In addition, the Givens property application is incomplete because a survey of the property (to sell off a small lot) has yet to be submitted. Therefore, the ACE Committee recommends that the Board approve the appraisals of the top five properties which include: Huckleberry Farm, Chester, Fields, Hook and Motley. An appraisal of the Givens property may be recommended at a later date if they complete their application and the property scores high enough to be eligible.

There is no additional request for funding related to this request for action. The future funding for the purchase of these potential conservation easements would come from both the CIP-Planning-

Conservation budget (line-item 9010-81010-580409) and the CIP-Tourism-Conservation budget (line-item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with tourism value. To avoid bearing the appraisal cost for a property that drops out of the ACE Program prematurely, the RFP requires the appraiser to submit bids on a per property basis. The ACE Committee recommends that the Board approve proceeding with appraisals of the Huckleberry Hill Farm LLC, Chester, Fields, Hook and Motley properties.

**By the recorded vote set out above, the Board approved proceeding with the appraisals of Huckleberry Hill Farm LLC, Chester, Fields, Hook and Motley properties, as recommended by the ACE Committee**

Item 6.4. Stony Point Volunteer Fire Department Capital Request.

It was noted in the Executive Summary that during the FY '05-06 budget process, Stony Point Volunteer Fire Department submitted a budget request for approximately \$350,000 in building maintenance, renovation and other projects. Because the current volunteer funding policy did not specifically address volunteer building issues and Stony Point's request did not contain typical Capital Improvement items, staff submitted this request to the Board for separate consideration during the FY '05-06 budget work sessions. Upon review, the Board requested that staff develop a policy for the Board's consideration that would address how requests of this type could be handled when it appeared the volunteers may not have the ability to raise necessary funds to address building maintenance and minor renovations in a timely manner.

During the September 7, 2005, day meeting, the Board approved a policy that addresses funding volunteer fire and rescue stations that do not have the financial means to fund building repairs and minor building renovations. Since the policy was adopted, staff has been working with the Stony Point VFD to develop more precise estimates and to develop a financial plan based on Stony Point's ability to pay.

- Volunteer station financial assessment. The intent of the Volunteer Fire Rescue Building Maintenance Funding Policy is to provide financial assistance to volunteer stations that do not have the financial means to fund building repairs and minor building renovation projects. The policy requires that the volunteer station disclose the department's financial statements (balance sheet and income statement) to help demonstrate the station's financial need.

Stony Point VFD submitted to staff their 2004 Federal tax return and a balance sheet and income statement. Upon review, staff concluded that Stony Point has a restricted cash reserve of \$35,297 (earmarked for building repairs) and an annual fundraising of revenue of \$25,000.

- Five year building assessment to determine future expenditures. The Volunteer Fire Rescue Building Maintenance Funding Policy states that stations requesting financial assistance must conduct a five-year assessment of their building to determine the long-term maintenance needs. Stony Point VFD worked with staff to assess and categorize their building renovations and repairs. General Services conducted an extensive project review and estimated the projects at \$455,486 vs. the original estimate of \$350,000 supplied by Stony Point VFD. An itemized list of projects and costs are outlined below:

Priority	Project type	
High	Roof replacement	20,509
High	Paving of parking lot	199,227
Medium	Remodel bunkrooms	75,000
Medium	Toilet and Laundry Facilities	13,500
Medium	Expand/remodel kitchen	26,250
High	HVAC replacement/upgrades	20,000
Medium	Renovate meeting/training room	26,000
Medium	Storage building	75,000
	<b>Total</b>	<b>455,486</b>

Staff believes that high priority items are necessary to keep the facility in operation. The roof, parking lot and HVAC system are in poor condition and should be repaired immediately. Staff also believes that the medium priority items are not as critical but are necessary to accommodate volunteer duty crews. Stony Point's volunteer membership has increased through aggressive recruitment campaigns and the membership is striving to staff the station nights and weekends with multiple crews. However, the current living quarters will not accommodate the volunteer staff. If the Board chooses to fund the project, General Services will work with Stony Point to procure the contractual services and manage the project as stated in the Volunteer Fire Rescue Building Maintenance Funding Policy.

Staff believes the grant portion of the Volunteer Fire Rescue Building Maintenance Funding Policy is intended to fund critical building needs when a volunteer station does not have the financial means. Therefore, staff recommends that the County grant Stony Point \$239,736 to repair/replace the roof, parking lot and HVAC system.

Staff also believes the no-interest loan portion of Volunteer Fire Rescue Building Maintenance Funding Policy is intended to fund building needs that help to maintain or ensure services. The remainder of Stony Point's request helps to accommodate volunteer duty crews which will ensure an adequate level

of service. Therefore, staff recommends that the County loan Stony Point \$215,750 at zero interest and require that Stony Point pay back the loan over 12 years through an annual payment of \$15,000 per year. Staff recommends that the Board appropriate funding from the FY '06-07 CIP Fund Balance for a combination grant and no-interest loan for the Stony Point projects: A \$239,736 Grant (funding to address the parking lot, roof repairs and HVAC system replacement) and a \$215,750 no-interest loan to be paid back over 12 years (funding to address the kitchen, bathroom and HVAC system).

**By the recorded vote set out above, the Board approved of appropriating funds from the FY 2006-07 CIP Fund Balance for a combination grant and no-interest loan for the Stony Point projects, as recommended by staff and noted above.**

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Item 6.5. Resolution to authorize County Executive to execute water and sewer easements – Albemarle County Service Authority.

It was noted in the Executive Summary that the County grants deeds of easement to the Albemarle County Service Authority (ACSA) for the installation and maintenance of water and sewer lines on County-owned property. The deeds set forth the rights and responsibilities of the ACSA and the rights and remedies of the County to assure proper installation and maintenance of the water and sewer lines. Pursuant to Virginia Code § 15.2-1803, the Board must authorize the County Executive to execute these deeds on behalf of the County. It has been the County's practice to authorize these deeds on an individual basis.

Because it is necessary for the County to grant deeds of easement to the ACSA for the installation and maintenance of water and sewer lines on County-owned property, the efficiency of government would be improved by generally delegating the authority to the County Executive to execute such deeds on behalf of the County. This authorization would streamline the process and minimize staff resource requirements. It would also facilitate a more timely completion of the paperwork, allowing the work to begin sooner. Staff recommends that the Board adopt a Resolution to authorize the County Executive to execute water and sewer deeds of easement to the ACSA on behalf of the County, provided such deeds of easement are approved as to form and content by the County Attorney.

**By the recorded vote set out above, the Board adopted the following Resolution to authorize the County Executive to execute water and sewer deeds of easement to the Albemarle County Service Authority (ACSA) on behalf of the County, provided that such deeds of easement are approved as to form and content by the County Attorney.**

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE  
TO EXECUTE WATER AND SEWER EASEMENTS  
TO THE ALBEMARLE COUNTY SERVICE AUTHORITY**

**WHEREAS**, the County of Albemarle grants Deeds of Easement to the Albemarle County Service Authority ("ACSA") for the installation and maintenance of water and sewer lines on County-owned property; and

**WHEREAS**, such Deeds set forth the rights and responsibilities of the ACSA and the rights and remedies of the County to assure proper installation and maintenance of the water and sewer lines; and

**WHEREAS**, the efficiency of government would be improved by delegating the authority to the County Executive to execute such Deeds of Easement on behalf of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors authorizes the County Executive to execute Deeds of Easement on behalf of the County provided that such Deeds of Easement are approved as to form and content by the County Attorney.

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Item 6.6. Virginia Outdoors Fund (VOF) Grant for Mint Springs Fishing Accessibility Project.

It was noted in the Executive Summary that the Department of Conservation and Recreation administers a grant-in-aid program for the acquisition and development of public outdoor recreation areas and facilities. Localities may apply for 50 percent matching fund assistance from the Virginia Outdoors Fund (VOF) up to a total of \$100,000. These funds are provided from a Federal apportionment from the Land and Water Conservation Fund (L&WCF) under the purview of the National Park Service. The Mint Springs Fishing Accessibility Improvements Project is scheduled for funding in FY 2006-2007. County funding scheduled to be available is \$196,000 which exceeds the required 50 percent match amount.

The project includes construction of an accessible fishing pier as well as parking lot and pathway improvements which meet ADA requirements at the lower lake at Mint Springs. A successful grant application when added to total County funding available may allow for the addition of an accessible restroom facility at the lower lake. It is important to note that Mint Springs offers both warm and cold water fishing opportunities by virtue of its inclusion in the Virginia Department of Game & Inland Fisheries (VDGIF) "put and take" trout program. Trout waters by their very nature are typically very difficult to make accessible to the disabled. Mint Springs offers a unique opportunity to provide a totally accessible trout fishing experience which will benefit all residents. Currently there are no ADA accessible trout waters in Albemarle County and very limited accessible opportunities statewide. When completed, Mint Springs will be the premier accessible trout fishing facility in the state program.

The acceptance of L&WCF money requires the locality to dedicate the park property in perpetuity for outdoors recreation purposes in accordance with the Land and Water Conservation Fund Act. Mint Springs Park, with the exception of 64.5 acres added to the park in 1992, is already dedicated in perpetuity from a previous L&WCF grant. This grant would encumber the additional 64.5 acres as an outdoor recreation site in perpetuity. The application package requires a resolution of support from the governing body.

This project is already scheduled to be funded in FY 2006-2007 with County funds. A successful grant application may allow for a more enhanced project which would include more extensive support facility additions and improvements or a reduction in the necessary County funds for the base project. Staff recommends that the Board adopt a Resolution authorizing the County Executive to provide the necessary materials and to enter into such agreements as necessary to qualify for a VOF grant.

**By the recorded vote set out above, the Board adopted the following Resolution to authorize the County Executive to provide the necessary materials and to enter into such agreements as necessary to qualify for a VOF grant.**

**RESOLUTION FOR FUNDING ASSISTANCE FOR  
MINT SPRINGS PARK FISHING ACCESSIBILITY IMPROVEMENTS  
COUNTY OF ALBEMARLE**

**WHEREAS**, the Department of Conservation and Recreation (DCR) provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

**WHEREAS**, there are urgent needs within the County of Albemarle to develop park land and improve access to outdoor recreation opportunities for all citizens; and

**WHEREAS**, the Mint Springs Park Fishing Accessibility Improvements Project is deemed a high development priority; and

**WHEREAS**, the funding available from the Virginia Outdoors Fund (VOF) is limited to 50 percent on projects totaling \$100,000 to \$200,000; and

**WHEREAS**, in order to attain funding assistance from DCR, it is necessary that the County of Albemarle guarantee that a proportionate share of the cost thereof is available; and

**WHEREAS**, the proportionate project share of \$100,000 is funded by the County of Albemarle; and

**WHEREAS**, funding in addition to the Virginia Outdoors Fund Program share and the proportionate project share match by the County of Albemarle, if necessary to complete the project, will be the responsibility of the County of Albemarle;

**NOW, THEREFORE, BE IT RESOLVED** by the Albemarle County Board of Supervisors that the County Executive is hereby authorized to cause such information or materials as may be necessary to be provided to the Virginia Department of Conservation and Recreation and to enter into such agreements as may be necessary to permit formulation, approval and funding of the Mint Springs Park Fishing Accessibility Improvements Project; and

**BE IT FURTHER RESOLVED**, the County of Albemarle assures that the funds needed as the proportionate share of the cost of the approved project will be provided, up to \$100,000; and

**BE IT FURTHER RESOLVED**, that the County of Albemarle assures that the General Provisions of the Land and Water Conservation Fund Act (L&WCF) and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project; and

**BE IT FURTHER RESOLVED**, that the County of Albemarle will operate and maintain the public recreation facility in good condition and will provide permanent project acknowledgement signs of the participating funding agencies and that this signage will clearly state that the said facility is a "public" recreational facility; and

**BE IT FURTHER RESOLVED**, that the County of Albemarle shall dedicate the metes and bounds of the Mint Springs Park properties, in perpetuity, for public outdoors recreational purposes in accordance with the Land and Water Conservation Fund (L&WCF) Act; and

**BE IT FURTHER RESOLVED**, that the County of Albemarle assures that all other applicable federal and state regulations governing such expenditure of funds will be complied with in the administration, development, and subsequent operation of this Mint Springs Park Fishing Accessibility Improvements Project; and

**BE IT FURTHER RESOLVED**, that the Department of Conservation and Recreation is respectfully requested to assist in approval and funding of the Mint Springs Park Fishing Accessibility Improvements Project in order to enhance the standard of public recreational enjoyment for all our citizenry.

Item 6.7. Comparative Report of Local Government Revenues and Expenditures for Year Ended June 30, 2005, as prepared by the Commonwealth of Virginia, Auditor of Public Accounts, **was received for information.**

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Item 6.8. Board-to-Board, communication report of activities from the Albemarle County School Board. The following report was received as information:

**Bid Information:** The Building Services Department has a tremendous amount of work to accomplish this summer and many projects to design in order to be ready for bid next spring. Two schools, Jouett and Greer, will be closed this summer, except for the main offices. There are several other schools that will also have limited access. No bids were received for the Brownsville HVAC Replacement project. This project will be re-bid in January, 2007. Only two bids were received when the Cale Elementary project was bid earlier this year, and the project was \$2,000,000 over budget. There was little competition from sub-contractors; therefore, this project is being re-bid with the same scope of work but with a revised construction sequence and the completion dates extended to July 2007, with the hope of obtaining a more attractive construction price. Both the Cale and the Monticello Auditorium bids will be opened in mid-May, 2006.

**CATEC:** David C. Jeck, Director of CATEC, is leaving his post to become an assistant superintendent in the Greene County school system beginning July 1. The school division will be advertising for a new director in the near future. In addition to hiring a new director, CATEC is in the beginning stages of developing a strategic plan.

**Open Administrative Positions:** School division staff will be interviewing candidates for the position of Assistant Superintendent for Student Learning in the coming weeks. It is the hope of the Superintendent to hire someone in May. The division is also advertising for a Director of Transportation and a Director of Building Services.

**Living Wage:** The School Board at its April 20<sup>th</sup> regular meeting received the same information on living wage as the Board of Supervisors did on April 5<sup>t</sup>. The School Board directed staff to investigate the three options presented, as well as salary compression for other employees, and report to the School Board for the annual joint compensation and benefits meeting with the Board of Supervisors in the fall.

**2005 Presidential Award for Excellence in Mathematics and Science Teaching:** Jeremy Kennson Dove has been selected by President George W. Bush as a Presidential nominee for this award. Mr. Dove's exceptional teaching, leadership abilities, and dedication to students placed him among 100 Presidential nominees for the nation's highest honor for mathematics and science teaching. On Thursday, May 4, 2006, an award ceremony will be held to honor the 100 Presidential nominees who will receive a citation signed by President Bush identifying them as recipients of the Presidential Award for Excellence in Mathematics and Science Teaching.

**Southern District Elementary School Physical Educator of the Year:** Agnor-Hurt Elementary School Teacher Gwen Hairston was honored as the Southern District Elementary School Physical Educator of the Year by the National Association for Sport and Physical Education (NASPE) at its national convention in Salt Lake City, UT, April 25-29. The Southern District represents a 13-state area from Virginia to Texas. The "National Teacher of the Year" recipient was announced during the conference.

**6<sup>th</sup> Annual Golden Apple Award:** Richard L. Nunley, Better Living Building Supply & Better Living Furniture, is sponsoring the 6<sup>th</sup> Annual Golden Apple Awards for outstanding teachers from our school systems. These awards are presented to faculty members from the public and private schools in Albemarle County and Charlottesville City, including CATEC. Eligible private schools are those that are members of the Virginia Association of Independent Schools (VAIS).

**School Board/Superintendent/Constituent Coffees:** Over the past month, the Superintendent and various School Board members have held constituent coffees to hear concerns and issues as well as solicit feedback from members of their various communities. We hope to continue these meetings on a regular basis.

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Item 6.9. Copy of draft minutes of the Planning Commission for April 11, 2006, **was received for information.**

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Agenda Item No. 7A. Transportation Matters: VDOT Monthly Report for April, 2006.

Mr. Jim Utterback, Resident Engineer, was present. He said it is now springtime so a lot of scheduled work has begun. The slurry seal work in both Albemarle and Greene counties has been completed. Surface treatments will begin next week, and some of the asphalt plant-mix work is occurring at this time. Route 250 and couple of other secondary roads is taking place now.

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Mr. Utterback said Ms. Teresa Butler left VDOT in the middle of April taking a position with Fauquier County.

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Mr. Utterback said the I-64 TAMS contract (Turn Key Asset Management Services) has been let with a start date in October, 2006.

Ms. Thomas asked for an explanation. Mr. Utterback said it is basically for all of the ordinary maintenance on Interstate 64. This contract is from I-81 to I-288 near Henrico County. It does not include maintenance replacement, heavy bridge maintenance, or any kind of paving.

Ms. Thomas asked if this work was previously done in-house, but is now contracted out. Mr. Utterback said "yes." He said that now incidence response will be part of that contract and snow removal will also be part. He said H.B. 67 was signed by the Governor and VDOT is now going to privatize the entire interstate system in Virginia. This piece of I-64 is next in line, but in the next three years ordinary maintenance on the interstate highways will be privatized.

Ms. Thomas asked if the flower strips in the median of the interstate will be a part of that contract also. Mr. Utterback said that is part of the contract.

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Mr. Utterback said there were questions at the last meeting about the Rio Road/Hillsdale Drive intersection. He said the question has been sent to the Culpeper District Engineer.

Mr. Slutzky asked how long it takes for a response. Mr. Utterback said it is from 60 to 90 days.

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Mr. Utterback said there are two right-turn lanes at the Hydraulic Road/Route 29 intersection, but one can only turn right on red in the far right-hand lane. VDOT has looked at eliminating that second right turn lane and has also spoken to the City about increasing enforcement at that point. He has even looked at increasing the size of the sign.

Mr. Slutzky asked if you can turn in the left lane. Mr. Utterback said "no." Mr. Slutzky said the ambiguity is the biggest problem. It seems that people interpret that intersection in different ways. He thinks the sign could use some "tweaking."

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Mr. Utterback mentioned Maxfield Road and said there were speed limit signs in that area but they had been knocked down. Those signs have been replaced, and there has been ditching and machining work in the area. Also, someone asked about making this a Rural Rustic Road project, but it is already on the list for regular gravel road projects. He has heard that the traffic counts for rustic roads are being increased from 500 to 1000 and that may expand the opportunity for the County to do rustic road projects. Because the County has to commit to limiting development on these roads, there has to be some bureaucratic action to assure that the nature of a rustic road will be kept.

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Mr. Utterback said there were some questions about drainage at Buck Road and St. George Avenue in Crozet. VDOT has worked on the ditches and shoulders to help with that problem.

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Mr. Utterback said he had sent some information on the question of revenue sharing for the Scottsville project. Mr. Rooker said he had sent copies to the Board members.

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Mr. Utterback said the comments received on the Georgetown Road project are being evaluated now. He said there are some issues which can be addressed in the near term outside of the project.

Mr. Rooker asked when he could get a summary of the comments. Mr. Utterback said they should be available by the middle of May.

Mr. Rooker said the Board moved money from Old Ivy Road to the Georgetown Road project in order to get a project started. He would like to take that money and any other money accumulated and find some project that could be designed in those cost parameters and get it going.

Mr. Utterback said there are a number of actions to look at in the Secondary Roads plan depending on what comes out of the Statewide Transportation budget in the next month or so. He said the Secretary of Transportation has forwarded to all Highway Administrators in the State a list of potential cuts. He does not want to over react to that list at this time, but the Board should be aware that they have continued the process with the Six-Year Improvement Plan (the IPU – interstate, primary and urban roads) which is a "no action" proposal. That is creating concern from a lot of people across the state. That has not been done with the Secondary plans yet. The one memo from the Secretary of Transportation looked at a four-year snapshot of road projects. He has heard that some hearings and other things on the interstate/primary plan are trying to move forward. Looking at the impacts, they do roll back and potentially will impact Meadow Creek Parkway because of the urban portion of the plan.

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Mr. Utterback said there are two other things to mention. The railroad is looking at the bridge project on Proffit Road. They project closing that road on June 12.

Mr. Wyant asked what the capacity of the bridge will be upon completion. Mr. Utterback said it should be at 15 tons.

Mr. Wyant said the question came up at a meeting of the Fire/Rescue Committee. He said the fire equipment may not be able to provide service from the new fire station over that bridge. Mr. Utterback said he has talked with people from railroad about that fact. He said the railroad has committed to replacing the bridge and bringing it back to a 15-ton capacity. Without additional funds, that is all that can be done at this time.

Mr. Utterback said VDOT is looking at installing a portable traffic light on Polo Grounds Road to get traffic through the bridge underpass on that road during construction on Proffit Road. He anticipates that a significant amount of local traffic will try to get to Route 29 that way.

Mr. Rooker said he thinks it would be helpful to have a mirror located near that bridge. He said that at the last MPO meeting several people spoke about why that bridge on Proffit Road is not being turned into a two-lane bridge. He understands that was looked at and it would entail a lot more than just two-laning the bridge. Mr. Utterback said there would be a fair amount of approach work needed and it would take property from several parcels near the bridge. He said it was identified as a Federal bridge project in the out years of the highway plan because of the deteriorating condition of the bridge. With this fix, that may change the priority on that project. He said the County has some say in that but if the decision is not to bring the bridge up to standard maybe another bridge project in the County can be selected, if the money can be kept for Albemarle. He said there are three bridges which he has previously mentioned, the Proffit road bridge, the bridge on Route 743 at Advance Mills, and Dry Bridge. He said they are all Federal fund projects.

Mr. Rooker said he thought the railroad company was funding part of the costs of the project. Mr. Utterback said they are funding the Proffit Road bridge replacement in kind. Once VDOT replaces the bridge, it will be taken into the system. Right now, it is a railroad bridge.

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Mr. Utterback said there is a bridge on Route 641 which has been closed due to maintenance problems and its weight capacity has been reduced to three tons. He knows that impacts the response of fire/rescue providers. He has asked VDOT's Bridge Engineer to come up with some fix to allow the bridge to function for another three to five years. VDOT had looked at placing box culverts at that location, but ran into some right-of-way issues. When they get to the Advance Mills project, they will probably do this bridge project at the same time. He said they are inspecting the Advance Mills Bridge twice a year because it is a major concern. It is only rated for three tons at this time.

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Agenda Item No. 7b. Transportation Matters: Other Transportation Matters.

Mr. Tucker asked Mr. Utterback if he had any response to the questions he raised in an E-mail about the Meadow Creek Parkway.

Mr. Utterback said there have been a number of E-mails received about this subject along with quite a bit of correspondence. He has had discussions with Dr. Morteza Salehi, District Administrator, about this project. He recommends that everybody wait to see what comes out of the State budget once it is adopted. He said there are increases in the cost of right-of-way for that project and also for the Jarman's Gap Road project. Until VDOT is told to do with the Secondary Road Plan what is going on with the Interstate, Urban Plan, he has to just wait and see. At this time, it does not look positive because over the next four years there was a five and one-half million dollar cut to the program. That would wipe out the County's Secondary Plan.

Mr. Rooker said there are a couple of issues involved. Looking at the new State SYP, the City is not funded over the next six-year period for all the Meadow Creek Parkway. They have \$3.25 million in costs for Meadow Creek that are outside of 2012. From the County's perspective, there are the increased right-of-way costs Mr. Utterback alluded to, and that has not reflected in a new Six-Year Secondary proposed plan based on current funding. He understands the increase in right-of-way costs is about \$4.0 million. The County's entire funding for Secondary roads next year is \$2.7 million. The increase alone would be more than the entire allotment of Secondary Road funds. It emphasizes the need to get some of these projects started.

Mr. Boyd asked if VDOT was slowing down its efforts to move forward with this project. Mr. Utterback said "no." He said Meadow Creek is a significant Secondary project. He said it is one of the big projects across the State which would be affected. He has provided VDOT's Chief Financial Officer a list of roads in Albemarle County that would be severely impacted under the "No Action Scenario."

Mr. Rooker said Meadow Creek is a project with a significant Federal allocation to do an interchange. To not fund the road seems to be very problematic. Another problem with Meadow Creek funding is because the secondary component of the funding is all from State funds with no Federal contribution. They have taken the position that they would prefer to fund secondary projects that get a Federal match. That is an unleveraged project. Mr. Utterback said there are a couple of such projects in the Six-Year Plan. They would like to do almost every project in the Six-Year Plan that way.

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Mr. Wyant said the volunteer fire/rescue people have mentioned a problem with a bridge in the vicinity of Gleco Mills off of Route 29 South.

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Mr. Wyant said someone mentioned to him a drainage problem at the intersection of Huntington and Wakefield Roads.

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Mr. Wyant said the written report refers to a speed study for Route 810. It actually was a request to have the speed limit lowered.

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Mr. Wyant referred to some road patching that took place after work on the waterline in Crozet. He asked who checks that work to see if the contractor has done the work correctly. Mr. Utterback said VDOT has inspectors who check on all projects. Often they come up with a list of things that need to be corrected, and it takes a number of months before they are completed.

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Mr. Wyant mentioned a road coming off of Foxes Mountain onto Route 810, and also Blufton Road in Doyleville, are both in need of maintenance work.

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Ms. Thomas mentioned a conference VPRT people will be attending next weekend. She said Mr. Utterback might also be interested in attending the conference.

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Ms. Thomas said Planning staff told her that the final site plan for Faulconer has been filed. That site plan will undoubtedly impact the intersection at Tilman Road on Route 250 West. She said there is a blinking light there now, and there have been questions as to whether it will become a regular stop light. She wishes the minutes to reflect that residents on Morgantown Road are concerned that if it does become a stop light there will be more cut-through traffic. She said it seems incredible, but even today the police are finding that people are using Morgantown Road as a cut-through to avoid what they think might be congestion. If there is a regulated stop light at that point, people are more likely to want to cut-through on a very narrow road. She asked that VDOT keep that in mind when they decide about that stop light.

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Mr. Dorrier inquired about dust control on Route 712. Mr. Utterback said that has been done.

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Mr. Dorrier said he was asked by a resident of Glenmore if a stop light could be placed at that entrance onto Route 250. He said he does not know if it is needed or not but would like for VDOT to check.

Mr. Rooker said if a light is needed at that location, it might just be a blinking light during rush hours. Most of the time in that area there is no problem at all pulling out onto Route 250.

Ms. Thomas said the truck traffic from Luck Stone is huge at this time. She has heard some concerns about that from people who live in the area. Mr. Utterback said that entrance is another project that VDOT will be looking at.

Mr. Rooker said this is one of those historic situations where an industry was originally located "way out" of town, but it is no longer way out. Right now, it is in the middle.

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Mr. Boyd mentioned the pot holes on Polo Grounds Road.

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Mr. Boyd asked that Mr. Utterback add a section to his monthly report showing Rural Rustic Road projects. He asked if Mr. Utterback had an update on existing rustic road projects. Mr. Utterback said VDOT is stockpiling materials for these projects. There is a County administrative procedure to get verification from all the citizens along the road, and that is the piece of paper VDOT is waiting for in order to start these projects.

Mr. Tucker said Mr. Juan Wade, Transportation Planner, can answer that question. Mr. Rooker congratulated Mr. Wade on being elected to the Charlottesville School Board yesterday.

Mr. Wade said staff had sent letters to all of the homeowners on Rocky Hollow Road, Woods Edge Road and one other road explaining the process approved by the Board last year. They were only to contact the office if they did not approve of, or want, the project on their road. They have until May 23 to contact staff. If there are no comments received, staff will ask the Board in June or July to approve the project. VDOT is ready to start. The only calls received so far are questions to be sure no one is opposing the project.

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Mr. Slutzky said he has noticed that some items on a project are consistently underestimated, such as acquisition of rights-of-way. He asked if VDOT uses a set formula for establishing estimates, and

do they recheck these based on what is actually happening in the market. Mr. Utterback said there is a process which is followed, but when there is a lapse in the project, costs skyrocket.

Mr. Slutzky asked if they use an appraised value of the property at the moment of the appraisal, or for a projected estimate of value based on when the project is expected to take place. Mr. Utterback said inflation is factored in.

Mr. Rooker said it is VDOT's estimate, not the County's estimate, but if there is a situation where it is known that the values are increasing substantially faster than an inflation factor, that can be made known to the VDOT Office.

Mr. Slutzky asked if there is a consistent pattern in Albemarle County recently that the estimates have been low because of property values. Mr. Rooker said that is a consistent pattern all over the State. In the last five years, virtually every project close to construction time, found that right-of-way acquisition costs have been too low.

Mr. Slutzky said he thinks the Board might ask VDOT to revisit their model for projecting the right-of-way acquisition costs in light of the fact that they have been consistently running low. Second, he thinks the Board could have its staff take an independent look at the costs of right-of-way acquisition on larger projects. He said shrinking resources are becoming a bigger and bigger problem. If right-of-way costs are much larger than estimated and that creates a problem with the number of projects which can be funded, that might be one place where the County might get a more accurate picture than that furnished by VDOT. He asked Mr. Utterback if he will ask VDOT people what they are planning on doing to have that model reflect reality better. If they don't have a plan, or choose not to change the model, he will ask that the Board ask County staff to look for a simpler way to more accurately estimate right-of-way acquisition.

Mr. Rooker said he agrees with what Mr. Slutzky said, but thinks this has to be done at the State level because every project has its own peculiarities with respect to right-of-way. If the State model is coming in low consistently, they need to revise the model again. Mr. Utterback said he will ask the State Right-of-way Engineer this question.

Mr. Rooker said a high estimate of the right-of-way acquisition costs could actually be used against VDOT when it is negotiating to acquire the land.

Mr. Slutzky said maybe the County should accept the existing model knowing that it does not have that much money, and just act accordingly. Mr. Utterback said the right-of-way process is much regulated; it is a very specific process that is followed to meet Code requirements.

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Mr. Tucker said Mr. David Benish has a question to put before the Board.

Mr. Benish said that on April 5, 2006, the Board discussed bicycle safety and bicyclists' behavior on the highways. The Board asked staff to pursue educational efforts through some of the local pedestrian/bicycle committees. He said that was discussed with the Community Mobility Committee and the Rural Areas Transportation Study Committee. They are talking about disseminating information on the rules of the roads for cyclists. He said that discussion has just begun.

Mr. Rooker suggested having a one-sheet insert that could go into the bicycle route map. He referred to the new pedestrian crosswalks on Jefferson Park Avenue in the City and said he would like for that model to be used on Georgetown Road.

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Mr. Rooker asked if the speed study for Solomon Road/Inglewood had been completed. Mr. Utterback said he will check on that.

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Mr. Rooker said he would find it helpful to get the allocation of dollars for the various localities in the Culpeper District for the past four years through the current SYP to see how Albemarle County is being funded for primary and secondary roads. He would also like to have the populations for these localities shown. Mr. Utterback said the Secondary Road Funds are allocated through a formula.

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Agenda Item No. 8. Update on Activities, Sheriff Ed Robb (**removed from agenda**).

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Agenda Item No. 9. Update on Draft Drought Response and Contingency Plan from Rivanna Water & Sewer Authority (RWSA). This item was skipped temporarily.

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Agenda Item No. 10. Podcasting Board of Supervisors' Meetings, Discussion.

Ms. Lee Catlin, Community Relations Manager, introduced Mr. Mike Brown and Ms. Elaine Pack from the County's Information Technology department. She said podcasting is a word formed from combining broadcasting and iPod to describe the act of producing and distributing digital contents (mostly audio file in MP3 format) via cyberspace. She explained that it is essentially just broadcasting audio via the internet, noting that the FTR Gold Recording System being used now by the clerks already creates the audio that is the basis for podcasting. She said the recording is converted to MP3 and posted to the

website; at that point, a media player can play the recording. Once the podcast is put on the internet, people can subscribe to an RSS feed and are then notified when new files are available.

Ms. Catlin emphasized that it is not a sophisticated system in terms of what is required to podcast and even significant sized files can be compressed so they do not take up too much storage space. There is a possibility that people listening to/downloading the meeting could slow down the system and website; that won't be known until the demand is known adding that the IT staff feels the bandwidth can accommodate it. She said staff is looking at putting the GIS system and other information online, which will also take some of that bandwidth. It probably would only take an extra hour or two per meeting for a staff person to make the conversion and post it on the website.

Ms. Catlin said it will be important for people to know the podcast will not be the official record of the meeting; written minutes will still perform that function. She emphasized that podcasts can be manipulated and edited in a way that is beyond staff control. Also, the quality of the recordings varies due to distance from microphones, external noise, and other factors. The written record includes names for speakers, whereas raw recording does not always identify them. If the Board is interested in podcasting, staff can make it happen fairly quickly, but would recommend a trial period of three to six months, and then have usage rates evaluated.

Mr. Dorrier asked if it would be possible to only podcast the more important parts of the meeting. Ms. Catlin said it would take a lot more staff time to do that. She said staff has discussed ways to make the broadcast useful to people, but someone would have to break the meeting into sections or create a timeline to accompany the recording.

In response to Mr. Boyd's question about how staff could go about doing this, Ms. Catlin explained that it might be as simple as to have the Clerk note beginning and ending times on a particular topic. She suggested starting with the simplest version to determine usage before expanding the podcast.

Ms. Thomas said she feels the County should consider outsourcing these tasks. Ms. Catlin agreed, adding that perhaps items of the most interest could be dealt with differently.

Mr. Slutzky asked if it would be possible to feed a live video stream, since there is no broadcast of the meetings on cable television. Ms. Catlin said staff can look into that idea but having video would be more expensive.

Mr. Slutzky agreed with moving forward with the podcast, but said live streaming or creating jpeg files should be explored to possibly provide more public access to the meetings. Ms. Catlin said when the new board room is available, video possibilities will become easier.

Mr. Slutzky asked if an RSS feed could be done overnight when the bandwidth isn't used as much. Ms. Catlin replied that the feed is instantaneous, so people can get it right away.

Mr. Slutzky offered to help implement the system as he has experience with it.

Ms. Catlin reported that staff has created a sample entry page for podcasting, which she then presented.

Mr. Boyd asked if a disclaimer about the RSS feed not being an official record of the meeting would be included. Ms. Catlin said it could be included. Ms. Catlin then played several audio files for the Board to listen to.

It was the consensus of the Board to support staff's recommendation to proceed with a trial period of between three to six months to see how much usage the podcasts receive and whether there are any impacts on bandwidth capacity that need to be considered before a more permanent decision is made.

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Agenda Item No. 9. Update on Draft Drought Response and Contingency Plan from Rivanna Water & Sewer Authority (RWSA). (This item had been skipped earlier in the meeting.)

Mr. Tucker reported that the Rivanna Water & Sewer Authority met last week to discuss a drought management and response plan. He said Mr. Gary Fern is the new Executive Director of the Albemarle County Service Authority, which has made some recent changes to their standards.

Mr. Fern addressed the Board saying he had been on the job for two months. He said the Rivanna Regional Drought Response Committee was formed in 2004 and has been meeting regularly. The Drought Management Plan the Board has before it today contains discussions of existing water systems, water sources, emergency water sources, and a hydrologic model. This model is a tool being used to help RWSA staff and Committee members assess whether there are drought conditions, and if so, their severity. He said the model takes into account historic data, stream flow monitoring, and information about conservation efforts to come up with information on whether the area is moving into a drought stage. Within the draft plan, there is information from the state about the various drought stages - drought watch, drought warning and drought emergency - each increasingly stringent with an effort to reduce water consumption.

Mr. Fern reported that at the April meeting, the ACSA revised its phase restrictions so that phase one is now the drought warning, and phase two is for drought emergency conditions. They also created a

drought watch phase, which asks for voluntary water conservation efforts and requests that irrigation only be done between 8:00 p.m. and 7:00 a.m.

Ms. Thomas asked what is done at the watch phase. Mr. Fern said RWSA staff would first make a recommendation to the RWSA Board of Directors if there are any drought conditions. The RWSA Board would make recommendations to the Board of Supervisors, the ACSA Board of Directors and to City Council. The ACSA Board would look to the Board of Supervisors to declare an emergency, and then a drought watch would be issued.

Ms. Thomas asked if it is up to the Supervisors to give the ACSA the ability to enact any measures. Mr. Davis said the ACSA has the power to control how water is delivered and how much it costs, but under State law, localities are in control of whether or not a water emergency exists. That gives them the ability to control how water is used. He added that the County has a standing ordinance that contains a framework of how the ACSA is authorized to implement water use restrictions.

Ms. Thomas said a lot of measures were taken in 2002, but there is still a lawsuit against City Council because a carwash operator claimed there was a significant impact on his business when he was required to close. She wants to make sure the restrictions are as firmly based in laws as possible. She said the drought watch stage could be one in which there are no requirements, but there are a lot of suggestions made.

Mr. Rooker commented he is not sure people are aware of the difference in irrigating during the day versus at night, adding that it might be helpful to put that information in water bills now. Mr. Fern responded that irrigation contractors try to educate people on the efficiency of night watering when they install systems.

Mr. Rooker asked how far the County is now from a drought watch. Mr. Fern replied that the area is currently over seven inches behind normal rainfall for this time of year.

Ms. Thomas said that in 2002, there was discussion about giving car washes an exemption through industrial certification because they recycle so much water, but then it rained and the Drought Committee did not continue to meet. Mr. Fern said that he and Mrs. Judy Muehler of the City of Charlottesville have drafted a list of the hundred biggest water-users in the area. They are targeting each group – car washes, nurseries, etc. – to make a plan for what would be done if a drought emergency stage were reached.

Mr. Dorrier asked if there was enough education of the public to determine whether households have water leaks and to teach them how to repair/prevent them.

Mr. Slutzky asked if there would be fines for people watering their lawns if there is a drought watch. Mr. Fern said there are fines listed in the regulations - \$500 for the first offense, \$1,000 for the second offense, and then cutting water off.

Mr. Slutzky asked if those were the harshest penalties available. Mr. Fern answered that the offense could actually be a Class 3 misdemeanor. Mr. Davis said the maximum fine is \$1,000, adding that it might be possible to change the ordinance to make the penalties harsher.

Mr. Wyant said drought conditions are especially hard on farmers.

Mr. Rooker said there is a difference between a drought on a farm and its soil, and a drought where typically 95 percent or more of the water is going over the reservoir and downstream. Mr. Fern said the model takes into account the overall area, not just one stream.

Mr. Rooker asked about the criteria used to make the probability assessment. How far down in rainfall does the area have to be before that probability exists? Mr. Fern said there may still be water going over the dams, but a drought warning or watch is based on trends. He added that the model is being re-run currently, and the Committee is meeting again on May 15 to make that determination.

Mr. Wyant said farmers will start selling their cattle if the drought gets bad.

Ms. Thomas emphasized that the County can not do anything about people who use well water. She asked if there has to be a statewide emergency on groundwater, or could it be one that is county-specific. Mr. Tucker said a drought usually happens regionally.

Ms. Thomas suggested staff work on writing a plan that could be implemented for Albemarle County. Mr. Fern said the State has a task force and they too will make recommendations.

Mr. Mark Graham noted that if the State were to declare an emergency, they would be looking at that on a region-by-region basis –Albemarle is in the Middle James region. He added that groundwater recharges during the winter. The water that comes in March through October doesn't affect groundwater levels.

Mr. David Swales said he has wells in Key West and at Miller School which the USGS and DEQ have been monitoring. He is using the same well because those organizations are only measuring three times a year and so are missing a lot of details.

Mr. Slutzky asked if an easement is required to put in monitoring wells. Mr. Swales said he has had marginal success in personally soliciting easements. He agreed to allow Board members to assist in that process, adding that there must be easements to put in a well and a license agreement to do hand-measurements at existing wells.

Mr. Davis commented that before the County can put in a facility it needs an easement. License agreements have been used for the County to have access to other people's facilities.

Mr. Boyd asked the location of the site in Key West. Mr. Swales responded that it is a well near the river that was never used by the Key West water system.

Ms. Thomas said Mr. Tom Frederick, Executive Director of the Rivanna Authority, indicated at a recent meeting that the Beaver Creek Reservoir could be used as a supplemental water supply, but there is concern that a lot of that water would be lost in the streambed as it came down into the Rivanna River. She said there is water in the North Fork of the Rivanna River that can be used, but the pipes in the north system and the south system might not be able to be intermingled. She said there are pipes in the Ragged Mountain area to let water from Sugar Hollow and the South Fork Rivanna River intermingle.

Mr. Rooker commented that there has been discussion about connecting the urban system with the Crozet system at Ivy so water from Beaver Creek could be brought into the urban system for use instead of sending it down the river. He noted that Mr. Don Wagner made that suggestion and the engineers present at that meeting felt it was feasible.

(Note: At 10:37 a.m. the Board recessed and reconvened at 10:55 a.m.)

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Agenda Item No. 11. Preddy Creek Property Status Report, Pat Mullaney.

Mr. Pat Mullaney, Parks & Recreation Director, addressed the Board. He said the Preddy Creek property contains 571 acres; there are 452 acres in Albemarle, 104 acres in Orange County, and 15 acres in Greene. The property was purchased in 1969 as a water supply impoundment, but it was later found the land was not feasible for that purpose. The County has never decided on the ultimate use for the property and it is not dedicated as a park in the Comprehensive Plan. Based on the Recreational Needs Assessment, the Department of Parks and Recreation favors minimal development of the property for non-motorized trail use. Funding had been put into the FY '07-08 Capital Improvements Program for that purpose, but that funding was pushed back by the CIP Technical Committee to FY '10-11.

Mr. Boyd asked why it had been pushed back. Mr. Mullaney said it was the recommendation from the Technical Committee; he does not know the reason. Mr. Tucker said he does not remember why that recommendation was made; he will research the question.

Mr. Boyd said that based on the recreation needs assessment, he thinks this is a priority item.

Mr. Dorrier asked if there is a large population near the park. Mr. Mullaney said the proposed park entrance is six miles from the intersection of Route 29 and Airport Road; it takes about eight minutes to get there. He said Greene County recently approved a site plan for 800 residential units right on its border with Albemarle. Orange County also has some items slated for that area. He said that currently there is no public entrance on that side of the land, but there is maintenance access.

Mr. Davis commented that Albemarle needs to explore zoning requirements in Orange and Greene counties for establishing a park. Mr. Mullaney responded that Greene County indicated that it is a by-right public use. Orange County requires a special use permit even though Albemarle owns the land.

Mr. Boyd asked about the cost of improving the trails. Mr. Mullaney said the cost shown in the Executive Summary is to get parking access on the property, and that will likely not change.

Mr. Davis noted that one difficulty with rural parks is providing an appropriate entrance and parking area. There needs to be further study for this property.

Mr. Rooker said the land in Orange County could be left as a buffer, not as a park.

Mr. Slutzky asked if any of this property was acquired by eminent domain. Mr. Davis replied that it was acquired through purchase.

Mr. Slutzky asked if the land has been used for hunting. Mr. Mullaney responded that it is posted for NO-hunting, but there has probably been hunting and ATV traffic, adding that the only way the County knows of incidents is through complaints. He emphasized that there are issues like that to be worked out with the other counties.

At this time, Mr. Boyd **moved** to initiate the process to designate the Preddy Creek property as a park and to direct staff to initiate a review of its use as a park for compliance with the Comprehensive Plan. Mr. Slutzky **seconded** the motion, which passed by the following recorded vote:

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

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Agenda Item No. 12. Third Quarter Financial Report.

Mr. Richard Wiggins, Director of Finance, addressed the Board. He said the County has collected approximately 53 percent of the revenues estimated for the FY '05-06 year; the remaining portion will be received over the next six weeks. Total expenditures, including transfers, are within appropriate levels, 73.5 percent for the first nine months of the fiscal year. The end-of-year Fund Balance is projected to be \$7.473 million.

Mr. Wiggins said it is estimated that current fiscal year General Fund revenues will exceed current appropriations by \$7.136 million, or 4.1 percent. This is a \$1.801 million increase from the FY '06 Second Quarter Financial Report. Transfers and the use of the Fund Balance will exceed current appropriations by \$2.347 million due to the CIP Fund Balance appropriation approved in April.

Mr. Wiggins said the report shows that the County had an audited FY '05 Fund Balance of \$19.615 million at June 30, 2005; has appropriated \$3.430 million for FY '06 projects; had a remaining FY '05 Fund Balance of \$16.185 million at March 31, 2006; reserved \$13.0 million for cash flow purposes; subsequently approved \$2.572 million for FY '06 projects and transfers; had proposed commitments of \$0.051 million; and has Unobligated Funds available of \$0.563 million. Based on the Board's approved policy, 100 percent of the end-of-year revenues and 60 percent of the expenditure savings will be transferred to the CIP Reserve after FY '06 revenues and expenditures are finalized. During budget work sessions the Board approved the use of \$0.538 million for FY '07 one-time expenditures from the projected end-of-year available funds of \$7.473 million. Staff requests acceptance of the FY '06 Third Quarter Financial Report.

Mr. Boyd asked if the minimum cash flow figure of \$13.0 million is ever revisited. Mr. Tucker said the County's cash flow has always been strong, so there has not been a need to increase the amount.

Mr. Wiggins said his staff is in the process of preparing a detailed report on the status of the CIP, including what has been spent on projects and what remains.

Ms. Roxanne White, Assistant County Executive, noted that the amount kept in the CIP Reserve for contingencies and cost overruns is currently about \$5.0 million.

Mr. Boyd said it would be helpful to him to get a written report.

Mr. Rooker commented that he has heard some residents of Charlottesville say they feel the current Juvenile Court building should be demolished. Mr. Tucker responded that a structural engineer is being brought in to look at the recent collapse of a part of the building and advise the localities as to whether the building should continue to be renovated or torn down.

At this time, Mr. Boyd moved to accept the FY '06 Third Quarter Financial Report as presented. Mr. Wyant seconded the motion, which passed by the following recorded vote:

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

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Agenda Item No. 13. Closed Session.

At 11:55 a.m., Mr. Slutzky **moved** to go into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; under Subsection (1) to conduct an administrative evaluation; 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: Ms. Thomas, Mr. Wyant, Mr. Boyd, Mr. Dorrier, Mr. Rooker and Mr. Slutzky.  
NAYS: None.

(The Board then recessed for County Day.)

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Agenda Item No. 14. Certify Closed Session. At 2:00 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 Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

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Agenda Item No. 15. Boards and Commissions, Appointments.

Mr. Boyd offered **motion** that Mr. Robert W. Tucker, Jr., be appointed to serve on the Development Review Task Force. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

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Agenda Item No. 16. **Public Hearing:** Proposed FY 2006 Budget Amendment. (Notice of this public hearing was advertised in the Daily Progress on April 30, 2006.)

Mr. Melvin Breeden, Office of Management and Budget, reported that the budget amendment is comprised of seven separate appropriations: One appropriation (No. 2006-064) for \$7,000.00 to assist with Police overtime at Foxfield; one appropriation (No. 2006-065) in the amount of \$41,454.94 for a Fire/Rescue grant to purchase Life Paks; two appropriations (No. 2006-066 and No. 2006-068) totaling \$2,015,232.00 for additional funding for two CIP projects; one appropriation (No. 2006-067) totaling \$1,500.00 for an education donation; one appropriation (No. 2006-069) in the amount of \$30,550.00 to fund the Democratic Primary for the United States Senate; and one appropriation (No. 2006-070) providing \$20,000.00 in emergency vehicle repair funds to Earlysville Volunteer Fire Company. After holding the public hearing, staff recommends approval of the FY 2006 Budget Amendment in the amount of \$2,115,736.94 and then approval of the listed appropriations. Two million dollars is being allocated for additional Juvenile Court Building funding. The original estimate was made before problems occurred with the building during renovations.

Mr. Dorrier asked if insurance will cover any of the repairs resulting from the partial collapse. Mr. Breeden replied that it is being reviewed, but the outcome is not known. Mr. Davis added that is an involved situation.

Mr. Slutzky asked if there is a provision in the contract to change the course of the project if the work can't be completed. Mr. Davis responded that there is a standard provision that deals with that issue, but that will not eliminate the expenditures that have occurred to date.

Mr. Wyant asked about the appropriation for Western Albemarle High School. Mr. Breeden explained that they received a contribution of \$40,000 last fiscal year for locker room improvements which was overlooked when appropriations were made last fall.

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

Appropriations were listed as:

Appropriation No. 2006-064, \$7,000.00. In an agreement with the Virginia Alcohol Beverage Control Board (ABC), the Albemarle County Police Department will be receiving \$7,000.00 to assist with overtime associated with the 2006 Foxfield spring races.

Appropriation No. 2006-065, \$41,454.94. The Virginia Office of Emergency Medical Services has awarded the Department of Fire/Rescue a grant with a maximum award of \$138,340.00. Fire/Rescue has until December 31, 2006, to complete the expenditures relating to this award. At this time, Fire/Rescue has requested an appropriation of \$41,454.94 to purchase and install two LifePaks. LifePaks are cardiac monitors that monitor heart rhythm and heart rate. The new devices also have diagnostic capabilities to detect if a person is actually having a heart attack, what their oxygen level is, and how their breathing is being affected. There is a 50 percent local match of the original cost of the LifePaks which will be funded with a transfer from the Fire/Rescue Department's operations budget.

Appropriation No. 2006-066, \$20,000.00. In June, 2005 a \$20,000.00 donation was received in the Capital Improvements Fund for the Western Albemarle Baseball Locker Room. These funds were never appropriated. The School Division has requested that these funds now be appropriated from the CIP Fund Balance.

Appropriation No. 2006-067, \$1,500.00. At its meeting on March 23, the School Board approved the following appropriation: Cale Elementary School received two donations totaling \$1,500.00. TIFF Advisory Services donated \$1,000.00 and Jeffrey and Christine Riley donated \$500.00. It has been requested that these donations be used to support the technology program at Cale Elementary School.

Appropriation No. 2006-068, \$1,995,232.00. Construction bids for the Juvenile and Domestic Relations Court were higher than anticipated and will require \$1,995,232.00 in additional funding. These funds will be appropriated from the Capital Improvements Fund Balance.

Appropriation No. 2006-069, \$30,550.00. There will be a Democratic Primary for the United States Senate on June 13, 2006. The Department of Voter Registration and Elections

anticipates \$30,550.00 in expenses relating to this primary. We anticipate no offsetting revenue from the State for these expenses and request funding be provided from the General Fund Balance.

Appropriation No. 2006-070, \$20,000.00. The Earlysville Volunteer Fire Company incurred \$20,000.00 in emergency vehicle repair expenses last fiscal year that were intended to come from remaining balances at the end of FY 2004-05, but were instead taken from the current fiscal year's operational contribution. These replacement funds will be appropriated from the General Fund Balance.

Mr. Boyd **moved** to approve the budget amendment as advertised in the amount of \$2,115,736.94, and to approve Appropriations No. 2006-064 through No. 2006-070 ad set out below. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-064  
 DATE: 05/03/06  
 EXPLANATION: Police Department Overtime - Foxfield

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	24000	240501	ABC Board - PD TO	J2	7,000.00		
1	1000	31013	120310	Overtime/Special Events	J1	6,541.00		
1	1000	31013	210000	FICA	J1	459.00		
			0501	Est Revenue			7,000.00	
			0701	Appropriation				7,000.00
TOTAL						14,000.00	7,000.00	7,000.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-065  
 DATE: 05/03/06  
 EXPLANATION: Fire/Rescue - Life Paks Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1547	24000	240415	EMS Funds	J2	20,495.00		
2	1547	514000	512004	Transfer from G/F	J2	20,959.94		
1	1547	32015	800100	Machinery & Equip	J1	41,454.94		
1	1000	32015	800500	Motor Vehicles	J1	(20,959.94)		
1	1000	32015	930200	Transfer-Grant Projects	J1	20,959.94		
			0501	Est Revenue			41,454.94	
			0701	Appropriation				41,454.94
TOTAL						82,909.88	41,454.94	41,454.94

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-066  
 DATE: 05/03/06  
 EXPLANATION: Donation - Western Albemarle Locker Room

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9000	51000	510100	Appropriation- F/B	J2	20,000.00		
1	9000	60302	800654	Western Locker Room	J1	20,000.00		
			0501	Est Revenue			20,000.00	
			0701	Appropriation				20,000.00
TOTAL						40,000.00	20,000.00	20,000.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-067  
 DATE: 05/03/06  
 EXPLANATION: Education Donation

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	1,500.00		
1	2214	61101	601300	Inst/Rec Supplies	J1	1,500.00		
			0501	Est Revenue			1,500.00	
			0701	Appropriation				1,500.00
TOTAL						3,000.00	1,500.00	1,500.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-068  
 DATE: 05/03/06  
 EXPLANATION: Additional Funding for Juvenile & Domestic Court Renovation

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9010	51000	510100	Approp - Fund Balance	J2	1,995,232.00		
1	9010	21050	800901	J & D Court Renovations	J1	1,995,232.00		
			0501	Est Revenue			1,995,232.00	
			0701	Appropriation				1,995,232.00
TOTAL						3,990,464.00		
							1,995,232.00	
								1,995,232.00

COUNTY OF ALBEMARLE  
APPROPRIATION NO. 2006-069  
DATE: 05/03/06  
EXPLANATION: Funding for the Democratic Primary for the U.S. Senate

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	51000	510100	Appropriation - F/B	J2	30,550.00		
1	1000	13020	120000	Salaries-Overtime	J1	1,300.00		
1	1000	13020	210000	FICA	J1	100.00		
1	1000	13020	312510	Election Officials	J1	16,000.00		
1	1000	13020	360000	Advertising	J1	500.00		
1	1000	13020	390000	Other Purchased Srvc	J1	8,000.00		
1	1000	13020	520100	Postage	J1	500.00		
1	1000	13020	520300	Telecommunications	J1		500.00	
1	1000	13020	540200	Lease - Buildings	J1	400.00		
1	1000	13020	550100	Mileage	J1	250.00		
1	1000	13020	600100	Office Supplies	J1	2,500.00		
1	1000	13020	601700	Copy Center	J1	500.00		
	1000		0501	Est Revenue			30,550.00	
			0701	Appropriation				30,550.00
TOTAL						61,100.00	30,550.00	30,550.00

COUNTY OF ALBEMARLE  
APPROPRIATION NO. 2006-070  
DATE: 05/03/06  
EXPLANATION: Emergency Vehicle Repairs - Earlysville Volunteer Fire Company

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	51000	510100	Appropriation- F/B	J2	20,000.00		
1	1000	32020	561000	Earlysville Vol. Fire	J1	20,000.00		
	1000		0501	Est Revenue			20,000.00	
			0701	Appropriation				20,000.00
TOTAL						40,000.00	20,000.00	20,000.00

Agenda Item No. 17. **Public Hearing:** Ordinance to amend Chapter 8, Licenses, Article VI, Schedule of Taxes, Division IV, Personal, Professional, Business or Repair Service Business, Occupations and Professions, of the Code of the County of Albemarle, Virginia, by amending Section 8-617, Retailers or retail merchants. The proposed ordinance would reduce the license tax from twenty cents (\$0.20) for each one hundred dollars (\$100.00) of gross receipts to ten cents (\$0.10) for each one hundred dollars (\$100.00) of gross receipts for sales made to a remote buyer ordering by telephone, internet, or mail in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service. The proposed effective date of this ordinance is January 1, 2007. (Notice of this public hearing was advertised in the Daily Progress on April 17 and April 24, 2006.)

Mr. Richard Wiggins, Director of Finance, said the proposed ordinance amendment would reduce the current rate of \$0.20 per \$100 of sales to \$0.10 per \$100 of sales made to a remote buyer ordering by telephone, internet or by mail. Using the \$200.0 million direct retail sales estimate, the annual impact on County revenue for each one cent reduction in the BPOL tax rate on these sales would be approximately \$20,000. The proposed \$0.10 reduction would decrease the tax revenue to the County from these direct retail sales from \$400,000 to \$200,000. He added that the effective date of this ordinance would be January 1, 2007. The Board had reviewed this information on April 5 and requested that a public hearing be set.

Mr. Slutzky said there are some parties that have an interest in speaking on this matter but he mistakenly told them the hearing would be on May 10. He asked that the public hearing be continued to that meeting.

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

Mr. Slutzky immediately offered **motion** to defer and reopen the public hearing on May 10. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 18. **Public Hearing:** SP-2005-034, Camp Watermarks (Signs #90, #96). Proposed: Nature/agriculture camp, four weeks per year for local/urban children. Zoning Category/General Usage: RA, Rural Areas: agricultural, forestal & fishery uses; residential density (0.5 unit/acre). Section: 31.2.4.1; 10.2.2.20; 5.1.05. Comprehensive Plan Land Use/Density: Rural Areas-preserve & protect agricultural, forestal, open space & natural, historic & scenic resources/density (0.5 unit/ acre). Location: 1145 James River Drive, west of Route 726 & Hatton Ferry Road; TM 136, Parcels 6B, 9D, 9D1, 9E. Magisterial District: Scottsville. (Notice of this public hearing was advertised in the Daily Progress on April 17 and April 24, 2006.)

Mr. David Benish, Chief of Planning, reported that the applicant is requesting a special use permit to establish a camp for girls and boys ages eight through 13, with a maximum of four overnight sessions per year and a maximum enrollment of 45 children per session. He said the sessions would be for one week during the spring growing season, and two weeks during the summer growing season, and a fourth

week for the fall harvest. Camp activities and accommodations are proposed in several areas of the site, including existing cabins, a recreation and dining hall, and other established facilities. He reported that the applicant operated the camp for one week in 2005 without a special use permit, creating a violation, and this request for a special use permit will remedy that situation. He said there were other improvements to agricultural buildings made in violation of the ordinance, but those have been abated. He said the Planning Commission reviewed this request on April 11 and recommended approval subject to the conditions outlined in the Action Letter from the Planning Commission dated April 20, 2006.

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

Mr. Travis Critzer and his wife Angie addressed the Board. He explained that this farm has been in his family for over 100 years and they want to keep it. He said there is development all around them, with farms being cut up and built on. He emphasized that he would like for the farm to provide a place for young people to come together and learn about rural living.

Ms. Angie Critzer explained that the intent of the camp is to provide a safe environment for children, adding that as youth leaders of their church she and her husband have become aware of the need for this type of love and support for children.

Mr. Rooker opened the public hearing.

Mr. Peter Way addressed the Board, indicating his support for the Critzer's project. He said it has the backing of everyone in the community. No one is opposed to it. He added that it fits in with the County's planning for agricultural uses in the rural area.

Rev. June Crawford addressed the Board, stating that she is the associate pastor at Ephrata Baptist Church in Fluvanna County, and used to be the program manager at Charter Hospital in the adolescent/pre-adolescent unit. She has been involved in training the Critzers as youth and small group leaders, and there is a possibility of partnering with the Department of Youth & Family Services.

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

**Motion** was immediately offered by Mr. Dorrier to approve SP-2005-034, Camp Watermarks, subject to the 10 conditions recommended by the Planning Commission and as listed in the letter to the applicant dated April 20, 2006. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

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

1. Special Use Permit 2005-34 shall remain in general accord with the concept application plan dated February 22, 2006, prepared by Angela and Travis Critzer, and titled "Watermarks Christian Ministries Camp" (Attachment A, drawing 1). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;
2. Compliance with the Virginia Statewide Fire Prevention Code shall be verified by the Fire Marshall prior to clearance and the commencement of the Special Use Permit;
3. Compliance with the Virginia State Department of Health regarding minimum septic requirements shall be required prior to the commencement of the Special Use Permit;
4. Compliance with the Virginia State Department of Health regarding kitchen and food service approvals shall be verified by the Health Department prior to clearance and the commencement of the Special Use Permit;
5. Total number of staff (in addition to the applicant and their family) on site at one time shall be limited to ten (10);
6. Camp sessions shall be limited to a maximum of four (4), each one (1) week long, overnight sessions per year;
7. The maximum number of children per session shall be limited to 45 (forty-five);
8. The maximum number of bus or van trips (round trips) to and from the camp, each session shall be six (6). Bus or van trips shall be the primary means of transportation for the children;
9. Outdoor amplified sounds or bull horns shall be prohibited; and
10. Compliance with VDOT requirements for the entrance shall be verified prior to the clearance for the commencement of the special use permit.

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Agenda Item No. 19. **Public Hearing:** SP-2005-035, Outdoor Furniture Display (Classic Furniture) (Signs #82, #84). **Proposed:** Outdoor display of furniture in two approx 20' x 20' areas of the existing parking lot on the north side of the building. **Zoning Category/General Usage:** C-1 commercial/retail sales & service uses & residential uses by special use permit; EC Entrance Corridor/overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. **Section:** 30.6.3.2.b, Special Use Permit, which allows for outdoor storage/display/sales associated with permitted uses, when visible from an EC street. **Comprehensive Plan Land Use/Density:** Community Service-community-scale retail, wholesale, business & medical offices, mixed use core communities and/or employment services & residential (6.01-34 units/acre). **Location:** TM 61M/Parcel 2, 460 Premier Circle, on the west side of Seminole Trail (Route 29 North)

across from Branchlands Blvd. Magisterial District: Rio. (Notice of this public hearing was advertised in the Daily Progress on April 17 and April 24, 2006.)

Mr. Benish this is a request for a special use permit to allow outdoor display of furniture associated with permitted uses in the Entrance Corridor Overlay District, in this case Route 29 North. The property is located on Premiere Circle on the west side of Seminole Trail across from Branchlands Boulevard. The applicant proposes to display furniture in two areas that measure twenty-feet by twenty-feet in the existing parking lot on the north side of the Classic Furniture building. He said the conditions proposed by the Planning Commission limit the use to patio furniture and accessories. He said the ARB reviewed the proposal on February 6 and recommended approval with conditions; those conditions are reflected within the Commission's recommended conditions stipulated at their April 11 meeting.

Mr. Benish said that at the Planning Commission meeting, several issues were raised by adjacent property owners, including concern as to whether there were any violations to prior site plan approvals for landscaping or landscaping ordinance requirements. The Commission directed staff to examine that issue, and Zoning staff has determined there are no violations on this site but there are potential issues with adjacent properties; Zoning staff, Police Department staff, and Mr. Slutzky have met to discuss how to deal with those issues. He emphasized that this special permit review process can only focus on aspects of visibility from the Entrance Corridor, the other issues will have to be dealt with separately.

Ms. Thomas asked if the furniture would be put indoors every evening. Mr. Benish replied that the Commission addressed that as well, and the applicant would need to explain his plans for that.

Mr. Rooker asked the applicant to speak.

Mr. Arthur Cox, part-owner of Classic Furniture, addressed the Board. He explained that their current plan is to bring the furniture in at night as it would be impossible to secure it outside.

Ms. Thomas asked if the parking area is blocked off when the business is closed. Mr. Cox replied that it is.

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

Mr. Slutzky immediately **moved** for approval of SP-2005-035 subject to the conditions recommended by the Planning Commission. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

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

1. Items shall be displayed only in the areas marked for display on the plan entitled "Classic Furniture Outdoor Display" and dated 2-6-06;
2. Items displayed shall be limited to patio furniture. Beds and mattresses shall not be displayed;
3. Items for display shall not be stacked one atop another;
4. Items for display shall not be elevated anywhere on site;
5. Planters joined by black chain shall be used to delineate the boundaries of the display areas;
6. No new lighting is approved for the display areas; and
7. Final approval of the site plan amendment/letter of revision is subject to Design Planner approval of the revised landscape plan (submitted with the amendment). Planting illustrated on the plan shall include the following additions to the site:
  - a) One (1) two and one-half (2 1/2) inch caliper tree located in the island situated at the interior of the parking row in front of the building;
  - b) One (1) two and one-half (2 1/2) inch caliper tree located in the island at the east end of the parking row in front of the building;
  - c) Evergreen screening shrubs twenty-four (24) inches in height along the EC frontage to screen the parking lot from the EC. These shrubs shall replace the existing row of shrubs located closest to the parking spaces and shall consist of a holly that grows to a minimum of two (2) to three (3) feet in height; and
  - d) Replace the missing tree along the EC frontage with a Kwanzan Cherry at two and one-half (2 1/2) inch caliper, and add another flowering Cherry in the planting bed along the EC to visually balance the replacement tree.

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Agenda Item No. 20. **Public Hearing:** SP-2006-03, American Cancer Society, Pink Ribbon Polo (Signs #42, #47). **Proposed:** Annual polo match benefits American Cancer Society. **Zoning Category/General Usage:** RA-Rural Areas: agricultural, forestal & fishery uses; residential density (0.5 unit/acre). **Section:** 31.2.4, 10.2.2.42, 5.1.27. **Comprehensive Plan Land Use/Density:** Rural Areas-preserve and protect agricultural, forestal, open space & natural, historic & scenic resources/density (0.5 unit/ acre). **Location:** King Family Winery, 6640 Roseland Farm, Crozet; TM 55, Parcels 80, 81.

Magisterial District: White Hall. (Notice of this public hearing was advertised in the Daily Progress on April 17 and April 24, 2006.)

Mr. Cilimberg said this request is for an annual non-profit polo event benefiting the American Cancer Society's breast cancer research. Last year the event was held for the first time with approximately 764 people attending, under administrative approval from the County Zoning Department. He said the applicant is seeking this permit so they do not have to go through this process each year. He said the applicant is projecting that over 1,100 people will attend this year.

Mr. Cilimberg said staff reviewed the request and identified several factors favorable, including the fact that this property remains a farm winery under a permanent conservation easement. The event is a model of integrating the purpose of the rural areas with an event that directly benefits the community, and an equestrian event held on the farm also supports local agricultural activities. The one unfavorable factor was that traffic from the event could impact the surrounding area. Staff discussed with the Planning Commission information from the Police Department as to how they would deal with traffic, and the Commission and staff have recommended approval. Mr. Cilimberg said the Commission recommended capping attendance at 2,000, and Zoning would conduct a clearance each year, also renewal of the permit would be required in five years.

Mr. Cilimberg said staff recommends that Condition No. 4 be replaced with the following wording: "This permit is valid until May 3, 2011. The applicant may submit a special use permit amendment to extend this date. This extension request shall be submitted no later than six months from the expiration of this special use permit or by November 3, 2010. Review of an extension request will include the impacts on traffic and noise."

Mr. Slutzky asked if attendance could be increased if the event were a big success. Mr. Cilimberg said the applicant would need to come back and request an amendment of the special use permit.

Mr. Davis pointed out that Foxfield's original approval had no conditions because it expected to be nothing more than a minor event. Comparing this event to Foxfield, staff thought there should be reasonable parameters placed.

Mr. Rooker asked if the event had to be a polo event. Mr. Cilimberg said that is what the application stipulates.

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

Mr. David King said he was present on behalf of the American Cancer Society. He and his wife own the property. The Society came to them last year because Old Trail was not yet open to host the event. That event raised about \$70,000. He said the polo community is very small and one of their members had a double mastectomy this year. He mentioned that the farm is large with internal roads, and not everyone arrives and leaves at the same time. The organizers intend to have three policemen on site, and the recommendation was to have one at each end of Half Mile Branch and one at the entrance. He indicated that the Society sells tickets so they know the number who will attend. This is his home so it is not going to become another Foxfield. He said the easement he voluntarily placed on the property in 2000 prevents festivals. His only concern is the cost of the renewal fee since he is only charging the Cancer Society \$1,000 to have the event.

Mr. Davis noted that the application fee would be slightly less because it would be an amendment to an existing special use permit.

In response to a question from Mr. Wyant about frequency, Mr. King emphasized that this is just a one-day per year event, and it takes a lot of work for him and his staff to put together.

Mr. Rooker thanked Mr. King for offering his land for the event, and also for putting his property in conservation easement.

Mr. Davis said the second sentence in proposed Condition No. 4 could be simplified to say, "This extension request shall be submitted no later than November 3, 2010."

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

Mr. Wyant **moved** for approval of SP-2006-033 with the four conditions recommended by the Planning Commission, amending Condition No. 4 as recommended by Mr. Davis. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

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

1. Special Use Permit 2006-03 shall be developed in general accord with the sketch plan submitted March 16, 2005, prepared by the Pink Ribbon Polo Committee, and titled "American Cancer Society, Pink Ribbon Polo, SP2006-03" (Attachment A.). However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;

2. The event shall be held once a year between the dates of May 30 and July 1. The event shall be limited to the hours of 10:00 am and 6:00 pm. Amplified sounds shall be limited to the National Anthem and announcements related to the polo game. The applicant shall arrange for traffic control personnel to be placed at all locations and for what period of time the Albemarle County Police Department deems necessary;
3. Annual approval of a zoning compliance clearance for not more than two thousand (2,000) attendees is required prior to commencing this use each year. The applicant shall apply for the zoning clearance no later than three (3) weeks prior to the date for the event. Zoning approval will be contingent upon the Zoning Administrator determining that the provisions in Section 5.1.27 of the Albemarle County Code and all conditions of this special use permit have been satisfied and on confirmation from the Health Department, as well as the Departments of Fire/Rescue and Police, that they have been contacted by the applicant and can recommend approval; and
4. This permit is valid until May 3, 2011. The applicant may submit a special use permit amendment to extend this date. This extension request shall be submitted no later than November 3, 2010. Review of an extension request will include the impacts on traffic and noise.

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Non-Agenda. Ms. Elaine Echols, Principal Planner, reported that she attended the American Planning Association's national conference in San Antonio. She was asked to make a presentation on Albemarle County's urban development and design in a regional setting. She did the presentation in conjunction with the Renaissance Planning Group, who asked her to talk about other things being done in the County. She had a discussion with county planners before her presentation, and they were aware of the Neighborhood Model having seen information about it on Albemarle's website. She indicated that there were 150 people who came to her session, asking lots of questions about how this was being done, and looking to Albemarle for leadership and guidance in terms of new urbanism in a county setting. She found this very gratifying as a planner, and it also highlighted the Supervisor's leadership in planning.

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Agenda Item No. 21. Places29 Master Plan Update, Lee Catlin.

Ms. Lee Catlin, Community Resources Manager, said the Places29 Master Plan process is preparing for the next series of public meetings to be held on May 18 and May 20. Since the last public charrette in November, 2005 the consultants have been working with staff and the Places29 Project Team and they have refined public comments and feedback into three framework alternatives that show contrasting approaches to land use and transportation elements in the plan's area. Those three framework alternatives were shown to the Planning Commission and Board members in February during a brief overview by the consultant, and were reviewed in more detail by some Commissioners and Board members in meetings following that work session.

Ms. Catlin said to help the public focus on the issues and questions that need to be addressed during the May meetings, the land uses in the alternatives have been simplified. This decision comes out of experience at the November, 2005 workshops since some of those participants were distracted from considering overall land use and transportation patterns; they were instead evaluating where residential uses should go, where offices would be located, and so on.

Ms. Catlin said that for the past several months, the consultants have analyzed background data about the County and the Places29 area. They have combined this information (e.g., population growth, future needs for commercial space, transportation issues) with feedback from the public about their wishes and needs (e.g., better road network, more transit, more parks and open space) to create three initial framework alternatives. In the alternatives for the May workshops, land uses will be presented as areas where new development is proposed and where there are areas proposed for redevelopment. She then went over the following information contained in the Executive Summary.

Community and Destination centers are shown on these alternatives, along with a "Midtown" in Alternative 2 and an "Uptown" in Alternative 3. The smaller neighborhood-scale centers ("Civic Green" and "Neighborhood Service") will be included in the Preferred Alternative (for the September workshops).

Each of the alternatives features a transportation network with improvements designed to support future development. Also included are proposed major transit routes to show how new development oriented to different transportation routes might be served by transit. When reviewing these alternatives it should be understood that each proposed new road will include sidewalks and bike paths/lanes.

Alternative 1 is the base case; it will serve as the first alternative and will also be a comparison for the other two alternatives. Transportation improvements are focused on U.S. 29 and most new development (yellow) is shown north of the South Fork Rivanna River. There is a small amount of redevelopment (orange) shown south of the South Fork. The Centers will be focused toward and accessed primarily from U.S. 29. This alternative incorporates the lowest (most conservative) amount of new development and redevelopment and has the fewest Centers of the three alternatives.

Alternative 2 features a major network of parallel roads; both Berkmar Drive Extended and Northern Free State Road are included for a parallel route on each side of U.S. 29. There are more of the larger Centers, and they are focused on and accessed primarily from the parallel

roads (rather than U.S. 29). This alternative also shows a "Midtown" — a special area in the southwest quadrant of U.S. 29 and Rio Road. There is significantly more new development north of the South Fork than in Alternative 1, as well as more projected redevelopment south of the South Fork.

At the request of the Board, the Ruckersville Parkway has been removed from Alternative 3. The revised alternative includes Berkmar Drive Extended as the means of serving the "Uptown" special area just north of Airport Road. Most of the Centers are also focused on and have primary access from Berkmar Drive Extended. As in Alternative 2, this alternative shows more development north of the South Fork, more redevelopment south of the South Fork, and more Centers than Alternative 1. The overall amount of new development is greater than in Alternative 1.

Mr. Boyd asked about the time lapse in the process, from May to September. Ms. Catlin said several people are working on this master plan fulltime and many components such as traffic modeling are also being worked on now. It is time-consuming for them to do it to the accurate detail that is wanted.

Mr. Boyd said he thought that after the first year the data would already be collected. Ms. Catlin said when the public gives their preferences, the consultant get additional directions and get into detail in ways they have not before.

Mr. Boyd asked about the models being used, stating that it must be done with trial and error.

Mr. Rooker said the model is based on the existing transportation network, plus certain CHART-recommended improvements. He said when things are put on a map that result in the need for large secondary road expenditures, there is no money for those improvements. The likelihood of getting a \$100.0 million road built is almost zero. He said people need to understand that funding may limit the probability of any of these things being realized.

Ms. Catlin emphasized that staff is aware that those things will have to be taken into consideration in the implementation planning which is going to be very important.

Mr. Rooker responded that cost is a factor in establishing preferences. He does not want to see preferences established and expectations established without any idea of the costs they impose or the ways they might get funded. He suggested including something in the Places29 document that explains to the public how funding works.

Ms. Judy Wiegand, Senior Planner, said they plan to present preliminary cost estimates for the big parts and major alternatives at the May workshop, although funding sources may not be identified.

Mr. Rooker emphasized the importance of educating people on the difference between Primary and Secondary roads and how they're funded.

Ms. Thomas said that in Richmond there has been interest in funding roads that are classified today as Secondary roads if it protects their investment in Primary roads. She is hopeful the process VDOT uses to shape transportation networks in the future will get better than it is today; if so, the problems being raised should not be as big of an issue.

Mr. Slutzky added that there are a number of different strategies that could be chosen to get the Secondary roads in, including public/private partnerships, and having citizen input might send a message to Richmond. He does not want information about the funding process to bias what people really want to see in their community.

Mr. Rooker said he hopes there is a change in the way roads are funded as a lot of the projects being considered now do not qualify for Federal funds or for a Primary designation.

Mr. Boyd suggested using language from the 50-year water plan, such as "most practical" solution.

Ms. Catlin said there would be an open house at Sutherland Middle School on May 18 to give the public the most current plans for Places29. She said staff and consultants will be at that meeting and will have maps to help answer questions. On May 20 at Sutherland, there will be a facilitated public workshop to engage people in conversation. She indicated that small groups of eight to 10 people will work with a workbook of maps. They will be asked their reaction to the maps.

Mr. Slutzky commented that there was a fairly long introduction time at the November workshop, and he feels it would be good to alter that somewhat.

Ms. Catlin said staff agrees the public needs more time to comment. She indicated that the consultants will still be in town the week after the charrette, and the Planning Commission will be meeting with them. There will be a work session with the Board as well, as well as meetings with the Metropolitan Planning Organization, the PACC Committee and the University.

Regarding public outreach, Ms. Catlin indicated that a Fact and Terminology sheet has been distributed to many people involved with the process. There will also be radio advertisements and full-page advertisements in the Daily Progress with information about Places29 along with the maps associated with the project. The information will go on the County's website, and there will be displays in

the County Office Building and the Planning District Commission offices. She encouraged the Board members to help get the dates out to their constituents as well. She said organizations such as Charlottesville Tomorrow and the Free Enterprise Forum are also disseminating information about the process.

Mr. Wyant said there are not always all the amenities of a redevelopment unless someone comes in and works towards it. Ms. Catlin responded that it is important to convey the fact that it doesn't happen overnight.

Mr. Rooker agreed, stating that this is something that happens over a long period of time, and the County cannot as a matter of law require people to change their zoning to meet expectations.

Mr. Boyd said there is a perception that there are people from outside of the community who have come in with specific agendas. Ms. Wiegand replied that people are listing their names and neighborhoods as part of the work sessions.

Mr. Slutzky said the facilitators are not going to report individual opinions, but are going to show how each group felt about an issue and whether or not there was consensus.

Mr. Boyd said people have come to the meetings specifically to oppose a Western Route 29 Bypass.

Ms. Catlin said the workbook discussions are going to be structured. There will be less opportunity for that to occur. However, it is important that all opinions are expressed.

Mr. Boyd said he is concerned that small factions are influencing decision-making overall.

Ms. Thomas said she understands the feeling that thoughts are being diluted. She wondered if it would be possible to have a spokesperson for each group. Ms. Catlin said there are opinions on all sides of these issues, and it is hard to get a diverse group to come together on any issue.

Mr. Slutzky said there are ways to deepen the layers of input through e-mail, blogs, etc. Ms. Catlin agreed it is important to acknowledge that comments have been received. She also emphasized that public participation can come at times other than the workshop dates.

Mr. Slutzky said even though he lives in the Places29 area, he still can offer a perspective to other areas, and that should hold true for citizens as well. Ms. Wiegand said everything written down is read. Summaries are then created from that information. To a certain extent the Board has to rely on the consultants and staff from the County, VDOT and TJ-PDC who look at all information and then balance it to present a good overview of what the public has said they will support. Where there is not a clear consensus, staff will present alternatives and ask for input from the Board and Planning Commission.

Mr. Slutzky encouraged staff to make sure the facilitators are not overwhelmed by aggressive participants. Ms. Wiegand agreed. She said they will emphasize that this is a twenty-year "vision." She reminded the Board members of the statement the Board endorsed in March as a starting point for the discussion today. She said public comments indicate they want compact, mixed-use, pedestrian-oriented development, preservation of existing neighborhoods, and infrastructure for future development. A lot of people said they did not want more retail, but wanted old shopping centers such as Albemarle Square to be renovated. They also asked about more variety in housing and workforce housing. They also wanted better grading practices, and sound environmental practices during development.

Mr. Boyd stated that preserving existing neighborhoods could mean not building more homes in or near it, or adding any shopping nearby.

Mr. Rooker commented on the NIMBY (not in my backyard) factor. He said that no one wants the land beside them to be developed.

Regarding transportation, Ms. Wiegand said people asked for a remedy to the congestion on Route 29 North, for a multi-modal transportation system, for more pedestrian and bicycle paths, and for more information on road types and transportation options.

Mr. Slutzky emphasized that it is important to convey there may be other transportation options that are currently not in place, and ones that are connected to other areas.

Ms. Wiegand explained that the County's current Comprehensive Plan and Neighborhood Model have been part of the process, as have demographic and market trends analyses and the 29 North Transportation Planning Study.

Mr. Rooker said master plans will be incorporated into the Comprehensive Plan, and he wants to make sure the model shows increases in traffic resulting from land use changes. Ms. Wiegand responded that it will show that, and the transportation systems would be factored into the model as well.

Mr. Rooker said he thinks it is important to establish whether or not people would ride a public bus.

Ms. Wiegand presented Alternative No. 1 which is a base case showing transportation improvements, primarily on Route 29 North including development and redevelopment. It also showed

what it looks like when the land uses are added. She said the map shows lines from the University or the City all the way to GE Fanuc. The idea is to show how the centers might be connected. She said this option has the lowest overall build-out capacity of any of the alternatives, noting that the estimate is based on what the consultants and current data indicate.

Ms. Wiegand then presented Alternative No. 2 which includes the parallel roads of Berkmar Drive Extended, the Meadow Creek Parkway, and the Northern Free State Road to intersect with Polo Grounds Road and continuing northward to Route 29 North. She said there are some improvements still on Route 29 North itself, but they are focused on the major developments. She showed what it would look like with the land use, and a loop that runs along Lewis and Clark Drive through the University Research Park, with the other part going through the North Pointe area, then out to GE Fanuc. She said this alternative has more development and more centers. It is almost a neighborhood, more like a downtown. She said the corner of Route 29 North and Rio Road is a potential spot for redevelopment as part of this plan, and the access there would most likely come from Berkmar Drive.

Mr. Boyd asked if Ms. Wiegand had talked to property owners in the area, such as the Daily Progress building. Ms. Wiegand responded that the consultants visited with property and business owners, and all those people have been invited to participate in the Places29 process. She noted that the area is sort of a mid-town area in the scheme.

Mr. Rooker said he cannot imagine the Rio Road/Route 29 intersection with extremely dense development because of traffic and transportation issues at that point. He said there is already Albemarle Place at the end of the "super-block area" (Hydraulic Road/Route 29).

Mr. Slutzky said that with a robust transit system, development could be made denser. These are some of the questions concerning integrating land-use planning with transit.

Mr. Boyd commented said if people do not use mass transit, it does not matter. A lot of people who work in the County do not live in the County, so a mass transit system would not help them. Ms. Catlin commented that these alternatives are supposed to present choices, not exact placement of centers. These centers have been deliberately designed to give the Board some clear, debatable choices.

Mr. Rooker said that to look at something on a map – without traffic generation numbers – makes it difficult for the public to comment. Ms. Wiegand said there will be traffic figures presented for their consideration.

Ms. Wiegand said Alternative No. 3 features an uptown and Berkmar Drive is extended, adding that she is glad the Ruckersville Parkway has been removed from consideration. She said there are some improvements on Route 29 North adjacent to major developments, as well as redevelopment of some existing retail area south of the South Fork Rivanna River. There is an opportunity to put a large center in the area where the University Research Park is located, which would be compatible with the University's facility. She noted that the transit also has a loop so that it serves both the North Pointe and uptown areas.

Mr. Boyd asked if the University area would be developed as a Neighborhood Model area. Ms. Wiegand responded that it would be built along those principles, and there will be everything from a civic green to an uptown. Mr. Tucker commented that the University has been talking about the mixed-use system for a long time, with smaller retail supporting a neighborhood.

Mr. Benish pointed out that the market analysis for this plan is not ready now, but the community would have to be built to include enough density that it would be similar to a downtown area.

Ms. Wiegand said a different version of Alternative No. 3 shows a possible shift in the development area boundary so that a developer might offer to build the road. It might not fit in the County's time schedule, but it was included so the public could see it and make comments.

Mr. Boyd asked why that cannot be implemented, giving encouragement for developers to build there. Ms. Wiegand responded that they wanted to put it in an area that is to be a center, where there's already development around it.

Ms. Wiegand then presented four versions of simplified land uses – Neighborhood Density Residential (yellow); Urban Density Residential (gold); Employment (purple); and Mixed Use (red). She said this would be explained at the charrette, indicating there would be more categories when the final map is presented. She also presented a list of issues facing the County, and noted the possibility of changes in ordinances, etc., and unfamiliar development types – such as mixed-use – to be encountered by the development community.

Mr. Rooker emphasized that he thinks it is important to include the concept of phasing, as the proper time period for the plans to be realized may be effected.

Mr. Boyd asked if Mr. Rooker was suggesting legislating when parcels can be built-out.

Mr. Rooker said that part of planning is to decide the proper time for things to occur. He said the Comprehensive Plan is a 20-year plan. If land is to be rezoned to a more dense use, the Plan indicates a time period during which, or after which, that might be appropriate.

Mr. Slutzky commented that timing is largely dependent on the availability of infrastructure. He said if a developer is willing to proffer infrastructure that might speed up the process.

Mr. Rooker said a plan is three-dimensional, considering time factors.

Mr. Wyant stated that the build-out figure certainly has caused problems in Crozet.

Mr. Slutzky wondered if there might be a way not to include a time figure. Mr. Benish said the key is explaining what long-range planning is.

Mr. Dorrier commented that the most important factor is going to be whether it's top down planning or bottom up planning. Ms. Wiegand replied that staff is hoping to provide the Board with enough input from the "bottom" to make them feel comfortable in their decision-making.

Mr. Slutzky stated that he would prefer calling this a long-term plan, rather than putting a time-cap on the plan, as that seems to have caused problems in master planning. Mr. Tucker agreed, but noted that the Code of Virginia uses 20 years, as does the County's Comprehensive Plan. Staff does not think the area would be built-out in twenty years, but whichever alternative is chosen, the renderings show what the area would ultimately look like.

Mr. Slutzky said he just wants to make sure the public does not think this is all going to unfold quickly, or within a certain time frame.

**(Note: At 4:20 p.m. the Board recessed, and reconvened at 4:30 p.m.)**

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Agenda Item No. 22. Strategic Planning – Economic Vitality Work Session, Lori Allshouse.

Ms. Lori Allshouse, Strategic Planning Manager, reported that strategic planning is a four-year timeline. She said that 50 percent of jobs in the Metropolitan Statistical Area (MSA) are located in Albemarle County. Retail counts for \$1.0 billion in sales each year. She said the County has lost 1,362 manufacturing jobs according to the Virginia Employment Commission. She said that all of the students who live off-grounds are included in the 200 percent of poverty data, and that includes graduate and undergraduate students, medical students, and law school students. She added that 13,691 students live off-grounds, according to the University, but it is unknown as to exactly where they live. The Census Department includes them in poverty data, but has agreed to do more work on this for the County.

Mr. Davis noted that there were about 4,500 people in the last census who were not counted in Albemarle, but were erroneously included in the City's census. Mr. Tucker said the same thing happened in 1990 with the counts.

Mr. Rooker said most of the students would be counted in the poverty figures. Ms. Allshouse said that definitely affects the data, and other counties such as James City, Rockingham and Montgomery also have these same issues.

Ms. Allshouse said that in 1995 the County adopted an Economic Development Policy as part of the Comprehensive Plan. The goal for the policy is to maintain a strong and sustainable economy; the TJ-PDC policy was adopted by the Board. She mentioned some initiatives to enhance the economic vitality of the area, including County support of agencies that do job training. She said the Department of Social Services provides employment services, training, child care, and operates a career center. The Economic Development part of the Comprehensive Plan is part of the Community Development Department's work plan which is scheduled for updating in 2007.

Ms. Allshouse said there are concerns about balancing growth with infrastructure and transportation, which is always a challenge. She indicated that the business community has pointed out the need for career ladder jobs, the need for private sector opportunities, the need to deal with underemployment issues, and workforce housing. These strategies include encouraging business growth in urban corridors and development areas, increased support for agricultural businesses, support for the regional economy, and assistance to residents to become self-sufficient. She said staff views the strategies as a three-pronged approach: maintaining the overall economy, increasing economic vitality of development areas, and helping with workforce training and career ladder jobs for those in the community who need that assistance.

Ms. Allshouse said staff recommends that the Board 1) review the attached white paper (on file) and recommendations regarding economic vitality, 2) discuss and provide guidance, and 3) approve the inclusion of the following statement in the draft FY '07–FY '10 Strategic Plan:

Goal: Increase the quality of life for all County citizens

Objective: By June 30, 2010, the County will: continue to maintain a strong and sustainable economy; increase the economic vitality of the County's development areas; and increase the ability of those individuals and families, who are living in lower income households, to become self-sufficient.

Ms. Thomas said that if an area is really expensive to live in, people will not be able to live here so the poverty numbers will not be there, adding that the County has 30 percent of its students receiving free or reduced price lunches.

Mr. Rooker pointed out that the cost of housing in neighboring counties has increased at a higher rate than Albemarle's has in recent years. He said that out of the 14,000 students who live off-grounds, probably 10,000 live in the City.

Mr. Slutzky noted that the City reports that about 25 percent of its residents live at 200 percent of the poverty level, which is not much higher than the County figure.

Mr. Dorrier asked about the goal being June 30, 2010. Ms. Allshouse said she used that date to keep it in line with the Strategic Plan timeframe.

Mr. Boyd suggested an objective be to create neighborhoods around employment centers, which would go a long way toward addressing transportation problems.

Ms. Allshouse noted that the Board has not yet discussed funding strategies, and she would like to include that in upcoming discussions.

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Agenda Item No. 23. Annual Housing Report, Ron White.

Mr. Ron White, Housing Director, said that through partnerships with the private sector, the County has leveraged its approximate \$950,000 annual investment to promote housing initiatives and that leveraged over \$7.0 million in direct activity – through the rental assistance program, the Office of Housing, and the work AHIP does for rehabilitation, along with mortgage and down payment assistance through the Piedmont Housing Alliance (PHA) for first time homebuyers. Over 500 lower-income families were assisted with this funding, and 30 families receive rental assistance for Woods Edge, operated by JABA.

Mr. White said regarding the first strategy of developing and implementing regulatory administrative functions in the Affordable Housing Policy, they have developed a data collection and recording system, have recommended a revision to the density bonuses in the Zoning Ordinance, and have improved coordination in the development review process. As to the second strategy of setting specific targets for the inclusion of affordable housing in new developments, he said that through December, 2005 there were approximately 500 affordable housing units proffered, along with \$750,000 in cash. As to the third strategy of developing mechanisms for initial and long-term affordability, he said this includes down payment assistance to promote affordability that is secured by a deed of trust requiring repayment upon the sale or refinance of the property.

Mr. White said strategy four is encouraging partnerships. The dialogue which has developed with the development community is an important new partnership, as is a partnership with the Virginia Housing Development Authority. Strategy five is to secure funding. He said they continue to seek additional funding directly through their partners with the County's financial commitment which is very important in securing other funding. He said VHDA has offered a pilot program to offer down payment and closing cost assistance based on the County's commitment and work with their SPARK program through PHA.

Ms. Thomas said the relationship between Albemarle County and VHDA has not been good, so that is encouraging.

Mr. Rooker mentioned discussion about Southwood Mobile Home Park being purchased by Habitat from Humanity. At a recent meeting, VHDA spoke glowingly about that project and the community's efforts in affordable housing.

Mr. White said there are still challenges to face that cannot be impacted by government. Housing demand drives what is built, and individual preferences as to where to live and how far to drive to work. He said County actions can impact other challenges such as aligning the housing policy and other ordinances which could help make the development of affordable housing more financially feasible. Creating incentives for developers may also promote more interest in developing affordable units.

Mr. White said the affordable units being built today will be relatively affordable compared to other market rate units in the future. He said the repayments are structured so that the County gets its investment back along with interest. To be more proactive in maintaining long-term affordability, the County might need to develop deed restrictions and ordinances the County may not have the authority to do at this time. Another measure would be to maximize resources so that low- and moderate-income households can be served most effectively.

Mr. White said for a mortgage of \$190,000, a person making 80 percent of the area's median income would need about \$16,200 for a down payment. The County's program currently funds up to \$16,500.

Mr. Stuart Armstrong stated that PHA provides an equal or greater amount toward down payment assistance, with the average total package being about \$30,000.

In response to Mr. Rooker's question about additional funding sources, Mr. White explained that there are HOME Funds through the state (DHCD), PHA's funds, and the CAAR workforce housing funds. He said there is often a pre-qualification point through the primary lender. He concluded by stating one of the Housing Committee's goals is to make sure the Board and general public are educated on housing issues, the importance of affordable housing, and what commitments are needed to achieve it.

Ms. Thomas asked Mr. White what he would like to change in terms of the density credit. Mr. White responded that last year at this time, the Housing Advisory Committee presented a proposal to write a new density bonus that would include affordable housing. The current density bonus allows up to 30 percent additional density, but all of the units must be affordable, so nobody uses it. He said the Committee proposed giving up to a 100 percent density bonus with half of the units being affordable. The Planning Commission was not in favor of that suggestion. After three work sessions they gave staff directions to revise the provision to keep it at 30 percent, with half of the additional density units being affordable. He mentioned that Mr. Greg Kamptner, Assistant County Attorney, has worked on changes in the language, and it will go back to the Commission for its' approval, then to this Board.

In response to Ms. Thomas' question about raising the proffer levels, Mr. White noted that legally there cannot be a set formula or an amount. He said that right now the Commission and Board need to give direction as to whether what developers offer is acceptable.

Ms. Thomas asked about the additional amount being requested for assistance. Mr. White replied that the request for more funds is so the Housing Office can double the number of families they provide assistance to, which is currently 15, but would be increased to 30 if the funding request is granted.

Mr. Boyd said perhaps some of the housing stock could be used for workforce housing, which does not require down payment assistance. Mr. White said VHDA funds might be used to help with the workforce housing. He explained that in October he did not have enough data to support the additional funding request in his budget.

Mr. Wyant asked if the Housing Office can do in other locations what it did with Parkview. Mr. White responded that in their Annual Plan with HUD they will provide project-based assistance in certain types of projects, adding that right now those projects have to have non-profit involvement or elderly housing.

Mr. Wyant said that perhaps Mountainside could use it. Mr. White replied that it must be permanent housing, not assisted living.

Mr. Rooker pointed out that Park's Edge was initiated by a private company who had done this type of development in other localities around the country. Mr. White said HUD will only allow 20 percent of their vouchers (or 80 vouchers) to be used this way. Currently 36 are committed between Park's Edge and Parkview.

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Agenda Item No. 24. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Boyd distributed a proposed resolution of intent stemming from a request by a landowner in the Piney Mountain Development Area to modify the development area boundary in order to facilitate the sale of a 30-acre property to the NGIC.

Mr. Slutzky said he is supportive of this request, but he is reluctant to vote for boundary adjustments to the Growth Area unless significant public interest is involved.

Mr. Boyd agreed, noting that this is a unique situation.

Mr. Dorrier said work at NGIC is important in the fight against terrorism, and it is important to have that organization in the community.

Mr. Rooker agreed, stating that this resolution would go to the Planning Commission, who would in turn make a recommendation to the Board. He noted that the property has adjacent water and sewer service and roads in existence, adding that Albemarle is fortunate to have the University as part of the local economy, as it tends not to fluctuate. He added that NGIC provides a similar stability factor, and an increase in employment.

Mr. Slutzky said that there is not another way he can see to accommodate the NGIC request.

At this time, Mr. Boyd **moved** to adopt a resolution of intent to amend the Albemarle County Comprehensive Plan's Land Use Plan to modify the boundary of the Piney Mountain Community to designate approximately thirty acres of land not previously included within the Community as Development Areas in such location to further the purposes of the Development Areas, and to make any other changes to the Comprehensive Plan deemed to be necessary in order to achieve the purposes described in this resolution. Mr. Wyant **seconded** the motion.

Ms. Thomas said that in a sense the Board has been threatened into believing NGIC will leave if it does not approve the site. She said all of the additional 800+ jobs will come at one time, which will impact the community. She thinks the Board is being held up by a landowner who will not deal with the government on the terms the Federal government is offering, so County government is being asked to take an action to take the place of what would otherwise have been good will on the Federal government's part. She does not think this is good planning or good land use practices, and wishes those words were not part of the resolution.

Mr. Rooker commented that the County has looked at proposed manufacturing facilities which might locate in the area in question, and one of those facilities would have put about 120 tractor trailers

onto Route 29 every day, whereas NGIC provides high-level employment opportunities at a very low impact ratio.

Mr. Wyant said this is a clean business, and it enables people to stay in the area.

Mr. Boyd said he does not feel intimidated by this proposal, which he finds to be a common sense decision for the community.

Mr. Slutzky said the Federal government failed to provide sufficient funding to accomplish what they set out to do, but that is not the fault of the landowner. He emphasized that this is not an indication that the Board intends to adjust the Growth Area boundaries on a regular basis.

Mr. Rooker said the adjustment should be made in a way that is consistent of the judgment of the best planning considerations – water, sewer, roads, natural features, etc., and the Commission will make a recommendation as to where to draw the boundary.

Mr. Rooker asked that the roll be called, and the motion passed by the following recorded vote:

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

NAYS: Ms. Thomas.

### RESOLUTION OF INTENT

**WHEREAS**, the Albemarle County Comprehensive Plan's Land Use Plan designates certain areas of the County for urban development, referred to as designated Development Areas, and certain areas of the County for rural development, referred to as designated Rural Areas; and

**WHEREAS**, the Land Use Plan designates the Piney Mountain Area as a Development Area; and

**WHEREAS**, an owner of land within, and adjacent to, the Piney Mountain Development Area has requested an amendment to the Land Use Plan to amend the Piney Mountain Community boundary to expand the Development Areas designation to approximately thirty (30) acres of land now designated as Rural Areas; and

**WHEREAS**, there is currently under review a request to reduce the extent of the Development Areas designation in the Pantops Development Area by changing the designation of approximately eighty (80) acres of land from Development Areas to Rural Areas.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good planning and land use practices, the Albemarle County Board of Supervisors hereby adopts this Resolution of Intent to propose to amend the Albemarle County Comprehensive Plan's Land Use Plan to modify the boundary of the Piney Mountain Community to designate approximately thirty (30) acres of land not previously included within the Community as Development Areas in such location to further the purposes of the Development Areas, and to make any other changes to the Comprehensive Plan deemed to be necessary in order to achieve the purposes described herein.

**BE IT FURTHER RESOLVED THAT** the Planning Commission is directed to prepare this amendment to the Albemarle County Comprehensive Plan and to hold a public hearing on this proposed amendment as part of the Places29 Comprehensive Plan Amendment.

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Mr. Boyd said at the first meeting of the Development Review Task Force, there was some discussion of possible overlap of their review of the legislative process with the County's ministerial review process. The Task Force was concerned that if this occurred, there was no problem with them proceeding with their recommendations. The Board expressed no concerns.

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Mr. Wyant commented that there is no minority representation on the Crozet Community Advisory Committee. He asked if the Board members support expanding the Committee to include an additional member. Board members indicated they had no problem with this suggestion. Mr. Wyant said he will try to have the name of an appointee at the May 10th Board meeting.

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Mr. Wyant asked the status of the City/County Fire Consolidation Study. Mr. Tucker said they are in process of reviewing RFPs for a consultant.

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Mr. Wyant said the County Fair wants to move to a permanent location on the current site. He understands this requires an amendment to their special use permit. He asked if staff could expedite the process. Mr. Tucker suggested staff look at the permit and determine the best way to expedite the process. Mr. Davis said an applicant needs to start that process, and he is not sure what the current permit stipulates.

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Ms. Thomas said she has been attending meetings of the Hispanic Task Force. The Governor is interested in what they are doing and will probably come and meet with the group. She indicated the group started because of issues in the Southwood Mobile Home Park.

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Ms. Thomas said the Historic Preservation Committee has scheduled a presentation on May 20, at Burley Middle School, on the seven Rosenwald Schools that were built in Albemarle County between 1921 and 1926.

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Ms. Thomas said the group interested in sustainable forestry will be meeting on May 30th.

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Ms. Thomas mentioned that she is considering attending the National Association of Counties' (NACO) annual meeting which will be held in Chicago in August. She asked that staff look at the possibility of canceling the Board's August 9 meeting.

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Ms. Thomas suggested that some maintenance work be done to the Old Jail building/site.

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Ms. Thomas mentioned an e-mail Board members had received concerning a "duty" weapon that is given to retired Albemarle County Police Department officers as a policy. Mr. Davis commented that it is a State law that applies to various levels of people who retire from the police department, sheriff's department and state police. He suggested getting background information from the Police Chief.

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Mr. Boyd reported that he has met with the Access Albemarle staff and consultants. The systems that will be implemented in the initial stage this fall will be for Human Resources, Payroll, Purchasing, Accounting and Collections; budgeting will begin in 2008-09. He said that for the School System and Local Government, there will be a personal computer-based payroll and leave input system which will eliminate a lot of paperwork. There will also be PC-based purchase orders and invoicing. He noted that staff will be trained to use the system.

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Mr. Rooker asked for an update on the concerns raised about the neighborhood located behind the Waffle House on Route 29 North and the special use permit for Wolfie's Bar & Grill on Rio Road. Mr. Slutzky and Mr. Tucker provided an update and said a meeting is scheduled with police officers and County staff at the site.

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Mr. Rooker mentioned that there are a number of people in the community looking at environmentally-friendly development, and assisting with a certification program. He said it seems like something the County should get involved in, perhaps encouraging environmentally-sensitive design for commercial buildings.

Mr. Slutzky said his firm is involved with this type of work, and perhaps when County staff has some time to spend on the idea it might come up with a way to encourage green building practices. He noted that the "Lead System" is the current favored measuring tool, but it is flawed in some ways. He emphasized that incentives provided by the County might be better.

Mr. Rooker said there is momentum with the Blue Ridge Homebuilders' Association to embrace these principles, and there is some attraction to homebuyers to purchase a home that has been built in this way.

Mr. Tucker mentioned that Habitat for Humanity is doing work at the Sunrise Mobile Home Park in Charlottesville, and a lot of that is green building design.

Mr. Slutzky suggested investing in the Charlottesville Design Center in order to have a hand in the process.

Mr. Rooker noted that Mr. Bill Edgerton has been involved in this idea in this area, and would enjoy being brought into it.

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Agenda Item No. 25. Adjourn to May 10, 2006, 3:00 p.m.

At 6:22 p.m., with no further business to come before the Board, **motion** was offered by Mr. Boyd, **seconded** by Mr. Wyant, to adjourn this meeting until May 10, 2006, at 3:00 p.m. (Mr. Rooker acknowledged Ms. Diane Mullins for the job she was doing in assisting the Clerk's office.)

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

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

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Chairman

Approved by the Board of County Supervisors
Date: 10/11/2006
Initials: EWC