

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 7, 2006, at 9:00 a.m., Room 241 of the County Office Building on McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Ken C. Boyd, Mr. Lindsay G. Dorrier, Jr. (arrived at 9:10 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, from the County Executive's Office, Diane Mullins, and Director of Planning, V. Wayne Cilimberg.

Agenda Item No. 1. The meeting was called to order at 9:04 a.m., by the Chairman, Mr. Rooker.

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

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

Mr. Tom Loach provided Board members with a copy of information regarding the Crozet Master Plan that he received as the result of a Freedom of Information request. He had asked for all information pertaining to the issue of the build-out and rezoning analysis as they relate to the master plan. While reviewing all the information, he did not find any documentation supporting anything other than the 12,000 build-out population cited repeatedly in the master plan, nothing to support the 24,000 number proposed by County planning staff. He found specific statements in the information by Mr. Rooker, Ms. Thomas, Ms. Elaine Echols who was the Planning staff person on the DISC Committee, and Mr. Eric Strucko, Chairman of the DISC Committee, to name just a few, and all supported the 12,000 population build-out. He said that no one in the County or this Board has presented any evidence to support that 24,000 build-out figure presented by staff. He will be recommending to the members of the Crozet Planning Committee to stay the course and accept the 12,000 population figure found in the Crozet Master Plan as the agreed upon total build-out population for the growth area.

Mr. Loach said the documents he handed out deal with the way staff has been calculating rezoning requests under the master plan. He said in these documents Mr. Schwartz, the lead consultant for the master plan, says the numbers found in the master plan were not precise or fine-grained. (8:18:04). With regard to Old Trail, Mr. Schwartz said he had not seen the site plan figures, but it sounded to him as if they had been aggressive and creative in packing as much as possible onto the property. He said Mr. Schwartz did not explain how the consultants arrived at the figures found in the master plan. If Mr. Schwartz cannot explain the figures in the master plan, and in an attached E-mail from Ms. Echols he thinks it is clear the planning staff did not understand the methodology used to arrive at the numbers found in the master plan, who decided on what method would be used to evaluate the Old Trail numbers. He said the answer can be found in Ms. Echols E-mail when she states "we aren't worried about defending Old Trail's density." He thinks the Planning staff made no further attempt to build-out differences in the master plan and took it upon themselves as to how to interpret the Crozet Master Plan. He asked who gave staff the authority to apply their own methodology to Old Trail and subsequent rezonings or to summarily remove the consultants' data from the master plan without the advice or consent of the community. He thinks the numbers that staff now produces violates both the spirit and the letter of the master plan since the only numbers available to the public are those from the consultants.

Mr. Loach said he thinks what occurred in Crozet was an abuse of government at its worse. It transformed the Crozet master plan into nothing more than a huge "bait and switch" operation and resulted in the defrauding of the entire community. He will recommend that the Crozet Planning Committee also pass a resolution finding the current methodology used in calculating rezonings in Crozet is noncompliant with the Crozet Master Plan. He thinks it is important that all growth area residents keep an eye on any decisions coming before this Board in the near future regarding rezonings and to vote accordingly on next election day since it will be their community that is on the chopping block next.

Agenda Item No. 5. Recognitions.

Mr. Rooker said he read in the Daily Progress recently a notice saying "Congratulations to Roxanne Wakefield White on receiving the John L. Snook Child Advocate Award. We are so proud to count you as a friend and one of us. With love. Old friends from MHS Class of '61." He said that Roxanne jointly received the John L. Snook Child Advocate Award with Linda Peacock, Assistant City Manager. He said the expression that was in that notice is something that also applies to the County. He said Roxanne joined the County in 1986 as an Administrative Assistant in the County Executive's Office, in 1988 she was named a Management Analyst, in 1991 she was named an Executive Assistant to the County Executive, and in 1994 she was named an Assistant County Executive. Today she manages the Human Services functions for the County.

Mr. Rooker said he would like to read one paragraph from the document nominating Linda and Roxanne for this award: "Linda and Roxanne are perhaps most highly valued by the many who have worked with them for the direct, commonsense, can-do approach, natural deep compassion for children and their families. They are true servant leaders who have inspired, encouraged and supported countless others to do their best for children and families. They are often the ones creating multi-discipline approaches to community problems by engaging police, housing, the schools, parks and recreation,

community agencies and others to address multi-level complex social problems. In their years of working together they have modeled and fostered the spirit of City/County collaboration that has been invaluable in building cooperation and partnerships throughout the community. Our exemplary human services system for children and families would not exist as it does today without them." He then congratulated Roxanne for all she has done and continues to do for the County.

Ms. White said thanked Mr. Rooker for his words and said this is a surprise and she is at a loss for words. She said it was an honor to receive that award. She said it has been a great experience working with the City. A lot of progress has been made with the City in the way of human services because they worked closely together.

Mr. Rooker said that on April 20, 2006, he attended a meeting of the Virginia Municipal Clerks Association and had the pleasure of swearing in Ms. Ella Washington Carey as the new President of the Virginia Municipal Clerks Association. At that ceremony Ella was also surprised to receive their Clerk of the Year award. Although somewhat speechless for a moment, she gave a wonderful talk about clerks and the work that they do. He said Ella and others who work primarily behind the scenes make everything in the County function smoothly. He thinks the Board is fortunate to have people like Ella work for them. She has been with the County for 20 years, and during that time has been a source of consistency and continual guidance for staff and the Board. She manages the diverse aspects of her office with skill and professionalism. He said Ella is a critical resource in the governing of Albemarle County.

Ms. Carey said this took her by surprise when she saw her family walking down the hall. What she said at the Clerk's meeting is that it has been a pleasure working with the Board and everybody she works with. She said her family makes working easier for her, and she then introduced those family members who were present.

Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Boyd, **seconded** by Ms. Thomas, to approve Items 6.1 through 6.7 on the Consent Agenda, and to accept the remaining items for information (conversation relating to individual items will be found at the end of that item).

Roll was called, and the motion carried by the following recorded vote:
AYES: Mr. Wyant, Mr. Boyd, Mr. Dorrier, Mr. Rooker, Mr. Slutzky and Ms. Thomas.
NAYS: None.

Item 6.1. Authorize County Executive to Execute VDOT Agreement for Hillsdale Drive Pedestrian Improvement Project.

It was noted in the Executive Summary that in June, 2004 the County was awarded a \$296,000 Federal Safety Grant for pedestrian related safety improvements on Hillsdale Drive between Rio Road and Greenbrier Drive. To date, staff has been working with VDOT to formalize the Scope of Work for the project and also to meet Federal procurement process requirements necessary to finalize an agreement with VDOT. The County is required to enter into an agreement with VDOT in order to receive the grant funds. The project agreement outlines the County's and VDOT's project responsibilities. The project improvements will take place on Hillsdale Drive between Greenbrier Drive and Rio Road and will include: constructing raised median crosswalks in front of the JABA Building, at Squire Hill, at the Food Lion, at the Senior Center and on Branchlands Boulevard; re-striping travel lanes for the purpose of traffic calming; constructing sidewalks between Branchlands Boulevard and Mall Drive, and between Pepsi Place and Hillsdale Drive to complete gaps in the existing sidewalk system and to serve transit stops; and, installation of lighting at raised medians and along sidewalks for nighttime and inclement weather pedestrian safety. All of the improvements will be constructed in existing rights-of-way, therefore, no right-of-way phase is required by VDOT.

The grant is a reimbursable grant. The Board has allocated \$237,000 in the Capital Improvement Program (CIP) for Hillsdale Drive improvements. An additional \$17,000 of County funding will come from the sidewalk and street light CIP Fund.

Staff anticipates that the project will be advertised for construction bids this summer, with construction taking place in the Fall of 2006. The County Attorney's Office has reviewed and approved the project agreement. Staff recommends that the Board adopt a resolution to authorize the County Executive to execute the Standard Project Administration Agreement for the Hillsdale Drive Pedestrian Safety Project and to take all other necessary steps to secure the reimbursable Federal Safety Grant and to complete the project.

(Discussion: Mr. Wyant said the County made an announcement about this project over a year ago. He thought the County would be moving toward getting plans approved so the work could be done. Mr. Tucker said the announcement concerned the grant funds, and now staff is in the process of finalizing getting the money and the plans identified. He said the County received the grant funds and then had to establish exactly what improvements would be made.

Mr. Wyant said the same thing occurred for Crozet, and he just wondered about that process. Mr. Cilimberg said one of the factors involved is that it is a Federal grant which required the County to go through the federal process with VDOT to get agreements in place.

Mr. Wyant asked if the Crozet grant is at the same stage. Mr. Cilimberg said it has been decided that Phase 1 of the Crozet project will be undertaken without the use of the grant moneys; those moneys will then be used for Phases 2 and 3. Staff feels Phase 1 can begin quicker without having to go through that process.

Mr. Wyant said both of these projects were announced at the same time. That is the only reason he asked about Crozet. Mr. David Benish said the Crozet project can probably proceed quicker. It is hoped the section from the railroad bridge past the existing library will begin by late summer or fall. Hillsdale still has to go through final design, engineering and bidding. Now that the money has been secured both projects are progressing through the design, build phase.

Ms. Thomas said she is interested in the lighting that will be selected and hopes the Board will get to see what is proposed. There are a lot of creative ways to provide lighting for pedestrians.

Mr. Boyd said a committee was established for Hillsdale Drive. He asked if they will be involved in the design of this project. Mr. Tucker said the neighbors have been involved with Mr. Juandiego Wade, Transportation Planner, in the design of both projects.

Mr. Wade said there have been three or more public hearings to establish the design. As part of the County's review process staff had to establish a team to review all of the proposals received. Someone from VDOT and the MPO will review those plans. There will be additional public meetings as part of the proposals received from the consultants.

Mr. Boyd said he knew that but thought the Board established a Hillsdale Committee. Mr. Wade said there are two different committees. One is for the Hillsdale Drive Extension to Hydraulic Road. The other is for the improvements to the existing road.

Mr. Boyd asked if that committee should have input into the approval process. Mr. Wade said that throughout the entire process for the Hillsdale Drive Extension the Committee was given updates and information on the project and it provided staff with information. The Committee was not officially part of the safety improvements, but provided input; they will continue to be involved.

Mr. Rooker said this project needs to be moved forward expeditiously, and also the Crozet project. The announcements were made in June, 2004. Now, it is two years later and the cost of the projects has probably gone up 20+ percent. The County is putting in \$288,000 of its own money and that is now about equal to the amount of the Federal grant. He said the Board is hiring a new employee to work on transportation and he suggests this person be given this project quickly and asked to get it moving forward. Mr. Tucker said this is a reason staff recommended that the Board hire a transportation engineer. That person has not been hired, but staff is down to offering the position to a candidate. A great deal of time and effort has been expended planning these projects and getting the money. The projects need to be accelerated or the County will find that the local share is much larger than planned.

Mr. Wyant said several of his constituents have mentioned the fact that the project was announced, but they had not seen anything happen so far. That is his concern.

Mr. Benish said for the Hillsdale project the grant was awarded a year before the money was actually available on the Federal level. The County had to wait for that appropriation; the project then had to go through an environmental process.

Mr. Tom Foley, Assistant County Executive, said the design for Phase 1 of the sidewalk project in Crozet is almost completed. Staff feels a year has been saved by not going the Federal grant route. That grant money will be shifted to the second and third phases which are in the planning process. Staff hopes the project will be bid in the next couple of months so it can start this summer and be completed by the end of 2006.)

By the vote set out above, the Board adopted the following resolution authorizing the County Executive to execute the Standard Project Administration Agreement for the Hillsdale Drive Pedestrian Safety Project, and it authorized him to take all other necessary steps to secure the reimbursable Federal Safety Grant and to complete the project.

RESOLUTION

BE IT RESOLVED by the Albemarle County Board of Supervisors that the County Executive is authorized, on behalf of the County, to execute the Standard Project Administration Agreement for the Hillsdale Drive Pedestrian Safety Improvements (Project Number 1427-002-574).

Item 6.2. Resolution of Appropriations for the Albemarle County Operating and Capital Budgets for FY 2006/2007.

By the recorded vote set out above, the Board adopted the following Resolution of Appropriation for the operating and capital budgets for Fiscal Year 2006-07, and adopted the following Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

ANNUAL RESOLUTION OF APPROPRIATIONS OF THE COUNTY OF ALBEMARLE FOR THE FISCAL YEAR ENDING JUNE 30, 2007		
A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2007; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.		
BE IT RESOLVED by the Board of County Supervisors of the COUNTY OF ALBEMARLE, VIRGINIA:		
SECTION I - GENERAL GOVERNMENT		
That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2007:		
Paragraph One: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:		
	Refunds and Abatements	\$146,590
Paragraph Two: GENERAL MANAGEMENT AND SUPPORT		
	Board of Supervisors	\$498,878
	County Attorney	\$699,802
	County Executive	\$1,452,796
	Department of Finance	\$3,757,004
	Department of Human Resources	\$1,112,835
	Department of Information Technology	\$2,218,384
	Voter Registration/ Elections	<u>\$420,068</u>
		<u>\$10,159,767</u>
Paragraph Three: JUDICIAL		
	Circuit Court	\$89,638
	Clerk of the Circuit Court	\$683,391
	Commonwealth's Attorney	\$762,074
	General District Court	\$20,000
	Juvenile Court	\$50,051
	Magistrate	\$5,285
	Sheriff's Office	<u>\$1,918,478</u>
		<u>\$3,528,917</u>
Paragraph Four: PUBLIC SAFETY		
	Albemarle County Fire/Rescue Department	\$5,374,178
	Department of Police	\$11,800,673
	Emergency Communications Center	\$1,693,054
	Fire/Rescue Credit	\$40,000
	Fire Department Contract (City of Charlottesville)	\$600,565
	Forest Fire Extinguishment	\$12,587
	Thomas Jefferson EMS Council	\$21,184
	Volunteer Fire Departments	\$1,012,531
	Volunteer Rescue Squads	\$457,787
	Building Codes and Inspections	\$1,166,767
	Community Attention Home	\$54,070
	Juvenile Detention Center	\$926,843
	Offender Aid and Restoration (OAR)	\$143,419
	Regional Jail Authority	\$2,252,439
	SPCA Contract	<u>\$167,692</u>
		<u>\$25,723,789</u>
Paragraph Five: GENERAL SERVICES / PUBLIC WORKS		
	General Services / Public Works	\$3,908,551
Paragraph Six: HUMAN SERVICES		
	AIDS Support Group	\$4,452
	Boys and Girls Club	\$12,720
	BRMC - Latino Lay Health Promoter	\$5,459
	Charlottesville - Albemarle Legal Aid Society (CALAS)	\$35,481
	Charlottesville Free Clinic	\$8,658
	Children, Youth and Family Services (CYFS)	\$94,695
	Commission on Children & Families (CCF)	\$219,507
	Computers4Kids	\$9,300
	FOCUS - Teensight	\$28,395
	Health Department	\$858,023
	JAUNT	\$611,229
	Jefferson Area Board on Aging (JABA)	\$210,652
	Madison House	\$9,144
	Music Resource Center	\$5,976
	One-Stop Workshop Development Center	\$17,840
	Piedmont CASA	\$6,900
	Piedmont Virginia Community College (PVCC)	\$22,060
	Region Ten Community Services	\$497,749
	Sexual Assault Resource Agency (SARA)	\$24,494
	Shelter for Help in Emergency (SHE)	\$78,516
	Urban Vision	\$26,000
	Department of Social Services	\$10,677,284
	Tax Relief for Elderly/Disabled	<u>\$678,638</u>

	United Way -Child Care	\$94,936
	Bright Stars Transfer	\$708,414
	Comprehensive Services Act Transfer	<u>\$1,906,040</u>
		\$16,852,562
	Paragraph Seven: PARKS, RECREATION AND CULTURE	
	Department of Parks & Recreation	\$2,283,689
	Jefferson-Madison Regional Library	\$2,756,270
	African American Festival	\$3,000
	Ash-Lawn Highland	\$9,220
	Lewis and Clark Festival	\$3,500
	Literacy Volunteers	\$21,803
	Municipal Band	\$16,500
	Piedmont Council of the Arts	\$11,585
	Save the Fireworks	\$10,000
	Virginia Discovery Museum	\$11,263
	Virginia Festival of the Book	\$11,150
	Virginia Film Festival	\$15,000
	Visitors Bureau	\$424,796
	WHTJ Public Television	\$4,956
	WVPT Public Television	\$4,956
	Albemarle County Fair	\$10,000
	Darden Towe Park Transfer	<u>\$161,939</u>
		\$5,759,627
	Paragraph Eight: COMMUNITY DEVELOPMENT	
	Albemarle Housing Improvement Program (AHIP)	\$427,699
	Central Virginia Small Business Development Center	\$5,000
	Charlottesville Transit Service	\$367,374
	Department of Community Development	\$5,206,342
	Housing Office	\$815,113
	Monticello Area Community Action Agency (MACAA)	\$176,464
	Piedmont Housing Alliance (PHA)	\$93,542
	Planning District Commission (TJPDC)	\$97,077
	Soil and Water Conservation	\$82,945
	Stream Watch	\$10,000
	VPI Extension Service	<u>\$201,685</u>
		\$7,483,241
	Paragraph Nine: CAPITAL OUTLAYS	
	Transfer to General Government Capital Improvements Fund - Recurring	\$9,793,923
	Transfer to Schools Capital Improvements Fund	\$503,000
	Transfer to Storm Water Fund	<u>\$650,000</u>
		\$10,946,923
	Paragraph Ten: REVENUE SHARING AGREEMENT	
	Revenue Sharing Agreement	\$10,134,816
	Paragraph Eleven: OTHER USES OF FUNDS	
	Transfer to General Government Debt Service	\$1,929,782
	Transfer to School Division Debt Service	\$11,292,943
	Transfer to School Fund - Recurring	\$91,165,717
	Salary Contingency - Merit	\$208,000
	Salary Contingency - Reclassifications	\$90,000
	Board Contingency Reserve	<u>\$1,241,583</u>
		\$105,928,025
	Total GENERAL FUND appropriations for the fiscal year ending June 30, 2007:	\$200,572,808
	To be provided as follows:	
	Revenue from Local Sources	\$168,643,292
	Revenue from Local Sources - Transfers	\$2,874,293
	Revenue from the Commonwealth	\$23,485,265
	Revenue from the Federal Government	\$5,031,967
	Revenue from Fund Balance	\$537,991
	Total GENERAL FUND resources available for fiscal year ending June 30, 2007:	\$200,572,808
	SECTION II: REGULAR SCHOOL FUND	
	That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2007:	
	Paragraph One: REGULAR SCHOOL FUND	
	Administration, Attendance & Health	\$10,050,932
	Facilities Construction/ Modification	\$170,400
	Facilities Operation/ Maintenance	\$13,560,246
	Instruction	\$105,076,799
	Pupil Transportation Services	\$8,767,294
	Other Uses of Funds	\$3,937,754
	Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2007:	\$141,563,425

To be provided as follows:		
	Revenue from Local Sources (General Fund Transfer)	\$91,166,228
	Revenue from Other Local Sources	\$732,351
	Revenue from School Fund Balance, Carry-Over, Transfers	\$2,978,176
	Revenue from the Commonwealth	\$44,101,364
	Revenue from the Federal Government	\$2,585,306
Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2007:		\$141,563,425
SECTION III: OTHER SCHOOL FUNDS		
That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2007:		
Paragraph One: FOOD SERVICES		
	Maintenance/ Operation of School Cafeterias	\$3,781,350
	Summer Feeding	\$300,000
Total FOOD SERVICES appropriations for fiscal year ending June 30, 2007		\$4,081,350
To be provided as follows:		
	Revenue from Local Sources	\$3,031,350
	Revenue from the Commonwealth	\$53,000
	Revenue from the Federal Government	\$997,000
Total FOOD SERVICES resources available for fiscal year ending June 30, 2007:		\$4,081,350
Paragraph Two: PRE-SCHOOL SPECIAL EDUCATION FUND		
	Special Ed Pre-School Program	\$68,318
Total PRE-SCHOOL SPECIAL EDUCATION FUND appropriations for fiscal year ending June 30, 2007:		\$68,318
To be provided as follows:		
	Revenue from the Federal Government	\$68,318
Total PRE-SCHOOL SPECIAL EDUCATION FUND resources available for fiscal year ending June 30, 2007:		\$68,318
Paragraph Three: McINTIRE TRUST FUND		
	Payment to County Schools	\$10,000
Total McINTIRE TRUST FUND appropriations for fiscal year ending June 30, 2007:		\$10,000
To be provided as follows:		
	Revenue from Investments Per Trust	\$10,000
Total McINTIRE TRUST FUND resources available for fiscal year ending June 30, 2007:		\$10,000
Paragraph Four: PREP PROGRAM		
	C. B. I. P. Severe	\$930,461
	E. D. Program	\$817,273
Total PREP PROGRAM appropriations for fiscal year ending June 30, 2007:		\$1,747,734
To be provided as follows:		
	Revenue from Tuition and Fees	\$1,747,734
Total PREP PROGRAM resources available for fiscal year ending June 30, 2007:		\$1,747,734
Paragraph Five: FEDERAL PROGRAMS		
	Adult Education	\$126,500
	Carl Perkins	\$163,003
	Chapter I	\$1,208,701
	Drug Free Schools	\$51,378
	Migrant Education	\$93,457
	Title II	\$397,277
	English Literacy/Civics	\$100,000
	Economically Dislocated Workers	\$30,000
	Title III	\$99,357
	Title V	\$13,476
	Bright Stars	\$55,000
	Reading First	\$150,000
	21st Century Grant	\$145,000
	Refugee Grant	\$7,000
	Families in Crisis	\$25,000

Total FEDERAL PROGRAMS appropriations for fiscal year ending June 30, 2007:	\$2,665,149
To be provided as follows:	
Revenue from Local Sources	\$34,000
Revenue from Local Sources (Transfer from School Fund)	\$33,500
Revenue from the Federal Government	<u>\$2,597,649</u>
Total FEDERAL PROGRAMS resources available for fiscal year June 30, 2007:	\$2,665,149
Paragraph Six: COMMUNITY EDUCATION FUND	
Community Education	<u>\$1,530,025</u>
Total COMMUNITY EDUCATION FUND appropriations for fiscal year ending June 30, 2007:	\$1,530,025
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$1,530,025</u>
Total COMMUNITY EDUCATION FUND resources available for fiscal year ending June 30, 2007:	\$1,530,025
Paragraph Seven: SUMMER SCHOOL	
Summer School	<u>\$557,683</u>
Total SUMMER SCHOOL appropriations for fiscal year ending June 30, 2007:	\$557,683
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	\$234,243
Revenue from Local Sources (Tuition)	\$171,440
Miscellaneous Revenues	\$2,000
Revenue from the Commonwealth	<u>\$150,000</u>
Total SUMMER SCHOOL resources available for fiscal year ending June 30, 2007:	\$557,683
Paragraph Eight: SCHOOL BUS REPLACEMENT	
School Bus Replacement	<u>\$1,100,000</u>
Total SCHOOL BUS REPLACEMENT appropriations for fiscal year ending June 30, 2007:	\$1,100,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$1,100,000</u>
Total SCHOOL BUS REPLACEMENT resources available for fiscal year ending June 30, 2007:	\$1,100,000
Paragraph Nine: AIMR SUMMER RENTAL FUND	
AIMR Summer Rental	<u>\$446,000</u>
Total AIMR SUMMER RENTAL FUND appropriations for fiscal year ending June 30, 2007:	\$446,000
To be provided as follows:	
Revenue from Local Sources (rental)	<u>\$446,000</u>
Total AIMR SUMMER RENTAL FUND resources available for fiscal year ending June 30, 2007:	\$446,000
Paragraph Ten: INTERNAL SERVICE - VEHICLE MAINTENANCE FUND	
Vehicle Maintenance	<u>\$762,700</u>
Total INTERNAL SERVICE VEHICLE MAINTENANCE FUND appropriations for fiscal year ending June 30, 2007:	\$762,700
To be provided as follows:	
Revenue from Local Sources (Charges)	<u>\$762,700</u>
Total INTERNAL SERVICE VEHICLE MAINTENANCE FUND resources available for fiscal year ending June 30, 2007:	\$762,700
Paragraph Eleven: GENERAL ADULT EDUCATION FUND	
General Adult Education	<u>\$14,200</u>
Total GENERAL ADULT EDUCATION FUND appropriations for fiscal year ending June 30, 2007:	\$14,200
To be provided as follows:	
Revenue from Local Sources	\$5,500
Revenue from the Commonwealth	<u>\$8,700</u>

Total GENERAL ADULT EDUCATION FUND resources available for fiscal year ending June 30, 2007:	\$14,200
Paragraph Twelve: DRIVERS SAFETY FUND	
Drivers Safety Fund	<u>\$275,450</u>
Total DRIVERS SAFETY FUND appropriations for fiscal year ending June 30, 2007:	\$275,450
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$225,450</u>
Revenue from the Commonwealth	<u>\$50,000</u>
Total DRIVERS SAFETY FUND resources available for fiscal year ending June 30, 2007:	\$275,450
Paragraph Thirteen: OPEN DOORS FUND	
Open Doors Fund	<u>\$118,200</u>
Total OPEN DOORS FUND appropriations for fiscal year ending June 30, 2007:	\$118,200
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$117,000</u>
Revenue from Local Sources (Advertisements)	<u>\$1,200</u>
Total OPEN DOORS FUND resources available for fiscal year ending June 30, 2007:	\$118,200
Paragraph Fourteen: STATE PROGRAMS	
Special Education Jail Program	\$120,077
Algebra Readiness	\$38,000
Individualized Student Alternative Education	\$23,576
Project Graduation	\$50,000
Teacher Mentor Program	<u>\$9,586</u>
Total STATE PROGRAMS appropriations for fiscal year ending June 30, 2007:	\$241,239
To be provided as follows:	
Revenue from the Commonwealth	<u>\$241,239</u>
Total STATE PROGRAMS resources available for fiscal year ending June 30, 2007:	\$241,239
Paragraph Fifteen: TNE PARTNERSHIP GRANT	
1 TNE Partnership Grant	<u>\$134,262</u>
Total TNE PARTNERSHIP GRANT appropriations for fiscal year ending June 30, 2007:	\$134,262
To be provided as follows:	
Revenue from Local Sources	<u>\$134,262</u>
Total TNE PARTNERSHIP GRANT resources available for fiscal year ending June 30, 2007:	\$134,262
Paragraph Sixteen: COMPUTER EQUIPMENT REPLACEMENT FUND	
Computer Equipment Replacement Fund	<u>\$750,000</u>
Total COMPUTER EQUIPMENT REPLACEMENT FUND appropriations for fiscal year ending June 30, 2007:	\$750,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$750,000</u>
Total COMPUTER EQUIPMENT REPLACEMENT FUND resources available for fiscal year ending June 30, 2007:	\$750,000
Paragraph Seventeen: BUILDING SERVICES CONTINGENCY FUND	
Building Services Contingency Fund	<u>\$100,000</u>
Total BUILDING SERVICES CONTINGENCY FUND appropriations for fiscal year ending June 30, 2007:	\$100,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$100,000</u>
Total BUILDING SERVICES CONTINGENCY FUND resources available for fiscal year ending June 30, 2007:	\$100,000
Paragraph Eighteen: FUEL CONTINGENCY FUND	
Fuel Contingency Fund	<u>\$200,000</u>

Total FUEL CONTINGENCY FUND appropriations for fiscal year ending June 30, 2007:	\$200,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	\$200,000
Total FUEL CONTINGENCY FUND resources available for fiscal year ending June 30, 2007:	\$200,000
Paragraph Nineteen: KLUGE-CLUB YANCEY	
Kluge-Club Yancey	<u>\$20,000</u>
Total KLUGE-CLUB YANCEY appropriations for fiscal year ending June 30, 2007:	\$20,000
To be provided as follows:	
Revenue from Local Sources	\$20,000
Total KLUGE-CLUB YANCEY resources available for fiscal year ending June 30, 2007:	\$20,000
Paragraph Twenty: FOUNDATION FOR EXCELLENCE	
Foundation for Excellence	<u>\$8,000</u>
Total FOUNDATION FOR EXCELLENCE appropriations for fiscal year ending	\$8,000
To be provided as follows:	
Revenue from Local Sources (Miscellaneous)	\$8,000
Total FOUNDATION FOR EXCELLENCE resources available for fiscal year ending June 30, 2007:	\$8,000
GRAND TOTAL - OTHER SCHOOL FUNDS	\$14,830,310
SECTION IV: OTHER SPECIAL REVENUE FUNDS	
That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2007:	
Paragraph One: COMPREHENSIVE SERVICES ACT FUND	
Comprehensive Services Act Program Expenditures	<u>\$6,584,802</u>
Total COMPREHENSIVE SERVICES ACT appropriations for fiscal year ending June 30, 2007:	\$6,584,802
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$1,906,040
Revenue from Local Sources (Transfer from School Fund)	\$1,040,000
Revenue from the Commonwealth	\$3,638,762
Total COMPREHENSIVE SERVICES ACT resources available for fiscal year ending June 30, 2007:	\$6,584,802
Paragraph Two: BRIGHT STARS 4 YEAR OLD PROGRAM FUND	
Bright Stars Program	<u>\$1,037,679</u>
Total BRIGHT STARS 4 YEAR OLD PROGRAM FUND appropriations for fiscal year ending June 30, 2007:	\$1,037,679
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$708,414
Revenue from Local Sources (Transfer from School Fund)	\$87,737
MJ Child Health Grant	\$5,000
Revenue from the Commonwealth	\$236,528
Total BRIGHT STARS 4 YEAR OLD PROGRAM FUND resources available for fiscal year ending June 30, 2007:	\$1,037,679
Paragraph Three: TOWE MEMORIAL PARK FUND	
Darden Towe Memorial Park	<u>\$270,041</u>
Total TOWE MEMORIAL PARK FUND appropriations for fiscal year ending June 30, 2007:	\$270,041
To be provided as follows:	
Revenue from Local Sources (Transfer from the General Fund)	\$161,939
Revenue from Other Local Sources	\$108,102
Total TOWE MEMORIAL PARK FUND resources available for fiscal year ending June 30, 2007:	\$270,041
Paragraph Four: E-911 SERVICE CHARGE FUND	
E-911 Operations and Debt Service (Transfer to General Fund)	<u>\$1,681,000</u>

TOTAL E-911 SERVICE CHARGE FUND appropriations for fiscal year ending June 30, 2007:	\$1,681,000
To be provided as follows:	
Revenue From Local Sources	\$1,681,000
Total E-911 SERVICE CHARGE FUND resources available for fiscal year ending June 30, 2007:	\$1,681,000
Paragraph Five: VISITOR CENTER FUND	
Repair and Maintenance	\$67,734
TOTAL VISITOR CENTER FUND appropriations for fiscal year ending June 30, 2007:	\$67,734
To be provided as follows:	
Revenue from Local Sources	\$67,734
Total VISITOR CENTER FUND resources available for fiscal year ending June 30, 2007:	\$67,734
Paragraph Six: COURTHOUSE MAINTENANCE FUND	
Transfer to General Government Capital Improvements Fund	\$31,000
TOTAL COURTHOUSE MAINTENANCE FUND appropriations for fiscal year ending June 30, 2007:	\$31,000
To be provided as follows:	
Revenue from Local Sources	\$31,000
Total COURTHOUSE MAINTENANCE FUND resources available for fiscal year ending June 30, 2007:	\$31,000
Paragraph Seven: TOURISM FUND	
Tourism Enhancement (Transfer to General Fund)	\$510,000
Tourism Projects (Transfer to General Government Capital Improvements Fund)	\$458,000
Total TOURISM FUND appropriations for fiscal year ending June 30, 2007:	\$968,000
To be provided as follows:	
Revenue from Local Sources	\$968,000
Total TOURISM FUND resources available for fiscal year ending June 30, 2007:	\$968,000
Paragraph Eight: UNITED WAY DAY CARE FUND	
United Way Day Care Fund	\$599,727
Total UNITED WAY DAY CARE FUND appropriations for fiscal year ending June 30, 2007:	\$599,727
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$94,936
City of Charlottesville	\$126,804
United Way Matching Funds	\$70,000
Admin Fee - United Way	\$27,260
Revenue from the Federal Government (HHS Pass Thru Grant)	\$280,727
Total UNITED WAY DAY CARE FUND resources available for fiscal year ending June 30, 2007:	\$599,727
Paragraph Nine: CRIMINAL JUSTICE PROGRAMS FUND	
Criminal Justice Grant Programs	\$590,164
Total CRIMINAL JUSTICE PROGRAMS FUND appropriations for fiscal year ending June 30, 2007:	\$590,164
To be provided as follows:	
Revenue from the Commonwealth (Grant)	\$590,164
Total CRIMINAL JUSTICE PROGRAMS FUND resources available for fiscal year ending June 30, 2007:	\$590,164
Paragraph Ten: VICTIM-WITNESS GRANT FUND	
Victim-Witness Program	\$97,461
Total VICTIM-WITNESS GRANT FUND appropriations for fiscal year ending June 30, 2007:	\$97,461
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$22,715
Revenue from the Commonwealth (Grant)	\$74,746
Total VICTIM-WITNESS GRANT FUND resources available for fiscal year ending June 30, 2007:	\$97,461

Paragraph Eleven: METRO PLANNING GRANT FUND		
	Metropolitan Planning Organization Funding	\$14,500
Total METRO PLANNING GRANT FUND appropriations for fiscal year ending June 30, 2007:		\$14,500
To be provided as follows:		
	Revenue from the Federal Government (Grant)	\$11,600
	Revenue from the Commonwealth (Grant)	\$1,450
	Local Funds (Transfer from the General Fund)	\$1,450
Total METRO PLANNING GRANT FUND resources available for fiscal year ending June 30, 2007:		\$14,500
Paragraph Twelve: HOUSING ASSISTANCE FUND		
	Family Self-Sufficiency Program (Transfer to General Fund)	\$295,137
	Section 8 Housing Assistance Payments	\$2,628,510
Total HOUSING ASSISTANCE FUND appropriations for fiscal year ending June 30, 2007:		\$2,923,647
To be provided as follows:		
	Revenue from the Federal Government	\$2,923,647
Total HOUSING ASSISTANCE FUND resources available for fiscal year ending June 30, 2007:		\$2,923,647
Paragraph Thirteen: VEHICLE REPLACEMENT FUND		
	Vehicle Replacement	\$746,315
Total VEHICLE REPLACEMENT FUND appropriations for fiscal year ending June 30, 2007:		\$746,315
To be provided as follows:		
	Revenue from Local Sources (Transfer from the General Fund)	\$707,315
	Revenue from Other Local Sources	\$39,000
Total VEHICLE REPLACEMENT FUND resources available for fiscal year ending June 30, 2007:		\$746,315
GRAND TOTAL - SPECIAL REVENUE FUNDS		\$15,612,070
SECTION V - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND		
That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2007:		
Paragraph One: COURTS		
	J&DR Court Expansion/Renovation	\$1,450,000
	Court Square Maintenance/Replacement Projects	\$100,000
	J&D Court Maintenance/Replacement Projects	\$15,000
		\$1,565,000
Paragraph Two: PUBLIC SAFETY		
	Northside Fire Station	\$83,000
	Pantops Fire Station	\$390,000
	East Ivy Fire Station	\$1,634,000
	VFD Fire & EMS Apparatus Replacement	\$2,265,000
	Fire Rescue Training Center/Police Firing Range	\$584,000
	Police Patrol Video Cameras	\$192,000
	Police Mobile Data Computers	\$185,000
	SPCA - New County Animal Shelter	\$50,000
		\$5,383,000
Paragraph Three: PUBLIC WORKS		
	County Facilities - Maintenance/Replacement	\$555,000
	Ivy Landfill Remediation	\$640,000
	COB McIntire Renovations	\$2,475,000
		\$3,670,000
Paragraph Four: COMMUNITY/NEIGHBORHOOD DEVELOPMENT		
	Neighborhood Implementation Plan Program	\$590,000
	Revenue Sharing Road Program	\$1,000,000
	Sidewalk Construction Program	\$500,000
	Transportation Improvement Program - Local	\$1,390,000
	Transportation Improvement Program - Regional	\$100,000
	Roadway Landscaping Program	\$107,000
	Streetlamp Program	\$46,000
	Route 22/250 Intersection Improvements	\$145,000
	Records Management System	\$559,000
		\$4,437,000

Paragraph Five: HUMAN DEVELOPMENT		
	PVCC - Site Work for Science Building	\$40,000
Paragraph Six: PARKS, RECREATION & CULTURE		
	Recreation Facilities Project	\$2,030,000
	Paramount Theater	\$33,000
	Greenway Program	\$25,000
	River and Lake Access Improvements	\$37,000
	Mint Springs Fishing Accessibility	\$196,000
	Park Enhancements	\$44,000
	Parks - Maintenance/Replacement	\$95,000
		\$2,460,000
Paragraph Seven: LIBRARIES		
	New Crozet Library	\$3,603,000
Paragraph Eight: TECHNOLOGY AND GIS		
	County Technology Upgrade - GIS System	\$50,000
	County Computer Upgrade	\$425,000
		\$475,000
Paragraph Nine: ACQUISITION OF CONSERVATION EASEMENTS		
	Acquisition of Conservation Easements (ACE) Program	\$1,387,543
Paragraph Ten: CAPITAL RESERVE		
	Capital Reserve	\$1,988,632
Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 200		\$25,009,175
To be provided as follows:		
	Revenue from Local Sources (Tourism Fund Transfer)	\$458,350
	Revenue from Local Sources (General Fund Transfer)	\$9,793,923
	Proffers	\$145,000
	Courthouse Maintenance Funds	\$30,900
	Loan Proceeds	\$14,431,000
	Interest Income	\$150,002
Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2007:		\$25,009,175
SECTION VI: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND		
That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2007:		
Paragraph One: EDUCATION (SCHOOL DIVISION)		
	Cale Addition	\$2,863,000
	ADA Structural Changes	\$15,000
	Monticello HS Auditorium	\$4,731,000
	WAHS Auditorium Moveable Wall	\$390,000
	Administrative Technology	\$70,000
	Instructional Technology	\$450,000
	Maintenance/Replacement Projects	\$3,681,000
	State Technology Grant	\$700,000
	Jouett-Greer Site Reconfiguration	\$475,000
Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2007:		\$13,375,000
To be provided as follows:		
	Revenue from Local Sources (General Fund Transfer)	\$503,000
	Proffers	\$100,000
	Interest Earned	\$100,000
	State Construction Funds	\$197,000
	State Technology Grant	\$700,000
	VPSA Bonds	\$11,775,000
Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2007:		\$13,375,000
SECTION VII: STORM WATER CAPITAL IMPROVEMENTS FUND		
That the following sums of money be and the same hereby are appropriated from the STORM WATER CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2007:		
Paragraph One: STORM WATER PROJECTS		
	Storm Water Control Program	\$650,000
Total STORM WATER CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2007:		\$650,000

To be provided as follows:			
	Revenue from Local Sources (Transfer from General Fund)		\$650,000
Total STORM WATER CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2007:			\$650,000
SECTION VIII: DEBT SERVICE			
<p>That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2007:</p>			
Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND			
	Debt Service Payments - School Division		\$11,292,943
	Debt Service Payments - PREP		\$239,783
Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2007:			\$11,532,726
To be provided as follows:			
	Revenue from Local Sources (Transfer from General Fund)		\$11,292,943
	Revenue from Local Sources (PREP Fees)		\$239,783
Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2007:			\$11,532,726
Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND			
	Emergency Services Radio System Lease/Debt Service Payment		\$826,556
	Lease/Purchase Software		\$41,314
	Debt Service Payments - General Government		\$1,376,404
	Bond Issuance Cost		\$10,000
Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2007:			\$2,254,274
To be provided as follows:			
	Revenue from Local Sources		\$283,178
	Revenue from Local Sources (Transfer from General Fund)		\$1,971,096
Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2007:			\$2,254,274
GRAND TOTAL - DEBT SERVICE FUNDS			\$13,787,000
TOTAL APPROPRIATIONS MENTIONED IN SECTIONS I - VIII OF THIS RESOLUTION FOR THE FISCAL YEAR ENDING June 30, 2007			
RECAPITULATION:			
Appropriations:			
Section I	General Fund		\$200,572,808
Section II	School Fund		\$141,563,425
Section III	Other School Funds		\$14,830,310
Section IV	Other Special Revenue Funds		\$15,612,070
Section V	General Government Capital Improvements Fund		\$25,009,175
Section VI	School Division Capital Improvements Fund		\$13,375,000
Section VII	Storm Water Capital Improvements Fund		\$650,000
Section VIII	Debt Service		\$13,787,000
			\$425,399,788
Less Inter-Fund Transfers			
	General Fund to School Fund		(\$91,596,598)
	General Fund to Special Revenue Funds		(\$3,602,809)
	General Fund to Capital Improvements Funds		(\$10,946,941)
	General Fund to Debt Service Funds		(\$13,264,021)
	Special Revenue Funds to General Fund		(\$2,486,137)
	Special Revenue Funds to Capital Improvements Funds		(\$489,000)
	School Fund to Self-Sustaining Funds		(\$2,440,505)
	School Fund to Special Revenue Funds		(\$1,312,493)
	School Fund to General Fund		(\$203,400)
	Self-Sustaining Funds to School Fund		(\$424,000)
			(\$126,765,904)
GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS			\$298,633,884
SECTION IX: EMERGENCY COMMUNICATIONS CENTER			
<p>That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2007:</p>			

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND		
	Emergency Communications Center	<u>\$4,087,741</u>
Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2007:		\$4,087,741
To be provided as follows:		
	Revenue from Local Sources	\$3,694,406
	Revenue from the Commonwealth	\$378,315
	Revenue from the Federal Government	\$15,020
Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2007:		\$4,087,741
<p>BE IT FURTHER RESOLVED THAT the Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, the appropriations made to these funds for the period covered by this appropriation resolution.</p>		
SECTION IX		
<p>All of the monies appropriated as shown by the contained items in Sections I through VIII are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance (Richard Wiggins) and Clerk to the Board of Supervisors (Ella W. Carey) are hereby designated as authorized signatories for all bank accounts.</p>		
Paragraph One		
<p>Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.</p>		
	<p><u>Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.</u></p>	
Paragraph Two		
<p>All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.</p>		
Paragraph Three		
<p>No obligations for good, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.</p>		
<p>In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.</p>		
	<p><u>Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.</u></p>	
Paragraph Four		
<p>Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the same rate as that established by the State of Virginia for its employees and shall be subject to change from time to time to maintain like rates.</p>		
Paragraph Five		
<p>All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.</p>		
Paragraph Six		
<p>All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.</p>		
Paragraph Seven		
<p>This resolution shall become effective on July first, two thousand and six.</p>		

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Board of Supervisors of Albemarle County, Virginia (the "Borrower"), intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$26,206,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately upon its passage.

**Exhibit A
CAPITAL IMPROVEMENT PROGRAM
BONDED PROJECTS
FY 2006/07**

Schools	Amount
1. Cale Addition	\$2,863,000
2. ADA Structural Changes	\$15,000
3. Monticello Auditorium	\$4,731,000
4. WAHS Auditorium Moveable Wall	\$390,000
5. School Maintenance Projects	\$3,301,000
6. Jouett-Greer Site Reconfiguration	\$475,000
Schools - Subtotal	\$11,775,000
General Fund	Amount
1. Court Expansion	\$1,450,000
2. Pantops Fire Station	\$390,000
3. Ivy Fire Station	\$1,634,000
4. Fire Rescue Apparatus	\$2,265,000
5. Fire Training Center/Police Firing Range	\$584,000
6. County Office Building Renovations	\$2,475,000
7. Recreation Facility	\$2,030,000
8. Crozet Library	\$3,603,000
General Fund - Subtotal	\$14,431,000
TOTAL DEBT ISSUE	\$26,206,000

Item 6.3. Authorize County to join the Virginia Association of Counties Group Self Insurance Risk Pool for FY 2006-07.

It was noted in the Executive Summary that Albemarle County's property and liability insurance plan is reviewed and executed on an annual basis. The effective dates for the plan coincide with the County's fiscal year (July 1 through June 30). Since FY 2000-01 the County has participated in an insurance plan sponsored by the Virginia Municipal League (VML) for coverage under the Virginia Municipal Liability Pool. For FY 2006-07, proposals were received by the County for insurance plans sponsored by both VML and the Virginia Association of Counties (VACo).

The proposed insurance plans from VML and VACo for FY 2006-07 were reviewed by County staff. The total cost for insurance coverage from VACo is \$336,300. The total cost for comparable coverage from VML is \$459,181. Therefore, VACo's bid is \$122,881 less than VML's. Both plans are equivalent to the plan currently in effect with one exception. The deductible for liability for law enforcement and public officials claims increases from the current deductible of \$0 to \$10,000 in FY 2006-07. Both the VACo and VML plans, compared above, proposed a \$10,000 deductible for FY 06-07. In addition, VML offered a plan with no deductible for an additional cost of \$40,000 per year (\$499,761). Historically the County averages three or less of these claims per year, so the deductible will not significantly offset the savings provided by the VACo proposal.

In its FY 2006-07 budget, the Board approved \$396,832 for the County's property and liability insurance coverage. The proposal from VACo is \$60,532 under that budgeted amount. The VML proposal is \$62,349 over the budgeted amount. Staff recommends that the Board adopt a Resolution to authorize the County to join the Virginia Association of Counties Group Self Insurance Risk Pool to provide for the County's property and liability insurance coverage for FY 2006-07.

By the vote set out above the Board adopted the following Resolution authorizing the County to join the Virginia Association of Counties Group Self Insurance Risk Pool to provide for the County's property and liability insurance coverage for FY 2006-07.

**RESOLUTION TO ADOPT THE MEMBER AGREEMENT TO JOIN
THE VIRGINIA ASSOCIATION OF COUNTIES
GROUP SELF INSURANCE RISK POOL**

WHEREAS, Albemarle County desires to protect against liability claims and property losses and to provide for payment of claims or losses for which the county may be liable; and

WHEREAS, the Virginia Association of Counties Group Self Insurance Risk Pool, aka VACoRP, has been established pursuant to Chapter 27 (§ 15.2-2700 et seq.) and Title 15.2 of the code of Virginia; and

WHEREAS, it is desirable for Albemarle County to join the Virginia Association of Counties Group Self Insurance Risk Pool in order to provide a method of risk sharing for liability claims and property losses.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby agrees to participate under the member agreement entitled "Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool" which creates a group fund to pay liability claims and property losses of the counties and other local agencies joining the Group, and acknowledges that the County has received a copy of the pertinent Plan and supporting documents.

BE IT FURTHER RESOLVED that the Finance Director is authorized to execute the member agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool and to act on behalf of Albemarle County in any other matter relative to the Group.

Item 6.4. Adopt Revision to Petty Cash Resolution.

It was noted in the Executive Summary that Virginia Code Section 15.2-1229, provides that the County may adopt a resolution to establish petty cash funds not exceeding \$5,000 to be used to transact daily County business.

The Board last established petty cash funds by a resolution adopted on April 5, 2006. Staff recommends adoption of a new resolution to authorize an additional \$50.00 petty cash fund for the Community Development Department. This petty cash fund would allow customers to conduct business directly at the Community Development Department instead of going to the Finance Department to pay their fees and returning to Community Development with a receipt to receive their permit, license, etc. The establishment of a petty cash fund will provide better customer service to community residents and developers who are required to pay a development fee or for licenses or for a building permit. A petty cash fund will eliminate the need for citizens to make several stops at the County Office Building to complete their business. Staff recommends that the Board adopt a Resolution to add a petty cash fund for the Community Development Department and reestablish the existing petty cash funds.

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

RESOLUTION

WHEREAS, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors adopted a Resolution on April 5, 2006, establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend certain petty cash funds for the above stated purpose.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia establishes the following petty cash funds:

Finance Department	\$ 3,350.00
Social Services	200.00
Community Development	50.00
Police Department	1,800.00
Sheriff's Department	100.00
Fire and Rescue	150.00
Fire and Rescue - Monticello Fire Station	250.00
Commonwealth's Attorney	300.00
Parks & Recreation	<u>100.00</u>
Total	<u>\$ 6,300.00</u>

Item 6.5. Fiscal Impact Advisory Committee, Revision of Charter.

It was noted in the Executive Summary that the Fiscal Impact Advisory Committee's current charter was approved in 1998. In the past year, members of the Committee expressed an opinion that the Committee's charter be updated in order to: (1) clarify the Committee's mission, objectives, responsibilities, membership structure, operating model and action plan; and, (2) give the Committee explicit authority to evaluate, adopt and oversee the use of fiscal impact analytical tools other than just the County's Cost Revenue Impact Model (CRIM). The Committee voted at its March 9, 2006, meeting, to approve the proposed charter and now seeks Board approval of this item.

The following points represent significant proposed changes and/or additions to the current charter:

- The "Duties/Functions" section of the current charter charges the Committee with the "ongoing community oversight to the implementation and use of the County's fiscal impact model." This charge is assumed to refer only to the County's current Cost Revenue Impact Model (CRIM). The proposed charter's "Mission" and "Responsibilities" sections explicitly broaden this charge to include any other fiscal impact tools the Committee might wish to adopt. The Committee wanted to make this change in the event better fiscal impact models become available so the County would not be limited to using only CRIM.
- The current charter does not define the concept of fiscal impact analysis. The "Mission" section of the proposed charter defines "fiscal impact." The Committee wanted to include this definition in the proposed charter in order to specify exactly the variables that CRIM and other fiscal impact tools are intended to measure and, consequently, to help eliminate a perceived confusion about the abilities of fiscal impact analysis.
- The "Duties/Functions" section of the current charter does not charge the Committee with the responsibility of advocating fiscal impact analysis as an important input into development decision-making. The proposed charter gives the Committee this responsibility. The Committee wanted to include this responsibility because the Committee did not perceive that the Planning Commission and the Board of Supervisors place adequate weight on the results of fiscal impact analysis when evaluating the overall desirability of proposed development.
- The "Length of Term" and "Membership" sections of the current charter have been combined into the "Membership" section of the proposed charter. The "Membership" section of the proposed charter, unlike the current charter, explicitly includes the Assistant County Executive, the Director of Planning, the Director of the Office of Management and Budget, and the Fiscal Impact Planner as non-voting ex-officio members of the Committee. The Committee wanted to include these people in the fact sheet in order to clarify the specific staff members who are involved in the County's fiscal impact analysis efforts.
- The "Frequency/Times for Meetings" section of the current charter has been included in the "Operating Model" section of the proposed charter. The number of meeting dates per year has been changed from four to six, with the notation that the Fiscal Impact Planner will develop meeting agendas and associated materials, will distribute these items at least one week in advance of the meetings, and will run the meetings. The Committee sought to increase the number of meetings per year because of a perceived increase in the public's interest in fiscal impact analysis. The Committee wanted to include language regarding the Fiscal Impact

Planner's responsibilities in order to set down in writing some of the tasks that the Fiscal Impact Planner has performed regularly since 1998.

- The "Action Plan" section of the proposed charter mentions that the Fiscal Impact Planner will submit an annual work plan to the Committee for the Committee's review, comments and suggestions. The Committee wanted to include this language in order to set down in writing a tradition to which the Fiscal Impact Planner has adhered since 1998.

Staff recommends that the Board of Supervisors approve the attached proposed Fiscal Impact Advisory Committee Fact Sheet.

By the recorded vote set out above, the Board approved the following Fact Sheet for the Fiscal Impact Advisory Committee.

FISCAL IMPACT ADVISORY COMMITTEE FACT SHEET

Mission

The Fiscal Impact Advisory Committee (FIAC) is appointed by the Board of Supervisors (BOS) to provide advice to the Board of Supervisors on the development, implementation, and uses of the County's official tools for measuring the fiscal impact of development. The Committee's goal is to foster a well-informed, thoughtful, and constructive dialogue on the fiscal impact of development, thereby contributing to rational decision-making. Fiscal impact, in this context, refers to the dollar value of the public costs and revenues associated with development.

Objectives

FIAC has two primary objectives: (1) To enable the relevant and accurate fiscal impact analysis of the County's aggregate development; and (2) To facilitate the relevant and accurate fiscal impact analysis of site-specific development proposals. FIAC's goal in both cases is to contribute to rational decision-making by providing accurate and relevant fiscal impact information to the Board of Supervisors.

Responsibilities

- Ensure that the assumptions behind the County's official tools of fiscal impact analysis are open to scrutiny and discussion from a cross-section of community interests;
- Ensure the community of the credibility of the County's official tools of fiscal impact analysis, by providing oversight and management as the County uses its official tools of fiscal impact analysis to analyze various growth scenarios and development projects;
- Review for validity and accuracy any and all existing and proposed data changes or updates to the County's official tools of fiscal impact analysis;
- Perform an in-depth assessment of three approaches to fiscal impact analysis, i.e., the marginal cost project analysis, the average cost trend analysis, and the marginal cost trend analysis and certify the accuracy of these tools prior to their use in any projections submitted to the Board or the public;
- Work with the Fiscal Impact Planner on a regular basis to ensure the ongoing validity and accuracy of the County's official tools of fiscal impact analysis;
- Ensure that all fiscal impact analytical tools in use by the County are appropriate to the needs of the County, and are the very best tools available;
- Review the suitability of alternate tools of fiscal impact analysis for potential use by the County.
- Advocate the use of fiscal impact planning, by the Board of Supervisors and the Planning Commission, as an important input into development decision-making.

Membership

Members of the Committee are appointed by the Board of Supervisors for terms of two years, and are eligible to serve two consecutive terms, unless otherwise modified by the Board of Supervisors. Appointments may be staggered for continuity. The Assistant County Executive, the Director of Planning, the Director of the Office of Management and Budget, and the Fiscal Impact Planner are non-voting *ex officio* members of the Committee.

Operating Model

The Committee meets six times per year, on the second Wednesday of the months of January, March, May, July, September, and November. Meeting agendas and associated materials will be developed and distributed at least one week in advance by the Fiscal Impact Planner. Meetings will be run by the County's Fiscal Impact Planner.

Action Plan

At each July FIAC meeting, the Fiscal Impact Planner will submit an annual work plan to FIAC for the Committee's review, comments, and suggestions.

Item 6.6. Resolution Concurring with and Approving the Issuance By the Industrial Development Authority of Mathews County, Virginia, of its Revenue Bond in an Amount not to Exceed \$5,320,000 for Charlottesville Catholic School.

(Discussion: Mr. Slutzky asked why these bonds are being issued by Mathews County instead of Albemarle County. Mr. Davis said there is a \$10.0 million limit on bank-qualified funding by each locality. The Albemarle County IDA has surpassed that amount in planned lending for this year. When that occurs, applicants go to other IDAs in order to get the tax benefits of the bank-qualified lending. This is something that occurs several times a year.

Mr. Slutzky asked how this private school was able to use a public authority for their funding. Mr. Davis said it is well-established that these types of schools qualify.

Mr. Rooker asked if there is any violation of the First Amendment in doing this. Mr. Tucker said that question has been discussed by the IDA. Mr. Davis said there was a similar request litigated several years ago in which the Albemarle IDA was involved. The IDA was upheld and the issue approved as being a proper action of the IDA.)

By the recorded vote set out above, the Board adopted the following resolution:

**A RESOLUTION CONCURRING WITH AND APPROVING THE ISSUANCE BY
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MATHEWS COUNTY,
VIRGINIA, OF ITS REVENUE BOND IN AN AMOUNT NOT TO EXCEED
\$5,320,000 FOR CHARLOTTESVILLE CATHOLIC SCHOOL**

WHEREAS, the Industrial Development Authority of Mathews County, Virginia (the Mathews County Authority), has considered the plans of Charlottesville Catholic School, a component of the Catholic Diocese of Richmond, Virginia (the Borrower), whose educational facility and place of business (the School) is located at 1205 Pen Park Road, Albemarle County, Virginia 22901, for the issuance of the Mathews County Authority's revenue bond (the Bond) in an amount not to exceed \$5,320,000 to assist the Borrower in refinancing an addition to the School and financing the cost of constructing and equipping improvements to the School, including improvements to the basement and the conversion of the cafeteria to a gymnasium (collectively, the Project), located at 1205 Pen Park Road, Albemarle County, Virginia 22901;

WHEREAS, the proceeds of the Bond will also finance the cost of issuing the Bond;

WHEREAS, the Mathews County Authority has held a public hearing with respect to the Bond on April 26, 2006, and has adopted an approving resolution (the Mathews County Authority Resolution) with respect thereto;

WHEREAS, the Industrial Development Authority of Albemarle County, Virginia (the Albemarle County Authority), has held a public hearing with respect to the Bond on May 30, 2006, and has adopted an approving resolution recommending that the Board of Supervisors of Albemarle County (the Board) concur with the Mathews County Authority Resolution; and

WHEREAS, as the Project is located in Albemarle County and the Albemarle County Authority is in existence and has the power to issue bonds for the Project, Section 15.2-4905 of the Code of Virginia of 1950, as amended (the Virginia Code), provides that the Board must concur with the adoption of the Mathews County Authority Resolution;

WHEREAS, the Internal Revenue Code of 1986, as amended (the Code), provides that the highest elected governmental officials of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located shall approve the issuance of such bonds; and

WHEREAS, the members of the Board constitute the highest elected governmental officials of Albemarle County; and

WHEREAS, a copy of the Mathews County Authority Resolution, the Albemarle County Authority's approving resolution, a reasonably detailed summary of the comments expressed at the public hearing with respect to the Bond held by the Albemarle County Authority and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Board;

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

1. The Board of Supervisors of Albemarle County, Virginia, concurs with the adoption of the Mathews County Authority Resolution and approves the issuance of the Bond by

the Mathews County Authority to the extent required by the Code and Section 15.2-4905 of the Virginia Code.

2. The approval of the issuance of the Bond, as required by the Code and Section 15.2-4905 of the Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bond of the creditworthiness of the Borrower and the Bond shall provide that Albemarle County shall not be obligated to pay the Bond or the interest thereon or other costs incident thereto and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or Albemarle County shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

Item 6.7. Regional Natural Hazard Mitigation Plan Resolution (copy of Plan on file in Clerk's office).

In a letter from Billie Campbell dated May 24, 2006, he said that at its June 1, 2005, meeting, the Board of Supervisors held a public hearing on the Albemarle Chapter of the Regional Natural Hazard Mitigation Plan and adopted it pending approval by the Virginia Department of Emergency Management and the Federal Emergency Management Agency. VDEM and FEMA have reviewed the Plan and found it satisfactory, with only minor revisions needed for full compliance. All revisions have now been incorporated into one full Plan. The final step is formal adoption by all participating localities. All of the mitigation projects detailed in the Albemarle Chapter remain the same. A resolution is forwarded for the Board's consideration. Albemarle County and Planning District staff recommends adopting the Plan.

By the recorded vote set out above, the Board adopted the following resolution:

**RESOLUTION
ALBEMARLE COUNTY ADOPTION OF THE
REGIONAL NATURAL HAZARD MITIGATION PLAN**

WHEREAS, hazard mitigation is sustained action taken to reduce or eliminate the risk to human life and property from natural hazards and their effects; and

WHEREAS, it is essential to protect life and property by reducing the potential for future damages and economic losses resulting from natural disasters; and

WHEREAS, the Disaster Mitigation act of 2000 provides new and revitalized approaches to mitigation planning; and

WHEREAS, compliance with the new mitigation plan requirements will position Albemarle County and the region to receive pre- and post-disaster mitigation funding; and

WHEREAS, Albemarle County has been involved in the preparation of the Regional Natural Hazard Mitigation Plan, including review, and public hearings and approval by both the Albemarle Planning Commission and Board of Supervisors; and

WHEREAS, Albemarle County approved the Hazard Mitigation Plan for submission to the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA); and

WHEREAS, VDEM and the FEMA have deemed the submitted plan satisfactory with no changes in the mitigation activities for Albemarle County;

NOW THEREFORE BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby adopt the Regional Natural Hazard Mitigation Plan.

Item 6.8. 2006 First Quarter Building Report as prepared by the County of Albemarle Community Development Department, **was received for information.**

Item 6.9. Copy of letter dated April 25, 2006, from John Shepherd, Manager of Zoning Administration, to David W. Lewis, re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS -- Tax Map 58, Parcel 3 (Property of David W. Lewis and Mary Alice Lewis) Section 10.3.1, **was received for information.**

Item 6.10. Copy of application of Virginia Electric and Power Company to revise its co-generation tariff pursuant to PURPA Section 210 (Case No. PUE-2005-00114) **was received for information.**

(Discussion: Ms. Thomas said whenever the Federal government, the SCC or private companies say they are doing something to enable you to make more efficient decisions, it worries her. She does not know whether what they are proposing will make it easier or harder for co-generation to exist. She said that on her recent trip to Germany, she was impressed by all of the windmills everywhere. Apparently they were influenced by this sort of thing as to what co-generators receive in the way of funds. She asked if anyone with expertise had looked at this notice to see whether the Board should comment, or

whether it can comment. Also, will what they are proposing make it easier or harder for co-generators to receive some funding for payment for the energy they produce.

(Mr. Slutzky said he took a quick look and then talked to an energy consultant who works with him. This person observed that PJM methodology is more standard and accepted and is usually advocated by co-generators. He assumes they get more clarity as to the actual cost avoidance that the utility experiences and that is why they push for it. This person was not speaking about Virginia's methodologies, but generally speaking to what they are switching to.

Mr. Davis said VACo and VML both have a person who is responsible for monitoring these things. If staff sees an issue, they generally talk to them. They have outside counsel with expertise in this area, so staff does not analyze these issues in depth. Normally, they don't directly involve Albemarle County.

Mr. Rooker said for the public's information, this is not an action item on the agenda. It is in the Board's packet for informational purposes.)

Item 6.11. Albemarle County's Draft FY 2007–10 Strategic Plan.

It was noted in the Executive Summary that on September 9, 2005, the Board initiated the County's FY 2007–10 Strategic Plan. The Board 1) reviewed the County's Vision and Mission statements, 2) identified five goals for inclusion in the FY 2007–2010 Strategic Plan, and, 3) identified and voted on top priorities for this time period.

On November 2, 2005, the Board reviewed the results of its Retreat and made several suggestions to further clarify its priorities for staff. On December 6 the Board received an updated Executive Summary that included the recommendations made by the Board during its November 2nd meeting.

During the past four months, the Board has held five work sessions to provide additional analysis on the priority issues and to give more specific direction to staff. The purpose of these efforts was to make the FY 2007–2010 Strategic Plan statements clear, actionable, and results-oriented in order to best focus and drive staff's strategic efforts in the years ahead. In addition, on April 5 the Board provided guidance regarding the schedule for master plans and the Rural Area Plan Implementation strategic priorities as part of a work session on the Community Development Department's work plan.

Based on the Board's guidance, a draft of the FY 2007–2010 Strategic Plan has been completed and is attached (on file) for the Board's review. The draft will be available to the public and County staff for their review and comments. The final draft, including a summary of comments and suggestions, will be presented to the Board for consideration at the July 5 Board meeting. Performance measures will be finalized and detailed action plans will be developed by staff after the plan has been approved.

The Board's strategic goal "to develop a comprehensive funding strategy to address the County's growing needs" will be the basis of the Board's September Strategic Planning Retreat.

The County's Strategic Plan is not a static document. Each year the Board will review its progress and identify new challenges and opportunities. As necessary, the Board may adjust its efforts to ensure that the County reaches its goals and achieves its vision. Staff requests Board members to review the draft FY 2007–2010 Strategic Plan and provide comments and suggestions for improvements to Ms. Lori Allshouse, Strategic Management Coordinator. These comments will be used to prepare a final draft to be considered by the Board at the July 5, 2006, Board meeting.

This report was received for information only.

Item 6.12. Copies of draft Planning Commission minutes for March 28, April 11 and April 18, 2006, **were received for information.**

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

Ms. Sue Friedman, Chairman, Albemarle County School Board, was present. She said that Friday is the last day of school for this year and it is now graduation season. She noted some administrative changes have been made in the School Division. Mr. Bruce Benson, formerly the Executive Director for Curriculum, Instruction and Technology has been named the Assistant Superintendent for Student Learning effective June 1. Ms. Kathryn Baylor, currently Principal at Sutherland Middle School, has been named the Principal of Jack Jouett Middle School. Mr. David Rogers, currently the Principal of Jack Jouett Middle School, has been named the Principal of Sutherland Middle School.

Ms. Friedman said the School Board is facing the fact that construction costs continue to accelerate. They have made two changes in CIP funding so they can finalize the Cale addition project and the Monticello High School Auditorium project. The changes were made within the agreed upon debt service targets and no change is required in current funding.

Ms. Friedman said the School Board has approved a budget for FY '06-07. In the event the State budget is not as positive for education as they assume it will be, they are prepared to deal with that issue.

Ms. Friedman said the School Board's No. 4 goal is to be a world class organization. The School Board is looking at modeling that goal and at how the community is being engaged. It will be looking at how to make the best use of its time and energy and staff's time and energy. They have been looking at an electronic meetings process called BoardDocs. Over 100 school divisions in the country currently use the process. It would do away with binders and printed materials and allow nearly complete transparency with the public as far as the agenda and documents are concerned.

Ms. Friedman said the School Board is engaged in a two-part retreat. They have homework. The Superintendent provided them with a book by the founder and CEO of Edison Schools called "Crash Course." She found another book entitled "Five Habits for High Impact School Boards" by Doug Ede. The School Board has had its first evaluation of its 2005-2007 School Board/Superintendent Priorities and those results will be available to the public. There is a second retreat scheduled for June 10 to deal with Goals IV and V which are "How do you know you are a world class organization?" and "Efficient and effective uses of resources."

Ms. Friedman said the School Board is committed to being sure all students excel, embrace life-long learning and own their future. She then offered to answer questions.

Mr. Slutzky said he knows the School Board has addressed the fact that another Albemarle student has died, maybe from alcohol. He asked if the Supervisors could be useful and supportive of any decision the School Board makes.

Ms. Friedman thanked Mr. Slutzky for volunteering support. She thinks the School Board will make an official request to the legislative delegation asking for legislation which would let law enforcement officials share the names of students who are arrested, in particular, for underage drinking. The School Board thinks this is a roadblock in allowing them to be as effective as possible. The appropriate role of a world-class educational institution in this arena is the larger issue. What are other school divisions doing? They want to be sure of their options and also to get a sense of the will of the community.

Mr. Rooker said another issue is how far the Schools can and should go to enforce things that take place outside of school hours in a private venue.

Mr. Slutzky said it is a complicated problem, but he thinks the Supervisors should be proactive in addressing it.

Mr. Rooker asked if the Schools should be used as an enforcement mechanism for things that do not take place on school property.

Ms. Friedman said she has heard this discussed in many places in the community. There are many facets to the issue. She thinks it is appropriate for the School Board to get a good sense of the community's expectation.

Mr. Dorrier said there is also a cultural issue involved. It is not just law enforcement, but education of the citizens is required.

Ms. Friedman asked if there were other questions. She offered to send the Board members a copy of the books she mentioned earlier, if requested to do so.

Agenda Item No. 8a. Transportation Matters: Jarman's Gap Road (Route 691) Improvement Project.

Mr. David Benish, Chief of Planning, said that on March 30, 2006, the Virginia Department of Transportation (VDOT) held a design public hearing for the Jarman's Gap Road improvement project. The scope of the project is from Crozet Avenue (Route 240) to its intersection with Half Mile Branch Road (Route 684), for upgrading the alignment of the roadway. He said Mr. Jim Utterback, VDOT Resident Engineer, has provided a summary of the public comments received from the public hearing process and recommendations for implementing the project.

Mr. Benish said VDOT held a Citizen's Informational Meeting on this project on November 12, 2003. They furnished the Board a copy of the comments received along with their recommendations and on March 3, 2004, the Board adopted a resolution recommending a concept for the roadway. At that time, VDOT proposed two options for the eastern section of that roadway as it intersects with Crozet Avenue (Route 240) (using the existing alignment/right-of-way) called Alternative A. Alignment B realigned Jarman's Gap to intersect at the Tabor Street/Crozet Avenue intersection utilizing the existing alignment/right-of-way and providing a two-lane road with curb and gutter, bike lanes and a sidewalk on the north side of the road using an urban design to the Gray Rock development, transitioning to a rural cross-section with paved shoulders from Jarman's Lake Road to Half Mile Branch Road. This design minimized the impact to an adjacent potential historic property avoiding displacement of homes on at least two properties, and best maintained the existing schedule for construction. At the time it was felt to be a reasonable project given available funding and timing.

Mr. Benish said based on comments from the most recent public hearing process there is a VDOT/staff recommendation for essentially the same cross-section on the alignment as previously adopted in the Board's resolution. There is one change recommended by VDOT and that is to continue the sidewalk facilities throughout the length of the project, and on the north side of the road there would be a bike lane and sidewalk extending through the entire length of the project from the Gray Rock

development. The south side of the section to Half Mile Branch Road would be a rural cross-section. VDOT believes that to be a reasonable compromise.

Mr. Benish said one of the major comments made in both the 2004 process and the most recent process concerns the impact on the side parking lot of the Crozet United Methodist Church. Between 10 and 25 spaces would be lost as a result of this project. Although there is no immediate solution to this situation, certain approaches can be taken either in the short- or long-term through parking in central downtown Crozet or parking on nearby streets. There is the potential for cooperative parking as redevelopment occurs in the Blue Goose area and other places downtown. He said staff and VDOT need to consider all these possible options as design of this project moves forward.

Mr. Benish said staff recommends that the Board adopt a resolution approving the design proposed by VDOT and directing staff to include further analysis of long-term intersection needs on Crozet Avenue and possible improvements to Carter Street as part of the upcoming Crozet Sidewalk/ Streetscape engineering/design work, also directing staff and VDOT to address the issue as it moves forward with the design of this project.

Mr. Wyant asked if adding all of this together will change the timeline for the project. Mr. Benish said one reason for having the project in Phases I and II is that there needs to be a good understanding of what the ultimate Jarman's Gap Road project is since it intersects with a portion of that roadway. He said General Services is working toward hiring a consultant engineer to work on engineering the streetscape considering the right-of-way available and other issues.

Mr. Wyant said he has heard often about the loss of parking for the church. That is a critical issue which has to be addressed. Mr. Benish said VDOT will assess how the project affects that parking lot and the resulting impact to the design at the edge of the project. He said staff will work with VDOT during the planning process to figure out as many short-term fixes as possible. The longer-term fix is to look at the downtown area and proactively trying to achieve some of the goals already in the Master Plan. Parking is already an issue in the downtown area.

Mr. Mark Graham, Director of Community Development, said that the southern parking lot has not been redesigned so no one knows how many parking places can be put back on the property after the road is widened. VDOT needs to know the commitment is to put the road on this alignment, and then they can look at alternatives.

Mr. Rooker said there will be monetary compensation made to the church and that can be applied to replacement parking. Whether that mitigates the problem remains to be seen. Compensation should cover the taking of the property and any damage to the remainder of the property so they could possibly get a significant award.

Mr. Wyant said loss of parking affects a lot of folks, and just getting compensation does not address the problem. He thinks they should get some impact funds as well, but he thinks the Board or VDOT should make sure their parking is replaced.

Ms. Thomas asked if VDOT has a responsibility to provide money for alternative parking solutions. Mr. Davis said VDOT must compensate the church for whatever property is taken for purposes of a highway project. He understands the church has the opportunity to make more efficient use of parking on the church property. Then, as properties adjacent to the church are redeveloped, there may be an opportunity to change the County's parking regulations to allow for greater shared parking, especially for a use like a church which may have parking needs that do not conflict with those of businesses. He thinks the key is to allow the church the opportunity for adjacent owners to share parking. He said the long-term solution is a new look at downtown parking requirements for businesses as they redevelop.

Mr. Tucker said staff is asking whether the Board wants to move forward with the draft resolution furnished today, or does it want to delay a decision until it has more information.

Mr. Rooker said there was a member of the church present, and if no one objected he would allow him to say a few words.

Mr. Martin Jensen said he is a lay leader at Crozet U.M. Church and does not speak for the entire congregation. They only learned of this agenda item yesterday so did not have time to prepare anything for presentation. In listening to the conversation, they feel underrepresented as far as their interests are concerned. This is not just loss of parking spaces. They recently designed and built a new fellowship hall with an elaborate entrance on the south side of the building. They use that entrance not only for Sunday worship, but for their food pantry and other ministries. The discussion about what will be lost and what will be left is of concern to them. They realize they are landlocked and there is not much land in that area which would be available for parking.

Mr. Jensen said at this time the church has an issue with noise. On Sunday mornings it seems that people intentionally drive up and down the road and that noise will be moved closer to the south side of their sanctuary. It will impact their worship service and the lives of the 500 people who are members of the church. They understand the complexity of the issue and do not want to be an impediment to growth in Crozet. The decision which may be made today will impact the church, yet the "maybes" have not been decided. He wants the Board to understand that this is not just about parking or compensation. They realize that eventually the church may have to grow beyond this site, but what is being talked about now will limit the amount of growth that can occur on this site. Phase I has already been built, but the church has a Phase II and a Phase III plan. Land loss will impact that plan. He asked that there be a proactive

communication plan with the congregation. They only get information in bits and pieces and through "the grapevine."

Mr. Dorrier said there was a person in the audience with his hand up.

Mr. Rooker said this was not really a public hearing item, but he said the gentleman could come forward and address the Board.

Mr. Cliff Fox said he owns property on the south side of Jarman's Gap Road directly across from Blue Ridge Avenue. The new plan takes an additional 46 feet of right-of-way and moves the utilities completely out VDOT's right-of-way. He thinks that kind of planning is antithetical to what the Crozet Master Plan and the Neighborhood Model recommends. He said the County was looking at reducing building setbacks in order to get them closer to the road. The current plan is essentially setting them 46 feet off the new road. He thinks there are things that still need to be looked at.

Mr. Wyant asked if the plan shows full width lanes. Mr. Jim Utterback, Resident Engineer, said in order to put in bike lanes they must adhere to a certain width. Having a typical section in some of the lanes is not an option at this time.

Mr. Wyant asked if VDOT has enough information now to go to the next step in the process. Mr. Utterback said the next step is to present the plan to the Commonwealth Transportation Board to get design approval. They are trying to get a "Notice to Proceed" for obtaining right-of-way. At that time, some of the issues can be addressed directly.

Mr. Wyant said the parking issue needs to be resolved. Mr. Utterback said once the design is fixed he does not think it will be changed, but during the right-of-way phase there are adjustments which must be made. A design has to be approved, or the issue can never be addressed.

Mr. Slutzky said he is wary of holding up the need for the Jarman's Gap Road infrastructure improvements until all the nuances of the project are sorted out.

Mr. Wyant agreed, but said there are concerns that need to be addressed. The church needs room to grow even after the parking is lost. There are ways to address noise impacts. He has talked with the Chairman of the Board of Trustees and the Pastor, but communications need to be improved.

Mr. Tucker said staff has done more work than Mr. Jensen and the Pastor of the Church are aware. If the Board adopts staff's recommendation, it will allow staff to move forward and make definitive plans. The downtown area of Crozet is not unlike any other downtown area. He attends church in Charlottesville and due to parking has to walk two or more blocks each time he goes to church because of the need to use parking elsewhere in the community. It might be possible to find parking near and around the Crozet Church, but that is the changing nature the Neighborhood Model will be looking at. Zoning staff is looking at liberalizing parking requirements in downtown areas and it is also looking at other parking areas in the little downtown part of Crozet so there will be parking for other churches during hours which are not normal retail hours.

Mr. Boyd said evidently the church has not been involved in the planning process. He asked the impact of the Board making a decision on this question today.

Ms. Thomas said there should be better communications with the church, but the Board previously said the Jarman's Gap Road process should be moved along. If it is delayed, that will send a bad message to the Crozet community.

Mr. Rooker said included in the paperwork today is a copy of the resolution adopted by the Board on March 10, 2004, in which it basically selected the options. He thinks this is just a fine tuning of those options. That was done after a public information meeting had been held and comments reviewed. If this project is to be done at all, he is not sure what other options would be considered other than the option presented by VDOT. That option is basically the same one the Board approved two years ago. This project has been pending for years. The Board can decide not to do the project at all and allocate the money somewhere else and move on. He does not know what delaying a decision today will accomplish.

Mr. Wyant then **moved** to adopt the following resolution endorsing VDOT's recommended alignment for Jarman's Gap Road. The motion was **seconded** by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

**RESOLUTION ENDORSING
JARMAN'S GAP ROAD PROJECT
IN ALBEMARLE COUNTY**

WHEREAS, the Virginia Department of Transportation (VDOT) held a Public Information Meeting to solicit input on the proposed design concept for Jarman's Gap Road (Route 691) (Project 0691-002-258, C501), located in Albemarle County, Virginia; and

WHEREAS, the project proposes to improve Jarman's Gap Road with two (2) twelve foot (12') lanes, two (2) four foot (4') bicycle lanes, curb and gutter and a five foot (5') sidewalk on the north side of the road from Route 240 (Crozet Avenue) to Jarman's Lake Road, and with two (2) twelve foot (12') lanes, shared bike path, sidewalk and curb and gutter on the north side of the road and a rural design (shoulder and ditch) with a paved shoulder on the south side of the road from Jarman's Lake Road to Route 684 (Half Mile Branch Road); and

WHEREAS, 68 people attended the public hearing to provide input on the Jarman's Gap Road project; and

WHEREAS, after reviewing the options, public and written comments, and considering all aspects of the proposed project, VDOT recommends the alignment presented at the March 30, 2006, public hearing for the following reasons:

- it has least impact to potentially historic properties;
- it is the least expensive option;
- it will facilitate the use of Federal funds;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors does hereby endorse the following improvements to Jarman's Gap Road: two (2) twelve foot (12') lanes, two (2) four foot (4') bicycle lanes, curb and gutter and a five foot (5') sidewalk on the north side of the road from Route 240 (Crozet Avenue) to Jarman's Lake Road, and two (2) twelve foot (12') lanes, shared bike path, sidewalk and curb and gutter on the north side of the road and a rural design (shoulder and ditch) with a paved shoulder on the south side of the road from Jarman's Lake Road to Route 684 (Half Mile Branch Road).

Agenda Item No. 8b. Transportation Matters: VDOT Monthly Report for May, 2006.

Mr. Jim Utterback, Resident Administrator, said he would like to make two introductions. Both of the residency program manager positions have now been filled, and they will both start work next Monday. He introduced Mr. Joel DeNunzio, PE, coming from Richmond VDOT where he has worked for a number of years. He will be the Residency Program Manager overseeing all land development, permitting and Six-Year preliminary plan activities for VDOT's Culpeper Residency. Next he introduced Mr. Darin Simpson, PE, who will be the ARA for Maintenance, overseeing maintenance, traffic engineering and safety programs for the VDOT Culpeper Residency.

Mr. Utterback said the Proffit Road railroad bridge project is on schedule. Southern Railway plans to start that work on June 12. VDOT will be setting up detour signs soon, and expects the project to be completed in 60 to 90 days.

Mr. Boyd asked if there will be a light installed on Polo Grounds Road at the railroad underpass. Mr. Utterback said "yes." There will be a portable light at that location. That will not be a detour route; the detour is to keep traffic on Route 250 going around to Route 29.

Mr. Utterback said the Advance Mills Bridge is still closed. A member is being machined now and hopefully it will be ready for installation in a couple of days so the bridge can be opened on Friday, June 9. He said the bridge continues to deteriorate. VDOT spends a significant amount of money (since 2001 between \$300,000 and \$400,000) maintaining the structure. It is a significant maintenance cost to keep the structure open and keep it up to the minimum rating of three tons. Because of limited maintenance funds, VDOT will not be able to continue spending that much money on this structure. They will be discussing with the County the idea that the County agree to pay some of those maintenance costs.

Mr. Wyant asked if Mr. Utterback was talking about the "large" bridge. Mr. Utterback said "yes."

Mr. Wyant asked about the "small" bridge going back to Route 29. Mr. Utterback said the tonnage on that bridge has gone down. He has asked if some correction can be made to the bridge to bring it up to legal load because when that bridge is reopened there will continue to be issues. It needs to be replaced. If they had replaced the "big" bridge, they would have gotten the "little" bridge at the same time and fixed the whole situation. He will draft a letter to the Board to recommend a way to address the situation. He does not think there has been any success keeping the bigger vehicles off of the bridge. He has asked the District Traffic Engineer to look at some type of measures to restrict the larger vehicles from crossing the bridge.

Mr. Utterback said his last item is related to the State budget. VDOT has been going through exercises the last two weeks concerning the impact to the Secondary Six-Year Plan. VDOT had a statewide meeting last week and made two different projections since then. He said that statewide they are required to put their allocations toward Federal projects. There is a big move to match the Federal funds. A number of projects in the plan have been federalized. This means that allocations in future years will go to Federal projects in the Secondary Plan. The three projects for Albemarle are: Jarman's Gap Road, Georgetown Road and Old Ivy Road. He said the Meadow Creek Parkway is a State-funded project so it is not involved.

Mr. Boyd asked what that means to the Meadow Creek Parkway project. Mr. Utterback said once a plan is settled on, there are a number of options. There is a significant amount in Revenue Sharing, and those funds can be moved and pooled.

Mr. Rooker asked Mr. Utterback to explain this further. Mr. Utterback said that before he came to this area, revenue sharing moneys were spread among projects for no reason that he has been able to determine. He thinks those funds could be moved and put on higher priority projects. There is some revenue sharing money allocated to the Old Ivy Road project. It is possible that money can be moved to another project.

Mr. Rooker said the Board had already discussed taking the money from that project and putting it on Georgetown Road so at least one project could be completed.

Mr. Cilimberg said the Revenue Sharing money was allocated among a number of projects for several years because that is the way State law was written at the time. He thinks the law has been liberalized. If it is possible to start moving that money to other projects, staff will want to work with VDOT on that.

Mr. Benish said the Revenue Sharing money is a match, so once VDOT expenditures took place, staff was not able to reallocate that money without VDOT's permission.

Mr. Utterback said there are some funds on other projects that could potentially be moved. He does not know the exact amount, but those funds are not being broken out by the different sources. That is previous State money.

Mr. Boyd said he understands there was right-of-way acquisition taking place for the Meadow Creek Parkway. He asked if that has been suspended. Mr. Utterback said "no." They have not gotten final approval to proceed with the total take acquisition. That is in the process of being approved. Right now everybody is dealing with the budget. He did see some correspondence at the director level in Richmond which supported proceeding, but there has been no official word released.

Mr. Boyd asked if there will be delays. Mr. Utterback said the idea is to construct the City portion of the project (McIntire Road and the Meadow Creek Parkway) at the same time. Clearly the City does not have flexibility to move any allocations. Based on the budget they are trying to match the Federal earmark.

Mr. Rooker asked who is trying to match the Federal earmark. Mr. Utterback said the City's allocation is urban so they must put that money into Federal projects first. They allocated to Federal projects but he does not think they allocated anything to the McIntire piece of the project. He thinks the County has more flexibility because it has a bigger program.

Mr. Rooker said when the budget is finalized, hopefully there will be an uproar throughout the State. What is being seen here is happening everywhere.

Ms. Thomas said she read in the newspaper that the Legislators believe only Northern Virginia and Tidewater will be hurt. She thinks the Board should discuss this with its area Legislators and let them know there are impacts in this region from their inability to find increased revenue sources for transportation. Until they get that message, they have no reason to take any action that might be politically unpopular.

Mr. Rooker said he sent e-mails to a couple of the Legislators during the regular Session about this issue and pointed out the projects where there will be problems including the Meadow Creek Parkway. He asked everybody to call the Legislators they know and pressure them to come to an agreement on funding for transportation.

Mr. Slutzky suggested holding a press conference on this subject with City Council. He said the County is in a serious bind.

Ms. Thomas said she thinks the time has passed when individual messages will work, so she suggested discussing this at the end of the meeting today.

Mr. Dorrier said he thinks the Legislature is coming close to a solution.

Mr. Rooker said their solution does not involve transportation. He thinks they will pass a budget in the next week that will deal with everything except transportation.

Mr. Slutzky said the Legislature is not avoiding the issue, but there is the partisan position of not wanting to raise taxes.

Mr. Rooker said the County got \$3.8 million last year, \$4.7 million the year before that, and he saw a prediction that the County will get only \$2.7 million under the new budget. At the same time, the right-of-way costs for the Meadow Creek Parkway may be \$4.0 million more than the last estimate. The inflation factor on that right-of-way is greater than the County's entire transportation allocation. Mr. Utterback said in federalizing projects it is unlikely there will be any State money in the near future.

Mr. Utterback said he had an update on Garth Road which was discussed recently. He drove the road with someone from Traffic Engineering. They will do an in-depth analysis to see if the lanes can be drawn in so there can be a bike lane installed.

Agenda Item No. 8c. Transportation Matters not listed on the Agenda.

Mr. Wyant mentioned an issue with a school bus getting stuck on White Mountain Road, located in Batesville, near the Nelson County line. Mr. Utterback said VDOT has paved a couple of the hills but there is one spot on the road which needs to be fixed to help with the drainage problem.

Mr. Wyant said at the last EARL meeting, a request was made to install a larger sign at the existing roundabout near the Airport. Mr. Slutzky said people told them that the signage is negligible so they are confused about what to do. Mr. Utterback said VDOT would look at that signage.

Mr. Wyant said at that same time, a request was made to consider installing a street light at the intersection with Route 29. It was noted as being quite dark at night. Mr. Slutzky said he does not find it that dark, but the request was made at the EARL meeting.

Mr. Rooker said there has been a longstanding request for a street light on Rickey Road; the most recent estimate for installation was \$70,000.

Ms. Thomas mentioned that a challenge was issued by Scenic Virginia for the VDOT Division that does the best job in maintaining the visual appearance along the sides of its roads. She suggested this Residency consider applying.

Mr. Dorrier thanked VDOT for applying dust control to Route 712. He asked if that same dust control can be applied to Route 713.

Mr. Boyd asked about the status of Rural Rustic Road projects. Mr. Tucker said the Board is having a work session next week to discuss total transportation efforts. Rural Rustic Roads will be discussed then. Mr. Davis said there will also be a resolution on that agenda to designate which roads will be rural rustic road projects.

Mr. Boyd asked for a status report on an entrance to the proposed Gazebo Place site on Route 250 East. Mr. Cilimberg said a site plan is presently being reviewed by Current Development. Mr. Davis said the site plan has been approved except for the VDOT entrance issue.

Mr. Wyant asked the location of this project.

Mr. Rooker said this petition was litigated, and the court ruled against the Planning Commission. Mr. Davis said the court entered an order saying the petition met site plan requirements except for VDOT approval of the entrance.

Mr. Rooker said the question is whether or not VDOT is in the process of looking at that entrance. Mr. Utterback said the entrance did not meet sight distance, so the engineer was looking at alternative entrances.

Mr. Boyd said people in the Ashcroft community are concerned about the possible closing of the crossover on Route 250 at that point. Mr. Utterback said he cannot comment on that since it is a major decision made at the District Office level. As far as he knows, it is not an option being considered at this time by VDOT.

Mr. Rooker said this whole question goes back to the 1980 rezoning of that property. He does not believe anybody thinks it is a good use of the property. The Planning Commission denied the site plan based on technical reasons. That decision was taken to court and the court ruled against the Commission. From the County's standpoint, it is an approved project now. When speaking about sight distance, is that on Hansen Road or on Route 250. Mr. Utterback said the entrance to the development would be on Hansen Road. VDOT has asked the developer to look at other alternatives.

Mr. Boyd asked if VDOT cannot approve an entrance if that will kill the project. Mr. Utterback said he cannot comment.

Mr. Rooker said the applicant always has the alternative of buying an additional access.

Mr. Boyd said that is not popular either since that access would come through Glenorchy Subdivision. He asked Mr. Utterback for VDOT's official stance on this matter so he can pass that information to the homeowners.

Mr. Slutzky thanked Mr. Utterback for the way VDOT responds to requests from the Board members. He asked the status of the intersection study for the Rio Road/Northfields Road/Hillsdale Drive intersection. Mr. Utterback said the study has been submitted to the Traffic Engineer, but he will need to check its status.

Mr. Slutzky again mentioned the "no right turn on red" sign in the second right-turn lane at the Hydraulic Road/Route 29 intersection in front of K-mart. He thinks it is an ambiguous, dangerous situation.

Mr. Boyd said the Ashcroft community made a request to VDOT to look at a delayed right turn. Mr. Utterback said he has not gotten anything from Traffic Engineering on the initial data submitted. Initially that was rejected because it was felt it would cause traffic to backup on I-64.

Mr. Rooker said he received a telephone call about overgrown hedge that is encroaching into the right-of-way on the northwest corner of the intersection of Woodlands Road and Reys Ford Road. Cars have to get out into the road before they can see oncoming traffic on Woodlands Road which is moving at a rapid rate.

Mr. Rooker asked if VDOT has received any information on the traffic counting/speed signs in the Solomon Road/Inglewood area.

Mr. Rooker asked if the information on Georgetown Road has been synthesized. Mr. Utterback said his staff went out with the District Traffic Engineer last week to check that road for the possibility of doing spot improvements. He expects some additional information in the next week or two. Mr. Rooker asked that Mr. Utterback notify him when it is received so they could discuss the information.

Mr. Wyant said he appreciates the way VDOT has been trimming trees and brush and enhancing the appearance of roads in the western part of the County.

Mr. Slutzky said there is an issue when exiting the Union Bank site at the corner of Route 29/Rio Road. After leaving the drive-through window, and entering the southbound lane onto Route 29, there is a large truck being used as a sign and it is obscuring the view. Mr. Tucker said that is a zoning issue and he will have staff look into it.

Mr. Rooker said that truck (mattress business) has been in place for a number of months and it is not even parked on their property. Mr. Davis said a zoning text amendment was adopted a year or so ago, and there are specific requirements that have to be met in order to do that.

Mr. Slutzky said some constituents sent him e-mails with copies to Zoning about similar issues on Route 29. Zoning staff was very responsive and he appreciates that. Mr. Tucker said staff tries to be proactive when these cases are brought to their attention.

Agenda Item No. 9. ~~Update on Sheriff's Activities, Sheriff Ed Robb.~~ (Removed from agenda.)

(Note: At 10:50 a.m. the Board recessed and reconvened at 11:16 a.m.)

Agenda Item No. 10. Presentation of Water Supply Option re: Ragged Mountain Expansion, Tom Frederick.

Mr. Tom Frederick, Executive Director, Rivanna Water & Sewer Authority (RWSA), was present. He said this report is the culmination of work by a number of people over many years. He thinks it is a favorable and strong plan for the community. The Board is being requested to vote today to approve the Ragged Mountain Reservoir Expansion as the preferred alternative for the 50-year water supply. City Council received this report last Monday evening. There will be other decisions needed in the future to support the 50-year plan including the specifics of where environmental impacts will be mitigated. Also, the City of Charlottesville owns the land on which the Ragged Mountain Reservoir sits. There will need to be an agreement between the City and the RWSA governing the use of that land. Finally, a phasing and financing plan is needed for the sequencing of the different steps of the project. Today, they also ask that the Board support the RWSA submitting a permit support document to the Corps of Engineers with an application for a joint permit, with the application also going to the Department of Environmental Quality (DEQ) at the State level.

Mr. Frederick said he will not go into great detail today since he believes the Board members are quite familiar with the request. Also, there have been multiple opportunities for the public to comment on the project. This is a complex issue; it is not a matter of local preference. In the 1970s and 1980s the Federal Government, and then the State Government, passed laws saying those two entities have an interest in what happens to the rivers of the United States and in Virginia. RWSA is compelled to follow

specific regulations and are compelled to obtain permits to build a water supply. A couple of years ago they realized that some decisions the community considered as preferred alternatives, including the Buck Mountain Reservoir and a four-foot bladder on the South Fork Rivanna River Dam, could not get a permit from Federal and State agencies. Now, they are able to provide the Ragged Mountain Reservoir with a pipeline to the South Fork keeping everything in the local watershed. Because Ragged Mountain is at the headwaters of the watershed there is a strong argument that it is the least environmentally-damaging practical alternative. That will be decided by the Corps of Engineers.

Mr. Frederick said many agencies have spoken in favor of this option including: the Nature Conservancy, the Southern Environmental Law Center, the Piedmont Environmental Council, the Rivanna Conservation Society, Friends of the Moorman's River, the Greater Charlottesville Chamber of Commerce, and various groups that call themselves part of a coalition of interests pertaining to this issue. He does not know of any group in the community that does not support this alternative. He offered to answer questions.

Mr. Dorrier asked how long the Ragged Mountain Reservoir will satisfy the needs of the community. Mr. Frederick said with a raise of the pool level by 45-feet it is expected to supply the community's needs for 50 years.

Mr. Boyd said there has been a lot of speculation in the press recently about the next steps to be taken, particularly concerning mitigation. He asked the timeline for the next steps. Mr. Frederick said he hopes the next steps will take a much shorter time. RWSA is currently working with consultants on conceptual design details for mitigation options. Some of the land involved is publicly-owned and some is privately-owned. Before making a public presentation of any details, he will ask the RWSA Board about the parameters of negotiation before discussing it publicly.

Mr. Rooker asked if the application plan will be submitted without a mitigation plan. Mr. Frederick said that is correct.

Mr. Rooker asked if the mitigation plan can go forward while the application is pending. Mr. Frederick said RWSA would not be allowed to start construction of the Ragged Mountain alternative without the agencies approving the mitigation plan. The Corps of Engineers will review the application to determine if they concur with "least environmentally damaging" based on available information at this time. In terms of moving forward, it is a significant issue.

Mr. Boyd said it was indicated in the press that City Council will be expecting some remuneration for the loss of its property. Will the County be expected to do that, or is it up to the RWSA? Mr. Frederick said he is not sure. There needs to be further discussion between the RWSA and the City as to whether there will be conditions placed on the use of that land.

Mr. Davis said the parties normally involved with that would be the RWSA, the City and the Albemarle County Service Authority under the Four-Party Agreement. It is a decision the Board might weigh in on, but he does not think any dollars would come from the County's General Fund under any circumstances.

Mr. Boyd said these issues have been mentioned in the press and people are asking questions about how the City would be compensated for the property being used. Mr. Frederick said in the next few months he will address the cost of the project which will be very expensive. It is definitely going to impact water rates. He said it is absolutely known that because of dam safety issues the new dam has to be built first. That is very expensive. There is the question of whether to build the entire dam at one time or if it can be phased. There is a lot of interest in getting the new pipeline built to the South Fork so the RWSA can convert and change the way it operates the Sugar Hollow dam, but the pipeline is about 40 percent of the cost of the entire project. It is clear that the more requirements are tacked onto the front-end of getting the dam built, the longer it will take to build the pipeline.

Mr. Boyd said he thinks the public is anxious for a decision to be made and to have a working plan in place.

Ms. Thomas asked when the dam will actually be built. Reading through the materials forwarded to the Board, she became alarmed about the state of the current Ragged Mountain dams which have been considered substandard for many years. Mr. Frederick said design of the dam would begin in late 2007. The design would be completed by 2008 with construction starting by spring of 2009, with the dam being completed by 2011. They will try to move that schedule forward if at all possible. He said the Corps of Engineers has been totally silent on whether they will support the project. He is confident the project will be approved, but feels it would be nice to have a letter from the Corps approving the project before a lot of money is spent on design.

Ms. Thomas asked if mitigation will need to be settled before that letter is received. Mr. Frederick said he does not believe so. He wants to do it as quickly as possible because DEQ will not issue its letter before a mitigation plan is approved. In cases where mitigation issues have not been settled, the Corps will issue permits but basically the Corps says construction cannot be started without an approved mitigation plan.

Mr. Rooker said at the beginning of the meeting today the Board recognized that the RWSA received the 2005 Virginia Excellence in Waterworks Operation award. It recognizes planning, development and implementation of the South Fork Rivanna water treatment plants environmental marketing system.

At this time, Mr. Dorrier offered **motion** to approve the Ragged Mountain Reservoir expansion as the preferred alternative future water supply for the Albemarle County and Charlottesville community. The motion was **seconded** by Mr. Slutzky. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 11. Review of Options for Leachate Treatment at Ivy Landfill, Tom Frederick.

Mr. Tom Frederick, Executive Director, Rivanna Solid Waste Authority (RSWA), was present. He said there are a number of elements involved with this issue. He asked if the Board wanted him to simply summarize the report.

Mr. Tucker said the RSWA is asking for support from this Board so it can move forward with the option it is recommending (The remedial plan is to install three new horizontally bored wells in Cell 3 Lined and one new horizontal well in Cell 3 Unlined. These wells will be piped to drain the water in the cells by gravity to the existing leachate lagoon. The lagoon will be retrofitted with aeration equipment to treat the intense concentration of biologically degradable material that has been found from sampling this leachate. The treated liquid that results from this process can be trucked or pumped to the sewer system, or used as irrigation for plant growth at the Ivy site in a "closed loop" system.).

Mr. Rooker noted Page 3 of the report (Memorandum from Thomas L. Frederick to the Albemarle County Supervisors dated June 7, 2006) contains cost figures where it says "discussions have been held with VDOT about combining a project to pump treated landfill liquid to the sewer with the sewer service to a westbound rest area on I-64. VDOT has been very receptive, though no contracts are executed at this point. A joint project that would include sharing of some jointly used facilities with VDOT could provide economies-of-scale to both organizations." He asked if the preferred option (\$1.2 million) is with or without a contribution from VDOT for the rest area. Mr. Frederick said he thinks it will be with VDOT although there is no formal contract with them at this time. VDOT does have a budget which would support what has been identified as their cost.

Mr. Rooker said the cost difference between the "Closed Loop" system and the sewer option with VDOT would be about \$400,000 less from a capital standpoint. Mr. Frederick said there is the possibility of the RSWA saving some money in operation of the Crozet Interceptor because the leachate could supply some of the nitrates needed for odor control.

Mr. Tucker said this is not a pipeline that could accommodate other residential tie-ins; it is a very small line. The leachate, with the exception of VDOT, will diminish over the 20-year lifecycle of this project. It will be the highest when the line is first opened.

Mr. Slutzky asked the diameter of the pipe. Mr. Frederick said it could be three inches or four inches. The final size will be determined by the consultant selected for this project.

Mr. Slutzky asked if at some point people might come to the Board asking for service because of a failed system in their neighborhood. Mr. Davis said the Zoning Administrator has issued an opinion that this is a transmission line, not a collection line. A transmission line, by definition, cannot become a collection line without going through an approval process. Transmission lines are owned and operated by the RSWA. The only two customers are the City and the County Service Authority. They cannot have additional customers on their lines.

Mr. Slutzky asked if after the leachate level drops in future years, if there is political pressure on the Board to provide sewer service to the rural areas because of failing systems, could a future board choose to convert this from a transmission line. Mr. Frederick said if a future County board supported that, technically it would not be prohibited. The key issue for the Board is how to restrict the use of that pipeline. If it is made clear in the Board's approval of this request that the pipeline only be used for the leachate at the Ivy Landfill and for the westbound rest area, then as long as the County's position does not change, there would be no legal way anybody else could tie onto that line.

Mr. Tucker said he thinks the Board at that time probably would not change the County's position except for service to existing structures, which is what the Board has done in the past.

Mr. Slutzky said he realizes it will depend on what a future board may choose to do. He just wants to make it clear that this board did not anticipate this line being used as a sewer line. He wants the Board to give a clear signal to constituents who might have lobbied for this that it is unrelated to anybody's desire to ultimately provide sewer service in the rural areas.

Mr. Rooker said that is a good point.

Ms. Thomas said after this was discussed at an earlier meeting, a consultant came up to her and said he knew she had a conflicting point of view about this matter. They knew she had just been appointed to the Local Government Advisory Committee of the Chesapeake Bay and the idea of adding more nutrients into the discharge from the Moore's Creek Treatment Plant, which is a secondary treatment plant at this point, gave her a problem. Yet, the constituents she has heard from almost totally support the pipeline alternative, and do not want land application. She thinks some people took her public concerns seriously and she appreciates how the proposal has looked at what can be done to turn the

nitrites into nitrogen gas. She said that everybody will be paying in the near future for taking out the nutrients, and it is expensive. She does believe this is the best option, and the size of the pipeline is the best.

Mr. Davis said before taking action he wants to be sure the Board understands what endorsing this option means if RWSA chooses to pursue it. He said that under the Zoning Administrator's determination that it is a transmission line, if it is owned and operated by the RWSA, it is a by-right use and would only require a Comprehensive Plan review by the County to find that the transmission line is in the right location. That is an action to be taken by the Commission subject to the Board's review. Other than going through the land-disturbing permitting process, that would be the only County requirement.

Mr. Wyant asked where the line would be run. Mr. Frederick said in the early 1990s this issue came before the Board. That plan showed the line being tied in at Route 637. Because they will now be addressing the nutrient issue, to get the maximum reduction of nitrites it will go in the direction of where the Crozet Pump Station is located near the Lickinghole Creek reservoir. To do that will mean taking a more westerly path for the pipeline, and they want to keep the pipeline down in the valley. That means VDOT would have to come west to the line, and they have agreed to that in concept.

Mr. Davis said staff will have to look at the details, but he believes staff considers the VDOT line as a transmission line only.

Mr. Frederick said he is hearing a couple of things which RWSA will need to address as part of the Board's concerns. One is that the pipeline be as small as possible to serve the community, and, the second is to work closely with the County's Planning staff on the routing of the pipeline. He said they have already established regular communications with David Benish to do that.

Mr. Rooker called for a motion.

Mr. Slutzky said to be sure he understands what the Board is proposing he would like to restate what he understands. He said there is the landfill with some lining in it and some capping over it. It has been found that there is water in it. As mandated by environmental laws, contaminated water needs to be removed in order to get that water to where it can be properly treated. He understands that will be done in two stages. First, some horizontal wells will be drilled into the cell of the landfill with the leachate so it can be drained into a lagoon using gravity. Once the water is in the lagoon aeration will be installed to supplement the degradation of the organic contaminant to make it a little cleaner. Then it will be piped through a transmission line, which will have to be built, to the Moore's Creek Plant where it will be treated again and made acceptable for discharge into the waters of the U.S. The cost of building the three horizontal wells is \$1.2 million. He is surprised at that cost. He asked if anything else is included in that price estimate. Mr. Frederick said there will be four horizontal wells into the cells. There is a large pile of waste sitting on top of the ground, and there will be drilling into those mounds.

Mr. Slutzky asked the number of linear feet. Mr. Frederick introduced Mr. Phillip McKalits with the Environmental Standards, Inc., the consultants who will design the horizontal bore well system.

Mr. McKalits said the four wells are in "Cell 3 Lined" and are each about 1,000 feet. The single well which will be in "Cell 3 Unlined" is approximately 1,200 feet. This is about one mile of wells and it costs about \$175.00/foot.

Mr. Rooker asked where the aeration system is shown in the costs. Mr. Frederick said the aeration system is in the \$2.9 million capital figure. That includes the aeration system for the existing lagoon. To support that aeration system there must be blowers, electricity, etc. It is not in the figures shown today, but when they get into the details, they will try to determine if the methane gas from the landfill can be used to help power the blowers. At the end of the lagoon they will build a very small pump station and a very small pipeline to tie into the Crozet Interceptor just behind the Lickinghole Creek Reservoir where there is a pump station. That is all included in the \$2.9 million figure. From that point there are no more capital facilities; they will be using existing facilities.

Mr. Slutzky asked if the transmission pipe will be taken through existing right-of-way. Mr. Frederick said he mentioned the closest path from Ivy to the pump station. They want to follow public rights-of-way as much as possible, but there is no direct route. There might be some acquisition required.

Mr. Slutzky said when this leachate was discovered, it was a surprise that there were millions of gallons accumulated. He asked if there is any chance insurance held by design engineers might be accessed in order to get some money back because the cell was either designed or constructed improperly. Mr. Frederick said he would not rule that out if the Board is interested in exploring that possibility. He said exploring liability with a landfill can be difficult and costly from a legal prospective. The success rate in getting returns in other communities who have tried that has not been great.

Mr. Slutzky said this sounds like a significant design failure as opposed to bad luck. He hopes RWSA will look carefully at what E&O coverage might have been held by the company that designed the system. Mr. Frederick said when this issue came up they looked at the cap on top of the cell. They know who the designer and contractor for that cap was. They found that the cap is not the problem. At the time Cell 3 Unlined was built in the 1970s there was no requirement in Virginia to install a leachate collection system, so it is possible that one was never built.

Mr. Slutzky asked if the landfill was operated by RWSA at that time. Mr. Tucker said it was operated by the City.

Mr. Slutzky asked if that is where the leachate accumulated. Mr. Frederick said leachate is actually in both cells. The two cells, both called "Cell 3 Lined", are adjacent to each other and both contain leachate which needs to be removed.

Mr. Rooker asked if the leachate is contained within the liner, or is it underneath the liner. Mr. Frederick said the leachate is within the liner. Wells can be drilled outside of the waste mass to see what is going on. The way to measure the function of that liner is by what is going on outside of the waste mass. Records available to them indicate a collection system was installed for the lined cell. Using something similar to a roto-rooter for a sewer line, the edge of the auger gets just inside where the waste starts and then it stops. He said there is a lot of curiosity as to why this happens. They have taken a camera in as far as possible but were not able to determine the cause of the failure. To make that determination would require removing the waste mass. The reality is that it may never be known definitely why this collection system failed.

Mr. Slutzky asked if the City owned and operated the lined cell when it was being designed. Mr. Davis said it was jointly owned by the City and the County, but the City operated the landfill.

Mr. Slutzky asked if there are any records of the design of that cell. He wonders if a lined cell was put in at that time to satisfy RICRA or if it was done to invest in state-of-the-art remedial technology. In either case, he thinks the City/County would have relied on the expertise of a consultant. He said in those days there were not typically claims-made policies so there may be some coverage. He wonders if all possibilities have been exhausted because if there is an insurance vehicle available that can save the taxpayers millions of dollars, he is in favor of looking underneath the stones if that is what it takes. He thinks it is worth exhausting because it is a little unusual that there would have been a designed cell with a liner pre-RICRA passage in 1976 unless it relied on an expert's advice. If it was designed subject to RICRA requirements then there is likely to be coverage to address design deficiencies. He would like for the consultants "to poke around in those waters" as much as possible.

Mr. Rooker said if there is a lined cell and an unlined cell next to each other with leachate below them, is there a way to know which side caused the leachate.

Ms. Thomas said the leachate is in the lined cell.

Ms. Rooker asked if there is anyway the leachate in the unlined cell could migrate to the lined cell. Mr. Frederick said there is a barrier of impermeable soil between the cells, but that does not necessarily mean there is not a problem. He does not have a definitive answer to that question.

Ms. Wyant said the cap is not tied into the line put in to put the waste in. There is an unseamed joint around the cap. There is a possibility the cell is performing as it is supposed to perform. The leachate has been contained on the lined cell part. This is clay soil so the movement of water through it is very low. That is also helping a little without a synthetic membrane in the unlined cell.

Mr. McKalits said in regard to the comment about the design of the cell, the lined cell was pre-subtitled "D" for construction so the Virginia regulations were in a state of transition, getting ready for Subtitle "D". There was a liner with a very simplified leachate collection system which was not designed to keep leachate at 30 centimeters above the liner. It appears that it subsequently stopped working. He said the landfill cell design appears to have been fully compliant.

Mr. Slutzky said that is compliant with regulations. He said if the design is defective, independent of applicable Federal laws, there might be some responsibility for doing a bad job. He has seen a couple of cases where there was a poor design on landfill liners in the early days and compensation was actually obtained from an insurance policy. There is so much money at stake in this case he thinks it is important not to assume anything. He encourages the consultants to go back and see if there is any possible recourse.

Mr. Frederick said the records that contain this information might be records RSWA does not currently have in its possession. They will ask some questions. The RSWA was formed in 1991, but they need records before that date. The consultant did look at the volume of the water in the cell. If the cap is tight, how could that much volume of water get in? It leads to a conclusion that the collection system probably failed early in its life.

Mr. Wyant said if he were the designer, the horizontal drains would be the major concern. He said those drains can get clogged on the end. There are going to be some problems, and he does not think that can totally be blamed on the design.

Mr. Rooker asked if Mr. Wyant was talking about installing a system to take the leachate out and it possibly getting clogged.

Mr. Wyant said there has to be a pipe in for about 1,000 feet and if the end of that gets clogged, there is nothing.

Mr. Slutzky said there will be pretreated affluent coming out of the aeration lagoon. It will be sent down this fairly long run of pipe that is solely for this purpose. Is there any way of doing some kind of bio remediation supplementation to that feed so by the time it gets to Moores Creek there is no additional loading into the Chesapeake Bay system? Mr. Frederick said the idea is to minimize it within the total realm of practicality. The engineer who came up with figures for this system believes it may be operated sometimes with no impact. They are using conservative assumptions when they say it could be up to five

percent. The proposal is to convert nitrates to nitrogen gas in the pipeline. The first calculations showed that even though the pipe goes for a long distance, it is not long enough to convert all of the nitrates to nitrogen gas. Now they are talking about putting a small area of that lagoon where they can do denitrification. If they do too much at that point there will not be enough nitrates in the pipeline to treat the odor. This will require some fairly sophisticated operations.

Mr. Rooker said there has been concern expressed that a future board of supervisors might allow use of the pipeline to expand growth in the rural area, but he does not want to make the pipe so small it might be difficult to move the effluent out.

Mr. Boyd said he agrees with Mr. Slutzky about funding this through insurance proceeds, if possible. Assuming that cannot be done, how will this be funded? Mr. Frederick said if the RSWA has some money which was in escrow with DEQ on the Correction Action Plan. If that money can be returned to RSWA through the Local Government Guarantee, the design can be funded through their reserves, but they cannot fund the construction costs associated with this project. That means the County/City/RSWA will have to decide between now and December how that will be done since RSWA is not operating the landfill at this time and collecting revenues.

Mr. Slutzky asked if the University would be a part of this decision. Mr. Frederick said by law the University did not participate, but they were cooperative in working with RSWA. They have recognized that their waste contributed to the landfill so they should bear some responsibility. They negotiated some terms so their amounts are fixed. Under that agreement, if the landfill can be cleaned up cheaper, they still pay the fixed sum.

Mr. Slutzky said the cleanup of the landfill contemplated at that time was not taking into account such an unfortunate eventuality. He thinks it may be appropriate to invite the University into the dialogue.

Mr. Boyd asked if the funding issue will be a separate discussion. Mr. Davis said since this was not known at the time, it is still within the scope of the environmental costs of the landfill and the split of costs has already been decided in the Memorandum of Understanding.

Mr. Rooker said it is not known at this time if there will be a cost overrun on the estimate upon which the University's contribution is based. He hopes the estimate of the total cost was conservative. Mr. Tucker said there is the escrowed amount from DEQ. The RSWA is still working with the City on their escrowed amount.

Ms. Thomas said she would like to offer a **motion** that this Board agrees with the aerated lagoon treatment for leachate at the Ivy Landfill followed by pumping the liquid to the Crozet Interceptor in a joint project with VDOT; and it agrees to allow RSWA to retain an engineer to start the design process, recognizing that when the RSWA gets its design and site plan they will coordinate the routing of the pipeline with County staff and will need to come back to the Planning Commission and for further review by the Board.

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

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

NAYS: None.

Mr. Rooker said he would like to ask a question. During a small group meeting they talked about tying the Crozet system into the Urban system so some of that capacity could be used if necessary. He asked if that idea is still being discussed or has it been set aside while looking at the long-range water supply plan. Mr. Frederick said it is still an option. When RWSA does its financing and phasing plan, a rough cost estimate should be made for that idea. It could have an affect on other phases of the plan in terms of safe yield.

(Ms. Thomas asked a question which could not be heard.) Mr. Frederick said with no support from Beaver Creek that was correct. He said there is infrastructure in place now so water can be released from Beaver Creek through the Moorman's River to the South Fork Rivanna Reservoir. The question is how much of that water would reach the South Fork if it were released during a drought. The pipeline gives the security of having virtually 100 percent of that water get to the South Fork.

Mr. Rooker said he thinks that idea should be pursued as a short-term solution.

Mr. Wyant said Crozet has been identified as a development area, and a question has been raised as to whether there is enough water in Beaver Creek for Crozet. In the long-term the two might be combined. He had asked for a study of Beaver Creek to determine how much water is available.

Mr. Rooker said the estimate made by the engineers during the study for the water supply plan is that it is almost 600 percent of the current demand. He does not think that tying in the systems to move water in the case of a drought will in any way endanger Crozet's needs over the next ten years. By that time there will be the new Ragged Mountain reservoir. Water will still be used from Beaver Creek by sending it down the river. A huge quantity of that water would be lost, so the question is whether there is a more efficient method of movement of that water.

Mr. Wyant said he does not disagree, but houses are being built in this development area, so the growth in Crozet at the time needs to be taken into account. He said that is a solution until a permanent water supply is built.

Mr. Frederick said that last week RWSA filed an application with the DEQ for a grant. The plan is to do a Local Water Supply Plan under new Virginia legislative requirements. For the urban system, it will be verbatim what RWSA has just been through, but in that study a safe yield calculation for Beaver Creek Reservoir will be done, as well as for Totier Creek Reservoir. He said that study did not have in it a bathymetric study of Beaver Creek which is what ultimately must be done to fully answer the question.

Mr. Wyant asked about the Sugar Hollow Reservoir. He asked if eventually that facility will be taken off line. Mr. Frederick said the plan is to continue operating the Sugar Hollow Reservoir as it is today until a new pipeline to the South Fork is functional and in operation. At that time, Sugar Hollow will stay full about 99 percent of the time, meaning what comes in from the Blue Ridge Mountains will spill over the dam into the Moormans River. The one exception is that the volume in Sugar Hollow has been calculated as part of the safe yield so that Ragged Mountain does not have to be raised more than 45 feet. In a drought water would be released to the South Fork and after the drought were over and it started to rain again, a portion of the water coming down the mountain would be captured (they want to keep the Moormans River wet) until Sugar Hollow is full again and then it would go back to staying full.

Mr. Wyant asked if there is any possibility of putting fire hydrants along the pipe to give better protection to the rural people. Mr. Frederick said other uses might be considered for the line, but the pipeline is very old with very poor joint material. There would be no guarantee that the pipe would not fail. RWSA would have proposed replacing that pipe even if the idea of a South Fork pipeline had not come up.

Mr. Rooker thanked Mr. Frederick for the report.

Agenda Item No. 12. Closed Session.

At 12:19 p.m., Mr. Slutzky offered **motion** to adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees, and commissions; under subsection (1) to conduct an administrative evaluation; under subsection (3) to discuss the acquisition of property for a public facility; and under subsection (7) to discuss probable litigation.

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

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

Agenda Item No. 13. 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 Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 14. Boards and Commissions - Appointments.

Motion was offered by Mr. Boyd to:

Reappoint Mr. John Knapp to the Fiscal Impact Advisory Committee, with said term to expire July 8, 2008.

Reappoint Mr. Peter Maillet to the Fiscal Impact Advisory Committee, with said term to expire July 8, 2008.

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

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

Agenda Item No. 15. **Public Hearing:** FY 2006 Budget Amendment. (Notice of this public hearing was published in the Daily Progress on May 28, 2006.)

Ms. Laura Vinzant, of the Office of Management and Budget, was present to make the presentation. She said this budget amendment totals \$645,294.20 and is comprised of ten separate appropriations. Appropriation No. 2006-073 allocated \$180,000.00 in additional funding for the Key West Dam and was approved by the Board on May 10, 2006. The nine new appropriations are: two appropriations (No. 2006-071 and No. 2006-076) totaling \$15,800.00 for education donations; one appropriation (No. 2006-072) in the amount of \$31,500.00 providing funds to AHIP for three housing rehabilitation projects; one appropriation (No. 2006-074) transferring \$47,510.00 from the Visitor's Center Building Fund Contingency to fund building ventilation improvements; two appropriations (No. 2006-075 and No. 2006-078) for Fire/Rescue and Police Department grants totaling \$125,387.95; one appropriation (No. 2006-077) in the amount of \$12,386.00 allocating funds to the regional jail from the Alien Assistance Program; one appropriation (No. 2006-079) providing \$455,486.00 in funding for building improvements at Stony Point Volunteer Fire Company; and one appropriation (No. 2006-080) in the amount of \$4,734.25 for the Emergency Communications Center.

Ms. Vinzant said staff recommends approval of the FY 2006 Budget Amendment in the amount of \$645,294.20 after holding the public hearing, and then approval of Appropriations No. 2006-071, No. 2006-072, No. 2006-074, No. 2006-075, No. 2006-076, No. 2006-077, No. 2006-078, No. 2006-079, and No. 2006-080 to provide funds for various General Government, School, ECC and Capital Improvement programs, as noted below.

Appropriation No. 2006-071, \$7,700.00. At its meeting on April 20, 2006, the School Board approved the following appropriation:

- B. F. Yancey Elementary School received a donation in the amount of \$500.00 from Fluvanna Floor Service. It has been requested that this donation be used toward funding a trip to New York.
- Broadus Wood Elementary School received a donation in the amount of \$7,200.00 from the Broadus Wood PTO. It has been requested that this donation be used to purchase three ELMO document cameras with LCD projectors.

Appropriation No. 2006-072, \$31,500.00. The Albemarle Housing Improvement Program (AHIP) has requested that \$31,500.00 in available CDBG (Community Development Block Grant) program income be used to help fund the rehabilitation of three houses. The total of the three jobs is approximately \$205,000.00 with the largest portion coming from the State's Rural Rehabilitation Program. The three projects are all CDBG eligible and the funding provided from program income will be in the form of a deferred loan.

Appropriation No. 2006-074, \$47,510.00. The Visitor's Center Building is jointly owned with the City of Charlottesville. The Thomas Jefferson Visitor's Bureau currently leases the building and the rental income, which was formerly used to pay the building's debt service, is now available for building maintenance and improvements. The County has solicited bids to make improvements to the Visitor's Center Building's attic ventilation with the low bid received being \$47,510.00. It is requested that this amount be transferred from the contingency line item in the Visitor's Center Building Fund to be expended for this improvement.

Appropriation No. 2006-075, \$75,319.95. 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. This project will provide for advanced medical monitoring equipment upgrades at a cost of \$75,319.95. This upgrade includes compatible receiving equipment to be utilized by the medical control physicians at UVA Hospital and is essential to completion of a successful EMS cardiac care program. Funding for this equipment is currently provided in Station 12's ambulance cost within the Capital Improvements Fund. The \$37,659.98 local match will be funded using these funds.

Appropriation No. 2006-076, \$8,100.00. At its meeting on May 25, 2006, the School Board approved the following appropriation: Brownsville Elementary School received a donation in the amount of \$8,100.00 from the Brownsville PTO. They have requested that this money be used to purchase classroom supplies at Brownsville Elementary School.

Appropriation No. 2006-077, \$12,386.00. The State Criminal Alien Assistance Program (SCAAP) reimburses localities for compensation expenses incurred by correctional officers supervising aliens in local and regional jail facilities. Reimbursement is given to localities even though the expenses are incurred by the correctional facility. This was the first year of the program and the actual reimbursements were delayed. The County received \$12,386.00 for FY '05. The City of Charlottesville received \$4,480.00 for the same period. Both localities are sending their respective reimbursements to the Charlottesville-Albemarle Regional Jail to reimburse it for its expenses.

Appropriation No. 2006-078, \$50,068.00. Albemarle County has received grant funds from the Homeland Security Grant Program in the amount of \$50,068.00. These funds will assist in the preparation of response to incidents involving mass destruction weapons and will be split 50/50 between Fire/Rescue and the Police Department. These funds can be used for equipment related to domestic preparedness. There is no local match.

Appropriation No. 2006-079, \$455,486.00. At the May 3, 2006, Board meeting information was provided regarding Stony Point Volunteer Fire Department's request for funds to address their building renovations and repairs. The proposal consisted of the following projects: Roof replacement, \$20,509; parking lot paving, \$199,227; remodel of bunkrooms, \$75,000; toilet and laundry facilities, \$13,500; expand/remodel kitchen, \$26,250; HVAC replacement/upgrades, \$20,000; renovation of meeting/training room, \$26,000; and, storage building, \$75,000; for a total of \$455,486. Staff recommended that funding be provided for these renovations and repairs in the form of a \$239,736 grant and a \$215,750 no-interest loan to Stony Point to be repaid over a twelve-year period. General Services will work with Stony Point to procure and manage the projects. Funding for both the grant and loan are provided from the Capital Improvements Fund Balance.

(Discussion: Mr. Boyd asked if by approving this appropriation, the Board will also be approving the funding format for Stony Point. Mr. Tucker said that is correct.)

Appropriation No. 2006-080, \$4,734.25. At its meeting on May 16, 2006, the ECC Management Board approved the transfer of \$4,734.25 from the ECC Fund Balance to provide funding to move and reinstall EMS backup radio equipment from the Brown's Mountain site to the site at Carter's Mountain. This move has become necessary because the new owners of Brown's Mountain have requested that all users of the tower vacate the site. This funding will be used to relocate the equipment and purchase a new antenna.

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

Motion was offered by Mr. Boyd to approve the FY 2006 Budget Amendment in the amount of \$645,294.20, and to approve Appropriations No. 2006-071, No. 2006-072, No. 2006-074, No. 2006-075, No. 2006-076, No. 2006-077, No. 2006-078, No. 2006-079 and No. 2006-080 to provide funds for various General Government, School, ECC and Capital Improvement Programs.

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

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

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-071
 DATE: 06/07/06
 EXPLANATION: Education Donations

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	7,700.00		
1	2201	61101	601300	Inst /Rec. Supplies	J1	7,200.00		
1	2213	61101	550400	Travel-Education	J1	500.00		
	2000		0501	Est. Revenue			7,700.00	
			0701	Appropriation				7,700.00
					TOTAL	15,400.00	7,700.00	7,700.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-072
 DATE: 06/07/06
 EXPLANATION: CDBG Program - AHIP

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1224	19000	199930	Loan Repayments	J2	31,500.00		
1	1224	81031	563100	AHIP	J1	31,500.00		
	1224		0501	Est. Revenue			31,500.00	
			0701	Appropriation				31,500.00
					TOTAL	63,000.00	31,500.00	31,500.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-074
 DATE: 06/07/06
 EXPLANATION: Funding for Attic Ventilation - Visitor's Center Building

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9800	72050	950198	Attic Ventilation	J	47,510.00		
1	9800	72050	999999	Contingency	J	(47,510.00)		
					TOTAL	0.00	0.00	0.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-075
 DATE: 06/07/06
 EXPLANATION: Fire/Rescue Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1547	24000	240415	EMS Funds	J2	37,659.97		
2	1547	51000	512031	Transfer from G/F CIP	J2	37,659.98		
1	1547	32015	800100	Fire/Rescue-Mach & Equip	J1	75,319.95		
	1547		0501	Est. Revenue			75,319.95	

			0701	Appropriation					75,319.95
1	9010	93010	930200	Transfer to Grant Fund	J1	37,659.98			
1	9010	32017	811203	Station 12 - Ambulance	J1	(37,659.98)			
TOTAL						150,639.90	75,319.95	75,319.95	

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-076
 DATE: 06/07/06
 EXPLANATION: Education Donation

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER		
						DEBIT	CREDIT	
2	2000	18100	181109	Donation	J2	8,100.00		
1	2202	61101	601300	Inst/Rec. Supplies	J1	8,100.00		
	2000		0501	Est. Revenue			8,100.00	
			0701	Appropriation				8,100.00
TOTAL						16,200.00	8,100.00	8,100.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-077
 DATE: 06/07/06
 EXPLANATION: State Criminal Alien Assistance Program

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER		
						DEBIT	CREDIT	
2	1000	33020	700002	Federal Grants	J2	12,386.00		
1	1000	33020	700002	Jail Operations	J1	12,386.00		
	1000		0501	Est. Revenue			12,386.00	
			0701	Appropriation				12,386.00
TOTAL						24,772.00	12,386.00	12,386.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-078
 DATE: 06/07/06
 EXPLANATION: Police Department - Homeland Security Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER		
						DEBIT	CREDIT	
2	1548	33000	330001	Federal Grant Revenue	J2	50,068.00		
1	1548	31091	800100	Mach & Equipment	J1	25,034.00		
1	1548	31092	800100	Mach & Equipment	J1	25,034.00		
	1548		0501	Est. Revenue			50,068.00	
			0701	Appropriation				50,068.00
TOTAL						100,136.00	50,068.00	50,068.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-079
 DATE: 06/07/06
 EXPLANATION: Funding for improvements at Stony Point Volunteer Fire. Grant and Loan per Policy

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER		
						DEBIT	CREDIT	
1	9010	32020	810610	St/Pt Facility Upgrades	J1	455,486.00		
2	9010	51000	510100	CIP F/B	J2	455,486.00		
	9010		0501	Est. Revenue			455,486.00	
	9010		0701	Appropriation				455,486.00
	9010		0375	Loan to St Pt VFD			215,750.00	
	9010		0903	Reserve for Loan				215,750.00
TOTAL						910,972.00	671,236.00	671,236.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-080
 DATE: 06/07/06
 EXPLANATION: ECC - Radio Equipment Relocation

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER		
						DEBIT	CREDIT	
2	4100	51000	510100	Appropriation- F/B	J2	4,734.25		
1	4100	31041	800300	Communications Equip	J1	4,734.25		
	4100		0501	Est. Revenue			4,734.25	
			0701	Appropriation				4,734.25
TOTAL						9,468.50	4,734.25	4,734.25

Agenda Item No. 16. An ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of board of supervisor members by 3.95% effective July 1, 2006 from \$13,016.00 per annum to \$13,530.00 per annum. (Notice of this public hearing was published in the Daily Progress on May 22 and May 29, 2006.)

Mr. Tucker said several years ago the Board decided to amend its salaries to reflect the same market adjustment provided to staff. This requires a public hearing by the Board.

Mr. Slutzky asked that staff provide a listing of what other boards of supervisors receive in the way of compensation. Mr. Tucker said staff will provide the list of about 30 localities designated by this Board to be used when checking employee salaries. Mr. Davis said what a board of supervisors may be paid is based on population. Albemarle County is at the top of that range. The Board cannot raise its salary

more than five percent a year under the Code. There is an alternative way the Board could pay themselves which is by adopting an ordinance that cannot be effective until there has been a reelection of at least one-half of the Board members. That does not have a limit on the amount of compensation.

At this time, the public hearing was opened.

Mr. Jason Whitehead asked how many hours a week the Board members work.

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

Mr. Rooker said personally he spends in excess of 20 hours a week on County business, sometimes more depending on the subjects on the Board's agenda. He said most Board members spend a lot of time meeting with constituents, responding to constituents, reviewing Board packages, going to sites where actions are contemplated, and sitting on numerous committees.

Mr. Slutzky said it may be because he is new to the Board, but he is spending about 40 hours per week on Board business. He hopes this does not persist.

Mr. Dorrier said he spends between 10 and 20 hours per week on County business depending on what issues are pending. At one time, he had figured that the Board members made about 50 cents per hour.

Mr. Wyant said it is not just the two Board meetings that most people see, but the many hours also spent in committee meetings.

Ms. Thomas said the last time this was done a member of the public suggested that the salaries of the Board be raised because if a person is the sole provider for a family it is very hard to hold down a job and also be a member of the supervisors. She found Mr. Davis' statement of the legal parameters interesting.

Mr. Boyd said he will echo everything that has been said. He does not really want to know how much time he spends on County business.

Mr. Rooker said that some time ago the Board established a policy to say that whatever average amount was applied to employees generally would apply to the Board as well. Today, what is being considered is a 3.95 percent increase for FY 2006-07.

Motion was then offered by Mr. Dorrier to adopt An Ordinance to Amend and Reordain Chapter 2, Administration, Article II, Board of Supervisors, of the Code of the County Of Albemarle, Virginia, by amending Section 2-202, Compensation of Board of Supervisors.

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

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

NAYS: None.

ORDINANCE NO. 06-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article II, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of Board of Supervisors, as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE II. BOARD OF SUPERVISORS

Sec. 2-202 Compensation of board of supervisors.

The salary of the board of supervisors shall be thirteen thousand five hundred thirty (\$13,530.00) for each board member effective July 1, 2006. In addition to the regular salary, the vice-chairman shall receive a stipend of thirty-five dollars (\$35.00) for each and every meeting chaired and the chairman shall receive an annual stipend of one thousand eight hundred dollars (\$1,800.00).

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05, Ord. 06-2(1), 6-7-06)

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

Agenda Item No. 17. **Public Hearing:** ZMA-2005-010, Wachovia Bank and Shops at Rio Road (Signs #39, 41).

Proposal: Rezone 1.836 acres from CO-Commercial Office zoning district which allows 15 units per acre to C-1, Commercial, zoning district which allows 15 units per acre to allow a partial redevelopment of the site and accommodate redevelopment of an adjacent parcel (Tax Map 61, Parcel 122A). No residential uses are proposed with this rezoning.

Proffers: Yes.

Existing Comprehensive Plan Land Use/Density: Regional Service (regional scale retail, wholesale, business and/or employment centers, and residential (6.01-34 units/acre) in Neighborhood One.

Entrance Corridor: Yes.

Location: 1625 Seminole Trail (Wachovia Bank) near the southeastern corner of U.S. Rt 29 and Rio Road.

Tax Map/Parcel: Tax Map 61, Parcel 122.

Magisterial District: Rio.

(Notice of this public hearing was published in the Daily Progress on May 22 and May 29, 2006.)

Mr. Cilimberg summarized the petition. He said that presently on these properties are Wachovia Bank and the Rio Road Superette. They will be replaced under this proposal for redevelopment with a new retail use of restaurant and shops. He pointed to a map and indicated the properties to be rezoned from CO to C-1. Part of the area is already zoned C-1. There will be a modification of the property line and the area for the new restaurant will fall under a new property created after the rezoning. He noted a copy of the plan dated June, 2005 which is the plan seen by the Planning Commission.

Mr. Rooker asked if there would be ARB requirements applied to that site which have not previously been applied. Mr. Cilimberg said that is correct.

Mr. Rooker asked if it is anticipated that the front of the property will be improved. Mr. Cilimberg said the applicant has been to the ARB a couple of times and is working toward getting approvals. There is a combination of uses anticipated for the property. He said staff found factors favorable to this request, to wit: The placement of the building beside the Entrance Corridor conforms to the Neighborhood Model; the plan effectively relegates parking; the pedestrian connection to Fashion Square supports the Neighborhood Model; the proposed stormwater management concepts for the site will provide better management than currently exists and in excess of what the Stormwater Ordinance requires. A factor unfavorable to this request was that the applicant had not made a proffered plan for the key features illustrated on the rezoning plan at the time the request was before the Commission. However, the Commission recommended approval of the request if the applicant provided that proffer, and the applicant has now done so.

Mr. Slutzky said there is information in the Board's packet which indicates that residential development is not appropriate because the site is close to Route 29. He was troubled by that statement because as he listens to the public in the Places29 meetings it is clearly being considered that residential development should be brought closer to the road. The idea of declaring a parcel close to the road as being unavailable for residential use should be avoided. There may be redevelopment of some of the older centers in future years and they might change their form. Mr. Cilimberg said this location is not as well suited to residential as other locations. If there were redevelopment of the parking lots at Fashion Square, mixed use, including residential, would be more appropriate.

Mr. Slutzky said staff recommended approval if a commitment to the rezoning plan were made. He asked how the Board supports something contingent upon something else. Mr. Cilimberg said the proffered plan the Board received as part of its package is the commitment (It was received after the Commission acted.)

Mr. Slutzky said with the Places29 exercise he understands there is some interest to have the intersection of Rio Road and Route 29 emerge as a towncenter or a large-scale redevelopment focal point. There have been questions as to whether there will be a grade-separated interchange at that point and what that means in terms of moving people around that intersection. Inevitably that leads to the idea of some kind of circumnavigation route. The consultants are in the process of thinking how that intersection would be formed over time. He is inclined to vote favorably for this proposal. However, he wonders if other Board members have an interest in making sure other projects at this intersection stay related to the overall form of the intersection if it is to become a towncenter.

Mr. Cilimberg said another concept from Places29 is not to have intersections with full interchanges on Route 29 but to create grade-separated crossings to get to the streets running in each direction by a parallel street network. As an example, if Fashion Square were redeveloped, its entrance onto Rio Road might be turned into two streets that would allow the driver to get onto Rio Road for northbound Route 29 movement rather than by use of a ramp.

Mr. Slutzky said there is also some thought of looking at Rio Road between Fashion Square and the project north where there is an elevation change to tunnel under Rio. Mr. Cilimberg said that is another possibility.

Mr. Slutzky said the way this particular proposal is oriented, it is okay. It seems to be tucked into the corner so whatever is done in the future would be more in the Fashion Square property. He wants it said that the Board is focused on the Places29 dialogue and how it might impact some of the proposals that will be seen in the near future. Mr. Cilimberg said that hopefully when Places29 is completed, there will be more specifics.

Ms. Thomas said Places29 has to be put into the Comprehensive Plan.

Mr. Slutzky said until the Comprehensive Plan is modified he wants to make sure the Board stays sensitive to the issue. Mr. Cilimberg said that is a discussion staff will want to have with applicants before Places29 comes to the Board.

Mr. Rooker said if the corner at Rio Road/Route 29 became a standard intersection with ramps it would be difficult not to take this property for the roadway. There is nothing in the plan at this time indicating that will take place. He then opened the public hearing and asked the applicant to speak.

Ms. Valerie Long was present for the applicant. She said the ARB reviewed this request two days ago and granted final approval subject to a few minor staff administrative details. The ARB provided detailed comments to the applicant when the plan was seen by them earlier this year and they were pleased with the revised renderings. The applicant has proffered the plan as requested by the Commission. The proffers are in final form and have been reviewed by staff and the County Attorney's Office and they have been signed. The vehicular connection is continuing and a pedestrian connection into Fashion Square is being added. The Wachovia Bank Building was developed prior to the ARB being in place, so landscaping around that building is not compliant with current ARB landscaping guidelines. As part of redevelopment of the entire parcel, her client will be replacing and adding to that landscaping and bringing it into compliance with ARB guidelines. She offered to answer questions.

Ms. Thomas asked how one can get to this site by bus.

Ms. Long said the bus line runs to the mall, and there will be a pedestrian connection from the back side of the site to the bank. She thinks a bus line runs along Route 29.

Mr. Slutzky said it a challenge to get a bus close to the site because of it being at the corner of Route 29 and Rio.

Ms. Thomas said she thinks this question should always be asked. She mentioned a disastrous situation where the County allowed a senior housing development to be created without the possibility of having bus access. She does not think that was taken into account in this situation, but she is pleased there will be pedestrian access to the Fashion Square mall.

With no further questions for the applicant, 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.

Mr. Slutzky immediately **moved** to approve ZMA-2005-010 as proffered and as recommended by the Planning Commission. The motion was **seconded** by Mr. Wyant. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(Note: The proffer is set out in full below.)

PROFFER FORM

Date: May 26, 2006

ZMA #2005-010 Wachovia and Shops at Rio Road
Tax Map Parcel Number(s): 61-122 & 61-122A

1.836 Acres (TMP 61-122) to be rezoned from CO to C-1
and

Proffers to apply to both TMP 61-122 and 61-122A (the "Property")

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

1. The Property will be developed in general accord with the plans entitled "Site Layout for the Shops at Rio Road," prepared by Hurt & Proffit Incorporated, dated June 27, 2005 (sheet 2 of 2), a copy of which plan is attached hereto as Exhibit A (the "Plan"), except that the size of the retail space and the restaurant space within the proposed 15, 180 square foot building referenced on the Plan may vary relative to each other, provided that the square footage of the building does not increase.

Owner of TMP 61-122:
WACHOVIA BANK, N.A.
By: (Signed) A. Ashley Pierce, III
Printed Name: A Ashley Pierce, III
Title: Vice President

Agenda Item No. 18. Public Hearing: ZTA-2005-005. Farm Worker Housing - Amend Section 3.1 ("Definitions"), Section 5 ("Supplementary Regulations"), and Section 10 ("Rural Areas") of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Section 3.1 by defining certain terms; Section 5 by adding supplementary regulations for farm worker housing; and, Section 10 by adding farm worker housing facilities for 20 or fewer occupants and having 5 or fewer sleeping structures as a by-right use (farm worker housing, Class A), and adding farm worker housing facilities for more than 20 occupants or having 6 or more sleeping structures as a use requiring a special use permit (farm worker housing, Class B), in the Rural Areas zoning district. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Notice of this public hearing was published in the Daily Progress on May 22 and May 31, 2006.)

Mr. Cilimberg said this amendment to the Zoning Ordinance would include housing of farm workers in structures intended for temporary, seasonal use as a permitted use in the Rural Areas (RA) zoning district in support of agricultural activities in the County. He said this amendment is intended to maintain the rural character and provide the viability of existing future agricultural operations. There has been a variety of interest in the agricultural community concerning this amendment.

Mr. Cilimberg said this amendment came about when the Zoning Department made a determination that although this type of housing exists in the rural areas, it is not a permitted use, and it is not considered as an accessory use to agriculture. That determination affected all forms of seasonal farm labor housing in the rural areas district. He said that after working with the applicant and representatives of the farming community, staff presented a proposed text amendment at a Planning Commission work session on January 17, 2006, to permit farm worker housing. The Commission decided to proceed to a public hearing with one change to the proposed text and more input from the Building Official. The Commission identified two issues to be addressed before the public hearing: (1) changing the scale of the sketch plan to "at a scale of not more than one (1) inch equals forty (40) feet.", and, (2) establishing that these structures would be subject to building permit review and not exempt from that review as farm buildings (those used for residential purposes would be reviewed).

Mr. Cilimberg said that on March 21, 2006, the Commission held a public hearing on this amendment. The Commission identified several additional areas for changes to the proposed text including:

- The worker's must be employed on the farm only. That restriction needed to be very specifically indicated in the ordinance.
- Individual structures in the facilities could not have all the features of a dwelling unit.
- The facilities could not be permitted to convert to uses not consistent with the ordinance, which could be done through affidavit.
- Determine a limited number of structures above which it would trigger a requirement for a special use permit.
- "Seasonal agricultural workers" should be defined more specifically.
- Indicate the types of units that could be either included or excluded.

Mr. Cilimberg said changes reflecting those comments were made at a Commission hearing on April 18, 2006. The Commission reviewed staff's proposal and recommended that the proposal be forwarded to the Board for approval after making several additional changes to the ordinance language including: how adjacent property owners would be notified; the Commission could be asked to review the concept plan if asked to do so by the applicant or an adjacent owner; modifying the definition of "seasonal agricultural worker" to include livestock operations activities by inserting the clause "work related to keeping livestock and/or poultry"; establishing that up to 20 occupants and five or fewer sleeping structures would be the point at which the use would be considered by-right, beyond that would require a special use permit.

Mr. Cilimberg said with those items addressed, they feel the ordinance as presented today has satisfied the recommendation of the Commission, and approval of the ordinance is recommended.

Mr. Boyd asked about the following sentence on Page 1 of the staff's report – "Individual structures in the facilities cannot have all the features of a dwelling unit." He asked what that means. Mr. Cilimberg said the idea was not to create what would otherwise be considered dwelling units that would be more than allowed by-right in that location.

Mr. Boyd said he does not want substandard housing to be created.

Mr. Slutzky said for him that is the conundrum of this ordinance. On one side is the desire to not create a higher density in the rural area but also not to put landowners in the position of violating the terms of their conservation easements. The ordinance goes to some length to be sure the structure will not be considered a residential unit, but in doing so has created substandard housing for a particular population. He does not think that conundrum is resolved with this approach. He is concerned that in order to appease the concern on one side this creates a problem on the other side.

Mr. Rooker said he agrees. This ordinance talks about the ability to build what he views as dormitories in the rural area. They are not really for seasonal workers because the definition says: "A person who moves from one seasonal activity to another while employed by the farm to perform agriculture work is engaged in seasonal agriculture work even though he or she may continue to be employed by the farm throughout the year." He does not know how that could be enforced. He thinks it is a dramatic overkill for a situation that was brought forward by only one or two people in the rural areas. He understands this is not a general issue in the rural areas and he thinks this opens up a huge situation that would be impossible to control.

Mr. Dorrier said if someone is not in compliance with the ordinance now, this would at least give them a way to be in compliance.

Mr. Rooker said he understands there are non-conforming buildings that can be occupied, but changes cannot be made to those buildings because they are non-conforming, and the owner cannot create new buildings. He would be more amendable to looking at an amendment which allowed a special use permit to improve, upgrade an existing building.

Mr. Dorrier said the Board disapproved a campground on the river in the Scottsville District. The campground had cabins with electricity, but he is not sure if it had water and sewer. The cabins did not stand alone as residences under other parts of the ordinance.

Mr. Slutzky said in that instance there was a limited period of time per year that the cabins would be in use. This amendment is designed to accommodate year-round occupancy for what could arguably be permanent workers. It is a different scenario. He said the other case was truly a campground, temporary, transient bunkhouse situation. This would create housing and the idea is to position it as housing units so it is not violating densification of the rural area and conservation easements. Therefore, it is being defined in the substandard category by limiting what it can contain, but then allowing it to be available around the year without any meaningful way of enforcement.

Mr. Dorrier said these people are not being hired in January.

Ms. Thomas suggested hearing from the applicant. The Board is talking without an adequate basis of knowledge about the intent of the request.

Mr. Cilimberg said the amendment was not intended to create substandard housing. Basically what is in a normal dwelling unit such as a kitchen facility or a bath facility would be located elsewhere.

Mr. Rooker said he reads this amendment as allowing one building to contain a bath room, the next building could have a kitchen but not a bathroom, and people would move back and forth using the facilities.

Mr. Wyant said the structure could be a tent on a platform.

Mr. Slutzky said the Board should understand the intent of the request, but the Board also has to evaluate the outcome. If necessary, the Board should give guidance to staff to redraft the amendment.

Mr. Cilimberg said Mr. John Shepherd with Community Development might wish to speak about this amendment which began as a zoning matter.

Mr. Wyant asked if the Board could hear from the applicant.

Mr. Boyd said he thinks the Board is the applicant. It requested the Planning Commission to study this issue.

Mr. John Shepherd, Manager of Zoning Administration, said he would like to speak to the issues separately. He will say that in the course of studying the situation and working on this draft, staff talked with Mr. Ken Shaver who is with VEC. He talked about their processes for reviewing and inspecting migrant labor camps. The living standards are regulated under other ordinances. The VEC works in conjunction with the Federal Labor Department and the local Building Official all assure the safety of these facilities. He said the Camp Watermarks plan seen by the Board follows closely the built form of the camps as they would be built, not existing camps. He said there are bunkhouses and separate bath houses and a separate dining hall. That form is typical of the modern programs that involve interns who would work on organic farms learning about sustainable agriculture and organic farming. This is a new style of agricultural activity and is what the people who came to the County asked for. A lot of the way this amendment is written envisions that form.

Mr. Dorrier asked if the land has to perk. Mr. Shepherd said "yes."

Mr. Dorrier asked if each structure is required to have separate water and sewer.

Mr. Shepherd said he would like to clarify the point about dwelling units versus these facilities. He said any farm with a dwelling on it can provide that dwelling to anyone working on the farm. This amendment is separate and apart from that. Tenant housing on farms is a traditional housing form and a traditional way of providing houses for workers.

Mr. Rooker said that is still allowed today.

Mr. Wyant asked how many houses can be provided. Mr. Shepherd said it is based on development rights and number of acres; every farm can have up to five houses. He said facilities holding more than seven people would not meet the definition of a family, so there could not be that many people in a dwelling. This amendment permits a large number of people to be on a farm as migrant workers in a facility that does not meet the definition of a dwelling to be used for migrant workers.

Mr. Boyd asked if what is perceived by this ordinance would be similar to the camp the Board approved in Scottsville. Mr. Shepherd said that camp would meet the form contemplated on this concept plan.

Mr. Rooker said that camp was approved by special use permit. The Board was able to attach appropriate conditions for the circumstances involved. The number of days of use is a limitation on the use, a couple of weeks during the year. This amendment talks about year-round use.

Mr. Slutzky said it goes to some length to provide for the possibility that somebody can shift from one seasonal activity to another seasonal activity throughout the year.

Mr. Rooker said he does not understand the language of the amendment.

Mr. Dorrier said if the Board is serious about preserving agriculture and orchards, this is the sort of thing the farmer needs. He mentioned that Henry Chiles in Crozet probably would need this amendment in order to hire migrant workers to pick apples in his orchards. He is not the only one who would need it, but he is the owner of the largest number of orchards in the County. He thinks the Board needs to support the agricultural needs of the citizens.

Mr. Rooker asked if Mr. Chiles has ever brought this question before the Board. He has been in operation for a long time without this provision.

Ms. Thomas said it came as a shock to her that this sort of housing was not allowed in the County's agriculturally-zoned rural areas. She said this is in response to a new trend in agriculture. This request did not come from a great number of farmers, but is a response to a creative suggestion of how to get some real agricultural activities going on in the County. She thinks the Commission tweaked it a lot, and she thinks the basic intention is something of which the Board should be supportive.

Mr. Wyant said these seasonal employees are being housed in other structures that may not have bath facilities in them. This is something that is temporary like the mobile homes used by the School Division on its sites. This amendment even allows the use of tents. These facilities will put up workers in places that are decent. This is going on today whether or not the question is addressed. It is difficult to monitor. These workers might be in one facility for a few weeks and then move to another location as the crops change. He thinks this is just temporary housing that would be used for only a certain period of time.

Mr. Slutzky said he agrees with almost everything said. He hopes this Board is committed to promoting and supporting various forms of agriculture in the rural area. It sounds to him as if the ordinance was constructed for a couple of different purposes. One was for use for just a couple of weeks so interns could be brought to a facility to learn some form of sustainable agriculture. The idea was similar to the camp analogy that they would be there for a couple of weeks and then they would be gone. Second, there is the migrant worker who is a critical element of a viable agriculture enterprise. Whereas they may currently be living in housing that is inadequate or non-compliant, the Board is trying to address the need for that migrant worker population to be housed in the rural area in appropriate structures. He is concerned that in an effort to achieve those two objectives, an ordinance may have been constructed that does more than that and perverts the intent as he just laid it out. He would prefer to see this ordinance modified in a way to get adequate housing for the migrant workers that is compatible with the conservation easement challenge and the current rural area ordinances, and which also provides bunks for the camps where people are being trained. He does not want to empower a landowner to build a permanent residence structure that is both substandard and is year-round and fully occupied. He is not sure this ordinance is what the Board needs. He suggested the ordinance be sent back to the Commission for further refinement.

Mr. Dorrier said the idea is not to produce affordable housing. This would produce housing which allows someone to hire migrant workers and pay them on an hourly basis. If this is sent back to the Commission with a request that they include structures, that will defeat the purpose of the ordinance.

Mr. Rooker asked if the intent here could be accomplished by allowing this by special use permit. There are not a huge number of these applications. Also, would an adjoining property owner want this use on a neighbor's property? A special use permit would allow people to create this type of housing and also allow the Board to consider such requests on a case-by-case basis, and modify conditions according to what is appropriate given the circumstances.

Mr. Dorrier asked how many complaints had been received about migrant workers in the County. Mr. Shepherd said he did not know of any zoning complaints.

Ms. Thomas said she understands this had to go through Zoning because they said such housing is not allowed. Can a special use permit process be attached to a zoning change? Mr. Davis said this could be made a use by special use permit. As to non-conforming structures, if they wanted to change them they would have to apply for a special use permit, and any new one would require a special use permit.

Ms. Thomas said the value of the special use permit is that the Board could look at every application. She asked if Mr. Rooker felt that to be important.

Mr. Rooker said "yes." A special use permit process allows the Board to enable migrant worker accommodations to be built, but it also allows the Board to attach conditions depending on the circumstances. The camp was a good example. Everyone agreed it was a good use and should be approved. But, there were conditions attached.

Mr. Dorrier asked if the maximum number of houses allowed in this situation is five. Mr. Shepherd said that is five by right. Mr. Cilimberg said there could be 20 occupants, all workers, or some workers with their families.

Mr. Wyant asked if that is in addition to the townhouses on the property. Mr. Cilimberg said the townhouses are part of the by-right housing.

Mr. Wyant asked if the townhouses take away from the five by right. Mr. Cilimberg said "no."

Mr. Wyant said a special use permit could have a limited time period. Most people know when these workers are needed and they have to provide decent basic facilities. Mr. Cilimberg suggested the Board hear from Mr. Jay Schlothauer, the Building Official, in terms of what would be inspected under this ordinance. There is a level of requirement in the ordinance for this housing which would cover what Mr. Wyant just mentioned.

Mr. Slutzky summarized what he understands the ordinance to say i.e., there could be up to 20 people living in a structure which is not allowed to have a bathroom, a kitchen and sleeping accommodations on a year-round basis so long as they move from one functional task on the farm to another functional task on the farm hence being eligible under the definition of "seasonal agricultural worker."

Mr. Slutzky said he does not believe this Board would actually pass an ordinance to make it possible on a year-round basis for people to live in what he would describe as substandard housing. Mr. Davis said the other part of the ordinance which is difficult from an enforcement standpoint is that there has to be a farm worker who lives and works on the farm to qualify, but his immediate family members don't have to work on the farm. There could be one person working on the farm, and immediate family members could live there but they could work anywhere they want to. It is tough to nail down what is trying to be accomplished.

Mr. Wyant said if a time period were set out, they would only be living there for the time of their need by the farmer.

Mr. Slutzky said the way it is written, that could be year-round.

Mr. Wyant said that is not temporary, but year-round use.

Mr. Slutzky said the objective was sound, but he does not think this ordinance meets that objective.

Mr. Dorrier said farming has a certain cycle and he does not think there will be a lot of these people on the farm in January and February. Mr. Davis said the Commission heard evidence that there is a need for these workers during all seasons, and some of these workers might be there for all four seasons.

Ms. Thomas said there is some greenhouse farming in the County. The reason for greenhouse farming is so they can stay indoors in the winter season. She suggested that the Board hear from the public.

Mr. Tucker said this item was scheduled for a public hearing and the next work session is now delayed 15 minutes.

Ms. Thomas asked if Mr. Schlothauer could speak at this time.

Mr. Schlothauer said he would be happy to answer any questions the Board members might have.

Mr. Wyant asked the minimum requirements for a temporary use.

Mr. Schlothauer said there are a couple of differences in what is being discussed. There is a "dwelling unit" and both the Building Code and the Zoning Ordinance share the same definition. It is a house with a kitchen, bathroom, etc. There is a code which sets out how to build a house. There is a code which sets out how to build a "dormitory" which does not necessarily have a place to eat, or bathrooms. It is a place to sleep. There is a code safety standard to build those safely. Then, it is up to the operator of the facility to provide the sanitation and the food service, or whatever else they want to do, in other buildings. He said there is a complicated exemption for farm buildings from the State Building Code, and it could pertain to some of the buildings being talked about, but not all. He then handed to the Board members a copy of a statement used in the Building Code Office – a verbatim from the State Code about farm buildings – they use it so the applicant for a permit can read it and sign it saying they are building a farm building. He said residential uses are not exempt from the Building Code even if they are

on a farm. The dormitory would not be exempt from the Code. Permits would be required, and there would be inspections.

Mr. Schlothauer said an auxiliary building with showers in it for bathing, or even an auxiliary building with a dining shelter, may be exempt from the Code if it is on a farm and its uses are dedicated to farm workers. If a food service building is called a restaurant, as defined by the Health Department, then that building is not included in the farm exemption and a permit is required. He said the exemptions for farm buildings are very broad, but it does not affect buildings where people sleep. It affects buildings where people work.

Ms. Thomas said if it does not affect buildings where people are sleeping, will it affect these structures which are all by definition where people are sleeping. Mr. Schlothauer said if there is a group of cabins each containing four people, but another structure is used where they eat breakfast and another structure is used to take a shower, those two other buildings may be exempt from the Building Code, but not the buildings where they are actually sleeping.

Mr. Dorrier asked if those buildings are called dormitories. Mr. Schlothauer said the Building Code includes dormitories and boarding houses in a certain category. It is different than the category used for dwelling units. It is also different from the category used for hotels and motels.

Mr. Dorrier asked if these are perceived to be permanent structures. Mr. Schlothauer said they are perceived to be permanent structures.

Mr. Dorrier asked if they are inspected only every so often, not on a regular basis. Mr. Schlothauer said for a commercial building, when it is completed, his office is finished with that building. Periodic safety inspections fall under the purview of the County Fire Marshal's Office. They inspect safety features regularly to see that those features are maintained.

Ms. Thomas said she looks at this facility as if it were an old-fashioned boarding house.

Mr. Davis said staff had talked with Mr. Schlothauer about tents, which are also permitted under this amendment. He asked that Mr. Schlothauer explain how they could be regulated under the Building Code.

Mr. Schlothauer said tents are sometimes regulated by the Building Code. Awnings that often are seen at car dealerships are not tents and they are not regulated by the Code. A tent must have walls and a permit is required if it is over 900 square feet and is occupied by more than 50 people. He does not think that tents where people sleep would ever be in this category which would require a permit.

Mr. Rooker asked if this amendment would permit tents which would not be subject to inspection. Mr. Schlothauer said that is true.

Mr. Rooker said this amendment allows only up to 20 people so they would never be subject to inspection. Mr. Schlothauer said there was talk about having tents on platforms, but the platform would require a building permit. If a concrete slab were poured on grade, that would not require a building permit.

At this time, Mr. Rooker opened the public hearing.

Ms. Marcia Joseph said she had a call from a member of the public who is interested in doing organic farming and wanted 20 students to come on the property. She had asked for a determination as to what he might be able to do. The letter of determination was sent to her and it said migrant worker housing is not allowed in Albemarle County so she appealed that decision to the Board of Zoning Appeals. That appeal is still pending. Staff suggested that instead of the appeal, to try and change the Zoning Ordinance text. The genesis of this was organic farming, as they need workers for an entire season, not for a couple of weeks. She said in order to get some input, a meeting was held in this building and was attended by people from many different categories of farming. That is how the extended season came into this. It was found that there is a need for workers in months other than March through October. She said the use was not recommended as a special permit use because of the time required to get a permit. Also, they wanted farmers to feel that agriculture is a prime use in the rural areas.

Ms. Joseph said it has been hoped that the process could be sped up by having massive supplemental regulations attached. A lot of information is required with the submittal, which is reviewed by Mr. Schlothauer and his staff. It is reviewed by the Health Department, VDOT, the Fire Marshal, and Zoning. When this was discussed at the Commission meeting, one member was concerned that it was not a special use permit use, and there was a need to let the neighbors know about the petition. Since agriculture is to be the prime use in the rural areas, not residential, it was said that adjacent landowners should be notified that there would be an appeals process whereby they could come to the Commission and talk about the request.

Mr. Rooker said once this ordinance is passed, he does not see anyway a neighbor would get any notice. Ms. Joseph said that stipulation was supposed to be in the language of the amendment; neighbors were to be notified when the request was submitted.

Mr. Rooker asked how the neighbor could have any realistic input. If it is permitted as a matter of right, how could they stop it? Ms. Joseph said it could be brought to the Commission and there might be

an opportunity to tweak it on the site. It would give the adjacent owners an opportunity to talk to staff and to the applicant about the request.

Mr. Rooker said as a practical matter the applicant could locate the facility wherever they want to. Notification would just be another example of when people are notified but have no power to influence the outcome of the situation. Having a notice process and letting people come in with no power over the decision because it is a matter of right does not seem to be protective of the surrounding property owners. Ms. Joseph said they were trying to send a signal to the agricultural community that agriculture use is important enough to allow this use by right with all of the supplemental provisions.

Ms. Thomas said agriculture is primary and people living in the rural areas and not doing agriculture are supposed to realize that agriculture has priority in that rural area. She said the Board has often mentioned handing out something to citizens explaining what it means to live in the rural area including the fact that farmers can drive a tractor at midnight if that is the best time on their schedule. She said the fact that someone can have agricultural workers in a structure on their property seems to show that the Board is serious about agriculture; it puts agriculture as primary to residential sprawl.

Mr. Shepherd said in Section 5.1.44.a.5 of the proposed amendment, the Zoning Administrator or the Commission are both enabled to impose reasonable conditions to mitigate impacts on abutting parcels arising from the facility. Even if by-right there would be an opportunity to impose conditions on the concept plan which is a requirement for the overall facility. A zoning clearance is required of the concept plan, and the plan is a requirement for the overall facility. There is an opportunity for staff to impose conditions and/or the Commission to impose conditions. It is not completely by-right.

Mr. Rooker asked if that is done, would notice go to surrounding property owners for every concept plan and every plan then come before the Commission. Mr. Cilimberg said it would only come to the Commission if requested, basically it would be handled as site plans are handled.

Mr. Slutzky said he agrees with Ms. Thomas' observation that the Board needs to reinforce the primacy and preferability of agricultural uses in the rural areas. His concern is not with having a good outcome occur for Ms. Joseph, but he is concerned that this ordinance does things which were not reflected in the intent. Specifically, it allows up to 20 people to live in a substandard structure on a year-round basis by-right, and he has a problem with that. He would not want to say that in support of affordable housing in the growth areas the Board should allow substandard housing to be built.

Ms. Thomas suggested the Board discuss the term "substandard." She said this is not substandard in the sense that no one has looked at its safety, livability and strength components. It is incomplete because it does not have a dining room. She objects to the term "substandard." It is not a house and it is incomplete, but she suggests using some other term.

Mr. Rooker asked if tents are something other than substandard to live in year-round. Mr. Cilimberg said the VEC would not allow it.

Mr. Shepherd said there are regulations in the Building Code about different seasons, i.e. what would be required for year-round occupancy versus summertime.

Mr. Schlothauer said there is a requirement to provide heat to these occupied structures, but only in certain months of the year, roughly from October 15 to May 15. It is not required in the summer months and air-conditioning is never required.

Mr. Davis asked if that only applies to the structures that require a building permit. Mr. Schlothauer said the heat is for permanent structures that are occupied by anyone.

Mr. Dorrier asked if "heat" refers to a certain type of stove or temperature. Mr. Schlothauer said it refers to any type of heat, and a temperature of 65 degrees is required.

Mr. Slutzky asked if under the Code a structure is considered substandard if it does not contain a bathroom and an eating place and a sleeping place. Mr. Schlothauer said in that case it would not be called a dwelling unit. A dwelling unit is a house and a certificate of occupancy would not be issued if it did not contain sanitation and cooking elements.

Mr. Slutzky said HUD has spent time defining the term "substandard" to capture the kind of housing that is not good enough for people to live in year-round as a dwelling unit. He thinks the Board members are struggling with semantics. He is concerned with the way this ordinance is written allowing a by-right option to build what he considers to be a substandard dwelling unit because of its ability to be occupied year-round, by-right for up to 20 people with potentially only one of them working on the farm. That is an extreme hypothetical, but he does not want to create that option. He would rather have the ordinance refined to address the concerns that have been talked about today.

Ms. Thomas said in order to not have a place be substandard under Mr. Slutzky's definition, it would need to have both an eating and a cooking place.

Mr. Slutzky said if the ordinance allows year-round occupancy he thinks it is talking about dwelling units. If transient workers occupy it only during certain times and then move on, he would be more tolerant of the condition he describes as substandard. If there were students learning sustainable agricultural practices during the summer, then he does not have a problem with that. He is concerned that

the Board would permit year-round, by-right substandard dwelling units. He thinks that is where this ordinance goes beyond its intended purpose and becomes problematic.

Ms. Thomas asked if the year-round part is the problem.

Mr. Dorrier said he does not think the County has had any complaints in the past about this.

Mr. Rooker said it is just not permitted under the current ordinance.

Mr. Wyant said it is being done anyway, but it is not substandard. If there is a bath facility outside of the structure where the worker lives, he does not think that would be considered substandard. He thinks a special use permit for a limited period of time would not get into the definition of dwelling unit. Allowing units that are structurally sound, heated if necessary, but can only be used for a certain period of time, would meet the farmer's needs.

Mr. Rooker asked if there was anyone from the public who would like to speak at this time.

Mr. Jeff Werner from the Piedmont Environmental Council was present. He does not think there is any question about the intent of this amendment. He thinks Ms. Joseph asked this question almost a year ago. He asked some colleagues with PEC about it, and it is a difficult issue for communities that are even more rural than Albemarle. He said this is a loophole that is regularly abused as rental units. At this time there is a farm operation run by a family that has done good things for Albemarle County. They are trying to find a way to get their operation working. Instead of focusing on structures and workers, the Board should be discussing the definition of "farm." He thinks that agriculture is the key. Maybe there should be some way to calibrate what the farm operation is. Maybe the land should be in an ag/forest district in order to be eligible for this use. He would not want to see a place where UVA law students lived and their farm tasks involved mowing the grass. If this is to be done, it should be something that really helps folks doing agriculture in the rural area and is not a loop for rental units. He suggested that standards be set. He thinks this is the right thing to do; he said there is the collective brainpower in this community to figure it out. He encouraged the Board to do so.

Mr. Neil Williamson was present for the Free Enterprise Forum. He said his background was in wine production, so he can say that there is a need for workers to prune the vines in February. There is also a need for this type of space for interns. He does not want anything chosen by the Board to not include the intern piece. He liked Ms. Thomas' remarks about finding a way to make it a by-right use in order to recognize the importance of agriculture in the rural community. He does not think this proposal as presented is correct, but he thinks there is a way to do it. He said the Forum would be willing to help.

Ms. Thomas asked Ms. Joseph if there is any reason this amendment should be approved this week. She is aware that it is a year since this started.

Ms. Joseph said the Zoning Department told them when this was requested that it could not be done at that time. A determination had been made that it was not allowed under the ordinance, but if a zoning text amendment were pursued they would allow them to do it for a year. They did it for that year, and then extended that approval for another year. The farm that asked this question has been allowed to proceed. There have been building inspectors looking at the building. One thing discussed was the situation with rental units. An affidavit is required to be signed by the applicant saying the unit will not be used for anything other than farm worker housing. This affidavit has to be recorded in the Clerk's Office, so it is an official document.

Mr. Rooker asked if there is anything in this ordinance that would prevent a person with 50 acres from putting up a structure and having eight students live in it because they say the students mow the land whenever it needs mowing. Ms. Joseph said she does not think so. However, mowing the fields for hay is a *bone fide* agricultural use.

Mr. Rooker said he thinks that is a huge loophole. To him, it would have to be evaluated on a case-by-case basis as to whether it is a real farm versus someone doing rental housing under the guise of something else.

Mr. Wyant said if someone were coming in just to cut hay, he would set the timeline from May 1 to the end of September. They do start trimming trees in February and go to the end of harvest time.

Ms. Thomas asked if the Board members would be more comfortable if the Commission had to look at the concept plan. Could the wording be changed so the Commission would look at every plan?

Mr. Rooker said they don't have the power to deny the plan or attach conditions. If this is a matter of right, the person files the concept plan and says where the building will be located, and basically that is it.

Ms. Thomas read "In approving the concept plan, the Commission may impose reasonable conditions to mitigate impacts on abutting parcels arising from the facility." She suggested that some conditions be added to that wording.

Mr. Slutzky said he would like any ordinance passed to serve the valuable purposes that have been discussed. He does have concerns with respect to this draft of the ordinance. He suggested that it be sent back to staff or the Commission and ask them to provide the Board with a revised ordinance which reflects the dialogue today.

Mr. Boyd asked how long it typically takes to get a special use permit approved. Mr. Davis said it takes from 90 to 120 days.

Mr. Rooker said requiring a concept plan might add another 45 days to the process. Once it is in place, it is permanent.

Mr. Boyd said he is leaning toward the idea of requiring a special use permit but he is also aware that sometimes these things take a long time to get approved. Mr. Davis said a special use permit process cannot be created for a by-right use by simply saying conditions can be added. That is not enabled by law. This amendment probably "stretches the envelope." Conditions can be added in a by-right use if there are specific impacts that have to be addressed in a by-right application. If the Board wants to be able to attach additional conditions, impacts would have to be identified and a waiver process created that would allow that to happen.

Mr. Rooker said a category can be created in the rural areas where these types of facilities can be built with a special use permit. Mr. Davis said a special use permit is much easier to enable.

Mr. Rooker said requests could then be evaluated on a case-by-case basis and as a matter of policy the Board could set up some criteria. Mr. Tucker said this particular amendment was advertised for public hearing. He asked if this question would need to be re-advertised if it were amended to require a special use permit. Mr. Davis said as long as the ordinance was not more restrictive than the current advertisement, it could be brought back without an additional public hearing. Making it all by special use permit would make it more restrictive assuming no other requirements are changed.

Mr. Dorrier asked the maximum number of temporary structures that would be allowed on a farm.

Ms. Thomas said under this ordinance amendment there could be something with 20 occupants or six or more sleeping structures without a special use permit. If a special use permit were required for more that might be the way to approach it by changing Section 10.2.2 which defines when one must apply for a special use permit. Mr. Cilimberg said that two classes of farm worker housing would not be needed any longer.

Ms. Thomas said she and Mr. Dorrier seem to be the most outspoken in favor of this amendment. She would be amendable to reworking the language.

Mr. Rooker said he does not think the definitions in the draft ordinance are understandable.

Mr. Wyant said if these people are staying on the farm to work, he questions whether requiring a commercial entrance is necessary. Putting on so many restrictions just drives people not to apply.

Mr. Rooker said a special use permit can be a simple provision in the ordinance. In that case, the people being talked about today would have had a special use permit a year ago. Mr. Davis said if the Board wants this to be by special use permit, staff can draft a definition of farm worker housing, and figure out submittal requirements in order to reasonably evaluate the request, and then some of the other regulatory things would no longer have to be supplemental regulations unless they were wanted simply for guidance. The ordinance can be simplified. He does think it will be difficult to close all the loopholes. The fact that there could be family members living in the farm worker housing that could work other places would be something over which the County would never get regulatory authority to make sure this was farm worker housing and was not low-income housing so people could work in service industries in Charlottesville. If that is the way the Board wants to proceed, he thinks staff can draft something and have it ready in 30 days.

Mr. Rooker said there are always enforcement issues. He asked if the Board members would agree to this being returned in about a month.

Ms. Thomas said this process has brought forth stakeholders who did not know they were stakeholders, mainly farmers. She said the words "special use permit" is anathema to the rural community so she wants to be sure something is not created that will never be used, or will send the opposite message the Board wants to send, i.e., to encourage agricultural activities. Mr. Davis said if that is what the Board wants to do it might take a little longer for staff to draft that into the ordinance.

Mr. Wyant asked what fees are attached to a special use permit. Mr. Cilimberg said there will need to be a decision on fees, whether they would fall under standard fees, or be a special fee of its own.

Mr. Slutzky said it sounds as if this should be tweaked at every turn to minimize the objectionable nature of a special use permit. Mr. Davis said the existing fee structure is set up to cover the cost of the process. He is not sure the Board wants to charge separate fees unless the process is simpler and requires less review.

Mr. Rooker said once a permit was approved, the applicant would have the right to use it forever.

Mr. Boyd asked if the guidelines have to be in the ordinance, or could they be guidelines in the application process.

Mr. Cilimberg said he needed some clarification of the Board's wishes. What does the Board want to be considered standard and required with the application? Supplementary regulations are typical with special use permits. How much of this needs to be established in the supplementary regulations. He

said a lot of special use permits include supplementary regulations which can be varied by the Commission.

Mr. Rooker said they are not part of the ordinance. Mr. Cilimberg said they are actually set out in Section 5 of the ordinance. When an application is filed, the applicant can ask for modification of those regulations. Mr. Davis said the supplementary regulations set out the expectations. When someone files for a special use permit and they don't want to meet those expectations they can ask the Commission to waive them. Those regulations are the starting point of every application.

Mr. Rooker said the Board does not have enough time today to do that. Mr. Cilimberg said those regulations would be derived from this proposed ordinance.

Ms. Thomas said she thinks the Board is most concerned about exploitative rental housing.

Mr. Rooker said if there was no further discussion, this matter would be deferred. Mr. Davis said this requires a motion to defer and staff should receive some general directions as to what the deferral is.

Ms. Thomas asked if the public hearing would remain open. Mr. Davis said it can be reopened at the discretion of the Board.

At this time, Mr. Dorrier offered **motion** to defer action on ZTA-2005-005, Farm Worker Housing, for 30 to 60 days to allow staff to develop appropriate regulations. The motion was **seconded** by Mr. Wyant. Roll was called and the motion carried by the following recorded vote:

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

At 3:30 p.m., the Board recessed and reconvened in Room 235.

Agenda Item No. 19. Work Session: Strategic Planning – Water Resources Priority.

Mr. Mark Graham, Director of Community Development, said the Board, at its September 9, 2005, Strategic Plan retreat, identified a priority to implement additional strategies for natural resource protection as part of the FY '07-FY '10 Strategic Plan. At a Strategic Plan work session on April 5, 2006, the Board established a new objective related to development of an enhanced riparian buffer program. Before starting on that plan, staff thought it would be best to have an education session first. To facilitate this discussion, staff will provide a PowerPoint presentation this afternoon. In the fall, staff will present the Board with a more defined program based on whatever guidance it gets today. He said that Ms. Tamara Ambler will make the presentation.

Ms. Ambler said because of the multiple benefits of stream buffers, this is where staff's efforts are focused. She said stream buffers have many benefits including flood control, providing shade for aquatic animals, and providing habitat for aquatic and terrestrial animals, and they provide quantifiable nutrient production benefits. They stimulate nutrients, filter out sediments, and provide stabilization for the running stream base.

Ms. Ambler showed a picture of a stream buffer. She said in the past they have been associated with agricultural operations, but now they are being considered for alternate land uses. She said the ideal buffer should have three tiers of vegetation. It should have tall canopy trees, under-story vegetation and woody ground cover. This system of components actually reduces pollution. Where there are not buffers any type of pollutant can run off of the land directly into waterways. People associate this with agriculture, but it can also be a suburban or residential issue. Often people do not maintain their property with the woody vegetation so the fertilizers, pet waste and many nutrients in the pollution wash directly into a stream.

Ms. Ambler said stream buffers have been incorporated into many goals. There is a lot of information contained in the Executive Summary (on file) about the County's involvement with the Chesapeake Bay Program. Stream buffers are an item noted as addressing the sediment and pollution programs in the Bay. They are also noted as being part of the National Stormwater Program (NPES). In addition, buffers are used to improve local impairments (in 2004 the following streams were listed as being impaired by the Virginia Department of Environmental Quality - parts of the Rivanna River, Hardware River, Ivy Creek, Totier Creek and Moore's Creek). Streams are considered impaired because of bacteria associated with animal/human waste (fecal coliform). She said stream buffer restoration is an item that is always used to improve the health of the watershed. Staff just received a draft of the 2006 impaired waters report, and about ten more segments of impaired waters have been added.

Ms. Ambler said the actual quantifiable goals in the Chesapeake Bay Program came from the Tributary Strategy approved in 2005. Virginia has prepared a tributary plan to help improve water quality in the Chesapeake Bay by calling for a 100-foot buffer of about 30,000 miles. Of that, Albemarle County's estimated share is 13,873 acres which equates to 1,146 miles of a 100-foot buffer. She said the County has less than 2,000 stream miles and currently, with the Water Protection Ordinance, the number of stream miles that can be subject to buffers under current requirements is about 1,500. The only issue is that agricultural activities are excluded. Staff does not know how many stream miles are adjacent to agricultural lands as opposed to non-agricultural lands.

Mr. Rooker said if the agricultural lands are excluded, there may not be enough buffer miles in the County to meet the goal.

Ms. Ambler said that is correct. The County is divided into three zones. Requirement of stream buffers depends on where the land is located in the County. For the designated growth areas, the buffer requirements are the least stringent. They are like the Chesapeake Bay Preservation Act (CBPA) requirements for 100 feet on either side of all U.S.G.S. perennial streams and contiguous wetlands. In the rural areas regulations are more stringent. Buffers are 100 feet on either side of perennial streams and associated wetlands, or if there is a floodplain associated with that stream and it is wider than 100 feet, it is the wider of the two. In the water supply protection areas where areas drain into the South Fork Rivanna Reservoir, the regulations are the most stringent and exceed those in the Bay Act. There is a requirement there for 100-foot buffers on both perennial and intermittent streams. If there is a floodplain associated with a stream and the floodplain is wider than 100 feet, then that is the extent of the buffer.

Ms. Ambler said many people live around the South Fork Rivanna Reservoir and also around the Totter Creek Reservoir. That buffer is 200 feet from the edge of the floodplain, so it is a significant buffer. Lastly, there is the situation in Crozet which is a water supply protection area and a development area. The more stringent water supply buffer requirements apply there. But, agricultural activities like hay and pasture are exempt so have no buffer requirements. Agricultural activities involving croplands have reduced buffer requirements. However, due to a blip in Article III of the Water Protection Ordinance under the "Applicability" section the ordinance does not specifically spell out that it is applicable to agricultural lands so staff has not been able to enforce any buffer zone on croplands.

Mr. Rooker asked the limitation by state law for buffers imposed on agriculture. Ms. Ambler said the CPBA calls for one hundred foot buffers on all agricultural lands. They can be reduced to 25 feet if specific pest management and nutrient management plans are implemented. She said the 25 feet assumes management plans are being implemented.

Mr. Rooker asked about hay and pastureland being exempted under the County's ordinance. Ms. Ambler said because the County voluntarily adopted an ordinance it had a little more leeway.

Ms. Thomas asked if Virginia's Right-To-Farm Act trumps the CBPA or the other way around. Mr. Davis said east of I-95 the CBPA requires those buffers regardless of any other provisions of State law. West of I-95 there is no requirement that the CBPA apply, so the County was able to pick the parts of the CBPA that it wanted to enforce. With regard to agriculture, the County did not restrict those activities consistent with the CBPA requirements east of I-95.

Mr. Slutzky asked if the County wanted to restrict all forms of agriculture to the 100-foot buffer, would the Board be able to do that legally. Mr. Davis said "yes." The Board's decision at that time was not to do it. Ms. Ambler said she spoke with Mr. David Hirschman, former Watershed Official, and he said that when some of the CBPA was adopted in 1991, apparently the County required fuller buffers on croplands and it was up to the Thomas Jefferson Soil & Water Conservation District (TJSWC) to make sure people implemented the plans she just mentioned. That was incredibly cumbersome. It was decided to set those buffers at 25 feet and assume that the plans were being implemented.

Mr. Slutzky asked if for the County to get its NPDES permit renewed for Moore's Creek there was the option of getting credit for the stream buffer implementation. Ms. Ambler said she would have to check on that.

Mr. Graham said there is a big distinction between point sources and non-point sources. They did not want to keep trading credits between them. Ms. Ambler said the first trade was going to be point-to-point, and once that is exhausted it will be from non-point to non-point. That is years away.

Mr. Slutzky asked if the County implemented an ordinance requiring the buffers in agricultural now, when that trading becomes an option would the County be able to get the credits. If not, that is a further incentive to delay.

Ms. Ambler said that in terms of enforcement the ordinance is mostly enforced through the development review process for new development and through complaints. What the County's buffer ordinance requires is similar to ordinances nationwide. The 25 feet closest to the stream is basically a "no touch" zone. In the outer 75 feet some silviculture management is allowed to protect trees which are six inches in diameter. In the whole 100 foot buffer, all grading activities are prohibited. There can be no septic field, or building or grading in that area.

Ms. Ambler said typically, buffer restoration efforts are required as mitigation for buffer impacts under the Water Protection Ordinance. Impacts to stream buffers may be authorized by the County in specific circumstances provided the applicant mitigates those impacts. Authorized impacts are typically in situations where crossing or encroaching within the buffer is necessary for an applicant to have reasonable use of their property. Mitigation takes place by planting new vegetation within an existing riparian area where inadequate vegetative cover exists. The majority of mitigation has taken place on the same site where the impacts occurred, although off-site mitigation is allowed if an area can be found that is in need of buffer restoration.

Ms. Ambler said in order to strengthen the County's program, staff applied for a grant that would match money spent in the County's budget to begin restoring buffers. The Virginia Department of Conservation and Recreation has announced it will make \$159,000 available to Albemarle County for a Riparian Buffer Restoration Initiative. State funds will be used to match stream buffer planting performed

within the County. Acceptance of this grant will not require any additional funding from the County beyond its existing programs.

Ms. Ambler said she would mention the options available for enhancing the program. One option is to make the program more stringent. The agricultural exemption could be removed, 100-foot buffers could be required on hay and pasture, and buffers could be increased on cropland to 100 feet. She said this has been talked about at length by County staff. There has been a lot of public input through the years but staff believes it would be a fairly controversial measure. In addition, staff would need to quantify how many County miles of stream buffers are adjacent to agricultural lands.

Mr. Rooker asked what happens if that is done. Ms. Ambler said the CBPA does not presume exclusionary fencing, so it means animals would still have access to that buffer. Basically, it could no longer be mowed to make hay. To get a credit for that buffer under the Tributary Strategies would require exclusionary fencing.

Mr. Rooker asked what that credit would do for the County. Ms. Ambler said back in 1998 the EPA listed the Chesapeake Bay and its tributaries as impaired. Whenever you are listed as impaired, you must develop a TMDL (Total Maximum Daily Load). Because the Bay Program was in existence and there was a cooperative program between Virginia, Maryland and D.C., instead of requiring a TMDL, which is a legal instrument, they said these entities could try to reach the necessary levels in the Chesapeake Bay Program to get the Bay removed from the impaired list by 2010. If that is not done, then there will be a requirement to participate in a mandatory TMDL in 2011. Potentially, beyond what is happening voluntarily, the EPA could allocate how much nitrogen and phosphorus can come out of Albemarle County.

Mr. Rooker said with the agricultural exemption, he does not believe the level they would require could ever be obtained. The County does not have many miles of streams that do not follow along agricultural areas.

Mr. Slutzky asked if most of the loading comes out of the water treatment facilities. Ms. Ambler said "no", there are more point sources.

Ms. Thomas said suburban development is the fastest growing source of nutrients. She said those participating in the Chesapeake Bay Program have come up with the idea that the localities will likely lose control and the EPA will say precisely what must be done, but the EPA is under no obligation to expend any money to do anything. If in the next four years the County can figure out how to get the most from its efforts, it will be four years ahead. This is actually under a court order now, and it is hoped it and be delayed a few more years.

Mr. Graham said the question is – if the County does certain things now, will it get credit for those things or will that be considered as the County's baseline and allocating will start at that point.

Mr. Slutzky asked if the TMDL is based on actual outputs, or assumed outputs based on conditions. Ms. Ambler said there is a TMDL called "the Fifth Strategy" which has already been developed for the Bay Program. She said people want those allocations to be made evenly across political boundaries. Buffers are just one component of urban nutrient management. There are other things in the Tributary Strategy that are equally as daunting as the buffers.

Mr. Slutzky asked if there is a significant strategy to limit the use of fertilizers in those growth areas, and would the County get credit for doing that. Ms. Ambler said there would have to be a way found to quantify it. Mr. Graham said staff cannot do that.

Mr. Wyant said urban nutrient loadings are the highest, it is not agricultural. When the Stream Watch was conducted, the worse site in the County was on Ivy Creek. The farmers don't use one-fourth the amount of fertilizers most people use on their lawns. Ms. Ambler said staff can study these things further if that is the Board's wish and figure out the breakdown in the County between riparian areas adjacent to development areas, etc.

Ms. Ambler said the County could also do a better job of enforcing what is already in County ordinances, such as increased inspections and enforcement. She said there is not enough staff available to do proactive inspections and violations do happen. Staff could make regular inspections of the shoreline along the South Fork Rivanna River or Totier Creek. Also, a program could be implemented like that used in Henrico County for its wetlands. Whenever they have a development proposal, before construction starts, they require the contractor to actually mark off the wetlands for that development. Albemarle County could ask that this be done for its buffer areas.

Mr. Rooker asked how difficult it would be to do that. Ms. Ambler said she does not believe it would be that difficult, but it would put a burden on the inspections staff, so additional staff would be needed.

Mr. Wyant said contractors working for a developer might offer other staff, so he thinks the County might use others to help rather than adding staff. He said the Forestry Department monitors the people who cut timber. In the last several years, they have put more stringent regulations into place. He thinks the County might take advantage of what they are doing. Ms. Ambler said she has talked with the area forester and for those localities under the CBPA when she receives a complaint she coordinates that with the Forestry Department.

Ms. Ambler said the County might also institute some monetary penalty for violations. A unit cost would have to be developed for replanting buffers, and that cost used as the monetary penalty. Typically, when there is a violation, the mitigation process is long and drawn out. To determine unit cost, they would use the 2003 guidance from the Chesapeake Bay Local Assistance Department. There are some significant restoration replanting guidelines for reestablishing that three-tier level (canopy, trees, undergrowth) she spoke about earlier. She did a survey of 25 local and regional landscape companies and to plant this unit could cost \$700 for a 400 square foot unit. That is a significant cost.

Mr. Rooker said if staff responds to violations and then has to set up a mitigation plan, if violations were minimized in the beginning by marking off the areas, it might save additional staff time. Mr. Graham said most of the violations are made by people operating without any kind of a permit.

Mr. Rooker said he has received several complaints in the last few months about people who actually had a permit. He said staff spends a lot of time working on these situations and the contractor will normally say they did not know they were violating a permit. He thinks it would be interesting to find out from Henrico County how much time is incrementally added to their staff's time.

Mr. Slutzky asked if the complaints were from people in the rural area or in the growth area. Ms. Ambler said during the short period of time she has worked for the County, most violations are in the rural areas.

Mr. Slutzky asked if a person were using the Land Use Taxation Program and had a violation, is there any way to say they could not use their right to that program. Mr. Davis said "yes."

Ms. Thomas said she thinks that when the Board next discusses Land Use taxation, it should keep this in mind. She said the land use taxation program requires that there must be a certain number of animals on the property, and if the animals destroy the undercover on a fairly small piece of property they would end up not having enough land to stay in the program.

Mr. Wyant said it is more important to get the buffers replaced to provide protection. Ms. Ambler said there has never been a state law setting a mitigation requirement. The County, the TJSWCD and the PREP Program have been able to come up with replacement plans typically using seedlings. This is the first time the State has allowed smaller areas where better and woodier vegetation can be put in place.

Mr. Davis said under the County's current ordinance, there is already a provision which allows a consent order for a mitigation plan plus a civil penalty of up to \$2,500. This would have to be part of the mitigation plan.

Ms. Ambler said between 2002 and 2004, the County made an assessment of all streams in the development areas. The staff walked the streams to assess them as to the stresses on streams and the value of streams. A ranking was developed for streams including intermittent streams. The Water Protection Ordinance now only requires buffers on intermittent streams in development areas. There is a ranking for all streams in the development areas. Some streams have been assessed as being high quality and some streams are already impacted. The County could increase buffer protection in the development areas by taking the high priority intermittent streams and requiring buffers on them. There is the capability with GIS to actually look at this on a project level basis.

Ms. Ambler said there is another option that previous staff wanted to do, but it would be resource intensive. They wanted to develop maps which illustrated the location of required riparian buffers; these maps could be used by both staff and the public. This would require a significant effort to develop but in the long term would reduce the burden on staff by reducing citizen inquiries and reducing the need for field delineations. She said all Tidewater localities already have developed these resource protection maps.

Mr. Slutzky asked if it would be worthwhile to have staff check the cost of having that baseline prepared for the County. Mr. Graham said most of the localities that have done this actually contracted out this service rather than doing it in-house.

Ms. Ambler said there is a need to improve the educational component to include direct mailings to riparian landowners and to sponsor workshops targeted to homeowners associations and the general public. Improvement from this effort is anticipated to be difficult to measure but the effort would have a relatively low cost.

Ms. Ambler said the County could utilize existing State enabling authority in § 58.1-3666 to provide property tax relief for riparian buffers under easement. Any program considered should not compete with the existing land use taxation and conservation easement programs. As a policy, the County could encourage additional buffers as part of stormwater management requirements. The County could do more demonstration projects on County-owned land. An assessment could be made of how the County treats riparian areas on County-owned property. That would give an opportunity to improve and publicize those improvements. Lastly, buffer areas could be purchased to provide permanent protection either through use of private or County funds, if available.

Ms. Ambler said staff requests today that the Board consider these program enhancement opportunities and advise which should be explored in greater detail. Based on that guidance, staff will develop possible implementation strategies and assess the budget impacts for further consideration.

Mr. Wyant asked if staff knows where there are critical places on banks. In talking about grant moneys, he does not know where that money could be applied. He asked if the money can only be used

in development areas. Mr. Graham said "no", but those are the only areas which have been assessed. He does not think the same effort could be done for the whole county. Ms. Ambler said the funds can be used anywhere in the County where there is an impaired watershed.

Mr. Slutzky asked if the funds could be used to create the platform for enforcement. Ms. Ambler said "no." This grant was competitive. The County was funded for the full amount the first year because they were going to be get funds for buffers that actually have a quantifiable nutrient reduction possibility.

Mr. Rooker suggested the Board take action on Recommendation No. 2 which is to authorize the County Executive to sign a grant agreement with the Department of Conservation and Recreation for the Riparian Buffer Restoration Initiative grant. He said this action will authorize the receipt of the Water Quality Improvement Fund Grant funds and authorize staff to administer the existing program as in-kind match to the grant. No additional County funding is required for this grant.

Ms. Thomas offered **motion** to authorize the County Executive to sign a grant agreement with the Department of Conservation and Recreation for the Riparian Buffer Restoration Initiative grant. The motion was **seconded** by Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

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

Mr. Rooker asked if there were a consensus that staff should go ahead with getting an estimate on the mapping. He thinks that could be important as a working tool and a public information matter.

Mr. Slutzky said he would like to see that estimate.

Ms. Thomas asked if this is for intermittent as well as perennial streams in the water protection area, and just for perennial streams outside of the water protection area. Mr. Graham said that is a good question. If staff is to look at what falls within the buffer program, a decision can be made later as to whether to include those streams throughout the County.

Mr. Rooker said Ms. Ambler has pointed a number of other things which can be done. He asked if the Board would like to discuss any of these suggestions further.

Ms. Thomas said she thinks all of the incentive programs should be looked at. They might fit well with what the "Appalachian Sustainable Forestry" group is trying to do re: a riparian buffer tax credit; it is also something in which the Mountain Overlay Committee is interested.

Mr. Slutzky said there is the opportunity to send some information out with the tax bills. The County might also ask some interested organizations if they would proactively disseminate information.

Ms. Thomas referred to the third bullet under No. 2 (The Federal Conservation Reserve Program and Conservation Reserve Enhancement Program offer rental payments to remove land from crop use and establish buffer utilizing 10 to 15 year contracts.) and said she knows the CREP Program always runs out of money. There is a big demand for the program already.

Mr. Rooker asked about the Henrico approach that was mentioned earlier. He thinks it would be helpful if staff got information as to how helpful Henrico felt that program was in preventing violations. He noted Option No. 3, Opportunities for Enhancing the County Riparian Buffer Program, and asked if there is anything the Board members felt should be looked at.

Mr. Wyant asked if property owners receive anything in the mail to bring these things to their attention. Ms. Ambler said when a building permit is requested and the person has a buffer requirement, an informational letter and brochure is mailed.

Mr. Wyant asked if these things are recorded so that anyone doing a title search would find them. The next property owner would then know they were being passed to them. Ms. Ambler said a lot of the violations on the South Fork Rivanna Reservoir have come about because the next owner who wanted a view violated that buffer to get one.

Mr. Slutzky asked if it is possible to have a disclosure requirement on the transfer of property. Mr. Davis said it is not specifically enabled.

Mr. Rooker said if the mapping mentioned was done, would there be tax map and parcel numbers to which the buffers apply which could be used as part of an education program.

Mr. Slutzky asked if it could be requested, if not required, of the surveyor community to reflect a buffer on their survey. Mr. Davis said the buffers are shown on subdivision plats and site plans. Of course, a lot of this property is not being subdivided.

Mr. Slutzky asked if the Board wanted to go forward with the recommendation for prioritizing conservation easements, at least in part.

Ms. Thomas said she would like to speak about that. When the ACE Program was developed it picked up all the reasons to preserve rural land. A set of points is given for each thing and also to the value of connecting conservation easements so a continuous piece is formed. It is complex, but embodies everything in the Comprehensive Plan. Mountain protection is given some priority. This is the second time in two months that it has been suggested that another group be given a priority. She is leery of continuing to give things priority. If the Board wants to look at the entire point system to see if it still reflects the community's interests, that is fine, but she does not think the Board should pick out riparian rights and give more priority to them.

Mr. Slutzky said that is a good point, but for him there is the pending doom with the TMDL. He said the County will have to make forward progress on this issue; the others are preference issues.

Mr. Rooker said Item 3 on the last page of the Executive Summary for "Targeting Conservation Easements" says: "Target the purchase of conservation easements by the County to existing high quality riparian buffers to ensure their continued protection and contribution to water quality and habitat protection. In addition, target the purchase of conservation easements by the County to riparian areas in need of restoration where multiple water quality and natural resources goals can be achieved through restoration and permanent protection. Cost of those projects is anticipated to vary on a case-by-case basis, but it may be possible to obtain State grants for purchase of these properties." He asked if everyone agrees the top bullets are something that should be studied. They read: 1) Improve the educational component to include direct mailings to riparian landowners and sponsor workshops targeted to homeowners associations and the general public. 2) Utilize existing State enabling authority in § 58.1-3666 to provide property tax relief for riparian buffers under easement. 3) Encourage increased use of buffers for nonstructural stormwater management. 4) Initiate demonstration projects on County-owned land.

Mr. Rooker thanked Ms. Ambler and Mr. Graham for the report.

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

Agenda Item No. 20. North Pointe Rezoning, Work Session.

Ms. Elaine Echols, Principal Planner, said that on May 10, 2006, the Board held a public hearing on the North Pointe rezoning request. Approximately 40 people spoke and the Board decided not to take action at that meeting, but to keep the public hearing open until a work session could be held on June 7 to discuss the comments received at that public hearing. Staff was asked to provide the following information for this work session:

1. A chart outlining proffered affordable housing that showed how many of each type of unit would be provided, affordable unit versus workforce units, timing for delivery of those units, and an analysis with respect to the total number of residential units.
2. A discussion of workforce housing to include: a definition of "workforce housing", what income range that housing would serve, and a summary of past discussions on this type of housing.
3. A copy of the proffers received on May 10 and staff's review of those proffers with respect to the outstanding issues. (The applicant has submitted revised proffers dated May 19 and they are attached to the Executive Summary as Attachment B. They have been reviewed by staff as the proffers for this work session.)
4. Reconfirmation from the School Division that the location and size of the school lot is acceptable.

Ms. Echols said since that Board meeting, additional information has been requested by Board members, which includes:

1. Comparison of recently approved proffers, especially Albemarle Place and Hollymead Town Center, with those for North Pointe.
2. Information on "workforce salaries" for jobs planned to be in the vicinity of North Pointe.
3. Information on what is necessary to make the school walkable and that walk safe.
4. Information on any additional thing that can be done to protect environmental resources, especially the Rivanna River.
5. How to make the anticipated employment center at NGIC more accessible by bicycle or by foot.

Ms. Echols said those questions are answered in the Executive Summary. She said Mr. Mark Graham, Director of Community Development, will explain the transportation proffers which are complex. He has a graphic showing the phasing of the traffic improvements, what triggers those improvements and what happens if there is a change in timing of the improvements. After that, Mr. Ron White, Housing Director, is present to talk about his workforce housing report. Staff and the County Attorney have provided comments on the proffers, so they are ready to talk about the substance or the form of the proffers.

Mr. Graham said he will speak about a number of proffers, specifically 5.3.1, Design and Phasing; 5.3.5, County/VDOT Construction of Improvements; and, 5.3.6, Alternate Schedule for Phase III Road Improvements. Although there are two signalized intersections in the proposal that could possibly serve the commercial area, the traffic study shows the need for at least one signalized intersection/crossover on Route 29. The traffic study showed that at 290,000 square feet of commercial activity, without a second intersection, the traffic on the first intersection would be so heavy as to make an unacceptable level of service on Route 29.

Mr. Graham said for Proffer 5.3.1(a), Phase I Road Improvements, on the graphic he has outlined in green what would be built during the initial phase. Basically, that is to build the middle entrance on Route 29 (Northside Drive) all the way to their property line, then Leake Road which is the same as North Pointe Boulevard, down to Proffit Road. He said there is one road in this development which has a couple of names in a very short distance; within the development it is called North Pointe Boulevard, just outside of the development it is called Leake Road, and just across Proffit Road it is called Worth Crossing. Hopefully, at some point in the future, the name issue can be solved. They will build North Pointe Boulevard and Leake Road all the way to Airport Road. They will also build an additional westbound lane on Proffit Road from Leake Road to Route 29. They will build a third lane on the northbound side between Airport Road and Proffit Road and Northwest Passage.

Mr. Graham said they also propose a roundabout at the intersection of Leake Road and Proffit Road. Also, the proffers call for an eastbound additional lane. He said the proffers specifically call for these improvements if there is right-of-way available to them. If the right-of-way is not available, the applicant proposes a cash contribution of \$200,000 in the case of the roundabout, and \$67,000 for the eastbound lane. At this time, staff does not know that this amount of money would be sufficient to build these things, or when they would be built.

Mr. Graham said starting with this initial phase, in 5.3.1(a) the proffer calls for building North Pointe Boulevard up to Northside Drive, build the Northside Drive connection, a crossover intersection at what is referred to as the "middle entrance", and do all the intersection improvements including all left and right turn lanes as required, and build on the southbound side 1000 feet on each side of the intersection a third lane. That is a stacking and queuing distance for the signal. As part of doing all that, they will close the existing crossover at Cypress and shift it down to the crossover at the light with Northside. They will also build a connection through from Cypress to Northside so that anyone who wanted to turn into Cypress could turn into Northside and then come over. It would avoid having U-turns at that point. Those are the Phase I improvements.

Mr. Graham said the next proffer is 5.3.1(b) which deals with the Phase II road improvements or the southernmost entrance on Route 29. He said this is the entrance for the commercial/retail center. These improvements are not required until 290,000 square feet of commercial space has been constructed. At that time, the third lane on the southbound side would be tied into the other improvements and carried all the way to Airport Road. He thinks this is important because it avoids the issue of having the road go from two lanes to three lanes and back to two lanes, etc. Staff thought that would create a lot of problems, and he is not sure VDOT would accept the road if built in that manner.

Mr. Rooker asked how the problem is solved when part of the road is constructed in two different phases. Mr. Graham said there is still a problem because of the way the proffers are structured at this time. On the southbound side there would be two lanes, three lanes, two lanes, three lanes, jumping back and forth, but the difference is that the distance is greater. That has been an issue for quite some time.

Mr. Graham said in the 5.3.1(b) proffer there is an alternative (he pointed to the graphic). In lieu of building "this" intersection with the initial development, they would not build "this" crossover or "these" improvements here, but would build "this one." As a condition of doing that, they would have to do the same improvements "here" and build North Pointe Boulevard and Northwest Passage out to Route 29. That is an important concept for staff in that it wants the full loop plus the service "right here" in front of the commercial space.

Mr. Rooker asked if that is a Phase I improvement. Mr. Graham said it is. That is an alternative; the applicant is not required to do it. There is not enough definition in the traffic study to say it is necessary although it is strongly preferred by staff for a number of reasons. It puts the crossover within the heart of the commercial activity and if there is not a crossover "here" but is "up here", the people coming into this shopping center will be driving on Route 29, but when they exit they will have to either make a U-turn or drive up North Pointe Boulevard and then turn south to come out "this way." If that occurs, there is the question of what happens "here".

Mr. Rooker said the people in Forest Lakes are concerned about not having the southern entrance constructed in Phase I. Also, if the commercial will be constructed early in the project, the direct entrance to that commercial from Route 29 is important. Mr. Graham said he would prefer that it be the first signalized intersection. The way the proffers are structured at this time there is still no timeline as to when this would be constructed. It is simply based on the amount of square footage of commercial space.

Mr. Wyant said if the first entrance is built, time is not as critical on the second. Mr. Graham said staff does not see that as being critical, but they do think "this" remains important. That goes to the Phase III Road Improvements, 5.1.3(c). That proffer anticipates (pointing to the graphic) the "green" plus the "red" or the "green" plus the "pink." "These" improvements continue the completion of North Pointe Boulevard and the completion of Northwest Passage would happen through a couple of triggers; the development on "this" property "here" or if there were 533 residential dwelling units platted, or within five years of the first certificate of occupancy "down here." Pointing to the graphic Mr. Graham said the green

and red are Phase I, the pink is Phase II, and the dashed pink is the alternative if they switch the middle entrance and the southern entrance, and then Phase III is the blue.

Mr. Graham said there are two other proffers he would like to mention. First is 5.3.5, County/VDOT Construction of Improvements. He said this is an attempt to address staff concerns about not completing the third southbound lane, and not having a timeline. If they do not build more than 290,000 square feet within ten years of the first certificate of occupancy, the County could build this improvement at its own cost. Then, whenever the applicant built more than 290,000 square feet, they would reimburse the County for 75 percent of the cost. He said working with a timeline of ten years after issuance of the first certificate of occupancy (realistically the first would not be issued until 2008), would put the year at 2018. If the County were going to build the road, there is an incentive not to do so until 2018, and realistically the third lane would probably not be completed until 2020 taking into account time needed for road design.

Mr. Rooker said speaking personally that is totally unacceptable.

Mr. Graham said there is another question which has not been answered. He said one of the reasons the applicant has been hesitant about building "this" improvement (the vertical alignment of the road "here") is due to the need for sight distance at the crossover. If there is not a signalized intersection at "this" point, and the improvement is done, it is questionable as to whether VDOT and/or the County would correct that vertical alignment. If there is not a signalized intersection, there is not the demand to correct that road. If VDOT came in and did that without correcting that alignment and the applicant came back to build the signalized intersection, it would have to be corrected. At that point all the improvements would have to be torn out and a three-lane detour built and it could cost the applicant and the County more money.

Mr. Slutzky said he believes the southbound lane and the crossover should be constructed as early as possible, ideally within the first few years. He understands that southbound lane was proffered previously by the UVA Real Estate Foundation but their obligation to build that lane is contingent upon them reaching certain build-out points and they are not close to those points at this time. He said this applicant is in a tough bargaining position, and if he ends up building what is the University's proffer, the County should not create a windfall for the University. He thinks this road should be built in a timely fashion.

Mr. Boyd asked if there is a timeline for the University to build this improvement.

Mr. Rooker said there was not a time limit put on it, and it has gone way beyond what was expected, and they are still not close.

Ms. Thomas said when UREF reaches that trigger point and the road has already been built, would they have to pay for it? Mr. Graham said there is a presumption that they are building it. It is an issue because this applicant is proffering to do these improvements and UREF has also proffered to complete them. There is no question that the work is necessary for the signalized intersection "here." Staff questions whether North Pointe will develop more than 290,000 square feet of commercial in the next 20 years.

Mr. Slutzky said he would like to have that southbound lane built and the southern crossover constructed. He thinks people in Forest Lakes would probably prefer that and yet a prior action by this Board has made it more difficult for the applicant to proffer what is needed. He does not know what to do about it other than make it clear that it was not the Board's intent to make a windfall for the University.

Mr. Dorrier said the Chairman meets quarterly with people from the University.

Mr. Rooker said it is UREF (which is a separate entity), and not the University, but the issue can be raised with them. He agrees it creates a dilemma, but it is necessary with respect to this project. It is unfortunate if the Foundation will not participate in some monetary way to help the applicant pay for this proffer.

Ms. Thomas said NGIC will be creating a thousand new jobs in the year 2011. That creates the probability that the residential section of this development will build out because it will be an attractive living location for people working in the area. Since it will cause a major traffic impact on Route 29, when the northernmost road and the intersection are built is important. This development will profit in a roundabout way because all those new jobs are coming in just as this development is built. If this development has to pick up a share of that roadway construction it does not seem totally fair because some of it will be caused by NGIC's growth. It balances out in a way that would not have happened before NGIC came up with the 1000 jobs.

Mr. Graham said the last proffer being questioned is 5.3.6, Alternative Schedule for Phase III Road Improvements. He said the applicant may have an interest in developing some of the residential early in the process before doing anything else down "here". In that case, they would build Northwest Passage to provide access and at such time as "this" does develop they would use the completion of North Pointe Boulevard to connect down to the other improvements. Even if "this" came first, there might be some period of time when there was not a road connection "here", but as "this" starts to develop, there would be a road connection. Staff is not concerned with that proffer as an alternative. The traffic study for the improvements "down here" are driven by the commercial/retail activity. The residential generates a use, but even at ten trips per day, that is a maximum of 8000 trips, the retail will really generate the traffic.

Mr. Davis said he wanted to correct something Mr. Graham said earlier about the Leake Road proffer and the roundabout. There is no longer a proffer for \$200,000. That was taken out of the proffers.

Mr. Graham said the left turn movements are important "here" not only for North Pointe but for the existing businesses in the neighborhood now.

Ms. Valerie Long, representing the applicant, said she had a similar graphic that might help with understanding the proffers. She said everything for Phase I on her drawing is shown in lavender.

Mr. Rooker asked if it shows the southern entrance as a Phase I improvement. Mr. Graham said it is shown as right in, right out, but not as a signalized entrance. Ms. Long said that is correct. The actual intersection is shown in red as a Phase II improvement which is signalization of the southern entrance and the southbound lane from "here" to Airport Road. Phase III is the completion of Northwest Passage and "this" segment of North Pointe Boulevard. As an alternative, if the southern and middle intersections were swapped and the southern intersection were built first, everything in lavender would become a Phase I improvement including the southbound lane from "this" point. The red shows the Phase II improvements, and Phase III shows a few minor turn lanes up "here." She said that is a simpler way to understand the two alternatives and what impact swapping the order in which the two signalized intersections are constructed might have on the rest of the proffers.

Mr. Slutzky asked if the applicant proffered the southern entrance, not the crossover. Mr. Graham said the southern entrance was not proffered at all.

Mr. Rooker said it was indicated that the lavender was Phase I. Mr. Graham said they did not proffer to do "this." They said it is their intent to do it, but it is not a proffer.

Mr. Rooker asked about the map posted above that drawing. Ms. Long said they proffered to build as a Phase I improvement at least one of the two signalized intersections. Most likely it would be the middle entrance first. In addition, at a minimum, there would be a right-in and a right-out option. It would not be signalized or offer a controlled crossover at this point. But, if the order in which the intersections are built, "this" would be the scenario. There would be immediate construction of the signalized southern intersection and then "this" becomes a signalized intersection as well as a Phase II improvement.

Mr. Rooker said the southbound lane is a Phase II improvement under that scenario. Ms. Long said "this" segment is a Phase II; "this" segment becomes a Phase I and she thinks that includes the vertical curve. The most critical and expensive segment of this southbound improvement becomes a Phase I.

Ms. Thomas asked about the roundabout.

Ms. Long said after they received the comments and analysis of staff of the roundabout and the issue of right-of-way, they modified the proffer to remove the \$200,000 language and intended to remove the language that said "within the VDOT right-of-way." They are committed to do that and are working with the adjacent landowners. They have determined that there is almost enough right-of-way to complete the roundabout. Also, as to the additional work on the eastbound portion of Proffit Road, there is a question as to whether there is enough right-of-way to complete that work. She thinks Mr. Graham may have looked into that issue for them.

Mr. Slutzky asked if they intend to proffer that they will build the roundabout and build that eastbound lane. Ms. Long said definitely with regards to the roundabout. With regard to the eastbound segment of Proffit Road, most likely they will confirm with Mr. Graham that his initial calculations or measurements regarding the amount of right-of-way are correct. If they are, then they are willing to commit to that.

Mr. Chuck Rotgin, the applicant, said they have put simpler language in the proffers to what exists in other approved proffers; if there is a problem in acquiring any needed right-of-way, the County could acquire the property and be reimbursed. He said they want the northbound and the southbound road improvements to go in all at one time and all within the next 24 to 36 months. These improvements are very expensive. They will work with staff in the next couple of days to try and make this a little simpler and will include a time certain. He had never thought about the fact that it might not be until 2020 when the County and VDOT could exercise their right to build the southbound lane if they or UREF did not do so, and they would still "be on the hook" for reimbursement. He said that language will be fixed because that was not the intent.

Mr. Slutzky said given the lack of road funds, he is wary of any proffer that would require the County to pay for the improvements and then be reimbursed by the applicant at some future time. He said the County does not have funds to use for that purpose.

Ms. Long said if there is a commitment to a date certain for the southbound lane that provision may be moot.

Mr. Dorrier asked the applicant's reaction to UREF being a part of this.

Mr. Rotgin said the University understands the issue. They have discussed this with them. The bottom line is that he thinks everyone would prefer to have all of that work done between their entrance to the Research Park and Airport Road at one time; it would be less expensive to do it that way.

Mr. Rooker asked how far the UREF Park is from having the square footage that would require these improvements. Mr. Rotgin said the requirement is for 1.5 million square feet and they are probably only at 400,000 square feet at this time. But, he feels they will be able to work something out. Their proffers will be fixed, and then they can take the next step. Ms. Long said they have not said they will not cooperate. Mr. Rotgin said Mr. Leonard Sandridge at the University said the biggest problem in hiring staff is due to lack of opportunity for spousal employment, and then housing. North Pointe will be able to provide the housing. He said one reason for relocating the crossover from "here" to "here" is that Northside Drive touches the University Research Park and it could be another access into the Park.

Mr. Rooker asked if anyone had other questions about transportation.

Mr. Wyant said he was bothered by the statement that people in Forest Lakes are concerned about traffic on Proffit Road and the roundabout. Mr. Graham said their concern is that under "this" scenario the traffic from the regional shopping area will be coming in "this way" but when they exit they either have to "go up here" to "come down" or they have to turn out "here" and go up and do a U-turn on Route 29 or they "come down here." He said people are like cows and when one car goes in "this" direction, other cars will follow. Then, like cows, when the cars are stacked up "here", they will follow around and use Worth Crossing.

Mr. Wyant asked if that was eliminated in Phase I. Mr. Graham said "this" alternative takes care of the issue. Mr. Wyant said that still takes traffic to Proffit Road. Mr. Graham said "yes" but there is a crossover there. Mr. Wyant said that is what he thought would happen. They would be coming to that roundabout, so he thinks they need to be directed to Route 29 to relieve stress on Proffit Road.

Mr. Slutzky said the crossover cannot be installed until the road is straightened, so the southbound lane has to be installed.

Mr. Boyd asked that the two options be explained again. Ms. Long said both options are possible under the current proffers.

Mr. Rooker said that at the present, they are the options of the applicant. Ms. Long said that is correct.

Mr. Boyd asked if there is any definite timeframe for completion of the improvements. Mr. Rotgin said whatever the Phase I improvements are they have to be finished at the earlier of 15 months after the issuance of the permit, or by the time the first certificate of occupancy is issued. All the Phase I improvements, whether they are the southbound or the middle entrance have to be in place prior to the opening of the first store or within 15 months of the applicant getting them permitted, whichever is the sooner. On the second phase there is no timeframe at this point, but the applicant will address that.

Mr. Slutzky said he thinks it is important to get the southbound lane and the southern crossover in within five years of approval. Mr. Rooker agreed. Mr. Boyd also agreed.

Mr. Graham said Mr. Ron White, Housing Director, will now address the affordable housing issue.

Mr. Rooker referred to the Affordable Housing Table on Page 2 of the Staff's report and in Attachment "A". He asked how 15 percent of the units compare to the requirement. He said the chart indicates there are 28 affordable units proffered, but he thinks the requirement would be for 130. Mr. Graham said there are 24 "for sale" affordable units and 44 "rental" affordable units.

Mr. White handed to the Board members an analysis based on a conversation he had with Mr. Rotgin this morning that the applicant will increase the number of rental units from 40 to 60. The analysis is based on a proffer which has not been reduced to writing yet. He said 15 percent of the build-out would be 134 units, and with the additional 20, there would be 64 affordable rental units including four accessory units, with the balance in more of a traditional rental environment. He said there will be 16 moderate-priced for sale units which they have been calling "workforce" units.

Mr. White said this brings the gross number to 104 if the moderate units are included. If a credit for moderate is included as he proposes in his report that 16 would be eight making a net of 96 affordable units or 11 percent of the total proposed build-out.

Ms. Thomas said she did not understand how the number got from 104 to 96. Mr. White said for the 16 moderate for-sale units, they were given only a half credit.

Mr. Rooker said the half credit seems to be a reasonable proposal.

Ms. Thomas said the public seemed to think this would be moderate, for-sale housing that would benefit many of the people who spoke in favor at the public hearing. So there are 16 units. Mr. White said he thinks all 104 units are workforce housing, but they are priced at price points that will be affordable to various levels of the population.

Mr. Slutzky said the County does not currently have a policy specifically acknowledging the value the community is putting on this extra strata of housing. He thinks the Board might choose to give it some credit and this might the time to decide what that credit might be.

Mr. Rooker said the current policy is 15 percent or comparable. In the past, the Board looked at different circumstances and tried to decide what "comparable" means. Mr. White said this proposal does not get to the 15 percent, but the \$300,000 upfront cash offer has been taken into consideration.

Mr. Rooker asked the timeframe for receiving that cash. Mr. White said it would be within a certain number of days after the first site plan is approved. He said making a simple evaluation of that cash and looking at a ten-year time period, that \$300,000 could be worth about \$447,000.

Mr. Rooker asked where the time of ten years came from. Mr. White said for a large project with a possible 20-year build-out, he took 10 years as a midpoint in order to give value to the fact that the cash will be received upfront.

Ms. Thomas said \$1700 has been proposed, but the Board has not accepted that. Mr. White said that may be a moot point. If the \$447,000 value of the \$300,000 payment is accepted, that is over the 15 percent affordable unit or comparable requirement. Ms. Thomas said that is true only if the comparable requirement is the \$1700. Mr. White said it is true regardless of the \$1700. The paragraph to achieve the 15 percent cash or cash equivalent contribution totaling \$431,000 would be needed in addition to the 96 units to meet the 15 percent.

Ms. Thomas said she was simply repeating the last sentence in Mr. White's analysis that the formula for \$1700 has not been adopted. Mr. White said that is true; it is in the report mainly for an illustration if the cash proffer is used.

Mr. Rooker said in the past the Board has considered a cash contribution to the Affordable Housing Trust Fund in lieu of a unit. Mr. White said that would be \$16,500 per affordable unit. That works out to be a little over \$2400 per unit. He referred the Board to the second page of his analysis which shows a \$2400 per unit proffer which is what has been received in a couple of proffers. He said the \$2400 was for projects which did not include any affordable housing. That is an important distinction.

Mr. Wyant said the project is about 38 units short, and the \$300,000 works out to about \$7900. Looking to a future value it is \$11,700+, so subtracting the \$16,500 leaves about \$4000 short times the 38 units totaling about \$150,000. Mr. White said that works out to be about \$168 per unit based on the 893 units. He did calculations on the Belvidere project for guidance because it included some affordable housing although it was all in accessory units. In that case, the cash contribution from North Pointe would have been calculated at \$140,000 less than the present value of what is proposed. He said there are some distinctions. One, the \$16,500 per unit was in a case where no affordable housing was proposed.

Mr. Rooker said he thinks it is better to look at it from the standpoint of the \$16,500 rather than applying it to all units. That way, if the project is short one unit it is \$16,500, and if it is two units short it would be twice that amount. It is easier to make the comparison that way rather than comparing two different projects based upon cash applied to all the units.

Ms. Thomas asked how the figure of \$16,500 was derived.

Mr. Rooker said it was done by taking 15 times the number of units in the project as the target. If they are required to have 60 units, and there are 50 affordable units, you then multiply the \$16,500 by 10 and that is the cash component. There are two prongs to the system, one is to create affordable housing and the second is to build a Trust Fund in order to take advantage of the affordable housing.

Mr. Cilimberg said last night the Planning Commission in lieu of any one affordable unit being provided, looked at the \$16,500 as providing the down payment assistance the County would not cover through its own funds. Mr. White said that is the maximum down payment the Housing Office will provide through the County's Housing Trust Fund.

Mr. Wyant asked where the money came from on previous petitions. Mr. White said there is a proposal coming to the Board soon which proposes 28 units and the first payment of \$16,500 will come with the seventh unit, the second payment with the fourteenth, etc.

Mr. Wyant said for North Pointe the first payment is proposed to occur with approval of the first site plan. Mr. White said that is correct. He said staff can do more planning on how to deploy that money if they know when it will come in. His last statement in the analysis is that "with this analysis and the additional 20 units today, making the assumptions he made, it looks like this proposal closely meets the intent and the goals of the Affordable Housing Policy."

Mr. Rooker said he does not understand Mr. White's statement that "this proposal" is \$300,000 plus 96 units. He does not see how that gets to the 134 units. He said if you subtract 96 from 134, that leaves 38 units. Multiply 38 by \$16,500 and that gives a cash contribution of \$627,000, but a present value credit is given so the number you are trying to arrive at is the number that gives you a present value of \$627,000. Ms. Echols said that has not been done for other developments where they did the \$16,500; no present or future value was calculated for that amount.

Mr. Rooker said he personally would prefer that the cash contributions all be done upfront. The question is whether to require the cash payment upfront without applying any discount or is the enhanced value recognized. If units are to be provided, they will be done over some time period; not provided immediately. The rationale for allowing an interest factor is that what they are providing in lieu of units could be provided over that same time period and instead of that they are providing cash upfront so they should receive some kind of present value credit; to him that is reasonable. Mr. Greg Kamptner said the

proffer restricts the life of the cash proffer. It has to be fully expended within five years of the date of contribution.

Mr. Rooker said the County is not limited to what project the cash is spent on. He asked Mr. White if that is a problem in terms of utilization of the funds. Mr. White said the Housing Office has spent that amount in eight months. Mr. Rooker asked how the Housing Office will keep track of the money from North Pointe if there are multiple cash proffers in the Housing Trust.

Mr. Slutzky said he finds that part of the proffer to be problematic.

Ms. Long said it was originally three years, but staff recently asked that it be raised to five years. She said the ten-year present/future calculation was determined assuming a twenty-year build-out. If the funds were coming in at the permit stage in lieu of being paid upfront, then it might take ten years before the County received the full \$300,000. She does not think there is a relation between the five-year sunset provision and the ten-year future value calculation.

Mr. Rooker suggested that the five years be eliminated. He asked if money comes from various sources, how it is determined which money is being spent. Ms. Long said there is a requirement in the Code of Virginia that a sunset provision be set on all cash proffers. Mr. Davis said you must address how the funds would be used afterwards. The County would not have to give the money back. Mr. White said they will be making loans with this money so it will continue to be an asset to the Housing Fund. He would say it would be "deployed to projects" rather than "spent."

Mr. Slutzky asked if the proffer can state that the money is put in a fund and there would be no timing issue.

Mr. Rooker said if that is legally acceptable, he would suggest that the five years be removed. Mr. Davis said the Code actually requires that the proffer money be tracked and reported how it has been used. Once the money is appropriated to a budget year and expended, it has been used. That is how it would be reported.

Mr. Slutzky said he thinks there are two issues which should be resolved. One, if the Board acknowledges the near term benefit of having the cash proffers paid on the front end, he thinks the Board would need to agree it would do the same thing for future applications. Also, he thinks in calculating that benefit a decision would be needed on the rate of interest used.

Ms. Thomas asked what percent Mr. White had used. Mr. White said he used four percent. With the Federal fund rate that is a little conservative now.

Mr. Slutzky said he had done some calculations using four and one-half percent. Whatever the Board decides, he thinks it might give some consideration to that in the policy. Second, the Board needs to decide if it will give no credit, a half credit, or a full credit for the so-called workforce housing. He is inclined to accept workforce housing up to a certain percentage of the 15 percent affordable housing and give a full credit but only up to a certain percentage of that 15 percent.

Ms. Thomas said that is an issue she thinks should go to the Housing Committee for study. She does not want to short circuit a citizens' committee which was set up just for this purpose. She thinks it is a great idea and the Board may want to arrive at some conclusion for this project that does not pin it down to doing the exact same thing for all projects.

Mr. Boyd asked if the Board can specify specific amounts for proffers.

Mr. Rooker said the Board can let people know what it is willing to accept for a project and what it thinks would satisfy the Comprehensive Plan which is 15 percent or comparable. The question is, what is comparable? He thinks Mr. White's idea of a 50 percent credit or at some point going to a sliding scale is worthy of consideration.

Ms. Thomas said she thought Mr. Slutzky made a good point about having the credit be a certain portion.

Mr. Boyd said Mr. White's proposal is for more than a half credit for moderate-priced units. Mr. White said the Housing Committee is an advocate of affordable housing and is trying to reach down to lower incomes. Should a benefit not be given to a developer that can come in with \$140,000?

Mr. Cilimberg said that ultimately this would need to be amended into the Comprehensive Plan. Right now there is just the 15 percent figure and it is rather general. However the scale might work, it should be amended into the Comprehensive Plan as part of the guidelines for the Affordable Housing Policy. Originally, there was discussion about requiring \$1,725 or \$1,750 per unit, but the Commission did not favor that approach.

Ms. Echols said it is important that it be done in a timely manner. She has other rezonings pending where the applicant wants to do the same thing. It is relevant and important.

Mr. Slutzky said he is comfortable with taking the 100 percent credit on this one, but only so long as it is a fairly limited number of units. He is biased in favor of having the workforce housing issue addressed in addition to the other. He was not a member of the Board when it decided on the 15 percent, and he might have argued there should be 15 percent inclusive of a larger universe.

Ms. Thomas said it is always easier to build a more expensive house, so if the Board allows the 15 percent to be filled with the higher priced house, that will likely be achieved. But, the harder goal is the lower priced units.

Mr. Slutzky said Ms. Thomas is right but this is eight or 16 units out of 134. It is a small percentage of the project. He is not sure the Board needs to be as focused on that in this instance as it needs to be on the overall issue of whether it has addressed the equivalent of 15 percent. If not, what does it take?

Mr. Rooker said he will agree with the recommendation by the Housing Director that the Board give a certain percentage for housing that is moderate priced and give full credit for things that are affordable.

Mr. Slutzky asked if the Board is agreeing with Mr. White's analysis that this package in its current form, based on his discussions with the applicant, meets the 15 percent. Mr. White said based on the \$16,500 it is about \$180,000 off.

Ms. Long said it also depends on the interest rate used. If a five percent interest rate were used, it would be \$494,000 which is the present Treasury bond rate.

Mr. Rotgin asked to speak. He said he will usurp Ms. Long on this because affordable housing is a passion of his. It is not something that just came up. He said the North Pointe rezoning application predates any discussion about affordable housing. From the very beginning affordable housing has been part of this development.

Mr. Rooker said the Board was discussing technical issues, and the conversation should be directed toward those issues.

Mr. Rotgin said he would like to have three minutes to talk. This conversation has been going on for about 45 minutes so far. He said they spent a lot of time working on the proffers to bring forward a mix of housing and cash which they think meets the Comprehensive Plan requirement, and may go beyond. They are concerned about the mixture of housing units. He directed the Board's attention to Ms. Long's rendering of the development. They are going to build the Charleston units; that has been proffered. "This" whole section has been designed with the Charleston, South Carolina, design. The builders with whom they work have designed it, and it is the workforce housing which will sell for \$238,000 and will be mixed into a neighborhood of houses selling for \$350,000+ and you would never know it.

Mr. Rotgin said during the last two years while they have talked about the affordable housing issue, they have converted 1,500+ units to condominiums all of which are affordable. Of the 500 proffered units, basically all of them are condominiums or carriage houses. They have tried to come up with an overall housing strategy which meets the market. That is why the workforce housing is critically important. He thinks they are entitled to a full credit.

Mr. Rotgin said they had just handed out some information showing the Treasury at five percent and he thinks they should be allowed five percent on the value of their money. He divided it by \$15,000 a unit and came up 15.34 percent on affordable housing. He would like to know why that does not work.

Mr. Rooker said speaking only for himself, he thinks giving some percentage credit such as the 50 percent Mr. White proposed is reasonable for a house that sells for \$238,000 versus a house that sells for \$190,000. He cannot see the same credit being given for both houses.

Mr. Rotgin said he was advised by Ms. Long several months ago to forget all of this, to give the 15 percent and he would get the attached houses, the condominiums and some apartments, but that is not what he wanted to do and he does not think that should be the policy of the Board. He thinks it should be creative and each applicant should be treated as a stake in a Federal system. It should figure out how to make this system work for a broad spectrum of people.

Mr. Rooker said this would be the first application given a credit for housing that is priced at a higher price point than \$190,000. He thinks it is a good idea, and Mr. White has suggested looking at a sliding scale. The Board is trying to deal with that issue.

Ms. Thomas suggested the Board members look at Mr. White's report at a page showing "Wages for Various Job Classifications." He has said there is no one listed on that page that could afford a house costing \$238,000. She said there is a disconnect between workforce housing and these job classifications. She said most households have two wage earners and that is how they manage to get housing. This page reinforces her interest in having the lower cost house still be the Board's primary purpose. For the moderate price, getting a half credit seems to be fair and in the long run there needs to be a limit on how many of those units are approved.

Ms. Long said the families who would qualify for the moderately-priced housing units would most likely not need down payment assistance. She thinks the \$16,500 should be factored in as well. Mr. White said they would not be eligible for the County's down payment assistance.

Mr. Graham said a twenty-year build-out has been mentioned and he wanted to be sure everyone is aware of Proffer 8.2(e) which calls for three affordable units to be constructed per year, with a possible build-out of 34 units.

Mr. White said there is still a gap in meeting the 15 percent goal based on using \$16,500 as the calculation.

Mr. Boyd said he would like to offer a compromise. He would be willing to go with the five percent credit which seems to be an acceptable rate based on the \$16,500 calculation. Mr. White said that puts the gap at \$130,000.

Mr. Rooker said to be reasonable he thinks the twenty-year Treasury rate could be used which is about five percent at this time. He feels it would make sense to tie the rate to something.

Mr. Rooker asked if the Board would like to discuss residential phasing next.

Ms. Echols directed the Board's attention to Page 5 of the Staff's Report where there is the following table concerning timing.

Timing	Amount of Commercial/Hotel/and Office Square Footage to be allowed by Building Permit	% of Total Commercial/Hotel and Office	Number of Residential Building Permits to be Issued	% of Total Residential Units
Within 90 days of issuing the first building permit for the first commercial building			24	2.7%
Before more than	142,000 square feet	21.0%	36	4.0%
Before more than	220,000 square feet	32.6%	60	6.7%
Before more than	290,000 square feet	43.0%	138	15.4%

Ms. Echols said one of the differences staff has with the applicant on the special use permit concerns timing. Before more than 290,000 square feet of footage could be permitted, they would need to have had 138 building permits issued for residential units. Staff does not think this gets to the number of residential units it thinks should be built at the same time.

Mr. Boyd said he would like to know how someone derived this number. It is somewhat subjective. Mr. Graham said it is not based on any subjective data. At another meeting, some Board members indicated an interest in a stronger commitment to accelerating the residential development and he threw out a response to that issue. He does not know if it addresses the Board's concern.

Mr. Rooker said the part of this development which appeals to him from the County's perspective is the northern end. It provides a substantial amount of residential opportunity in the growth area surrounding a school site. In the southern part of the development he sees no need for any additional retail in the same way he sees the need for residential. Therefore, it seems appropriate for the Board to make certain the part of the development which is most important to the County is done on some kind of timely basis. The Board made a requirement for Old Trail regarding the commercial as compared to the residential. In that case, all of the commercial can be built with only two-thirds of the residential. Otherwise, there might be a shopping center with only a few houses built.

Mr. Boyd said he understands Mr. Rooker's philosophy but wonders why he chose one set of numbers as opposed to another. Is it because one development calls for more housing than the other? It is not based on market predictions or anything like that.

Mr. Rooker said it comes down subjectively to what the Board decides makes this a proposal which in the community's interest.

Mr. Dorrier said the applicant needs to put in infrastructure and he needs to be able to pay for that infrastructure. It makes sense that the Board let the businessman go with the best business practices in order to get sufficient money to build the infrastructure.

Mr. Rooker said the Board is not trying to slow down his commercial component, only saying he needs to bring along the residential at a reasonable pace with that commercial.

Mr. Dorrier said he thinks it is possible for a compromise here.

Mr. Rooker said everyone has to look at it based on what they think is best for the County. In his view, he wants to make sure the attractive part of this development, which would be an asset to the community, comes along at a reasonable pace with the commercial.

Mr. Boyd said he appreciates Mr. Rooker's remarks, but does not think this development will be of value to anybody if this project fails by the Board forcing the developer into something he will fail at.

Mr. Rooker agreed. He said the developer in his presentation talked about the need for the residential with NGIC coming along and the UREF Park. That was a good selling point for this property. He is simply holding the applicant to his word on this. Based on what the Board has seen recently, the residential may have an opportunity of moving ahead of the commercial from a market demand standpoint.

Mr. Boyd said he thinks the Board may lock the developer into that because as Mr. Dorrier just said, the infrastructure that is needed will be driven by the commercial. On one hand, the Board is saying it wants more infrastructure and on the other hand is saying it is going to tie the developer's hands.

Ms. Thomas said the need for the road improvements are almost entirely tied to demands from the retail space. The only reason for some of the road improvements is because of the retail.

Mr. Boyd said the Board is saying it wants the road improvements long before the project reaches the threshold when VDOT says those improvements will be required based on traffic studies. They were agreeable to 290,000 square feet before some of the improvements the County wants sooner.

Mr. Dorrier said the Board needs to listen to the developer and see if he has a reasonable plan.

Mr. Rotgin asked Ms. Long to comment.

Ms. Long said Mr. Boyd was starting to explain the dilemma facing the applicant. They think the residential component will be successful. Mr. Boyd had asked staff where the number of 224 units came from and if it is based on any data. It sounds like it is not, but is staff's analysis of what would be an appropriate number. By comparison, the applicant's proposal is actually based on some data; how many units they can reliably deliver in a certain amount of time. They have committed to providing at least 138 dwelling units, mostly single-family units, not apartments or condominiums. She said they have physically counted the dwelling units in each phase to determine the number of units they can deliver because they do not want to over promise.

Mr. Rooker asked for Ms. Long's definition of "phase."

Ms. Long said the first phase of commercial is the first 290,000 square feet. She said the real dilemma is the interrelationship between the deadline by which they would have to complete the southbound lane, the ability to start the second phase of the commercial which pays for the southbound lane, and the restriction on the number of residential units which would have to be completed before they could start the second phase of retail. They have said they will commit to a date certain for completing the southbound lane but do not know what that date is yet. At a minimum there will be a date certain by which the southbound lane will be completed, and regardless of that date certain they will still have to build the southbound lane before they can start Phase II of the commercial. It might be one or two years before the southbound lane is built. If they are to build that southbound lane, they must have the Phase II commercial to pay for it. If in year two they are ready to build that infrastructure but they have only sold 60 residential units (which is the number the builders say the market can bear) they may not have the revenue to pay for that.

Mr. Slutzky asked if Ms. Long was saying that if the Board agreed to their staging, the southbound lane could be done in three to five years. Ms. Long said they could do it within seven years of the first commercial certificate of occupancy. She said Mr. Graham has indicated that the first commercial Certificate of Occupancy probably would not be issued until 2008. They have predicted that it will be two full years before the first commercial building will be built. Before any store can be opened for business, they have to do all the Phase I traffic improvements. At a minimum that includes all of the northbound lane and the parallel road network through the property.

Mr. Rooker said the Board has indicated that the graphic on the "bottom" probably would not work.

Mr. Slutzky said he would prefer to see not just the top one, but also the southbound lane.

Ms. Long said that regardless of which alternative they use, there is a lot of work that goes into having a store opened for business. The road plans have to be drafted and reviewed by VDOT and County staff, and construction take place. A site plan must be prepared, reviewed and approved. There has to be permitting by the DEQ and the Corps of Engineers. All of those things can be done concurrently, but they are estimating a 24-month period in which that will occur.

Mr. Rooker asked how that relates to marketing residential. Mr. Rotgin said they have been told by Williamsburg Environmental that they can bifurcate the permitting process and then they would likely have a quicker permitting process on "this" area because there is already a crossing there. They thought they could work on "these" 50 units and have "those" lots ready for spring of next year.

Ms. Long said it sometimes takes a long time to get a subdivision plat approved, so she thinks it will take much longer.

Mr. Rooker said it will probably be ahead of the commercial. Ms. Long agreed.

Mr. Graham said from what he has heard from the applicant today, he would like to make a suggestion for the framework for this condition. If the applicant thinks they can deliver 50 units per year that might be an acceptable condition. He agrees there might be a market for that number of units if they can bring them on line each year.

Mr. Rooker asked if that might be a more acceptable approach. Mr. Rotgin said it might be. He said that for the last few years the number of single-family dwelling units in the growth areas has been at about 250 a year. He said they are 25 percent of the market, so if they got 60 units per year that would be significant. However, if the apartment market all of a sudden gets good, they have no problem with the

224. The apartment market is not that good now and they are building a single-family product. If they are lucky they might get as many as 80 later on. He said they started with nothing while staff started at 224. He went to 138 and they have recounted and can go to 168, but those are all single-family units; no apartments are included in that number. That is about 50 percent of all the single-family product in North Pointe.

Mr. Rooker said he thinks staff can come back with some solution on that.

Ms. Thomas said she thought there was a tremendous need for more housing and 60 a year does not sound like a lot.

Mr. Rooker said that is the number they can build; the number the market will bear. Mr. Tucker said that is just in North Pointe. There are 5300 countywide.

Ms. Long said one issue raised in the staff report and at the last public hearing was the buffer along the Route 29 corridor in front of the property. She said Ms. Echols has clarified that all along the ARB has been asking for 25 feet and not 50 feet. From the beginning the applicant has proffered to provide a 25-foot buffer. The only issue of disagreement between the proffers and staff was whether all 25 feet were to be located entirely on the North Pointe property or if the VDOT right-of-way might be utilized for a portion of that buffer. The applicant has always provided the width of the buffer that the ARB requested. There is a very wide VDOT right-of-way in that area so the applicant is willing to actually double the width of that buffer along the Entrance Corridor; they will commit in the proffers to 50 feet along the entire length of the property in the portions that Great Eastern controls. In some areas, a significant amount of that 50 feet will be within the VDOT right-of-way. They understand that in the future VDOT could come along and add more lanes to Route 29 on the northbound side. At that time, the applicant would have to make up that buffer on North Pointe's property. If that happened, there would always be a minimum of 40 feet of buffer on North Pointe property.

Mr. Slutzky said VDOT would have to erode 30 feet or more of their 40 feet of right-of-way. Mr. Rotgin said VDOT has 60 feet in most of the areas along there. They would have to widen that road to six lanes in both directions to use all of that right-of-way.

Mr. Rooker said he was the one who raised that issue and what Mr. Rotgin has said satisfies him. He asked if the applicant would guarantee a 40-foot planted buffer at all times, with it starting at 50 feet and never being reduced below 40; it could be made up on the applicant's own property. Ms. Long asked if the Board is comfortable with that 40/50 feet being on the VDOT right-of-way. Mr. Rooker said as long as the applicant is committed to making it up if that right-of-way disappears. Ms. Long said the proffers already say that although they do not have the 40 and 50 feet numbers.

Mr. Rotgin said he and Ms. Long want to thank staff for their report and for the tone of the staff report. It is much, much better. There are still areas where they don't agree, but it is much better and they appreciate it.

Ms. Long said the bio-filters are another easy issue. She said the proffers commit that 20 percent of the required areas of the parking lots that have to be landscaped would be in bio-filters. She does not think they can do much more than that, but know they can do 33 percent of that. It is possible that when the site plan is actually designed and prepared the number could exceed that, but the engineers are comfortable with saying a third is a good number to commit to.

Ms. Thomas asked that this be explained again. Ms. Long said the site plan required that of the parking lots in the commercial areas, five percent of the parking lot areas have to be landscaped. They are saying that of that landscaped area in the parking lots, 33 percent, or a third of that landscaped area will consist of bio-filters.

Mr. Slutzky said it cannot be 100 percent because some of the locations of the landscaping based on the details of the ordinance are put in a place where there is no water runoff which would benefit from a bio-filter. Ms. Long said that is correct.

Mr. Slutzky asked if they will do as much in bio-filters as the runoff would validate. Mr. Rotgin said there cannot be more than 10 parking spaces in a row without having an island. They have not shown all of the islands on the graphic being used today, but once the topography and the engineering work is finalized, they will. The bio-filters run north/south in "here" and in "here" because that is the way the water flows; in sheets. They now have more than one-third shown as bio-filters. There will have to be a final calculation on the size of the pond to be sure it takes care of not only stormwater detention, but also water quality. Some of the water quality will be taken care of in the parking lots with the bio-filters. Once that calculation is determined, it must be put aside. Then, they must make sure there are landscaped/tree islands in all appropriate places in the parking lots. They could end up with 40 or 50 percent if they can get the required islands and landscaping in the other areas of the parking lots.

Mr. Rooker said Ms. Thomas raised this issue initially.

Ms. Thomas said she is impressed. She does not think it will require the same extensive excavation as was required at Monticello High School.

Mr. Slutzky said with dense clays there is an engineering challenge to make them effective. Mr. Rotgin said they will not likely have any problem because they are actually filling most of these places.

Ms. Thomas said the total impact and the total treatment are mentioned so she does not know the difference between 33 percent of five percent or whether that triggers an okay. She has just learned about a project in another county that had a proffer from a developer to monitor the water over a 15-year period so one could see what was coming off of the property and the impact of that. To her mind, seeing what is being created both while the project is underway and afterwards would be good. Mr. Rotgin said they will know whether the bio-filters are working because they have to be maintained.

Mr. Wyant said the whole island might be a bio-filter because you are dealing with canopy cover and the tree could be bigger than the island. Mr. Graham said in parking lot landscaping the area of the ground and not the area of the trees is used. He said five percent of the parking lot is required to be landscaped. Of that five percent, the applicant has said 20 percent, so one percent of the parking lot would be in bio-filters. By changing to the 33 percent, 1.67 percent of the parking lot area would be bio-filters.

Mr. Wyant said not every landscaped area will be a bio-filter.

Mr. Rooker said it is a reasonable total of the planted area, but not that high of a percentage of the total.

Ms. Long said there may be more landscaping in the parking lot than is required by Code.

Mr. Kamptner asked if the numbers include the grass plot areas. Mr. Rotgin said they do not. There will be grass plot areas in addition to the landscaping.

Mr. Rooker asked if that acts as a bio-filter. Mr. Graham said just putting in pavers is not enough unless the under drain system is included. Bio-filters fail in this area because of the clay soils.

Mr. Keeney said the way they set this up with Mr. Graham, their drainage swale is at the back of the parking lot so if that space had to be taken out and converted to landscaping, the drainage for the parking lot would be in place. That means the grass plot would not receive much water except for what actually falls on it and it can't be used as a bio-filter because it is uphill.

Ms. Thomas said there is a huge amount of impermeable surface and the goal is to have it dealt with in terms of water quality and quantity as well as possible. Bio-filters are one demonstration of concern, but will probably not have a great amount of impact. That will show up if there can be some ongoing monitoring of the parking lots.

Mr. Rooker said the Board is looking for a way to go beyond the percentage proposed. He asked if it is realistic to go with the 33 percent.

Ms. Thomas said that is actually five percent.

Mr. Rooker asked if Ms. Thomas wants a proffer dealing with some ongoing monitoring.

Mr. Wyant said monitoring has to be done during construction or it is usually not very successful. It has to be on the front-end to get the results wanted.

Ms. Thomas asked what you would do with what is learned.

Mr. Slutzky said you would learn from your mistakes or successes on the next one.

Ms. Thomas said there are some requirements for TMDL's. Mr. Graham said there are some in-the-pipe requirements for testing that do not fit these circumstances. The County has built a number of bio-filters at Monticello High School and other places, and they have been tested. He said it is hard to say the applicant's data is not good, but he is not sure how much value that data will provide to the County.

Ms. Thomas said she gathers from the comment that because it is only 1.67 percent of the commercial area that he does to think it has much of an effect. Mr. Graham said it is a small area. His whole rule of thumb is the five percent.

Mr. Slutzky asked if there is a sizeable geographical domain that feeds that bio-filter in the form of runoff. The entrapment of the filter will be small by definition but it is filtering the water coming from a much larger surface.

Ms. Long said the stormwater management facility, the large lake, is an oversized facility and the proffers commit the project to take care of a large area of offsite stormwater that is currently not being treated.

Mr. Rooker asked if anyone had anymore guidance at this point. There were no comments.

Mr. Rooker asked about the question of overlot grading. Ms. Long said that has been resolved.

Mr. Rooker asked about the school walkability issue. Ms. Long said they do not believe there is an issue. Mr. Rotgin said Ms. Echols brought up that issue a couple of years ago. He said Mr. Ron Keeney designed the bike paths and the sidewalks in the area of the school to accommodate both bikes

and people. Ms. Long said the bike path was moved out of the street in the front of the school so that during school events there could be parallel parking along North Pointe Boulevard in "this" area. The sidewalk is wider and it is called a multipurpose path at that point. It is a bike path and sidewalk together to accommodate the children who might ride their bikes to school. It keeps them out of the street. Mr. Keeney said the real reason for that is that it is not legal to parallel park in a bike lane, but it is legal to parallel park along the roadway where there is room for two cars to pass. Ms. Long said during school events there could be parallel parking along "this" portion of North Pointe Boulevard where otherwise you could not park.

Ms. Echols said the point was well taken about the crosswalks, but she wants to be sure that as the site plan process goes through that is something everyone is aware of.

Ms. Thomas said you would not want the school to be on the far side of the parking lot in terms of a walkable school because walking across a parking lot could be one of the most dangerous things kids do. She does not believe that has to be settled at this stage of the process. Ms. Echols said staff looked to the Schools for advice on this subject. They were less keen on having the school building out near the road. She said that will have to be worked on with School staff during site plan review. She said the location of the school is not tied to this plan.

Mr. Boyd said that site plan process would be with the School System and not with Great Eastern. Ms. Echols said that is correct.

Mr. Keeney said from Al Reaser's position, he has a security issue. They want a single entrance and exit out of that site. They want the busses to come in and they want the walkers to come in from the same entrances. They cannot reverse it and have the kids coming in from the back of the school and the busses come in from the other side.

Mr. Rooker said there was the issue of potentially moving some of the buildings and the form of design.

Mr. Rotgin posted a graphic on the wall. He said that "in this area" they took "this" building and "this" building and moved it 60 feet to the north so it lines up with what could be considered a corner. In "this" area they introduced some two-story buildings that hide "this" parking and provide a sense of place. He does not know what will happen "up here" but there are some people who are looking at redeveloping that area. That would create more single-family and residential housing as it would connect with "this." Given what they have coming in from Forest Lakes, they hope to get some people from the area east along Proffit Road, so they feel comfortable introducing some mixed-use right "there." It is not a lot, but it creates more landscaping in that area.

Mr. Rotgin said they have talked about "these" buildings "in here" and whether they could come up to North Pointe Boulevard. He said North Pointe Boulevard is a bypass; it is not a residential street. He knows the Chairman tried to put a four-lane highway down through there when this was discussed previously. He said it is not any kind of a mixed-use area. They ended up creating a bypass through "here." Their main street is down "this" way. Market Street is up "here" and North Pointe Boulevard. That is one of the changes.

Mr. Rotgin said the other change recommended to them was in "this" area. He said they had some challenges after Ms. Echols designated what the conservation area was going to be in "that" area. It made it difficult for them to put in the buildings. Someone who has an interest in what they are doing has come up with "this" concept where they bring "this" road which connects the southern area with "this" middle commercial area, and bring it behind the buildings, below grade, and then bring it up to tie in with the entrance to the road that goes into "this" property if it is ever developed. There is no more square footage.

Mr. Slutzky said it appears that more buildings have been placed along the main street. Mr. Rotgin said they did right "here." It was all parking, and they took one building off of "this" section and added a building "there" to create another corner. He said there is only one little area "there" that creates a checkerboard effect. He said "this" parking lot and "this" parking lot are designed so that if at some future time the demand presents itself, they can put structured parking "there."

Ms. Echols asked the uses of the new buildings along the corner. Mr. Rotgin said they will be small retail shops and above they will be residential or office.

Mr. Rooker said Mr. Slutzky had wanted to see a change in the form of the development. He asked if what has been presented is satisfactory.

Mr. Slutzky said he was unhappy with the earlier form and fussed about it. He is impressed today because making a connection point between the Williamsburg/Charleston section of the town and the main street provide a sense of transition which is comfortable. There was a need to create a street experience of human scale, and they have redefined that end of the complex and it is far more compatible with the Neighborhood Model than it was before. Mr. Rotgin said in order to make that work they had to flip "this" building. The entrance used to be "here" but it has been moved to "there."

Ms. Thomas asked where the bus will stop. Mr. Rotgin said there are ten bus stops. Mr. Keeney explained the locations which are every two blocks in that area. Mr. Rotgin said he can foresee in that area a connection between Forest Lakes, North Pointe, UREF and Hollymead. He said that would be an

ideal place to run a "jitney" in the commercial areas rather than the big busses, but he does not know if it would work.

Ms. Thomas said Albemarle Place proffered something like that running between Barracks Road and Seminole Square. She supports that concept. Mr. Cilimberg said the concept in Places29 is to run a circulator bus in the oval of these development areas, and run VRT up Route 29. Mr. Rotgin said they proffered \$25,000 a year for bus service. Ms. Long said that is \$250,000 total. Ms. Thomas said the concept of shuttle busses or something similar is a workable concept. Mr. Rotgin said the big issue with busses for them is that they are used mainly by employees.

Mr. Rooker asked if everyone considers the form change to be positive.

Ms. Thomas agreed.

Mr. Rooker said another issue had to do with the big box stores.

Ms. Long said the largest building is "here." The present language in the proffer says it will be a certain amount of square footage maximum, but in addition it says it has the potential to fluctuate by up to 10 percent. Staff said that is not consistent with prior understandings or expectations of the Board. If this building were expanded by ten percent it could be up to 97,000 square feet, although at the present it is shown at 85,000 square feet. Staff agrees "this" building could not start out at 97,000 square feet. It could only expand to be that size. If it were to expand, "this" is the area it would expand into. The issue is that the proposed tenant they hope to get does not need 97,000 square feet of space at this time, but has said that in order to commit to that space, they need to know they would have the ability to expand if their business is strong. They could agree to do that and the obvious location would be "here."

Mr. Rotgin said this is genuinely an area of misunderstanding. When they went through the ad-hoc committee process, they said they would limit the big box to 88,500 square feet. Ms. Echols came to them shortly thereafter and said they needed more flexibility since this is a site plan. They needed the ability to move buildings about ten percent. He thinks everyone realizes that if they increase the building by ten percent, they have to take that square footage out of something else. He said it may always be 88,500 square feet but if that tenant wants the ability to expand, they would like to give them that opportunity. Also, they are going through the Architectural Review Board so the building will not be a monolithic building.

Ms. Echols said that is different from what is in the proffers now. They start at 88,500 square feet and go up to 97,000 square feet; that is what Mr. Rotgin said they are willing to do. It could only expand to be that large; it could not be at 97,000 square feet initially.

Mr. Slutzky asked if Mr. Rotgin will proffer a period of time delay like "no sooner than." Ms. Long said in reality there would be some time difference in when they wanted to do that.

Mr. Slutzky said it would just be a way of clarifying intentions.

Ms. Echols said if the Board is okay with what has been presented, she thinks the comment about expanding "up here" is important.

Mr. Rooker asked if there would be an entrance to the building on "that" street. Ms. Echols said it makes sense.

Mr. Rooker said it does not make sense to him to expand the building forward to the street without an entrance.

Ms. Thomas said it has been found that in order to make a place walkable, people avoid a sidewalk next to a blank wall. If this is to be a walkable situation there need to be store fronts and things for people to look at while walking. The big box mentality is that people are driving by in a car so it does not matter what is on three sides of the building. There is a real science to making a place walkable.

Mr. Rooker asked if it is understood that the eastbound lane of Proffit Road would be done.

Mr. Slutzky said it was said that if it is determined that there is sufficient right-of-way then they are willing to commit to building that road without limitation.

Ms. Long said that is true other than the language that if for some reason there is not enough right-of-way and some must be acquired, the County will work with them

Mr. Rooker said he had discussed with the County Attorney the idea of creating a service district running all the way down Route 29 so money from a CDA could be used anywhere in the corridor. He wanted Mr. Rotgin to be aware that this is being considered by the County.

Ms. Echols said there are several things the Board has not discussed today. They are: the green roof proffers, the protection of environmental resources, especially the Rivanna River, and accessibility to NGIC by bicycle or foot. Also, within the proffers there are proffers that have sunset dates where money

that is contributed would be returned to the applicant. The Board has said it would rather have that money go to the County. That may be a substantial issue, and the Board may not want to comment on the other issues.

Mr. Rotgin said Ms. Echols is only referring to three cash proffers. The first is \$35,000 to synchronize all the traffic signals along Route 29. That money is to go to VDOT and the money has to be used for that purpose.

Mr. Rooker asked the sunset provision. Mr. Rotgin said it is three years after the Phase III construction is finished.

Mr. Rooker asked if it is felt the \$35,000 will pay for that synchronization. Mr. Graham said it will synchronize the three lights in the area plus the additional light at Lewis & Clarke. The sum of \$35,000 was requested by VDOT.

Mr. Rotgin said the second is the \$100,000 for the Route 29 North Corridor Study. He assumes that if this request is approved, they will be getting a letter asking for that amount.

Mr. Rooker asked the time period on that one. Mr. Graham said it is three years. Ms. Long said that one is also payable upon request. It could be requested the day after the rezoning were approved.

Mr. Rotgin said the third one is for the \$300,000 for the affordable housing. He assumes that when that trigger is met, the County will request the money immediately.

Mr. Rooker said the Board asked staff to look at that sunset issue regarding the affordable housing to make certain the funds can be utilized in that time period. Mr. Rotgin said the purpose of it was to fund down payment assistance for the proffered units they will be building. There needs to be sufficient money to provide the assistance needed. Mr. Rooker said that once it goes into the Housing Trust Fund, the money cannot be used for other purposes.

Mr. Boyd said the Board had a request from the Housing Committee for an additional \$250,000, and it was not funded, so they are anticipating a shortfall next year.

Ms. Long said there are Code requirements for how the money can be spent if it is not spent for the purpose stated in the proffer. In order to know whether the money is used or not, there must be some sort of a sunset provision. That is why she has used a timeframe. They are not trying to tie the County's hands, or get credit for the cash and keep the timeframe so short that the money cannot be spent. They put a lot of thought into making these provisions adequately long while at the same time being sure proffers are made to mitigate impacts. To that extent, they want to make sure the County works with them and uses those funds specifically for the purposes the money was proffered for. That is the rationale; a kind of cooperative incentive.

Mr. Rooker asked if it is required that all three lights be synchronized with the \$35,000. He is concerned that within a few years that amount will be \$100,000. Mr. Rotgin said it is done with radio waves and it will probably cost \$25,000.

Ms. Long said they had also added a clause in several of the provisions so if for some reason the sunset clause were fast approaching, and the County was not able to use the funds right before the deadline. They are not trying to put the County in a situation where they want to use the funds, but can't.

Mr. Kamptner said that on the \$35,000 cash proffer it is possible for the Phase III road improvements to be constructed first so there could be the northernmost intersection built and not the southernmost in the middle. There could be a timing problem. Ms. Long said it is the later of the end of 2010 or three years after completion of the Phase III improvements. Mr. Davis said they could build Phase III and not build anything else and just have one traffic light. Ms. Long said the intention is for it to be three years after completion of all the road improvements.

Mr. Rotgin suggested the proffer provide that if for some reason the money is not used for that it be used for some other road improvements in the Route 29 corridor adjacent to the property. Mr. Rotgin said they need those three lights. Ms. Long said they will make sure it is at the end of all of the road improvements being built.

Mr. Rotgin asked about the river protection issue.

Ms. Thomas said there was a question of how the Albemarle County Service Authority will get sewer service to this area and what impact that will have on the northern part of the development. She said Mr. Keeney had pointed out that they may have to have a pipeline that goes over the Rivanna River. That ties in with her interest in having a bicycle/pedestrian-way to get to NGIC. She asked if anyone has anything new on this issue.

Mr. Keeney said he has inquired of the Service Authority about the elevation for that pipe because they would be pumping to Camelot. He said this is far enough away in time that it is difficult for them to say when that pipe would be there. In the meantime, they may be able to look at the possibility of doing something off of the edge of the highway bridge coming out to Route 29 but having a linkage below the bridge level suspended from the bridge across the river. He said all of this is contingent on how they get past the end of the bridge.

Ms. Thomas said there will be conversations with people at NGIC about a number of impacts, traffic management being one. Mr. Keeney said they did work out with them some roads in the way of being able to go on the pedestrian trails, being able to go "down here" and go under the bridge and come back up to get to the Research Park without crossing Route 29.

Mr. Rotgin said that is a suggestion in Places29. Apparently the grade is okay on "this" side and also on "this" side.

Mr. Rooker asked if that is being proffered. Mr. Rotgin said they do not own that property. The County will own the property because they are conveying everything in "this" area to the County. Mr. Keeney said there is a desire from the County to establish a trail along the river. He believes you would be able to get down to it, use that trail under the bridge and then come back up.

Ms. Thomas said that is to be a signalized intersection. She said most serious bicycle commuters will probably stay on the road. Mr. Graham said that is an important clarification. That may not be a signalized intersection for some period of time. Ms. Long said they have proffered to build it if it has not been built by the time the VDOT signal has been installed.

Ms. Thomas said staff is satisfied that everything that can reasonably be done to protect the water quality has been done. Mr. Graham said it is not perfect and he does not think it is possible to make it perfect. They will be pushing a lot of dirt around and there will be impacts.

Ms. Echols said the only thing that could be done differently is less development and that is not something the Board has said it wanted. Less development would certainly be more protection, but it is in the development areas and staff is trying to do what it can to balance the resources with the density desires.

Mr. Rooker said there was discussion of creating conservation easements and having the Thomas Jefferson Soil & Water Conservation District manage the easement areas along the river. Ms. Echols said the greenway area is being dedicated to the County.

Mr. Rooker said the long-term management of that property and its effect on the river is really in the hands of the County. Ms. Echols said that is true.

Ms. Thomas said that can be a major expense. She found out last month that the S&WCD does not accept easements unless they come with an endowment. Ms. Echols said the Parks & Recreation Department feels strongly about the need for that greenway and they are ready to take over that responsibility. They do not expect it to be used much, but there are a few trails to the river that they want to build because they want to be sure they are done in an environmentally-sensitive way.

Mr. Slutzky said the County will need to be sure the homeowners know that vegetation on the critical slope should not be disturbed in any way. Having it in the County's ownership seems to be the optimal position over control of the future of that land.

Mr. Keeney said there has been a request about getting a vehicle down to the river in the case of a spill or something else upstream. A couple of paths were set up with Mr. Dan Mahon that are wide enough so an ambulance, or a similar vehicle, could get to the river.

Mr. Rooker asked the minimum width of the area that would be given to the County. Ms. Echols said it is at least 100 feet.

Mr. Slutzky said he is confused. He thought the proffer was for the wetlands at the lower levels to go to the County and that the critical slopes going up from the wetlands were to be dedicated to the ownership of the homeowners association. Ms. Long said she probably misspoke on that account. Mr. Keeney said there are two layers. He said the area from the floodplain to the river is being given to the County. The area from "there" to the edge of "this" is that greenway area that would be owned privately by the neighborhood association.

Mr. Slutzky said he is then right.

Mr. Rotgin asked if Mr. Slutzky wanted the whole area dedicated.

Mr. Slutzky said he would rather for the County to have control of it.

Mr. Rooker asked if the widest area is 250 feet.

Mr. Keeney said it is 200 feet across "there."

Mr. Slutzky asked if the area between the yards and the floodplains are going to the County or the homeowners' association. Mr. Keeney said he did not know. Ms. Echols said Condition No. 7 on the special use permit is "The owner shall reserve for dedication to public use a greenway along the boundary of the project adjacent to the Rivanna River between the floodplain line and the preservation areas as shown on Sheet G."

Mr. Rooker said that needs to be changed. Ms. Echols said it should be clarified with the applicant. She understood it was to be dedicated if the County wanted it. Mr. Rotgin said they are fine. Ms. Echols said that for all of the conservation areas and the floodplain the desire is to dedicate that if the

County wants it, up to "here". It is actually shown on one of the pages of the Application Plan. Staff can work that one out.

Ms. Thomas said where Ms. Echols pointed to on the graphic excludes an area that is still a sensitive area. Ms. Echols said there are conditions in the special use permit which limit what can happen in these areas.

Mr. Slutzky said his concern has to do with who will manage that area. If the homeowners start to think that is their prerogative and start messing with it, there would be disruption of the vegetation on the critical slopes. Ms. Echols said there are two areas. "This" one was the expectation that it would be the County's. "This" one was the expectation, because these would not be public paths through "here", that they would be the homeowners' association. It is not so much the slopes but a stream valley as it goes down to "here" and it is a sensitive area because of the stream but it is not of the same importance as "these" slopes "here." The expectation was that the only service allowed in "here" for trails, there would be no service for utilities. The sewers are going in the streets. Staff worked hard with the Service Authority because it does not want any sewers on the slopes. "Here" in this area that is a different story. Even though these are the streams that go to the Rivanna there is the potential that the sewer line would have to go in that area. Staff expects that sewer may not be able to be provided other than through disturbance of the area of Flat Branch "here." It has more flat areas in it. It is not like the steep slope that goes now to the river.

Mr. Slutzky said he wants staff to be satisfied that there are sufficient protections designed into the proffers to ensure there is no likelihood of the critical slope areas or other sensitive areas being disturbed. Ms. Long said that technically that is not in the proffers but in the special permit conditions.

Mr. Rooker asked if there were other issues. Ms. Echols said there is the issue of the green roof.

Mr. Rooker said the green roof as presented is unlikely to occur. Mr. Rotgin said there was a misunderstanding about this one. It is not a little thing. The Library Board told them they want 20,000 square feet on one floor. If they get a 20,000 square foot footprint in the proffers, Ms. Echols gave them the language to put in 3.2 where the County has the ability to exceed a ten percent adjustment in that building. If they have a 20,000 square foot footprint it will be a 40,000 square foot building. They did not think the County would use more than 5,000 square feet worth of government services, so someone has to pick up the rest of the 15,000 square feet. They think it will not be just them having 2,500 square feet or 10 percent of the building; they are likely to have one-third of it.

Ms. Thomas said the Board had discussed the Crozet Library many times, and she thinks the Board's interests and the Library Board's interests might be slightly different. The Board is not wed to a single-story library building as the Library Board is. She thinks as the Board looks at the Neighborhood Model and a downtown type of area with the old suburban model all on one floor that is something that may have to change. Ms. Long said they acknowledge that and the proffers provide for flexibility so the County has the discretion to decide what that building footprint size is. If the County wants multiple stories they will do whatever the County wants.

Mr. Rooker said he thinks the Board is comfortable with the proffer for the site. The site is of a size that will accommodate a library. It is not of a size that would accommodate a 20,000 square foot library building. Mr. Graham said there is the ability to create a bigger building pad using the parkland adjacent which has been offered for dedication to the County.

Mr. Rooker said the issue of a green roof is something that came up "late in the game." There was some expressed desire to possibly have a green roof on the building and the applicant has proposed that if the County does not use all of the building and the applicant ends up with part of the building, they would make a pro rata contribution for the green roof. Ms. Long said there is no harm in accepting that proffer. The County has total control over whether it takes advantage of the proffer. At least the opportunity is there. Mr. Davis said the way the proffer is structured, the applicant has no obligation to create or own part of that building; only if they do and the County makes it available to them would it happen. There is no obligation on either part.

Mr. Rotgin said if the County needed 25,000 square feet and there was a 40,000 square foot building, the applicant would own the other 15,000 square feet. Ms. Long said that could be proffered, it was not their intent to create a loophole. Mr. Davis said the proffer says if the applicant owns it, then they would do it. Ms. Long said they will address that. They were trying to say that if the County did not need all of its space.

Mr. Rooker said he understands they are committing to take part of the building the County does not want to use in the event that case arises. In that event they would pay a pro rata share. Ms. Long said they can say that if there is left over space they will own it, if that will help.

Mr. Rooker said there have been a number of things dealt with today that are currently not in the proffers including a change in the form of the development. He said the applicant needs to refine the proffers. The Board needs to refine the special use permit conditions. There need to be submissions of those documents. At that point, the Board needs to be advised if staff is in agreement with all of these issues that have been dealt with and then a public hearing can be set.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Boyd said the Development Review Process Task Force has begun its work. He said the Delphi Technique is a methodology used to prioritize development and it will be used by the facilitator. They will try to establish priorities based on the 102 criteria the County uses for development. He said there will be three groups participating in a survey, the Board of Supervisors, the Planning Commission and senior County staff. The idea is take all of the criteria and derive a formula to provide directions for staff.

Mr. Wyant expressed appreciation to the members of the Planning and Zoning staff who had worked with representatives from PRO Distribution because they were having difficulty understanding the County's process.

Mr. Wyant mentioned the remarks made at the beginning of the meeting by Mr. Tom Loach regarding the Crozet Master Plan and the build-out figures in that plan. Mr. Cilimberg said he had talked about this at a meeting last month. He said there is obviously a different interpretation of what that Plan states in the way of population. He thinks Mr. Loach mentioned bringing his concerns to the Crozet Advisory Committee. At this point, staff will do what the Board decided to do last January.

Ms. Thomas said at the beginning of the Crozet Master Plan there is a statement that 12,000 is the 20-year build-out figure. She said there are different issues involved. The issue of whether the 12,000 was an open number or whether it is a 20 year number is very clear in the Master Plan. The issue of how to deal with building permits and zoning is a completely separate issue; being puzzled by some of that is legitimate. She was surprised to see how clearly it is stated in the Master Plan.

Ms. Thomas said she was recently on the Eastern Shore of Maryland and there are several villages there which had doubled in size, similar to what Crozet is looking at. She said some of those villages doubled in size in the last five years, some of it through annexation which was then built out similar to what is proposed for Old Trail. She feels staff should talk with people in those villages to see how they have managed that sudden growth.

Mr. Cilimberg said he has read about the village of Easton, Maryland. He said staff is trying to keep the Board informed of what proposals are "in the pipeline" for Crozet, and what has already been approved. The combination of that and tracking Certificates of Occupancy is part of what the Board needs to know. He said the five-year review of the Master Plan will come up sooner than expected and important decisions will be needed at that time. He thinks that information will be critical to what kind of changes, or adjustments will be needed.

Mr. Tucker said the community was advised that the five-year review of that Master Plan is not that far away, and although a lot of plans have been approved, they will not be built tomorrow. Old Trail has already revised their build-out to 30 years. He said once the actual building activity in Crozet over the five-year period is seen, it will be known whether the 20-year projection will be reached.

Mr. Wyant said the Crozet Advisory Committee is thinking about coming before the Board and making a report. They have now elected a chair and a vice-chair.

Mr. Rooker said if the 12,000 number were considered as the total build-out for Crozet, that would mean the Board could never rezone a piece of property to match the Master Plan. In its existing condition, Crozet is already zoned for a capacity that would exceed 12,000.

Mr. Cilimberg said one thing that caused the confusion is that in conversations about Crozet during development of the Master Plan, there was a tag of the 20-year plan to by-right development. In reality, in the existing Comprehensive Plan there is a fairly wide range of development in Crozet that would have brought the population close to 20,000. That was not discussed as it should have been at that time. Planning in the Crozet Master Plan needs to be similar to planning in the existing Comprehensive Plan, but with a form and arrangement of land uses that is an improvement over what could result from the '96 Land Use Plan.

Mr. Rooker said part of Old Trail developed as a matter of right on land that was designated for six to 12 units per acre and they developed it at two units per acre. That eliminated about 100 potential units under the Master Plan and that happens all the time.

Mr. Boyd asked if the Board should make a statement admitting it was wrong in the use of terminology.

Ms. Thomas said the Board has been having these conversations, but there is hardly anyone else ever present in the room. She thinks saying something like that in a semi-official way would be useful.

Mr. Slutzky suggested adopting a resolution of intent saying that during the first 20 years it is not the expectation that the population will grow beyond 12,000, and, in any event, the Board intends to honor the Master Plan. That would show intent about changing the rules.

Mr. Rooker said this problem will not be solved tonight. He suggested that after the next Crozet Advisory Committee meeting the Board receives a report and set aside time on an agenda to follow up on the discussion the Board has had tonight.

Mr. Rooker said he had sent the Board members by e-mail a copy of the New Kent County General Traffic Management Analysis. He suggested that staff look at it to see if some of those strategies could be used by Albemarle.

Mr. Slutzky asked if Board members were interested in scheduling a press conference to make a statement regarding the General Assembly's inability to adopt a State budget or take action on a transportation budget.

Mr. Boyd said the ultimate decision actually lies in the hands of a very few legislators who are members of the conference committee. He said those are the only people who will have any say over what is going on.

Ms. Thomas said none of the local legislators are on the conference committee. She was told by representatives of VACo and other people in Richmond that it actually helps to talk with people who are not on the conference committee. Initially she was thinking along the same lines as Mr. Boyd, but that is not the message she has gotten in the last week.

Mr. Rooker said it is clear they are not going to do anything about transportation in this budget. That is not even on the table any longer. He said there are two plans on the table, the Senate's plan and the Governor's plan. He does not know what this Board could do other than to say it embraces one of those plans. He thinks the time to hold a press conference might be after a budget is approved and there is paper evidence of what it does to Albemarle's transportation plan. Mr. Davis said he thinks there will be an adopted budget within the next two days.

Mr. Slutzky asked if the consensus is that the Board will discuss this again after it sees what the Legislature does with the budget. All agreed.

Agenda Item No. 22. Adjourn to June 14, 2006, at 3:00 p.m.

At 8:00 p.m., **motion** was offered by Mr. Wyant, **seconded** by Mr. Slutzky, to adjourn this meeting until June 14, 2006, 3:00 p.m. Roll was called, and the motion carried by the following recorded vote:

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

Chairman

Approved by the Board of County Supervisors
Date: 03/07/2007
Initials: MH