

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 14, 2006, beginning at 3:00 p.m. in Room 235 of the County Office Building on McIntire Road, Charlottesville, Virginia. This meeting was adjourned from June 7, 2006. The regularly scheduled meeting for this date began at 6:00 p.m. in Room 241.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, from the County Executive's Office, Diane Mullins was present for the afternoon meeting, Clerk, Ella W. Carey was present for the night meeting, and Director of Planning, V. Wayne Cilimberg.

Agenda Item No. 1. The meeting was called to order at 3:00 p.m., by the Chairman, Mr. Rooker.

Agenda Item No. 2. Work Session: Overview of County Transportation Planning Process.

Mr. David Benish, Chief of Planning, noted that at the Board's last meeting, it was suggested that staff schedule a meeting to explain the transportation planning process. He will not focus on particular projects, except to use them as illustrative examples.

Mr. Harrison Rue, Executive Director, Thomas Jefferson Planning District Commission, addressed the Board. He said a recent VDOT informal survey showed that private development is building 10 times more lane miles than VDOT is building at this time. He said members of the Albemarle Supervisors serve on both the MPO and the PDC, so they share some direct control with other local governments. Technically, if a project is to be Federally-funded, it must first be in the MPO's long-range plan. Members of the roundtable talk about projects that are completely locally and State-funded, such as the Meadow Creek Parkway. He showed a chart from 1995, but said the players have not changed that much and there are several committees at the local level and the MPO level. He added that the MPO Policy Board reports to City Council and the Board of Supervisors. At the MPO Technical Committee level, the chair rotates between the City and County planning directors every year. The engineering part is dealt with by representatives from every locality.

Mr. Rue reported that UNJAM 2025 – formerly called CHART – calls for a united plan; there used to be separate rural and urban transportation plans. He said the numbers in the long-range plan are built on the County's and City's projections for land use in their comprehensive plans, as well as where staff thinks the area will grow. He emphasized that the projects have to be in the plan to get funding. Secondary road plans are included as well even though they are decided upon individually by the County and VDOT.

Mr. Rue presented a "dot density" map, which indicates growth in Fluvanna and Greene. He added that the County's Neighborhood Model also links transportation to land use. There is an emphasis overall on "connected roadways," which is where private development investment is involved. He mentioned re-engineered intersections, transit service and other elements that would improve traffic flow.

Mr. Rue stated that the MPO does not build roads, but considers how more money can be leveraged to build roads and how transportation systems can be improved. In order to have Federal dollars spent on roads, the roads have to be in the long-range plan and in the MPO's transportation improvement program. From a statewide perspective, the Commonwealth Transportation Board functions as the State's CIP, because they vote on priorities every year. The County makes its own determination on Secondary Road priorities every year, and they are included for informational purposes in the MPO's information. He also serves on the "implementation committee", explaining that the State multi-modal committee is trying to do the same kind of thing on a statewide basis. He added that through Places29 there will be new projections on employment and housing to feed into the model for the next long-range update.

Mr. Benish reported that the County uses and follows the regional transportation plan since it is a cooperative document that is worked on with both appointed and elected officials and staff. It has become a very important and key component in the County's Comprehensive Plan. The plan as adopted identifies the UNJAM plan as the County's key transportation planning tool, and the plan says specifically to support regional transportation planning efforts to utilize policies of UNJAM as the transportation principles of the County so there is consistency. Major projects are identified through the MPO process and the UNJAM regional transportation process which are included on land use maps and in the text of the Comprehensive Plan – such as the Meadow Creek Parkway. He noted that the Southern Parkway was confirmed as an important City-County project in the Southern Area Neighborhood Study which was done by a consultant and endorsed by the MPO and both local governments. The improvements identified in that process were updated in CHART and also included in the Comprehensive Plan.

Mr. Benish presented a listing of other projects that stem from the regional planning process or MPO planning process – the Meadow Creek Parkway; the Eastern Connector was recommended for further study which the City and County have undertaken; the Southern Parkway has already been mentioned; the extension of Hillsdale Drive in the City was a recommendation that came out of the Route 29-250H study and is now reflected in both comprehensive plans.

Mr. Boyd said all of these projects have been pending for a long time. He asked if the projects are not being implemented because of lack of money. Mr. Benish said a lot of it comes down to money, but a lot has to do with not understanding and agreeing on the concept of the project and its scope.

Mr. Boyd said he has seen plans for an Eastern Connector for a long time. Mr. Cilimberg responded that an Eastern Connector in its various forms was never approved in the regional plan. It has only recently appeared in an UNJAM plan to be studied. Mr. Tucker said alignments for that road went through the parks, and Section 4-F requirements would have prohibited that from happening. He added that now the possibility of this road has come up again, and the County is trying to avoid its impacting Meadow Creek and the Darden Towe Park. Mr. Benish said the CATS study adopted in 1985 by the Board contained a particular caveat deleting that road from the plan.

Mr. Slutzky said it is in UNJAM now, and there are a litany of other projects on the table which don't move forward because of lack of funds. Mr. Benish replied that lack of funds and lack of definition of scope are the two main factors, citing the Meadow Creek Parkway project as an example.

Mr. Rue said the Meadow Creek Parkway did come about through the normal planning process. What is happening now with Places29 is a better way to plan and forecast.

Mr. Wyant asked about the five-year cycle with the County's Comprehensive Plan and how the Southern Parkway managed to get put in it so quickly. Mr. Benish replied that there had already been a study of an east-west connection.

Mr. Rooker said a roadway from Route 20 South to Avon Street Extended has been a part of that effort. Mr. Benish said the Southern Cities study – sponsored by the MPO – stressed the importance of that roadway. That study analyzed Fifth Street, Avon Street and Route 20, all corridors that connect the County's southern urban area to the City. A clear sense of where to make the most useful connections came from that study. Things such as interchanges on I-64 were considered but the Southern Parkway was determined to be the most important and beneficial roadway, followed then by a similar east-west connection between Avon Street and Fifth Street north of the Interstate. The City embraced it as an important project to build.

Ms. Thomas noted that if there were just one funding source and one solidified citizen opinion through the Board, perhaps more could be accomplished, but it's important to have the City and VDOT at the table also.

Mr. Boyd said it does not seem that anybody is really pushing the idea. Just saying it is an important road and the Board needs to stay behind it is not getting the planning done.

Mr. Rooker said the County members of the MPO have done everything they can to move the project forward. They have worked tirelessly with the City because ultimately they have to build their part and the County has to build its part. He said the City can't be forced to build their part, nor can they be forced to accept any particular design. He emphasized that there have been members of Council running for re-election and they opposed the Meadow Creek Parkway project. Some of them were re-elected and ultimately supported the project only because the MPO worked long and hard to get that done. He said money is not in the current budget to complete the project, either on the City side or the County side. There is up to an \$8.0 million funding gap. The developer [that you're talking about] has never come to the MPO to make a presentation of what he would do. Two different developers have come to his office with ideas, and he has given them some positive feedback but suggested they also need to talk to the City and they have consequently "disappeared." Certainly none of these people have ever come to a planning group and said "we control this property and here's what we're willing to do."

Mr. Boyd said he thinks this Board has sent a message to them that it wouldn't be worth doing. That's why they haven't brought it forward. He added that he has spoken to people who would like to bring it forward.

Mr. Dorrier asked if there is money to start the project.

Mr. Rooker said the project cannot begin until a certain percentage of the money can be allocated. Right now construction is supposed to start in 2008; for 20 years the money has not been available. When the Legislature finally passes a budget, a transportation budget from VDOT will be received showing how much will be allocated, but the County has already been told there will be no money allocated to projects that don't have a Federal match, and the main part of the Meadow Creek Parkway has no Federal match.

Mr. Slutzky emphasized that the County members of the MPO are pushing the project along, but, in order to fund it, more money is needed and that will require either raising taxes or pressuring the State for more money.

Mr. Rooker said he had put together a meeting with CTB representatives and landowners. One landowner said he would contribute the right-of-way and allow the road to be built on his land. He said the road would qualify for a Federal match, and of the \$23.0 million total estimated for the project about \$17.0 million is needed for right-of-way acquisition.

Mr. Boyd commented that he wasn't aware Mr. Rooker was undertaking that.

Mr. Rooker replied that ultimately it is a City project, but he is working to see that it moves forward. He mentioned that there is some Postal Service property involved, and they have not indicated a desire to give up that property. They came up with a plan to meet with the right people to put together a packet of information and set up a meeting with Postal officials to emphasize the importance of the project to the community.

Mr. Boyd said the MPO seems to be in the mode of “designing things and not implementing things.” He asked if it was VDOT’s responsibility to move projects forward.

Mr. Rooker said that up until this time that has been the case, but the County is having to take a more proactive approach. He added that once the County starts funding roads that will set a precedent for the future.

Mr. Slutzky said he thinks the Board needs to make a decision as to whether or not they would want to fund projects with County funds and take that to the voters and get their opinion on whether or not to do that.

Mr. Rooker said there has been talk of creating a transportation district for Route 29 North. The County got transportation improvement proffers totaling \$20.0 million from Albemarle Place and Hollymead Towncenter for improvements that probably would not happen without those proffers. He emphasized that one reason Hollymead was approved was because several Board members indicated they would not vote for it without a proffered connection to Dickerson Road.

Mr. Benish said the County makes recommendations on primary and secondary roads, and then drafts a priority list for road improvements for the Six-Year Plan. Albemarle is part of the Culpeper District, which covers an eight county region. Albemarle does not have a lot of discretion in allocations for Primary Roads although it drafts a list of priority improvements – Hillsdale Drive and the Route 22/250 intersection improvements are examples. He said the Route 22/250 intersection improvements will be a public-private partnership between Luck Stone, the County, VDOT and Glenmore. He added that the Secondary Six-Year Road Program is reviewed annually and the County creates its priority list of secondary road improvements. He reminded the Board that they created a top 20 list of projects last year as high priorities to be constructed in the near future, emphasizing that the difference in the secondary system is that VDOT is basically to follow the County’s priorities for road improvements.

Mr. Rooker asked how the decision is made by VDOT to allocate Federal funds for a Secondary Road project. Mr. Benish said he does not know; for all staff knows it is a lot like “choosing a pope.”

Mr. Rooker said in the past it has not made a big difference, but now VDOT is only going to fund projects that are getting a Federal match. He thinks the Board needs to take a hard look at which projects are going to qualify for a Federal match. Mr. Benish said the only way to get certain important projects funded is with Federal funds, because those projects are then obligated to move forward. Federal projects need to go through a lot more scrutiny, so projects that are more straightforward are more likely to move forward. He stated that VDOT works directly with localities in setting priorities through the Residency Office, but for secondary road improvements in Albemarle they work just with Albemarle.

Mr. Benish reported that the County’s CIP process includes a major review every two years, although emergency changes are looked at every year. He said the criteria for CIP projects is that the project cost more than \$20,000 and have a life expectancy of five or more years, so most transportation projects fall in that category. The CIP typically includes projects the County needs or wants to take on under its own initiative, whether it’s a project that is ineligible for State funding, or that has inadequate funding. He mentioned that transportation projects in the current CIP are those that have been deemed locally or regionally important, adding that the Board has set aside \$1.0 million per year for that purpose. Initially there were certain types of projects that were to be covered by the CIP, such as an Eastern Avenue in Crozet.

Mr. Benish said using CIP funding is one step the Board has taken to be proactive and set priorities to forward road design or building. He said regional and local projects are defined separately, with input provided as to their importance to the area served. He said CIP requests can generate a need for right-of-way acquisition, etc.

Mr. Slutzky said the CIP does not currently have any project in it that reflects a transit system for the County. Mr. Benish said that at this time most of the funding is in operational funding; transit service is currently contracted with the CTS. He added that the transit system Mr. Slutzky is referring to is a new emerging process.

Mr. Slutzky responded that perhaps there is an opportunity for the Board to decide whether or not to be proactive about mass transit and reflect that in the CIP.

Mr. Rooker said the estimated cost for running a spur out to the County Office Building on Fifth Street was about \$269,000 annually from the City’s CTS service. The survey of potential ridership would not have supported that expenditure. He said JAUNT ran service to Crozet but there were not enough riders to make it worth continuing.

Mr. Slutzky emphasized that if the Board is serious about having transit happen, they should look into designing a system that would have enough ridership to be viable.

Mr. Boyd said there has been a lot of talk about transit in the Places29 work sessions.

Ms. Thomas added that it is also included in the CHART plan.

Mr. Rue said there will be some process modeling as part of Places29 before coming to the regional transportation authority to ask for money. He said the TJPDC has not asked the County or City for funds yet, in anticipation of what the State might fund from the priority list. In its long-range plan, the MPO's top near-term priorities totaled \$130.0 million, with money going to the Meadow Creek Parkway interchange, and \$6.0 million going to build sidewalks in the urban area.

Mr. Rooker said the Transportation Committee lists accomplishments in transportation in the area – additional four lanes on Route 29 at the Rivanna River (\$30.0 million); new bridge over the Rivanna River on Route 29 North, widening Hydraulic Road, widening Fifth Street between downtown Charlottesville and I-64; widening of Greenbrier Drive, widening of Avon Street Extended, widening of Rio Road east, straightening of Rio Road, widening of Route 250 East at Pantops, widening of Route 20 near the Darden Towe Park, improvement of Ivy Road near Bellaire Subdivision, widening of Airport Road and a new roundabout, sidewalks, pedestrian facilities and improvements to Route 53 near Monticello, improvements to Route 20 South at Route 53, various intersection improvements, bridge repairs at Park Street and Locust Avenue, signal synchronization on Route 29 North, improvements on the Route 250 bypass between I-64 and Fontaine Avenue, the building of Berkmar Drive, the construction of Mill Creek Drive between Avon Street and Route 20 South, and a network of local subdivision roads built by private developers.

Mr. Boyd said in twenty years only one new road on that list had been built.

Mr. Rooker said Berkmar Drive is a new road, the 9th/10th Street connector in the City is a new road, Mill Creek Drive between Avon Street and Route 20 is a new road, as well as numerous new roads built by private developers. Almost all of the County's new road money since then has been saved for the Meadow Creek Parkway. He pointed out that the most important primary road piece to be completed in the area is Route 29 North from Hydraulic Road to the Route 250 Bypass, which is in the City. He said the State initially said that project could only be funded out of urban funds – which would never get funded - as it included the widening of Route 29 and an additional ramp in front of BestBuy onto the Route 250 Bypass. He mentioned that those projects were part of the planning process that came out of the Route 29/250H study, adding that the County has gone back to its CTB representative to emphasize the importance of that project. Even though it is a City project, the County's representatives are being proactive in trying to make certain it get funded. He added that the City is now looking at the potential for taking the right-of-way from the median rather than off of the west side of the road, which will greatly reduce the cost because utilities would not have to be moved. Ultimately it would be a \$15.0 to \$20.0 million project.

Mr. Rue said from the MPO's perspective, their role is to assist localities and VDOT with implementation of project plans. He indicated that the volunteers serving on the MPO Policy Board are very active and hard-working. He and Mr. Kevin Lynch, City Councilor, met with representatives of the Postal Service about the Hillsdale Drive connector, so when it became a real project, it would be approached with practical information. That kind of thing is going on every week, sometimes almost every day, even at the conceptual level.

Mr. Boyd asked if there was a timetable for the work. Mr. Rue replied that the MPO's Annual Work Plan does have a timetable, but their Action Plan is a little longer, emphasizing that the MPO's role is to assist in implementation. The MPO is very active with County staff and with the policymakers they work with, particularly the CTB member.

Mr. Rooker added that it also boils down to maintaining personal contact with people who can help, such as the CTB representative. He can help find solutions. It is also important to maintain good relationships with VDOT representatives.

Ms. Thomas said in the past there has been acrimony at some of the transportation meetings, but that has turned around because of improved relationships with the Governor, Mr. Rooker's work with the CTB member Mr. Butch Davies, and Mr. Rue's work to bring people to the table to talk. She said two of the governor's secretaries mentioned Albemarle at a recent Virginia Association of Planning District Commissions meeting.

Mr. Rooker mentioned that one reason the project in front of BestBuy will likely move forward is because VDOT took it to the CTB member and used it as an example of how transportation planning should be done. He added that VDOT has a stake in seeing that some of the plans they participate in are realized.

Mr. Rue said in their funding options report, the MPO said if the localities came up with their own funding there should be State matching money and the State Senate agreed that should be the case.

Mr. Benish said the Supervisors should also be recognized for their work to get projects moved forward, as should other managers within the County who work on transportation issues. He said he would get more information about how VDOT makes decisions on allocations of Federal funds and get that information to the Board.

Mr. Wyant asked where things stand with establishing a transportation district.

Mr. Rooker said it is incumbent on the Board to instruct staff to prepare the documentation necessary to accomplish that.

Mr. Slutzky noted that Albemarle Place and Hollymead Towncenter have agreed to participate.

Mr. Tom Foley, Assistant County Executive, said some final analyses need to be done.

Mr. Rooker said a route would run along Route 29 North, and would include the road, those two developments, and the North Pointe development, if it is approved.

Mr. Davis mentioned that this would actually be a service district.

Mr. Foley said staff is developing an estimate of how much revenue would be generated from those two developments with the idea that only the road be included otherwise.

Mr. Davis said it is a difficult question as to what property should be included in the district in order to have a reasonable service district. Those three developments would be a good starting point, but other properties should be included. A service district is simply designated for additional improvements that could be funded through taxes from those properties. Reasonable boundaries must be drawn for the service district that is going to receive the enhanced services of that district.

Mr. Rooker said there have been estimates of between \$300.0 million and \$1.0 billion for the improved property at Albemarle Place. Calculate 25 cents on that amount and see what it would generate. Mr. Davis noted that the discussion has revolved around using that money for improvements on Route 29.

Mr. Boyd asked if the analysis would only be based on those three developments.

Mr. Slutzky asked why Fashion Square would not be included.

Mr. Rooker commented that it needs to be decided how deep the County goes, noting that the reason for including the new developments is that they produce additional burdens on the transportation system. He said it also encourages contiguous improvements along Route 29. Mr. Tucker said their leases anticipate those types of tax increases.

Mr. Slutzky responded that there is a difference in having it understood ahead of time and having it imposed after the fact, although they are all contributing to the traffic and wear and tear on Route 29 – whether they are new or not. He said staff should forward information about including more than just the new developments.

Mr. Rooker said the Board agrees that it should all be included.

Agenda Item No. 3. Recess. At 4:56 p.m. the Board recessed until time for the regular meeting to begin.

Agenda Item No. 4. Call to Order. The regular meeting of the Board was called to order at 6:00 p.m. in Room 241 by the Chairman, Mr. Rooker.

Agenda Item No. 5. Pledge of Allegiance.
Agenda Item No. 6. Moment of Silence.

Agenda Item No. 7. From the Public: Matters Not Listed on the Agenda.

Mr. John Martin, a resident of Free Union, addressed the Board stating that he wrote a letter to the County six years ago regarding representation on the Rivanna Water & Sewer Authority Board of Directors. His letter suggested the Director representing the Albemarle County Service Authority be replaced by a representative from the Rivanna Water & Sewer Authority or by a County department head. He said that in 1986 the RWSA amended its bylaws to have that representation, and perhaps now is the time for review.

Mr. Jim Grace addressed the Board on behalf of the Forest Lakes Association Board of Directors. He said they met with Mr. Boyd, Mr. Mark Graham, Mr. Gray Lilly, Erosion Inspector, and two representatives from the State Department of Conservation & Recreation (DCR) agency, as well as representatives from the Hollymead Towncenter. At the meeting, a petition from the residents of Forest Lakes was presented to Mr. Boyd regarding the sediment build-up in the lakes and their concerns with the cost of removing that silt. The petition requests that the County and State halt further silt deposits and address the cost of removing the silt, adding that a large portion of the meeting was spent discussing erosion laws and erosion prevention at the Towncenter site. He said the representatives from the State DCR Department indicated they would like to see additional stabilization measures.

Mr. Grace said the Forest Lakes board members have been watching the Towncenter for signs of improved erosion prevention, and have seen the growth of some vegetation planted last November; however, large sections of the site remain bare and are subject to heavy erosion – particularly in the steep slopes created by the developer. He emphasized that discussions and questions with County staff concerning additional seeding have not yielded answers to when the developers will provide permanent

and/or temporary seeding to stabilize areas of the site that have had little or no activity for prolonged periods of time.

Mr. Grace said the proposed sale of a portion of the site will delay development and leave the site prone to further erosion. He stated that only the current drought has prevented further silt incursion into Lake Hollymead. He asked what is being done to correct the obvious lack of stabilization across much of the site, and what actions the Board is considering to help offset the cost created for the residents of Forest Lakes and Hollymead directly attributable to approval of the Hollymead Towncenter. He requested that a response from the Board be made to the Forest Lakes Association Board.

Mr. Rooker recognized Scout Troop 27 of Charlottesville, and thanked them for attending the meeting tonight.

Agenda Item No. 8. Consent Agenda. **Motion** was offered by Ms. Thomas to approve the items on the Consent Agenda. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

Item 8.1. Authorize County Executive to Execute Lease Agreement for Temporary Fire Rescue Facility.

It was noted in the Executive Summary that during development of the FY 2006-07 Budget, the Board approved a Strategic Initiative to begin rescue services in the Hollymead Development Area one year ahead of the Northern Fire Rescue Station's scheduled opening. The proposal included hiring eight firefighter/ALS staff and placing the personnel in a temporary facility to staff an ambulance 24/7.

The Strategic Initiative was based on the fact that on the average it takes an ambulance more than 13 minutes to arrive on scene in the Hollymead Development Area from the Charlottesville-Albemarle Rescue Squad (CARS) location on McIntire Road. A 13-minute response time is more than three times the four-minute response time goal as defined in the Comprehensive Plan. Staff believes the current 13-minute response time is likely to increase due to: a) increased traffic along the Route 29 corridor, making it more difficult for CARS to reach the Hollymead development area; and, b) the EMS call volume has outpaced the number of staffed ambulances in the system, making it more likely that an ambulance will not immediately be available to respond.

A 24/7 staffed ambulance located in a temporary facility in Hollymead would serve the citizens of the Hollymead Development Area, rural areas of Earlysville, portions of Stony Point, and would back up the Charlottesville-Albemarle Rescue in the southern part of the Route 29 North corridor and the urban ring.

Since adoption of the FY 2006-07 Budget, staff has worked to develop options for a temporary fire rescue facility in the Hollymead Development Area. Staff based its search on four main factors: location, accessibility, availability and cost. Staff looked at the option of using the existing Earlysville and Seminole Trail fire stations. However, both stations are approximately 4.5 miles from the middle of Hollymead and would not make a significant impact on meeting the four-minute response time standard as defined in the Comprehensive Plan. Staff also looked at utilizing the existing fire rescue station on the grounds of the Airport; however, the Airport's fire rescue station was not designed to be a 24/7 facility and does not have sleeping quarters or a kitchen.

Staff narrowed the options down to three alternatives; the second floor of the Amvest-Worrell Building on Airport grounds, a garage/office at 3690 Dobelann Drive, and an open lot at 1581 Airport Road. The Amvest-Worrell Building requires few modifications, the cost is reasonable and competitive, and operational start-up can be accomplished very quickly. The 3690 Dobelann Drive and 1581 Airport Road sites require the placement of a temporary trailer and utility access, which offsets any other cost savings. They would also require significant preparation. Staff believes the Amvest-Worrell Building is the most desirable of the options from the standpoint of location, accessibility, availability and cost. The average cost/sq. ft of similar property is \$14 to \$18 without utilities (Summit Realty, June 1, 2006). The Amvest-Worrell Building is priced at \$11.40 and includes utilities. Staff has been working with Mr. Kent Hunter of Amvest Corporation's management staff to develop an acceptable lease agreement.

If the Board approves proceeding with the lease agreement, staff estimates the rescue services in the Hollymead Development Area will begin during the September, 2006 timeframe. The project includes hiring eight firefighter/ALS staff in July, conducting an accelerated recruit school during the summer, making minor modifications to the temporary facility, and taking delivery of the ambulance.

Staff recommends that the Board authorize the County Executive to execute a lease agreement with Amvest-Worrell Joint Venture, approved as to content and form by the County Attorney, for the second floor of the Amvest-Worrell building for use as a temporary fire rescue facility.

By the recorded vote set out above, the Board authorized the County Executive to execute a lease agreement with Amvest-Worrell Joint Venture, approved as to content and form by the

County Attorney, for the second floor of the Amvest-Worrell building for use as a temporary fire rescue facility.

Item 8.2. Resolution to Authorize the County Executive to Accept Deeds and to Enter into License Agreements for Greenways.

It was noted in the Executive Summary that one objective of the Comprehensive Plan is to establish a countywide network of greenway trails. The Comprehensive Plan provides that the key functions of the greenway trail system are to: (1) protect important and/or sensitive resources; (2) provide recreational and educational opportunities; (3) provide an alternative transportation system; and (4) provide an economic benefit. Greenways may be acquired as the result of a proffer accepted with a rezoning, in conjunction with the development process, or through donations and other voluntary means.

Deeds may convey either a fee simple interest or an easement in the greenway lands. Deeds conveying a fee simple interest are typically in the form of a deed of dedication that describes the land to be conveyed and the public purpose to be served. Deeds of easement set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to maintain the trail improvements within the easement. Under Virginia Code § 15.2-1803, the Board must authorize the County Executive to accept these deeds on behalf of the County. In license agreements, landowners would grant the County permission to enter and use their land to establish a greenway trail, but would not convey an interest in the land itself. A license agreement has been considered when the lands would soon be developed and the parties do not wish to permanently fix the location of the trail. The County would install few, if any improvements besides the trail itself, on lands under a license agreement. The first license agreements are currently being negotiated. The Board is enabled to generally delegate the authority to the County Executive to accept deeds and to enter into agreements such as a license agreement.

This authorization will streamline the process and minimize staff resource requirements that would otherwise be required for staff to schedule the authorization for a Board meeting, prepare an executive summary, and then have the Board of Supervisors act on the authorization. For those conveyances that are associated with a development application, this authorization would save the applicants three to six weeks of possible delay. Staff recommends that the Board adopt a Resolution to authorize the County Executive to accept deeds conveying fee simple and easement interests, and to enter into license agreements easements, for greenways, provided that the deeds and agreements are approved as to form and content by the County Attorney.

By the recorded vote setout above, the Board adopted the following Resolution To Authorize The County Executive To Accept Deeds Conveying Fee Simple And Easement Interests, And To Enter Into License Agreements Easements, For Greenways.

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE
TO ACCEPT DEEDS CONVEYING FEE SIMPLE AND EASEMENT INTERESTS,
AND TO ENTER INTO LICENSE AGREEMENTS, FOR GREENWAYS**

WHEREAS, the County of Albemarle may acquire lands for its greenway trail system through Deeds conveying either fee simple or easement interests, and may acquire temporary permission to use land for a greenway trail through License Agreements; and

WHEREAS, such Deeds and License Agreements transfer ownership of property or set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to maintain the improvements within the easement or license area; and

WHEREAS, the efficiency of government is improved by delegating the authority to the County Executive to accept such Deeds and to enter into License Agreements on behalf of the County;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the County Executive, on behalf of the County, to accept Deeds conveying fee simple and easement interests, and to enter into License Agreements, for property to be used for the County's greenway trail system, provided that such Deeds and License Agreements are approved as to form and content by the County Attorney.

Item 8.3. Resolution Designating Rural Rustic Road Paving Projects.

It was noted in the Executive Summary that the Board has recommended sections of Woods Edge Road, Hacktown Road and Rocky Hollow Road for paving under the Rural Rustic Road program in the County's Six-Year Secondary Road Priority List and VDOT's Six-Year Secondary Road Construction Plan. Rural rustic roads are paved at a width based on reduced and flexible standards that leave trees, vegetation, side slopes and open drainage abutting the roadway undisturbed to the maximum extent possible without compromising public safety. Rural rustic road standards allow a road to be paved within a 30-foot easement. In a traditional paving project, improvements are done within a 50-foot right-of-way. Roads paved using rural rustic road standards are considerably less expensive than traditional paving.

VDOT requires that a resolution be adopted by the Board designating these roads as Rural Rustic Roads and requesting that the roads be paved using those standards. Staff mailed a letter to every

property owner along these three roads informing them that VDOT would pave their road using rural rustic road standards instead of traditional paving standards. They were given until May 23, 2006, to contact the County if they objected to this paving. Staff did not receive any correspondence noting opposition to the projects. Staff did receive numerous calls from residents from all three roads supporting the paving. If approved by the Board, VDOT will begin work immediately using State forces. Each project will take from 45 to 90 days to complete.

Staff recommends that the Board adopt the required resolutions.

By the vote set out above, the following Resolutions designating sections of Woods Edge Road, Hacktown Road and Rocky Hollow Road as Rural Rustic Roads and requesting VDOT to improve these roads as Rural Rustic Road projects, were adopted:

**RESOLUTION
WOODS EDGE ROAD**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 623 (Woods Edge Road) between Route 616 and the end of state maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard-surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

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

**RESOLUTION
HACKTOWN ROAD**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 744 (Hacktown Road) between Route 731 and the overpass of Interstate 64 should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard-surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

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

**RESOLUTION
ROCKY HOLLOW ROAD**

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise section 33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in low-density development areas and have a minimum of 50 vehicles per day (vpd) but no more than 500 vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens using this road have been informed that this road may be paved under rural rustic road standards with minimal improvements; and

WHEREAS, this Board believes that the segment of Route 769 (Rocky Hollow Road) between Route 20 and the end of state maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

WHEREAS, the road segment aforesaid is in the Board's Six Year Plan for improvements to its secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road segment as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, that this Board requests that this road segment be hard-surfaced and, to the fullest extent prudent, be improved within the existing rights of ways and ditch lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in its current state; and

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

Item 8.4. Requested FY '2006 Appropriations.

It was noted in the Executive Summary that the Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. Any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget.

The total of these requested FY 2006 appropriations is \$166,130.21. It is anticipated that a budget amendment public hearing will be proposed in July, 2006 and these appropriations will be incorporated. This request involves the approval of four new FY 2006 appropriations as follows: One appropriation (No. 2006-081) totaling \$99,077.39 for education donations and programs; two appropriations (No. 2006-082 and No. 2006-084) totaling \$33,753.84 for Police Department grants; and one appropriation (No 2006-083) appropriating \$33,298.98 in funds for three drug-seized asset accounts. A detailed description of these appropriations follows. Staff recommends approval of the FY 2006 Appropriation Nos. 2006-081, 2006-082, 2006-083 and 2006-084.

Appropriation No. 2006-081, \$99,077.39. At its meeting on May 11, 2006, the School Board approved the following appropriations:

The Virginia Commission for the Arts has made grant awards to several Albemarle County Schools. Teacher Incentive Grants were made to Baker Butler Elementary in the amount of \$600.00, Hollymead Elementary in the amount of \$1,481.00, Meriwether Elementary in the amount of \$250.00, Murray Elementary in the amount of \$300.00, Stony Point in the amount of \$3,600.00, Jouett Middle School in the amount of \$300.00 and Western Albemarle High School in the amount of \$600.00. These programs will involve interactive activities to include hands-on learning experience for students with performing, visual and musical arts.

The Virginia Commission for the Arts has awarded Touring Grants to Baker Butler Elementary in the amount of \$100.00, Crozet Elementary in the amount of \$225.00, Murray Elementary in the

amount of \$250.00, and Yancey Elementary in the amount of \$225.00. These grants awards will help fund a Theatre IV performance for each school.

The Department of Environmental Quality in partnership with the Virginia Department of Education has awarded Albemarle County Public Schools with a Watershed Educational Training Grant in the amount of \$6,500.00. These funds will be used to implement a Meaningful Watershed Educational Experience (MWEE), which will provide all middle school students with the opportunity to study local watershed resources through hands-on classroom activities and field trips.

The GE Volunteers has awarded grants to Agnor Hurt Elementary in the amount of \$500.00 and to Woodbrook Elementary in the amount of \$500.00. These funds will be used to support each school's Reading Advocacy Program by purchasing books for use during in-school programs, after-school programs and to directly mentor students during reading events.

Old Dominion University has awarded Greer Elementary School with an Effective School-wide Discipline mini-grant in the amount of \$1,000.00. These funds will be used to develop and implement a school-wide discipline system that is based specifically on the individual school's needs. Emphasis will be placed on consistency, the entire school staff is expected to adopt strategies that will be uniformly implemented.

Dominion Resources has awarded Lisa Kerwien-Harmon, a teacher at Baker Butler Elementary, a grant in the amount of \$575.00. These funds will be used to implement her "What's the Matter" classroom science project.

Quest Communication has compensated the School Division for the right-of-way at CATEC. The amount was calculated by staff and was based on information from the County Assessor's Office to determine the cost per square foot for the right-of-way.

Monticello High School received a donation in the amount of \$1,000.00 from Mr. H. M. Walker, Jr. It has been requested that this donation be used to fund any projects or help any student at Monticello High School.

Albemarle County Adult Basic Education collaborated with local institutions and agencies when requested to provide tuition classes tailored to the individualized needs of particular students. All expenses are covered through said tuition and registration fees. Expenditures have exceeded the appropriation for FY '05-/06 due to an increase in the number of classes. This program received an additional \$7,020.00 in registration fees for FY '05-06 and has a local fund balance of \$7,960.39 from FY '04-05 which may be reappropriated for FY '05-06.

The Driver's Safety Fund consists of driver's education behind the wheel program and the Motorcycle Safety Program operating on a fee-for-service basis. Approximately 1,300 students are trained each year in Drivers' Safety. Operating before school, after school and in the summer, students receive 18 hours of training. The latest driving techniques and decision-making skills are emphasized. Expenditures have exceeded appropriations for FY 2005-06 due to an increase in the number of classes, types of classes offered, vehicle fuel, repair of equipment and purchasing a vehicle. There is a local fund balance in the amount of \$74,900.34 from FY 2004-05 which may be reappropriated for FY 2005-06. Permission is requested to use \$56,000.00 of the Fund Balance for FY 2005-06.

Appropriation No. 2006-082, \$1,500.00. The Department of Motor Vehicles has awarded the Albemarle County Police Department a grant in the amount of \$1,500.00 for overtime expenses. This grant is in conjunction with the nationwide "Click It or Ticket" campaign. Albemarle County will be stopping citizens for traffic offenses and in the process checking safety restraint use and giving a ticket if appropriate. There is no local match.

Appropriation No. 2006-083, \$33,298.98. The Albemarle County Police Department and Commonwealth Attorney's Office have received seized asset funds from the Department of Criminal Justice Services in the amount of \$33,210.64. These accounts have also earned \$88.34 in interest. These moneys will be used to purchase office equipment for the Commonwealth's Attorney and evidence equipment, AED's, and traffic enforcement items for the Police.

Appropriation No. 2006-084, \$32,253.84. The Albemarle County Police Department has been awarded additional funds from the 2004 Homeland Security Grant. These moneys total \$32,253.84 and will be used to purchase five mobile surveillance video systems. There is no local match.

By the recorded vote set out above, the Board approved a budget amendment in the amount of \$166,130.21 and also approved FY 2006 Appropriation Nos. 2006-081, 2006-082, 2006-083 and 2006-084, all as set out below:

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2006-081
DATE: 06/14/06
EXPLANATION: Various Education Programs and Grants

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	18100	181109	Donation	J2	1,000.00			
2	3104	18000	181259	Revenue-Dominion Resources	J2	575.00			
2	3104	18000	189900	Miscellaneous Revenue	J2	1,000.00			
2	3104	18000	189919	Miscellaneous Revenue	J2	1,000.00			
2	3104	24000	240263	Revenue- Baker Butler	J2	600.00			
2	3104	24000	240266	Revenue- Murray Elem.	J2	250.00			
2	3104	24000	240281	Revenue- Stony Point	J2	3,600.00			
2	3104	24000	240295	Revenue- Miscellaneous	J2	550.00			
2	3104	24000	240328	Revenue- Murray	J2	300.00			
2	3104	24000	240330	Revenue- Hollymead	J2	1,481.00			
2	3104	24000	240332	Revenue- Meriw Lewis	J2	250.00			
2	3104	24000	240356	Revenue- Jouett MS	J2	300.00			
2	3104	24000	240418	Revenue- WAHS	J2	600.00			
2	3104	33000	330134	Revenue-Mwee Wtrshd	J2	6,500.00			
2	3116	16000	161249	Registration-Adult Ed	J2	7,020.00			
2	3116	51000	510100	Appropriation Fund Bal	J2	7,960.39			
2	3305	51000	510100	Appropriation Fund Bal	J2	56,000.00			
2	9000	15000	150320	Quest Easement-CATEC	J2	10,091.00			
1	2304	61101	601300	Ed & Rec Supplies	J1	1,000.00			
1	3104	60203	312500	Prof. Service-Instr.	J1	225.00			
1	3104	60204	601300	Ed & Rec Supplies	J1	1,000.00			
1	3104	60205	601300	Ed & Rec Supplies	J1	1,481.00			
1	3104	60206	601300	Ed & Rec Supplies	J1	250.00			
1	3104	60211	601300	Ed & Rec Supplies	J1	3,600.00			
1	3104	60212	601200	Books & Subscriptions	J1	500.00			
1	3104	60213	312500	Prof. Service-Instr.	J1	225.00			
1	3104	60215	601200	Books & Subscriptions	J1	500.00			
1	3104	60216	312500	Prof. Service-Instr.	J1	250.00			
1	3104	60216	601300	Ed & Rec Supplies	J1	300.00			
1	3104	60217	312500	Prof. Service-Instr.	J1	100.00			
1	3104	60217	601300	Ed & Rec Supplies	J1	600.00			
1	3104	60217	601300	Ed & Rec Supplies	J1	575.00			
1	3104	60253	601300	Ed & Rec Supplies	J1	300.00			
1	3104	60302	601300	Ed & Rec Supplies	J1	600.00			
1	3104	61101	312500	Prof. Service-Instr.	J1	3,000.00			
1	3104	61101	420100	Field Trips	J1	3,000.00			
1	3104	61101	601300	Ed & Rec Supplies	J1	500.00			
1	3116	63348	132100	Teacher Wages	J1	9,000.00			
1	3116	63348	210000	FICA	J1	688.50			
1	3116	63348	312700	Prof. Ser. Consultants	J1	500.00			
1	3116	63348	520100	Postal Services	J1	400.00			
1	3116	63348	520301	Telephone -Local	J1	1,000.00			
1	3116	63348	530302	Telephone-Long Distance	J1	100.00			
1	3116	63348	580000	Miscellaneous Expenses	J1	600.00			
1	3116	63348	580500	Staff Development	J1	919.89			
1	3116	63348	600100	Office Supplies	J1	1,072.00			
1	3116	63348	600200	Food Supplies	J1	500.00			
1	3116	63348	601300	Copy Expenses	J1	200.00			
1	3305	61235	132100	Pt/Wages-Teacher	J1	5,000.00			
1	3305	61235	132101	Pt/Wages-Teacher Adult	J1	16,500.00			
1	3305	61235	210000	FICA	J1	1,645.00			
1	3305	61235	600800	Vehicle & Equip. Fuel	J1	2,000.00			
1	3305	61236	132100	Pt/Wages-Teacher	J1	4,000.00			
1	3305	61236	135000	Pt/Wages-Office Clerical	J1	1,000.00			
1	3305	61236	210000	FICA	J1	383.00			
1	3305	61237	115000	Salaries-Office Clerical	J1	3,000.00			
1	3305	61237	210000	FICA	J1	230.00			
1	3305	61237	331500	R&M Equip.-Vehicles	J1	1,665.00			
1	3305	61238	132100	Pt/Wages-Teacher	J1	6,000.00			
1	3305	61238	135000	Pt/Wages-Office Clerical	J1	1,100.00			
1	3305	61238	210000	FICA	J1	544.00			
1	3305	61238	600800	Vehicle & Equip. Fuel	J1	1,700.00			
1	3305	61238	800500	Motor Vehicle	J1	11,233.00			
1	9000	62420	950192	CATEC Maintenance Proj	J1	10,091.00			
	2000		0501	Est. Revenue			1,000.00		
			0701	Appropriation				1,000.00	
	3104		0501	Est. Revenue			17,006.00		
			0701	Appropriation				17,006.00	
	3116		0501	Est. Revenue			14,980.39		
			0701	Appropriation				14,980.39	
	3305		0501	Est. Revenue			56,000.00		
			0701	Appropriation				56,000.00	
	9000		0501	Est. Revenue			10,091.00		
			0701	Appropriation				10,091.00	
TOTAL						198,154.78	99,077.39	99,077.39	

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-082
 DATE: 06/14/06
 EXPLANATION: Click-It or Ticket Police Department Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1534	33000	330011	DMV Grants	J2	1,500.00			
1	1534	31013	120000	Overtime	J1	1,385.25			
1	1534	31013	210000	FICA	J1	114.75			
			0501	Est. Revenue			1,500.00		
			0701	Appropriation				1,500.00	
TOTAL						3,000.00	1,500.00	1,500.00	

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-083
 DATE: 06/14/06
 EXPLANATION: Seized Asset Accounts

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER		
						AMOUNT	DEBIT CREDIT	
2	1234	24000	240403	State Drug Asset Seizures	J2	12,956.27		
2	1235	15000	150101	Interest on Deposits	J2	88.34		
2	1236	24000	240403	State Drug Assets Seizures	J2	20,254.37		
1	1234	22010	800700	Equipment	J1	12,956.27		
1	1235	39000	580905	State Drug Seized Assets	J1	88.34		
1	1236	39000	580905	State Drug Seized Assets	J1	20,254.37		
			0501	Est. Revenue			12,956.27	
			0701	Appropriation			12,956.27	
	1235		0501	Est. Revenue		88.34		
			0701	Appropriation			88.34	
	1236		0501	Est. Revenue		20,254.37		
			0701	Appropriation			20,254.37	
TOTAL						66,597.96	33,298.98	33,298.98

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-084
 DATE: 06/14/06
 EXPLANATION: Homeland Security Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	GENERAL LEDGER		
						AMOUNT	DEBIT CREDIT	
2	1545	33000	330001	Grant Rev – Federal	J2	32,253.84		
1	1545	31091	800100	Mach. & Equipment	J1	32,253.84		
			0501	Est. Revenue			32,253.84	
			0701	Appropriation			32,253.84	
TOTAL						64,507.68	32,253.84	32,253.84

Item 8.5. Set Public Hearing on Ordinance to Change Location of Polling Place for Northside Precinct in the Rio Magisterial District.

It was noted in the Executive Summary that Virginia Code § 24.2-307 requires that the Board of Supervisors establish polling places by ordinance. Albemarle County Code § 2-102(C)(4) establishes the Buck Mountain Episcopal Church as the polling place for the Northside Precinct in the Rio Magisterial District. The Albemarle County Electoral Board recently recommended that the polling place be changed to the Earlysville Volunteer Fire Department. The current polling place is located at a dangerous curve on Earlysville Road. When drivers slow down or stop to turn into the Church, other drivers coming around the curve have poor visibility and often have to stop suddenly. Despite police and VDOT assistance at the site on voting days, there are often near-collisions. Earlysville Road is a heavily traveled road, and the traffic and this potential hazard are expected to increase as the population in that precinct continues to grow. Moving the polling place to the Earlysville Volunteer Fire Department would eliminate this driving hazard. In addition, the Fire Department is a newer building and has better handicap access.

Staff recommends that the Board set a public hearing on July 12, 2006, to consider adopting an ordinance amendment to amend Chapter 2, Administration, Article I, Elections, of the Code of the County of Albemarle, Virginia by amending Sec. 2-102, Rio Magisterial District, to change the polling place from the Buck Mountain Episcopal Church to the Earlysville Volunteer Fire Department in the Northside Precinct of the Rio Magisterial District.

By the vote set out above the Board set a public hearing on July 12, 2006, to consider adopting An Ordinance to amend Chapter 2, Administration, Article I, Elections, of the Code of the County of Albemarle, Virginia, by amending Sec. 2-102, Rio Magisterial District, to change the polling place from the Buck Mountain Episcopal Church to the Earlysville Volunteer Fire Department in the Northside Precinct of the Rio Magisterial District.

Item 8.6. Cancel August 9, 2006, Board of Supervisors' meeting.

By the vote set out above, the Board cancelled its regularly scheduled meeting for August 9, 2006.

Agenda Item No. 9. **Public Hearing:** ZMA-2005-0005, Liberty Hall (Cross Property), Sign #69. **Proposal:** Rezone 8.01 acres from R-1 (1 unit/acre) Residential to NMD, Neighborhood Model District-Residential (3-34 units/acre) mixed with commercial, service and industrial uses to allow office uses up to approx. 8,500 square feet in size and up to 53 residential units in single-family, townhouses and multifamily.

Proffers: Yes.

Existing Comprehensive Plan Land Use/Density: Crozet Master Plan designates the property CT3 Urban Edge: single-family residential (net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale nonresidential uses, and CT4 Urban General: residential (net 4.5 units/acre single-family, net 12 units/acre townhouses/apartments, net 18 units/acre mixed use) with supporting uses such as religious institutions and schools and mixed uses including retail/office.

Entrance Corridor: Yes.

Location: TM 56, Parcels 97A, 97A1 & 97 (only a .833 acre southwest portion of the property as shown on the General Development Plan) along Radford Lane near its intersection with Rockfish Gap Turnpike (Rt 250 W).
Magisterial District: White Hall.
(This public hearing had been deferred from March 15, 2006.)

Mr. Cilimberg said the Board held a public hearing regarding this petition on March 15, 2006. The applicant requested deferral to allow him time to respond to an adjoining property owner's request regarding a road connection from Liberty Hall into his property. The public comments at that meeting included concern about residential densities, the office uses included in the proposal, and the impact on Route 250 West. He said the applicant has now provided a revised development plan to incorporate the neighbors' requested changes, and to respond to concerns raised by the Board and the public. These changes include a reduction in the number of total residential units from 53 to 51, and modification of the CT-3 area of the site to include fewer units.

Mr. Cilimberg said the applicant also responded to the request for a connecting driveway in the rear of the property and that is now part of the plan. He said staff found the proposal to be in conformity with the Crozet Master Plan, with the mid-range of units expected for the CT-3 area. He said the proposal is for the maximum number of units in the CT-4 areas of the site, which will be predominantly residential uses with a limited mix of non-residential uses in a live-work unit concept. He said staff has provided a summary of potential dwelling units in Crozet which are currently either in a state of approval or review. The Traffic Impact Mitigation Alternatives Report provided by the applicant was accepted by VDOT, with measures to be taken along Route 250 West when conditions warrant. He said residents in this neighborhood would be within walking distance of retail and commercial uses to be built at Clover Lawn – or in the future at Blue Ridge Shopping Center – which would help reduce vehicle trips. He said the project no longer has the office-building component, but includes live-work units instead that will further reduce traffic impacts as some residents would work from home.

Regarding visual impacts from Route 250 West, Mr. Cilimberg said the ARB has offered preliminary review comments and the applicant included them on the Application Plan, and the site development plans will also be reviewed and approved by the ARB. He said the height of structures in the front of the project or southern part of the project is at a maximum of 35 feet. Considering additional changes to the plan to address concerns brought forth at the March meeting, staff has recommended approval of the petition with the revised Proffers, Code of Development and Application Plan. He said the proffers include a contribution of \$3,200 per market rate unit, for a total of \$137,600 for capital projects in Crozet – which could include the Eastern Avenue project, eight affordable units provided in four stacked units, a pro-rata share of traffic signal to be provided either at Radford Lane and Route 250, or the Eastern Avenue/250 future intersection. He indicated that there is also a proffer for a ten-foot wide access easement for a Class B primitive trail to be constructed to the property line for ultimate connection to the greenway system in Crozet. He distributed a handout on how this project relates to the greenway system. He added that the developer has also proffered an overlot grading plan.

In response to Mr. Boyd's question about affordable housing units, Mr. Cilimberg noted that they will be "flats", and noted on the plan where the over/under units would be placed – on each end of the rows of houses.

Mr. Wyant asked how far away the connection is to the proposed Eastern Avenue. Mr. Cilimberg said it would cross through the property to the west, and the applicant is providing the option of connecting either east or west – which could be a road coming east or going west to Eastern Avenue. He said other properties have to be considered before that can happen, adding that the applicant has also provided for a connection to the north. He pointed out on a rendering the driveway connection location and the Class B primitive trail.

Mr. Rooker asked if the properties shown on the cul-de-sac are on an existing road. Mr. Cilimberg said he is not certain, but he believes that is the case.

Mr. Wyant asked how the residential/commercial units would be structured. Mr. Cilimberg responded that typically there would be a business on the bottom floor, with the owner living above.

Mr. Slutzky said the status report of how many units have been approved in Crozet is very helpful. He asked about the affordable housing proffer. It is his interpretation that the developers have 60 days to get a *bona fide* purchaser in the unit after the certificate of occupancy is granted, or they are free to sell it in the open market. Is that what is routinely done, and is that what the Board wanted to do? Mr. Cilimberg said at a minimum it could be 60 days, but it could also be more.

Mr. Davis said there is a list of pre-qualified buyers, and the 180-day period would give them enough time to actually purchase and close on a house. That will depend on the inventory of qualified buyers the Housing Department has. How this plays out over time, only time will tell.

Mr. Boyd said it would also depend on available funds for down-payments. Mr. Davis agreed, adding that it would also depend on how many units are available.

Mr. Slutzky said he thought this meant about a 60-day window from the time the Certificate of Occupancy (CO) is issued, and then the unit would go on the market. He is suggesting that staff revisit this timetable after there is some actual experience with these affordable housing units in the marketplace. Perhaps if this timeframe is found to be insufficient, the Board can readdress it.

Mr. Rooker agreed, saying he thought the timeframe was 90 days, although it could be more or less, depending on how it is written now. Mr. Davis said this proffer gives 180 days, but they can't give notice more than 120 days prior to when the CO is anticipated.

Mr. Slutzky said the CO issuance could make that time as short as 60 days. He reiterated that he wants to make sure there is sufficient time to sell these affordable units. This is new for the County to be dealing with, so he thinks it will have to be tried out for effectiveness. Mr. Cilimberg said he will share with Mr. White the Board's concern about the amount of time from finished unit completion to availability for a buyer.

Mr. Slutzky asked if a public hearing notice was ever put out on Route 250 about tonight's hearing, noting that Ms. Thomas had mentioned the absence of a sign. Mr. Davis said he believes a sign is in place.

Mr. Slutzky said that in Proffer No. 3 it states: "The Owner's cash contribution shall be based upon the traffic volume generated by this site ... using an equitable method for determining the Owner's pro-rata share of the cost." He wondered about the term an "equitable method to determine the owner's pro-rata share of the costs." Mr. Davis said that is "lawyer speak" to try to reach a reasonable solution. The report has already been submitted that defines that cost at 16 percent. There has basically already been a meeting of the minds as to what that cost will be. Mr. Cilimberg noted that VDOT has to accept a pro-rata approach in funding those signals.

Mr. Rooker added that ultimately Albemarle County would be making a determination according to the language in the proffer.

Mr. Slutzky said the Route 250 West Task Force does not support the development because of inadequate road infrastructure to accommodate the development, even though it is inside of a growth area. He expressed concern that there would still be significant traffic put onto the road.

Ms. Thomas said she would like staff to explain traffic mitigation measures because this plan doesn't address issues at the intersection of Routes 250 and 240. She said there is some discussion in the Development Plan about tree protection, and she wants some assurance that this plan is sufficient. She said a recent project along 250 ended up with trees being killed, even though there were tree protection measures in the plan.

Mr. Rooker said it his understanding that the only mitigation offered for traffic is a proffer by the developer to pay 16 percent of the cost of signalization. Mr. Cilimberg noted that the possibilities are – depending on the Eastern Connector timing – participation in a signal at Radford Lane coming out at Route 250, or participation in a signal in lieu of one at Eastern Avenue/Route 250. It's a pro-rata contribution in each case.

Mr. Dorrier said the Renaissance Planning Group indicates that additional traffic would have no impact on the roads there. Mr. Cilimberg said they are saying there would be no addition impact at the intersection of Routes 240 and 250, but they are acknowledging that turning movements would fail at one intersection [he showed on a plan].

Mr. Wyant said there is already an intersection across from the Blue Ridge Shopping Center at Clover Lawn, and at Cory Farm, and his vision of Crozet and Route 250 is that there be no more than three lights, one where the Eastern Connector would be, one that exists now, and one at Western Albemarle High School. He has asked for traffic from Henley and Brownsville schools to come out on Old Trail, and he would like to see new traffic come out at Clover Lawn or come over on the Eastern Connector. He thinks it would make a smoother traffic flow down Route 250. That is indicated in the traffic report.

Mr. Boyd said the report indicates that Liberty Hall would create a failing condition at the intersection on Route 250 without signalization. Mr. Cilimberg confirmed this to be the case.

Mr. Dorrier asked about the contribution of \$137,000. Mr. Cilimberg replied that the cash proffer would be used for capital projects in Crozet, such as Eastern Avenue.

Mr. Dorrier asked if the County would make the decision as to how that amount is used. Mr. Cilimberg said that is the case.

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

Mr. Vito Cetta addressed the Board, noting on a map where the growth area is, and he reviewed the plan for this project. He emphasized that the townhouses would sell for about \$300,000, and the end units would be the affordable units and would sell for about \$145,000. He said it is important that the affordable units be built as market-rate units, as the idea is to increase the supply of affordable housing. But, he doesn't want the homeowner to buy it and then sell it in a year for a large profit.

Mr. Boyd asked Mr. Cetta to describe the affordable units.

Mr. Cetta said at this time the design is for those to be one-bedroom units, but they could also be two bedrooms. They are 900-square foot units, with light on three sides. The live-work units are planned to be two and one-half story units with a shop on the first floor and a townhouse above it. He said the

owner of the townhouse would have a separate entrance to their living quarters with an office below. If they don't use it that way, they own it and could lease it to someone else.

Mr. Dorrier asked the selling price. Mr. Cetta responded that the townhouse units would sell for \$290,000 to \$310,000, with the 1000-square foot office space being \$100,000.

Mr. Cetta reported that he is tying Clover Lawn into their project in order to get access to that traffic light.

Mr. Rooker asked if that connection would be made when his project is completed. Mr. Cetta replied that the connections shown on his plan would be made as part of the project.

Mr. Rooker asked if Mr. Cetta is building a connection to his property line, but some of the connections would not happen until there is a road built to connect with his road. Mr. Cetta responded that some connections are already being used, and some would terminate at the property line. He noted on the plan where the stormwater drainage would be located.

Mr. Wyant asked about the connection to the Clover Lawn development, inquiring if the owner of that parcel envisions using the driveway they presently have and the one on the plan to take advantage of the traffic light. Mr. Cetta replied that they would use both, as they already have the road extended to that point. He is only extending it another 40 feet so as traffic builds up, they will have access to the traffic signal.

Mr. Cetta then noted placement of a trail system leading to the creek and the greenway, as well as an additional connection to the greenway. He showed the placement of the affordable units, and reviewed on the plan the placement of other buildings. He said he absolutely followed every possible guideline in the Crozet Master Plan, and met all 12 principles of the Neighborhood Model. He does not think they could not have done more to follow the plan.

Ms. Valerie Long next addressed the Board representing Mr. Cetta. She said he had covered the important elements of the plan – all the infrastructure improvements, the four interconnections to existing roads and potential future roads that will help tie in and develop a real network of transportation in the community. She said many of the roads will connect to the future Eastern Connector, and the \$137,000 proffer could be used toward those costs. She emphasized that this property is located within an established neighborhood in Crozet – designated as Neighborhood Four on the Crozet Master Plan. The Clover Lawn development is starting to thrive, and the addition of the grocery store would also help. While the entire Crozet community is like a patchwork quilt, it will all eventually come together in uniform fashion. She said Weatherhill Homes is a locally-owned company that has raised the bar for proffers and development quality.

Ms. Long said there are some measures included to reduce the Route 250/240 intersection traffic, such as the live and work options in the development, along with additional retail options in Crozet.

Ms. Thomas asked about the tree protection plan. Mr. Cetta responded that the trees are located behind an existing house, and when you're dealing with dense development it is hard to protect them. They have done the best they can, and pointed to the area where they are saving trees.

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

Mr. Morgan Butler, on behalf of the Southern Environmental Law Center, addressed the Board. At the Board's meeting in March he discussed SELC's concern that the number of residential units proposed for the project exceeded the number of units recommended in the Crozet Master Plan. He said staff and the applicant are using a density bonus of 6.5 units per acre to calculate the maximum number of units the plan recommends for the CT-3 section of this property. He emphasized that the Crozet Master Plan appears to allow this density bonus only in certain limited circumstances – only if accessory units are added for 50 percent of the residential stock. He said that didn't apply to the Liberty Hall rezoning request, and when it was factored out, the maximum density multiplier of 4.5 units was used instead. It was apparent the proposal had overshot by two units the recommended maximum for the entire neighborhood, which comes to 51 units. The applicant has now reduced the density to meet the 51 units, and deserves credit for that measure. He emphasized that even with these changes, the development is still scraping the ceiling of the total number of units the master plan would appear to recommend. He said aspects of this particular neighborhood strongly suggest a more moderate residential density might be appropriate.

Mr. Butler said the Liberty Hall development is proposed along a Virginia Byway, in an area that doesn't have any real connection to the areas of Crozet further to the west where most of the growth and infrastructure is being funneled. He indicated that while a number of aspects of the proposal are positive, this seems to be a prime example of a development coming in under the recommended density. If each rezoning request is not viewed as to its fit with the larger growth area, the County could end up with overdeveloped and unattractive growth areas that are not the desirable places to live they need to be in order for the County's rural protection strategy to work properly. He said at the March public hearing on Liberty Hall, he was happy to hear the Board cite the important broader questions this proposal raised, and then call for a work session to examine the rate and phasing of development in the growth areas. He encouraged the Board to hold such a session in the very near future.

Mr. Tom Loach addressed the Board stating that he feels there are several important questions which need to be answered with this rezoning. He said Crozet has a build-out population of 12,000; that is

stated in the Crozet Master Plan. Mr. Rooker and both County planners (Echols and Thomas) who took part in the planning process supported that number. Also, Mr. Kenneth Schwartz, the principal consultant, stated Crozet would grow from 3,000 to 12,000, as did Mr. Eric Strucko of the DISC Committee. He said when staff couldn't reconcile the documents that were part of the public process from the consultants they simply removed them and now substitute their own methodology for determining density. He asked who the master plans belong to – the citizens who put in thousands of hours to develop them, or staff and developers.

Mr. Tony Vasinonti addressed the Board, stating he was dismayed to find this developer is going to be dropping a section right behind his house. He said he owns the house right next to the new homes proposed next to his fence line, stating that there is a nice line of trees there. He said the connector road planned goes right across his property and two other people's property. He does not see how a road could be put in there, and he sees a lot of patchwork proposals. He thinks that putting two traffic lights close together on Route 250 would cause the type of traffic congestion the County is trying to avoid, and his house is down to where the other houses are going to be built – causing drainage and silt problems. He is going to have another neighborhood dropped right behind him, and there are no other developments like that in the area. He just does not see how the Board could rezone this property the way they would like it done. It just does not look workable to him. It's not in character with anything in the area.

Mr. Bob Cross of Radford Lane addressed the Board stating he owns seven of the eight acres that comprise the Liberty Hall project. He said as active participant in the Crozet Master Plan process from its beginning, he insisted the development on their property be consistent with the guidelines in the plan and not be done as a by-right development. He said these requirements were noted in the contract with Weatherhill Homes. He said Liberty Hall meets those guidelines. The other requirement was that the development provides a development to the immediate neighbors on Radford Lane. This is a high quality project, and the immediate neighbors would benefit from a greatly improved road situation – from gravel to asphalt, no maintenance, as well as future access to a number of properties in that area. It would also provide neighbors with access to water and sewer. He said this plan is exactly what was envisioned by the Crozet Master Plan.

Ms. Diana Strickler addressed the Board on behalf of the Route 250 West Task Force. She asked if the traffic signal would go at Radford Lane or at the Liberty Hall driveway. She said Mr. Slutzky had referred to the group's March 30th letter, which expressed disapproval of the project because of its density. She said the Task Force has been concerned about infrastructure for a number of years. Transportation planning in the County too often comes down to adding turn lanes, adding traffic signals, and adding signage. The situation they want to avoid is something where there are two traffic signals where there could have been one, and she urged the Board to ensure that only one signal results from any approval – preferably at Eastern Avenue. She said that perhaps a traffic signal at Liberty Hall/Radford Lane could be put up and then eliminated once the Eastern Avenue connector is built. She thinks the other option would be to approve it at a lower density. Lower is better from a traffic standpoint. The reason the Citizens Advisory Committee recommended against widening Route 250 to four lanes is that, unlike Route 29 North, about 95 percent of the traffic along Route 250 is local traffic, not through traffic. The community was strong in saying they wanted a scenic road with rural character, and the Board voted unanimously in May, 2000 to maintain Route 250 West as a two-lane road. Making it four lanes would draw traffic from I-64. She concluded by encouraging the Board to foster interconnection and end up with one traffic signal in the area.

Mr. John Russell, a resident of Crozet and a colleague of Ms. Valerie Long, addressed the Board. He said he resides on the corner of Killdeer Lane and Jarman's Gap Road. He encouraged the Board to approve the project. He thinks it is in keeping with the intent and spirit of the Crozet Master Plan to manage growth and development in the area. Refusing approval for projects that comply undermines the validity of the goals and purposes of the master plan itself, and pushes other developers and property owners to engage in by-right scenarios which lead to piecemeal development, as well as undermining efforts to preserve open space. This project is situated about as well as it could be, and hopefully residents will use I-64 to drive into town as he does every day. This development features water and sewer availability, more than adequate open areas, walking trails, sidewalks and other pedestrian and community-friendly attributes. He concluded by saying the applicant has submitted a remarkable plan that he thinks will promote positive growth in the County.

Ms. Mary Rice addressed the Board. She said there is no sign posted on Route 250 announcing this hearing tonight, but there was one at the end of Radford Lane. She'd like to underscore Mr. Butler's comments about the way this development is being portrayed. This proposal is at a high level, not at a mid-level. She said the Crozet Master Plan was well thought out, but evidence is now mounting that everyone thought the community would grow to a population of 12,000 as a result of the plan. If you add up all the approved units, that number is quickly approaching. Her recommendation is to only approve the minimum number of units in developments that don't enhance downtown Crozet. The only reason this area was designated as a neighborhood in the plan was due to the grandfathered shopping area. There have been more and more units approved based on that fact. The analogy of a quilt was very interesting because if it is one, this is a piece of the quilt that is too big, too bold, and does not integrate well with the true quilt of Crozet. She stated that this development is designed for a traffic failure, and having three traffic lights within a short section on Route 250 West is problematic.

Mr. Jeff Werner of the Piedmont Environmental Council said he doesn't have a pro or con view to offer on this proposal but if the build-out in Crozet is a 20-year plan, it should be that and not a 20-month plan. There has been no subdivision on the section of Old Trail for which rezoning was recently approved, and there has still not been subdivision in Belvedere. He counts a total of 15,000 new dwelling units in the County, as well as 1,000 in the City. 'Why are we rushing to get these rezonings approved when we have

ones that are a year old and haven't even started yet?" He thinks that accepting cash proffers now of \$1,000 or so per unit might be worthless 10 years from now. It would be helpful for the Board to know what's been approved, and how many of those developments are moving forward. The result will be low density if the market for homes is not there, so a better analysis of conditions that state the density is achievable as promised should be included. He thinks signs should go up with explanations as to why roads are not being approved. He said that might change some shopping habits.

Ms. Valerie Long re-addressed the Board, stating that the proposed density is clearly within the permitted ranges of the Crozet Master Plan for these parcels. There is a blending of the CT-3 and CT-4 areas on the property that complies with the appropriate density determined as part of the planning process. This project is fully laid out and planned, but there is no guarantee how fast the market will run, but the developer is confident the market is strong for these types of units; Clover Lawn sales are an indicator of that.

Mr. Wyant asked why a stub was shown out of the road when it would be under the stormwater detention facility. Mr. Cetta explained that the road may be extended, and it would work because stormwater would be detained underneath.

Mr. Wyant said he would like to see a condition that Radford Lane be closed and the residents use the traffic light at Cory Farms. He envisions not having a lot of intersections on Route 250 West. Otherwise there will be a mess in the mornings during school time at Henley Elementary and at Western Albemarle. Ms. Long said she doesn't know if Weatherhill Homes has any objections to that, but they might not have the authority to commit to closing that as other nearby residents use the road. Mr. Davis said the applicant would not have control over that, as those are public roads.

Mr. Rooker said he doesn't think the applicant has the right to decide where the Eastern Avenue connector would go through either.

Mr. Slutzky said that hypothetically, if the Eastern Avenue Connector ever gets built and there is an intersection of Eastern and Route 250 that would be a good time for the traffic light to go away and for Radford Lane to be closed off.

Mr. Wyant said trying to develop the downtown includes having the Eastern Avenue Connector to help support the businesses downtown and to get people there. Another reason he likes the proffer money is that Lickinghole Bridge is going to be needed.

Mr. Cilimberg said staff cannot necessarily speak to this yet, but it is possible Radford Lane and the shopping center entrance would line up, and the retail there might create the need for the signal above and beyond what would happen with Liberty Hall and Radford Lane.

Mr. Slutzky suggested that if the Eastern Avenue Connector came down through this property and aligned with the access to the shopping center entrance, it might function better. Mr. Cilimberg replied that the traffic study includes the possibility of it coming through Liberty Hall. He said VDOT has also looked at it based on the potential development in Liberty Hall and behind it as well.

Ms. Long said their project engineer has said designs for the roads within the Liberty Hall project are such that they could route through the property, with Radford Lane becoming the Eastern Avenue Connector.

Mr. Rooker asked if right-of-way is adequate for an Eastern Avenue Connector. Mr. Cilimberg said to his knowledge it hasn't been analyzed for that purpose.

Mr. Scott Collins, engineer representing Weatherhill Homes, addressed the Board. He said the width of roadway all the way down to Route 250 West is the same width or larger than the Western Avenue (Old Trail Drive). He emphasized that it could be placed right across from the shopping center.

Ms. Thomas said one of the reasons she voted against Clover Lawn was that there was not a connection that made sense. Parking on one side would be eliminated so it doesn't hurt or hinder the development and would be enough for the 30-foot width needed.

Mr. Rooker said the applicant would be paving Radford Lane out to three lanes all the way to Route 250 West. He asked why that couldn't be the Eastern Avenue connection now. Mr. Cilimberg said there has not been an alignment study for the Eastern Avenue Connector yet. Staff has talked to people at the shopping center about making sure there is an alignment for the entrance, but the site plan has not been submitted yet.

Mr. Rooker asked if the site plan could be legally denied if the entrance didn't align with Radford Lane. Mr. Davis said it is likely VDOT would not give them an entrance permit unless it aligned. When the preliminary site plan was brought in the issue was discussed and a commitment was made that they would attempt to align those.

Mr. Cilimberg said Mr. Graham told him the cross-section for an avenue in Crozet with two-way traffic flow, two lanes, 40 to 44 feet of paved width – including bike lane as well as travel lanes – would need 64 to 68 feet of right-of-way to include sidewalks also. He said Radford Lane could be undersized based on the cross-section.

Mr. Collins commented that the Western Avenue Connector was also viewed as an avenue within the Crozet Master Plan, and was built 30 feet from curb-to-curb, with eight-foot sidewalks on either side instead of bike lanes – to handle both pedestrian and bicycle traffic. With that in mind, that would be adequate room, as far as pavement widths are concerned.

Mr. Wyant asked if that follows the design in the Crozet Master Plan. Mr. Collins responded that it was different with the bike lanes, and staff felt a larger road would increase traffic speeds.

Ms. Thomas asked what right-of-way was needed to get the three lanes and eight-foot width on either side. Mr. Cilimberg responded that the Crozet Master Plan's definition of an avenue includes a median even though there are only two lanes. He said that is not an element of Western Avenue. Some of Old Trail Drive was established through by-right development, so the opportunity to get a design cross-section there was not the same as it would be in a rezoning. There is a question as to whether Western Avenue as it was intended in the Crozet Master Plan has actually been built, and the Crozet Community Council has asked for a presentation on that tomorrow night. He said it is likely it has not met the specific standard for an avenue as stipulated in the plan, and Eastern Avenue at Cory Farm is going to be somewhat dependent on what's already in place there. He said that is in a rural cross-section, so it may more closely meet the avenue design standard, but that is why there is that extent of right-of-way – anticipating the median as well as bike lanes and sidewalks.

(Note: The Board took a brief recess at this point, and then reconvened.)

Mr. Cilimberg said the right-of-way is not available in this project to accommodate an avenue; the plan shows a 54-foot right-of-way. He could not tell the Board that under this proposal, it could be assumed as a route for an Eastern Avenue. It doesn't align in the area shown in the Crozet Master Plan, and the right-of-way just won't accommodate the avenue design.

Ms. Thomas said it might be more important to have the connection than the design, but there are properties on either side that need to be considered. She said they physically appear to be able to give up some right-of-way, but there is no legal means to require it. Mr. Cilimberg said it seems important to have Eastern Avenue hook up with the shopping center entrance, but up to now there has not been an owner who would agree to move their entrance to match up. There has not been any alignment study, and that is normally how locations are determined. He said Cory Farm Lane was built with the intention of being the Route 240/250 connector one day, but he is unsure about right-of-way there as well.

Mr. Wyant said it is more important to have the traffic lights align north of the project, and not focus on the avenue structure, especially since it's just the median island that is missing. Mr. Cilimberg said if Eastern Avenue comes through Liberty Hall, there would be a desire to connect Cory Farm Lane to it, but again the avenue design might not be possible.

Ms. Thomas pointed out that it was assumed the old Con-Agra Plant would be using that road when it was called the Route 240/250 Connector, but the industrial scene in Crozet has changed.

Mr. Rooker asked if it is clear the CT-3 density is not entitled to the 50 percent bonus. Mr. Cilimberg said the literal interpretation would not entitle them to it, because they are not providing accessory units; however, they are providing affordable units in the project – and the Board would need to make the call on whether that would suffice. He said the project is on the upper end of the density range if there are not accessory units over 50 percent of the project; there are only affordable units in the CT-4.

Mr. Rooker said he did not support this request when it was before the Board previously. He believes the Board has the authority to control the time when rezonings are approved. He does not think this development ties in with downtown Crozet and it might not for quite a long time. He said a number of things are positive about the plan, but the question remains as to how far in advance of construction projects are being approved and not being built. He said the Board talked about having a work session to talk about the pace of development and approvals, but that has not occurred.

Mr. Rooker said he is not prepared to vote in favor of approving a project that may well be a cul-de-sac project off of Route 250 West for a long time and which has no significant tie to downtown Crozet. At the same time, it takes up the demand for units that might take place in areas more central to Crozet and that are more integral to building out the infrastructure of Crozet. He added that it's a tough decision, but he is not going to support it.

Mr. Dorrier said he believes Mr. Cetta has done exactly what the Neighborhood Model stipulates, and while change in small towns is hard, it's important to support reasonable development in Crozet. He said constraints have been put on the plan, and Mr. Cetta has met them. This development meets all of those criteria. He thinks the houses are all attractive, and are as good, or better, as those on the market. He does not think the Board has a reason not to approve this request and start denying development in Crozet because there is already too much. He said if the proposal complies with the Comprehensive Plan and the Neighborhood Model, he doesn't think the Board can legally prevent it from moving forward. The only complaint he has heard relates to infrastructure, and the traffic signals would be installed as development occurs.

Mr. Rooker said they would not be in place when the development goes in, but would go in as the traffic causes it to go in, and the developer agreed to contribute a pro-rata share. He said the decision to rezone is a discretionary decision, and the Board has the right to deny it or approve it, legally. Mr. Davis confirmed this property has an underlying zoning of R-1, and the Crozet Master Plan and Comprehensive

Plan can only serve as a guide in rezoning. He said the Board can certainly exercise its discretion as to when the Master Plan should be further implemented.

Mr. Rooker said he respects Mr. Dorrier's opinion, but the Board does have the right to approve it or not.

Mr. Dorrier said the mixed use and affordable units are exactly what the Board is looking for. The older homes in Scottsville have stores on the bottom and residential on the top and this is right in keeping with that concept. He is going to vote for approval.

Mr. Boyd said he agrees that the proposal complies with the Neighborhood Model. He said Mr. Rooker's issue seems to be that the Board should legislate which parcels can be built on at which time. He does not feel they should legislate market forces, and this plan matches all of the things the Board has said it wants to do.

Mr. Slutzky commented that he is going to support the plan because it is a good design and meets the affordable housing components. He said the reason he is supporting it is not because he likes the project, but because he is afraid that if good projects like this within a designated growth area are turned down, that will signal developers to build by-right in the rural areas. He added that the market would predict which parcels will be built out first. If the Board starts turning down good projects in the growth area, he thinks it is going to compound the problem of rural area development even more than it is currently.

Mr. Wyant said he is going to support the project, as it will help establish the needed infrastructure. He would like the other parcels to use the traffic light, and this will help the traffic situation. This supports what's been stipulated in the Crozet Master Plan, and an employment center is needed and hopefully those who own the units will live and work there. Building of the roads and trails is another positive aspect of the proposal, and this developer is coming forward with money for the infrastructure. Even if everything is built out 100 percent, there would be a population of 9,000, and he will follow carefully how that plays out. He thinks this is a better form of development than by-right.

Ms. Thomas said she was the only one who voted against Clover Lawn, and the Board spent an hour with the County Attorney learning why they couldn't legally deny the Blue Ridge Shopping Center. There's been clearly consistent opposition to having development in this very neighborhood. She has regarded it as a threat to downtown Crozet and the wishes of the Crozet Master Plan participants. On one side of this development are the suburbs that drove people into the master planning process – sprawl of the worst sort. On the other side of the road is the type of commercial development that threatens to kill off downtown. She is going to vote in favor of the Liberty Hall development, as there have been significant changes made in the plan – including the reduced density, and the stoplights at Old Trail. She indicated that the alternative to this rezoning would be eleven units of sprawl which would cause disconnected suburbs without amenities. She said the work-live units and affordable units are also very positive pieces of this project. She is sorry this area is developing as a neighborhood, but there is the possibility some people might walk to what's offered at Clover Lawn and maybe even get to what apparently is going to be a grocery store. She said really good planning involves having your highest density around commercial areas, and there are a number of arguments as to why this development is appropriate. It hasn't been an easy decision.

Mr. Boyd noted that while he is not inclined to support phasing, he would like to engage in a discussion on it.

Mr. Rooker and other Board members agreed. Mr. Rooker said the question is whether or not every rezoning that comes before the Board must be approved just because it meets Neighborhood Model criteria.

Mr. Slutzky suggested that the Crozet Advisory Council be included in the phasing conversation. Mr. Tucker said staff has met every afternoon on some work session items, and that is why the phasing discussion has not come forward. He indicated that Mr. Cilimberg has said the Places29 project is a pilot for phasing, and that would be the basis for a work session.

Mr. Slutzky said if Places29 is going to take a while to play out, perhaps the Crozet group could be included in their own discussion.

Mr. Wyant said there is a meeting tomorrow in Crozet, and they have mentioned providing a status report at that time. He could mention the phasing discussion to them.

Mr. Rooker said there have been about 2,600 units of new housing in the Crozet area, and the Crozet Master Plan says the 20-year build-out would be 12,000. He said it would be helpful to see where the approved units are versus where by-right units would be located. He said the population should be monitored to make sure it does not get out of hand. In the past, 60 to 100 units per year have been built in the County, and that accelerated a bit last year. He would like to be made aware of how development is filling in around what is considered to be Crozet. Mr. Tucker said the attachment to the Executive Summary shows that no certificates of occupancy as of June, 2005 have been issued yet. That is something that can be considered as well. He said that in 2008, the Crozet Master Plan would be reviewed and updated, and those are the things that will be looked at and monitored.

Mr. Boyd said if the Board is interested in phasing, then that discussion should take place now so developers do not move forward with plans that won't be approved.

Mr. Slutzky said he would not support phasing unless the rural areas development potential is discussed and dealt with.

Mr. Rooker commented that he wants to make sure there is a balance of new project approval in various parts of the growth area, so infrastructure in any one place is not overburdened. He said the number of units in the growth area over the last five years has averaged 500 per year, and Crozet currently has 2,600 already approved. He emphasized that he thinks it is important to keep in mind infrastructure needs, and balance development accordingly.

Mr. Wyant said the proposed Eastern Connector is critical in helping to move traffic out of old neighborhoods onto Route 250 West.

Mr. Rooker said Mr. Wyant should also take the notion of an Eastern Avenue Connector going further east along Liberty Hall and out to Radford Lane to the Council, and perhaps the Board should discuss it as well. It may make more sense than where it's presently penciled in. Mr. Cilimberg said a redevelopment project in downtown Crozet is now making its way through Planning Commission review; the Crozet Master Plan did speak to a preference of redevelopment of the downtown which hasn't had residential possibilities, but there is a preference stated in the plan to encourage development there.

Mr. Wyant said there is an opportunity of marrying the downtown sides north and south of the tracks. He then **moved** to approve ZMA-2005-0005 to rezone 8.01 acres from R-1, Residential, to NMD, Neighborhood Model District, subject to the revised five proffers, Code of Development, and Plan. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: Mr. Rooker.

(Note: The proffers are set out in full below.)

Original Proffer X

PROFFER FORM

Date of Proffer Signature: 5/31/2006

ZMA #2005-00005

Tax Map Parcels: 56-97A; 56-97A1, portion of 56-97

8.377 Acres to be rezoned from R1 to NMD (Neighborhood Model District)
in accordance with the General Development Plan dated April 6, 2006

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

- 1) The Owner shall contribute \$137,600 (\$3,200 per unit for 43 units) cash to the County's capital improvement program for the purpose of mitigating impacts from this development. The cash contribution shall be used for transportation improvements (i.e. Eastern Avenue), schools, libraries, fire and rescue, parks or any other public use serving the Community of Crozet as identified in the Crozet Master Plan. Contributions shall be payable under one of the following methods, which shall be designated by the County: (1) ninety (90) days after receipt of written notice by the Owner from the County identifying a Capital Improvement Project within the Community of Crozet for which the cash would be applied, provided that contributions for a Capital Improvement Project shall not exceed \$50,000 during any sixty (60) day period and said request is after the County's approval of the first final site plan or subdivision plat within the Project, or (2) in increments of \$3,200 cash per lot, for any market-rate townhouse or new detached single family dwelling unit prior to or at the time of issuance of a building permit for any improvement thereon. If the cash contribution has not been exhausted by the County for the stated purpose within (10) ten years from the date of the County's receipt of the final contribution, all unexpended funds shall be applied to a project(s) identified in the County's Capital Improvements Program for the Community of Crozet.
- 2) The Owner shall provide eight (8) units of affordable housing as identified on the General Development Plan produced by Timmons Group, dated August 15, 2005 and last revised April 6, 2006, entitled "Application Plan – Figure 2". The Owner shall convey the responsibility of constructing the affordable units to any subsequent purchaser of the subject property. The current Owner or subsequent Owner shall create units affordable to households with incomes less than 80percent of the area median income, such that housing costs consisting of principal, interest, real estate taxes and homeowner's insurance (PITI) do not exceed 30percent of the gross household income. All purchasers of these units shall be approved by the Albemarle County Office of Housing or its designee. The Owner/Builder shall provide the County or its designee a period of 180 days to identify and pre-qualify an eligible purchaser for the affordable units. The 180-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 120 days prior to anticipated receipt of

the certificate of occupancy. If the County or its designee does not provide a qualified purchaser during this period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of purchaser. This proffer shall apply only to the first sale of each of the eight (8) units.

- 3) Within 30 days after VDOT determines that a traffic signal is warranted at the intersection of Radford Lane and Route 250 or at the intersection of Eastern Avenue and Route 250, the Owner shall make a cash contribution to the County to pay for its share of the cost to install a traffic signal by others. The Owner's cash contribution shall be based upon the traffic volume generated by this site at the intersection, as compared to the total traffic volume at the intersection creating the need for the traffic signal, as determined by VDOT, Albemarle County, or the Owner's traffic consultant with the review and approval by VDOT and Albemarle County, and be determined by Albemarle County using an equitable method for determining the Owner's pro-rata share of the cost. This proffer shall be in effect until December 31, 2013.
- 4) The Owner shall dedicate and convey to Albemarle County, prior to the first final site plan approval, a 10-ft wide access easement to accommodate the construction, maintenance, and use of a Class B primitive trail connecting a sidewalk at the northern end of "Road D" to the property line adjacent the 20' sewer easement on TMP 56-97 as shown on the General Development Plan. The access easement shall be shown on the subdivision plat or site plan for the underlying or adjacent lands within the Project and constructed by Owner in conjunction with the improvements for that subdivision plat or site plan. The primitive trail shall be designed and constructed in accordance with the standards identified in the Albemarle County Comprehensive Plan, Appendix A – Greenway Plan. If the primitive trail access easement is not dedicated as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the County Attorney necessary to dedicate the easement.
- 5) Overlot grading Plan – Plats: The Owner shall submit an over-lot grading plan (hereinafter the "Plan") meeting the requirements of Proffer 5 with the application for each subdivision of the Property into single family detached lots and single family attached dwelling units shown on the General Development Plan. The Plan shall show existing and proposed topographic features to be considered in the development of the proposed subdivision. The Plan shall be approved by the County Engineer prior to final approval of the site plan or subdivision plat. The Property within the subdivision shall be graded as shown on the approved Plan. No certificate of occupancy shall be issued for any dwelling on a lot where the County Engineer has determined the lot grading is not consistent with the approved grading Plan. The Plan shall satisfy the following:
 - a) The Plan shall show all proposed streets, building sites, setbacks, surface drainage, driveways, trails, and other features the County Engineer determines are needed to verify that the Plan satisfies the requirements of this proffer.
 - b) The Plan shall be drawn to a scale not greater than one (1) inch equals fifty (50) feet.
 - c) All proposed grading shall be shown with contour intervals not greater than two (2) feet. All concentrated surface drainage over lots shall be clearly shown with the proposed grading. All proposed grading shall be designed to assure that surface drainage can provide adequate relief from the flooding of dwellings in the event a storm sewer fails.
 - d) Graded slopes on lots proposed to be planted with turf grasses (lawns) shall not exceed a gradient of three (3) feet of horizontal distance for each one (1) foot of vertical rise or fall (3:1). Steeper slopes shall be vegetated with low maintenance vegetation as determined to be appropriate by the County's program authority in its approval of an erosion and sediment control plan for the land disturbing activity. These steeper slopes shall not exceed a gradient of two (2) feet of horizontal distance for each one (1) foot of vertical rise or fall (2:1), unless the County Engineer finds that the grading recommendations for steeper slopes have adequately addressed the impacts.
 - e) Surface drainage may flow across up to three (3) lots before being collected in a storm sewer or directed to a drainage way outside of the lots.
 - f) No surface drainage across a residential lot shall have more than one-half (1/2) acre of land draining to it.
 - g) All drainage from streets shall be carried across lots in a storm sewer to a point beyond the rear of the building site.
 - h) The Plan shall demonstrate that an area at least ten (10) feet in width, or to the lot line if it is less than (10) feet, from the portion of the structure facing the street, has grades no steeper than ten (10) percent adjacent to possible entrances to dwellings that will not be served by a stairway. This graded area also shall extend from the entrances to the driveways or walkways connecting the dwelling to the street.
 - i) Any requirement of this proffer may be waived by the County Engineer by submitting a waiver request with the preliminary plat. If such a request is made, it shall include: (i) a justification for the request contained in a certified engineer's report; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual Plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed

boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of one hundred (100) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable. In reviewing a waiver request, the County Engineer shall consider whether the alternative proposed by the Owner satisfies the purpose of the requirement to be waived to at least an equivalent degree. In approving a waiver, the County Engineer shall find that requiring compliance with the requirement of this condition would not forward the purposes of the County's Subdivision and Water Protection Ordinances or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the Project, and to the land adjacent thereto.

- j) The Owner may request that the Plan be amended at any time. All amendments shall be subject to the review and approval by the County Engineer.
- k) In the event that the County adopts overlot grading regulations after the date ZMA 2005-00005 is approved, any requirement of those regulations that is less restrictive than any requirement of Proffer 5 shall supersede the corresponding requirement of this paragraph, subject to the approval of the Director of the Department of Community Development.

Signature of Owner:

Date: May 31, 2006

Marc C. Powell, Managing Member
Weather Hill Development, LLC
Contract Purchaser
and Agent for Robert L. Cross and Jeanne Kerr Cross, current Owners

Agenda Item No. 10. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Wyant said the County Fair has been moving along well. The committee met this week and found a new site with water and septic facilities, as well as a new entrance. He said the Crow Foundation is also looking into permanent structures, all located on high ground.

Mr. Wyant said at the last Planning District Commission meeting, the City took exception to the water supply plan as presented.

Ms. Thomas said the County might want to get a report from the Nature Conservancy, because there is significant money going into mitigation projects in the City. They are being totally funded to take care of stream bank problems, but they are not the mitigation projects being required for the Ragged Mountain Reservoir.

Mr. Rooker asked if it was funded by the Nature Conservancy.

Ms. Thomas said the Conservancy is in charge of the money developers put into the pot when they do projects that are supposed to mitigate problems. They don't have anything within their boundaries they can do to mitigate the damage they're doing, so instead they put money into a pot. In Virginia, she said, the Nature Conservancy is in charge of determining those projects and they've determined a couple of those projects in Charlottesville.

Ms. Thomas said she was at the Local Government Advisory Committee for the Chesapeake Bay on the Eastern Shore recently, and they handed out a booklet entitled "Better Models for Development on the Eastern Shore". She said Albemarle and Charlottesville are included in pictures showing good design, adding that the six counties in Maryland on the Eastern Shore are much smaller than Albemarle, and there are seven things they've agreed to do. 1) By the year 2010, 50 percent of their land area will be protected from development. (2) They will curb sprawl by having 50 percent of growth in defined growth areas. (3) They will each contribute \$1.0 million per year into preservation. (4) They will maintain minimum farmland zoning of one dwelling unit per 20 acres. (5) There will be no major subdivisions in conservation areas. (6) There will be resource-based economic development included in all of their Comprehensive Plans. (7) They will manage transportation.

Ms. Thomas said the County is going to be talking about how to pay for stormwater management and other water issues. Perhaps that is the time to talk about how other entities deal with their water problems. At one time, there was just the RWSA and the Albemarle County Service Authority, but now there are other factors to consider.

Mr. Rooker said the Board should spend some time discussing how the County is represented on the RWSA Board. Mr. Graham said when he presented the Five-year Work Plan to the Board, the Board had agreed it would discuss stormwater funding in the second half of 2007. That will occur after the program is up and running and there is an idea of the costs being incurred.

Ms. Thomas said she had received a message concerning a cell tower being proposed in Louisa County that will impact the Southwest Mountains Historic District. She urged staff to stay informed about that request.

Mr. Dorrier offered **motion** to appoint Ms. Rosa Hudson to serve on the Equalization Board to represent the Scottsville District, said term to expire on December 31, 2006. Mr. Boyd asked that Mr. Lincoln Lewis be appointed to represent the Rivanna District on the Social Services Board with said term to expire December 31, 2007. Mr. Dorrier included this in his motion. The motion was **seconded** Mr. Wyant. Roll was called, and the motion passed by the following recorded vote:

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

Mr. Boyd asked if the Board wanted to further discuss the Forest Lakes mitigation issues. Mr. Graham said the contractors have been under a stop work order for over a month. Right now the County is trying to get a plan of correction from them, but a plan has been slow coming. He said there can be full compliance with erosion and sediment control, but sediment can still leave the property and go to another property. He said the State's rule of thumb is to capture 60 percent of sediment. If a property owner feels he is being harmed it becomes a civil matter even if it is not a violation of the County's ordinance.

Mr. Boyd asked Mr. Graham if everything legally possible to deal with the problem is being done. Mr. Graham said the State Department of Conservation and Recreation has been brought in numerous times. They felt the basin could have been cleaned out sooner, but when they went back and read their own regulations they realized the contractor was operating within performance standards.

Mr. Slutzky asked if the County has any power to create criminal sanctions outside of the permit process. Mr. Graham said the County has the ability to take the contractors to court for a misdemeanor, also the permit could be voided and the bond could be revoked.

Mr. Davis said that would make the County the contractor, adding that courts are not inclined to convict on misdemeanor offenses, but there are civil remedies which can be enforced. There can also be an injunction sought, but the contractor has been in compliance with the plan. He emphasized that the greater issue is whether or not the work meets the County's standards for onsite erosion management.

Mr. Slutzky asked if the County can statutorily define a standard. Mr. Davis said staff is trying to do that now with the grading plans for the larger developments, considering proffers in particular circumstances. Even though the County has the ability to increase erosion control requirements, there is a large cost involved for only an incremental benefit once what the State has in place is exceeded.

Mr. Graham said the ideal target for sediment control is about 80 percent, but once you go beyond the State requirement, the cost to benefit ratio dissipates fast.

Ms. Thomas asked about a sod ordinance. Mr. Graham said he was not sure that would work in this circumstance. In some places with new houses they have used sod and not straw. That costs a lot of money, and the County keeps "getting beat up" about making housing not affordable. He said Ryan Homes uses sod.

Mr. Boyd said the Forest Lakes Homeowners Association has two issues: preventing further erosion and help from the County to dredge the sediment in Hollymead Lake. Mr. Graham said the culvert failure on Route 29 has been addressed, but the lake is a different issue.

Mr. Wyant asked why the County would have "to pick up the tab."

Mr. Rooker asked if there is some legal recourse Forest Lakes can take against Hollymead. Mr. Davis said if they can prove Hollymead Towncenter violated a standard that caused the damage, then they have a cause of action.

Mr. Graham said it would be difficult to prove, as both developments have used the lake for a sediment basin, as has the Airport, Deerwood, etc. He said when Hollymead was just getting started the County encouraged them to do a survey of the facility so they would not have any changes during construction of the Towncenter. He said that was never done, so there is no documentation as to how things were at the beginning.

Mr. Slutzky asked about the cost of dredging. Mr. Graham responded that there are many variables; at the South Fork of the Rivanna, the dredging was estimated at \$150 per cubic yard. Mr. Davis said the only way the County could participate is if the lake were accepted as a regional drainage facility with County ownership by easement.

Mr. Rooker said perhaps the County should take it over, but if it was never anticipated to be a regional facility, it might be unfair to put the entire burden on a single homeowner's association. Mr. Davis explained that a sanitary district or service district could be formed to collect money to make drainage improvements within a defined area, but the County would need to create public ownership of the pond.

Ms. Thomas suggested having all the upstream developers pay also, as well as the homeowner's association. This would be a water service authority of a different sort. Mr. Davis said that under State law, a service authority can be created for broader purposes.

Mr. Cilimberg pointed out that the original plan for Hollymead was a PUD (Planned Unit Development). It encompassed both that development and what later became Forest Lakes North, which was a by-right development. He said there was probably no proffer regarding the lake in Hollymead.

Ms. Thomas said there are probably dozens of lakes in the County facing this kind of issue, and perhaps this should be looked at as a broader issue.

Mr. Slutzky said with the focus on development areas, maybe the County should consider those water sources in the urban ring separately from those in the rest of the County.

Mr. Rooker stated technically, the County can't help if it doesn't own the facility. Mr. Graham said the homeowners are aware there is a provision within the Water Protection Ordinance that allows them to have their facility taken over, through petition. He noted that they are not sure if they would have to have 70 percent of homeowners agree, and they're also not sure if they could get that level of support.

Ms. Thomas said she tried to get residents in Forest Lakes to comment during Hollymead public hearings, but they wouldn't. They lost their chance to ask at an appropriate time.

Mr. Rooker said this issue needs to be considered carefully when other sections of Hollymead Towncenter are considered. Mr. Davis said the County doesn't have the legal ability to require it, but certainly a proffer could be accepted to mitigate offsite impacts of development.

Mr. Davis distributed a resolution to acquire property at 407 East High Street – the last property identified as necessary to complete the Juvenile Court property. He said there is a desire to close on the property by June 30th, and this resolution would authorize the County Executive to enter into a purchase agreement and execute all necessary documents to acquire the property. Mr. Davis said the property would be jointly owned by the City and the County, and the money has already been appropriated to cover the cost.

Mr. Boyd offered **motion** to adopt the following Resolution to Authorize the County Executive to enter into a purchase agreement and to execute all necessary documents to acquire the property at 407 East High Street in Charlottesville. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

RESOLUTION TO AUTHORIZE ACQUISITION OF PROPERTY

WHEREAS, the County of Albemarle and the City of Charlottesville desire to acquire certain property within the City for the purpose of providing public space for court house facilities and related offices; and

WHEREAS, an agreement for the acquisition of such property located at 407 East High Street has been negotiated.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the Agreement for Purchase and Sale of Real Property and the deed and all other documents approved by the County Attorney necessary to purchase and accept the following property on behalf of the County:

1. The real property and the improvements thereon located at 407 East High Street, and designated as Parcel 31 on the 2006 City Real Estate Tax Map 53 to be conveyed by Sandollar, LTD. to the County of Albemarle and the City of Charlottesville for the purchase price of Nine Hundred Forty Thousand and 00/100 Dollars (\$940,000.00).

Agenda Item No. 11. Adjourn. At 9:22 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman

Approved by the Board of County Supervisors

Date Initials
