

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 6, 2006, at 9:00 a.m. in Room 241 of the County Office Building on McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Acting Clerk, Diane Mullins, and Director of Planning, V. Wayne Cilimberg.

Agenda Item No. 1. The meeting was called to order at 9:00 a.m., by the Chairman, Mr. Rooker.

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

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

Mr. Alexis Ziegler, who represents Charlottesville Peak Oil, an organization concerned about the peaking of global oil production, addressed the Board. He reviewed a handout he presented, stating that a well-respected oil geologist (M. King Hubbard) predicted a peak in U.S. oil production in 1970, which did occur although it was not widely recognized until the 80's. He said that the U.S. is using about five barrels of oil for every barrel of oil discovered, adding that Dick Cheney noted the likelihood of a three-percent natural decline in production from existing reserves each year.

Mr. Glen Short of the same organization addressed the Board. He presented the phrase "Plan Now or Panic Later," stating that the underpinning of the global economy revolves around production of cheap oil, yet demand has increased while production has decreased. He said that the earlier the community can take action to mitigate the impending crisis, "the milder the shock will be when it comes."

Mr. Don Wells addressed the Board, stating that he is a retired astronomer. He also represented Peak Oil. He presented information from the Hirsch Report, stating that it is very sobering because the warning period needed is 10 years, and there is not that much time. He said that the report predicts economic disruption because of an oil crisis, adding that the doubling of oil prices between 2003 and 2005 is "not an anomaly, but a picture of the future." He said that a report given to the Department of Defense in June 2006 from one of President Bush's advisors stated that the Saudi reserves have been over-estimated, and worldwide all large oil fields discovered up until 1970 are "very mature." He said that the report indicates that by 2018 the production from the Middle East will be half of what it is now.

Mr. John Martin addressed the Board, stating that after the last TJPED meeting when they went into executive session, he called Mr. Bob Gibson, Louisa County's Economic Development Director but he would not tell him what was discussed. He said that Bob Gibson suggested to Leigh Middleditch that the prospect list for TJPED be discussed in executive session. He said that there is an air about the TJPED meetings that the public is not wanted. He said that this is a private sector, free enterprise, business organization, but government has bought a seat at their table. He doesn't think government should be there either, but as long as government is involved there should be procedures which govern the openness of those meetings so that citizens can know and monitor the affairs of government. He added that the Board meetings should be "the only table in town" where the people's business is done. He said that the next meeting is in Culpeper, and he hopes it will be opened up, stating that it wastes a day for Mr. Tucker so that they can use him as "a show horse."

Mr. Sanford Wilcox addressed the Board, stating that he grew up in Crozet and now lives in Ivy. He said that he owns property in Crozet and is here representing over 75 entities there by presenting a petition that includes recommendations for preserving downtown. He said that the group would like the Board to create a new zoning district in downtown Crozet where regulations can be amended to fit an urban area and "save our town." He said that Albemarle County has very little experience dealing with urban areas, and current zoning ordinances do not allow for the urban density shown in the Master Plan. He added that the Neighborhood Model does not address places like Crozet either because there are many different property owners and small individually-owned parcels. He said that if commercial rezonings are allowed outside of the town center first, "you will undermine the ability of the town center to develop and revitalize."

Mr. Rooker noted that creation of a Crozet Downtown Overlay zoning district is on the agenda for 1:40 p.m. today.

Mr. Mike Marshall stated that he is present to support Mr. Wilcox's proposal. He emphasized that everybody in Crozet "has a selfish interest" in the Downtown Crozet zoning district.

Mr. Jack Marshall, representing Advocates for a Sustainable Albemarle Population (ASAP), addressed the Board. He stated that he supported John Martin's concerns about TJPED, saying that he is not alone in attempts to attend meetings that ended up closed. He said that the meeting he did attend was "vague and vacuous" because everything had already been discussed by TJPED in closed session. He emphasized that the "prospect list," which discusses business that might come into the area, is the essence of TJPED, and that discussion should be open.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that the Board will discuss Rural Areas protection next week, and the RA Plan was adopted in response to the fact that in the past 25 years, over 95,000 acres in the Rural Areas have been subdivided. He urged the Board to request monthly updates on the level of development throughout the County, as the numbers do not support a decline in rural approvals because of growth areas approvals. He reported that between 2003 and the second quarter of 2006, 1,800 residential permits were issued in the growth area, and over 6,000 growth area units were approved by CPAs and ZMAs. He added that rural area subdivision and building permits did not waiver from their long-term trends, with over 1,000 building permits approved for rural areas, along with 1,100 new rural lots proposed and 23,000 acres lost to subdivision.

Mr. Werner reported that in the last decade, almost 3,000 building permits were issued for the rural area, over 51,000 acres in the rural area were subdivided, and almost 9,000 building permits were issued for the entire County. He asked the Board if they knew how many of those permits were actually closed out and built upon, and he believes it is important for the Board to receive regular reports on new development and construction.

Mr. Peter Kleenman addressed the Board, stating that he is present to discuss protection of parklands, such as Penn Park. He stated that there are several federal programs that fund protection of parks, in part by providing new parkland when existing parks are taken by highway alignment, as will be the case with road alignments planned to go through Penn.

Mr. Slutzky asked Mr. Tucker if he had attended the TJPED meetings. Mr. Tucker responded that he missed the August meeting because of vacation, but has been to every other meeting. He noted that he is not on the Executive Committee and therefore he doesn't go to those particular sessions.

Mr. Slutzky emphasized that his vote for the County to join TJPED was based in part on meeting openness, and he is concerned that Mr. Tucker has not attended all sessions. Mr. Tucker explained that TJPED appoints the Executive Committee, and he suspects that that would be a rotating responsibility.

Mr. Slutzky asked Mr. Tucker to convey to TJPED that he is not inclined to join in the future because he wants to make sure there is County representation and openness at all meetings. He added that he is aware negotiations with specific businesses might need to be kept confidential, but the public definitely feels left out when they are prohibited from attending. Mr. Tucker stated that he would get the word back to TJPED, but it would have more impact if the Board would contact the Executive Director.

Mr. Rooker noted that the reason he opposed Albemarle joining TJPED is that they are not a public body and are not required to advertise their meetings or include the public in all procedures, and that is just an example of the problem.

Mr. Boyd stated that he disagreed.

Mr. Rooker said that he has asked Mr. Tucker to convey to TJPED that they need to develop policy for dealing with public matters.

Mr. Wyant agreed that this is a concern, and stated that he would like to hear back from TJPED on this.

Mr. Rooker added that he would like to make sure the County gets as much from the membership as possible, though.

Agenda Item No. 5. Consent Agenda. Mr. Wyant **moved** for approval of Items 5.1 through Item 5.5 and Items 5.7 through 5.11 on the Consent Agenda (with the exception of the minutes as mentioned, and pulling Items 5.6 and 5.12), and to accept the remaining items as information. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

Item 5.1. Approval of Minutes: January 11, February 1, March 1 and March 15, 2006.

Mr. Wyant and Mr. Dorrier said they needed to pull their minutes. Other Board members stated they had minor changes that they would give to the clerk.

Item 5.2. Green Creek Road "Watch for Child Playing" Sign.

It was noted in the Executive Summary that the residents of Green Creek Road (State Route 630) have requested that "Watch for Child Playing" signs be installed along a section of the road located between Route 6 and the Nelson County line. There are 10 homes with eight to 10 children living along this stretch of the road. There is a concentration of homes at the intersection of Route 6 and Green Creek Road. VDOT requires a resolution supporting the placement of "Watch for Child Playing" signage from the Board of Supervisors before any signs can be installed.

The County has developed criteria for reviewing a "Watch for Child Playing" sign installation request. Green Creek Road is in the Secondary Road System (Route 630) and this section of road is currently unpaved and has a daily traffic count of 60 vehicle trips/day. It is a through road to Nelson County. There is no organized homeowners' association on this road, but six of the 10 residents along this portion of the road signed the petition requesting the installation of the signs. There is no established child activity area such as a park or tot lot on Green Creek Drive, nor is there any sidewalk or pathway along this road. Due to these absences, the children that live on this road often have to walk and/or bike on the road to visit other homes that may have a swing, basketball court or open field for play. The proposed location of the signs will not conflict with any existing traffic control devices. This request meets three of the four review criteria.

The cost to install a "Watch for Child Playing" sign is \$125. This cost will be paid from the County's Six-Year Secondary Road maintenance fund. Staff recommends that the Board adopt a resolution supporting the installation of "Watch for Child Playing" signs on Green Creek Road (Route 630), from Route 6 to the Nelson County line.

By the recorded vote set out above, the Board adopted the following Resolution To Authorize the Virginia Department of Transportation to Install Watch For Child Playing Sign on Green Creek Road (Route 630):

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON
GREEN CREEK ROAD (ROUTE 630)**

WHEREAS, the residents of Green Creek Road in Albemarle County are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the neighborhood; and

WHEREAS, there are numerous children that live and play on Green Creek Road and the residents believe that a "Watch for Child Playing" sign would help alleviate some of the concerns; and

WHEREAS, the residents of Green Creek Road have requested that the County take the necessary steps to have a "Watch for Child Playing" sign installed;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the community's request for VDOT to install the necessary "Watch for Child Playing" signs on Green Creek Road, from Route 6 to the Nelson County line.

Item 5.3. Route 606, Dickerson Road, Abandonment and Dedication.

It was noted in the Executive Summary that the Charlottesville-Albemarle Airport Authority (CAAA) is requesting that the Board of Supervisors abandon the existing right-of-way (and associated drainage easements) for the old road alignment of Dickerson Road (Route 606). The old Dickerson Road right-of-way to be abandoned is located at the end of the airport runway (Attachment A) and has not been utilized for public access since the new alignment of the Dickerson Road was completed and opened to public use in the Summer of 2004. The completed road relocation project was identified as an improvement in the Airport's Master Plan and required to meet Federal Aviation Administration runway safety requirements.

Abandonment of the old section of Dickerson Road is considered appropriate because it is no longer needed for the public access now that the new alignment of Dickerson road is now completed and open for public use. There is no other public road, public access, or other public use identified for this area that this existing right-of-way might serve. Typically, unneeded rights-of-way revert to adjacent property owners, in this case the Airport Authority. The Plat showing the right-of-way to be abandoned and added can be found on Attachment B.

There will be no budget impact. Staff recommends that the Board of Supervisors approve the attached resolution (Attachment C) abandoning the right-of-way for the old alignment of Dickerson Road (Route 606).

By the recorded vote set out above, the Board adopted the following Resolution Abandoning Portions of State Route 606 and Requesting That Other Portions be Added to the Secondary System of State Highways:

**RESOLUTION ABANDONING PORTIONS OF STATE ROUTE 606 AND
REQUESTING THAT OTHER PORTIONS BE ADDED TO THE
SECONDARY SYSTEM OF STATE HIGHWAYS**

WHEREAS, the Charlottesville-Albemarle Airport Authority has provided this Board with a plat dated June 7, 2006 (hereinafter, the "plat") depicting the additions and abandonments required in the secondary system of state highways as a result of a project to abandon State Route 606 and dedicate the new roadway, which plat is recorded in Deed Book 818, Page 210 and Deed Book 3215, Page 206 in the Office of the Clerk of the Circuit Court of Albemarle County, and is hereby incorporated herein by reference; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road depicted on the plat as the right-of-way and drainage easements to be dedicated for relocated State Route 606 across lands of the Charlottesville-Albemarle Airport Authority, pursuant to Section 33.1-229, Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of road depicted on the plat as the existing right-of-way and sight easements to be abandoned on State Route 606, pursuant to Section 33.1-155, Code of Virginia; 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 5.4. Route 649, Airport Road, Abandonment and Dedication.

It was noted in the Executive Summary that the Charlottesville-Albemarle Airport Authority (CAAA) is requesting that the Board abandon the existing right-of-way of a portion of the old road alignment of Airport Road (Route 649). The section to be abandoned is located just south of the Airport Road-Dickerson Road roundabout. It is the old roadway bed for Airport Road and it has not been utilized for public access since the summer of 2005 when the new alignment was opened for public use

Abandonment of this section of existing right-of-way is considered appropriate because it is no longer needed for public access now that the new alignment of Airport Road is completed and open to public use. There is no other public road, public access, or other public use identified for this area that this existing right-of-way might serve. Typically, unneeded rights-of-way revert to adjacent property owners, in this case that is the Airport Authority. The Plat showing the right-of-way to be abandoned and added can be found on Attachment B (on file).

Staff recommends that the Board adopt a resolution abandoning the remaining right-of-way of the old alignment of Dickerson Road.

By the recorded vote set out above, the Board adopted the following Resolution Abandoning Portions of State Route 649 and Requesting That Other Portions be Added to the Secondary System of State Highways:

**RESOLUTION ABANDONING PORTIONS OF STATE ROUTE 649 AND
REQUESTING THAT OTHER PORTIONS BE ADDED TO THE
SECONDARY SYSTEM OF STATE HIGHWAYS**

WHEREAS, the Charlottesville-Albemarle Airport Authority has provided this Board with a plat dated February 7, 2006 (hereinafter, the "plat") depicting the additions and abandonments required in the secondary system of state highways as a result of a project to abandon State Route 649 and dedicate the new roadway, which plat is recorded in Deed Book 818, Page 210; Deed Book 1337, Page 52; and Deed Book 2352, Page 643 in the Office of the Clerk of the Circuit Court of Albemarle County, and is hereby incorporated herein by reference; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road depicted on the plat as the right-of-way and drainage easements to be dedicated for relocated State Route 649 across lands of the Charlottesville-Albemarle Airport Authority, pursuant to Section 33.1-229, Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of road depicted on the plat as the existing right-of-way and sight easements to be abandoned on State Route 649, pursuant to Section 33.1-155, Code of Virginia; 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 5.5. Resolution Concurring with and Approving the Issuance By the Economic Development Authority of Nelson County, Virginia, of its Revenue Bond in an Amount not to Exceed \$7,700,000 Qualified Non-Profit Revenue Bond (Scottsville Road Holdings LLC Project) Series 2006.

The following letter, re: Resolution for Board of Supervisors approving and concurring with the issuance of up to \$7,700,000 revenue bonds to be issued by the Economic Development Authority of Nelson County, Virginia, had been received:

"Attached is a proposed resolution for the Board of Supervisors to consider at its meeting on September 6, 2006, approving and concurring with the issuance of up to \$7,700,000 revenue bonds to be issued by the Economic Development Authority of Nelson County, Virginia (the "Nelson Authority") for the Kappa Sigma Endowment Fund (the "Endowment"), a Section 501(c)(3) entity formed as an Illinois Trust and Scottsville Road Holdings, LLC, a Virginia limited liability company (the "Company", together with the Endowment, the "Borrower"), both based in Albemarle County, Virginia.

The Borrower seeks to finance the acquisition, construction, equipping and furnishing of the Endowment's new National Headquarters and Museum facility to be located in Albemarle County, Virginia and known as 1612 Scottsville Road with the issuance of tax exempt bonds in an approximate amount of up to \$7,700,000. The tax exempt bonds are expected to be sold or placed with a commercial bank. In order for a bank to purchase this type of tax exempt bond and receive favorable tax treatment, the bond must be "bank qualified" under Section 265(b)(3) of the Internal Revenue Code (the "Tax Code").

Issuers of "bank qualified" tax exempt bonds are limited to \$10 million in bond issuance during each calendar year. Albemarle County, Virginia (the "HOST LOCALITY"), where the building is located has exceeded or is expected to exceed its \$10 million limit for the year and is not able to issue "bank qualified" bonds.

In order to issue a "bank qualified" bond, the Borrower must utilize an issuer that is still able to issue "bank qualified" bonds during this calendar year.

Federal law and Virginia law each allow for a non-profit corporation such as the Borrower to issue a tax exempt bond through another IDA, different from the HOST LOCALITY, so long as the governing body of the HOST LOCALITY (the Albemarle County Board of Supervisors) and the IDA and governing body of the issuer both agree to the issuance. A public hearing must be held before governmental body approval of the bond issue.

We have been involved with a number of "bank qualified" bond issues over the last few years similar to this one. For instance, New Kent County's IDA issued tax exempt bonds for the non-profit foundation for Christopher Newport University for dormitories, Essex County's IDA issued bonds for a new building for the Virginia Living Museum in Newport News and Lancaster County's IDA issued bonds for a gymnasium for Cape Henry Collegiate School in Virginia Beach.

In 2002, the Town of Amherst IDA issued bonds for a VA CLE (Virginia Law Foundation) facility located in Albemarle County (which also went through this same process with the Albemarle Authority and the Albemarle County Board of Supervisors).

The procedure in this situation requires the issuing IDA to hold a public hearing, after public notice, followed by approval from the governing body (within 60 days of the IDA hearing). Additionally, the HOST LOCALITY governing body (in this case the Albemarle County Board of Supervisors) must also approve and concur in the issuance by the IDA.

The Nelson Authority approved the plan of financing for the Facility and the issuance of the Bonds following a public hearing at its meeting on August 3rd, 2006. The Board of Supervisors of Nelson County, Virginia will approve the plan of financing for the Facility and issuance of the Bonds at its meeting on September 12, 2006. Both the Nelson Authority and the Board of Supervisors of Nelson County, Virginia approving resolutions are contingent upon approval by the Board of Supervisors of Albemarle County, Virginia.

On August 10th, 2006, the Industrial Development Authority of Albemarle County, Virginia, after public hearing, will adopt its resolution recommending that the Board of Supervisors of Albemarle County, Virginia approve of, and concur with the issuance of the Bonds by the Nelson Authority as required by Section 147(f) of the Tax Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code.

I have enclosed a Certificate of Public Hearing for the records of the Board of Supervisors of Albemarle County, Virginia.

If any members of the Board of Supervisors of Albemarle County, Virginia or Albemarle County officials need any additional information, please do not hesitate to contact me using e-mail (Dsiegel@SandsAnderson.com) or through our toll-free number (800) 296-1636.

With best regards,
Daniel M. Siegel"

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

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF ALBEMARLE COUNTY, VIRGINIA**

WHEREAS, the Economic Development Authority of Nelson County, Virginia (**the "Nelson Authority"**) has considered, at a public hearing held on August 3, 2006, the application of Kappa Sigma Endowment Fund (**the "Endowment"**), a Section 5011(3) entity formed as an Illinois Trust and Scottsville Road Holdings, LLC, a Virginia limited liability company (**the "Company"**), together with the Endowment, the "**Borrower"**), both exempt from taxation under Section 5011(3) of the Internal Revenue Code of 1986, as amended (**the "Code"**), both based in Albemarle County, Virginia and each having its principal place of business at P.O. Box 5643, 2020 Avon Court, Suite 29, Charlottesville, Virginia, 22905 in Albemarle County, Virginia; and

WHEREAS, the Borrower has requested that the Nelson Authority issue its revenue bonds or notes in an amount not to exceed \$7,700,000 (**the "Bonds"**) pursuant to the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49 of the Code of Virginia of 1950, as amended (**the "Act"**) the proceeds from which Bonds will be used to assist the Borrower in financing the acquisition, construction, equipping and furnishing of the Endowment's new National Headquarters and Museum facility of approximately 22,000 square feet and 3 stories to be located on approximately 8.356 acres, more or less (**the "Facility"**) in Albemarle County, Virginia to be known as 1612 Scottsville Road, Charlottesville, Virginia, fronting on the West Side of State Route 20 approximately 2 miles from the intersection with I-64 and Route 20 across the highway from Carter's Mountain, in Albemarle County, Virginia and to pay costs of issuance; and

WHEREAS, the Industrial Development Authority of Albemarle County, Virginia (**the "Albemarle Authority"**) has, after a public hearing held on August 10, 2006, considered the request of the Borrower for the Albemarle Authority to recommend to the Board of Supervisors of Albemarle County, Virginia (**the "Board of Supervisors"**) its approval of and concurrence with the issuance of the Bonds by the Nelson Authority under the Act, in such amounts as may be necessary to finance the cost of the Facility; and

WHEREAS, the Facility will also benefit Albemarle County, Virginia (**the "County"**) and the Borrower has described the benefits to Albemarle County at such public hearing and the Albemarle Authority has recommended that the Board of Supervisors of Albemarle County approve of and concur with the issuance of the Bonds by the Nelson Authority under the Act; and

WHEREAS, Section 147(f) of the Code provides that both the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located and the governmental unit on behalf of which such bonds are issued must approve the issuance of the bonds after public hearing; and

WHEREAS, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the industrial development authority created by the second locality; and

WHEREAS, the Facility to be financed through the issuance of the Bonds is located in Albemarle County and the Board of Supervisors of Albemarle County constitutes the highest elected governmental unit of Albemarle County; and

WHEREAS, the Board of Supervisors of Albemarle County has created the Albemarle Authority pursuant to the Act; and

WHEREAS, the Board of Supervisors Nelson County, Virginia ("**Nelson County"**) constitutes the highest elected governmental unit of Nelson County;

WHEREAS, the Board of Supervisors of Nelson County has created the Nelson Authority pursuant to the Act; and

WHEREAS, the Board of Supervisors of Nelson County will approve on September 12, 2006, the plan of financing for the Facility and the issuance of the Bonds for the benefit of the Borrower and has designated the Bonds as "qualified tax-exempt obligations" under Section 265(b) of the Code; and

WHEREAS, the approving resolutions of the Board of Supervisors of Nelson County and the Nelson Authority are each contingent upon the Board of Supervisors of Albemarle County approval of, and concurrence with, the issuance of the Bonds by the Nelson Authority.

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

1. The Board of Supervisors of Albemarle County hereby approves and concurs with the financing of the Facility and the issuance of the Bonds by the Nelson Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act, to permit the Nelson Authority to assist in the financing of the Facility.
2. The approval of and concurrence with the issuance of the Bonds, as required by said Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act, do not constitute an endorsement of the Bonds or the creditworthiness of the Borrower or otherwise indicate that the Facility possesses any economic viability. As required by the Act, the issuance of the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia, the Nelson County, Virginia or Albemarle County, Virginia. Neither the Commonwealth of Virginia nor any political subdivision thereof, including the Nelson Authority, Nelson County, Virginia or Albemarle County, Virginia shall be obligated to pay the Bonds, or the interest thereon, or other costs incident thereto, except from the revenues and monies pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Nelson Authority, Nelson County, Virginia and Albemarle County, Virginia, will be pledged to payment of principal of such Bonds or the interest thereon or other costs incidental thereto.
3. This resolution shall take effect immediately upon its adoption.

Item 5.6. Set Public Hearing on Ordinance to amend County Code Sec 10-107, Firearms - Discharging within residential districts, and Sec 10-109, Standing or walking with loaded rifle or shotgun.

It was noted in the Executive Summary that due to a recent shooting incident in a rural subdivision and at the request of the Commonwealth's Attorney, the Board asked staff to review existing County ordinances and enabling authority to determine if additional appropriate restrictions could be placed on shooting firearms in areas where it creates a danger to public safety and to assure that the County Code was in compliance with enabling legislation.

Virginia Code § 15.2-1209 enables counties to prohibit the outdoor shooting of firearms or arrows from bows in areas of the County which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof. Pursuant to this authority Albemarle County has existing County Code § 10-107 restricting the discharge of firearms in subdivisions that are within residential zoning districts. This Code section does not restrict the discharge of a firearm in a rural areas subdivision or within any non-residential zoning district.

Virginia Code § 15.2-1209.1 enables counties to prohibit any person from carrying or having in his possession a loaded firearm while on any part of a public highway within the County. Pursuant to this authority, Albemarle County has existing County Code § 10-109 restricting such conduct. However, a 2004 amendment to the enabling authority now requires an exemption in any local ordinance for persons authorized to hunt on the private property on both sides of the highway along which he is standing or walking. County Code § 10-109 currently does not contain this required exemption.

The Virginia Code also enables counties to adopt ordinances regulating the transporting of a loaded rifle or shotgun in a vehicle on public roads, hunting within fifty feet of any primary or secondary highway and shooting in or across any road or within the right of way. County Code §§ 10-108, 10-110, and 10-111 exist which establish these restrictions consistent with state law.

Virginia Code § 15.2-1209 enables the governing body to determine which areas of a county are so heavily populated so as to make shooting of firearms or arrows dangerous to the inhabitants thereof. Pursuant to this authority, localities such as Chesterfield, Hanover, Fauquier and Prince William have restricted the shooting of firearms in close proximity to certain dwellings or structures. The Chesterfield ordinance, for example, restricts discharging any firearm within 200 yards of a dwelling of another, a business establishment, a public building, a public gathering, or a public meeting place. This approach designates areas of the County where discharging a firearm may reasonably endanger people who have a legitimate expectation to be safe from such activities.

Staff recommends the Chesterfield approach. The draft ordinance (on file) to amend County Code § 10-107 continues the existing restriction on discharging firearms within residentially-zoned subdivisions but, in addition, restricts discharging a firearm anywhere in the County within 200 yards of a dwelling of another, a business establishment, a public building, a public gathering, or a public meeting place. This restriction would address shooting in close proximity to dwellings of others located in the RA district and also address discharging of firearms in other non-residential districts. The proposed ordinance would also amend the definition of residential district to include the Neighborhood Model District. In addition, the ordinance includes an exception, now required by State law, to permit shooting deer on five acre lots zoned for agricultural use when the shooting is authorized by the Department of Game and Inland Fisheries. The proposed ordinance does not address the shooting of arrows.

As a housekeeping measure, the proposed ordinance also amends County Code § 10-109 to include the exception to the prohibition of carrying a loaded firearm on a public highway if the person carrying the firearm is authorized to hunt on the private property on both sides of the highway along which he is standing or walking. The exception is required by State enabling authority. Staff recommends that the proposed ordinance be set for public hearing on October 4, 2006.

(Ms. Thomas asked that this item be pulled from the Consent Agenda for further discussion. She would like to discuss it before a public hearing is scheduled. No action was taken on this item when the vote was taken on the Consent Agenda. More discussion will follow at the end of these minutes.)

Item 5.7. Police Department Support Staff.

It was noted in the Executive Summary that the Police Department currently has two and a half Office Associate positions to support 149 employees. The five division commanders and other supervisory positions are without this support, which results in their time being spent performing clerical duties. An additional part-time Office Associate III position to provide support services has been among the top strategic initiatives of the Police Department for the past two years, but has not been recommended due to the priority placed on the addition of new Police Officers.

The recent retirement of an employee within the Police Department with many years of experience has resulted in a savings in personnel costs because the retiring employee has been replaced with staff at a lower salary. Due to these changes, the Police Department wishes to utilize the savings to establish an additional permanent part-time Office Associate position. The Police Department currently has two and a half Office Associates. The two full-time associates are assigned to supporting the records/communication section and the fiscal management section respectively. The part-time Associate provides support to the Investigation Division for transcribing interviews and creating case files that assist the Commonwealth's Attorney's Office in prosecuting offenders. The requested additional part-time position is needed to provide clerical services to the five Division commanders and to be trained in several payroll/finance functions as a backup to the current Police Assistant in her absence.

No additional funding will be needed. The expense of this position can be covered on an annual basis through the salary savings resulting from the retiring employee who was replaced with staff at a lower salary. Staff recommends that the Board authorize an additional permanent part-time Office Associate III position for the Police Department to be paid for with funds currently available within the Police Department budget.

By the recorded vote set out above, the Board authorized an additional permanent part-time Office Associate III position for the Police Department to be paid for with funding currently available within the Police Department budget.

Item 5.8. Resolution: Disaster Declaration Due to Drought Conditions.

It was noted in the Executive Summary that Mr. Peter Warren, Virginia Cooperative Extension Agent, has requested in a letter dated August 14 that the Board adopt a resolution requesting a Year 2006 Disaster Declaration for Albemarle County due to the severe drought conditions currently being experienced by local farmers. In his letter, he indicates that farmers are reporting anywhere from 35 percent to 50 percent losses on corn, hay and pasture crops and that hay and water are also in short supply for livestock.

A resolution requesting that Albemarle County be declared a disaster area for purposes of the Virginia Farmer Major Drought, Flood and Hurricane Disaster Act, due to the drought conditions was forwarded for the Board's approval. This resolution will be submitted to the Governor and if Albemarle County is declared an agricultural drought disaster area, local farmers who have suffered monetary losses due to the drought conditions will be able to secure government loans at a reduced interest rate.

Staff recommends approval of the resolution requesting that Albemarle County be declared a disaster area for purposes of the Virginia Farmer Major Drought, Flood and Hurricane Disaster Act due to the drought conditions.

By the recorded vote set out above, the Board adopted the following Resolution requesting that Albemarle County Be Declared an Agricultural Disaster Area Due to Drought conditions:

**Resolution Requesting that Albemarle County
Be Declared an Agricultural Disaster Area
Due to Drought Conditions**

WHEREAS, the drought conditions in the County of Albemarle have severely affected farmers; and

WHEREAS, during the growing season of this year the County of Albemarle has received considerably less rain than normal while experiencing unseasonably high temperatures; and

WHEREAS, the Albemarle/Charlottesville Extension Agent of the Virginia Cooperative Extension has reported that corn, hay and pasture crops have suffered between 35% and 50% losses and that water is in short supply for livestock.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby requests that the County of Albemarle, Virginia be declared a drought disaster area as recommended by the Virginia Cooperative Extension in accordance with the Virginia Farmer Major Drought, Flood and Hurricane Disaster Act due to drought conditions.

BE IT FURTHER RESOLVED, that the County Executive forward this Resolution to the Governor of Virginia with a request that he takes all necessary steps to effect the disaster declaration.

Item 5.9. ZMA-2006-001 - Westhall Phase V. Request to rezone 8.957 acres from R-1 Residential to PRD Planned Residential District. Tax Map 56H, Parcel A, located approximately 600 feet east of the end of Park Street (SR 1204) in the Community of Crozet. White Hall District. Applicant requests that this petition be deferred to September 13, 2006.

At the request of the applicant, and by the above recorded vote, this petition was deferred to September 13, 2006.

Item 5.10. Resolution to accept roads in Redfields Subdivision, Phase 4A, into the State Secondary System of Highways.

At the request of the County's Engineering Staff, the Board adopted the following Resolution:

RESOLUTION

WHEREAS, the street(s) in **Redfields Subdivision, Phase 4A**, described on the attached Additions Form LA-5(A) dated **September 6, 2006**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Redfields Subdivision, Phase 4A**, as described on the attached Additions Form LA-5(A) dated **September 6, 2006**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Redfields Road (State Route 1270)** from the intersection of Route 1285 and Route 1286 to the end of state maintenance .15 miles north of Route 1285 and Route 1286, as shown on plat recorded 12/14/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2126, page 72, with a 50-foot right-of-way width, for a length of 0.15 miles.
- 2) **Courtyard Drive (State Route 1283)** from the intersection of Route 1285 (Pebble Court to the intersection of Route 1287 (Heritage Court), as shown on plat recorded 12/14/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2126, page 72, with a 50-foot right-of-way width, for a length of 0.08 miles.
- 3) **Courtyard Drive (State Route 1283)** from the intersection of Route 1287 (Heritage Court) to the end of state maintenance .09 miles north of Route 1287 (Heritage Court), as shown on plat recorded 12/14/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2126, page 72, with a 44-foot right-of-way width, for a length of 0.09 miles.
- 4) **Heritage Court (State Route 1287)** from the intersection of Route 1283 (Courtyard Drive) to the cul-de-sac, as shown on plat recorded 12/14/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2126, page 72, with a 44-foot right-of-way width, for a length of 0.15 miles.

Total Mileage – 0.47

Item 5.11. Resolution to accept roads in Redfields Subdivision, Phase 4B, into the State Secondary System of Highways.

At the request of the County's Engineering Staff the Board adopted the following Resolution:

RESOLUTION

WHEREAS, the street(s) in **Redfields Subdivision, Phase 4B**, described on the attached Additions Form LA-5(A) dated **September 6, 2006**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Redfields Subdivision, Phase 4B**, as described on the attached Additions Form LA-5(A) dated **September 6, 2006**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Redfields Road (State Route 1270)** from the end of state maintenance .15 miles north of Route 1285 and Route 1286 to the intersection of Route 1288 (Cedarwood Court), as shown on plat recorded 05/13/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2456, page 743, with a 50-foot right-of-way width, for a length of 0.07 miles.
- 2) **Redfields Road (State Route 1270)** from the intersection of Route 1288 (Cedarwood Court) to the intersection of Route 1283 (Courtyard Drive), as shown on plat recorded 05/13/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2456, page 743, with a 44-foot right-of-way width, for a length of 0.11 miles.
- 3) **Cedarwood Court (State Route 1288)** from the intersection of Route 1270 (Redfields Road) to the cul-de-sac, as shown on plat recorded 05/13/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2456, page 743, with a 50-foot right-of-way width, for a length of 0.09 miles.
- 4) **Courtyard Drive (State Route 1283)** from .09 miles north of the intersection of Route 1287 (Heritage Court) to the intersection of Route 1270 (Redfields Road), as shown on plat recorded 05/13/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2456, page 743, with a 44-foot right-of-way width, for a length of 0.05 miles.
- 5) **Courtyard Drive (State Route 1283)** from the intersection of Route 1270 (Redfields Road) to the cul-de-sac, as shown on plat recorded 05/13/2003 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2456, page 743, with a 44-foot right-of-way width, for a length of 0.09 miles.

Total Mileage – 0.41

Item 5.12. Commonwealth's Attorney's Office Position Request.

It was noted in the Executive Summary that the State Compensation Board has approved an additional support staff position for the Commonwealth's Attorney's Office. This request is before the Board of Supervisors today to 1) approve and establish the position, and 2) appropriate the necessary funding if approved.

The workload of the Commonwealth's Attorney's Office has increased significantly. The existing paralegals are called upon increasingly to assist with reception duties because of the increased volume of telephone calls, walk-in citizens, and requests from defense attorneys, police officers and probation officers. The paralegals are relied on heavily to relieve the out-of-court and sometimes in-court workload

for the attorneys and cannot function to full capacity in being timely and accurate due to the added disruptions. This additional position is the most cost-effective way of dealing with this issue.

The Compensation Board has approved funding for this position, including salary and benefit costs. The start-up costs for this position will be funded by revenues from seized asset forfeiture funds; however, there will be a recurring County cost of \$949 associated with operating costs for this position. Staff recommends approval of this position and the appropriate appropriation.

(Discussion: Mr. Boyd asked for additional information on budget items. Mr. Tucker responded that there is \$949 associated with operating costs with a specific paralegal position, and staff would need to evaluate the total position cost and bring it back to the Board next month. He added that it can't move forward until it is appropriated.

Ms. Thomas expressed concern that the Commonwealth's Attorney's office frequently requests money off of the budget cycle.

Mr. Rooker replied that in this case, they just got their state appropriation amount, and that's why the request is coming forth now. He said that the State Compensation Board determines staffing at those offices based upon caseload, population, and other factors. He said that the County has agreed to supplement salaries here and in the sheriff's office to make sure the pay levels are adequate.

Mr. Slutzky said that he is just wondering why it is being requested now instead of next spring.

Mr. Rooker emphasized that the State Compensation Board doesn't necessarily approve salary and budget levels at the same time as the County.

Mr. Boyd stated that he simply needs more information. Mr. Tom Foley said that staff could bring it back next week.)

Note: This item was discussed further under other matters at the end of the agenda.

Item 5.13. 2007 Thomas Jefferson Planning District Commission Legislative Preliminary Draft Program, **was received as information.**

(Discussion: Mr. Boyd asked when the appropriate time would be to discuss the TJPDC legislative agenda. Mr. Rooker and Ms. Thomas indicated that they also had items to discuss. Mr. Tucker said that it could be discussed at the end of the meeting or with Mr. Blount next month. Board members agreed to discuss it next month when Mr. Blount is present.)

Item 5.14. Letter Dated July 11, 2006, from the Auditor of Public Accounts addressed to The Honorable Shelby J. Marshall concerning audited cash receipts and disbursements of the Clerk of the Circuit Court for the period April 1, 2005, through March 31, 2006, **was received for information.**

(Discussion: Mr. Boyd expressed concern about the audit of the Clerk of Court office, that their report indicates the audit had been "more limited" than expected.)

Item 5.15. 2006 Second Quarter Building Report from the Community Development Department, **was received for information.**

Item 5.16. Copy of letter dated August 17, 2006, from Joseph H. Maroon, Director, Department of Conservation and Recreation, to Patrick K. Mullaney, Director, Parks and Recreation, concerning tentative approval of Land and Water Conservation Fund grant in support of Mint Springs Fishing Accessibility Project at Mint Springs Valley Park, **was received for information.**

Item 5.17. Copy of draft Planning Commission minutes for July 11 and August 8, 2006, **received as information.**

Item 5.18. Crozet Community Advisory Council Resolutions **were received as follows:**

5.18a. Resolution regarding adoption of Proffer Guidelines,

Crozet Community Advisory Council
Resolution to Board of Supervisors
Regarding Adoption of Proffer Guidelines
Passed August 17, 2006

WHEREAS, the Crozet Community is growing at a rapid rate; and

WHEREAS, the infrastructure costs associated therewith, for example transportation and school construction have, and continue to increase; and

WHEREAS, the funding for the requisite improvements in transportation, (to cite one example), has declined; and

WHEREAS, in light of the increased costs associated with such growth, the funding vehicles for which are often not identified or do not currently exist, be it, and it hereby is,

RESOLVED, that the Crozet Community Advisory Council supports and endorses the Board of Supervisors' prompt adoption of guidelines regarding proffers incident to all future rezonings in the Crozet area, and be it and it hereby is,

FURTHER RESOLVED, that the Crozet Community Advisory Council requests that any funds generated thereby should be designated for use and promptly allocated to the Crozet Community to defray the costs associated with such rezonings.

Members of the Crozet Community Advisory Council Present: Ed Adam, Tonya Brockett, Beverly Ergenbright, Gloria Johnson, Mike Marshall, Jo Ann Z. Perkins, Mary Rice, Jimmy Stork, Terry Tereskerz, Tim Tolson, Maria Warnock, Barbara Westbrook

5.18b. Resolution regarding retention of Crozet Downtown Consultant.

Crozet Community Advisory Council
Resolution to Board of Supervisors
Regarding Retention of Crozet Downtown Consultant
Passed August 17, 2006

Be it, and it hereby is

RESOLVED, that the Crozet Community Advisory Council endorses the retention by the County of Albemarle of a consultant for the purpose of reviewing, and assisting in revising, as appropriate, the zoning code for downtown Crozet, so as to facilitate the goals and purposes of the Master Plan.

Members of the Crozet Advisory Council Present: Ed Adam, Tonya Brockett, Beverly Ergenbright, Gloria Johnson, Mike Marshall, Jo Ann Z. Perkins, Mary Rice, Jimmy Stork, Terry Tereskerz, Tim Tolson, Maria Warnock, Barbara Westbrook

(Mr. Wyant noted that this item would be discussed later in the meeting as part of the Crozet Overlay District discussion.)

Item 5.19. Copies of notices of Virginia Electric and Power Company (Dominion Virginia Power) filed with the State Corporation Commission **were received as follows for information:**

- a. Petition for certain initial determinations with regard to Virginia Code Sec 56-585(G), Case No. PUE-2006-00075, and the July 13, 2006 Order for Notice and Hearing.
- b. Application to revise its market prices for generation and resulting wires charges for the period January 1, 2007 until July 7, 2007, Case No. PUE-2001-00306.

(Discussion: Mr. Slutzky expressed concern that this implies the Board supports nuclear and coal-fired power plants, and he would like for the County to issue support for alternative fuels. Mr. Dorrier said that the Board could spend a lot of time looking at energy policy. Mr. Slutzky agreed, but said from his viewpoint this is a mistake to imply to utilities that the County supports conventional energy sources.

Mr. Rooker stated that the proposed plant would be in Wise County. Mr. Slutzky agreed, but stated that the impact would be felt in other places.

Ms. Thomas said that the power plant would be put where the coal is, and this is a new plant that would have to meet new regulations.

Mr. Slutzky asked if the plant was being designed to meet 1990 Clean Air Act standards, noting that the SELC is objecting to how the current administration has treated those regulations.

Mr. Rooker said that there are not a whole lot of facts addressed in what's been presented, and there would be more information forthcoming, if the Board chooses to participate.

Mr. Slutzky stated that he would follow up on this and come back to the Board with additional information.

Mr. Wyant said that he and Ms. Thomas are aware of this through the PDC, but he doesn't recall this specific project.

Mr. Rooker stated that the difference here is the plant is being proposed for Wise County.)

Agenda Item No. 6a. Recognition: Dr. Susan L. McLeod.

Mr. Tucker recognized Dr. Susan McLeod, who has been serving as Director of the Thomas Jefferson Health District since 1987. He said that during her service she was Acting Deputy

Commissioner of the VDH during “a very challenging time in state government,” and has been responsible for many community initiatives for uninsured and low-income citizens.

On behalf of Albemarle County local government,
I would like to recognize

Susan L. McLeod, MD, MPH

for her invaluable contributions to the Albemarle County community
as Thomas Jefferson District Health Director since 1987.

We are grateful for the skill, compassion, dedication, and commitment Dr. McLeod has demonstrated to improve the health of the citizens of Albemarle County, her contribution to statewide initiatives of the Virginia Department of Health and her mentoring of an entire generation of staff and peers in VDH.

During her service to VDH, she was Acting Deputy Commissioner at a very challenging time in state government. Dr. McLeod’s tenure as Deputy coincided with difficult decisions surrounding implementation of the Workforce Transition Act and leading a task force to develop a better approach to allocation of state funds to districts throughout Virginia. VDH was successful largely because Dr. McLeod’s approach was well-reasoned, fair, and sensitive to local needs.

Dr. McLeod’s greatest legacy to Albemarle County includes:

- Dr. McLeod’s early recognition, strong support, and innovative approach to partnering with the public schools to reduce childhood obesity.
- Dr. McLeod was a strong community coalition initiator and supporter for providing free health care services for the uninsured, low income worker and envisioned the cooperative effort that established a sharing of operations with the Charlottesville Free Clinic at the Charlottesville/Albemarle Health Department facility.
- When interest grew in the Charlottesville and Albemarle area in replicating a child health and family support program called CHIP, Dr. McLeod embraced and promoted the health department’s participation with the Monticello Area Community Action Agency in creating what is now called Jefferson Area CHIP. Since that time, the program has spread to incorporate Fluvanna and Louisa counties, benefiting large numbers of area children and families.

We, as a community, are strengthened and uplifted by those who step forward to support improving the quality of life of our residents. We offer our sincere appreciation to Dr. McLeod for her dedication, professionalism and recognize her publicly for her expertise and preventive medicine skills while serving Albemarle County.

Dr. McLeod thanked the County for the recognition, and stated she wanted to move on to other opportunities in the County as a volunteer.

Agenda Item No. 6b. Introduction, Dr. Lilian Peake, Health Director.

Dr. McLeod then introduced her replacement, Dr. Lillian Peake, stating that she is a graduate of the University of Virginia Medical School and has a Master’s in public health from Johns Hopkins, and has served as the Rappahanock-Rapidan Health District for three years.

Agenda Item No. 6c. Recognition: Tactical Team – Albemarle County Police Department.

Mr. Rooker said that the team was formed in 1984 by Chief Johnstone, and was originally comprised of volunteers responding to critical incidents. In 1988, he reported, the Tactical Team developed a formal process to evaluate and select qualified officers for the position of tactical operator. He said that all current operators are veteran police officers who demonstrate unique abilities that have enabled them to be selected. He stated that the team is considered to be part-time, as all officers have primary assignments with other divisions in the agency. He said that their primary mission is to provide a highly trained and skilled response to high-risk incidences, life-threatening situations, and complex crises. He noted that the team currently consists of 12 operators, three tactical medics, and one team commander. He said that the team participated in the regional squad competition on May 9, 2006 in Harrisonburg, which was the sixth annual competition and included 13 teams, including teams from the U.S. Army and the Virginia State Police. He stated that the Albemarle Team placed first or second in four out of the six events held, and the County finished first overall for the first time ever.

Mr. Rooker congratulated the team, and thanked them for the critical role they play in the safety of the community. He recognized Capt. George Noteman, Lt. Ernie Allen (the new commander), Sgt. Peter Mainzer, Sgt. Scott Cox, Sgt. James Larkin, Sgt. Timothy Sites, Cprl. Sean Hackney, Cprl. Michael Hence, Cprl. Steven Wilkins, Officer Miller Stoddard, Officer David Wallace, Detective Sean Reyes, Officer Mike Ballou, Officer Mike Easton, Officer Aaron Hill, Cpt. Edward Fisher, Cpt. Jeff Snead.

Capt. Noteman addressed the Board, stating that he was one of the original members in 1984, and this is a culmination highlight of his career.

Agenda Item No. 6d. Recognition: Ron Slaughter, 51-Year Volunteer Firefighter.

Mr. Rooker stated that Chief Slaughter retired on July 10th from the Seminole Trail fire station, following 51 years of service as a volunteer fireman for the community. He said that Chief Slaughter is a native resident whose career has many highlights, including serving as Assistant Chief in 1972 when he became president of the Jefferson Country Fireman's Association. He said that in 1976, Chief Slaughter was asked to form a volunteer fire station in the urban part of the county, and he became a charter member at that time. Mr. Rooker thanked him for his leadership and untiring devotion to safety in the community.

Chief Slaughter stepped forward and received a plaque honoring his service. He said that he is "indeed honored" and thanked everyone. Mr. Slaughter commented that the success of the volunteer fire and rescue service has been due to the support and encouragement of the Board of Supervisors, the County Executive and his staff, and Dan Eggleston and the Fire and Rescue Department in the County.

Chief Eggleston said he is proud to be here today to recognize Chief Slaughter. Chief Eggleston introduced Chief Smythers of Seminole Trail Fire Department, who also thanked Chief Slaughter for his service and mentoring. Chief Lee Brown also expressed his appreciation. In addition, Mr. Slaughter's sister recognized her brother's service, as did others in attendance. Sherry Iachetta, of the City Registrar's office, recognized Mr. Slaughter for working on elections in Charlottesville for the last 20 years also.

On behalf of the citizens, local government staff and the Board of Supervisors of Albemarle County, we would like to recognize

Ronald (Ron) P. Slaughter

for his tireless efforts in serving the citizens of the County as a volunteer with the Charlottesville Volunteer Fire Company (CVFC) since July 1955.

As a volunteer, Ron served on numerous committees and took on many roles as a volunteer. He:

- served as Assistant Chief of CVFC;
- was placed on the CVFC Honor Roll;
- was President of the Jefferson Country Fireman's Association;
- was instrumental in forming the volunteer fire stations in the urban areas of the County; and
- served as a charter member and founding "father" of the Seminole Trail Volunteer Fire Department (STVFD), including serving on the Board of Directors, Assistant Chief and Chief, Vice President of the Board and as a life member;

We are grateful for the time, energy and dedication Ron has committed to protecting the citizens of Albemarle County.

We as a community are strengthened and uplifted by those who step forward to volunteer their services in support of improving the quality of life of our residents. We offer our sincere appreciation to Ron for his dedication and recognize him for his service to Albemarle County and the community.

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

Ms. Sue Friedman, Chairman of the Albemarle County School Board, addressed the Board. She said that the schools continue to look for ways to enhance teacher/staff development. She reported the School Board recently met with five legislators to discuss issues of particular importance to the school division, and Albemarle will hopefully be eligible for additional state funding in the near future. She also added that the School Board emphasizes the importance of closing the achievement gap and helping students become more successful learners.

Ms. Thomas stated that she recently attended the National Association of Counties meeting, and asked if school board members attend the National School Board Association conferences. Ms. Friedman responded that they have recently attended, and have found them very valuable for information-sharing as well as networking. Ms. Friedman discussed how students who get in trouble are referred out and helped.

Mr. Slutzky noted that his daughter felt that the probability of being kicked off of sports teams due to drinking was a definite deterrent, and kept her from drinking alcohol.

Ms. Friedman stated that the schools encourage abstention from drugs and alcohol so that students remain healthy and maintain good learning habits. "We certainly don't want to become the parents... [but] we want students to learn." She said that teacher retention has also gotten stronger, and teachers indicate that the salary range increases have kept them in the system.

Agenda Item No. 8. Pandemic Flu Update – Dr. Lillian Peake, Thomas Jefferson Health District.

Dr. Lillian Peake addressed the Board, stating that she is looking forward to strengthening public health in the community. She explained that a pandemic is an occurrence of a new disease that occurs all over the world at the same time, makes a lot of people sick, and can cause many deaths. She said that

the most worrisome flu pandemic occurred in September of 1918, starting in Boston and spreading throughout the U.S. in three weeks. She stated that over 35 percent of people were affected globally, and it led to 20 to 100 million deaths worldwide, or 2.5 percent of those who contracted the illness. She said that the disease affected a lot of working adults, and 71 percent of pregnant women who had the disease died. She said that there were also flu pandemics in 1957 and 1968, which caused more deaths than influenza typically does.

Dr. Peake said that the U.S. is currently preparing to deal with avian flu, but the disease has mutated and circulated to other parts of Asia, Europe, Africa, and seven other countries. She reported that 241 people in 10 countries so far have contracted the illness, and about 50 percent are dying. She said there is a significant mortality rate, and that is why people are very worried and watching it closely.

Mr. Rooker asked why the mortality rate was so much higher.

Dr. Peake replied that the way the virus attaches to the lower respiratory tract causes severe pneumonias, very similar to the way the flu in 1918 did. In response to Mr. Boyd's question, she noted that those people affected do have access to proper medical care, and this is a new subtype of flu virus. She said that the disease has only made people sick because of contact with birds, and it is impossible to predict where and when pandemics will hit.

Dr. Peake stated that while pandemics can't be predicted, the health community can be prepared. She said that the time between when you get infected to the time when you become sick is short. She says every year influenza viruses make 5 to 20 percent of U.S. residents ill, leading to 200,000 hospitalizations and 36,000 deaths. She added that the flu vaccine can help reduce these numbers, but it is a difficult and time-consuming process. She said that Tamiflu, which impedes progress of the disease, is not widely available. She noted that these viruses can become drug resistant, rendering the drugs ineffective. She said that influenza surveillance is being done in Virginia, and volunteer public health corps are being built to aid with response.

In response to Ms. Thomas's question about masks helping to limit the spread of the flu, Dr. Peake said that healthcare and EMS professionals need to wear them, but not the public at large. Mr. Tucker added that staff would be bringing back policies for the Board to consider that would affect County employees.

Ms. Lee Catlin stated that the County is involved with the community-wide task force, and there will be a series of educational sessions relating to the flu and personal preparedness. She said that the trainings would cover other issues and challenges, with the flu being one of them.

Agenda Item No. 9a. Transportation Matters: VDOT Monthly Report for September, 2006, and
Agenda Item No. 9b. Transportation Matters not listed on the Agenda.

Mr. Darin Simpson, Assistant Resident Administrator, addressed the Board. He reported that the broken pavement situation in the Claymont subdivision has been addressed. He also said that they have received environmental clearance to pave the ditches on White Mountain Road. He indicated that crews are trying to get out to Owensville Road to deal with the sight distance issues there, but the obstruction is out of the VDOT right-of-way. He said that VDOT has obtained right of entry from two private property owners and they have approval to clear underbrush to help improve line of sight. They plan to clear as soon as weather permits.

Mr. Simpson reported that the TAMS contractor would be starting on October 1st, and would be managing the I-64 operations and routine maintenance from Staunton to near Goochland. He said that they have an incident response plan to include how they would handle each interchange, and it's best to see what their response plan is before making local plans. He reported that the study to reduce the speed on Route 20 was sent to Traffic Engineering on August 18, which usually takes 30 to 60 days.

Mr. Dorrier noted that he received comments from Reverend and Nancy Luck regarding a ditch that they'd been trying for 30 years to get fixed, and they said VDOT did an excellent job repairing it.

Mr. Simpson stated that the question was posed about building a multi-use trail if the Meadow Creek Parkway were significantly delayed, but he said that he would only recommend that if the project were going to be delayed by 20 years or so.

Mr. Rooker clarified that Route 631 in VDOT's Monthly report is actually the Meadow Creek Parkway.

Mr. Wyant asked if the Jarman's Gap advertisement date has been moved, and Mr. Simpson responded that he would get that clarified.

Mr. Simpson said that the Total Asset Management Contract will start on October 21st, and they will manage I-64 from Staunton to Goochland. Part of the requirement is that they have an incident response plan. This will allow a better job of signing for I-64 in the event of a closure.

Mr. Simpson stated that VDOT preformed an initial field review for the speed limit reduction request on Route 20. VDOT agrees it should be sent to traffic engineering. The study was initiated on 8/18, and has a 30-60 day turnover.

Mr. Simpson said that the "left turn will yield on green" sign has been put up at the intersection of Rio and Northfields Roads.

Mr. Simpson stated that VDOT spoke with the signal technicians in relation to Hydraulic Road and Route 29 to make the right turn movements in the dual right hand turn lanes less confusing. He said they are trying to ensure that there are two arrows, and that he will push for a solution.

Mr. Simpson added that the Meadow Creek Parkway is on schedule, and there will not be a bike trail due to the extra steps that it would cause in the process.

Mr. Simpson confirmed that Mr. Rooker received the e-mail on the update of the Parkway from Mr. Utterback.

Mr. Simpson also noted that Roslyn Ridge Road has been patched.

Mr. Dorrier asked about getting a copy of the Biscuit Run transportation plan. Mr. Cilimberg replied that it has not been completed or submitted yet, but when it is it will come to the staff and they can make the Board aware. "It will be voluminous."

Mr. Dorrier said he would like VDOT to look at Dawson Lane, because of its rutted condition. The gravel washes off, and the stream that is under the bridge sometimes goes over the road. Mr. Simpson said he will address the issue.

Mr. Rooker added that perhaps the Executive Summary would be shared, and the entire report would be available for anyone wanting to see it. Mr. Cilimberg said that the City, County and VDOT staff got together with the applicant and defined the scope before the work started, and the Planning Commission reviewed it beforehand.

Ms. Thomas commented that she received a complaint from a constituent regarding the Boar's Head Inn meeting pavilion, as there is only one road in and out of all of Boar's Head. She indicated that this has some validity, and the citizen suggested an emergency alternate access road. Mr. Boyd agreed, and said that he also had a call about that situation.

Mr. Boyd asked what needs to be done to see if Stony Point Pass qualifies as a rural rustic road. He has a petition, and would like to know what the next step is to see if the road qualifies. Mr. Simpson said he will relay the request to Mr. Joel DeNunzio to make sure it meets the requirements.

Mr. Boyd said that everyone on the road has signed a petition to do so, adding that they had also indicated an interest in having some dust control measures put on the road. He also asked about the opening of the Proffit Road Bridge. Mr. Simpson responded that he's been involved with that project since the beginning, and the bridge should be opened by the end of September.

Agenda Item No. 9c. Downtown Scottsville Streetscape Plan Request.

Mr. Tucker reported that the Mayor and Town Council members are in attendance, and the town would like to make a request to the Board. He indicated that staff has not had time to review the request, as it was just received from the town today.

The mayor, Mr. Stephen Phipps, addressed the Board, stating that the town's annual operating budget is just over \$0.5 million per year, and their main sources of revenue are from BPOL and meals taxes. He said that it's important for them to concentrate on tourism, and over the last six years they have received some T-21 grants to enhance the town. With those grants, he said, they have built a River History Transportation Park, a levee walk for people to see the river and town, and a parking lot. Mr. Phipps said that the streetscape project would allow for burial of power lines, construction of period lights, and new trees. He said that costs have meant the town can not finish the project at this time, and part of this is due to delays from VDOT and utility companies. Mr. Phipps said they have enough funds to do Valley Street (Route 20) right now, but the town needs about \$0.5 million for East Main Street up to the museum. He stated that officials in other localities have indicated it enhances their town and adds to the economic infrastructure.

Mr. Phipps then introduced Jack Hodge of Volkert & Associates, who has overseen the project from the beginning, adding that Mr. Hodge was formerly the Chief Engineer at VDOT.

Mr. Hodge addressed the Board, stating that there were sufficient funds for Valley Street initially, and putting in the storm drains was a cooperative effort of VDOT and the enhancement funds. He said that to make it viable, it was forced into a construction project, and the utility companies have to follow those policies for betterment. Mr. Hodge said that the price has increased over time, but they have been able to completely fund Valley Street and the storm drainage could be eliminated from Main Street. He added that they have a contract with Albemarle Water Authority to put in those lines while the street is being torn up.

Mr. Dorrier asked about the timetable for this project. Mr. Hodge replied that there is a contractor in place and VDOT has agreed, and they should be able to start very shortly once the funding is there. He noted that the town has to put up 20 percent, and some of the enhancement money can be used to do the match for construction.

Mr. Phipps pointed out that they have raised over \$300,000 from private citizens over six years, including the Perry Foundation.

Mr. Rooker stated that staff would get this item on the agenda as soon as possible for consideration.

Agenda Item No. 10. Charlottesville Transit System (CTS) Transit Development Plan (TDP) – Presentation, Frank Spielberg.

Mr. Frank Spielberg addressed the Board, stating that this was a follow-up to what was presented to City Council 16 months ago. He noted that this project was funded entirely through the Virginia Department of Rail and Public Transportation, and the report has been through their approval process. Mr. Spielberg stated that there have been two public meetings which resulted in some changes that are reflected in the final plan. He noted that the Route 5 connection now goes to Wal-Mart, and the Route 7 connection goes to Fashion Square Mall. Mr. Spielberg said that Route 10 was also extended to serve some new destinations as part of this plan, but that increased the service from every 30 minutes to every hour. He stated that the trolley on West Main and the U.Va. Grounds was having trouble making its schedule, so more trolleys were added. Mr. Spielberg explained that there is information in the report to consider expanding service in Pantops to improve the service for the transit Route 10 so that it runs more frequently.

Mr. Spielberg indicated that the Places29 study team recommends a bus rapid transit spine that would operate from the airport area down through Route 29 onto the grounds, as well as two circulators – an inner circulator that would serve the area between Hydraulic and Rio Roads, and an outer circulator that would serve the Hollymead area. He added that they might be longer term considerations, depending on the Board's actions. Mr. Spielberg noted that if the highest level of service were implemented for all of these things, it would equal the cost of the current Charlottesville Transit System today. In response to Mr. Rooker's question, he said they do not have ridership figures at this time.

Mr. Rooker noted that part of the County's difficulty has been how to cover the roughly 700 square miles the County encompasses.

Mr. Slutzky commented that the Board also needs to look at how to get people out of their cars and onto mass transit, and there are lots of incentives to look at this in light of the earlier comments on peak oil production.

Agenda Item No. 11. Presentation: Creciendo Juntos, Peter Loach.

Mr. Peter Loach addressed the Board, presenting U.S. Census data from 1990 in Charlottesville and Albemarle, showing a little over one percent of the population in Virginia is Latino. He stated that that is to be expected for that time, but that number became 2.5 percent in 2000, and that number climbed to 4.25 percent in the area for 2005. He emphasized that there are more Latinos in Albemarle than Charlottesville, adding that the local increase might be due to low unemployment rates in the area and the state. He said that it is not a huge surprise that there be an influx of workers. He mentioned that the service and construction industries are strong in Albemarle, which tends to draw more of that population.

Mr. Loach reported that the Hispanic/Latino household income is just below the TJPD median, which in 2004 was just under \$52,000. He noted that the Hispanic buying power is growing at three times the national rate, projected to be over \$1 trillion by 2010; the number of prosperous Latino homes and the growth of the number of Hispanic businesses is four times faster than all U.S. firms. He explained that PHA came up with the idea for Creciendo Juntos to help the Hispanic population, and the organization is a collaborative effort of several agencies.

Mr. Rooker asked if he knew the percentage of the Spanish population that can not speak English at all, or speak it well. Mr. Loach responded that he is not certain, but often the children are the first generation born in the U.S., and there is a lot of effort with the schools to try to help families break the language barrier. He agreed to bring back more data on those numbers, adding that there is also the question of cultural translation.

Agenda Item No. 12. Presentation: Community Land Trust, Bill Edgerton.

Mr. Bill Edgerton addressed the Board, stating that he and Frazier Bell have explored the possibility of setting up a land trust similar to that in Burlington, Vermont. He explained that the land trust has several key features: it is a non-profit tax entity and contributions are tax-deductible; the land trust owns the land and improvements (buildings) are sold to individual homeowners, affordable housing organizations, or non-profit rental developers; the land is leased and is taken out of the purchase price of the housing; the owner of the land (the land trust) has a responsibility to maintain the property; it's community-based and operates within the physical boundaries of a targeted locality; a portfolio of land could be assimilated to provide affordable housing; and there are 135 land trusts around the country that can be used for a variety of different scenarios.

Mr. Edgerton explained that the first step would be to decide whether to work with an existing affordable housing organization, or create a new one. The second would be to form the land trust and have an administrator who would solely administer the trust; initially an existing organization would be

used. The land trust would work with planning staff and developers to identify lots throughout a proposed development that would be donated to the land trust as a rezoning proffer. The lots would be scattered to promote the principles of the neighborhood model. The land trust would agree to build the dwelling units that would adhere to the architectural covenants of the development and integrate the affordable units. The land lease would perpetually be providing affordable housing. The developer would proffer, for example, 15 lots, that would then be donated to the CLT, which would provide the developer with \$1.875 million in tax deductions based on \$125,000 lot value. Homeowners would realize appreciation, but a share of it would be returned to the land trust. The CLT would handle future sales and ensure that the homes remain affordable.

Mr. Davis pointed out that anything proffered through a rezoning application generally cannot qualify for a tax deduction under the IRS.

Mr. Boyd asked them to get input from the Blue Ridge Home Builders Association.

Mr. Edgerton said that they have spoken informally with some developers, but he is going to meet on a more formal basis with them in the near future.

Agenda Item No. 13. Presentation: Albemarle County Industrial Development Authority, John Lowry. (**Note:** This item was skipped and will be heard in the afternoon.)

Agenda Item No. 14. Closed Session.

At 12:15 p.m., **motion** was offered by Mr. Slutzky that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; and, under Subsection (3) to discuss the acquisition of property for a public facility.

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

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

Agenda Item No. 15. Certify Closed Session. At 1:40 p.m., the Board reconvened into open session.

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

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

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

Agenda Item No. 16. Appointments to Boards and Commissions.

Mr. Wyant offered **motion** to:

appoint Leslie Durr to the MACAA Board with no specified length of term.

appoint Duane Zobrist to represent the White Hall District on the Planning Commission, to fill out the term of Ms. Jo Higgins, with said term to expire on December 31, 2007.

Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 13. Presentation: Albemarle County Industrial Development Authority, John Lowry.

Mr. John Lowry, Chairman, of the Industrial Development Authority, addressed the Board, stating that the Albemarle's IDA is one of many in Virginia, and he would like to provide some basic information on the role of the organization. He said that they are a conduit between a lender and a borrower. He noted that the IDA will take any application, but they have to qualify according to Virginia statutes.

Mr. Rooker asked if there was a cap on the amount. Mr. Davis said that the IDA can issue as much debt as they want, but there is a bank-qualified limit of \$10 million.

Ms. Thomas asked if the Comprehensive Plan comes into play. She asked whether the Authority makes sure that whatever they are planning to build fits in with the Comprehensive Plan. Mr. Lowry said he does not know. Mr. Davis said he does not think the Authority factors that into the discussion.

Mr. Bowling said the Authority assumes the property has the proper zoning and is qualified already.

Ms. Thomas said the questionnaire asks a question as to whether the facility will create pollutants or toxic or hazardous substances. She thinks that is out of date. Today, when Albemarle County itself puts up buildings or makes addition, like the wing that housed the Police, a green roof is put on. She thinks the County is looking more toward people having EnergyStar which means it is efficient in using energy. "LEED" certification is the gold standard and most people can't get that totally, but she thinks the County has slightly higher standards. It is not just making sure you are not doing any damage, but how you are helping the community to be more efficient.

Mr. Lowry said the Authority can address that in its questionnaire.

Mr. Rooker said he agrees. The County is looking at ways to be more active in the green building area of the community and has participated in a number of forums.

Mr. Tucker said Community Development staff can help with those questions.

Agenda Item No. 17. Creation of Crozet Downtown Zoning District or Zoning Overlay District.

Mr. Mark Graham, Director of Community Development, summarized the following executive summary which was forwarded to Board members:

The Crozet community and staff are requesting action to allow Crozet's downtown to develop in accordance with the Crozet Master Plan. The Master Plan calls for "County initiated rezoning" – a downtown zoning overlay district, changes to the zoning code, and a modified review process (pages 24-26), in balance with historic preservation. Crozet business owners met in May, 2006 to discuss the Master Plan recommendations. At the end of the meeting they called for a County-led initiative to address current zoning constraints. The business owners met again in July to discuss zoning research and findings, prepared in advance by a sub-committee of business-owners. On July 20th the Crozet Community Advisory Council met to review the business-owner recommendations and asked the County to make this project a priority for Crozet.

It is staff's opinion that it is important to implement the Master Plan's recommendations for downtown Crozet now, with the help of a consultant, to allow downtown Crozet to be developed and redeveloped in a manner consistent with the Master Plan, and to protect the downtown from the increasing pressures of competing development in fringe areas. Most downtown properties cannot be developed or redeveloped consistent with the Master Plan under the existing zoning. In addition, most of downtown Crozet could not even be built to its present form under the existing zoning. Existing zoning districts in downtown Crozet impose constraints on mixed-uses, parking, outdoor displays and activities, and building locations.

To achieve the form of development or redevelopment called for in the Master Plan, the downtown area will need either a new zoning district or a new zoning overlay district with regulations specifically tailored for downtown Crozet. The key elements of the proposed zoning district would include identifying uses allowed by right and by special use permit, including mixed-use developments and outdoor displays and activities, maximum building height, building location (setbacks), parking, landscaping and tree canopy, and exterior lighting. It is staff's opinion that rezoning the downtown to the Neighborhood Model District (NMD) would put a burden on small business owners and require considerable coordination among many property owners. Under either the existing zoning regulations or an NMD, downtown business owners cannot practically expand and new businesses will have great difficulty being added. With these constraints, greenfield development outside of downtown is more economical and feasible. The proposed zoning district regulations would allow more compact, infill development in downtown – permitting a mix of uses and better utilized parking.

Given Community Development staff is fully allocated on other projects and the interest in starting this project now, staff plans to use a consultant to expedite this work. The County will issue an RFQ for a consultant to start with the community's recommendations in preparing a zoning text amendment, and possibly a zoning map amendment to either replace the zoning or establish an overlay zoning district within Crozet's downtown. Staff anticipates the consultant will work with staff and the CCAD to refine the sub-committee's recommendations to meet legal standards and verify stakeholder support.

Consultant fees are not expected to exceed \$75,000 and staff time is expected to be less than 6 months of work. Staff intends to fund this through the reappropriation process and is requesting that the Board agree to fund this study in advance from unspent funds from last fiscal year's Community Development budget. Reappropriation requests will be on the Board's agenda at next month's Board meeting.

Staff recommends that the Board:

1. Adopt the attached resolution of intent to initiate the zoning text amendment discussed herein;

2. Direct staff to proceed with hiring a consultant to assist in the creation of a Crozet downtown zoning district or zoning overlay district and to develop a zoning text amendment proposal in cooperation with the Crozet community;
3. Approve the use of FY 05/06 unspent funding from Planning and Community Development through the reappropriation process to fund the study.

Mr. Graham stated that there is a resolution from the Crozet Advisory Council before the Board. He explained that this is really the outcome of an effort of the County's Business Development Facilitator (Susan Stimart) working with area residents and businesses to determine what will make a viable downtown. He said that those efforts have included a downtown library, Crozet Avenue streetscape improvements, a main street and the formation of a downtown business association. He noted that current zoning districts do not fit well with a downtown. They have issues with parking, building setbacks, and things of that nature. He indicated that staff feels it is necessary to bring a consultant on at this point in the zoning overlay district process. Mr. Graham noted that while staff is presenting these recommendations, they are really from the Crozet Community Advisory Council and the downtown property owners. Staff is hoping this is the first of many partnerships envisioned under the Crozet Master Plan, and looks forward to supporting more in the future.

Mr. Wyant asked about the difference in a zoning district in Crozet and an overlay district. Mr. Graham said staff is looking at several options. One approach is an overlay district. Another is a separate zoning classification and let the properties come forward and be rezoned to the new classification, or possibly doing some sort of overall rezoning for a downtown district. A lot of careful thought needs to be given to how they go about this process. He is estimating this will take about six months.

Mr. Wyant asked if there are any projects in the pipeline that could be affected by this proposal. Mr. Graham replied that the Crozet Station is probably the most affected. In that case, the applicant is trying to move forward with a neighborhood model type district which would be given the same type of flexibility that they might receive under this downtown district.

Mr. Wyant commented he is concerned about what could happen in the interim. It seems to him that this process may take nine months before it even gets to the Board.

Mr. Rooker said the proposed ordinance is more permissive, less restrictive. This in fact provides more flexibility with what can happen downtown. He does not think the Board will see applicants rushing forward trying to get something approved.

Mr. Wyant commented that this is the critical element in what needs to occur in Crozet. He also said that the Advisory Committee needs to be involved with any new standards that are developed.

Mr. Davis said people proposing neighborhood model districts probably can accomplish what these zoning district regulations will ultimately accomplish because they can basically write their own code of development. Staff hopes to accomplish, with either the overlay or zoning district, the establishment of those rules so that applicants may not have to go through a legislative process.

Ms. Thomas suggested that the ARB work with Crozet to develop guidelines that would apply to development. Mr. Graham said if that is the Board's interest that can be done. Mr. Rooker said it seems to him the ARB could develop a different look for the Crozet community without requiring legislative action.

Mr. Davis said the ARB probably needs to develop some guidelines that need to be ratified by this Board. Their current guidelines were ratified by the Board about a year ago; those guidelines are primarily tailored to Route 29 and the urban area, outside of Crozet, and are more specific than they use to be.

Mr. Slutzky suggested that the committee work with the ARB to develop a standard that is applicable only to Crozet.

Mr. Boyd commented that some ARB members are under the impression that all buildings are supposed to back up directly to roads, such as those at the Hollymead Town Center.

Ms. Thomas said that one of the reasons staff didn't recommend that project is because the buildings were too close to the road and there was insufficient setback.

Mr. Cilimberg noted that the ARB staff is fully consumed with building approvals right now, and there hasn't been time to work on guidelines, even though their review is called for in the work program. He added that there is always going to be a staff component in developing guidelines, and he does not know where that resource is going to come from. He said that perhaps the consultant hired as Mr. Graham discussed could help out, and they will also be working with the community.

Mr. Foley commented that staff is going to work towards what's been suggested, but the burden cannot fall squarely on the ARB.

Mr. Rooker added that ultimately the Board would need to approve the guidelines anyway.

Mr. Boyd expressed concern that consultants were already hired as part of the Master Planning process, yet they did not do any of this work. It was certainly known at that time that the downtown development was pending.

Mr. Rooker said that the Master Plan wasn't approved at that time, so it wasn't feasible that the planning for downtown would occur. Mr. Cilimberg mentioned that each master plan has zoning changes identified, and there is no way to anticipate them. They are going to cost more money to do that work at that time; there is a need to see what is adopted before doing the zoning provisions.

Mr. Boyd said that with the amount of money and time spent on master plans, perhaps more should be expected from consultants.

Mr. Rooker stated that detailed plans were not identified during the Master Planning process. Mr. Davis noted that up to now, consultants have not been used to draft current development ordinances, but it is a way to advance the work program faster.

Mr. Boyd said that retail is required with the Neighborhood Model plan, and it doesn't always work with the development. Mr. Cilimberg replied that retail is associated more with the centers.

Mr. Slutzky noted that no phasing analysis was done with the Crozet Master Plan, and if the Board is not happy with how that went then they should change it for future plans. He said that in the future, the Board might want to develop an implementation strategy so that there is not the "awkward spot" there is now.

Mr. Rooker emphasized that when the Crozet Master Plan was adopted, everyone was aware that there would be underlying individual rezonings. Mr. Dorrier commented that he did not feel phasing was appropriate here.

At this time, Mr. Slutzky **moved** to proceed with staff's recommendation to adopt the Resolution of Intent to initiate the proposed zoning text amendment; to direct staff to proceed with hiring a consultant to assist in the creation of a Crozet downtown zoning district or zoning overlay district and to develop a zoning text amendment proposal in cooperation with the Crozet community; and to approve the use of FY05/06 unspent funding from Planning and Community Development through the reappropriation process to fund the study. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

RESOLUTION OF INTENT

WHEREAS, the Crozet Master Plan describes downtown Crozet as the historical focal point for cultural and commercial activities in Crozet and the surrounding areas; and

WHEREAS, one of the findings and recommendations of the Crozet Master Plan is to focus on the redevelopment and invigoration of the downtown area; and

WHEREAS, the lands within downtown Crozet are currently within various zoning districts, and the regulations within those districts have been identified as imposing a number of impediments to the development and redevelopment of downtown Crozet in a manner consistent with the Crozet Master Plan; and

WHEREAS, two of the strategies recommended in the Crozet Master Plan to implement the Plan are to establish a zoning district specific to downtown Crozet having regulations specifically designed to be consistent with the Crozet Master Plan or to establish a zoning overlay district establishing regulations in addition to those imposed in the underlying zoning district; and

WHEREAS, the specific zoning regulations desired for downtown Crozet would include, but not be limited to, delineation of the uses allowed by right and by special use permit, including mixed-use developments and outdoor displays and activities, and establish regulations pertaining to maximum building height, building locations (including setbacks), parking, outdoor lighting and other issues deemed to be appropriate; and

WHEREAS, it is desired to amend the Albemarle County Zoning Ordinance to establish a downtown Crozet zoning district or zoning overlay district as described herein.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Board of Supervisors hereby adopts a resolution of intent to amend the Albemarle County Zoning Ordinance to achieve the purposes described herein.

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

Mr. Foley mentioned that staff has been working on researching different approaches, as Mr. Slutzky has said, and those decisions come forward with discussions in policy changes – which are slated to come before the Board in an October work session.

Ms. Thomas noted that she asked about the Crozet Master Plan situation during the National Association of Counties meeting, and they suggested appointing a group like the Crozet Advisory Committee immediately after the plan is done to avoid a "trough" situation after a long period of intense public involvement.

Mr. Tucker said that the County has learned from that experience, and in the future would appoint that type of group more quickly.

Mr. Rooker asked for a map of the broader master plan area with notations as to where the overlay district area is.

Agenda Item No. 18. **Public Hearing:** FY 2006 Budget Amendments. (Notice of this public hearing was advertised in the Daily Progress on August 27, 2006.

Ms. Laura Vinzant addressed the Board, stating that the amendment totals \$1,055,758.90 and includes two appropriations which were approved on August 2, 2006. Appropriation No. 2006-091 totaling \$3,340.00 for a donation to the Crozet Greenway Program; and Appropriation No. 2006-092 totaling \$126,320.70 for various education programs. The new appropriation is Appropriation No. 2006-093 totaling \$926,098.20 for education donations and programs.

The description of Appropriation No. 2006-093, \$926,098.20, follows.

At its meeting on July 13, 2006, the School Board approved the following appropriation:

Meriwether Lewis received a donation in the amount of \$8,774.47 from the Meriwether Lewis PTO. This donation will be used to cover staffing for the 2005-06 school year.

Janelle Catlett, classroom teacher at Woodbrook Elementary and Shannon Grant recipient has received a grant donation in the amount of \$200.00 from Luck Stone's Architectural Stone Center in Ruckersville, Virginia. These funds will be used as additional support for Mrs. Catlett's Shannon Grant entitled "It's a Rock Party."

The Wal-Mart Foundation awarded Albemarle County Public Schools a grant in the amount of \$375.00. June Smith, Community Engagement Department, will coordinate exact use of the funds for community service opportunities or service learning projects.

Old Dominion University awarded Greer Elementary School with an Effective School Wide Discipline mini grant in the amount of \$500.00. 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.

William Glasser, M.D., Inc. awarded Murray High School with a grant in the amount of \$800.00. This grant award assisted in funding a trip for one teacher and two students to the International Youth At-Risk Conference, held March, 2006 in Savannah, Georgia. The group was asked to make a presentation on the ideas of Choice Theory and Quality Schools.

Albemarle County and Charlottesville City Public Schools partnered with the University of Virginia to implement a Carnegie Foundation Incentive Grant, "Teachers for a New Era." The key goal of the TNE program is to "perfect a model teacher education program that attracts some of our most promising young men and women and transforms them into superb teachers, capable of eliciting the highest possible achievement from their students over the course of their careers." To accomplish that goal, University staff currently is partnered with School Division staff over a three-year grant period to develop and implement a series of initiatives designed to recruit, train and retain teachers within the profession. One component of the larger TNE grant initiative is the allocation of funds to partnering school divisions so they can develop best practice mentorship programs within schools.

The No Child Left Behind Act (NCLB Act), Public Law 107-110, authorized the Title II, Part A, as a Federal grant program that combines the Eisenhower Professional Development, School Renovation, and Class Size Reduction Grants into a Teacher Quality grant program focusing on preparing, training and recruiting high-quality teachers, principals and paraprofessionals. Expenditures have exceeded appropriations for FY '05-06 due to an increase in stipends paid for more teachers to participate in Curriculum Assessment Instruction (CAI), and paying .50 FTE for a Literacy Coordinating teacher. There is a fund balance retained by the State in the amount of \$116,367.23 from FY '04-05 which may be reappropriated for FY '05-06.

The School Bus Replacement Fund has a fund balance of \$1,365,894.00. These funds were accumulated to meet the needs of bus replacement in years that have large numbers of buses needing replacement. This action will appropriate \$597,359.00 of fund balance from the School Bus Replacement Fund for FY '05-06 purchases.

Ms. Vinzant said staff recommends approval of the FY 2006 Budget Amendment in the amount of \$1,055,758.90 after the public hearing, and then approval of Appropriation No. 2006-093 to provide funds for various School programs as described above.

Mr. Slutzky stated that if the County looks at an overall public transportation system, perhaps they should be "a little bit miserly" in purchasing equipment, especially in the growth area.

Mr. Boyd noted that there is a mileage and year process that goes along with school bus purchasing, and there are safety concerns if those vehicles are not replaced.

Mr. Tucker said that this is done every year, and Mr. Slutzky would have the opportunity to weigh in at that time.

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

Ms. Thomas **moved** for approval of the 2006 Budget Amendment in the amount of \$1,055,758.90, and to adopt the following Resolution of Appropriation. Mr. Slutzky **seconded** the motion, which passed by the following recorded vote:

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

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-093
 DATE: 09/06/06
 EXPLANATION: Appropriation - Education

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	8,774.47		
2	3104	18000	189900	Misc. Revenues	J2	375.00		
2	3104	18000	189919	Misc. Revenues	J2	500.00		
2	3104	18000	189900	Misc. Revenues	J2	800.00		
2	3156	18120	189900	Rev - TNA Grant	J2	201,722.50		
2	3203	33000	330105	Title II, Part A	J2	116,367.23		
2	3502	18000	181223	Shannon Grant-Rev	J2	200.00		
2	3905	51000	510100	Appr.-Fund Balance	J2	597,359.00		
1	2206	61101	115000	Wages-Ofc. Clerical	J1	3,694.00		
1	2206	61101	210000	FICA	J1	306.00		
1	2206	62221	113100	Wages-Hlth.Clinic	J1	3,727.66		
1	2206	62221	232000	Dental	J1	27.60		
1	2206	62221	210000	FICA	J1	210.51		
1	2206	62221	231000	Health	J1	808.70		
1	3502	60606	601300	Ed & Rec. Supplies	J1	200.00		
1	3104	61101	601300	Ed & Rec. Supplies	J1	375.00		
1	3104	60204	601300	Ed & Rec. Supplies	J1	500.00		
1	3104	61101	420100	Field Trips	J1	800.00		
1	3156	61101	112100	Salaries - Teacher	J1	150,555.80		
1	3156	61101	210000	FICA	J1	10,848.00		
1	3156	61101	221000	VA Retirement Sys	J1	17,168.90		
1	3156	61101	231000	Health Insurance	J1	16,583.80		
1	3156	61101	232000	Dental Insurance	J1	566.00		
1	3156	61101	580000	Misc. Expenses	J1	6,000.00		
1	3203	61311	112100	Salaries - Teacher	J1	29,500.00		
1	3203	61311	160300	Stipnd-Stf/Cur Dev	J1	72,650.00		
1	3203	61311	210000	FICA	J1	7,820.00		
1	3203	61311	221000	VRS	J1	3,367.23		
1	3203	61311	231000	Health Insurance	J1	2,930.00		
1	3203	61311	232000	Dental Insurance	J1	100.00		
1	3905	62320	800506	School Bus Repl	J1	597,359.00		
	2000		0501	Est. Revenue			8,774.47	
			0701	Appropriation				8,774.47
	3104		0501	Est. Revenue			1,675.00	
			0701	Appropriation				1,675.00
	3156		0501	Est. Revenue			201,722.50	
			0701	Appropriation				201,722.50
	3203		0501	Est. Revenue			116,367.23	
			0701	Appropriation				116,367.23
	3502		0501	Est. Revenue			200.00	
			0701	Appropriation				200.00
	3905		0501	Est. Revenue			597,359.00	
			0701	Appropriation				597,359.00
TOTAL						1,852,196.40	926,098.20	926,098.20

Agenda Item No. 19. **Public Hearing:** FY 2007 Budget Amendments. (Notice of this public hearing was advertised in the Daily Progress on August 27, 2006.

Ms. Vinzant reported that this amendment totals \$2,152,656.22 and includes five appropriations that were approved at the August 2nd Board meeting (Appropriation No. 2007-003) established the budget for two maintenance worker positions; Appropriation No. 2007-004) provided \$11,350.00 in additional funding for JAUNT; Appropriation 2007-005 provided \$42,000.00 in funds for a storage facility lease; Appropriation No. 2007-006 transferred \$26,427.50 in funds from the Visitor's Center contingency for paving work; and Appropriation No. 2007-007 totaled \$21,347.00 for the Emergency Communications Center. There were six new appropriations totaling \$2,132,309.22: Appropriation No. 2007-008 allocating \$130,534.00 in additional grant funding to OAR and Central Virginia Regional Jail; Appropriation No. 2007-009 totaling \$700,000.00 for school bus replacements; Appropriation No. 2007-010 reappropriating \$373,113.27 in funds for seven public safety grants; Appropriation No. 2007-011 reappropriating \$283,991.52 for outstanding FY 2006 purchase orders; Appropriation No. 2007-012 transferring \$193,800.00 from the General Fund to the Motor Vehicle Replacement Fund; and Appropriation No. 2007-013 reappropriating \$644,670.43 for uncompleted FY 2006 projects. She mentioned that the largest items

are the school bus replacement costs and outstanding purchase orders to complete existing projects, as well as funds to complete public safety projects. All appropriations are described below:

Appropriation No. 2007-008, \$130,534.00. The Department of Criminal Justice Services awarded the County \$130,534.00 in additional funding for its community corrections grant. The grant is managed by the Offender Aid and Restoration (OAR) with the County serving as fiscal agent. This additional money will be used to fund two additional positions, one at OAR and one at the Central Virginia Regional Jail. There is no local match.

Appropriation No. 2007-009, \$700,000.00. At its meeting on July 13, 2006, the School Board approved the request to transfer \$700,000.00 from the School Bus Replacement Fund Balance to fund bus purchases in FY 2007.

Appropriation No. 2007-010, \$373,113.27. The following public safety grants have not expended all funding as of June 30, 2006, and will require reappropriation. No additional local funding is required.

The U.S. Department of Justice awarded the Albemarle County Police Department a grant in the amount of \$26,235.00 in FY 2006 to assist in the funding of overtime hours in an effort to reduce crime and improve safety with more "community policing". The remaining amount of funds for FY 2007 is \$8,152.78.

The U.S. Department of Justice awarded Albemarle County a grant in the amount of \$66,000.00 (50% local match) in FY 2006 to update the video monitoring system for Albemarle High School. This includes cameras, recorders, a viewing monitor and antennas. The School Resource Officer will share responsibility for the system with the school administration. This new system will serve as a deterrent, a monitor for immediate response, and a record of people and events for use in enhancing future safety. These funds will need to be re-appropriated for use in FY 2007.

The Department of Criminal Justice Services awarded the Albemarle County Police Department a grant in the amount of \$199,245.00 in FY 2006 to assist in the training of public safety officials as well as educating the public in matters concerning terrorism. The remaining amount of funds for FY 2007 is \$145,322.97.

The Division of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$3,000.00 in FY 2006 to assist in the education of bicycle safety as well as coverage in "non-vehicle" events. The remaining amount of funds for FY 2007 is \$1,263.09.

In FY 2006, the U.S. Department of Justice awarded the Albemarle County Police Department and the Fire Rescue Department an additional \$50,068.00 for the 2005 Homeland Security Grant. These funds will need to be reappropriated for use in FY 2007.

The U.S. Department of Justice awarded the Albemarle County Police Department and Fire Rescue Department a grant in the amount of \$88,370.00 in FY 2006 to assist in the preparation of response to incidents involving mass destruction weapons. The remaining amount of funds, \$44,225.48, will require reappropriation for use in FY 2007.

The Department of Homeland Security awarded the Albemarle County Fire Rescue Department a grant in the amount of \$430,484.00 in FY 2005 of which \$58,080.95 remains unexpended. These funds will require reappropriation for use in FY 2007.

Appropriation No. 2007-011, \$283,991.52. Several departments had funding for projects approved in FY 2006 that had not been completed as of June 30, 2006. This request reappropriates the remaining balances for the uncompleted projects for which purchase orders were outstanding as of June 30, 2006.

Appropriation No. 2007-012, \$193,800.00. Several departments had funds appropriated in their operating budget for the purchase of additional motor vehicles that were a result of approved FY 2007 initiatives. To streamline and simplify the purchasing process, this appropriation will transfer these funds from the General Fund to the Motor Vehicle Replacement Fund.

Appropriation No. 2007-013, \$644,670.43. The following departments had FY 2006 funds for specific projects that were uncompleted at June 30, 2006, and will require reappropriation for use in FY 2007:

- County Executive - \$8,579.43 for strategic planning;
- Office of Management and Budget - \$12,000.00 for a financial forecasting model;
- Finance - \$9,500.00 for fixed asset management software;
- Information Technology - \$24,000.00 for data processing consulting;
- Magistrate - \$5,150.00 for FY 2006 expenses that were not billed by June 30, 2006;
- Fire Rescue - \$74,458.55 for the Fire Consolidation Study;
- Fire Rescue - \$1,755.27 in donated funds for the Car Safety Seat Program;
- General Services - \$450,000.00 for the Rivanna Solid Waste Authority contribution;
- Community Development/Planning - \$16,510.18 for a Development Area study;
- Community Development/Planning - \$2,717.00 for the Southern Urban Area B;

- Community Development/Zoning - \$20,000.00 for consulting services; and
- CTS – for a transit study - \$20,000.00.

Ms. Vinzant said staff recommends approval of the FY 2007 Budget Amendment in the amount of \$2,152,656.22 after the public hearing, and then approval of Appropriations No. 2007-008, No. 2007-009, No. 2007-010, No. 2007-011, No. 2007-012, and No. 2007-013 to provide funds for various local government and school projects as described above.

Mr. Boyd asked about carrying funds over that go into the general fund, and wondered if this would be included in that amount. Mr. Tucker replied that this would be included in the 2007 amount, but the full amount would not come before the Board until their next meeting. He said that this is not included in the discretionary amount.

Ms. Thomas noted that Albemarle would be getting \$88,000.00 to prepare for having mass destruction weapons come through the area, and that she believes the public should take note of the fact that the county needs that kind of money.

Mr. Slutzky asked about the \$450,000.00 for the solid waste authority. Ms. Vinzant confirmed that this is not new money, and it represents the County's contribution. She also noted that the \$20,000.00 for the CTS study was already appropriated and just not spent.

Mr. Slutzky said that perhaps this money might need to be reappropriated if it is not needed for the study.

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

Mr. Boyd **moved** for approval of the FY 2007 Budget Amendment in the amount of \$2,152,656.22 and adoption of the following Resolutions of Appropriations for Nos. 2007-008 through 2007-013. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-008
 DATE: 09/06/06
 EXPLANATION: Additional Funding for OAR and CVRJ from Criminal Justice Services

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1520	24000	240440	DCJS - Community Cor	J2	130,534.00		
1	1520	29406	566120	OAR	J1	82,922.00		
1	1520	29406	566140	CVRJ	J1	47,612.00		
			0501	Est. Revenue			130,534.00	
			0701	Appropriation				130,534.00
					TOTAL	261,068.00	130,534.00	130,534.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-009
 DATE: 09/06/06
 EXPLANATION: Appropriation - Education

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3905	51000	510100	Appropriation - F/B	J2	700,000.00		
1	3905	62320	800506	School Bus Replacement	J1	700,000.00		
			0501	Est. Revenue			700,000.00	
			0701	Appropriation				700,000.00
					TOTAL	1,400,000.00	700,000.00	700,000.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-010
 DATE: 09/06/06
 EXPLANATION: Public Safety Grants - Reappropriations

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1536	33000	300001	Federal DMV Grants	J2	8,152.78		
1	1536	31013	120000	Overtime	J1	7,529.09		
1	1536	31013	210000	FICA	J1	623.69		
			0501	Est. Revenue			8,152.78	
			0701	Appropriation				8,152.78
2	1549	33000	330001	Federal Grant Revenue	J2	33,000.00		
2	1549	51000	510100	Appropriation - F/B	J2	33,000.00		
1	1549	62420	800101	Mach. & Equip.	J1	66,000.00		
			0501	Est. Revenue			66,000.00	
			0701	Appropriation				66,000.00
2	1523	33000	300001	Federal Grant Revenue	J2	145,322.97		
1	1523	31013	550403	Training	J1	13,000.00		
1	1523	31013	800100	Mach. & Equip.	J1	48,916.00		
1	1523	31013	800700	ADP Equipment	J1	83,406.97		
			0501	Est. Revenue			145,322.97	
			0701	Appropriation				145,322.97
2	1532	33000	330001	Federal DMV Grants	J2	1,263.09		

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1	1532	31013	120000	Overtime	J1	1,166.46		
1	1532	31013	210000	FICA	J1	96.63		
	1532		0501	Est. Revenue			1,263.09	
			0701	Appropriation				1,263.09
2	1548	33000	330001	Federal Grant Revenue	J2	50,068.00		
1	1548	31091	800100	Mach. & Equip.	J1	25,034.00		
1	1548	31092	800100	Mach. & Equip.	J1	25,034.00		
	1548		0501	Est. Revenue			50,068.00	
			0701	Appropriation				50,068.00
2	1546	33000	330001	Federal Grant Revenue	J2	44,225.48		
1	1546	31091	800100	Mach. & Equipment	J1	40.48		
1	1546	31092	800100	Mach. & Equipment	J1	44,185.00		
	1546		0501	Est. Revenue			44,225.48	
			0701	Appropriation				44,225.48
2	1567	51000	510100	Appropriation - F/B	J2	58,080.95		
1	1567	32015	392000	Contractual Services	J1	14,500.00		
1	1567	32015	600000	Materials & Supplies		14,080.95		
1	1567	32015	601100	Uniforms & Apparel		4,500.00		
1	1567	32015	800100	Mach. & Equipment		25,000.00		
	1567		0501	Est. Revenue			58,080.95	
			0701	Appropriation				58,080.95
TOTAL						746,226.54	373,113.27	373,113.27

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-011
 DATE: 09/06/06
 EXPLANATION: Reappropriation of Outstanding FY '06 Purchase Orders

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
See Attached Details					J1	36,700.00		
				County Executive	J1	1,312.00		
				Circuit Court	J1	2,628.84		
				General District Court	J1	2,152.50		
				Clerk of Circuit Court	J1	23,690.47		
				Police Department	J1	53.00		
				Fire Rescue-Prevention	J1	15,618.40		
				Fire Rescue - Operations	J1	203.96		
				Fire Rescue -Monticello	J1	68,176.18		
				General Services-Maint	J1	276.61		
				Social Services-Benefits	J1	276.61		
				Social Services-Services	J1	1,950.00		
				Parks-Maintenance	J1	130,215.20		
				Planning - CD	J1	737.75		
				Zoning	J1	283,991.52		
2	1000	51000	510100	Approp. - F/B	J2			
	1000		0501	Est. Revenue			283,991.52	
			0701	Appropriation				283,991.52
TOTAL						567,983.04	283,991.52	283,991.52

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-012
 DATE: 09/06/06
 EXPLANATION: Transfer of Appropriation for additional motor vehicles from
 General Fund to Motor Vehicle Replacement Fund

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	31013	800500	Police	J1	(106,500.00)		
1	1000	32015	800500	Fire Rescue	J1	(35,000.00)		
1	1000	43001	800500	General Services	J1	(13,000.00)		
1	1000	71012	800500	Parks & Rec	J1	(20,000.00)		
1	1000	81023	800500	E911/Planning	J1	(19,300.00)		
1	9200	31013	800500	Police	J1	106,500.00		
1	9200	32013	800500	Fire Rescue	J1	35,000.00		
1	9200	43002	800500	General Services	J1	13,000.00		
1	9200	71012	800500	Parks & Rec	J1	20,000.00		
1	9200	81023	800500	E911/Planning	J1	19,300.00		
1	1000	93010	939999	Transfer to Other Funds	J1	193,800.00		
2	9200	51000	512004	Transfer from G/F	J2	193,800.00		
	9200		0501	Est. Revenue			193,800.00	
			0701	Appropriation				193,800.00
TOTAL						387,600.00	193,800.00	193,800.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-013
 DATE: 09/06/06
 EXPLANATION: Reappropriation of uncompleted projects

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	12010	312390	County Exec. -Strategic Plan	J1	8,579.43		
1	1000	12015	301200	OMB - Contract Services	J1	12,000.00		
1	1000	12141	800712	Finance-Software Upgrade	J1	9,500.00		
1	1000	12200	312701	IT - Data Process Consultant	J1	24,000.00		
1	1000	21030	700003	Magistrate	J1	5,150.00		
1	1000	32011	312760	Fire Consolidation Study	J1	74,458.55		
1	1000	32015	561415	Car Safety Seat Program	J1	1,755.27		
1	1000	42040	999851	RSWA Service Contr.	J1	450,000.00		
1	1000	81022	312342	Development Area Study	J1	16,510.18		
1	1000	81022	312344	Southern Urban Area B	J1	2,717.00		
1	1000	81024	312105	Zoning-Consulting Ser.	J1	20,000.00		
1	1000	89000	580418	CTS - Transit Study	J1	20,000.00		
2	1000	19000	190245	City Share-Urban Area B	J2	2,715.00		
2	1000	19000	190247	City Share-F/R Study	J2	37,500.00		

2	1000	51000	510900	Appropriation - F/B	J2	604,455.43		
	1000		0501	Est. Revenue			644,670.43	
			0701	Appropriation				644,670.43
TOTAL						1,289,340.86	644,670.43	644,670.43

(Note: Mr. Wyant left the meeting at 2:44 p.m.)

Agenda Item No. 20. **Public Hearing:** SP-2006-009, Birchwood Place (Sign #10).

Proposed: One three-story office building totaling 19,500 square feet and a one-story bank of 3,090 square feet on 3.66 acres.

Zoning Category/General Usage: C-1 Commercial - administrative, professional office and financial institution; EC Entrance Corridor overlay.

Section: 22.2.2(10) Special Use Permit, which allows for drive-in windows serving or associated with permitted uses.

Comprehensive Plan Land Use: Crozet Community - CT-6, Urban Core and CT-1, Development Area Preserve.

Location: Tax Map Parcel 56A2-1-30, located on Three Notch'd Road (Rte. 240) approximately 0.17 miles east of its intersection with Crozet Avenue (Rte. 810).

Magisterial District: White Hall.

Concurrent Application: SDP-2006-00029.

(Notice of this public hearing was advertised in the Daily Progress on August 21 and August 28, 2006.)

Mr. David Pennock, Principal Planner, addressed the Board, stating that this request is for four drive-through lanes associated with a bank that is part of Birchwood Place's site plan, located in the White Hall Magisterial District off of Three Notched Road east of its intersection with Crozet Avenue. He said that the area has a proposed site plan for a three-story office building and a bank that is closer to the road frontage. He mentioned that the project went before the Planning Commission on August 8th, and staff recommended denial at that time because of circulation issues and appropriateness of this use in the Entrance Corridor. He said that the circulation issue has been resolved, but the EC issue has not been addressed by the ARB; it is scheduled for their September 18th meeting. He stated that the Planning Commission was able to recommend approval of the project, as they felt the ARB could deal with the design aspects of the property.

Mr. Rooker asked him to clarify what staff's objections are. Mr. Pennock replied that there were several incomplete submittals to the ARB because not all buildings were shown, but the site plan itself was complete.

Ms. Thomas expressed concern about the parking lots not joining. Mr. Pennock responded that that has now been resolved and they are connected.

Mr. Boyd asked about the use of the word "appropriateness," and wondered what that meant as it pertains to this application.

Mr. Rooker pointed out that the bank use is by-right, but the drive-through windows need a special use permit. Mr. Pennock said that drive-through windows can change the character of the area, and the visibility for motorists.

Mr. Cilimberg stated that the ARB will consider traffic flow in looking at a drive-through window situation. He said that whether the location of this bank is appropriate in a downtown zoning district is up to the Board to decide.

Mr. Pennock stated that the use itself is not as significant as the visual impacts of the use and character of the area.

Mr. Fritz said that staff is trying to provide information to the Board on the impact on the character of the area, but there is no information yet from the ARB on impact to the Entrance Corridor district.

Mr. Rooker commented that the ARB is not comfortable saying that a use is not appropriate. Mr. Fritz stated that they have come out with opinions on drive-throughs on Route 29, and they simply make recommendations as to whether it should be approved or not.

Mr. Slutzky noted that that information is not available yet.

Mr. Rooker stated that perhaps the ARB would recommend additional screening, but it is uncertain until they review the proposal.

With no further questions for staff, Mr. Rooker opened the public hearing and invited the applicant to speak.

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

Mr. Slutzky **moved** for deferral of SP-2006-009 until the Board's first October meeting. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 21. **Public Hearing:** SP-2006-012, Colonial Baptist Church Mission Building (Sign #29).
Proposed: New building (80' x 50'), mission ministry/storage; additional driveway/parking/planting.
Zoning Category/General Usage: RA-Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).
Section: Section 10.2.2.35, Special Use Permit, church building.
Comprehensive Plan Land Use/Density: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre).
Entrance Corridor: Yes.
Location: 4218 Richmond Road.
Tax Map/Parcel: 94/46.
Magisterial District: Scottsville.
(Notice of this public hearing was advertised in the Daily Progress on August 21 and August 28, 2006.)

Mr. Cilimberg reported that the congregation of the church is proposing construction of a new mission building to house a print shop and storage space. He stated that there is no plan for additional staff to be added to work in the facility or an increase in the size of the congregation. He stated that staff recommends approval, along with a recommendation that the Planning Commission allow five years for the permit to be initiated rather than the usual two years. He said that the Commission recommended removal of the second condition as it is covered with other County review processes.

With no further questions for staff, Mr. Rooker opened the public hearing and invited the applicant to speak.

Mr. Ed Leake, representing the church, addressed the Board. His only comment is that he has made several requests for information from Fire and Rescue, but they have not responded.

Ms. Thomas said that the fire marshal is requesting that a water source be identified that is sufficient for firemen to use.

Mr. Davis noted that that is a fire code or building code requirement, not a zoning requirement.

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

Mr. Dorrier **moved** for approval of-2006-012, Colonial Baptist Church Mission Building, with the conditions recommended by the Planning Commission. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

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

1. Special Use Permit 2006-12 shall be developed in general accord with the concept plan dated May 23, 2006, prepared by SL Key Inc., and titled "Conceptual Plan Colonial Baptist Church Missions and Storage Building" (Attachment A). Important elements of the concept plan include the following:
 - The establishment and maintenance of the twenty (20) foot buffer along the western parcel boundary;
 - The preservation of the existing tree line outside the limits of construction as defined on the concept plan;
 - The complete tree line outside the limits of construction shall be retained; and
 - The inclusion of tree protection details from the Virginia Erosion and Sediment Control Handbook.
2. A twenty (20) foot buffer shall be established and maintained along the western boundary of the parcel. There shall be no disturbance within that buffer. Tree protection/limits of construction shall be included on the site development plan as shown on the concept plan. Tree protection shall be provided prior to any site disturbance and in accordance with the Virginia Erosion and Sediment Control Handbook;
3. Print shop and mailing service shall be limited to the distribution of church related items;
4. Operators of the print shop shall be limited to a maximum of four (4);
5. Hours of operation of the print shop shall be limited to 7:00 am to 7:00 pm Monday through Friday;

6. Number of monthly deliveries by truck shall be limited to a maximum of twelve (12); and
7. Sanctuary and classroom expansion, or the addition of day care and other non-worship uses, will require amendment to this petition.

Agenda Item No. 22. SP-2006-013. Little Keswick School Dorm Amendment (Signs #23, 24).

Proposed: Construct building for dorm; use existing dorm for offices.

Zoning Category/General Usage: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0 .5 unit/acre).

Section: 10.2.2(5) Private School.

Comprehensive Plan Land Use/Density: RA - Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).

Entrance Corridor: No.

Location: 500 Little Keswick Lane; Rt. 731, 1/20th of a mile south of Rt. 22.

Tax Map/Parcel: TM 80, Parcels 110A, 110A2, 112, 117A, 118, 119.

Magisterial District: Rivanna.

(Notice of this public hearing was advertised in the Daily Progress on August 21 and August 28, 2006.)

Mr. Cilimberg reported that this request is for a new two-story dorm to house 13 students at the private school; the existing dorm would be used for storage or office area, and the applicant is not requesting approval for additional staff or students. He explained that the proposed site for the dorm would be at a lower elevation than the adjacent property not owned by the school, thereby reducing its visibility.

Mr. Cilimberg indicated that staff found favorable factors to be: the minimal visual impact from the adjacent property, compliance with State Department of Education standards, and no increase in enrollment or number of staff. He said that there were no unfavorable factors found, and staff recommends approval with the Planning Commission's four conditions.

With no questions for staff, Mr. Rooker opened the public hearing and asked the applicant to speak.

The applicant, Mark Columbus, the headmaster of the school, addressed the Board and confirmed that they are seeking to have a new location for their dorm. He said that they would like some flexibility in moving the dorm a little bit forward or back depending on what is found when the construction begins.

Mr. Boyd asked if that would be acceptable to staff. Mr. Cilimberg responded that the Planning Commission found no problem with that as long as it meets setback and site plan requirements.

Mr. Davis clarified that it has to be in general accord with the site plan and that gives the Zoning Administrator the authority to decide whether it is or not.

Mr. Columbus noted on the plan that there would be 72 parking spaces, and there are only 32 people on staff during the day, with 8 employees there at night. He said that there are 31 students enrolled in the school. Mr. Columbus stated that Little Keswick is a therapeutic special education school, with boarding facilities.

Mr. Boyd asked if the conditions would make it more restrictive for the school. Mr. Cilimberg said that the conditions follow what is currently at the school.

Ms. Thomas suggested that it be a little more flexible in case another student or two were added.

Mr. Rooker agreed.

Mr. Columbus responded that that would be fine for future plans, but ultimately the school is limited by the state on enrollment. He also said that VDOT came out to review the entrance, and the school took steps to move the fence back 15 feet to improve visibility, and VDOT marked a crosswalk as well. Mr. Cilimberg noted that there is no need for entrance improvements if the enrollment was increasing because there are no day students coming in and out.

Mr. Tucker pointed out that additional students would mean additional dorm space, and that might necessitate a review of the entrance by VDOT.

Mr. John Grady addressed the Board, stating that there is no place to put a new entrance without massive regrading.

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

Mr. Boyd **moved** for approval of SP-2006-013 with the four conditions as presented, changing condition #2 to limiting enrollment to 35 students. Mr. Slutzky **seconded** the motion, which passed by the following recorded vote:

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

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

1. Special Use Permit 2006-13 shall be limited to the construction of a maximum two (2)-story forty-five (45) foot by ninety-five (95) foot residential facility "New Dorm" for students enrolled in the Little Keswick School and for the conversion of the existing "Barn Dorm" to non-residential uses, such as office, recreational, storage, meeting area, or other similar uses. The "New Dorm" shall be located and developed in general accord with the concept plan, titled, "Little Keswick School, Concept Plan" (Attachment A) and dated June 22, 2006 (last revision date). However, the Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance;
2. Maximum enrollment of students shall be limited to thirty-five (35). Any increase in enrollment shall require an amendment to this special use permit and may require entrance improvements subject to Virginia Department of Transportation requirements;
3. The existing dorm, labeled "Barn Dorm" on the concept plan (Attachment A) shall be subject to review by the Building Official prior to conversion of the existing use to any other use; and
4. Construction of the dorm shall commence within five (5) years of the date of approval of the special use permit, SP-2006-013.

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

Agenda Item No. 23. SP-2006-014, SOCA Club Offices at South Fork Soccer Park (Sign #27). Proposed: Amendment to SP-1998-018, which permitted creation of a club facility for soccer fields, to add temporary office facilities.

Zoning Category/General Usage: RA-Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); FH-Flood Hazard - Overlay to provide safety and protection from flooding.

Section: 10.2.2.2: Clubs, lodges, civic, patriotic, fraternal.

Comprehensive Plan Land Use/Density: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre).

Entrance Corridor: No.

Location: Polo Grounds Road, approximately 1.1 miles east of US 29.

Tax Map/Parcel: 46-26C1.

Magisterial District: Rivanna.

(Notice of this public hearing was advertised in the Daily Progress on August 21 and August 28, 2006.)

Agenda Item No. 24. SOCA Club Offices: request to amend the Albemarle County Service Authority Jurisdictional Area Limited Service designation to provide sewer service to new structure on Tax Map 46, Parcel 26c1, located within the SOCA sports facility on Polo Grounds Road. Magisterial District: Rivanna. (Notice of this public hearing was advertised in the Daily Progress on August 21 and August 28, 2006.)

Mr. Cilimberg explained that SOCA needs an office at this location using a trailer and an existing building, and the office would accommodate nine staff members – seven of whom have daily duties at the site. He said that the office expects very few visits, and this proposal would allow the organization to have their offices and playing fields in the same location, minimizing travel between sites. He stated that staff found this application to be favorable, as expansion can be increased without significant impact to adjacent properties, roads, or natural resources. He added that expansion would require change to the limited service designation for sewer service, and that is also a public hearing item.

Mr. Cilimberg stated that staff has recommended approval of the proposed office, as well as the limited service designation to provide service to the office on site.

Mr. Slutzky asked him to explain the limited service designation. Mr. Cilimberg said that with regular service, the whole parcel will have the service available to it for any kind of development for the site, and limited service addresses only specific buildings and not larger development that might occur.

Mr. Slutzky asked if the structure was being placed in a floodplain. Mr. Cilimberg responded that it is not, and the plan is to move into a different permanent facility in the future.

Mr. Rooker asked about pavement plans for the road. Mr. Cilimberg replied that it was the Zoning Department's advice not to remove that condition regarding the upgrade in the event that there was further need in association with increased onsite activity.

With no further questions for staff, Mr. Rooker opened the public hearing and asked the applicant to speak first

Mr. Bill Mueller, Executive Director of SOCA, addressed the Board. He stated that SOCA is in its fifth year of operating their facility, and it has become a "tremendous community asset." He stated that the facility would enable them to become more efficient and effective and improve delivery of services. He said that the organization would have about 9,000 registrations this year, and their program is year-round. He said that anything that is no longer applicable to their operations has been removed from the proposal.

Mr. Steve Von Storch addressed the Board, noting that staff agreed there was no need to strike any conditions. Mr. Cilimberg replied that there were two conditions struck, leaving 13 out of the original 15.

Ms. Thomas noted that there is a salamander migration one day each March, and she would just like to see that respected, obviously not in a condition. She suggested that they talk to Jim and Bess Murray about this.

Mr. Von Storch noted that there is no deception intended by putting this item before their expansion request.

Mr. Boyd **moved** for approval of SP-2006-014 with the 13 conditions as presented. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Wyant.

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

1. Special Use Permit 2006-14 shall be developed in general accord with the concept plan, titled 'SOCA at South Fork New Offices at Existing South Fork Soccer Park' (Attachment A) and dated August 4, 2006. However, the Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance;
 2. No exterior lighting shall be installed;
 3. No loudspeakers or public address system shall be permitted;
 4. No portion of any athletic field shall be located closer than seventy-five (75) feet to any lot line;
 5. Compliance with the provisions of 5.1.16;
 6. The vehicular entrance to the site shall be gated to prevent use of the site after hours and during flood events;
 7. Water quality measures shall be provided to achieve water quality at least equivalent to pre-development conditions, subject to the approval of the Water Resources Manager;
 8. Route 643, Polo Grounds Road, shall be upgraded with a minimum of 1.5 inches of SM-2A from Route 29 to the entrance of the soccer fields. This work shall be completed prior to the applicant making use of both SP-98-18/SP-98-22 [Soccer Fields] and SP 90-35 [Church]. The applicant may make use of one of the special use permits without the need to upgrade Route 643, Polo Grounds Roads;
 9. The owner shall reserve a one hundred (100) foot wide strip of land the length of the property abutting the northern side of the Rivanna River for the Rivanna Greenway. The width of the reserved area shall be measured from the edge of the Rivanna River at its normal flow level. When the County decides to establish a public area or park, including canoe access, the owner shall dedicate the reserved area to the County and such property necessary for ingress and egress to the reserved area;
 10. The applicant shall cooperate with the University of Virginia Department of Anthropology regarding development and further archaeological study of the site, specifically, the Applicant shall grant the Department permission to collect artifacts from any plowing or other soil disturbance of the site, and allow the Department to be present for the excavation of the French Drain on the western edge of the soccer field;
 11. The use of the buildings shall be limited to restrooms, equipment storage, a concession counter, and offices for the soccer organization. The interior area of the new office structure shown on the concept plan shall not exceed one thousand (1,000) square feet;
 12. The concession counter shall be open only during use of the soccer fields; and
 13. A tot lot shall be provided.
-

Mr. Boyd then **moved** to approve an amendment of the Albemarle County Service Authority Jurisdictional Area to provide limited sewer service to a new structure on Tax Map 46, Parcel 26(C-1) located within the SOCA sports facility on Polo Ground Road, and that sewer service to be provided to the South Fork Soccer complex only as approved under SP-2006-014. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Wyant.

Mr. Slutzky asked Ms. Thomas to share with the Board when the salamander migration occurs. She agreed to do so.

Agenda Item No. 25. SP-2006-015, Monticello Memorial Gardens (Signs #33, 38).

Proposed: Expansion of existing, operating cemetery: additional road network; demolish four existing cottages.

Zoning Category/ General Usage: RA-Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).

Section: 31.2.4.1; 10.2.2 (32); Entrance Corridor Overlay District.

Comprehensive Plan Land Use/Density: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre).

Entrance Corridor: Yes.

Location: Jefferson Lake Drive off Thomas Jefferson Memorial Parkway (Route 53).

Tax Map/Parcel: TM 77, Parcels 37, 34, 38C, 37A, 36, 36A, 36B, 35, 32A, 32B and 33.

Magisterial District: Scottsville.

(Notice of this public hearing was advertised in the Daily Progress on August 21 and August 28, 2006.)

Mr. Cilimberg reported that this would allow the expansion of the existing cemetery with an additional road network and construction of a maintenance shed and demolition of four existing cottages. He said that it is a phased expansion, gradually increasing from 15 interments per month to 30 per month by 2016; they are also proposing extending their weekday hours of 8:30 a.m. to 5:00 p.m. seven days a week. He stated that they are proposing to add four additional employees, two maintenance staff, and two sales persons.

He indicated that there were only comments by staff related to engineering and site development; the County Engineer had recommended the closing of Jefferson Lake Drive onto Route 53 to reduce a point of conflict along a sharp curve on 53. Mr. Cilimberg said that Jefferson Lake Drive provides the only access to an adjacent parcel – Tax Map 77, Parcel 32. He said that it was clarified in the hearing with the Planning Commission that the other parcel identified in the staff report would no longer have access from the parcel, adding that the applicant has requested an alternative that would close the cemetery access to the entrance by removing the connected paving, leaving the resident of TM 77-32 as the sole user of this access. He said that the County Engineer also noted that the proposed internal access ways have been aligned to avoid or minimize impacts to critical slope areas with the exception of two locations as noted.

Mr. Cilimberg noted that the Planning Commission recommended approval with a substitute condition #10 which allows the Jefferson Lake entrance to remain only for TM 77-32 and removes the pavement connecting to the cemetery. He said that the Commission essentially followed the applicant's suggestion.

Ms. Thomas asked if the 50-foot interstate buffer has been addressed. Mr. Cilimberg responded that the applicant felt the wide right of way provided an adequate additional buffer in addition to the 25 feet, and the Commission went with 50 feet as the ARB recommended.

Mr. Rooker said that cemeteries are usually nicely kept green areas, and he is not sure why additional setback would be imposed on a visually nice area. Mr. Cilimberg said that the ARB was addressing visibility purposes, and there was no guarantee that the VDOT buffer would be maintained. He noted on the map provided the location of the VDOT right of way, and the location of the buffer.

With no further questions for staff, Mr. Rooker opened the public hearing and asked the applicant to speak.

Mr. Eric Wilke, addressed the Board on behalf of the applicant. He explained that they did not think it was fair to have the neighbor drive through the cemetery to get to her house, and the Planning Commission agreed. He also said that the ARB did not have the topography when they reviewed the proposal, and he has worked hard to ensure that the proposal minimizes visual impact. He said that if the additional 25 feet is needed for the buffer, it would mean losing over an acre of land, which would mean quite a few burial sites would be lost. He pointed out where the entrance would be located, which would include raising the roadbed and closing down Jefferson Lake Drive.

Mr. Keith Johnstone, VP for Business Administration at the Thomas Jefferson Foundation, addressed the Board and indicated that they are selling this property to the cemetery – which will ultimately help the Foundation retire all their debt on Mt Alto property. He stated that they could have sold it for development but chose the cemetery instead.

Mr. Cilimberg said that it was the ARB that identified the 50-foot buffer, but they didn't have the elevations at the time, so he is not sure how their review of this as a site plan might affect the Certificate of Appropriateness.

Mr. Davis said that changing this to 25 feet now would still leave the door open for the ARB to move it to 50 feet; that can then be appealed back to the Board.

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

Mr. Dorrier **moved** for approval of SP-2006-015 with the conditions recommended by the Planning Commission, but changing Condition #5 to a 25-foot setback. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Wyant.

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

1. Special Use Permit 2006-15 shall be developed in general accord with the concept plan revised July 12, 2006, prepared by Thomas B. Lincoln Land Surveyor, Inc. and titled "Monticello Memorial Gardens Expansion Concept Plan" (Attachment A) in conjunction with Attachments A.1, A.2, and A.3;
2. The operating hours of the cemetery shall be limited to 8:30 a.m. to 5:30 p.m. seven (7) days a week;
3. Employees shall be limited to eleven (11);
4. A minimum of eleven (11) parking spaces shall be provided for employees;
5. A twenty-five (25) foot wooded buffer shall be maintained on the property along the full length of I-64 that abuts the property. The twenty-five (25) foot buffer shall consist of existing wooded areas, which shall remain without disturbance, and currently unwooded areas that shall be planted with a mix of evergreen screening trees, staggered at fifteen (15) feet on center, minimum six (6) feet in height at planting;
6. There shall be no disturbance of critical slopes;
7. All indigenous trees twelve (12) inch caliper and above shall remain only within the areas of critical slopes defined by the shaded (cross hatched) areas in Attachment 2. Tree protection, as defined by the Virginia Erosion and Sediment Control Handbook, shall be in place before any disturbance of the site adjacent to an area of critical slopes;
8. All exterior parcel boundaries shall include a twenty-five (25) foot setback for interment areas;
9. The entrance improvements shall be included as described in Attachment 3, pages 1 and 2, with the first phase of construction;
10. The driveway pavement in the area labeled, "section of pavement to be removed" on the concept plan (Attachment A) on Jefferson Lake Drive between the access road for TMP 77-22 and the cemetery shall be removed with the beginning of the first phase of development and replaced with topsoil and seeded with grass or turf grass;
11. All internal access ways shall be designed according to the minimum standards listed below:

	<u>Primary Access way</u>	<u>Minor Access way</u>
Pavement Width:	18 ft.	14 ft. (2-way), ft. (1-way)
Shoulder Width:	4 ft.	4 ft.
Grade:	less than 12% preferred, 16% max. less than 12% preferred, 6% max.	
Design Speed:	20 mph	10 mph
Centerline Radius:	120 ft.	50 ft. or more (usually dictated by sight distance)
Sight Distance:	Stopping: 125 ft. Intersection: 200 ft. Stopping: 85 ft. Intersection: 100 ft.	
12. County approval of a plat consolidating all parcels into one when the use begins.

(**Note:** Mr. Slutzky said the ARB should know the Board is comfortable with the 25-foot setback.)

Agenda Item No. 26. Report on 800 MHz Radio System.

Mr. Tom Hanson, ECC Director, addressed the Board to update them on the radio system. He explained that the system was cut over live on April 2, 2006 and passed a 30-day system reliability test that was concluded on May 2nd without any errors or failures. He noted that the system had passed a 30-day coverage acceptance test in the areas predicted by Motorola as required by the contract. He said that this test required Motorola to provide on-street portable coverage in the predicted County areas, and light to medium in-building coverage in the city and in the urban area outside the city along Route 29. He indicated that based on successful results of this testing, RCC consultants and the project manager

recommended issuance of the final system acceptance to Motorola, and since the system acceptance ECC has been evaluating and analyzing those areas of the County that were not part of the required coverage area.

He said that they have identified that some of the areas outside of the guaranteed coverage area – such as Howardsville and Schuyler – will require the installation of additional equipment to provide improvements to coverage in those areas. He noted that he would soon be presenting a complete report to the ECC management board with recommendations, costs, solutions, and prioritization of changes. He also mentioned in testing, it was discovered that portions of the town of Scottsville have spotty portable radio coverage, and they have identified some solutions to enhance coverage in town. He said that the new system is doing exactly what they expected it to do at this point.

Ms. Thomas said that Board members had received a letter from the Scottsville mayor stating that during July 4th, police and fire were having significant difficulty communicating with the portable radios.

Mr. Hanson said that this has been addressed, and some of the problem is coverage in the area, but some of it is also due to misuse. He indicated that Fan Mountain is the primary tower location serving that area. He said that what they are looking at for Scottsville is a “talk group extender,” which enhances the signal. He also noted that there was \$2.0 million in the budget for in-building coverage, but it was decided to take that money out of the budget to see how the system worked first.

Agenda Item No. 27. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Tucker brought up the Consent Agenda item for the Commonwealth’s Attorney’s office additional employee.

Ms. Brenda Neitz from the Office of Management and Budget addressed the Board, stating that the salary and benefits are going to be reimbursed by the State Compensation Board, and the \$21,934 budgeted salary does not include fringe benefits. She said that the recurring costs include approximately \$605 for internal service maintenance such as computers and printers, \$144 for additional telephone lines and \$200 for office expenses – as estimated by Commonwealth’s Attorney’s office staff.

Mr. Slutzky said he has heard from constituents that this office pursued a disproportionate number of prosecutions based on population, which might be generating the need for this position. He agreed that this could be dealt with at budget time when requests come in from this office.

Mr. Boyd **moved** for approval of Item 5.12, from the Consent Agenda, to approve the position request and associated appropriation. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

COUNTY OF ALBEMARLE
 APPROPRIATION

APP # 2007016
 DATE _____
 BATCH# _____

EXPLANATION: Additional Staff Position in Commonwealth Attorney's Office

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	22010	110000	Salaries	J	1 17,083.00		
1	1000	22010	210000	FICA	J	1 1,307.00		
1	1000	22010	221000	VRS	J	1 2,214.00		
1	1000	22010	231000	Health Insurance	J	1 5,033.00		
1	1000	22010	232000	Dental Insurance	J	1 178.00		
1	1000	22010	241000	Life Insurance	J	1 208.00		

1	1000	22010	270000	Workers Compensation	J	1	20.00		
2	1000	23000	230101	State Compensation Bd	J	2	26,043.00		
1	1234	22010	520300	Telecommunications	J	1	750.00		
1	1000	22010	600100	Office Supplies	J	1	200.00		
1	1234	22010	800200	Furniture & Fixtures	J	1	1,600.00		
1	1234	22010	800700	ADP Equipment	J	1	1,350.00		
2	1234	51010	510100	Appropriation - F/B	J	2	3,900.00		
	1000		0501	Est. Revenue				26,043.00	
			0701	Appropriation					26,043.00
	1234		0501	Est. Revenue				3,900.00	
			0701	Appropriation					3,900.00
TOTAL							59,886.00	29,943.00	29,943.00

Mr. Rooker said that item 5.6, regarding discharge of firearms, was also pulled from the Consent Agenda. He asked if the Board would like to discuss that item further or should it be deferred until representatives from the Commonwealth's Attorney's office and Police Department can attend. He noted that this item came to the Board at the request of the Commonwealth's Attorney's office. Board members agreed with the suggestion. Ms. Thomas said that perhaps the County could prohibit rifles, but allow shotguns.

Mr. Davis stated that there is a difference between restricting hunting and restricting shooting, and there is different enabling legislation for each. He added that in discharging firearms ordinances, there is not a requirement that it actually be posted, as there is with hunting. He said that it is easier to limit distance from houses than it would be to post the entire County.

Mr. Rooker said that the point of this resolution is to change the current situations – which allows for unlimited shooting until somebody hits something.

Mr. Davis stated that it is illegal in residential areas, but not in the rural areas or Neighborhood Model areas. In response to Mr. Boyd's comment about the Rivanna Rifle Club, Mr. Davis said that policies affecting specific shooting clubs would need to be part of the discussion.

Mr. Boyd said that he has been tracking development in the County, in response to Mr. Werner's earlier comment. He also wanted to further discuss Board participation in other organizations like TJPED.

Mr. Rooker said that his personal opinion is that any organization the Board participates in – by funding and providing a Board member to serve – should have a policy for how they permit public comment, how they advertise the meetings, and how they go into executive session.

Mr. Boyd stated that perhaps the County should not impose Freedom of Information Act guidelines for all of these organizations, adding that he is comfortable with Mr. Tucker monitoring those meetings.

Mr. Rooker said that he is not suggesting imposing FOI regulations, but simply encouraging the organization to develop some kind of public policy.

Mr. Slutzky said that the Board was told by TJPED that their meetings were open, and he read from the minutes related to his decision for the County to join: "It's my understanding that when TJPED holds meetings related to its mission, they are open to the public. I will ask our representative to inform the public as to the time and place of such meetings, and I will also request that our representative provide briefings to the Board of Supervisors regarding what was discussed, and I intend to share that information with the public." He added that what might be discussed in private meetings may be of a sensitive nature, however, he plans to discuss with Leigh Middleditch the need to have Mr. Tucker present at all of those meetings. He said that in some cases, TJPED decided to have the meetings earlier than originally scheduled, and much of what seems to be being discussed is being discussed in executive session. He believes that it stops being appropriate when a county representative is not there.

Mr. Rooker said that he read through the minutes of TJPED before voting on membership, and it was clear that most of the organization's business is done by the executive committee not by the general board. He noted that the board meets quarterly, whereas the committee meets monthly, adding that the County needs to be aware of where the business is being done.

Mr. Boyd said that TJPED is not a governing body.

Mr. Rooker stated that most of TJPED's business is done by staff, so most of the executive committee's dealings should be open to the public. They can establish what those guidelines are, I'm not trying to dictate what their guidelines are. Mr. Tucker agreed, stating that they just need to make them known.

Mr. Slutzky said that TJPED told the County when they joined that their meetings would be advertised and open to the public. Mr. Davis stated that TJPED is the only organization he can think of that the County is involved in that is not subject to the Freedom of Information Act. He said that JABA's public board is subject to FOI, but their non-profit side is probably not.

Mr. Rooker emphasized that there is a big difference between giving money to a charity and serving on their board and appearing on their letterhead. Mr. Davis said that TJPED is the only organization the County has representation on that is not subject to FOI.

Ms. Thomas stated that she has suggested that TJPED follow along the lines of what TJPDC has implemented in terms of public relations.

Mr. Boyd expressed concern with Albemarle dictating that they have a seat on the executive committee.

Mr. Slutzky responded that he is concerned about so many of those meetings being closed.

Mr. Rooker said that when the executive committee meets, attendance is open to observers, but when they go into closed session, the meeting is not.

Mr. Slutzky stated that he will tell TJPED that he would like to come meet with the executive committee. Mr. Davis said that there is no legal reason he can not do that.

Mr. Rooker suggested that what's been discussed at this meeting be shared with the organization.

Mr. Boyd said that perhaps a regional focus group should be formed on how localities are dealing with emergency situations. Mr. Tucker stated that he and Mr. Hanson have agreed that some forum is needed to talk about these things, even though there is an emergency operations plan in place, adding that the public might not know about this policy.

Mr. Rooker noted that there is a group of City, County and University safety officials that gets together periodically to run through simulated disaster drills.

Ms. Thomas said that perhaps it should be opened up to all of the TJPDC. Mr. Davis noted that there is not a plan for TJPDC. Mr. Tucker said that the County is trying to train the people who are providing emergency response locally.

Mr. Rooker commented that because planning is limited to Charlottesville, Albemarle, and U.Va., the best use of resources might be to try to get the word out about what those responses are. He also emphasized that the area needs to focus on disasters that will most likely affect this area. He said that it is more likely to have a Lake Anna nuclear accident than there is to have a flood that causes the area to be submerged.

Ms. Thomas shared a PowerPoint presentation of her trip to the NACo meeting. She mentioned that other County officials in some areas are dealing with issues such as methamphetamine abuse, child exploitation, railroad construction, Indian affairs, and such that Albemarle doesn't really have. She stated that she learned a lot about what other regions have to deal with. She also presented information on bags given for trash at public events, to encourage people to separate out trash and recyclables. She reported that there is a great website associated with NaCo that covers lots of significant issues, such as land use, retiree health care plans, etc.

Ms. Thomas noted that the County has been working with Crutchfield to recycle electronics when you come in to buy an item, or pay a small charge for recycling it if you don't make a purchase. Mr. Rooker said that it should be publicized more, perhaps with a link from Albemarle's site to Crutchfield's. She mentioned the EnergyStar program out west to encourage environmentally friendly design.

Mr. Rooker asked about environmentally-friendly construction practices for the Juvenile Court building. Mr. Davis replied that it has already been bid.

Ms. Thomas said that the County's next chance might be the Crozet library. She said that Albemarle used to rank third in the "Digital Counties" contest, but now the County is number nine. Ms. Thomas added that next year the NACo annual meeting will be held in Richmond, Virginia, and perhaps County IT staff could participate, as Ms. Catlin has suggested. Ms. Thomas said that next year the attendees can be enticed to come to Charlottesville if the County can get itself worked into the program, noting that there will be busses going to Jamestown.

Mr. Slutzky discussed the recent Al Gore movie, and said he will be bringing to the Board next week a resolution to consider endorsing the U.S. Mayors Climate Protection Agendas. He and a group of constituents saw the Al Gore movie and "were shocked into wanting to be proactive." He said that he would be encouraging the Board to adopt a resolution – which has already been adopted by Charlottesville and 135 other localities around the U.S. to support the objectives of the Kyoto Accords. He said that there are numerous things the County could be doing to reduce CO₂ emissions.

Mr. Rooker said that what was distributed to mayors should be shared with Board members, to determine whether or not there is support.

Mr. Boyd said that if there are budget implications, it should be discussed.

Mr. Rooker and Mr. Slutzky responded that those things would be discussed.

Ms. Thomas said that she would rather discuss it when there is sufficient time to really give it its due, as next week's agenda looks very busy.

Mr. Rooker agreed to move the discussion to October.

In response to Mr. Slutzky's question about the \$200,000 allocation in additional money for the health insurance gap for public safety officials, Mr. Tucker said that the Board made no motion on the item after staff presented information to them.

Mr. Davis said that he believes Human Resources staff is going to come back at budget time with a discussion of a deferred compensation program.

Mr. Rooker noted that the joint meeting with the School Board on compensation in October or November was the agreed-upon time to discuss this, as they would have more employees affected by this. He added that it would become problematic to deal with a small group separately.

Mr. Dorrier commented that the stress level of public safety professions can lead to more illness and disease among those workers.

Mr. Rooker added that they already get \$900 more per month than any other retired employees get. He said that the Board had decided to bring the entire retirement healthcare concept up at the joint compensation meeting with the School Board.

Ms. Thomas said that the SELC had sent each Board member a letter regarding the Meadow Creek Parkway, indicating that VDOT couldn't be trusted to follow plans that the consultant had laid out. She indicated that it took a fairly well-trained eye to see the differences, and Will Rieley helped her understand the differences in design.

Mr. Rooker stated that it might be helpful, since Mr. Slutzky is going to be chair of the MPO, to have that item put on the next MPO meeting agenda. It may be helpful to put this on an agenda for an update by VDOT and the City on the design process, how it is going, and get their input.

Mr. Boyd expressed concern that this would impact federal funding for the parkway interchange.

Ms. Thomas said that she was only using that as an example.

Mr. Rooker said that back when there were grade-separated interchanges at Hydraulic, Greenbrier, and Rio, VDOT designed a "gargantuan" interchange, and it took all kinds of businesses out. He stated that later the designer told him that VDOT had asked for something bigger, regardless of what had initially been requested.

Mr. Rooker said that he had sent out an e-mail regarding another county's website that includes a link to affordable housing opportunities in the community. He also said that Ron White, during North Pointe, came to the Board with a proposed policy of a sliding scale for credit for the 15 percent of houses that might sell at different amounts. North Pointe was approved for credit for workforce housing. He has been getting questions from developers whether the proposed policy is acceptable. The Board informally adopted a policy that a \$16,500 contribution counts for a unit because they have been approving development proposals that have that in them. The question is on this concept of housing set at a price of more than \$190,000 but less than \$250,000, does the Board want to adopt that sliding scale. He suggested that the Board take some action on Mr. White's proposal.

Mr. Boyd said he thought the Board had given direction that the Housing Committee discuss the proposal, forward a recommendation to the Planning Commission and then it come back to the Board. Mr. Davis said the Housing Committee is currently working with the Planning Commission.

In response to comments Ms. Thomas made about what is going on in Montgomery County Maryland, Mr. Rooker commented that the County's policy in the Comprehensive Plan is 15 percent of the units or a comparable contribution to affordable housing. It does not say "and we are going to require ten percent of something else". He thinks the issue is what is comparable.

Mr. Tucker said the Housing Committee has supported the proposal and it is going to the Commission. Mr. Rooker said the sooner we are able to firm up a policy, the better so that we can provide reasonable guidelines for people who are bringing plans forward.

Mr. Slutzky asked if the Board will be having a work session with the Housing Committee to give some guidance.

Mr. Rooker said there is a process with the Housing Committee. He is concerned about getting into the mode of this Board meeting with committees. He does not know where it would stop. This Board ultimately adopts policy. They take the recommendations from the committee and accept or reject them. Board members have the option of attending any committee meetings.

Mr. Slutzky wondered if there should be a committee formed to evaluate this, stating that there does not seem to be a sufficient link with the Board to the Affordable Housing Committee.

Mr. Rooker said that anyone can attend the Housing Committee meetings and provide input. He also suggested that Mr. Slutzky sit down with Ron White, adding that Mr. Slutzky can raise issues with this Board that can be conveyed to Mr. White who will share them with the committee.

Mr. Rooker emphasized that the County has come a long way in its efforts to support affordable housing, although there is more to be done.

Mr. Slutzky said that he would probably attend their meeting, but will make sure that he does not speak on behalf of the Board; his comments will be his own views. Mr. Rooker said that no one has any problem with him sharing his ideas.

Mr. Tucker stated that Board members just need to be careful not to become the "driver" in the situation so that the committee feels it has to act on those suggestions.

Mr. Rooker asked about the status of the Preddy Creek property being turned into a County park. Mr. Tucker responded that staff has met with neighbors out there, who have a "passive" plan, and there have been several ideas discussed – including an equestrian course because the trails are there. He added that there needs to be a Comp Plan amendment for that to be a park.

Mr. Davis said that one challenge has been trying to find an entrance, and that is an important first step to be accomplished. Also, there needs to be a finding that it is consistent with the Comp Plan – which should not be a huge hurdle.

Ms. Thomas asked about the land that had been donated to the County for a park in White Hall. Mr. Davis responded that it has been very complicated and the County has had to acquire property for parking, but it is well underway and should work. Mr. Tucker said that the landowners' siblings have made it more difficult than anticipated, but it is still a good site for a park.

Mr. Boyd asked when the Board will begin to meet in the new auditorium. Mr. Tucker responded that it will be ready soon.

Agenda Item No. 28. At 5:35 p.m., with no further business to come before the Board, **motion** was offered by Mr. Boyd, **seconded** by Mr. Dorrier, to adjourn this meeting to 2:30 p.m. on September 13, 2006, Room 235.

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

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

Chairman

Approved by the
Board of County
Supervisors

Date: 09/05/2007

Initials: EWJ