

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, began at 8:30 a.m. in the Lane Auditorium on October 4, 2006, with the regular meeting beginning 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, from the Clerk's Office, Meagan Hoy, and Director of Planning, V. Wayne Cilimberg.

(Note: Before proceeding to the regular meeting, all Board members [with the exception of Mr. Slutzky] met informally in the Lane Auditorium to look at the renovations which have taken place in that space.)

Agenda Item No. 1. Call to Order. The meeting was called to order at 9:02 a.m. in Meeting Room 241, by the Chairman, Mr. Rooker.

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

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Agenda Item No. 4. From the Public: Matters not listed for Public Hearing on the Agenda.

Mr. Michael Higgins, a resident of the Franklin Subdivision off of Route 20 North, addressed the Board. He is also a director of the Franklin Neighborhood Association. He came to appeal to the Board about a situation he is having with a neighboring landowner. Between the fall of 2005 and the winter of 2006, he and his neighbor, Ms. Ellen Bass, were contacted several times by Mr. George Cason who said it was his intent to develop a parcel of land behind them and build his home on that property. Mr. Cason indicated it would be a "nice driveway" and he would be a good neighbor; he said he had been granted a right-of-way through the parcel of land owned by the Foxfield Corporation. The Foxfield property includes a 25-foot pipe stem running between Ms. Bass' property and Mr. Higgins' property.

Mr. Higgins said problems began shortly after construction started in February 2006 when it was noticed that the scope of the development was greater than they had been led to believe. He contacted the County's Engineering Department and a staff member visited the property on February 15. The contractor informed County staff that it was not a residential development, but was agricultural operation. Staff told Mr. Higgins that an agricultural exemption would allow the developer to do extensive soil disturbance without being subject to any erosion control permit or design planning. He was told this is a common ruse used by developers to get around doing proper erosion control, and that the property owned by Mr. Cason would soon be developed as residential property.

Mr. Higgins said this spring he tried to have Mr. Greg Kamptner, Assistant County Attorney, clarify what happens if the Cason property becomes residential. What would happen to the Foxfield property at the end of the one-year agricultural exemption period? Will the County enforce residential erosion control measures on the property? He also tried to get Mr. Kamptner to clarify what is covered by the exemption regarding the damage and compromised use of Ms. Bass' and his property. They feel a civil suit would be pointless if the County allows all of these offenses to be covered by an agricultural exception. He asked about the culvert pipes that have been installed above-grade on a storm swale, seasonal stream. This has caused extensive ponding of water on his property. He asked if Foxfield can be compelled to repair the driveway to allow the proper flow of rain water.

Mr. Higgins said this driveway is just 25 feet from his children's play set and is a safety hazard due to vehicle traffic. He had intended to build a privacy fence this past spring, but because of the amount of soil deposited over the property line, that was impossible. The entire length of the driveway has been built using cloth erosion material to act as a retaining wall; in many areas it holds back as many as three feet of soil which began collapsing on his property shortly after installation. This is trespassing, but is it allowable? He said the area of the driveway near the stream was built to a height of six feet and has been collapsing and eroding onto his property causing additional maintenance; is this allowable? He said the driveway was built without any gutters to make use of the full 25-feet of property. He said all rainwater flows directly onto Ms. Bass' and his property. In Ms. Bass' case, the water has been directed to run along her existing fence line and is eroding the soil around the fence posts. Both of their properties have had extensive soil erosion caused by that driveway. Is Foxfield liable for any property damage? At what point does the County step in to assist them?

Mr. Higgins said existing codes are too easy to circumvent, and things are not clear enough to be enforced by the County Attorney. Both of their properties have physical signs of damage. They made several attempts to meet with the County Attorney, but he has not received an answer to any of his messages by Mr. Kamptner. He asked that the Board help them achieve an acceptable resolution to this problem.

Mr. Rooker said the agricultural exception has been subject to abuse for many years. He suggested that at the end of the meeting today the Board discuss this and talk about what options the County has to deal with this situation. He said it does not appear to him that this road is being built for an

agricultural use (Mr. Higgins had handed to the Board several photographs showing the situation he just described).

Mr. Boyd said he has been to the property and agrees that the road exceeds that use.

Mr. Davis said Mr. Kamptner has been working with Mr. Jack Kelsey, County Engineer, on this issue. Ultimately the remedy may be a civil remedy between the property owners, given the limitations the County has in addressing this issue. He said most localities have struggled for a number of years with the agricultural exemption allowed by State law. When there is an agricultural and forestal use, including logging of the property, as long as a landowner meets the standards required for an agricultural/forestal use, the County has little control. He said if a property owner is being impacted by an adjacent owner, there is a civil remedy but that is something the County cannot play a direct role in.

Mr. Boyd asked how the County could distinguish between someone clearing for lots and a logging operation. Mr. Davis said unless a subdivision plat has been approved, or a development plan approved, it is difficult to determine whether someone is logging the property, or making some other agricultural use of the property.

Mr. Rooker asked if the County has the option of adopting an ordinance which says you cannot create an agricultural road with the intent of creating a subdivision within five years. Mr. Davis said that sometimes the road is in the place where you would want a residential road to be located. He said staff can look at that angle, but he does not think that should absolutely be made a requirement.

Mr. Boyd said he knows Mr. Higgins is concerned with the long-term effects of this road since the agricultural exemption only lasts a year. What happens when the one-year exception expires? Mr. Davis said he does not know what is being referred to.

Ms. Thomas said there is no one-year exemption. If the citizens went to their State legislative representatives, they might get some relief. However, there was a strong coalition that got certain farm and forestry laws passed. She recently learned that forestry contributes 20 percent of the sediment into the Chesapeake Bay. That is because it includes timbering, road building, and all the other things that go under the name of forestry.

Mr. Rooker said if any Board member wants to bring this up at the end of this meeting it can be discussed further then. He said if a subdivision plat is filed on this property in the next year or two, he wants to be sure it is scrutinized to the nth degree.

Mr. Tucker said staff can look at options. He thinks staff has ideas about what the Board is looking for, such as whether the County has any legal options.

Mr. Rooker suggested having staff bring back some ideas as to how to address this issue. It sounds like the Board has limited powers in this instance. Other Board members concurred.

Mr. Slutzky said he would like to have staff bring back a way to regulate the consequences of putting the road in, since the installation of the road itself cannot be addressed directly. Mr. Davis said this restriction is actually in the Erosion and Sediment Control Ordinance. This is an erosion and sediment control problem; it is not a site plan.

Mr. Wyant said he does not like there being a pretense that it is one thing and it turns out to be something different. No matter what the law says now, he thinks the Board should be able to come up with something to stop this kind of activity. He has a couple of instances in his district that he is concerned about.

Ms. Thomas said this is a long standing abuse problem.

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Mr. John Martin of Free Union addressed the Board. He said he lives in the rural area. He expressed reservations about a proposal introduced to the public yesterday through the press by Mr. Slutzky concerning the creation of boundary areas and transfer of development rights. Maintaining the hard edges of the urban Development Area is absolutely essential to protection of the rural area, to realizing the potential of the Neighborhood Model, and for master planning. He said this proposal would break those hard edges and introduce unplanned suburban sprawl into the rural area. He said it is not clear whether these boundary areas are intended to be served by water and sewer. He said the proposal is that 1.1 percent of County area be dedicated to these boundary areas, and that sounds small, but 1.1 percent of 726 square miles equals a boundary area of 7.2 square miles and that is huge. He thinks that when that runs out, application would be made for more boundary areas. To him, it seems there might not be any end to this kind of sprawl. He thinks this proposal should be carefully examined.

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Ms. Barbara Cruickshank, representing the Piedmont Group of the Sierra Club, said in the past year the Sierra Club and the Charlottesville Center for Peace and Justice have encouraged local governments to sign the U.S. Mayors' Climate Protection Agreement. She said in 1997 representatives from many nations agreed on the Kyoto protocol Global Warming Treaty that has now been signed by 141 countries. The United States has not signed the treaty and the Federal government has taken no action to reduce greenhouse emissions, emissions in the United State have actually gone up. She said in 2005, Seattle Mayor Greg Nichols initiated the U.S. Mayors' Climate Protection Agreement which commits

localities to follow the Kyoto protocol. When it was presented, 75 mayors signed on, and on July 17, 2006, the Charlottesville City Council voted unanimously to follow the Kyoto protocol and reduce emissions.

Ms. Cruickshank presented to the Board a petition containing 405 signatures asking the Board to consider signing the agreement and to take the necessary steps to reduce greenhouse emissions and protect the earth from global warming. She also gave each Board member a description of the Sierra Club's "Cool Cities" program, which is designed to help localities reduce their greenhouse gasses and at the same time save citizens money by reducing energy costs. She said the program employs three major strategies including the use of green vehicles, renewable energy and energy efficiency. Members of the Sierra Club are available to meet with individual Supervisors or staff to explain the program in detail. She said there is more that needs to be done, but the Climate Protection Agreement is a step in the right direction. On the local and State level, she reminded the Board that the American Lung Association's 2005-06 "State of the Air" reports gave the State of Virginia an "F" on their ozone pollution. This is all the more reason for the Board to consider signing the agreement.

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Mr. Tom Loach said he is a resident of Crozet. He was surprised to see in the Daily Progress yesterday a story about Mr. Slutzky's plan for rural protection. Although the article listed a number of stakeholders and organizations, missing were those organizations representing the growth area; the people who would be most impacted by Mr. Slutzky's plan. He does not believe Mr. Slutzky has the backing of any growth area organizations because he is talking about growth area expansion no matter what he calls it. The County cannot afford infrastructure for the current growth areas. The State can't afford the roads needed to serve the current population let alone the number of homes the Board has approved which are still to be built. Many in both the rural and growth areas thought the issue of rural protection was resolved when the Board voted on phasing and clustering. They were told by the votes of Mr. Boyd, Mr. Wyant and Mr. Dorrier that the issue was property rights and not rural protection. The same message was sent when one rural resident after another came to this Board saying they were banking on their property to pay for their retirement, to pay for their children's education, to pay for their medical bills and sundry other expenses. He was glad the veil was removed to expose the myth of rural protection in Albemarle County.

Mr. Loach said if rural protection is to be discussed then Mr. Slutzky's plan has to be viewed in relation to plans now in place to maintain the rural character of the County, that being land use taxation and the ACE Program. He said residents have to measure Mr. Slutzky's program with its growth area expansion and tax increases with the potential for eliminating land use tax subsidies and moving the funding to ACE. He thinks the public will agree that funding ACE is the better alternative. In any case, after it was evident during discussions on phasing and clustering that rural residents view their lands as the commodity they need for financial support, the Board will have to address the issue of land use and its future in Albemarle County.

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Mr. Rex Linville of the Piedmont Environmental Council addressed the Board. He has both good and bad news. He handed to the Board some information about changes to the Tax Code concerning tax incentives that pertain to conservation easement donations both at the Federal and State level. The good news is that in August the President signed HR 4, the Pension Protection Act of 2006. The land trust community has been working for about six years to get something concerning land conservation inserted into a vehicle that would pass at the Federal level. This expands the deductibility of a conservation easement donation at the Federal level so that lower income landowners can benefit more from making an easement gift on their property. In particular, if you are a farmer, you can deduct that easement gift at a rate of 100 percent of your adjusted gross income and you have year one, plus a 15-year carry forward giving 16 years in which to use that gift. Under the old rules, someone who was an agricultural operator and had a low income got almost no benefit from that Federal deduction because the rate and time over which it could be used would not have meant much. This is a great thing for lower income landowners who own significant properties and for farmers. One of the problems with this legislation is that it is only good for 2006 and 2007. Unless Congress reauthorizes this in 2008, the old rules apply. PEC and other land trusts around the country will be working to be sure that happens.

Mr. Linville said the State went the opposite direction. Effective January 1, 2007, the Virginia Land Preservation Tax Credit for conservation easement donations will be reduced from the current 50 percent credit to 40 percent. That is a big impact to the landowner. These two things coupled together will still make land conservation in the coming years in the State of Virginia one of the best deals in the nation. As a result they expect to see some increase in land conservation by people trying to take advantage of the State credit before it is reduced next year.

Mr. Linville said at the Board's last meeting about conservation easements and agriculture, it was mentioned that a number of agriculture operators are concerned about the terms of conservation easements and how those terms might impact their ability to deduct the agricultural operation on their farm. He offered to talk with Board members to address specific concerns about what is in a conservation easement, as well as sit down with landowners and address those specific concerns. He said easements are designed to protect land for agricultural and forestal uses.

Mr. Wyant asked the deadline for applying for a conservation easement. Mr. Linville said the deadline for this year may have come and gone. The Virginia Outdoors Foundation, which holds the majority of conservation easements in the State, has been inundated with requests by people to process easements. They have one more board meeting to consider easements. PEC does not hold easements, but if a great project reveals itself and because of constraints in the system a landowner cannot get onto

the agenda of the VOF, they will help landowners act on their desire to preserve their land and accept that easement.

Ms. Thomas said she met with some farmers recently who said they would not put their land in conservation easements because they just do not trust government at all. She said conservation easements sounds like a government program, and it sounds like the government may some day tell you want to do with your property. She asked these farmers who they trust and they said county extension agents and agents of the Federal grant programs. She thinks it would be a good idea to talk with local farmers to find out who they trust.

Mr. Linville said the Federal grant programs for farmland protection tend to be the ones to have the most onerous restrictions when it comes to use of farmland. He finds that when negotiating an easement with a landowner, restrictions that come with accepting those Federal dollars are the ones that people are more likely to "bristle" at, so because of the strings that come attached to that money, local programs and the County program, are more trusted. The Soil & Water Conservation District will hold easements and a lot of rural landowners feel comfortable with them as an organization. He does try to marry together a landowner with an easement holder they feel comfortable with because that is an important consideration.

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Mr. Paul Grady of Crozet addressed the Board to discuss the Birchwood Place office development in Crozet which is on the Consent Agenda. He assumes that means the public cannot speak to it. He missed the Planning Commission meeting and could not find on the website when the Board was having its public hearing on this item. He thinks there is a "glut" of office space in Crozet. He said Clover Lawn is only half built and they still have office space for lease. There is also other office space which has been vacant for years. This project is not being developed in conjunction with redevelopment of the shopping center next door, and it does not have any residential component. It is basically a sea of asphalt with two office buildings in it. He could live with all of that except for the fact that on the southeast corner of the property there are some very large trees with wisteria, and he had hoped that when the property was developed that little corner of the property could be preserved as a mini-park and that is not going to happen. His conscience would bother him if he had not spoken about that.

Mr. Rooker said this development is being done as a matter of right; it was only on the Board's agenda because of the drive-through window at the bank. He said the building and everything else is a matter of right. The Board deferred this request because the ARB had not considered it at that time. They have now, and have imposed certain requirements they felt were appropriate for the site. One of their conditions deals with trees.

Ms. Thomas said the requirement is to plant new trees.

Mr. Rooker said they also have to provide a row of evergreen shrubs along the eastern boundary line. He said the ARB considered it and imposed the planning requirements they thought were appropriate for the site. Then, the development of the site as an office building is a matter of right. It is not something over which the Board has any discretion.

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Mr. Jack Marshall, a resident of Free Union, said that later this morning the Board will be discussing a document prepared by staff entitled "Guidelines for Growth in the Development Areas." He commended staff for stimulating discussion about this topic. He encouraged the Board to give this report the attention it deserves. This topic involves real planning and strategic thinking, not the piece-by-piece decision-making that consumes so much of the Board's time. There are four issues to consider. First, ask whether or not accommodating growth is what the County wants, or if the Board's constituents are asking that they get into more effective management of growth. Second, in examining future growth, Mr. Marshall asked the Board to look not at the population implications of each individual master planning area, but the cumulative impacts of the combined master planning process. He said many think the County is essentially neglecting the big picture. Third, while the Board may legally have to focus on a 20-year span, the County won't disappear at the end of 20 years. What the Board does for tomorrow and for the next 20 years will have a tremendous impact on the future of the County. He hopes the Board will be able to think beyond the 20-year span. Finally, he hopes the Board will examine the fundamental assumption that growth in the Development (growth) Areas actually protects the Rural Areas, and whether expanding the development areas and increasing the density in them, as Mr. Slutzky seems to be proposing, is really a sane and effective growth management plan.

Mr. Slutzky said since a number of people have begun to react to his proposal, he would like to encourage everyone in the public to wait until they are familiar with all the dimensions of this proposal. He said only a "truncated version" of a complicated plan was presented in the *Daily Progress* article. He asked that the public be patient and invest the time needed to understand his proposal so it can be made useful to the County. He will be investing a lot of time with staff and his colleagues on the Board in the hope that in the end of this process of discussion, there is a well-understood proposal and a decision can then be made as to how to react to it, and what to do with it or not do with it.

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Agenda Item No. 5. Recognitions: Proclamation recognizing October, 2006 as Domestic Violence Awareness Month.

Mr. Rooker read the proclamation into the record, but since there was no one present to accept it, he said it would be mailed. The proclamation follows:

**Domestic Violence Awareness Month**

- Whereas,** *violence against women, children, and men continues to become more prevalent as a social problem in our society; and*
- Whereas,** *in 2005 in the Commonwealth of Virginia, domestic violence programs offered 208,708 safe nights of shelter to women, children and men; 24-hour intervention and referrals in response to 72,134 hotline calls; and 106,995 hours of counseling and advocacy to families; and*
- Whereas,** *in 2005, the Shelter for Help in Emergency offered 4,514 safe nights of shelter to women, children and men; 24-hour intervention and referrals in response to 1,080 hotline calls; and 2,528 hours of counseling and advocacy to families; and*
- Whereas,** *the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and*
- Whereas,** *the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and*
- Whereas,** *in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and*
- Whereas,** *it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and*
- Whereas,** *the Shelter for Help in Emergency commemorates its 27<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;*

**Now, Therefore, Be It Resolved,** *that in recognition of the important work being done by the Shelter for Help in Emergency, I, Dennis S. Rooker, Chairman of the Albemarle County Board of Supervisors, do hereby proclaim the month of October 2006 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children, and men.*

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

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

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Item 6.1. Approval of Minutes: May 3 and August 25, 2006.

Mr. Slutzky had read the minutes of May 3, 2006, Pages 17 to the end, and had one word correction.

Mr. Rooker had read the minutes of August 25, 2006, and found them to be in order as presented.

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

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Item 6.2. SP-2006-009 - Birchwood Place (Sign #10) (Deferred from September 6, 2006).

It was noted in the Executive Summary that this request was considered by the Planning Commission at its meeting on August 8, 2006, and recommended for approval. The Board reviewed the request at its meeting on September 6, 2006, and deferred action pending a review by the Architectural Review Board. The ARB has now voted to approve the project subject to two conditions. They are:

1. Provide a row of evergreen shrubs along the eastern boundary line from the southeast corner of the property behind the sign for a distance of 120 feet along the eastern property line, to form a hedge that will screen views of the drive-through use. Planting height shall be 30 inches. Mature height shall be a minimum of four feet, and
2. Provide three and one-half inch caliper large shade trees, 35 feet on center, parallel to the EC street. Remove the water easement from the planting strip along the EC or guarantee that street trees will remain. If utilities conflict with the EC trees, increase the depth of the planting area to avoid conflicts.

Staff recommends approval of the request to allow four drive-through lanes to serve the proposed bank with the conditions listed.

**By the recorded vote set out above, the Board approved SP-2006-009 for Birchwood Place, for four drive-through lanes to serve the proposed bank with the three conditions listed in the staff's report of October 3, 2006, plus the two conditions recommended by the Architectural Review Board.**

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

1. Architectural Review Board issuance of a Certificate of Appropriateness prior to final site plan approval;
2. Virginia Department of Transportation approval of entrance design and frontage improvements as well as any associated road plans and/or drainage plans;
3. Approval of site plan by County Engineer;
4. Provide a row of evergreen shrubs along the eastern boundary line, from the southeast corner of the property behind the sign for a distance of one hundred twenty (120) feet along the eastern property line, to form a hedge that will screen views of the drive-through use. Planting height shall be thirty (30) inches. Mature height shall be a minimum of four (4) feet;
5. Provide three and one-half inch (3 1/2") caliper large shade trees, thirty-five (35) feet on center, parallel to the EC street. Remove the water easement from the planting strip along the EC or guarantee that street trees will remain. If utilities conflict with the EC trees, increase the depth of the planting area to avoid conflicts.

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Item 6.3. Request to increase the net worth and income limits of the Tax Relief for the Elderly and Disabled program.

It was noted in the Executive Summary that the Tax Relief for the Elderly and Disabled Program, as offered by Albemarle County, provides a tax exemption for elderly and/or disabled owners of real estate and mobile homes. The exemption is based on a matrix of income and net worth levels.

In December 2004, the Board approved an increase in both the income and net worth limits for the program to the current maximum limits of \$30,000 in allowable income and \$90,000 in allowable assets. Additional funding was approved by the Board in both FY 2004-05 and FY 2005-06 to fund the program to the current budget amount of \$678,638. However, actual expenses for the two fiscal years have been less than budgeted (\$240,698 in FY 2004-05 and \$291,448 in FY 2005-06).

During its discussion of the FY 2006-07 Budget, the Board directed staff to prepare an ordinance to increase the income and net worth levels to provide relief in an amount approximating the budget. This report discusses the staff recommendation, comparisons with other jurisdictions, budget impact and required future action.

To implement these changes to Tax Relief for the Elderly and Disabled Program to be effective for the 2007 Tax Year, staff prepared a draft ordinance to replace the current income and net worth matrix with a new qualification matrix to increase the allowable income limit to \$50,000 and allowable net worth limit to \$125,000. It is recommended that the ordinance be advertised for public hearing at the Board's November 1, 2006, meeting.

As detailed in the chart below, localities throughout Virginia have adopted similar limits:

<u>Locality</u>	<u>Population</u>	<u>Income</u>	<u>Net Worth</u>
Culpeper	39,100	\$35,000	\$200,000
Fauquier	61,500	\$52,000	\$195,000
Fluvanna	24,300	\$50,000	\$100,000
Frederick	66,300	\$50,000	\$100,000
Hanover	94,800	\$50,000	\$125,000
James City	55,200	\$35,000	\$200,000
Roanoke	88,200	\$56,566	\$125,000
Spotsylvania	112,000	\$50,000	\$100,000

Staff recommends that the Board approve the revised income and net worth matrix to determine the relief percentages and authorize the implementing ordinance to be set for public hearing on November 1, 2006.

**By the recorded vote set out above, the Board approved the revised income and net worth matrix to determine the relief percentages for the Tax Relief for the Elderly and Disabled Program and directed staff to advertise for a public hearing on the implementing ordinance for November 1, 2006.**

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Agenda Item No. 6.4. Request for public hearing to amend the Jurisdictional Area Boundary to provide water and sewer service to Cascadia development (Tax Map 62, Parcel 25, and Tax Map 78, Parcels 59 and 59A) and Broadus Memorial Baptist Church (Tax Map 62, Parcel 25C/C1), all located in the Pantops Development Area (Neighborhood Three).

It was noted in the Executive Summary that the owners/developers of the approved Cascadia development are requesting Albemarle County Service Authority (ACSA) Jurisdictional Area designation for water and sewer service to three parcels totaling approximately 55.71 acres located on the east side of Stony Point Road (Route 20) north of its intersection with Route 250 East. The parcels are located entirely within the Pantops Urban Area Neighborhood, in the Rivanna District. The parcels are not designated for any service at this time. The Cascadia development was approved by the Board on August 2, 2006.

Recently, staff received a request from representatives of the Broadus Memorial Baptist Church property (five acres) asking to be included in the ACSA Jurisdictional Area for water and sewer service. The church property is also located entirely within the Pantops Urban Area Neighborhood.

The Comprehensive Plan recommends serving Development Areas with public water and sewer service. These parcels are located within the Pantops Urban Area, Neighborhood Three, so designation as part of the ACSA Jurisdictional Area for public water and sewer service would be consistent with County policy for the provision of water and sewer service. Staff notes that there are two small parcels adjacent to the church property fronting on Route 20 which are entirely within the Development Area and they do not have Jurisdictional Area designation. These parcels (Tax Map 62, Parcels 25A and 25B) are each approximately one acre in size. A home is located on Parcel 25B. Including these parcels in the Jurisdictional Area would be consistent with County policy for the provision of water and sewer service; therefore, staff recommends that these properties also be included in the Jurisdictional Area for water and sewer service.

Staff recommends that the Board hold a public hearing on November 1, 2006, to consider amending the ACSA Jurisdictional Area to designate Tax Map 62, Parcels 25, 25A, 25B, 25C/C1, and Tax Map 78, Parcels 59 and 59A, for water and sewer service.

**By the recorded vote set out above, the Board directed staff to advertise for a public hearing on November 1, 2006, to consider amending the ACSA jurisdictional areas to designate Tax Map 62, Parcels 25, 25A, 25B, 25C/C1, and Tax Map 78, Parcels 59 and 59A, for water and sewer service.**

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Item 6.5. Resolution to Authorize the County Executive to Accept Easements Necessary for Groundwater Monitoring Wells.

It was noted in the Executive Summary that the Groundwater Monitoring Program has been initiated by the County to develop a greater understanding of its groundwater resources. To obtain groundwater information, the monitoring program requires the strategic location of monitoring wells in the County. The monitoring wells would be monitored by County staff using County equipment. Currently, water table elevations are being measured in three privately-owned existing wells. In addition, the Water Protection Ordinance requires that certain subdivision applications include Groundwater Management Plans which may address monitoring efforts by offering well sites for monitoring purposes. As a result, several potential monitoring well easements are currently in the planning stage. Easements or licenses will need to be established on the well site properties to allow for the installation and operation of monitoring wells for long-term data gathering and, in many cases, to allow access to the well site. Currently the Board authorizes the County Executive to accept such easements and agreements on a case-by-case basis.

The efficiency of County government would be improved by generally delegating the authority to the County Executive to accept deeds of easements and license agreements for groundwater monitoring wells. The authorization would streamline the process and minimize staff resource requirements that would otherwise be required to schedule the authorization for a Board meeting, prepare an executive summary, and then have the Board act on the authorization.

Staff recommends that the Board adopt a Resolution to authorize the County Executive to accept deeds of easement and to enter into license agreements on behalf of the County necessary for the monitoring of groundwater conditions, provided that the deeds and license agreements are approved as to form and content by the County Attorney.

**By the recorded vote set out above, the Board adopted the following Resolution authorizing the County Executive to accept deeds of easement and to enter into license agreements on behalf of the County necessary for the monitoring of groundwater conditions, provided the deeds and license agreements are approved as to form and content by the County Attorney.**

**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO ACCEPT  
DEEDS OF EASEMENT AND TO ENTER INTO LICENSE AGREEMENTS TO ALLOW  
THE COUNTY TO ESTABLISH AND MAINTAIN GROUNDWATER  
MONITORING WELLS AND ASSOCIATED EQUIPMENT**

**WHEREAS**, the County of Albemarle has established a groundwater monitoring well program in order to obtain data that will provide a greater understanding of the County's groundwater resources; and

**WHEREAS**, in order for the County to establish and maintain groundwater monitoring wells and associated equipment on privately-owned lands, the County may acquire interests through Deeds conveying easements or may obtain permission to use such lands through License Agreements; and

**WHEREAS**, such Deeds and License Agreements set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to establish and maintain the wells and to use the associated equipment within the easement or licensed area; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors authorizes the County Executive, on behalf of the County, to accept Deeds conveying to the County an easement, and to enter into License Agreements granting permission for the County to use a licensed area, for the purpose of establishing and maintaining groundwater monitoring wells and using associated equipment, provided that such Deeds and License Agreements are approved as to form and content by the County Attorney.

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Item 6.6. Turkey Sag Road (Route 640) – Resident Proposal to Pave a Public Road.

It was noted in the Executive Summary that the Department of Community Development received a request from Mr. James Craig to use his own resources to pave a section of Turkey Sag Road (Route 640) to VDOT rural rustic road standards. Letters from Mr. Craig and his project engineer describing the proposed project are attached to this summary (on file). In July 2005, the Board adopted guidelines to process requests by property owners to use their own resources for major improvements within VDOT rights-of-way, including the paving of unpaved roads.

Mr. James Craig lives on Turkey Sag Road on a property known as Bramblewood. It borders Turkey Sag Road for a distance of 2,700 linear feet. The Bramblewood property has been placed under a conservation easement to the Virginia Outdoors Foundation (VOF). Mr. Craig wishes to pave approximately 4,610 linear feet of this road using rural rustic road standards. This section of the road is fairly straight and VDOT has indicated that it can be paved to rural rustic road standards. These standards allow paving to take place within the existing right-of-way. There will be no grading of the embankments along the road. The paving and replacement of undersized and failing drainpipes along this segment of road will help hold gravel in place and avoid erosion and runoff into Turkey Sag Creek. Currently, VDOT has to replace gravel frequently on this section of roadway after heavy rains. Dust and washboarding are major problems so paving would eliminate these concerns. There are approximately four other property owners (8-10 parcels) in addition to Mr. Craig along the section of road proposed for improvement. Staff has not contacted these property owners and is not certain they are in agreement with the project as proposed. VDOT has indicated its support for this paving request and has approved the preliminary plans for construction. This request does not conflict with the Rural Areas Chapter of the Land Use Plan.

According to the guidelines adopted by the Board in July 2005, the Board will need to determine if area residents are to be notified of the paving request and offered an opportunity to comment. Staff recommends that property owners along the segment of Turkey Sag Road proposed for paving be notified of the project and provided an opportunity to comment on the project to County staff. Staff will evaluate the comments and report its findings to the Board. If no opposition to the paving project is received, staff recommends the project move forward to construction.

**By the recorded vote set out above, the Board approved notifying property owners along the segment of Turkey Sag Road proposed for paving that the project is being considered so they have an opportunity to provide comments to County staff who will then evaluate the comments and report their findings to the Board. If no opposition to the paving project is received, the project will move forward to construction.**

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Item 6.7. Authorize public hearing to amend County Code Section 15-1601, Property exempt from taxation by classification, to amend classification regarding nonprofit hospitals.

It was noted in the Executive Summary that a State Constitutional amendment, effective January 1, 2003, shifted the authority for granting property tax exemptions from the General Assembly to local governing bodies. On September 1, 2004, pursuant to State law enacted to implement the Constitutional amendment, the Albemarle County Board of Supervisors adopted *Albemarle County Code §15-1601 and §15-1602*.

Currently nonprofit hospitals are tax-exempt by classification but only for property "belonging to and actually and exclusively occupied and used" by the hospital. This classification standard has been in place since at least the 1902 Constitution of Virginia. In a discussion by the Board on September 7, 2005, there was general consensus that if a nonprofit hospital relocated to the County it should be tax-exempt. In reviewing the standard for tax-exemption by classification it was found that under modern hospital operating practices it would be difficult for a hospital to qualify for tax-exempt status because the nonprofit hospital entity typically leases hospital space to other for-profit medical care providers to provide coordinated healthcare services. These practices are in conflict with the requirement that the hospital

property be “exclusively occupied and used” by the nonprofit hospital and would disqualify the entire hospital property from tax-exempt status. In light of the 2003 Constitutional amendment, localities have the authority to amend the classification standards.

Staff has drafted a proposed ordinance to amend County Code Section 15-601 to create a new classification for nonprofit hospitals that would no longer require that the hospital property be “actually and exclusively occupied and used” by the hospital. The ordinance would provide tax-exempt status to that portion of the property that is owned by a qualifying nonprofit hospital that is used and operated by the hospital as an inpatient hospital or as an outpatient hospital if the outpatient hospital is adjacent to a qualifying inpatient hospital. Any portion of the property owned by such hospital that is either leased to a third-party or not used for hospital purposes would not be tax-exempt under this classification.

The purpose of the proposed ordinance is to update the tax-exempt classification for hospitals to reflect modern hospital practices. New hospitals focused on patient convenience and service combine many medical facilities, some owned and operated by the hospital and others operated by for-profit doctors or other corporations providing medical services. The ordinance recognizes that nonprofit hospitals should qualify for tax-exempt status but the portion of the properties operated by for-profit entities or not used for hospital purposes should not be tax-exempt.

Currently there are no hospital properties in the County that would qualify for tax-exempt status under the proposed ordinance. The first budget impact is anticipated to occur when Martha Jefferson Hospital relocates its inpatient hospital to the County. Based on 2005 assessed values, the Martha Jefferson Hospital Pantops properties (future hospital site and existing outpatient care facility) were assessed \$256,581.68 in taxes. When the Hospital relocates to Pantops the portion of the inpatient and outpatient hospital property that is owned and occupied or used by the hospital for hospital purposes would be tax-exempt. The portion that is leased to a third-party or not used for hospital purposes would not be tax-exempt under the proposed ordinance. Staff recommends that the Board authorize the ordinance be advertised for a public hearing to be held on November 1, 2006.

**By the recorded vote set out above, the Board directed staff to advertise for a public hearing on November 1, 2006, An Ordinance to Amend Chapter 15, Taxation, Article XVI, Property Exempted from Taxation, of the Code of the County of Albemarle, Virginia.**

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Item 6.8. Charlottesville-Albemarle Regional Transit Authority, Draft Transit Vision.

**By the recorded vote set out above, the Board approved the Charlottesville-Albemarle Regional Transit Authority, Draft Transit Vision, as drafted by the MPO. Statement is set out in full below:**

**Charlottesville-Albemarle Regional Transit Authority  
DRAFT Transit Vision**

The Charlottesville-Albemarle Regional Transit Authority will provide fast, frequent, dependable, and seamless transit service throughout the area.

**Goals**

- Provide direct links between and among the four major destinations in the City of Charlottesville and Albemarle County: Downtown, UVA/Medical Center, Pantops and the Route 29 North corridor.
- Provide competitive choices for travel throughout the region – for residents, commuters, employees, students and visitors.
- Improve routes and choices for underserved communities and individuals.
- Attract ‘choice’ riders – those who currently drive for most trips.
- Increase access to medical, employment, tourist, recreation, education, service and retail destinations throughout the region.
- Integrate transit fully with other modes of transportation - walking, wheeling, carpooling, driving alone and regional bus and rail.
- Serve as a tool to help make the area ‘Livable for a Lifetime.’
- Reduce traffic congestion, pollution, energy consumption, and personal travel costs.

**Working methods**

- Create a unified regional transit plan to identify 1) routes, 2) level of service 3) phasing, 4) vehicle technology, 5) funding requirements, and 6) operating responsibilities.
- Secure a sustainable, stable funding source for new equipment, physical improvements, operations, and maintenance.
- Work with localities, businesses and developers to plan for mixed-use Transit Oriented Development (around existing service) and Transit-Ready Development (for future system expansion).
- Design routes and schedules so that service to existing areas is maintained or improved.
- Coordinate physical improvements around bus waiting areas and transit stations.
- Maximize service efficiency through:
  - Innovative use of technology for vehicle tracking/on-time performance/real-time information.
  - Increased coordination of service planning and operations.

- Seamless marketing, communications and education for user-friendly customer experience.
- Promote and provide opportunities to utilize public-private partnerships

**(Discussion:** Mr. Slutzky said that tentatively a summit is scheduled to be convened on November 15 concerning a transit authority. The Board members will be invited to attend. He suggested that the Board members put this date on their calendars and block out about four hours for the discussion.)

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Item 6.9. Calendar of the FY 07-08 Operating Budget and FY 2008-12/FY 2013-17 Capital (CIP) Needs Assessment events, **was received as information.**

**(Discussion:** Mr. Wyant noted that the CIP Oversight Committee will be holding its first meeting this week.)

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Item 6.10. Board-to-Board Monthly Report from the School Board Chairman, **received as information**, as follows.

Electronic Emergency School Notification System (ESNS): The Division is in the process of completing configuration of a new tool for fast and effective information sharing between the school division and parents. Within minutes of Division-wide emergency, school officials can use ESNS to deliver a message to parents, guardians, or designated emergency contacts by landline or cellular phone, and by e-mail, etc. The target date for completion of data entry for the system is September 30.

AYP & SOL Report: The Commonwealth of Virginia, and each school and school division, are required to make Adequate Yearly progress (AYP) under the No Child Left Behind Act of 2001 (Public Law 107-110). Adequate Yearly Progress is determined by considering Standards of Learning passing rates in English and mathematics, and participation, attendance, and graduation rates. In Virginia, school accreditation is based on SOL passing rates for the overall population of students in a school. The Division made AYP in 2005-06 for the first time; 20 of 25 schools made AYP - five schools did not make AYP. The schools that did not make AYP missed the benchmark for either African American students, or economically disadvantaged students, or both.

Enrollment: At the September 6, 2006, enrollment count there were 12,441 students enrolled. In comparison, the 10-day enrollment number for the '05-06 school year was 12,433 and 12,327 for the '04-05 school year. This year there has been unpredicted fluctuation of enrollment, either over or under projection in some schools. Schools which are 16 or more students under projections will lose staffing. Certain small schools are in a held harmless position. School Division staff has been working with affected schools to finalize staffing plans.

Policy KF, Distribution of Outside Materials: At its meeting on September 14, the School Board discussed distribution of outside materials. Two viable options were presented to the School Board for consideration. There was Board consensus for Option I (allows equal access to all outside groups to distribute flyers and request the use of school buildings, subject to reasonable time, place, manner and other content-neutral restrictions) to be looked at with administrative procedures to be developed.

Magna Award: For the use of innovative technology within the Division, such as the use of podcasting, the School Division will be sending in an application for the Magna Award.

School Board Meetings: The next regular School Board meetings are scheduled for October 12 and 26 at 6:30 p.m. The next Closed School Board meeting is scheduled for October 23 at 5:30 p.m. A joint meeting between the School Board and Board of Supervisors is scheduled for October 11 at 3:30 p.m. to discuss employee compensation and benefits. A joint City/County School Board meeting is scheduled for October 17 with the CATEC Board to hear preliminary results of their strategic plan.

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Item 6.11. Memorandum dated September 12, 2006, from Pat Mullaney, Director of Parks and Recreation, re: Status Report on Preddy Creek Property **was received as follows:**

“On May 3, 2006, the Board of Supervisors initiated the process of designating the Preddy Creek property as a park by directing staff to proceed with a review of this use for compliance with the Comprehensive Plan. This matter is scheduled for the Albemarle County Planning Commission on October 3, 2006.

Funding for park development, according to the currently approved CIP, is not available until July 1, 2010. Anticipating a favorable review by the Commission and the Board's interest in moving this project along, I have requested funding to be moved forward to July 1, 2007, in the most recent CIP request which is currently under review by the CIP Technical Committee.

The Commission matter on October 3 is not a request to amend the Comprehensive Plan at this time but rather just to review the proposed park use of the property for compliance with the plan. I have been advised that a favorable review is all that is necessary to move forward with making the

property available for recreational use. The amendment of the Comprehensive Plan designating the property as a park can take place at a later date, perhaps in conjunction with site plan approval.

Neighboring property owners will be notified that this matter will be up for discussion on October 3 and will be given the opportunity to speak. Please contact me if you have any questions.”

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Item 6.12. Copy of Planning Commission minutes for March 21 and August 8, 2006, **received as information.**

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Item 6.13. Letter dated September 15, 2006, to the Honorable Dennis S. Rooker, Chairman, Board of Supervisors, from Patricia G. Arcuri, Acting Regional Director, FEMA, re: approval of Thomas Jefferson Regional Natural Hazard Mitigation Plan for Albemarle County, **received as information.**

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Agenda Item No. 7a. **Transportation Matters:** 2006 Primary Road Improvement Priorities.

Mr. David Benish, Chief of Community Development, reported that the Commonwealth Transportation Board will be conducting a public meeting for the Culpeper District on October 25. This meeting will offer an opportunity for communities and citizens to make recommendations to VDOT and the CTB regarding road improvements. He described the process used for the meeting, including the fact that localities will be speaking first and then the general public. He said staff has provided the Board with a copy of last year's priorities; they did not recommend any changes to those priorities, but did recommend a couple of modifications to the comments under No. IA about the Meadow Creek Parkway which is a basic recommendation to provide all available funding and resources to maintain the Meadow Creek Parkway on schedule. Staff also made some non-substantive changes clarifying wording about Route 29. They also updated the status of the Route 250/Route 22 intersection project.

Mr. Benish said staff has some updated information on a couple of the items in the report. The MPO Policy Board has discussed regional recommendations to be presented to the CTB. He handed to the Board a copy of the latest draft of the MPO's recommendations. He said the draft is still being reviewed by the MPO and will not be approved until next week. At this time staff is mirroring those comments and that is why he provided the handout to the Board. The first grouping is "Transit Funding" and the MPO has recommended funding a study of a regional transit authority, extending funding to existing transit, improving capacity, funding for transit operational costs, and to improve inter-city rail, which is not transit rail but more of inter-city, intrastate rail opportunities.

Mr. Benish said this report is provided so the Board has an opportunity to review possible language for the statement. Staff recommends adding a category of funding to what is called transit funding. He said the TransDominion Express (recommended on Page 2 of Attachment "A") has been recommended for a number of years. He understands a decision has been made that the Bristol-Richmond route will be routed through Lynchburg, but staff still recommends that Albemarle offer support for TransDominion Express so they want to add that comment.

Mr. Boyd said he had highlighted that item because he wanted to ask what the Board would be requesting funding for. He has some reservations about a high-speed rail connection between Charlottesville and Washington, D.C., and the impact of it on growth. Mr. Benish said staff has that concern, and it was also discussed by the MPO. They did not want to provide blanket support for inter-city rail travel without understanding the ramifications of that support. The intent is for a general recommendation of support for improved rail service as opposed to a specific type of rail service; VRE is an example. VRE is more commuter-oriented as opposed to a continuum such as Amtrak which might not necessarily be a commuter service.

Mr. Benish said Attachment "A" to the Executive Summary is intended to be a statement that can be read, while Attachment "B" is intended to provide a short, concise list of priorities. If you read Attachment "A" and then go to Attachment "B" under "IB - Construction of Meadow Creek Parkway", that project should be moved up to "IA". He said staff will make that correction.

Mr. Rooker said he thinks Attachment "B" should be the text of the statement. The County's CTB representative has said the CTB wants to look at a list of priorities, with the elaboration about those priorities attached as an exhibit. In Paragraph "B", he suggests that "Route 29 North" of present Attachment "A" have the following language deleted: "The U.S. Route 29 North corridor has been the focal point of interest, discussion and debate in the Charlottesville area for many years. Numerous and varied transportation improvements have been proposed and/or funded over the years."

Mr. Rooker said in the first two sentences in Paragraph "B" on the first page, it says that Route 29 is the focal point of interest and debate and numerous studies have occurred, but he does not think that language is necessary any longer. He suggested starting that paragraph by saying "This highly urbanized area continues to grow and transportation system improvements need to continue to improve." CTB members have told him that Albemarle gives too much text.

Mr. Rooker said in Paragraph "IE, ... areas of emphasis the County requests be addressed on Route 250" he thinks the City has abandoned plans to improve Emmett Street West. He asked if this should continue to be included as an area of emphasis. Mr. Benish said when this was discussed a couple of years ago concern was expressed about supporting the new University coliseum. It was

decided this project should stay as a priority in the County. He does not disagree because this sentence implies the County needs to coordinate with the City.

Mr. Boyd asked if Mr. Rooker wanted to remove that language.

Mr. Rooker said he was suggesting it be removed because it is not a high priority in the County's plans. It could be reintroduced at another time. The purpose now is to tell the CTB which of these items are acute transportation issues.

Ms. Thomas said the basketball arena has a parking facility, but now the University is going to build a center for performing and visual arts, so she would agree to move this project to the bottom of the list but would be concerned about deleting it totally.

Mr. Wyant said he does not see any reason to keep "E2" concerning Route 250 West to Yancey Mills on the list. This paragraph only states the County does not want anything done to the road. Why keep it in the plan?

Ms. Thomas said the remainder of that paragraph refers to "short term or spot improvements." Under "II-M, Safety Improvements", it talks about that same thing noting concerns about the Tilman Road intersection. She has had VDOT look at placing a roundabout at the Owensville/Morgantown/250 offset intersection. They said it looked feasible so she thinks it could be mentioned in this statement.

Mr. Wyant suggested that all of "E1" be moved to "II-M" because they are all safety issues.

Mr. Rooker suggested deleting the first two sentences in "EI", i.e. "The remaining portion of Route 250 West to Yancey Mills (the I-64/250 interchange) was studied by VDOT with a local advisory committee to determine long-term needs for this road. The Board of Supervisors has rejected the study recommendations completed in 2000 and passed a resolution supporting Route 250 West as a Scenic Virginia Byway with significant historic, natural and scenic qualities."

Ms. Thomas said if it is left in II, she is willing to recommend using the existing language changing the next sentence to read: "The County recommends two intersection improvements maintaining the present two-lane ...." She assumes there is a separate category for "Safety Improvements" because there is sometimes a separate pot of money for those projects.

Mr. Rooker asked if "Safe Walks to Schools" is included in this report. Mr. Benish said it is not specifically cited.

Mr. Rooker asked if that needs to be mentioned specifically and set as a priority. Mr. Benish said "Enhancement Projects" can be broadened and that program listed. He said there is a statement under that category listing priorities for pedestrian improvements. It could be noted there.

Mr. Boyd asked if there is a need to mention that the Board will consider the Route 20 East/Free Bridge - Fluvanna County expansion of the Pantops Master Plan. It is in the final stages of being presented.

Mr. Rooker said from the CTB's standpoint the important thing is Attachment "B" which he had suggested be moved up and made the cover of the report. Mr. Benish said staff will do that. He said the improvement Mr. Boyd mentioned has not yet been adopted officially. The Board would need to decide if they would include that in a priority list now; staff would be reluctant to include it until the Board had made that decision.

Mr. Wyant suggested the projects which may actually begin in the next few years be listed in priority order.

Mr. Rooker said this plan is for the Primary System and it does not purport to set out Secondary Road priorities. It is his understanding the County can get Federal money for safety/enhancement improvements on roads. He commented that it might be confusing to combine improvements to Primary and Secondary Road projects. Mr. Benish said where Secondary improvements address Primary issues staff included those types of recommendations.

Ms. Thomas said Attachment "B" should pick up everything as a notation that is listed in Attachment "A", and in Attachment "A" under "Safety Improvements" are where safety problems on Route 250 West are mentioned, as is the underpass on Route 240 in Crozet. She thinks those items should be mentioned in what is now called Attachment "B" because in its present form it only talks about pedestrian walkways.

Mr. Boyd asked where the Meadow Creek Parkway will be shown. Mr. Benish said the Meadow Creek Parkway is the first priority in Attachment "A", Item 1A.

Mr. Rooker said although Hillsdale Drive and Berkmar Drive Extended are in the 20-year road plan, they are not primary projects. Hillsdale is an urban road project. For improvements in the Route 29 corridor he thinks the second item listed should be the widening and improvement of U.S. 29, the third lane on 29, and improving the road around Forest Lakes South to fill in the gap. Mr. Benish said Hillsdale Drive is basically an urban project so it would be in the primary/urban system recommendation. Priorities are based on their listing in CHART. Hillsdale Drive and Berkmar Extended are examples of roads that

could be County secondary road projects that would contribute to improvements in the primary system. He does not disagree with changing the order.

Mr. Rooker said in terms of being able to obtain primary road funds, work is being done to obtain funds for the third lane on Route 29 to fill in that gap. If Hillsdale and Berkmar are still listed, he would put Hillsdale ahead of Berkmar because that is a project for which funding is already taking place. Mr. Benish said if there is agreement under A, Number I will be the Meadow Creek Parkway from the Route 250 Bypass to Rio Road, including the interchange at the Route 250 Bypass. Number II will be the widening improvements to Route 29 North (third lane from So. Fork Rivanna River). Number III would be funding of 29H250 Phase II, Option B, design recommendations; then Hillsdale Drive extension; then Berkmar Drive extension; then other improvements identified for the Route 29 corridor in the County's Comprehensive Plan.

Mr. Boyd asked how much of this is subject to recommendations from the Places29 master planning process. He said all of these roads will be in that particular transportation study area. Mr. Benish said he thinks Berkmar Extended will be the largest project from that study.

Mr. Boyd added that improvements from the South Fork Rivanna River to Hollymead will also be in there. Mr. Benish said he thinks that will be assumed to be a necessary improvement regardless of what is done. He feels confident that what comes out of the Places29 process is going to call for these improvements. Everything mentioned except Berkmar Drive is already programmed.

Mr. Dorrier asked the cost of Item "C", "Complete preliminary engineering on Route 20 South from I-64 to Mill Creek." Mr. Benish said this item requires a study, and part of that study is to establish a cost.

Ms. Thomas said she did not get a reaction to her mention of an improvement at the intersection of Morgantown/Route 250/Owensville Road. She said that even before she became a Board member, the County had purchased land in order to work on that intersection; she is not suggesting something new. The current wording of "M" on Page 3 does not pick out that intersection and she would hate to have it lose standing because it is not specifically mentioned.

Mr. Slutzky said he has mixed feelings about that particular project. He recognizes that it has value in that area, but his concern is that it would be taking scarce resources and putting them into a non-urban area when the growth area is being under-funded.

Mr. Rooker said Crozet is a designated growth area and a lot of vehicles coming from Crozet use Route 250 which is a Federal (U.S.) highway. There are patches of land along Route 250 that are not in a designated growth area. However, parts of that roadway have been improved because it is a U.S. highway serving as a major connector.

Ms. Thomas said that in general she has been about as stingy with her district as one could be because she shares the concern about putting limited resources in the rural area. The Ivy area is the most densely settled rural area in the County. At one point, the County encouraged development in Ivy in terms of extension of the waterline; it all had to do with annexation. Because of that, there has always been an awkward situation in that area. It is a densely settled rural area which is inappropriate, but it is there and Route 250 is the road which is impacted.

Mr. Wyant said under "E3" on Attachment "B" it says "Spot improvements to intersection of Route 678 (Tilman Road) and Route 637." Whatever is planned there, some kind of safety improvement is needed. Mr. Benish said under "E2" he recommends that everything in that paragraph be taken out down to where it says "The County instead recommends ...." He said it will indicate the County recommends that Route 250 be retained as a two-lane roadway. It will mention the two intersection improvements at Tilman Road and Owensville Road. Under "Safety Improvements" only the one phrase that refers back to those two recommendations will be mentioned. Keeping Route 250 in its current character is the essence of the recommendation.

Mr. Rooker asked if this statement will come back to the Board for a final review. Mr. Benish said staff can make all of these changes and put the statement on the Board's Consent Agenda for next Wednesday.

Mr. Tucker asked if a Board member wanted to attend this Primary Road hearing or should the statement be presented by staff.

Ms. Thomas said the Chair of the MPO is a County Board member, so he could make both statements.

Mr. Slutzky said he would happy to do that, but may have a conflict. Mr. Rooker said he might attend that meeting, so they will work out something.

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Agenda Item No. 7b. Transportation Matters: VDOT Monthly Report.

Mr. Allan Sumpter introduced himself as the new Resident Engineer for the Charlottesville Residency. He said he was previously at the Lebanon Residency in Russell County and in Buchannon County. He has now been working in the Culpeper Residency for three and a half weeks. He said if the Board wants him to change the format of this monthly report or his presentation, he will be glad to do so.

Mr. Tucker said he had suggested to Mr. Sumpter that he be available to answer questions rather than going through each item in the report.

Ms. Thomas said if there are new items in the report, it would be helpful if that were noted. Mr. Sumpter replied that he would be glad to note those and answer any questions. He then publicly recognized two other VDOT staff members who have helped him – Mr. Darin Simpson and Mr. Joel DeNunzio, Residency Program Managers.

Mr. Sumpter noted that on the monthly report the project called “Route 631 McIntire Road” is actually the “Meadow Creek Parkway.”

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Agenda Item No. 7c. Transportation Matters not listed on the Agenda.

Mr. Allan Sumpter asked if Board members had questions.

Mr. Wyant said it is noted that the date for Route 691, Jarman’s Gap Road, has been adjusted. Does that mean it has been moved back in time? Mr. Joel DeNunzio said it has not been adjusted backward at this time; it will depend on the Meadow Creek Parkway project which is first on the list.

Mr. Darin Simpson said VDOT will be going into the Secondary Road process soon and will be working with County staff. He said there are a lot of funding issues with the Meadow Creek Parkway, so nothing has been done at this point. They will wait to see what the County wants to do in the way of going forward with these projects.

Mr. Benish said the Board’s Strategic Plan indicates completion of the Meadow Creek Parkway and two local roadways. In the Secondary Plan, those three roadways, by priority, are the Meadow Creek Parkway, Jarman’s Gap Road and Georgetown Road. In this year’s Six-Year Plan staff focused on shifting existing funds and future funds to cover those three projects in that priority order. It may be that the first priority is to get the Meadow Creek Parkway funded and that may have an impact on the Georgetown Road project.

Mr. Rooker said the inflation factor in the Meadow Creek Parkway project the last couple of years has been tremendous. It is now robbing the County of funds for other projects that have been waiting for nine or more years. Mr. Benish said the first step was to ask VDOT and the CTB to take all existing revenue-sharing appropriations and move them to the Meadow Creek Parkway.

Mr. Rooker said the Board might decide to use some of the funds it has allocated to the CIP to accelerate and keep the Jarman’s Gap Road and Georgetown Road projects on schedule. Mr. Tucker said staff will be discussing that idea with the CIP Oversight Review Committee.

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Mr. Wyant noted Page 3 of the Monthly Report and said he was amazed at the amount of work VDOT accomplished in the way of maintenance. He commends the people in the field for their accomplishments. He knows how difficult it has been lately with all that is going on at VDOT. This is quite a list and he appreciates it.

Mr. Sumpter said it is quite a long list, and he asked if the Board wants to continue seeing it, or should it be edited.

Mr. Wyant said he likes seeing the list so he can just check off projects in his district.

Ms. Thomas said she likes having the names of the roads instead of just route numbers.

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Mr. Sumpter reported that White Mountain Road improvements would be coordinated with the Rural Rustic program this fall.

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Mr. Sumpter said Owensville Road has undergone brush cutting. Some property owners objected to giving right of entry to do more extensive tree cutting.

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Mr. Sumpter said the Meadow Creek Parkway right-of-way plans have been signed by the Transportation Commissioner.

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Mr. Sumpter said Mr. Dorrier had asked VDOT to look at Dawson Lane but they could not find it. Mr. Dorrier clarified that it is located across from Yancey School and New Hope Church next to Simpson Park in Esmont.

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Mr. Sumpter said Stony Point Pass does not qualify as a Rural Rustic Road project due to sight distances, curve alignments and the one-lane bridge.

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Mr. Wyant asked that VDOT check the drainage pipes at address 395 in the Claymont Subdivision.

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Ms. Thomas said she spoke with a school bus driver and was informed that they are occasionally held responsible for scratches on their buses. They are interested in having the brush cleared in certain areas. She would like to see the lines of communication opened with the school bus drivers as they get the effects of the overgrowth.

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Mr. Boyd asked about the Rocky Hollow Road project, and why it can't move forward. Mr. Simpson advised that there is a funding issue.

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Mr. Boyd said he had been presented with a petition from the Proffit Road Association to be read into the record: "We, the undersigned motorists and passengers, whom have occasion to use the railroad underpass on Polo Grounds Road, Route 643, request the installation of traffic signaling or other device at this junction. The three months this past summer when the traffic light was present at this junction proved without doubt a traffic signal that is both desirable and possible. The traffic danger at this site is well-known. The reason there are not more accidents is the extreme caution we use in navigating this underpass. We all have stories of near misses at the site and a traffic signal would put an end to that and be much more safely handled."

Mr. Sumpter said that location has been difficult to signalize because it is not technically an intersection; it must meet Federal warrants if the signal is to be permanent.

Mr. Rooker said that situation is one of the most dangerous in the County, and perhaps he should talk with Mr. Butch Davies.

Mr. Wyant suggested also looking at realignment of the road going under the underpass so traffic on the other side of the underpass could be seen. He thinks alignment is the biggest problem.

Mr. Rooker said installation of mirrors would help.

Mr. Boyd said a resident who lives there said it was nice during the summer to not hear so much honking. She also said that trucks come all the way to the underpass, then realize they cannot fit under it, and they have hit and damaged her mailbox when turning around. She suggested moving the height sign denoting the height of the underpass so truckers can see it and avoid using her driveway.

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Mr. Slutzky asked if there was an answer to his question about the traffic signal at the corner of Hydraulic Road and Route 29. He was informed that the traffic engineer is still looking at that issue. Mr. Sumpter said he will alert the Board once the study is completed.

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Agenda Item No. 8. Downtown Scottsville Streetscape Plan Request (deferred from September 6, 2006).

Mr. Tom Foley, Assistant County Executive, explained that this item was last discussed on September 6, at which time the Scottsville Mayor came before the Board to talk about the challenges they were facing with project funding. He said the project involves two components – Valley Street and Main Street; Valley Street is fully funded but they are short of funding by \$502,000 for Main Street. He said the town had made efforts to reduce the scope of the project to bring down its costs. At that time, the Board requested staff to look at possible options for funding. He said staff has provided the Board some additional information in the executive summary.

Mr. Foley said staff talked to the Town Manager and one of the Town Council members about what other options might be available. One concerned a loan from the County, or the County providing less than 100 percent of their request. As to Scottsville obtaining a loan, he was told that they cannot handle repayment of that in their current budget. In fact they are taking out some bridge loans through the Virginia Municipal League because of timing of some reimbursements from grants. They will have an interest cost in their budget to fund the project even without the \$502,000 requested. In terms of partial funding or not funding the request at all, Scottsville indicated they could pursue other grants but the cost of the project would just continue to go up. They did not feel that was a good option for them because of the timing delay that would cause.

Mr. Foley said there was recently a Strategic Planning session concerning long-term capital needs in the County. Two options in the CIP would be to use some urban infrastructure money which is set aside in the budget now, or use money from the CIP Reserve Fund to fund this project. If the Board decides to go forward, staff recommends that the Reserve be used rather than taking funds from urban infrastructure. The bottom line is that it has the same effect.

Mr. Foley said he was asked if approval of this request would put off a specific County project. The answer in the short-term is that it would not. The County has strong fund balances at this time so other projects which are ready to move forward would do so. For the long-term, based on the project needs discussed by the Board at the Strategic Planning Retreat, there will be a gap in long-term capital funding in the year 2012. In the short-term it could delay a specific project. In the long-term it would just

be \$500,000 less to meet the shortfall that has been identified. That is basically the overview for the Board's decision concerning this request.

Mr. Rooker commented that there is currently a \$5.0 million shortfall for the Meadow Creek Parkway project, and this request is essentially competing for the same money as that project. Mr. Foley said at the Retreat it was discussed that there is a shortfall meeting long-term needs, and approval of this request would just add to that amount. He told the people in Scottsville that this is just like the budget process they use, one item competes against another, and the Board would need to make a decision based on what it felt was appropriate.

Mr. Boyd said that later today the Board will be talking about the final budget numbers for FY 2005-06. He asked how much in additional funds will be moved to the CIP that might not have been known at the time of that Strategic Planning session. Mr. Foley said all of the moneys referred to in the budget report are moneys which were anticipated being used to meet long-term needs. But, even after using those moneys, a shortfall is still contemplated. In addition, there are end-of-the-year revenues going into the CIP to help the Fund Balance. Staff has assumed that \$2.0 million a year in excess revenues would go to capital to fund long-term needs; regardless of that transfer, staff is still projecting a shortfall in 2012.

Mr. Rooker emphasized that the additional money at the end of the FY '06 year is not as much as the increase in the cost of projects which are already a part of the CIP.

Mr. Boyd said he has a problem with that. He does not think the County should be 40+ percent off in its project estimates.

Mr. Rooker said he does not disagree. However, there are projects that were approved years ago (many of them school projects), and when they were ready to build there was an increase in price of an additional \$15.0+ million.

Mr. Wyant asked if when these projects are bid, the County is using old estimates.

Mr. Foley said he would like to clarify the County's capital program. The County has built a fire station and school projects through VPS funding. Staff is presently revising the entire process for estimating CIP expenditures, and all numbers have been updated for the CIP they are working on now. In the past cost adjustments were not done for many projects. There is now a backlog of projects waiting to be done. The General Services Department was established in order to accelerate the pace of construction. Staff is updating numbers and devising different estimating methods; they have even considered value engineering so if a bid came in 30 percent high, staff would have to justify that it came about due to the climate and not because of underestimation. He said the issue before the Board this morning has to do with increased costs in the market. Next month the Board will talk about the northern fire station which has come in over bid. He said this is happening all through the region and around the State. An architect redid the estimate for that project based on its square footage and the project still came in over bid.

Mr. Dorrier referred to paperwork with the Preliminary Financial Report for the Fiscal Year Ended June 30, 2006 (is on the agenda later in the day). He said it appears that there is an \$8.4 million reserve in the CIP Fund. Mr. Foley said that is correct.

Mr. Dorrier asked about that figure. Mr. Foley said it is the combination of all moneys expected to be in the CIP. The fluctuation in amounts in different years reflects the moneys and projects in the CIP. It factors in the \$9.0 million excess expected, but that is immediately used up by projects, making that Reserve Fund continue to decrease.

Mr. Wyant asked if tax revenues for properties within the Scottsville boundary come to Albemarle County, or do those revenues go to the town. Mr. Davis said the real property tax is assessed by the County and those revenues come to the County to help fund schools and all the other services the County provides. Scottsville has the option to implement its own tax rate, but they have never done that.

Mr. Wyant asked if the County pays to educate Scottsville's children and does it also pay for their fire and rescue services. Mr. Davis said all the services that the County provides in the rest of the County are provided in the town also.

Mr. Wyant said there are not many sources of revenue in Scottsville. Mr. Davis said they have a BPOL tax, but they have not implemented property taxes.

Mr. Rooker said the town has the authority to implement property taxes. That is very commonly done in towns.

Mr. Dorrier said the town has a budget of about \$500,000 a year. The money is raised through a food tax, a lodging tax and a utility tax. All real estate taxes go directly to the County. They amounted to about \$401,000 last year and \$400,000 the previous year. Properties in Scottsville were assessed for about \$54.0 million last year. That figure would have been a lot less had the levee not been built. Once the levee was built, all of those properties increased in value. This streetscape project will increase the value of those properties even more, so the County will get even more in tax revenues. He thinks there is no loss with this project, but it is a win-win situation for the County and for the town. He asked Mr. Foley if he had said there will be about \$8.0 million in County reserves. Mr. Foley said it is actually larger than that number. However, that larger number includes projects which have not yet been completed, but for which

moneys have been set aside. He said there is certainly a healthy fund balance in the CIP, but when the projects that have been approved for the next five years are considered, that money is used up. He said there is both a short-term and a long-issue with the CIP.

Mr. Dorrier commented that this is almost an emergency situation for Scottsville because they must have the money by October 22. That is when their bids expire.

Mr. Rooker said he views this situation differently. He said this is not a needed safety improvement, it is an aesthetic improvement, and burying utilities is not imperative. He said burying utilities along Georgetown Road was considered as part of that project but it was too expensive.

Mr. Dorrier said Scottsville was formed in 1744 and was the birthplace of the County. He said the town would have one-half of the town with buried utilities, and one-half without buried utilities. He thinks that would affect the quality of life in the town, its attraction to tourists and its growth. He thinks the project should be completed correctly. He thinks this is the one chance to do it the right way.

Mr. Rooker asked if there will be a loss of matching funds if this part of the project is not done. Can all of the matching funds be utilized for the Valley Street part of the project? Mr. Foley said he understands they will not lose any matching funds, as they are being used for the Valley Street part of the project.

Mr. Dorrier said he still thinks this is an emergency. This Board supports historic preservation, supports the Neighborhood Model, and it supports aesthetic improvements. This project has stormwater drainage improvements which will improve the flow in the town; there had been water in the streets for years. The town is experiencing a renaissance and it has support from the Federal government. It has some support from the State government. They are now asking for support from the local government. He thinks it will be a win-win situation. There are 600 residents in Scottsville who pay over \$400,000 in property taxes each year that come straight to Albemarle County.

Mr. Rooker said as to that property tax component, the County spends more than that amount of money each year on those citizens. It is not a situation where the County takes \$400,000 and provides nothing back. If there are 50 school children, that costs the County all of that money. He does not think that money even begins to cover the expenses those residents create for the County each year. Whether or not the Board votes for this request, he does not want it painted that those citizens are not getting anything for that money.

Mr. Dorrier said the Scottsville Police Department provides law enforcement support for the whole southern part of the County. They help with law enforcement within a ten-mile radius of Scottsville so that is something which is being provided to the County.

Mr. Rooker said the County provides rescue services for Scottsville. He said if there were an emergency in the town, they could call the County's Police Department for help. He just does not want the impression to be made that Scottsville residents are not getting anything back from the County for their tax money. He thinks the Board needs to decide if this project, given all the facts and circumstances, should be funded from County money.

Mr. Boyd said he does not think there would be any fiscal impact on the County from approval of this request. Scottsville is concerned about the viability of the town. If Town Council thinks it will keep or attract businesses, it would be a good investment made in their economy, and in the community.

Mr. Rooker said he does not mind looking at it that way.

Mr. Wyant said Scottsville is the only town in the County, and it is an entrance corridor to the County. He said coming across the Route 20 bridge into the County presents an aesthetic issue. Does the Board want to enhance its appearance?

Mr. Boyd said since he has been a member of this Board, there has been no investment made in the Scottsville area. The County is investing in areas like Crozet and will be doing so in Pantops, but he's not aware of anything being done in Scottsville.

Ms. Thomas said she is interested in entrance corridors and the attractive approach to the County. Before she was a Board member she participated in what was called the "Ivy Design Study" done in collaboration with the University and the City some 15 years ago. That was a very attractive study, but it was knocked down in the priority list, and has yet to be funded. She said the County has funding issues and she would not want Scottsville to think they are the first to bring an entrance corridor visual improvement plan to the County. For the long-term financial balance discussed at the Board's retreat, she thinks the County should not fund this request. She appreciates the proposal made and thinks it is very attractive, but they are taking the storm drainage out of the project even though it is one of the main problems. She said the County has not been involved in the study that was done in Scottsville, and if it were to appear on the CIP list and be ranked, the County would need to review the project.

Mr. Wyant said he thought the consultant for the storm drainage said the drains were adequate at this time, and did not need to be replaced.

Mr. Dorrier said the County is faced with growth pressures in its northern and western parts. This would help take some of that pressure off of the influx of people into those areas of the County. He thinks a viable town in a growth area in the southern part of the County would be healthy for the County. That is

why he thinks this \$502,000 would be a good investment and would go a long way in helping the town. The town will not be coming back to the County for any funding at any time in the near future. The town would like to do this project on its own, if that were possible.

Mr. Boyd asked if there had been a fiscal impact study done for this project.

Mr. James Hogan, a member of Scottsville Town Council, addressed the Board. He said they are before the Board today because it is necessary. The point made about economic development is exactly the reason. He, the Mayor and other members of Town Council have visited many localities which have done streetscape projects. Staunton saw their revenues increase by 600 percent a year. That is what Scottsville needs. It has not asked for money in the past. It did ask for the Board's blessing on this project, and that was received. They tried to make this a self-generating process through grants and private donations. In the process they completed four other projects. Basically, the contractor presented the lowest bid on July 23 and the ninety-day period is up on October 22. After that time, the town will lose that bid for completing the East Main Street part of the project. They deleted some parts of the project related to storm drainage. Looking to the future of the town is an important part of the project. Historically, East Main Street is extremely relevant. The Museum is on that street, the original Canal Basin Square, a storage area, and it was the turning station for the town. He said the County is a "court of last resort." He has been working on this for seven years and if they miss this opportunity, he does not think it will get done.

Mr. Rooker asked if Scottsville Town Council has considered imposing a real estate tax to fund projects like this. Mr. Hogan said Council had some preliminary discussions about that. But, because their budget is about \$500,000 per year, they have not discussed it in depth. While he understands what Mr. Rooker said about the property tax revenue that comes to the County, he said Scottsville also participates in fire/rescue services and police. Many of the people involved with this project helped to build the new rescue squad facility. He hopes Scottsville is recognized for the value it represents for now and in the future. It has the potential to be a growth area.

Mr. Rooker said he thinks that if the town wants to invest in itself long-term, it needs to find ways to raise revenues to do that. Most towns have done that with a real property tax. He said that is Council's decision, but he thinks that when talking about self-investment, there must be reasonable revenues to do that.

Mr. Hogan said the problem now is the short-term situation. He said the town will be more historic looking and it will be pretty, and it will have a chance at a major boost in economic development. If he and the Mayor had not seen the result of streetscape projects in other towns he would not be present today to talk about it.

Mr. Rooker asked if the County came up with half of the money if the town could come up with the other half. Mr. Hogan said they could not do it by October 22.

Mr. Rooker asked if Town Council decided to impose property taxes if that would have to be subject to a referendum. Mr. Davis said he has not researched the issue but feels Scottsville Town Council has that power.

Mr. Rooker said if this is important to Scottsville, it could make a decision that it will impose a property tax to get it done. Mr. Hogan said this has not been discussed in detail. Town Council knows it has a bid available to complete the project, but that bid will expire on October 22.

Mr. Rooker asked how long Council has known it was short of funds to do this project. Mr. Hogan said it has been since the end of July.

Mr. Rooker said if Council had decided it was going to raise the money to do the project, it could have perhaps voted to impose a real property tax for that purpose and leveraged that to borrow the funds. Mr. Hogan said anything is possible. He does not think it would be possible given the economic situation. It would have caused a major thunderstorm if that idea had been presented at this time.

Mr. Wyant asked if Council had worked with the contractor on ways to lower the cost of the project.

Mr. Steven Phipps, Mayor of Scottsville, said imposing a tax has been discussed in the past. Given the income levels of people in the southern part of the County, they did not impose another tax on top of what people pay to the County.

Mr. Rooker said he is willing to support putting up one-half of the money if the Town can find a way to match the other half, but he will not support the County paying the entire cost.

Mr. Dorrier said he thinks this is an important issue. He thinks there are good grounds for funding the project. He then offered **motion** to approve an appropriation of \$502,130 to the Town of Scottsville from the County's CIP Reserve Fund. Mr. Wyant **seconded** the motion.

Ms. Thomas asked Mr. Dorrier what he envisions for the long-term to cover the deficit that Mr. Foley projected.

Mr. Dorrier said he thinks the County will need a bond issue of some sort, and he will support that.

Ms. Thomas said a bond issue usually involves raising the tax rate in order to pay back the bond and its interest which is not figured into capital improvements.

Mr. Slutzky said the debt service on a bond issue must be funded so what is Mr. Dorrier's plan.

Mr. Dorrier said a plan would need to be developed.

Ms. Thomas said that almost always includes raising the tax rate.

Mr. Boyd said \$500,000 is not that big a portion of the next seven-year CIP allocation.

Mr. Rooker said he is willing to support half of that amount but feels the town should find a way to raise the other half. He thinks that would be reasonable. He is not willing for the County to bear the entire cost.

Mr. Wyant said the Board does not know what the CIP will be in another year or two. The numbers change all the time. He thinks trying to predict ten years into the future is good planning, but is almost impossible. It is hard to do on a yearly basis. He sees how the Town Council got caught in this project. Scottsville is a nice entrance corridor into the County. He wishes this had not come down to this situation because he thinks something could have been worked out. That is why he supports the project.

Mr. Boyd said he will support the request also. He said it is an investment in economic vitality.

Mr. Dorrier said there are four projects in the town that have been funded: Canal Basin, Bruce Park, Levee Walk and Jackson Street Parking Lot. He said the town is maxed out on funding due to the amount put into these projects. That is why he thinks the final decision should be based on the town going the extra mile to match other project funds.

Mr. Rooker said he understands that and would have supported it if this was a true emergency situation but it is an aesthetic project for the town. In his view, Scottsville should have acted to find the revenues through imposing a real property tax when they found they would not have the money to complete the project. If they were willing to do that, he would be willing to match the funds. Also, this is not a project which has been put through the County's process. A lot of time is spent in the CIP process to prioritize projects. A project coming in for approval at the last minute is not good planning.

Mr. Slutzky said this is a significant amount of money for a town with 600 residents. He thinks there is value in investing in revitalization, and in Scottsville with its historical relevance. He said a lot of people live in Crozet or other growth areas that have identified a litany of under-funded infrastructure projects. There are significant concerns about existing capital reserves and the fact that they are probably not sufficient to cover projects that are really needed. He would like to be able to support this request, but is concerned about the disproportionate burden to the scarce resources of the County. Later, he would be comfortable putting this out to the public to see if they would want the Board to borrow the money necessary to do all the things everybody wants done. This project has not been compared with a litany of other projects from a process standpoint. Tempted as he was when he reviewed this material to support it, he has been persuaded that it is an inappropriate allocation of \$500,000 of County reserves at this time in this context. He is disinclined to support the request. He might support a lesser amount, perhaps the half that Mr. Rooker has mentioned if he felt the Town Council was committed enough to the project to do what they need to do to max those funds which presumably means raising some property taxes for a limited period of time for a specific purpose. If they don't feel there would be enough public support to do that, he is not sure it is reasonable to ask Crozet and other growth areas to put this much money on this particular project at this time.

At this time, Mr. Rooker called for a vote on the motion. The motion **failed** by the following tie vote:

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

NAYS: Mr. Slutzky, Ms. Thomas and Mr. Rooker.

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Mr. Rooker suggested that if Town Council could come up with a strategy for raising one-half of the requested funds, the Board could consider discussing the match at next week's meeting.

Mr. Boyd said this has turned into a conversation about "we" against "them" and he thinks Scottsville is a part of this community.

Mr. Rooker said they are part of the County, and parts of the County's transportation dollars go to Scottsville, as does education money. He said the schools in that area are probably more expensive per capita than other schools. He has no problem with that. This is a capital project which did not come through the County's CIP process. He questions how committed the town is to this project.

Mr. Boyd said there has been talk about the equity or inequity of where capital money is spent on this project. It has been mentioned that it takes money away from Crozet, but the County has spent millions of dollars in Crozet. He said there is probably more planned to be spent in the future in that district than in any other district in the County. If things are going to be leveled out that sheds an entirely different light on what the County is doing.

Mr. Rooker said a lot of money has not been spent in Crozet yet.

Mr. Boyd suggested looking at the schools in Crozet.

Mr. Rooker said he thinks that if Scottsville projects are going to come through the County, they should come through the CIP process.

(Note: At this time Mr. Rooker called for a recess which began at 11:35 a.m. The Board reconvened at 11:50 a.m.)

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Agenda Item No. 9. 2007 Thomas Jefferson Planning District Commission Legislative Program – David Blount.

Mr. Blount said the regional legislative program is on a different timeline in response to comments from Legislators last year. They said more emphasis should be placed on high priority items. The first item on the list pertains to Transportation. The General Assembly took no action last week on a long-term solution to transportation needs in the state. The request is for stable and consistent state revenues for transportation without an over-reliance on the State General Fund or on debt. They should continue to work with localities and coordinate transportation and land use planning and not force localities to assume responsibility for road maintenance and construction.

Mr. Blount said under Local and State Revenues the request is that State General Fund revenues be protected; local revenues and local revenue authority be preserved; and, the State should fund its mandates.

The Comprehensive Services Act is always a priority. They asked that the state pool be funded, that administrative costs be increased, that there be a cap on expenditures for serving a child through CSA, and, that the state execute contracts with CSA providers as a way to save costs.

Under Public Education Funding the request is that the state fund its share of the realistic costs of the SOQs in an effort to attract and retain teachers, and to increase those salaries.

Land Use and Growth Management is always a priority. The request is that no existing local authority be taken away but new tools be granted to localities, particularly in the way of impact fees and adequate public facilities to assist in managing growth.

Mr. Blount said this legislative program contains a category entitled Areas of Continuing Concern. There is new language in sections dealing with Economic Development, Environmental Quality, Health and Human Services, Housing, Public Safety, and Local Government Structure and Laws. He said a couple of weeks ago there was a meeting at the Planning District involving the chairpersons of the TJPDC counties as well as the mayor of Charlottesville and a number of chief administrative officers. It was an opportunity for people from each of the localities to talk about those things that are impacting and challenging them. The top priority from that group was that there be legislation allowing impact fees. He said that recommendation will go to the Planning District Commission tomorrow evening. That item and the other priorities will be incorporated into a one-page summary that will also be discussed tomorrow, and it will be presented to the Legislators at the Annual Legislative Luncheon on Monday, October 30, at the Planning District offices. He said the program is before the Board today for its approval. He asked for comments or suggestions from the Board members.

Mr. Slutzky said he spoke about his TDR proposal and it is "creeping" out through the press. The idea requires a slight tweak to the TDR enabling legislation enacted last Legislative Session. He has talked with some Board members about this proposal and would like to add a request under "Land Use and Growth Management" that Albemarle County be allowed to establish a TDR Program as it sees fit if the Board decided such a program should be established. He asked Mr. Davis if he could put together a couple of "strawman versions" of such an amendment. Based on preliminary discussions with some organizations who are promoting TDR legislation, specifically the homebuilders and the realtors, there is some support if it is made clear the Board is pursuing it only for Albemarle County. He asked the Board members if Mr. Blount could be requested to add that one item to the list of requests for the next Legislative Session, and if the Board would ask Mr. Davis to propose some language for that request.

Mr. Rooker said he would support the request. He said the Board would be asking for general language giving it flexibility to design a program to meet Albemarle's needs. It would not commit anybody to ultimately supporting a TDR Program, and it does not commit anybody to any particular facets of a TDR Program as have been set out in recent days.

Mr. Boyd asked if this would be considered a minor request. Mr. Davis said it could be more complicated than what shows on the surface. He talked briefly with Mr. Blount and he can explain how challenging it can be to request a change in legislation that was only adopted effective July 1, 2006, and which has not been used yet. If Albemarle wants general legislation so it can design a transfer of development rights program without the seven or eight paragraphs of restrictions presently imposed on the transfer, that would be a simple amendment to draft.

Mr. Slutzky said he had intended to approach Mr. Blount with this idea earlier, but had been ill, so did not get to it. He apologized.

Mr. Boyd said for the same reasons Mr. Rooker stated he has no problem with this request.

Ms. Thomas said it is difficult for her to decide whether this request should be specific to Albemarle County as opposed to making it a small general change. Each year there is an item on the TJPDC list referring to scenic protection and tourism enhancement districts. She participated for four years in a legislative committee, and actually got the chairman of the House Appropriations Committee to be the patron of a bill. Although her committee was in favor of the legislation, it did not even make it to a full hearing of committee. At that time, the County was also interested in doing something just for Albemarle. She said the problem with doing something just for Albemarle County is that there are only two County representatives to be proponents of the request. This could make it more difficult so before proceeding it needs to be thought through carefully. She suggested that under the Land Use and Growth Management section it could be worded in general terms to allow Albemarle to request enabling legislation for a more flexible TDR program.

Mr. Rooker said Mr. Blount indicated that special legislation has a better chance of passing than general legislation.

Mr. Slutzky said he is asking that it be included now so that between now and the actual Legislative Session, he and others would have opportunity to figure out what could be done, and it would give this Board an opportunity to absorb the proposal. The Board members can then decide whether it is a good thing, and it could be refined in a different form later.

Ms. Thomas said she thinks the terms "flexibility" and "expansion" in the TDR Program cover this, and she does not think other counties would find it objectionable. Mr. Blount agreed.

Mr. Boyd said in the Transportation section, the term "fast-growing localities" seems a bit misleading. This is a regional document, but Albemarle has just average growth. He thinks it is a problem when comparing Albemarle to places like Loudoun.

Ms. Thomas said Greene and Fluvanna counties are fast-growing. Mr. Blount said the origin of that term came from Fluvanna several years ago.

Mr. Boyd said he thinks it is a problem. The Board saw a school report recently which showed single digit enrollment increases. Mr. Davis said traditionally fast-growing counties have been defined as more than 10 percent population growth over a ten-year period. Albemarle has fallen into that category for purposes of proffer legislation and other pieces of legislation.

Mr. Blount said that sentence as a whole was to address urban, fast-growing, and rural secondary road issues all in one sentence because of the diversity of the region.

Mr. Boyd said on that same page it talks about the use of modern roundabouts in lieu of conventional intersection design. He is not personally sold on putting roundabouts everywhere, and that is what this sentence implies. He would rather add the words "where practical" or "where appropriate" as opposed to just saying roundabouts are needed.

Ms. Thomas said the legislation necessary would just allow funds to be used for roundabouts. At this time, intersection funds cannot be used for roundabouts.

Mr. Rooker said this language does not imply the Board supports replacing intersections with roundabouts in all cases. This is to support funding for a roundabout putting it on an equal footing with at-grade intersections. Mr. Blount agreed that after "intersection design" the words "where appropriate" could be added to make the sentence clearer.

Mr. Boyd asked about a sentence on Page 3 reading: "Protect the reliability of the general fund as it supports the core government services." He said the growth in the state has come from income taxes, sales taxes, etc. Every year the state ends up with a big surplus. He said this sentence implies that none of that growth can be used in the economy of Virginia because they are so-called "general fund" dollars and transportation is not a core government service. He is opposed to that language because he thinks transportation is a core government service. Mr. Blount said that is the essence of debate in Richmond about the use of general fund dollars and whether transportation is a core government service.

Mr. Rooker said that sentence does not say it is not a core government service.

Mr. Boyd said he realizes that, but it gives the impression that the Board supports not using anything but transportation dollars for transportation. Mr. Blount said that statement is similar to last year's statement. He did add in the core government services part. He referred the Board to the "bold" words in the "transportation" part of this statement. He said it does not say no general fund dollars can be used for transportation, it says "without heavy reliance on." No prohibition is suggested for use of general fund dollars for transportation, but the words "core government services" could be deleted from the second position about state revenues.

Ms. Thomas said she thinks it is important to have those words in the statement. If general fund moneys are used for transportation, there are certain years in which that would seem to be good. However, most of the transportation programs and the type of funding needed is something you want to count on from year-to-year. If there is not a stable and significant funding stream for transportation, there is uncertain funding. She said there is another way to fund transportation, but this does not go into that possibility.

Mr. Boyd said the other way is to increase taxes, but that should be an increase in taxes as a general rule.

Mr. Rooker mentioned a sentence on Page 1 which says "without heavy reliance on the general fund."

Mr. Boyd said he thinks the Board can have this discussion at another time.

Ms. Thomas mentioned Page 10 where it says "we support changes to allow regional public bodies to conduct electronic meetings as now permitted for state public bodies." She said at the Board's Strategic Planning session this was discussed; local governing bodies cannot have electronic meetings. She said Mr. Slutzky was ill and could not attend that planning session. While all the Board members were plugged in electronically to allow him to participate from his sickbed, by law he was not allowed to participate. She asked if the word "regional" could be removed.

Mr. Rooker suggested saying "local and regional." Mr. Blount said the language could be amended to accommodate the locals. He included this position statement to reflect some current discussions by the Freedom of Information Act Advisory Council which has taken that authority for local government off the table, but the legislation seems to be moving forward for regional bodies. The Council addressed the situation where because of an emergency or an unforeseen circumstance, a member could not attend a meeting, so they could not participate. They are looking at giving that authority just to state public bodies.

Mr. Slutzky asked if there would be any harm in just asking for that authority. Mr. Blount said "no."

Mr. Rooker suggested adding "local and regional" to that language. He said the present situation is ridiculous; someone who cannot attend a meeting can listen by telephone, but cannot talk. He said if there were no further questions, the Board needs to take action to approve this draft program.

Ms. Thomas **moved** for approval of the draft 2007 TJPDC Legislative Program, with the understanding that suggested changes from the Board will be reflected in the final version of the program. Mr. Boyd **seconded** the motion.

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

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

NAYS: None.

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#### Agenda Item No. 10. EMS Revenue Recovery Program.

Mr. Dan Eggleston, Director of Fire/Rescue Services, said that during FY '06-07 budget work sessions and the Board's recent Strategic Planning Retreat, staff outlined the projected increase in operational expenses associated with staffing the Northern, Pantops, and East Ivy fire rescue stations planned for construction over the next five years. Staff briefly discussed with the Board the idea of billing for ambulance transport as a means to recover revenue. In turn, the Board requested that staff research the idea of an EMS Recovery Program and present the Board with a recommendation during the fall of 2006.

Mr. Eggleston said that in the Executive Summary staff has presented research which includes a summary of the issues, obstacles, and benefits related to an EMS Revenue Recovery program for Albemarle County. At the end of his presentation, he will ask the Board to direct staff to develop an implementation plan for further review during the upcoming Strategic Planning session or during next fiscal year's budget work sessions for possible implementation during FY '07-08.

Mr. Eggleston said Albemarle, like many Virginia localities, has experienced an increase in cost to provide emergency medical services, partly related to mandates, plus a decline in volunteer services. Many localities have chosen to help fund their EMS System by taking advantage of an EMS Revenue Recovery program. He has furnished the Board with a list of current Virginia localities that are similar to Albemarle and which currently utilize an EMS Revenue Recovery Program. He said Albemarle is one of the few localities not taking advantage of this program.

Mr. Eggleston said staff's research shows that 87 percent of Virginians are covered by a health care plan. Most have provisions to cover the cost of transportation to a hospital by an ambulance as part of that plan. In essence, taxpayers pay for that service through their normal real estate tax, but because they are not taking advantage of what is in their health care plan, they are paying for the service twice.

Mr. Eggleston said staff found there are two stakeholders who expressed concerns about how to go about implementing this program. He said citizen concerns are: Why is an EMS Revenue Recovery program necessary? What will the impact be on their health insurance ratings? How would one pay if they were not covered by a health insurance plan? What are the benefits to be gained from recovering EMS revenue? What are the expectations of patients? He said Chesterfield and Hanover counties held a number of "town hall" style meetings to address citizen concerns. Hanover County developed a frequently asked question (FAQ) brochure that was published in newspapers and displayed at public facilities. As to its effect on health insurance ratings, health insurance premiums will continue to rise regardless of

whether or not a community decides to bill for EMS transports. In addition, ambulance transport costs represent less than one percent of health care expenditures.

Mr. Eggleston said ability to pay is an issue raised by citizens in the past. Spotsylvania, Franklin, Caroline, Stafford and Roanoke counties have all implemented a compassionate billing and collection program. He said everyone gets a bill, and there are various levels as to how they collect that bill. There are certain Federal regulations which require that everyone be billed for service. But, it is up to the locality as to how they collect that bill.

Mr. Rooker noted that Attachment "C" is Spotsylvania County's compassionate billing policy, and it says that "no one will ever be denied necessary medical transport service due to inability to pay or lack of insurance." He said their billing policy is good.

Ms. Thomas said their policy waives the bill for households with income of less than \$100,000, but she asked if they still must receive a bill. Mr. Eggleston said "yes." That is a Federal regulation.

Ms. Thomas said some people might try to pay a bill even though it were hard for them to do so, while others might just toss the bill a couple of times and then it would be written off. She knows the County cannot bill people based on their strength of character, but she wonders if there are any alternatives. It does not strike her as the ideal way to go about such a program. Mr. Eggleston said he does not know of any other alternatives. He previously worked for a fire company that did bill, and they dealt with that problem on a case-by-case basis. The majority of the revenue they received came from Medicare and Medicaid.

Mr. Boyd asked if there could be information printed on the bill showing how the person might be exempt from having to pay. Mr. Davis said that is something localities have struggled with because Federal regulations require that services be billed. Mr. Eggleston said staff can research that question.

Mr. Slutzky said there was a mention in the Executive Summary that volunteer rescue squads have expressed a concern that the program might reduce the donations they receive from the community. To offset that, some localities set aside funds generated by the program in the event these volunteer agencies experience a reduction of donations; the locality then makes up the difference. He thinks that is a good idea.

Ms. Thomas said she thinks some of these agencies might not try to raise funds because they would expect the County to pick up that amount of funding.

Mr. Slutzky suggested the Board discuss that idea "after the fact."

Mr. Rooker said he thinks the impact of the program needs to be studied. He said the County has already picked up operational and capital costs for fire and rescue services.

Mr. Slutzky said that is true; he had not thought it all the way through. He said it was noted that the program would not raise people's insurance rates, and then it was suggested that they may be double paying. He thinks it's important to frame it so people know they are not really "double paying," it is just a transfer of the burden from the property tax to whoever pays their health insurance premiums, which in many instances is their employer. He added that Mayor David Brown of Charlottesville called him when he saw this item on the Board's agenda and expressed surprise that the County had not engaged in a collaborative dialogue with the City over this issue. Mayor Brown said the City would be interested in having this conversation with the County, and it might want to do a similar program on their own.

Mr. Eggleston said staff has talked with the Charlottesville-Albemarle Rescue Squad. As far as he knows, the City does not have an ambulance/transport system, but staff has talked to the Rescue Squad about this.

Mr. Boyd said the City does not contribute to the Charlottesville- Albemarle Rescue Squad.

Mr. Rooker said the City does not have an ambulance, and it does not contribute financially to CARS. Mr. Tucker said the question would be whether the City needs to allow the volunteers to collect for calls in the City. Mr. Davis said for calls in the City, City residents could be billed for providing the service. His preliminary research indicates that no permission is needed to do that. But, that probably needs to be discussed with the City.

Mr. Wyant said this would affect not only CARS, but also two other rescue squads in the County. He is concerned because the Fire/Rescue Advisory Committee had not been a part of this work. Mr. Eggleston said including the Advisory Board and the Rescue Squad captains is an important part of the process, but he needed to get direction from the Board as to whether it was something staff should pursue. An implementation plan and a process would need to be brought back to the Board later.

Mr. Wyant said the administrative side of this will be a headache. Mr. Tucker said a lot of localities are already involved in such a program. Nelson County has started billing. They have contacted Albemarle County about charging people in the western part of the County. Albemarle has a reciprocal agreement with Nelson but it does not specifically say whether they can charge for services. He told the Nelson County Administrator it would be best if they did not start charging until Albemarle also had a program so people on both sides of the border would not be upset.

Mr. Wyant said a lot services are put into some counties near Scottsville; a lot of services are run into Buckingham and Fluvanna.

Mr. Rooker said the Board should not lose sight of the fact that 80 percent of these services would be paid for by an insurance company. Right now, looking at this question on a national basis, more places are charging than aren't charging. Insurance premiums for medical are not determined on a local basis, but on a large pool basis. This expense would be paid because it is included in the medical insurance contract.

Ms. Thomas asked if Medicare covers this cost. Mr. Eggleston replied that Medicare, Medicaid and private insurance all cover these costs. He said he will bring back a process that addresses a lot of the issues brought up by the Board today. Also, it is important to decide how to engage the Advisory Board and citizens as well.

Mr. Slutzky said he thinks it is a great idea, and he would encourage staff to move forward.

Mr. Rooker said he believes all Board members agree that staff should move forward as discussed.

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Agenda Item No. 11. Discussion: Guidelines for Growth in the Development Areas. Because the meeting was running behind schedule, this item was deferred to the afternoon session.

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Agenda Item No. 12. Closed Session.

At 12:30 p.m., **motion** was offered by Mr. Slutzky that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions, under Subsection (3) to discuss the acquisition of property necessary for access to a county park, and, under Subsection (7) to consult with legal counsel regarding probable litigation concerning a claim asserted against property owned by the County in the nature of a boundary line dispute.

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

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

NAYS: None.

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Agenda Item No. 13. Certify Closed Session. The Board reconvened into open session at 2:01 p.m.

**Motion** was then 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 Boyd. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

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

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

Appoint Ms. Jean Lorber to the Acquisition of Conservation Easements (ACE) Committee for a term that will expire on August 1, 2009.

Appoint Mr. Nelson Shaw to the Agricultural & Forestal District Advisory Committee with no set term.

Appoint Ms. Jacqueline Rice to the Jefferson Madison Regional Library Board to replace a member who had resigned. This term will expire on June 30, 2007.

Reappoint Mr. Charles Lebo and Mr. Paul Wright to the Architectural Review Board for a term which will expire on November 14, 2010.

Reappoint Mr. Raymond Gaines to the Board of Building Code Appeals for a term which will expire on November 21, 2011.

Reappoint Mr. Brian Bills to the Commission on Children and Families for a term which will expire on June 30, 2007.

Reappoint Mr. Raymond Gaines to the Fire Prevention Code of Appeals Board for a term which will expire on November 21, 2011.

Reappoint Mr. Mark Reisler to the Jefferson Area Board for Aging for a term which will expire on October 20, 2008.

Reappoint Mr. Kurt Goodwin to the Charlottesville/Albemarle Airport Authority as the joint City/County member for a term which will expire on December 1, 2009, subject to concurrence by City Council.

Reappoint Mr. William Dirickson to the Joint Airport Commission for a term which will expire on December 1, 2009.

Reappoint Mr. Kurt Goodwin to the Joint Airport Commission for a term which will expire on December 1, 2009, subject to concurrence by City Council.

Reappoint Mr. Michael Gaffney to the Rivanna Solid Waste Authority as the joint City/County member for a term which will expire on December 31, 2008, subject to concurrence by City Council.

Reappoint Mr. Michael Gaffney to the Rivanna Water & Sewer Authority as the joint City/County member for a term which will expire on December 31, 2008, subject to concurrence by City Council.

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

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

NAYS: None.

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Agenda Item No. 15. Preliminary Financial Report for the Fiscal Year Ended June 30, 2006.

Mr. Richard Wiggins, Director of Finance, reported that these are preliminary, unaudited financial figures for the FY 2006 fiscal year. The audited numbers will be available in February, 2007 when the Comprehensive Annual Financial Report is presented. He said the revenue figures for FY '06 presented at the Strategic Planning Retreat a couple of weeks ago exceeded budgeted figures by approximately \$9.0 million, the reasons for this are detailed in the Executive Summary; expenditures were under budgeted figures. There were savings of approximately \$2.5 million creating revenues exceeding expenditure by approximately \$11.5 million, as noted on "Attachment A" of the Executive Summary.

Mr. Robert Walters, Chief of Administration/Taxation handed to the Board five pages of additional information to go along with the charts attached to the Executive Summary. He said the first page relates to the General Fund, noting that State revenue is up about 7.4 percent. For the most part that had to do with some FY '05 fire/safety revenues received in FY '06, and the shift in the PPTR program. He said in the next couple of years, as the State reimbursement of the PPTR tax stays flat, more of the burden for property taxation will be borne by the County's taxpayers. He said that on the next page under General Fund - General Property Taxes, it shows a 13.9 percent increase over FY '05. The majority of that is in real estate taxes because of a substantial increase in reassessment. He said personal property also had a significant shift, as did public service revenues. He noted that under "Other Local Taxes", the sales tax and the BPOL tax showed significant increases. He said that in projecting 24 to 36 months out, staff had "to put the brakes on" a lot of economic activity for FY '06 but it is just beginning to be seen in FY '07. He said bank franchise fees and Clerk's fees were up significantly over FY '05. The Clerk's Fees have a lot to do with Recordation Taxes, and all of that is related to the real estate market.

Mr. Walters said he would not give any lengthy report on the General Fund Expenditure Report (Page 3). He said the largest increase was in Departmental Expenditures, which was occasioned by the Revenue-Sharing Agreement with the City. On Page 4 there is the General Fund Report, and overall there was about a 10 percent increase over FY '05, the bulk of which was in Judicial at 10 percent, Public Safety at 17 percent and Public Works at 12 percent – all of which were anticipated.

Mr. Walters said that on Page 5 he essentially took Attachment "C" from the report which had been mailed to the Board and reduced it to make it simpler. That is just an overview of revenues and expenditures in FY '06 over FY '05.

Mr. Tucker suggested that Mr. Walters mention the amount of funds that might be transferred to the Capital Improvement Program. Mr. Walters said a total of \$9.25 million would come out of the General Fund for the CIP. The bulk of that was in excess revenues which were reduced by FY '07 appropriations, so there is about \$8.5 million. Then, they took the \$2.5 million expenditure savings which was reduced by reappropriations and 60 percent of that number will go to the CIP. He said \$9.0 million is a hefty amount; he does not think the Board will see that happen next year.

Mr. Boyd asked what happens to the 40 percent that does not go to the CIP. Mr. Wiggins said it remains in the General Fund Balance to be spent during the next fiscal year. Mr. Walters said the bottom figure is down to \$376,000. He said that is more than the 40 percent; it is also what was left from FY '05. There is the \$376,000 plus a line item of about \$200,000 in Departmental Expenditures for the Board of Supervisors to use.

Ms. Thomas said earlier today in the discussion about Scottsville, it was assumed that there will be an increased amount of money left at the end of the year to put in the CIP. She said any decrease in housing values would mean less revenue in the future. Mr. Walters responded that it is not just in housing values. Two years ago when staff came up with the revenue projections for FY '06, they anticipated this slow down. It did not materialize in FY '06, but the budget was calculated on that assumption. Because of the staff's conservative revenue budget, there were a lot of extra revenues collected. Next year staff will take that into account, but right now staff is beginning to see that slow down begin. He said they want to err on the conservative side when it comes to projecting revenues. He does not believe there will be \$9.0 million in excess revenues next year.

Ms. Thomas asked how the \$9.0 million and a lesser figure compare to what was assumed at that time. Mr. Wiggins said as staff went through the quarterly financial reports for FY '06, the numbers built up each quarter. He said staff will present next month the First Quarter Financial Report for FY '07. It will show how revenues collected compare to the estimates for this year.

Ms. Thomas said that does not answer her question. Mr. Tucker said the housing and real estate bubble is diminishing somewhat. That was projected by staff for the future, so it feels there will be fewer revenues to be transferred. Staff anticipated that would happen in FY '06 year but it did not; it is now being anticipated to begin next year.

Mr. Boyd said when he asked that question at the Retreat, Mr. Foley said the \$9.0 million had been taken into consideration and brought that figure down to about \$2.0 million for the next couple of years. Mr. Tucker said the estimate was rolled back significantly.

Mr. Rooker asked if staff has any idea about the first quarter '07 revenues yet. Mr. Wiggins said staff is just getting into the '07 fiscal year. A significant amount of revenues received in July and August accrue back to the previous fiscal year. They are just beginning to accumulate FY '07 revenues.

Mr. Wyant asked if the financial reporting is lagging behind about three months. Mr. Walters said the month of September will not be closed out for another week or so. A lot of the September numbers are just coming in. He has done some projections and assumes they are okay, but he anticipates something between \$1.5 million and \$2.0 million for FY '07.

Mr. Boyd commented that once the Access Albemarle program is up and running, this information will be almost instantaneous.

With no further questions for staff, **motion** was offered by Mr. Boyd, **seconded** by Mr. Wyant, to accept the Preliminary Financial Report for the Fiscal Year Ended June 30, 2006, as presented. Roll was called, and the motion passed by the following recorded vote:

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

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Agenda Item No. 16. **Public Hearing:** FY 2006 Budget Amendment. (Notice of this public hearing was advertised in the Daily Progress on September 27, 2006.)

Mr. Melvin Breeden, Director of Management & Budget, reported that there were some over-expenditures in FY 2006 compared to what was originally appropriated. He said about \$1.0 million of this amendment had offsetting revenues. The other \$400,000 of this request was the result of increased fuel costs, insurance costs, Juvenile Detention Center expenses and the Comprehensive Services Act which exceeded what was anticipated by about \$400,000. He said the details of this request are in Attachment "A" which follows:

**Appropriation No. 2006-094, \$3,910.00** (Revenue Sources: Donations - \$10.00; State Revenues - \$3,900.00). At its meeting on August 10, 2006, the School Board approved the following appropriations:

- Each year AP exams are administered and the State reimburses individual schools a specific amount for economically disadvantaged students. These fees have been paid by each school and the State is reimbursing them.
- V. L. Murray Elementary School received a donation in the amount of \$10.00 from William Lee. It was requested that this donation be used to help with the D.I. (Destination Imagination) Globals expenses when their fourth grade team participated at Tennessee.

**Appropriation No. 2006-095, \$383,500.00** (Revenue Source: General Fund Balance - \$383,500.00). Several General Government departments will require an additional appropriation to fund FY 2006. This request will appropriate \$383,500.00 from the General Fund Balance to the following departments:

**Board of Supervisors:**

Part-time wages and Public Officials Insurance - \$19,100.00

The Board of Supervisors' budget was over budget due to part-time wages to assist with minute transcriptions and an unexpected increase in the Public Official's insurance premium.

**Circuit Court:**

Jurors - \$9,800.00

The Circuit Court saw an unusually high number of multi-day jury trials during FY 2006 resulting in the line item for Juror expenses to be over-expended.

**Sheriff:**

Wages, VRS, Utilities, Fuel - \$37,700.00

Wages and VRS were over budget resulting from the additional impact of the public safety position reclassifications that occurred during FY 2006.

Utility costs - \$7,634.00.

Costs which had previously been paid through General Services are now being properly charged to the Sheriff's budget. These costs are a result of the Sheriff's Office occupying space in the Levy Building during the J&D Court Renovation project. These costs had not been budgeted in the Sheriff's Office budget.

Vehicle fuel - \$20,136.60 was over budget.

**Commonwealth's Attorney:**

Wages, Part-time wages, Legal Services - \$17,300.00

The Commonwealth Attorney's office was over budget due to the annual leave pay-off of an employee and additional costs associated with part-time clerical staff and a special prosecutor brought in to assist during the medical absences of two staff members.

**Police:**

Reimbursable overtime, Fuel - \$162,000.00

The Police Department had an over-expenditure for reimbursable overtime which is offset by an increase in revenue for this service. Fuel in the Police Department was over-expended by \$89,000.00.

**Volunteer Fire Departments:**

Accident/Sickness Insurance Premium - \$7,500.00

**Inspections:**

Fuel - \$7,300.00

**Contributions/Public Safety:**

Fire/Rescue Tax Credit - \$1,400.00

**Contributions/Public Safety :**

Juvenile Detention Center - \$121,300.00

This contribution is based on actual usage by the County. This over-expenditure is the result of having two months with higher than average usage.

**Soil & Water Conservation:**

Office Supplies - \$100.00

**Appropriation No. 2006-096**, \$1,066,519.61 (Revenue Sources: Local Revenues - \$445,344.80; State Revenues - \$1,134.83; Federal Revenues - \$32,364.06; General Fund Balance - \$472,067.54; Other Fund Balances - \$115,608.38. During FY '2005, several Local Government and School grants and programs incurred expenses that exceeded approved appropriations. These grants and programs include:

- Six General Government Grant/Program Funds totaling \$29,901.79, including Whitewood Community Center and the Bullet Proof Vest grant;
- HUD Self-Sustaining Escrow Fund totaling \$23,100.00;
- Five School Self-Sustaining Funds totaling \$416,806.43, including Cafeteria and Internal Maintenance Fund;
- Six proffer funds totaling \$58,372.80; and
- Health Department Building Repair/Maintenance Fund in the amount of \$64,746.03.

In addition, the Comprehensive Services Act and Bright Stars funds were over-expended and will require a transfer from the General Fund Balance as follows:

Comprehensive Services Act: The Comprehensive Services Act (CSA) was established by the General Assembly in 1992 to increase interagency collaboration in providing mandatory services for at-risk children and help control costs associated with those services. CSA serves children in or at-risk of foster care, receiving select special education services, involved in the Juvenile Court and with severe emotional and/or behavioral problems. Under the CSA, the State created a pool of funds, consolidating several funding streams, and established a funding formula for localities. The formula for Albemarle County is a 55.26 percent State share with a local match of 44.74 percent. In addition to these CSA funds, certain Federal dollars are sought for select services including Title IV-E funds and Medicaid. The total approved budget of the Comprehensive Services Act (CSA) Program in Albemarle County for FY 2006 was \$6,163,127. Of those total costs, the FY '06 General Fund Transfer of local funds to CSA was \$1.789 million.

In FY '06, the Department of Social Services (DSS) experienced a \$464,788 shortfall in local funding for CSA despite the success of several prevention strategies, such as the Family Support Program, that helped DSS reduce the number of children coming into care from a high of 317 in FY '02 to 276 in FY '06. Because the number of children coming into care had begun to level off, the local transfer to CSA was purposely budgeted at a fairly level contribution over the past three years, i.e. FY '04 \$1.776 million, FY '05 \$1.789 million and FY '06 \$1.789 million, a seven tenths of a percent increase in CSA local dollars over the three-year period.

However, several factors have driven up the local costs with the resulting FY '06 shortfall. First, the specialized placements in residential treatment continue to be the most expensive component of care with private vendor costs increasing over the past three years from as high as 17 percent to 56 percent. Although the County and many other localities have continually asked the General Assembly to implement some type of rate setting at the State level, the CSA costs continue to be driven by the free market, which for mandated services remains a sellers market. The second reason local funding was insufficient this year was a reduction of \$456,000 in IV-E Federal dollars from FY '05 to FY '06. The third reason was the use of \$334,000 in CSA fund balance moneys in FY '05 to address the Federal dollar shortfall in the Family Support Program, which depleted the CSA fund balance savings that have been used in prior years to offset CSA cost increases.

The local funds transfer to CSA was budgeted optimistically at the same funding level as F '05 and only slightly above the FY '04 level, but for the reasons cited above, the local costs have increased despite the lower number of children receiving treatment. With the additional appropriation of \$464,788, the average cost increase over the three-year period is approximately nine percent a year, still slightly below the 10 percent average annual cost increase experienced across the state.

Bright Stars Program: The Bright Stars program budget includes the salaries and benefits for school teachers and teaching assistants and wages for substitute teachers and teaching assistants for six programs. In FY '06, the cost of salaries and wages for teachers and teaching assistants were over budget \$8,804.56 due to the implementation of a new teacher scale for FY '06 that increased teacher salaries. This revised scale was not used when the Bright Stars budget was developed for FY '06. There was also an increased use of classroom substitutes during the school year and a teacher and teaching assistant cost associated with a summer school program for Bright Stars students as part of FY '06. Additional State revenues of \$1,134.83, using the Bright Stars Fund Balance of \$390.19, and a General Fund Balance appropriation of \$7,279.54 is requested to cover this over-expenditure.

Mr. Boyd asked if the County has any control over these items. Mr. Breeden said that realistically there are few over which the County has control.

Ms. Thomas said it appears the right budget figure was not used for the Bright Stars program. Mr. Breeden said Local Government budgets Bright Stars, the Schools set the salary scale, and sometimes that is difficult to pin down because of the nature of the financial collaboration with the Schools. It has happened two years in a row, so staff will be taking a hard look at that item in the next budget.

Mr. Rooker said he did not understand the explanation for the difference in the CSA program in terms of percentages and total dollar amounts. He read: "The formula for Albemarle County is 55.26 percent State share with a local match of 44.74 percent. The total expenditure for CSA for FY '06 was \$6,163,127. Of those total costs, the FY '06 General Fund transfer of local funds to CSA was \$1.789 million." He said if you take 44.74 percent of \$6.163 million, it comes to \$2.5 million. He asked where the rest of the money comes from.

Ms. Roxanne White, Assistant County Executive, explained that a lot of that is the State and local share, but there are a lot of Medicaid dollars included. You can take the Local dollars and State pool funds and do the match, but there are other dollars included also.

Mr. Rooker asked if the \$1.789 million is before or after the \$400,000 the Board is approving today as an increase. Ms. White said it is before. That was actually what was budgeted.

Mr. Rooker said it is then roughly \$2.189 million. He said when the Board meet with the local legislators two years ago, Delegate Steve Landes said he would meet with people to try and help the State work with localities to get a handle on this expense and try to get the State to control the supply side increases. He asked if anything has happened.

Ms. White said when staff talked with Delegate Landes, they gave him a lot of information about the three or four things they felt were the most important for the State to work on to reduce costs. They discussed setting the rates at the State level and there was absolutely no action on that idea. She thinks it is the consensus of localities around the State that unless they step in and do something at the State level, localities are essentially at the mercy of the private providers. The State is under a court mandate to serve a certain population. Rates go up each year, and although staff tried to keep a cap on the number of children receiving treatment, they have not been able to do anything about the rates.

Mr. Rooker said that is a 25+ percent increase. Ms. White said for the last three years there has not been a large budget increase. They hoped that keeping the number of children down would keep the cost flat. She thinks that was staff's optimistic expectation, and they were not able to keep those numbers down; however, it is a small increase.

Mr. Rooker said it is about 10 percent per year which he does not call small.

Ms. Thomas said the number of children has been reduced, and that is amazing.

Mr. Boyd said when this was discussed during work sessions on the budget, the cost was actually projected to go down because there were fewer kids going into foster care. Ms. White said staff projected the program would stay level.

Mr. Boyd asked if any of this has to do with the School System. Ms. White said it does not.

Mr. Boyd said there is a huge number on the School side which is not included in this number. Ms. White said the Schools have been able to stay within their allocation. One of the things not mentioned in the summary is that the whole CSA program is no longer necessarily about foster children and abused and neglected children. It has become the place for the State to place children with emotional, behavioral, and juvenile mental health issues. The State used to provide services for these children and those services are now provided through CSA. When the cost of care is discussed, it is due to the children coming into treatment with severe problems because there are no mental health facilities for children.

Ms. Thomas said the State manages to get problems into the local government responsibility column, so there is no way to shift children into a program where the State has a greater responsibility. Ms. White said children in need of serious emotional care are being treated under this program, and they are more expensive to treat.

Mr. Boyd said he thought putting on a cap on the amount that could be spent on any one child had been discussed. On the School side, there could be an expenditure of \$1.0 million for one child. Ms. White said the cap discussed was on the rates. Mr. Tucker said staff had hoped the State would set rates because that would benefit everybody throughout the State. That is what he thought Delegate Landes was going to try and help with, but nothing happened. Ms. White said the level of care for these children is very different so it would probably be hard to set a maximum rate.

Mr. Wyant said he would like to ask about the estimates for fuel. He said the cost went up over 50 cents per gallon this past year. The price has come down now, but no one knows what the future holds so he thinks the County must come up with some rule of thumb for making this estimate. Mr. Breeden said as variable as that cost can be, it is nearly impossible to estimate a cost.

Ms. Thomas asked if the Board will get any information in the near future as to whether the Prius cars are paying for themselves. Mr. Tucker said staff is finding that some of the hybrid cars might not save as much as they were originally touted to save. They have not been a part of the fleet for a long enough time to have definitive data.

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 placed before the Board.

**Motion** was offered by Ms. Thomas, **seconded** by Mr. Boyd, to approve an amendment to the FY 2006 budget in the amount of \$1,452,929.61 as advertised, and to approve Appropriations No. 2006-094, No. 2006-095 and No. 2006-096.

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

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

NAYS: None.

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

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-094  
 DATE: 10/04/06  
 EXPLANATION: Education Programs

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donations	J2	10.00		
2	2000	24000	240285	State Rev - AP Exams	J2	3,900.00		
1	2215	614100	580000	Miscellaneous	J1	10.00		
1	2301	61101	580000	Miscellaneous	J1	1,456.00		
1	2302	61101	580000	Miscellaneous	J1	52.00		
1	2304	61101	580000	Miscellaneous	J1	2,392.00		
	2000		0501	Est. Revenue			3,910.00	
			0701	Appropriation				3,910.00
					TOTAL	7,820.00	3,910.00	3,910.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-095  
 DATE: 10/04/06  
 EXPLANATION: General Fund Over-expenditures

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	11010	130000	BOS-P/T Wages	J1	3,100.00		
1	1000	11010	530700	BOS-Pub Off Insurance	J1	16,000.00		
1	1000	21010	580900	Circuit Ct-Jurors	J1	9,800.00		
1	1000	21070	110000	Sheriff-Wages	J1	7,500.00		
1	1000	21070	221000	Sheriff-VRS	J1	5,700.00		
1	1000	21070	510100	Sheriff-Utilities	J1	4,500.00		
1	1000	21070	600800	Sheriff-Fuel	J1	20,000.00		
1	1000	22010	110000	Comm Att-Wages	J1	5,100.00		
1	1000	22010	130000	Comm Att-P/T Wages	J1	9,200.00		
1	1000	22010	312100	Comm Att-Legal Services	J1	3,000.00		
1	1000	31013	600800	Police-Fuel	J1	89,000.00		
1	1000	31019	129900	Police-Reimbursable	J1	73,000.00		
1	1000	32020	561400	VFD-JC Association	J1	7,500.00		
1	1000	34050	600800	Inspec-Fuel	J1	7,300.00		
1	1000	39000	561405	Fire/Rescue Tax Credit	J1	1,400.00		
1	1000	39000	563400	Juvenile Detention	J1	121,300.00		
1	1000	82030	600100	Soil & Water-Office Sup	J1	100.00		
2	1000	51000	510100	G/F Fund Balance	J2	383,500.00		
	1000		0501	Est. Revenue			383,500.00	
	1000		0701	Appropriation				383,500.00
					TOTAL	767,000.00	383,500.00	383,500.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2006-096  
 DATE: 10/04/06

EXPLANATION: Grant Funds Over-expenditures and School Fund Over-expenditures

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1208	81309	110000	MPO-Salaries	J1	2,100.00		
1	1221	81030	950161	Whitewood Comm Ctr	J1	10,900.00		
1	1241	31013	601000	Bullet Proof Vest	J1	10,974.06		
1	1526	93010	930009	Prevention Grant-Transfer	J1	196.45		
1	1528	93010	930009	ICAC Task Force-Transfer	J1	209.36		
1	1553	61122	112100	Bright Stars-Salaries	J1	8,804.56		
1	1000	53013	930208	G/F Transfer to Bright Stars	J1	7,279.54		
1	1555	32015	800100	EMS Grant	J1	5,521.92		
1	1551	53120	581102	Man Res Therapy FC Other	J1	464,788.00		
1	1000	53013	930206	Transfer to CSA Fund	J2	464,788.00		
1	2433	64600	800200	School-Furniture & Fixtures	J1	45,542.82		
1	2111	93010	939999	School-Transfer-Other	J1	7,010.00		
1	2111	93010	930000	School-Transfers	J1	26,328.00		
1	2433	62420	510100	School-Maint-Elec	J1	(78,880.82)		
1	3000	60000	600000	Cafeteria Expenses	J1	157,000.00		
1	3133	63321	132100	Gen'l Adult Educ	J1	800.00		
1	3306	60301	135000	Open Doors	J1	14,500.00		
1	3307	61129	600200	Educ-Bright Stars	J1	27,200.00		
1	3910	62341	600800	Educ-Int Serv-Maint	J1	217,306.43		
1	8410	81030	580450	HUD-Self Suff-Escrows	J1	23,100.00		
1	8522	93010	930004	Still Meadows-Transfer	J1	1,378.78		
1	8524	93010	930004	Spring Ridge-Transfer	J1	214.97		
1	8526	93010	930010	Avermore-Transfer	J1	51,286.43		
1	8527	93010	930010	Hollymead-Transfer	J1	304.36		
1	8530	93010	930010	Alb. Place-Transfer	J1	3,666.41		
1	8532	93010	930010	Hollymead-Transfer	J1	1,521.85		
1	8550	51025	33100	Health Dept-R&M	J1	64,746.03		
2	1208	51000	510100	MPO-Fund Balance	J2	2,100.00		
2	1221	51000	510100	Whitewood -Fund Balance	J2	10,900.00		
2	1241	51000	51010	Bullet Proof Vest-Transfer	J2	5,810.00		
2	1241	33000	330001	Bullet Proof Vest-Federal	J2	5,164.06		
2	1526	51000	510100	Prevention Grant-Fund Bal	J2	196.45		
2	1528	51000	510100	ICAC Task Force-Fund Bal	J2	209.36		
2	1553	51000	512004	Bright Stars-G/F Transfer	J2	7,279.54		
2	1553	51000	510100	Bright Stars-Fund Balance	J2	390.19		
2	1553	24000	240108	Bright Stars-State Rev	J2	1,134.83		
2	1000	51000	510100	G/F -Fund Balance	J2	7,279.54		
2	1555	51000	510100	EMS Grant-Fund Balance	J2	5,521.92		
2	1551	51000	512016	CSA - G/F Transfer	J2	464,788.00		
2	1000	51000	510100	G/F -Fund Balance	J2	464,788.00		
2	3000	16000	161204	Cafeteria Sales	J2	157,000.00		
2	3133	16000	161232	Gen'l Adult Educ-Tuition	J2	800.00		
2	3306	16000	161201	Open Doors	J2	14,500.00		
2	3307	33000	330610	Educ-Bright Stars	J2	27,200.00		
2	3910	16000	161271	Educ-Int Serv-Fuel Charges	J2	217,306.43		
2	8410	51000	510100	HUD-Self Suff	J2	23,100.00		
2	8522	51000	510100	Still Meadows-Fund Balance	J2	1,378.78		
2	8524	15000	150101	Spring Ridge-Int	J2	6.76		
2	8524	51000	510100	Spring Ridge-Fund Balance	J2	208.21		
2	8526	15000	150101	Avermore-Int	J2	905.19		
2	8526	51000	510100	Avermore-Fund Balance	J2	50,381.24		
2	8527	15000	150101	Hollymead-Int	J2	304.36		
2	8530	15000	150101	Alb Place-Int	J2	3,000.21		
2	8530	51000	510100	Alb Place-Fund Balance	J2	666.20		
2	8532	15000	150101	Hollymead-Int	J2	1,521.85		
2	8550	15000	150237	Health Dept-Rent	J2	50,000.00		
2	8550	51000	510100	Health Dept-Fund Balance	J2	14,746.03		
	1208		0501	Est. Revenue			2,100.00	
	1208		0701	Appropriation				2,100.00
	1221		0501	Est. Revenue			10,900.00	
	1221		0701	Appropriation				10,900.00
	1241		0501	Est. Revenue			10,974.06	
	1241		0701	Appropriation				10,974.06

1526	0501	Est. Revenue	196.45		
1526	0701	Appropriation		196.45	
1528	0501	Est. Revenue	209.36		
1528	0701	Appropriation		209.36	
1553	0501	Est. Revenue	8,804.56		
1553	0701	Appropriation		8,804.56	
1000	0501	Est. Revenue	7,279.54		
1000	0701	Appropriation		7,279.54	
1555	0501	Est. Revenue	5,521.92		
1555	0701	Appropriation		5,521.92	
3000	0501	Est. Revenue	157,000.00		
3000	0701	Appropriation		157,000.00	
3133	0501	Est. Revenue	800.00		
3133	0701	Appropriation		800.00	
3306	0501	Est. Revenue	14,500.00		
3306	0701	Appropriation		14,500.00	
3307	0501	Est. Revenue	27,200.00		
3307	0701	Appropriation		27,200.00	
8410	0501	Est. Revenue	23,100.00		
8410	0701	Appropriation		23,100.00	
8522	0501	Est. Revenue	1,378.78		
8522	0701	Appropriation		1,378.78	
8524	0501	Est. Revenue	214.97		
8524	0701	Appropriation		214.97	
8526	0501	Est. Revenue	51,286.43		
8526	0701	Appropriation		51,286.43	
8527	0501	Est. Revenue	304.36		
8527	0701	Appropriation		304.36	
8530	0501	Est. Revenue	3,666.41		
8530	0701	Appropriation		3,666.41	
8532	0501	Est. Revenue	1,521.85		
8532	0701	Appropriation		1,521.85	
8550	0501	Est. Revenue	64,746.03		
8550	0701	Appropriation		64,746.03	
1000	0501	Est. Revenue	464,788.00		
1000	0701	Appropriation		464,788.00	
1551	0501	Est. Revenue	464,788.00		
1551	0701	Appropriation		464,788.00	
TOTAL			3,077,174.30	1,321,280.72	1,321,280.72

Agenda Item No. 17. **Public Hearing:** FY 2007 Budget Amendment. (Notice of this public hearing was advertised in the Daily Progress on September 27, 2006.)

Mr. Melvin Breeden, Director of Management & Budget, said this budget amendment is comprised of eleven separate appropriations, one of which was approved by the Board on September 6, 2006. That was Appropriation No. 2007-016 totaling \$29,943.00 for the additional staff person for the Commonwealth Attorney's office.

The ten new appropriations are: Appropriation No. 2007-014 allocating \$47,361.96 to AHIP for CDBG-eligible projects; Appropriation No. 2007-015 totaling \$3,800.00 for a law student intern in the Commonwealth Attorney's office; Appropriation No. 2007-017 totaling \$18,092.00 for education programs; Appropriation Nos. 2007-018, No. 2007-020, No. 2007-022 and No. 2007-023 reappropriating \$44,651,526.39 for uncompleted projects and programs in the General Fund CIP, School Fund CIP, Stormwater Program, and ECC Capital projects; Appropriation No. 2007-019 totaling \$32,117.00 for two grants received by the Sheriff's Department; Appropriation No. 2007-024 allocating \$238,512.00 for new department requested projects and initiatives; and, Appropriation No. 2007-025 totaling \$354,740.64 reappropriating funds for uncompleted projects.

Details are set out on Attachment "A" to the Executive Summary as follows:

Appropriation No. 2007-014, \$47,361.96 (Revenue Source: CDBG Fund Balance - \$47,361.96). Albemarle Housing Improvement Program (AHIP) has requested the balance of available Community Development Block Grant (CDBG) program income to help fund the rehabilitation of two houses. AHIP had been waiting for funding from the Department of Housing and Community Development (DHCD) and was recently notified that the main funding source provided by DHCD for rural rehabilitation would not be available this year. The projects are CDBG-eligible and the funding provided from program income will be in the form of a deferred loan.

Appropriation No. 2007-015, \$3,800.00 (Revenue Source: State Revenue - \$3,800.00). The Commonwealth Attorney's Office has received \$3,800.00 in funding from the University of Virginia for its second-year law student intern. No local match is required.

Appropriation No. 2007-017, \$18,092.00 (Revenue Sources: Local Grants - \$18,092.00). At its meeting on August 24, 2006, the School Board approved the following appropriations:

The Shannon Foundation for Excellence in Public Education awarded several teachers of Albemarle County Public Schools with grants totaling \$13,092.00. The awards were made to the following teachers at the elementary schools: Baker Butler - Linda Hutson, \$500.00, Christine Scott, \$500.00, Jennifer Whitenack, \$3,092.00; Crozet - Paula White and Gay Baker, \$4,000.00; Yancey - Bird Dierking, Blair Davis, Tim Howeth and Staci England, \$5,000.00.

Better Living, Inc. awarded five Albemarle County Public School teachers Staff Development Stipends in the amount of \$1,000.00 each under the Golden Apple Award. Recipients include Jeanette Abell, Brownsville Elementary; Geisha Goodman, Stone Robinson; Marcy Klug, Henley Middle; Thomas McMurdo, Jack Jouett Middle; and, Rolf Mann, Monticello High.

Appropriation No. 2007-018, \$36,826,521.22 (Revenue Source: Local Government CIP Fund Balance - \$36,826,521.22). This request reappropriates the remaining balances of General Fund Capital Improvement projects and programs that were not completed as of June 30, 2006.

Appropriation No. 2007-019, \$32,117.00 (Revenue Sources: State Revenue - \$2,500.00; Federal Revenue - \$29,617.00). The Sheriffs' Department has been awarded the following two grants with the local match for both grants being made from existing funds within the Sheriff's appropriated budget.

The Office of the Attorney General awarded the Sheriff's Department a grant in the amount of \$2,500.00 with a local match of \$250.00 for a total grant award of \$2,750.00. The purpose of this grant is to purchase equipment and supplies to assist seniors in the area to "Stay Safe". These efforts are in conjunction with the Jefferson Area Board of Aging, Alzheimer's Association, and the local Senior Citizen centers throughout the County.

The Department of Justice awarded the Albemarle County Sheriff's Department a grant in the amount of \$29,617.00 with a local match of \$166.54 for a total grant award of \$29,783.54. The purpose of this grant is to purchase automated external defibrillators (AED's), Alzheimer tracking bands, and digital video equipment and cameras.

Appropriation No. 2007-020, \$1,704,938.09 (Revenue Source: Storm Water Management Fund Balance - \$1,704,938.09). This request reappropriates the remaining balances of Storm Water Management projects that were not completed as of June 30, 2006.

Appropriation No. 2007-022, \$2,946,766.30 (Revenue Source: Schools CIP Fund Balance - \$2,946,766.30). This request reappropriates the remaining balances of School Capital Improvement projects that were not completed as of June 30, 2006.

Appropriation No. 2007-023, \$3,173,300.78 (Revenue Sources: Local Revenues - \$546,595.52; 800 MHz Radio Fund Balance - \$2,136,438.33; Mobile Data Fund Balance - \$490,266.93). Several ECC-related capital projects were not completed as of June 30, 2006. This request reappropriates the remaining balances for those projects.

Appropriation No. 2007-024, \$238,512.00 (Revenue Source: General Fund Balance - \$238,512.00). FY 2006 expenditure savings, as reported in Section D of the FY 2006 End-Of-Year Financial Report totaled \$1,310,000. Based on Board policy, 40 percent or \$524,600 is available to be used for new projects or initiatives. Four departments have requested use of \$238,512.00 as detailed below.

In June 2006, the Electoral Board increased the pay of election officials so as to be comparable with the pay received by election officials in surrounding localities. The Voter Registrar has requested \$10,000.00 in carry-over funds in anticipation of the FY 2007 impact of this pay increase. In addition, they have requested \$363.00 for badges that were purchased but not received by June 30 and \$2,500.00 to purchase an upgrade for the demonstrator voting machine.

The Circuit Court Clerk's Office has requested \$21,600.00 for upgrades, maintenance, and expenses related to digital imaging equipment; \$4,200.00 in part-time temporary wages; and, \$10,000.00 to repair and restore older books located in the Clerk's Office.

The Fire/Rescue Department has been working with the Human Resources Department to develop a pay-for-experience plan that would compensate new employees for previous firefighter experience. Staff has prepared a preliminary review of existing firefighters and captains to determine parity based on this new plan and the FY 2007 impact of implementing this plan for existing staff. Staff recommends \$43,300.00 be appropriated into a contingency line item for this purpose pending further study and analysis.

Community Development has requested \$146,549.00 in carry-over funds for the following new initiatives:

Training – Community Development-\$10,000 - This request will allow staff to pursue training and certification opportunities, such as Professional Engineering, AICP and E&S certifications which not only contribute to an individual's professional development but also encourage employees to remain with the County. The Department's training budget is limited and the course reimbursement offered by the County does not cover the cost of many college courses.

Other Professional Services-\$4,500.00 - The Workforce Investment Board (WIB) is conducting a survey research project of the Defense Intelligence Agency's scheduled move to Albemarle County in 2010. The WIB has requested a cost share of \$4,500.00 to support an analysis of the economic impact of this move. The total project budget is

\$23,850.00 and will likely include participation from TJPDC and perhaps other adjoining counties.

Consulting Services - \$75,000.00 - These funds will be used to hire a consultant to research the options and provide recommendations for creating a Crozet Downtown Zoning District or Zoning Overlay District. This project has been strongly endorsed by the community to protect and enhance its downtown, and is consistent with the main recommendations of the Crozet Master Plan. Details of this request were presented to the Board at its meeting on September 6, 2006.

Community Development-Part-Time Wages - \$12,400.00 - This initiative will provide funds for interns in Community Development to assist in the Planning and Zoning areas. Interns in Planning will be used to assist with ARB work and historic preservation projects. Their work has benefited the County in a time of increasingly complex ARB projects and continuing expectation for a high volume of review. Interns in Zoning will be used to provide engineering assistance in site review and to supplement the work of the Civil Engineers and Engineering Technicians.

Development Area Studies - \$8,490.00 - Staff has requested additional funding for potential costs associated with public meetings, productions, etc. associated with the Pantops, Rivanna, and Crozet Master Plans.

Chief of Zoning, Early Hiring - \$21,159.00 - The current Chief of Zoning, who also serves as Deputy Zoning Administrator, will be retiring in February, 2007. This request will facilitate the hiring of her replacement in December, 2006, three months prior to her retirement, allowing sufficient time to train and to lessen the impact of losing a long-time employee with invaluable institutional knowledge. This type of transition and training is particularly important for this critical staff position during a time of unusually high workload.

Community Development Department - Consulting Fees - \$15,000.00 - In FY 2006, \$20,000.00 was appropriated to hire a consultant to assess the current fee schedules of the Community Development Department and to develop a recommendation for new fee schedules based on direct and indirect costs of providing development reviews and inspection services. An RFP was issued in March, 2006 and interviews were conducted with three firms in July, 2006. It is anticipated that the cost for these services will exceed the funds originally appropriated. This request will provide an additional \$15,000.00 in funding for this service. The \$20,000.00 has previously been reappropriated as an uncompleted project.

Appropriation No. 2007-025, \$354,740.64 (Revenue Source: General Fund Balance - \$354,740.64). Five departments have requested reappropriation of \$354,740.64 for uncompleted projects:

The Finance Department requested the use of \$15,000.00 in funds for temporary help in anticipation of staff training related to the new financial management and payroll systems.

Information Technology requested the use of \$44,282.12 to assist with costs associated with training and implementation of the new financial management and payroll systems.

The four new police officers approved for FY 2006 were not hired until August, 2006. The Police Department has requested \$11,000.00 in carry-over funds for uniforms and ammunition for these new officers. These funds were appropriated in FY 2006 as a part of the costs for the new officers.

General Services requested the reappropriation of \$265,158.52 in unexpended funds for contract services relating to the Keene Landfill, median mowing, and stormwater.

At the end of FY 2006 there was \$19,300.00 in unexpended funds for groundwater monitoring. It is anticipated that these funds will be used in FY 2007. Community Development has requested reappropriation of these unexpended funds.

Mr. Rooker asked why the amount appropriated to hire a consultant to assess the current Community Development Department fees has increased from \$20,000 to \$35,000. Mr. Breeden said he understands that the RFPs for a consultant came back in that range; there are a lot of fees to be considered so it is not a small job.

Mr. Rooker said he thinks the Board should consider whether it wants to go ahead with this project based on the cost. Mr. Breeden said this was a project that staff had thought it could do itself, but there has not been enough time to do so. He thinks that putting this off will cost the County more in the long run than the amount being spent for a consultant. Mr. Tucker said this is to be a comprehensive look at fees; otherwise, there could be just a ten-percent across-the-board increase applied.

Mr. Slutzky said the Board could always just use the maximum fee allowed.

Mr. Rooker asked how many of these fees are set by statute. Mr. Davis said fees, other than erosion fees, do not have a statutory cap. However, the County cannot charge fees in excess of the cost

of the services it provides. In most instances, the County is way below that cost. There are few fees which are capped.

Mr. Wyant suggested checking the fees charged by other counties. Mr. Tucker replied that such a check requires a great deal of staff time. Mr. Breeden said that is part of what the consultants will do.

Mr. Boyd said he is inclined to raise the fees up to what it costs the County for the service, or the maximum, whichever the County can do.

Ms. Thomas said it is not known at this time exactly what each service costs the County. Mr. Tucker said the cost would be determined by the hourly rate of each employee and how much time they spend on a project.

Mr. Slutzky asked how "big a pile of money" will be examined. Mr. Breeden said several million dollars is collected in fees each year. Mr. Davis said the consultant will examine some of the major rezonings approved by the Board. There was one rezoning for which the County will get about \$3,000 and yet it took over five years of staff work before it was approved. There should be a fee system that captures the expense for that type of project.

Mr. Wyant asked about how many building permits are approved each year.

Mr. Rooker said there are about 1,000 residential building permits each year, plus commercial. He said it may be wise to go forth with this project.

Ms. Thomas said she is pleased to see the County will be participating in the Workforce Investment Board survey, which will include the NGIC move to the County and the types of jobs they will offer.

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 placed before the Board.

**Motion** was offered by Mr. Boyd, **seconded** by Ms. Thomas to approve an amendment to the FY 2007 budget in the amount of \$45,376,092.99 as advertised, and to approve Appropriations No. 2007-014, No. 2007-015, No. 2007-017, No. 2007-018, No. 2007-019, No. 2007-020, No. 2007-022, No. 2007-023, No. 2007-024 and No. 2007-025.

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

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

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2007-014  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: CDBG Program – AHIP

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1224	51000	510100	Fund Balance	J2	47,361.96		
1	1224	81031	563100	AHIP	J1	47,361.96		
		1224	0501	Est. Revenue			47,361.96	
			0701	Appropriation				47,361.96
TOTAL						94,723.92	47,361.96	47,361.96

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2007-015  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Intern for Commonwealth Attorney's Office

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	25000	240297	State Rev-UVA Law	J2	3,800.00		
1	1000	22010	130000	C'wealth Attorney-PT	J1	3,800.00		
		1000	0501	Est. Revenue			3,800.00	
			0701	Appropriation				3,800.00
TOTAL						7,600.00	3,800.00	3,800.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2007-017  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Education Programs

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3104	18000	181258	Golden Apple Award	J2	5,000.00		
2	3502	18000	181223	Foundation / Excellence	J2	13,092.00		
1	3104	61311	580500	Staff Development	J1	5,000.00		
1	3502	60606	601300	Instructional Materials	J1	13,092.00		
		3104	0501	Est. Revenue			5,000.00	
			0701	Appropriation				5,000.00
		3502	0501	Est. Revenue			13,092.00	
			0701	Appropriation				13,092.00
TOTAL						36,184.00	18,092.00	18,092.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2007-018  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Reappropriation of projects and programs from FY '06 General Fund CIP

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
See Attached				Director of Finance	J1	28,093.10		
				Information Technology	J1	1,015,373.56		
				Court Facilities	J1	466,529.07		
				General District Court	J1	5,000.00		
				Juvenile Court	J1	6,092,967.21		
				Clerk of Circuit Court	J1	8,765.26		
				Public Safety	J1	548,144.48		
				Police Department	J1	1,090,369.21		
				Fire Department	J1	115,307.17		
				Northern Fire Station	J1	4,937,947.58		
				Pantops Fire Station	J1	1,722,000.00		
				Monticello Fire Station	J1	688,257.00		
				Volunteer Fire Dept	J1	2,232,726.34		
				Volunteer Rescue Sq.	J1	318,974.00		
				Engineering	J1	1,565,960.51		
				Street Improvements	J1	4,096,462.44		
				Public Works	J1	3,744,869.46		
				Health Department	J1	42,869.67		
				Parks & Recreation	J1	906,031.56		
				Tourism	J1	1,203,321.13		
				Libraries	J1	873,415.70		
				Planning	J1	5,120,715.40		
				Zoning Services	J1	2,421.37		
2	9010	16000	160536	City-Visitor's Center	J2	100,112.50		
2	9010	24000	240766	Conserv Grant (ACE)	J2	85,433.00		
2	9010	24000	240800	Clerk'sTech Trust Fund	J2	8,765.26		
2	9010	33000	330630	DEQ-Red Hill Study	J2	65,800.00		
2	9010	41000	410500	Loan Proceeds	J2	11,658,000.00		
2	9010	51000	510100	Appropriation - F/B	J2	24,908,410.46		
			0501	Est. Revenue			36,826,521.22	
			0701	Appropriation				36,826,521.22
TOTAL						73,653,042.44	36,826,521.22	36,826,521.22

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2007-019  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Grants - Sheriff's Department

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1514	24000	240000	Revenue - State	J2	2,500.00		
2	1514	51000	512004	Transfer from G/F	J2	250.00		
1	1514	21070	600100	Supplies	J1	1,320.00		
1	1514	21070	800100	Equipment	J1	1,430.00		
			0501	Est. Revenue			2,750.00	
			0701	Appropriation				2,750.00
2	1513	33000	330001	Revenue - Federal	J2	29,617.00		
2	1513	51000	512004	Transfer from G/F	J2	166.54		
1	1513	21070	800100	Equipment	J1	24,979.30		
1	1513	21070	800700	ADP Equipment	J1	4,804.24		
			0501	Est. Revenue			29,783.54	
			0701	Appropriation				29,783.54
1	1000	21070	580000	Miscellaneous Exp	J1	(416.54)		
1	1000	21070	930200	Transfer to Grants	J1	416.54		
TOTAL						65,067.08	32,533.54	32,533.54

COUNTY OF ALBEMARLE  
 APPROPRIATION NO: 2007-020  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Reappropriation of projects and programs from FY '06 Storm Water Management Fund

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9100	41000	800975	Storm Water Control	J1	1,177,308.03		
1	9100	41000	950093	Drainage Study/Plan	J1	24,969.86		
1	9100	41037	800975	Ivy Road	J1	34,587.50		
1	9100	41049	800975	Woodbrook	J1	26,105.00		
1	9100	41058	800975	Key West Dam	J1	441,967.70		
2	9100	51000	510100	Appropriation-F/B	J2	1,704,938.09		
			0501	Est. Revenue			1,704,938.09	
			0701	Appropriation				1,704,938.09
TOTAL						3,409,876.18	1,704,938.09	1,704,938.09

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2007-022  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Reappropriation of FY 2006 School CIP Projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9000	60209	312350	SCOTTSVILLE-ENG/PLAN	J1	167.00		
1	9000	60251	800120	BURLEY-EQUIP/MTRLS	J1	354.70		
1	9000	60204	800909	GREER-ATHLETIC TRACK	J1	670.00		
1	9000	62190	800700	ADM.-TECHNOLOGY	J1	3,675.91		
1	9000	60216	800909	V L MURRAY ATHLETIC	J1	5,288.87		
1	9000	60253	312370	JOUETT-SITE TESTING/INS	J1	9,510.00		

1	9000	62420	950183	F/M - ETV REPLACEMENT	J1	9,743.29		
1	9000	62420	950192	F/M-CATEC MAINT	J1	10,091.00		
1	9000	62420	950144	F/M-AHS PARTIAL ROOF	J1	11,597.36		
1	9000	60254	800901	WALTON - BUILDING RENO	J1	13,500.58		
1	9000	60202	312350	BROWNSVILLE-ENG/PLAN	J1	15,000.00		
1	9000	62420	950182	F/M - ENVIRONMENTAL	J1	18,581.60		
1	9000	62420	950154	F/M-BROADUS WD ROOF	J1	20,000.00		
1	9000	62420	950195	F/M-ENERGY CONSERVAT	J1	20,000.00		
1	9000	62420	312310	F/M-A&E ROOF REPLAC	J1	22,000.00		
1	9000	60303	800901	MURRAY EDUC-BLD REN	J1	24,900.00		
1	9000	62420	312410	F/M-CALE A/E PROJ STUDY	J1	30,000.00		
1	9000	60252	800901	HENLEY-BLDG RENO	J1	33,000.00		
1	9000	60205	312350	HOLLYMEAD-ENG/PLAN	J1	40,000.00		
1	9000	60252	312350	HENLEY-ENG/PLAN	J1	40,000.00		
1	9000	60301	800901	ALBEMARLE-BLDG RENO	J1	44,560.83		
1	9000	60253	312350	JOUETT-ENG/PLAN	J1	45,000.00		
1	9000	60100	800665	ADA STRUCTURAL CHGS	J1	46,789.00		
1	9000	62420	950184	F/M-LIGHTING UPGRADES	J1	50,230.62		
1	9000	62420	950188	F/M-EMERGENCY GENATR	J1	52,182.73		
1	9000	60302	800654	WAHS-LOCKER ROOM	J1	55,000.00		
1	9000	61101	800700	CLASS/INST-ADP EQUIP	J1	74,985.60		
1	9000	60253	800901	JOUETT-BLDG RENO	J1	94,000.00		
1	9000	62420	800949	F/M-MAINT PROJECTS	J1	189,066.24		
1	9000	60201	800901	BROADUS WOOD-RENO	J1	203,000.00		
1	9000	62420	950190	F/M-JOUETT-GREER SITE	J1	270,000.00		
1	9000	60304	950179	MONTICELLO AUDITORIUM	J1	480,000.00		
1	9000	60214	800901	CALE-BLDG. RENO	J1	1,013,870.97		
2	9000	51000	510100	APPROP- F/B	J2	2,946,766.30		
	9000		0501	Est. Revenue			2,946,766.30	
			0701	Appropriation				2,946,766.30
TOTAL						5,893,532.60	2,946,766.30	2,946,766.30

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2007-023  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Reappropriation of projects and programs for ECC

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	4105	31061	950180	Spec ECC Projects	J1	18,599.05		
2	4105	16000	160540	City Share	J2	5,996.28		
2	4105	16000	160541	County Share	J2	9,619.72		
2	4105	16000	160542	UVA Share	J2	2,983.05		
	4105		0501	Est. Revenue			18,599.05	
	4105		0701	Appropriation				18,599.05
1	4110	31060	800300	800 Mhz-Comm Eq	J1	11,755.55		
1	4110	31060	800305	800 Mhz-Radio Sys	J1	310,024.79		
1	4110	31060	800308	800 Mhz-Subs Units	J1	170,575.75		
1	4110	31060	999999	800 Mhz-Contingency	J1	1,644,082.24		
2	4110	51000	510100	Fund Balance	J2	2,136,438.33		
	4110		0501	Est. Revenue			2,136,438.33	
	4110		0701	Appropriation				2,136,438.33
1	4115	31065	312700	Mob Data-Consulting	J1	72,053.72		
1	4115	31065	800316	Mob Data-Project	J1	527,387.84		
1	4115	31065	800714	Mob Data-Upgrade	J1	218,907.90		
1	4115	31065	999999	Mob Data-Contingency	J1	199,913.94		
2	4115	16000	160502	City	J2	5,176.55		
2	4115	16000	160503	County	J2	123,668.14		
2	4115	16000	160544	City	J2	178,694.70		
2	4115	16000	160545	County	J2	169,787.94		
2	4115	16000	160546	UVA	J2	50,669.14		
2	4115	51000	510100	Fund Balance	J2	490,266.93		
	4115		0501	Est. Revenue			1,018,263.40	
	4115		0701	Appropriation				1,018,263.40
TOTAL						6,346,601.56	3,173,300.78	3,173,300.78

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2007-024  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Department Requests - New Initiatives

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	1000	13020	312510	Registrar-Election Officials	J1	10,000.00		
1	1000	13020	600100	Registrar-Office Supplies	J1	363.00		
1	1000	13020	800700	Registrar-ADP Equipment	J1	2,500.00		
1	1000	21060	130000	Cir. Ct. Clerk-PT Wages	J1	4,200.00		
1	1000	21060	332100	Cir. Ct. Clerk-Maint Contract	J1	7,600.00		
1	1000	21060	350200	Cir. Ct. Clerk-Binding	J1	10,000.00		
1	1000	21060	600100	Cir. Ct. Clerk-Office Supplies	J1	6,000.00		
1	1000	21060	800101	Cir. Ct. Clerk-Mach & Equip	J1	8,000.00		
1	1000	32011	999999	Fire Rescue - Contingency	J1	43,300.00		
1	1000	81021	550100	CD-Training	J1	10,000.00		
1	1000	81021	317000	CD-Other Prof. Services	J1	4,500.00		
1	1000	81021	312105	CD-Consultant Services	J1	75,000.00		
1	1000	81022	130000	CD-Planning-PT Wages	J1	6,200.00		
1	1000	81022	312342	CD-Planning-Dev. Area Study	J1	8,490.00		
1	1000	81024	110000	Zoning-Salaries	J1	15,063.00		
1	1000	81024	210000	Zoning-FICA	J1	1,152.00		
1	1000	81024	221000	Zoning-VRS	J1	1,952.00		
1	1000	81024	231000	Zoning-Health Insurance	J1	1,510.00		
1	1000	81024	232000	Zoning-Dental Insurance	J1	54.00		
1	1000	81024	241000	Zoning-Life Insurance	J1	184.00		
1	1000	81024	270000	Zoning-Worker's Comp	J1	244.00		

1	1000	81024	360000	Zoning-Advertising	J1	1,000.00		
1	1000	81024	130000	Zoning-PT Wages	J1	6,200.00		
1	1000	81024	312105	Consulting Fees	J1	15,000.00		
2	1000	51000	510100	Appropriation - Fund Balance	J2	238,512.00		
	1000		0501	Est. Revenue			238,512.00	
			0701	Appropriation				238,512.00
TOTAL						477,024.00	238,512.00	238,512.00

COUNTY OF ALBEMARLE  
 APPROPRIATION NO. 2007-025  
 APPROPRIATION DATE: 10/04/06  
 EXPLANATION: Reappropriation Requests - Uncompleted FY '06 Projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	1000	12142	320000	Finance - Temp Help	J1	15,000.00		
1	1000	12200	312701	IT - Data Process Consultant	J1	24,000.00		
1	1000	12200	800700	ADP Equipment	J1	20,282.12		
1	1000	31013	601101	Police-Uniforms-New	J1	6,000.00		
1	1000	31013	601011	Police-Ammunition	J1	5,000.00		
1	1000	42040	390001	Contract Svcs-Keene	J1	47,290.27		
1	1000	43002	301211	Contract Svcs-Median Mow	J1	7,609.00		
1	1000	43005	301210	Contract Svcs-Stormwater	J1	210,259.25		
1	1000	81022	950172	CD-Planning-Groundwater	J1	19,300.00		
2	1000	51000	510100	Appropriation - Fund Balance	J2	354,740.64		
	1000		0501	Est. Revenue			354,740.64	
			0701	Appropriation				354,740.64
TOTAL						709,481.28	354,740.64	354,740.64

Agenda Item No. 18. **Public Hearing:** SP-2006-016, Mountain View Full Gospel Church – Expansion (Sign #76).

Proposed: Amend SP-1981-13, church expansion.

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 (35).

Comprehensive Plan Land Use/Density: Rural Areas, preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/ acre).

Entrance Corridor: No.

Location: 1005 Smith Road (Route 758) Afton, south of Route 637.

Tax Map/Parcel: TM 69, Parcel 37.

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on September 18 and September 25, 2006.)

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said the church is located on Route 758 in Afton. This construction of an addition to the church will increase its size to a little over 3,500 square feet, plus an increased parking area. It is located in an area of single-family residences, farms and forest land. For increased future needs the congregation is requesting that sanctuary seating be increased to 192 seats. He said staff analysis was based on the relationship of the new development to adjacent properties and the character of the area. There are a couple of conditions that were agreed upon that will insure preservation of existing forest land. That will contribute to the character of the area, as well as preserving some significant trees near Route 758.

Mr. Cilimberg said VDOT does not anticipate any negative impacts from increased traffic from the increased size of the church, but it did request that selected shrubs be removed near the existing entrance to insure adequate site distance at the existing entrance. He said staff found some favorable factors: it supports local life in the community on a rural scale, there is the existing church, and, approximately three acres of forest land would remain intact; no factors unfavorable were cited. Mr. Cilimberg said staff and the Planning Commission both recommended approval with conditions. One condition covers the allowance for the church to commence its use under the permit within five years rather than the 24-months stated in the Zoning Ordinance.

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

The applicant, Ms. Glenda Atkins, a trustee of the church, addressed the Board. She said also present were Pastor Bill Myrtle, Associate Pastor Louise Puckett, Board members Carl Dickerson, Harry Compton and other members of the congregation. She said they will celebrate their 23rd anniversary the third Sunday in November. The vision for the church began in 1977 with a congregation of 15 and a building fund of \$13.21. In 1981 an architect was hired and plans drawn. On the site plan was an area noted for future expansion of the church and parking lot. As their attendance on Sundays indicates, they are growing. Their sanctuary was built to seat 92 but that is a tight squeeze because they have to add extra chairs along the aisles. Their pulpit is crowded because there on an average there are 10 musicians present each Sunday. She said the altar is an important part of their church services, as the congregation needs room to kneel and pray.

Ms. Atkins said their fellowship hall is in the basement. The basement also holds a nursery, office, Sunday School rooms and a kitchen. Their parking lot is paved and contains 24 spaces. It has a median area so cars can double park. Their front lawn is now used as an overflow parking area. The church is located on Route 758 which is a dirt road. More than one-half of their property is wooded. They looked carefully at its topography when contemplating this expansion; little of the property will need to be

disturbed as the area is already cleared and landscaped. Only the area needed to expand parking by 40 spaces will be disturbed. The new parking lot will be placed behind a stand of trees, so it will not be that noticeable. She asked for the Board's approval of this request.

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

**Motion** was then offered by Mr. Wyant, **seconded** by Ms. Thomas, to approve SP-2006-016, subject to the conditions recommended by the Planning Commission. Roll was called, and the motion passed by the following recorded vote:

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

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

1. The site plan amendment shall be developed in general accord with the concept plan received August 24, 2006, prepared by Glenda Atkins, and titled "Mountain View Full Gospel Church Concept Plan" (Attachment A.1 and 2);
2. The sanctuary area shall be limited to one hundred ninety-two (192) fixed seats;
3. A tree conservation plan in accord with Section 32.7.9.4b is required to be submitted, reviewed and approved prior to approval of a building permit for any structure shown on this concept plan;
4. Tree removal shall be limited to five (5) feet beyond all parking areas;
5. A twenty (20) foot (minimum) width of existing woodland along the southern property boundary shall remain undisturbed;
6. Five (5) large oak trees located off of the northwest corner of the existing church building shall be included on the tree conservation plan;
7. VDOT approval of the entrance including the sight distance requirements is required to be granted prior to building permit issuance;
8. This use shall commence within five (5) years of the date of approval rather than the twenty-four (24) months stated in section 31.2.4.4; and
9. There shall be no day care center or private school on site without the approval of a separate Special Use Permit.

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Agenda Item No. 19. **Public Hearing.** SP-2006-017, Floral Images (Sign #55).

Proposed: Floral arrangement business includes constructing new workshop; no employees.

Zoning Category/General Usage: RA, Rural Areas: agricultural, forestal and fishery uses; residential density (0.5 unit/acre). Section: 10.2.2(31); 5.2 Home Occupation- Class B.

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

Entrance Corridor: No.

Location: 262 Yancey Mill Lane (Route 825), Crozet; adjacent Interstate Route 64.

Tax Map/Parcel: TM 55, Parcel 99.

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on September 18 and September 25, 2006.)

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this is a request for a home occupation located on Route 825 near Crozet adjacent to Interstate 64 immediately across Route 250 from Yancey Mills. This special use permit is for a new workshop, entrance and driveway; it will include two or three van deliveries for wholesale purposes per week as well as two van delivery trips from the site per day. There is to be one part-time employee and occasional client visits. The applicant has indicated that the workshop would be similar to the small barn located behind the residence. Staff has recommended that the proposed vehicular entrance and driveway be surfaced with gravel in keeping with the existing character of the neighborhood.

Mr. Cilimberg said there are no real issues related to the proposal. Favorable factors include its consistency with provisions of the ordinance; its scale, character and intensity are consistent with the character of the rural area; supporting rural area goals by establishing community-based and focused businesses; and, it incorporates horticultural activities in development of the business. He said staff and the Planning Commission recommended approval with conditions.

Mr. Wyant asked if this facility is on a dead-end road. Mr. Cilimberg said it is.

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

The applicant was not present.

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

**Motion** was offered by Mr. Wyant, **seconded** by Ms. Thomas, to approve SP-2006-017 subject to the conditions recommended by the Planning Commission. Roll was called, and the motion passed by the following recorded vote:

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

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

1. Special Use Permit 2006-017 Floral Images shall be developed in general accord with the concept plan dated August 24, 2006, prepared by W. R. Strickler, and titled "Floral Images" (Attachment A.);
2. One vehicular entrance from Yancey Mill Lane shall serve as the only driveway for this parcel. It shall be required to be surfaced with gravel;
3. No walk-in sales shall be permitted on the premises;
4. A maximum of seven (7) client visits per week shall be permitted on the premises;
5. The total area of the workshop shall be limited to twelve hundred (1,200) square feet;
6. This use shall commence within three years of the date of approval rather than the twenty-four (24) months stated in section 31.2.4.4; and
7. Hours of operation are required to be limited to 8:00 am to 4:00 pm Monday through Saturday.

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Agenda Item No. 20. **Public Hearing.** SP-2006-019, Bionic Innovations, LLC (Sign #62).  
Proposed: Home Occupation-Class B for an orthotics crafting shop in a detached garage.  
Zoning Category/General Usage: PRD, Planned Residential District, with Proffers: residential (3-34 units/acre) with limited commercial uses.  
Section: 19.3.2, Home Occupations, Class B.  
Comprehensive Plan Land Use/Density: Crozet Master Plan Neighborhood Edge CT3, predominantly residential uses (net 3.5-4.5 units per acre, 6.5 units per acre if accessory apartments added for 50% of the residential stock) in Neighborhood 7.  
Entrance Corridor: No.  
Location: 1886 Clay Drive, Crozet, in Waylands Grant subdivision off Jarmans Gap Road (Rt 691) approx 700 ft from intersection of Crozet Avenue (Rt 810).  
Tax Map/Parcel: TMP 55D-18.  
Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on September 18 and September 25, 2006.)

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this request is to allow an orthotics craft business in Waylands Grant Subdivision. The applicant will produce devices to assist human motion crafted in plastic and steel from molds shipped to the home. He said the property is in Crozet in an area noted as being CT-3. Staff looked to see if this business would impact the neighborhood since they use a small, portable vacuum pump, a handheld vacillating saw and a bench mounted grinder with various finishing attachments. All of the equipment has rubber footings to dampen the vibrations.

Mr. Cilimberg said staff found the following favorable factors: it will provide a needed medical service for these devices, it is a home occupation allowing the owner to live and work at home, it reduces traffic, and there will be no impacts on surrounding properties. There were no unfavorable factors. The staff and the Planning Commission recommended approval, but the Commission added a fifth condition regarding trips per week for delivery vehicles.

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

The applicant, Mr. Kevin King, addressed the Board. He indicated that he and his wife have operated on a limited basis under a Class A permit but would now like to move their operation from their basement to a detached garage and that requires a Class B permit. They have taken many precautions as relates to sound from the building. Also, visually, there are no differences on the outside of the building. He indicated there would be just a couple of UPS deliveries per week.

Ms. Thomas asked if there is any hazardous waste involved in this business. Who picks up the waste? Mr. King said they only have one extra bag of garbage each week. There are no hazardous materials involved. Also, this is part-time work; they do not intend on making it full-time.

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

**Motion** was offered by Mr. Wyant, **seconded** by Ms. Thomas, to approve SP-2006-019 subject to the conditions recommended by the Planning Commission. Roll was called, and the motion passed by the following recorded vote:

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

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

1. Special Use Permit 2006-019 shall be developed in general accord with the concept plan dated August 14, 2006, prepared by Kevin and Melissa King, and titled "Bionic Innovations, LLC" (Attachment B). Important elements of the concept plan include the location of the garage with an indication of which parts of the garage will be used for the Home Occupation;

2. The home occupation may not use both the basement and the garage facilities at the same time;
3. There will be no employees other than members of the immediate family living on the premises;
4. There will be no onsite sales or fittings of orthotic products; and
5. There shall be no more than seven (7) vehicle deliveries per week.

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Agenda Item No. 21. **Public Hearing.** SP-2006-022, Northridge Community Church of the Nazarene; Northridge Preschool (Sign #79).

Proposed: Day Care/Preschool; existing church; no exterior building changes proposed; SP amendment.

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

Section: 10.2.2(7); 5.1.06 Daycare, childcare or nursery facility.

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

Entrance Corridor: Yes.

Location: 5100 Dickerson Rd, Charlottesville near Route 29 North.

Tax Map/Parcel: TM 21, Parcel 11A.

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on September 18 and September 25, 2006.)

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this church is located on Dickerson Road north of the GE Fanuc facility. The applicant proposes operating a daycare/preschool in the existing church. No exterior building changes are proposed. This permit will amend an existing special use permit. He said this property is in a rural area location with a mix of forest, open land, residential, industrial uses, other churches, etc., in the area. He said a total of 80 children are proposed for the preschool with a maximum of 50 children on site at one time. The site includes a substantial wooded area to the west and south of the church and parking area, so it provides adequate buffering of the activity to adjacent residential parcels. Because of the extent of this wooded area and its contribution to buffering surrounding residential areas from church activities, staff recommended a condition limiting disturbance of the existing woodland excluding the maintenance of the existing stormwater facility located between the church and the western parcel boundary.

Mr. Cilimberg said favorable factors to the request are: the role that a church and daycare/school facilities play in community life; the applicant's intention to serve children that live in the nearby communities of Northern Albemarle; and, protection of the existing woodland and preservation of the natural and scenic resources in the area. He said staff found no unfavorable factors. Staff and the Planning Commission recommended approval with conditions; the Commission modified Condition No. 2 to change the time of operation from a 12:30 p.m. ending time to 1:30 p.m.; and also changed Condition No. 3 to say "Enrollment shall not exceed eighty (80) children."

Ms. Thomas asked if Dickerson Road is a paved road. Mr. Cilimberg said the part of the road in front of the church is not paved.

Ms. Thomas asked if the road is on the list to be paved. Mr. Cilimberg said it is not on the list at this time.

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

Mr. Tracy Tucker, Pastor of Northridge Community Church, addressed the Board. He introduced Associate Pastor, Tammy Hensley. He said the church was required to have the road paved up to the church driveway, so from Route 29 to their driveway it is paved. Also, the Planning Commission allowed them to have up to 80 students enrolled. He offered to answer questions.

Mr. Wyant asked if the 1:30 p.m. pickup time is sufficient for their needs. Ms. Hensley said this will be a preschool, not a day school. They are planning to serve stay-at-home parents who should be able to get there by that time.

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

**Motion** was then offered by Mr. Wyant, **seconded** by Ms. Thomas, to approve SP-2006-072, subject to the conditions recommended by the Planning Commission. Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

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

1. Special Use Permit 2006-022 shall be developed in general accord with the interior concept plan received May 30, 2006, and titled "Northridge Preschool" (Attachment A);
2. Hours of operation shall be limited to 7:30 a.m. to 1:30 p.m. Monday through Friday;
3. Enrollment shall not exceed eighty (80) children;

4. The church building must be approved for day care use by the Building Official;
5. Licensure by the Virginia Department of Social Services is required;
6. Health Department approval is required before the commencement of the use; and
7. The existing woodland shall remain undisturbed with one exception: the woodland may be disturbed within ten (10) feet of the highest water level in the stormwater facility. In no case shall the site be disturbed within thirty-five (35) feet of the western boundary of this parcel (Reference Attachment E).

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Agenda Item No. 22. **Public Hearing.** SP-2006-023, Luck Stone Quarry Flood Control Berm (Sign #50).

Proposed: Request for fill in the floodway fringe to allow for a flood control berm on a 127.797 acre parcel.

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; NR, Natural Resources, Overlay to allow natural resource extraction; EC, Entrance Corridor, overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

Section: 30.3.05.2.2(1); 30.3.05.2.1(1).

Comprehensive Plan Land Use/Density: Rural Areas, preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/acre); Parks and Greenways, parks; greenways; playgrounds; pedestrian and bicycle paths.

Entrance corridor: Yes.

Location: One mile east of the US Route 250/I-64 Interchange (Shadwell Exit 124) on Route 250 (2611 and 2905 Richmond Road, Charlottesville).

Tax Map/Parcel: 79-7.

Magisterial District: Scottsville.

(Notice of this public hearing was advertised in the Daily Progress on September 18 and September 25, 2006.)

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He explained that this request is to construct an earth and flood control berm for the operating quarry site. It is adjacent to the Thomas Jefferson Shadwell quarter farm within the Monticello viewshed. Stone Robinson Elementary School and the Rivanna River are both in the area, with the CSX Railroad on the south side of the site. There are agricultural uses in the area. This will be a 935-foot berm in length to raise the existing stream site elevation by two to nine feet in height, and will move the quarry operations area from the one hundred year floodplain in order to reduce the flooding potential of the operations area.

Mr. Cilimberg said this will also accommodate the relocation of the existing asphalt plant if SP-2005-026 (on agenda following this request) is approved. It will be located within the required vegetative stream buffer for Barn Branch. This buffer area has been significantly compromised by years of quarry operations. The applicant proposes to mitigate impacts by planting vegetation suited to riparian areas throughout the buffer area of Barn Branch. In addition, the applicant is in the process of establishing a conservation easement along the Rivanna River that will permanently protect a portion of the River's riparian area. The applicant is also in the process of establishing an easement for a greenway trail on a portion of the property between the railroad and the Rivanna River. That is one of the few outstanding links that would complete the greenway trail, called the Old Mills Heritage Trail, beginning at Darden Towe Park and extending to the bridge at Milton.

Mr. Cilimberg stated that favorable factors include: there are no impacts to neighboring properties, and no increase in flood levels will result; there were no unfavorable factors noted. He indicated that staff and Planning Commission recommended approval with five conditions.

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

The applicant, Mr. Ben Thompson, addressed the Board on behalf of Luck Stone Corporation. He said there is another request for a special use permit following this request and this issue came about as part of the review of that second request. During that review, County staff pointed out that this area lies in the floodplain. The issue stems from FEMA remodeling their floodplain maps about two years ago. At that time, they decided that Luck Stone's extraction pit was within the one hundred year floodplain based on backwaters off of Barn Branch which runs along their western property line.

Mr. Thompson said the proposed berm would run roughly along that same property line tying into existing elevations on grades at their front entrance and then on an existing internal road. The increased elevation would be two to nine feet depending on the area. As part of this project FEMA will be provided with all necessary review materials and documents to ascertain whether their work correctly removed the pit from its one hundred year floodplain without negatively impacting the waterway system. He said Luck Stone is acceptable to all of staff's recommended conditions, and they request that the Board approve the permit. He said a Luck Stone engineer and their consulting engineer are also present today.

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

Mr. Dorrier said he went over the application with the applicant and he thinks it is a good plan. There is no controversy about the plan. He then offered **motion** to approve SP-2006-023, subject to the conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

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

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

1. County Engineer approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for activity in the area of the flood control berm;
2. Natural Resources Manager and Design Planner approval of a mitigation plan for the restoration/enhancement of the stream buffer prior to the issuance of a grading permit for activity in the area of the flood control berm;
3. Applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence;
4. County Engineer approval of as-built drawings for the completed flood control berm, including geotechnical engineer certification of the adequate compaction of the fill; and
5. Upon completion of the flood control berm the applicant will comply with the conditions identified in the CLOMR issued by FEMA and will copy the County Engineer on all correspondence related to this matter.

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Agenda Item No. 23. **Public Hearing:** SP-2005-026, Luck Stone Asphalt Plant Relocation (Sign #50).

Proposed: Relocate existing asphalt mixing plant site on the 127 ac Luck Stone quarry property to a 4.1 ac area on the southwest corner of the property, north of the railroad.

Zoning Category/General Usage: RA, Rural Areas: agricultural, forestal and fishery uses; residential density (0.5 unit/acre); NR, Natural Resource, overlay to allow natural resource extraction; EC Entrance Corridor, overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; FH, Flood Hazard, overlay to provide safety and protection from flooding.

Sections: 18-30.4.02(2) asphalt mixing plants; 18-30.4 natural resource; 18-30.6 entrance corridor overlay; 18-30.3 flood hazard

Comprehensive Plan Land Use/Density: Rural Areas, preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/acre). Parks and Greenways, parks, greenways, playgrounds, pedestrian and bicycle paths.

Entrance Corridor: Yes.

Location: 2528 Richmond Road (Rt 250) appx 1-mi east of I-64 intersection.

Tax Map/Parcel: TMP 79-7, 7B.

Magisterial District: Scottsville.

(Notice of this public hearing was advertised in the Daily Progress on September 18 and September 25, 2006.)

Mr. Cilimberg summarized the staff's report which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this special permit will allow the relocation of the existing asphalt plant approximately 1,400 feet to the west of its current location; it will be a new, more technologically-advanced facility to replace the existing plant, meeting all air pollution and other environmental requirements. Relocation will allow the removal of stone at the existing plant location. He said the quarry wants to extract the stone from the area currently occupied by the asphalt plant, the quarry requested the new location. It will require silos to store the asphalt mix and the silos will not exceed a maximum height of 83 feet as stipulated in a condition. Regarding potential impacts from the asphalt plant moving closer to a neighbor's property on the opposite side of the Rivanna River, the applicant has agreed to a couple of mitigation measures. These include limiting the circulation patterns for trucks within the site to prevent all but the infrequent truck back-up noise warning indicators, and a limitation on the days and hours of operation.

Mr. Cilimberg said staff noted the following favorable factors: the existence of the asphalt plant at the site since 1961; the buffers between the quarry and Route 250 and between the proposed asphalt plant site and the Rivanna River will be maintained unless a portion of the southern buffer along the River has a County greenway trail installed; forward moving traffic circulation pattern for trucks; and the new plant will employ newer technology to reduce air quality and noise impacts. Staff also noted some items as being unfavorable, but one has been addressed by the special use permit approval on the fire permit which was the need to have the site bermed and not in the floodplain; it is closer to the historic property in the west and a property containing agricultural uses across the River than the existing site, but conditions have been recommended to address that.

Mr. Cilimberg said staff and the Planning Commission recommended approval with conditions. He then handed to the Board a sheet containing one suggested change to Condition No. 3 which is an attempt to more clearly state what the condition intends. It is not a substantive change to the condition. Basically, it would more clearly state that "the use of the asphalt plant authorized by this special use permit shall expire when the adjacent quarry is no longer in operation; the hours of operation shall be between 7 a.m. and 10 p.m., Monday through Saturday, provided that for not more than 60 days per year the hours of operation may be between 7 a.m. and 12 a.m., Monday through Saturday."

Mr. Rooker asked if any Board members had questions.

Ms. Thomas asked if these are the same hours of operation as those of the existing asphalt plant. Mr. Cilimberg said they are the same as those in the recommendations by the Commission.

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

Mr. Ben Thompson, representing Luck Stone, addressed the Board. He said Luck Stone has been in the community since 1936. The Williamson family took over the business in 1961 and operates the plant on a grandfathered basis with no restrictions. Part of this move is so Luck Stone can relocate their present site (which is of the 1961 generation with newer parts added since). He said it will be an entirely new plant. There will be some things that carry over, but the basics of the plant itself are "light years ahead" of what exists there today.

Mr. Thompson said the current site is high on the property at an elevation of 361 feet. It will move to a location that is at an elevation of 308. That change will mitigate noise from the higher elevation and the buffer will be the tree line which is on a conservation easement on the Monticello property. Also, stock piles surrounding it will mitigate any noise. Dust controls would also be improved. Concerning neighbors, the property to the south which is in agricultural use, is owned by Luck Stone. The property to the immediate west is owned by the Thomas Jefferson Foundation which submitted a letter of support to the County. Their neighbor to the east is Stone Robinson School, who also submitted a letter on their behalf. One of the big pluses the Thomas Jefferson Foundation sees is the line of sight. Currently they can stand on their front porch and see the asphalt plant and the surrounding property. They cannot see the new location.

Mr. Thompson said the conditions cover such things as: hours of operation, noise, internal traffic flow, dust suppression, maintaining existing buffers, lighting and height limitations. They are agreeable with all conditions proposed by staff, as well as the change Mr. Cilimberg just noted. He said there are many people from Luck Stone present at this meeting who can answer questions.

Mr. Wyant asked which entrance trucks will use to get to the quarry. Mr. Thompson said they will be using a crossing just before the railroad track. Currently trucks are using the back entrance because of traffic issues coming out the front entrance onto Route 250; he emphasized that the new plant is not adding any capacity, so there will not be additional trucks. Hopefully, at some time in the future, there will be the Route 250/22 realignment, and they will change their front entrance to that signalized intersection.

Ms. Thomas said she understands that previously there was no restriction on hours of operations, but she wondered if the plant currently operates until midnight. Mr. Thompson said there needs to be a provision for work by State forces which often takes place at night for safety reasons. Their operators said they typically work less than seven days a year at night.

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

**Motion** was offered by Mr. Dorrier, **seconded** by Mr. Wyant, to approve SP-2005-026, subject to the 14 conditions recommended by the Planning Commission, amending Condition No. 3 as recommended by Planning Staff this date.

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

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

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

1. Special Use Permit 2005-026 shall be developed in general accord with the concept plan, titled "Luck Stone Corporation Special Use Permit Asphalt Plant Relocation Conceptual Plan", dated August 1, 2006, and Cross Sections (Line of Sight) Plans for Auburn Hill dated 10/27/05 and for Monticello dated 11/22/05 (Attachment A). However, the Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance;
2. The existing asphalt plant shall be demolished and removed from the property no later than two (2) months following the start of operation of the new plant;
3. Use of the asphalt plant authorized by this special use permit shall expire when the adjacent quarry is no longer in operation. The hours of operation shall be between 7:00 am to 10:00 pm Monday through Saturday; provided that for not more than sixty (60) days per year, the hours of operation may be between 7:00 am to 12:00 am Monday through Saturday
4. Sound/noise barriers and attenuation measures, as described in the ASTEC, Inc. Certified Engineers Report (Attachment C), will be provided as necessary to comply with the County "noise" requirements (Code 18-4.18). The applicant shall identify these measures on the site development plan and the asphalt plant building permit plans;
5. Plant site lighting will comply with County "outdoor lighting" requirements (Code 18-4.17);
6. A copy of the Virginia Department of Environmental Quality "construction permit" shall be submitted to the County Engineer prior to approval of a final site plan for the asphalt plant;
7. A special use permit for fill within the flood hazard overlay district shall be obtained, to allow the raising of the ground elevation adjacent to Barn Branch and creation of a levee to protect the quarry and its operations from the one hundred year flood, prior to approval of a site plan for the asphalt plant;

8. A Conditional Letter of Map Revision (CLOMR) is required to be obtained by the applicant from the Federal Emergency Management Agency (FEMA) and a copy provided to the County Engineer prior to the issuance of a building permit for the asphalt plant;
9. Prior to County issuance of a zoning clearance and certificate of occupancy for the plant, the applicant shall:
  - Submit and obtain County Engineer approval of as-built drawings for the completed and stabilized levee (including geotechnical engineer certification of the adequate compaction of the fill);
  - Provide the County Engineer with documentation demonstrating that the information necessary to address the conditions of the CLOMR has been submitted to FEMA;
10. The buffer area along Route 250 shall be maintained to provide a visual barrier between the operations on the site and Route 250;
11. The asphalt plant shall be designed in a manner to provide forward circulation for trucks as they enter, load, and exit the area, as depicted on the plan titled "Luck Stone Corporation, Charlottesville Plant Site Map Asphalt Plant Relocation" and dated August 8, 2006 (Attachment B);
12. No direct conveyance of stormwater from the asphalt plant area to Barn Branch shall be permitted;
13. The natural landscape area between the CSX Railroad south of the proposed site and the Rivanna River on TMP 79-7B shall be maintained in its current natural state, as shown on Attachment D, with the exception of allowing for a greenway trail, should a greenway trail be installed in the future; and
14. The maximum height of any portion of the asphalt plant shall not exceed eighty-three (83) feet, as measured from the finished site grade.

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Agenda Item No. 24. **Public Hearing:** AFD-2006-001, An ordinance to amend section 3-225.5, South Garden Agricultural and Forestal District, of Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County. The proposed ordinance would remove TMPs 109-70, 110-8 and 110-18E from the district, and any other parcels for which a request for withdrawal is received before the board acts on the proposed ordinance, and would continue the district and set the next district review date deadline of October 4, 2016. (Notice of this public hearing was advertised in the Daily Progress on September 18 and September 25, 2006.)

Mr. Cilimberg said this district is located in North Garden between Route 29 and Routes 712 and 719. It has boundaries adjacent to the South Fork of the Hardware River. This renewal of the district is proposed for 10 years instead of the usual seven-year cycle. The district was created on October 6, 1999. The request now is to lower the acreage of 2,033 acres to 1,855 acres. Three properties are requested to be withdrawn from the district which can occur at time of renewal. He said this district was reviewed by the Ag/Forestal Advisory Committee and the Planning Commission and is recommended for renewal by all parties.

Mr. Rooker asked if Board members had questions.

Ms. Thomas asked if staff or the Committee encouraged people to remain in the district or even to enlarge the district. Mr. Cilimberg replied that staff does not usually have time available to do that.

Ms. Amy Arnold, Planner, said the three parcels being withdrawn are owned by the same landowner and they would like to sell one parcel. She said that same owner still owns a 1,000+ acre parcel which is the center of the district.

Mr. Slutzky said he is a member of the Ag/Forestal Committee and they did discuss this matter. He said this is illustrative as one of the disadvantages of continuing with the land-use tax program, which he thinks the Board should revisit this year.

Ms. Thomas said when land is in an Ag/Forestry District, the landowner has made a promise for seven to ten years and most people using land use taxation have not done that.

Mr. Slutzky said someone might get out of the district and pay back the taxes. Mr. Cilimberg said the only way to get land out of the district is to demonstrate a "hardship."

Mr. Slutzky said the land can be sold. Mr. Davis said that is true, but the land cannot be used for a more intensive use.

Mr. Slutzky said it cannot then be subdivided or built upon until the time period of participation has expired.

Ms. Thomas said that is true. There can be 21-acre lots, but the owner cannot have his five, two-acre lots.

Mr. Slutzky said he understands the program has benefits, but he wanted to raise the issue that there are other aspects to it. He said the Committee also discussed whether extending the district to ten years instead of seven was a good or a bad idea. He was persuaded that as long as there is going to be a program, the ten-years assures a longer bargain, so on behalf of the Committee, this is something they would like the Board to approve.

Ms. Thomas said one advantage to the County and to neighbors is that they are assured of a fairly set character for that section of the County for a ten-year period. It will not be subdivided and people have put their intentions on a formal agreement.

Mr. Slutzky said you could argue that the tax reduction associated with the land use tax based on the agricultural/forestry district is a rental for a period of time rather than being more of a permanent arrangement which is what you get with a conservation easement. He is trying to reinforce that there is a limit to the ultimate long-term impact of the Ag/Forestry which is better than not having any program.

Ms. Thomas suggested that if Mr. Slutzky and other members of the Committee encouraged more people to join an ag/forestry district that would help the County a lot. She said many people argue that only with land in an ag/forestry district should one be granted use of the land use taxation program. That is something this Board will have to discuss. She said there could be an agreement with the County because there are not always ag/forestry districts available to join.

Mr. Rooker said that over the years several people have come to the County and tried to get out of their obligation, but they have been turned down.

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

**Motion** was offered by Ms. Thomas to adopt An Ordinance to Amend and Reordain Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, by amending Section 3-225.1, South Garden Agricultural and Forestal District.

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

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

NAYS: None.

**(Note:** The ordinance as adopted is set out below.)

#### **ORDINANCE NO. 06-03(1)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

#### **By Amending:**

Section 3-225.1 South Garden Agricultural and Forestal District

#### **Chapter 3. Agricultural and Forestal Districts**

#### **Article II. Districts of Statewide Significance**

#### **Division 2. Districts**

#### **Sec. 3-225.5 South Garden Agricultural and Forestal District.**

The district known as the "South Garden Agricultural and Forestal District" consists of the following described properties: Tax map 110, parcels 18, 27. This district, created on October 6, 1999 for not more than 7 years, since amended at its last review on October 4, 2006 to continue for not more than 10 years, shall next be reviewed prior to October 4, 2016. (Ord. 99-3(5), 10-6-99; Ord. 06-3(1), 10-04-06)

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Agenda Item No. 25. Resolution Endorsing the Intent of the Resolution adopted by the U.S. Conference of Mayors regarding the U.S. Mayor's Climate Protection Agreement.

Mr. Tucker said that at the last Board of Supervisors' meeting, at the request of Mr. Slutzky, the Board agreed to consider a resolution supporting the intent of the resolution adopted by the U.S. Conference of Mayors regarding the U.S. Mayor's Climate Protection Agreement. On September 13, staff provided an extensive review of the County's efforts toward Green Building initiatives and sustainability. This included discussion of the Comprehensive Plan's sustainability goals, adoption of the Neighborhood Model which guides a more sustainable form of development, and the County's current Environmental Management Policy, adopted by the Board in 2004, among other policy initiatives. Also included was discussion of the many efforts made in the past and just recently to move toward the principles of sustainability. Though additional plans are being developed to further ensure that County operations and construction plans and activities continue to move it toward these principles, the Board's intent and

direction through past actions is consistent with the principles contained in the resolution adopted by mayors (see copy of that resolution on file in the Clerk's Office).

Mr. Rooker said he supports adopting this proposed resolution as drafted by staff.

Mr. Boyd said he has not seen anything like this come before the Board in the past. He asked if this is an advocacy issue. Would the Board be adding its name to a list that would be used to try and promote the Kyoto Treaty? Is the Board simply endorsing the concepts stated? He said Mr. Tucker noted that the County already has quite a large initiative trying to reduce greenhouse effects and all the things listed in the mayor's agreement. He wonders what substantive changes adoption of this resolution might bring about.

Mr. Slutzky said the resolution would not bind the County to do anything; it is a statement of intent. He brought this to the Board for a couple of reasons. Based on his own experience as a policy advisor on environmental issues at the White House during the Clinton administration while Kyoto was underway, he may have had a closer advantage point than a lot of Americans to the dialogue related to whether or not the Kyoto Accord should be supported. He takes that bias with him, but that is not the reason he brought this to the Board. He had a number of constituents approach him who had seen the Al Gore movie and who had been keeping tabs on the issue for a while. They are convinced it is imperative that we, as a society, acknowledge the inevitability of dealing with global warming and that we assert ourselves proactively at whatever level possible.

Mr. Slutzky said over 200 mayors representing over 38.0 million Americans, the State of California, and most of the Western industrialized world bought into the inevitability of having to address the challenge of global warming. He said Charlottesville City has adopted the same resolution. He is bringing this to the Board because he thinks it is obvious that all should be committed to the principles of Kyoto.

Mr. Slutzky said that while this resolution is not binding in any way, it demonstrates to the Board's constituents that the Board recognizes the same pressing forces and they are not turning a deaf ear, but is making a commitment in principle to operate in a manner that is consistent with trying to reduce the County's emissions without making any specific obligatory commitment. He would love to see the Board make a commitment, but he thinks the appropriate channel through which that could flow would be staff recommendations on discreet items of policy such as the green building agenda, buying hybrid cars, etc. He said if the Board passed this resolution it would be telling its constituents it takes the issue seriously.

Mr. Boyd said he understands what Mr. Slutzky said, but the County is already taking some proactive actions and doing some substantive things. The staff is working on specific objectives, goals and measures. He thinks that is more substantive than a nebulous statement about the Kyoto Treaty which he personally does not support, as did the majority of the Senate and Congress. He does not have a problem agreeing with the concept, but supporting the Kyoto Agreement is not something he wants to do. He supports the Board taking proactive steps toward the intent of this agreement, but this is not something that has been vented through VACo or NACo. He is probably not opposed to doing this, but is wondering what is being done. If it will make the Board's constituents feel better, he is in favor of doing that, but would rather see a list of proactive, specific things that can be done.

Ms. Thomas said she stood up at a recent Statewide meeting and said the Commonwealth of Virginia should adopt this agreement, but it is a very empty action this Board would be taking. She said Albemarle County has tended not to adopt statements that encourage Congress to do something. If it were doing that, she would not be in favor of this Board taking that action. This resolution does not urge anyone to do anything. The only part of it that makes sense is the part saying the Board acknowledges the need to explore reasonable implementation policies and practices to support the initiative of global warming and pollution. She does not want to mislead the public into thinking the Board has done anything great because this is an empty resolution.

Mr. Wyant asked why the Board is doing it.

Mr. Rooker said it is a statement of policy of this Board which is to look at green buildings, sustainability, and protection of the environment as a favorable thing. He referred to the resolution which had been forwarded to the Board and read a list of suggested initiatives which he said all consider to be important: 1) Inventory global warming emissions in city operations and in the community, set reduction targets and create an action plan. 2) Adopt and enforce land use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities. 3) Promote transportation options such as bicycle trails and commuter trip reduction programs. 4) Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology. 5) Make energy efficiency a priority through building code improvements, retrofit city facilities with energy efficient lighting and urge employees to conserve energy and save money. 6) Purchase only Energy Star equipment and appliances for city use. 7) Practice and promote sustainable building practices using the U.S. Green Building Council's LEED Program or a similar system. 8) Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel. 9) Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production. 10) Increase recycling rates in city operations and in the community. 11) Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO<sup>2</sup>. 12) Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

Mr. Boyd asked if these things are not already spread through the County's Comprehensive Plan.

Mr. Rooker said he thinks it is a statement that this Board considers these things important. There are citizens for whom this is a reaffirmation of the Board's interest in seeing these things are accomplished in the community.

Mr. Wyant said if he were writing the resolution, he would include the 12 items just read by Mr. Rooker. He has mixed feelings about the draft presented to the Board. Those 12 items actually mean something in Albemarle County.

Mr. Rooker said he thinks that is the meat of the resolution adopted by the Mayors.

Ms. Thomas said the proposed resolution does not say the Board will do any of those things, only explore reasonable implementation.

Mr. Boyd said this might be the right time for the Board to consider developing its own statement of how to deal with these issues in Albemarle County. He does not want to lessen the importance of resolutions passed by this Board.

Mr. Wyant said he would like to make a resolution out of the items Mr. Rooker read. That says something to him.

Mr. Slutzky commented that the Board could just endorse the U.S. Mayors' Climate Protection Agreement which that is part of.

Mr. Wyant said he thinks these are things the County is trying to do. He thinks all Board members agree. The draft resolution is more vague than he is used to supporting.

Mr. Slutzky said he would be thrilled if the Board actually endorsed the Mayor's Agreement. The Board would then be endorsing the position urging the Federal government "to get with the program on climate change." It would urge Congress to pass bi-partisan protections for the environment. He is completely comfortable with taking such action, but wants to be sure the rest of the Board members are also comfortable with that position. He thinks it is an appropriate thing for the Board to do but understands it is atypical for Board action. He thinks this particular issue is presently a profound societal issue and this is an opportunity at the grassroots level for local government to demonstrate to the leadership in Washington that on this issue people actually want to have something done about global warming.

Mr. Wyant asked if it would not be stronger to get all the counties in Virginia to endorse a resolution.

Ms. Thomas said she has had a lot of e-mails from citizens, and she has encouraged them to look at the report received by the Board last month about the things the County is already doing. She does not believe most people are aware of those things.

Mr. Boyd asked if the Board could pick out those areas that are specific to the County and the Commonwealth Virginia rather than just "jumping on someone else's criteria."

Mr. Slutzky asked if there was anything in the Mayors Agreement that Mr. Boyd does not agree with.

Mr. Boyd asked if the County has a policy to purchase only Energy Star equipment.

Mr. Slutzky said the Agreement says "we shall strive to meet the standard, taking such actions as...." That is an illustrative example only.

Mr. Boyd said the County may then do some of these things.

Mr. Slutzky said he thinks most of them will be done based on some of the Board's earlier discussions.

Mr. Boyd said the Board went over the document presented by staff last month, and staff will bring back specific recommendations in order for the County to impact global warming. If the Board is going to do something, he does not think it should just sign on to some initiative that is not specifically unique to what can be done in this county.

Mr. Rooker said he thinks this is an important symbolic statement saying this community is interested in protection of the environment, sustainability, and the substance of the things he read from paragraph "C" in terms of how they might impact the County's operations. He does not see anything there with which he disagrees.

Mr. Dorrier said they are not so different from what the Board does in certain weeks of the year, such as proclamations for Domestic Violence Week, Sexual Assault Week, Homeless Week, etc. He said those are national weeks which are observed in the County. He said the Al Gore movie was quite provocative. He went in not knowing much about global warming and came out thinking he knew a whole lot more. You come out of the movie feeling that one person could do a lot to stop global warming. He thinks the movie was impressive, and it is not so much more political as it is informational.

Mr. Slutzky said only one governor has endorsed this Agreement and he is a Republican, so it is bi-partisan. He would be pleased if the Board would endorse "Attachment B" and accept that language. The Board might also pass the resolution and add a caveat that the Board encourages other counties in the Commonwealth to join the Board in endorsing this climate change agenda.

Mr. Boyd said that gets into advocacy.

Mr. Rooker said the draft resolution is well-crafted as it is because it says the Board endorses the "intent" of the agreement. It does not say the Board agrees with every single thing in the Agreement. He thinks the general intent of this is something everybody can agree with. He is comfortable with the resolution as it is.

Mr. Boyd said the Board would be endorsing the intent of the resolution. He does not have a problem with going ahead.

Mr. Slutzky asked Mr. Rooker if he had a problem with endorsing the agreement itself.

Mr. Rooker said he thinks that could cause more argument over its details than if the Board adopted the draft resolution before it. He said everybody might not agree with everything said in the Mayors Agreement, but he thinks most can agree with the general intent set out in it. He thinks staff did a good job of coming up with a resolution that hopefully the Board can unanimously endorse.

Mr. Boyd said he can go along with the proposed resolution as long as it is simply endorsing the intent and does not disrupt the good plans the County already has in place which are already working toward accomplishing the intent of this.

Ms. Thomas asked if the words "encourage through VACo and other counties in the Commonwealth to consider taking similar action" could be added.

Mr. Boyd said he would not agree to that. He can support the resolution just the way Mr. Rooker stated. He does not want to become an advocate. He thinks the intent of the resolution is good.

Mr. Wyant agreed that the intent is good.

Mr. Rooker said the resolution is drafted, and he asked if Mr. Slutzky would like to make a motion.

**Motion** was offered by Mr. Slutzky, **seconded** by Mr. Wyant, to adopt a Resolution Endorsing the Intent of the Resolution adopted by the U.S. Conference of Mayors regarding the U.S. Mayors Climate Change Protection Agreement. Roll was called, and the motion passed by the following recorded vote:

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

(**Note:** The resolution adopted is set out in full below.)

**RESOLUTION ENDORSING THE INTENT OF  
THE RESOLUTION ADOPTED BY THE U.S. CONFERENCE OF MAYORS  
REGARDING THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT**

**WHEREAS**, the U.S. Conference of Mayors has adopted a Resolution endorsing the U.S. Mayors Climate Protection Agreement, as amended at the 73<sup>rd</sup> annual U.S. Conference of Mayors meeting, which urges mayors of cities from around the nation to join the effort to take actions to reduce global warming pollution; and

**WHEREAS**, the County of Albemarle acknowledges the importance of this initiative and supports the intent of this Resolution and the need to explore reasonable implementation of policies and practices to support this initiative;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby endorses the intent of the Resolution adopted by the U.S. Conference of Mayors titled "Endorsing the U.S. Mayors Climate Protection Agreement" incorporated herein by reference.

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Agenda Item No. 25a. Voting Credentials for VACo Annual Business Meeting.

Mr. Tucker said the annual meeting of the Virginia Association of Counties (VACo) is scheduled for November 12, 13 and 14. The Board needs to designate one member as its voting delegate for the business meeting, and a member as an alternate voting delegate.

Mr. Rooker said he is planning to go. He noted that he is a member of the Transportation Steering Committee.

Ms. Thomas said she will be attending as the member of a steering committee. She would be happy to be an alternate if Mr. Rooker wants to serve as the voting member.

**Motion** was offered by Ms. Thomas to appoint Mr. Rooker as the voting delegate for Albemarle County at the Annual VACo meeting, and to appoint Mr. Dorrier and Ms. Thomas as alternates. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion passed by the following recorded vote:

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

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At this time, the Board returned to Agenda Item No. 11. Guidelines for Growth in the Development Areas, Discussion of, from the morning's agenda.

Mr. Cilimberg said since its inception, the Comprehensive Plan has focused accommodation of growth in what were originally identified as "Growth Areas" and what are now identified as "Development Areas" (hereinafter, both are referred to as "Development Areas"). These areas have been established collectively under the Comprehensive Plan as the priority areas for new development, public services and public infrastructure. Development Areas are now proportionally a much smaller land area than the Rural Area in the County; they have decreased in area since the first Comprehensive Plan was adopted in 1972 and are now some 35 square miles in size. Development Areas, as established in each successive Comprehensive Plan, have historically provided a range of the theoretical capacity for their ultimate development, but have not established growth expectations for the 20-year planning period. In addition, Development Areas have not established priority areas for development, priority areas for investment in public infrastructure, concurrency guidelines for development and infrastructure or for the mix of residential and nonresidential development, phasing guidelines that stipulate the timing of development, or any standards for a desired maximum "inventory" of approved commercial square footage or residential units to meet anticipated growth. The Comprehensive Plan has established what type of development should occur in what locations within the Development Areas, but decisions as to when and where the development occurs have generally been left to the free market.

Mr. Cilimberg said the Comprehensive Plan has also established what public facilities are necessary at what locations to support development of the Development Areas and has anticipated developer provision of facilities along with VDOT and the County's CIP. However, the ability of developer and VDOT funding and the County's CIP to adequately pay for the cost of public infrastructure to support the Development Areas as the priority areas for new development, public services and public infrastructure has become increasingly difficult. Because the investment in infrastructure is critical to achieving the quality of life necessary to make Development Areas what is envisioned in the Neighborhood Model, location and timing of development and infrastructure associated with development may need further consideration. The Neighborhood Model has redefined how the Development Areas should develop to provide an active, vibrant urban place, and puts a greater reliance on public facilities and urban services to achieve the urban form.

Mr. Cilimberg said it continues to anticipate a greater emphasis on concurrency of infrastructure and services with development to achieve desirable urban places, and emphasizes master planning of Development Areas to best define how the Neighborhood Model can be achieved in these areas. Master planning, in defining how the Neighborhood Model principles can be achieved in particular areas, can establish priorities for the preferred form and location of new development.

Mr. Cilimberg said the Crozet Master Plan – the first and only adopted master plan to date – has established the long-term vision for Crozet, and has set out growth expectations for a 20-year planning period. He said the Board did not establish intended growth accommodation guidelines and parameters for the Crozet Master Plan or the other Development Areas beyond its long-standing policy of Development Areas collectively being priority areas for new development, public services, and public infrastructure. He said the ability to adequately pay for the cost of public infrastructure to support the recommendations of master planning remains a challenge; while Development Areas are relatively small compared to the County's total acreage, they still represent a large area to serve with the infrastructure necessary to maintain the high quality of life so critical to these areas being the preferred location for new County residents to live.

Mr. Cilimberg said for the Crozet Master Plan, staff and the Board looked at the types of facilities necessary to support the plan; in eastern Crozet there were a variety of infrastructure projects identified for either public or developer funding as well as for the west of Crozet, and a good part of that was addressed during the review of the Old Trail development. "Downtown" is a specific area of particular interest and importance for Crozet, but development is occurring in other areas of the community as well, creating a competing interest of development activity for infrastructure. In considering how to further refine policies for how future growth should be accommodated in Crozet and the other Development Areas, it's also important to understand recently anticipated growth trends in the County.

Mr. Cilimberg said staff noted in the Executive Summary that from 1997 through 2005, there was an average of 922 residential building permits per year in the County. However, there has been a declining percentage of single-family detached building permits in the Development Areas, falling from 55 percent in 1997 to 47 percent in 2004 and 48 percent in 2005. With approved rezonings and approved subdivision plats and site plans, there was at least a seven-year supply of potential additional dwelling units at the end of 2005. Dwelling units proposed in developments awaiting approval at the end of 2005 would yield an approximate nine-year supply. While the majority of these approved and prospective developments are in the Development Areas, the Rural Area has the potential of over 50,000 additional dwellings almost exclusively single-family detached, through by-right subdivision utilizing existing development rights.

Mr. Cilimberg said the estimated County population was over 90,000 last year, but Virginia Employment Commission (VEC) figures put the number higher. Using a liberal 10 percent error factor that considers other potential growth impacts, such as the NGIC facility, the County's population would grow to approximately 106,900 in 2010, 118,100 in 2020 and 129,100 in 2030. This population growth would translate to nearly 650 dwelling units per year over the next 25 years, so that is not at the rates seen in recent history.

Mr. Rooker asked the basis for projecting that the growth would be lower. Mr. Cilimberg said VEC's projection is the official State projection. He said when working with population projections for some of the official modeling work, i.e., for transportation modeling, localities are only allowed to increase projected population estimates 10 percent over the VEC projections. These trends and facts raise questions regarding County policies about the master planning of Development Areas and those questions should be answered to provide important guidance as to accommodating growth in Development Areas for future master planning.

Mr. Cilimberg said the first question to be answered is: Should the Development Areas continue to serve collectively as the County's priority areas for new development, public services and public infrastructure and should they be planned to accommodate all of the County's projected future population growth? Such a policy would best reflect the County's intent that the Rural Area not be an area for growth, and could best prepare the County to plan for factors outside the County's control, such as the aging population, the price of gasoline or national policies related to climate change, that have the potential of demanding more compact development and putting more growth pressure on the Development Areas. However, it should be understood that under existing Rural Area policies, and as growth trends indicate, the existing development right potential will mean some level of residential development and resulting population growth can be expected to continue in the Rural Area.

Mr. Rooker said he agrees with the statement, but when it says "to accommodate all future population growth" it bothers him to adopt a policy that can't be implemented because obviously there are rural lots in existence that cannot be eradicated by Board action. He asked how there could realistically be a goal of accommodating all future population growth in the Development Areas when that is not going to happen. He suggested there be a rewording to say "as much as possible" or something similar. Mr. Cilimberg said it is the question of whether the Board wants to continue the current policy, which does say all development should occur in the designated Development Areas. He said the Board may want to set some percentage as a target.

Mr. Cilimberg said the second question is: Should master planning set out not only the vision for each Development Area, which yields the theoretical capacity for their ultimate development, and also the growth expectations for the 20-year planning period consistent with the population growth projected for the County? This would continue the approach taken in the Crozet Master Plan for estimating 20-year growth, but would also project that growth within the context of the total anticipated growth throughout the County. It sets out the "big picture" of what the County is trying to achieve in each Development Area, but also provides the opportunity for a more realistic accommodation of the anticipated 20-year growth in each area. It should be recognized that by-right development under existing zoning, combined with rezonings that likely will take place, could yield development that is different from the Master Plan's vision and the potential for more growth than what might be expected in the 20-year planning window for a particular Development Area.

Mr. Cilimberg said the third question is: Should master planning establish priority areas for development and investment in public infrastructure within each Development Area? This approach would focus on target areas or "centers" as the focal point of development in the Development Area. It establishes the type and form of development that should occur in what areas and under what timeframe. It is based on existing conditions, the ability to provide urban services and infrastructure and the desirable mix of dwellings, jobs and supporting commercial uses. There is no guarantee development will occur in the priority areas identified in a master plan because existing zoning may allow by-right development in areas different than as prioritized, of a different form than established by the master plan, and inconsistent with public infrastructure investment priorities established by the master plan and in future CIP's. Also, there will be perceived "winners" and "losers" under such designations - properties in priority areas could more immediately benefit from this designation, while properties outside of the priority areas would have to wait to realize their development allowances under the master plans. However, the rezoning of property throughout a particular master planned area, without a connection to other areas or the centers identified in the master plan, will likely result in a scattered pattern of development where neighborhoods are not connected to and with the necessary infrastructure to achieve the vision of the Neighborhood Model and Rural Area protection. Without the infrastructure needed to address the impact of the up-zoned property, concerns regarding the quality of life in the Development Areas will need to be considered.

Mr. Cilimberg said he believes it is important that the Board discuss each of the three questions he posed in terms of how the Board wants staff to work with future master planning and the decisions staff needs to recommend to the Board. Regarding the first question, he said if it is thought the projection of population he noted earlier from VEC is low, then planning for that kind of population in the Development Area may actually be accommodating some percentage of the real total experienced, and not the total. It is showing signs over the long-term of being lower than what has occurred in the past.

Mr. Rooker suggested that language be added saying "... in the Plan to accommodate ...." The way it is written there seems to be an expectation that there will never be another house built in the Rural Areas.

Ms. Thomas said when the County makes CIP investments she has always thought most of those investments should be made in the designed Development Area. She said there are many citizens in Mr. Boyd's district that want to have their roads paved. That is one example (as is the fire house that may serve the people in Ivy) of situations being created by growth in the Rural Area because people think they live in the suburbs and they should get public services. Although the Farm Bureau and others have been working on a booklet to let people know they live in a rural area and they should not to expect such services, there will be more of that kind of pressure as there is more growth in the rural area. If in terms of the County's planning efforts in the way of master planning, the CIP and transportation, more emphasis is put in the Development Areas, the Board will be doing what she has always assumed was driving its decisions. However, she has become aware over the last few years that not all Board members have that same assumption. Is the Board not going to follow the assumption that the Development Areas are where almost all of the growth should take place and where almost all resources will be used in the future? The more roads that are paved in the Rural Area, the more people feel they live in a suburb, and want more services.

Mr. Rooker said if the result is a dispersed suburban pattern of development throughout the Rural Area it will be a self-fulfilling prophecy.

Ms. Thomas said it will be impossible for the County to meet that requirement.

Mr. Slutzky said Mr. Cilimberg mentioned earlier that in 1997, 55 percent of single-family building permits were in the Development Area, and now they have declined to the low 40s. He thinks that is an issue.

Mr. Rooker said at the same time there has actually been an increase in the total percentage of building permits issued in the Development Area. Mr. Cilimberg said that is due to the variety of housing being offered.

Ms. Thomas said she does not believe everybody's dream is a single-family dwelling unit.

Mr. Rooker said as the County becomes more of an urban area, more housing is going to be in attached units. That is fine as long as most of the growth can be accommodated in those areas. He thinks more of the population wants to live in a connected urban setting, especially the aging population which generally finds it easier to live closer to services and neighbors. That can be seen by the growth of retirement facilities in the community.

Mr. Dorrier said there have been policy directives to accommodate these aging people. He thinks that is a major need in the County. He thinks close-in growth with amenities that cater to the elderly needs to be encouraged. Mr. Cilimberg said the 12 principles of the Neighborhood Model anticipated that. One of its key targets would be providing for an aging population.

Mr. Dorrier asked if there are policies other than the 12 guidelines. Mr. Cilimberg said the 12 principles include such things as provision of public transportation, walkability, services and a mix of uses close to where people live.

Mr. Slutzky said the addition of employees to the NGIC facility will bring fairly affluent people to the County. If they come to the boundary of the growth area and are looking for single-family detached housing, there may be an "explosion" of a different demographic in the Rural Area over the next ten years. If this Board is convinced the most prudent way to absorb growth is to concentrate it in the Development Areas, it probably should reaffirm the first bullet in the Executive Summary (Should the Development Areas continue to serve collectively as the County's priority areas for new development, public services and public infrastructure and should they be planned to accommodate all of the County's projected future population growth?) as a priority and adopt policies that will create disincentives so that growth does not spill out into the Rural Area.

Mr. Rooker suggested that "substantially" be included in the wording of the first bullet. Mr. Cilimberg said that bullet is actually an edited version for purposes of presentation. The question was whether the Development Areas should continue to be planned to accommodate all of the County's projected future population growth.

Mr. Rooker asked if anyone disagrees with that policy.

Mr. Boyd asked what the Board is actually trying to do. Is the Board setting a new policy? He thought the Board was already doing this. Mr. Cilimberg said it is an affirmation for staff which is getting into new master plans and it wants assurance from the Board that this is the direction it favors.

Mr. Dorrier asked how Development Areas are defined. Mr. Cilimberg referenced a map on the wall and said there are areas delineated on that map in the Comprehensive Plan that are shown as urban neighborhoods, communities and villages. It includes Crozet, the urban neighborhoods around the City, the Northern Development Areas of Hollymead and Piney Mountain, and the village of Rivanna. He said Scottsville, as a town, functions in the same way.

Mr. Boyd said with the exception of Crozet, the infrastructure talked about for Pantops and Route 29 North is the roads. Roads are not being cluttered by new development in Albemarle as much as they are by new development in neighboring counties. He does not have a problem with the statement because he thought that was what the County had been following. He said there are other things that impact infrastructure.

Mr. Rooker said the County can only control what it can control.

Mr. Boyd said NGIC was mentioned, but a lot of those people will live in Greene County.

Mr. Slutzky said to the end of the last sentence the words "and employment centers" could be added.

Mr. Cilimberg said the people moving here to work at NGIC do not have to live in the County, but the hope is that through good planning and because people might want to live close to where they work, they would choose the Development Areas because that is where services are located. A more urban community which gives an opportunity for urban services and which supports public transportation and other urban infrastructure and services, can be built.

Mr. Boyd said that was his point. There has to be some plan for these employment centers which are as important as the other things the Board has been discussing. Mr. Cilimberg said that was anticipated as this was looked at for new development.

Mr. Rooker said he thinks adding the word "employment centers" would be helpful.

Mr. Slutzky said he supports the first bullet (set out above) particularly with those words added.

Mr. Boyd asked what will be added to the language.

Mr. Rooker said he would also like to add the word "substantially" in front of "all of the County's projected future population growth." Then add "in employment centers" at the end.

Ms. Thomas asked if Mr. Boyd is anticipating employment centers which are outside of the Development Areas.

Mr. Boyd said "no", but the County is running out of industrial centers and places like that.

Mr. Rooker said this is just an affirmation of policy.

Mr. Slutzky said it is an acknowledgement that there are infrastructure demands that are distributable to employment centers while the people who work there may not actually live in the area. He does not envision having employment centers outside of designated growth areas.

Mr. Rooker said there would be agricultural activities.

Mr. Boyd said if more retail were put in the southern part of the County, he guarantees it would help the infrastructure problems on Route 29 North.

Mr. Dorrier said he argued earlier this morning that there is a need for more employment opportunities in the southern part of the County.

Mr. Rooker asked Mr. Cilimberg to explain the second question posed in the Executive Summary. (Should master planning set out not only the vision for each Development Area, which also yields the theoretical capacity for its ultimate development, but also the growth expectations for the 20-year planning period consistent with the population growth projected for the County?)

Mr. Cilimberg said this is planning at two levels and is what was done for Crozet. Ultimately, over 40 or 50 years the Crozet Master Plan will materialize. Now, the planning is for a 20-year period and real infrastructure must be provided. That 20-year planning period has to allow the Development Areas to capture the growth expected there.

Ms. Thomas said she is glad the Board is being asked these hard questions. By emphasizing the Neighborhood Model and by emphasizing the Development Area strategy, she thinks the County will end up with spot developments that will continue dependency on the automobile even though it will look like a more compact sprawl. She said the Eastern Initiative Study showed that if just one trip out of six could happen in some way other than using the single occupant automobile, it would cut in half the amount of asphalt needed in the next 50 years. She mentioned a picture of Crozet posted on the wall in this room, and said that each of those pieces looks exactly like what the master plan said they should look like. Also, they meet the standards of the Neighborhood Model, but the market and the developers will determine which spot is filled with people. It has not been mentioned, but the County will end up with stale zoning. She finds the second question intriguing and difficult.

Mr. Rooker said that morphs into the third question which is: "Should master planning establish priority areas for development and investment in public infrastructure within each Development Area?"

Mr. Slutzky said that is the dilemma the Board needs to sort through. Part of him says to phase inside of the growth areas so the progression of the new development activity is a planned progression as opposed to a market-driven progression which makes it easier to manage the allocation of infrastructure resources, and it gives the County more control over the fulfillment of these proposals as opposed to the stale zoning challenge. He is concerned that until the rural area by-right potential of 50,000+ development rights is addressed, by phasing growth in the growth areas it is less likely the County will get what it is designing implemented and will end up unintentionally promoting the rural area development option because options in the growth area have been constrained.

Ms. Thomas said there is already a 15-year supply of building potential in the urban area; seven of those years have already been approved.

Mr. Slutzky said there is a 20 to 30 year supply in the rural area also. He said the fact that there are 50,000+ development rights in the rural area is being ignored.

Ms. Thomas said that is not being ignored. To keep saying the County has to approve things in the urban area otherwise everybody is going to the rural area is not good either.

Mr. Slutzky said that is not what he is saying. He is saying the rural areas need to be shut down before further complicating planning in the growth areas. There is the Neighborhood Model and a lot of forward-thinking planning paradigms in play that should be effective at managing growth in the growth areas. But before jumping into that, there is a need to offset the risks of doing that by addressing the unbridled growth potential in the rural areas.

Ms. Thomas said she wished Mr. Slutzky luck with that. She thinks the greater fear is that if the Board does not approve what is proposed in the urban area, people will decide to develop by-right inside the urban area, and then there will never be the density or the form of development the whole planning of the Development Areas assumes.

Mr. Slutzky said they are both risks, but he agrees with Ms. Thomas.

Mr. Boyd said in the planning process, the amount of growth in the last 10 years is considered. There have been 800 to 900 new dwelling units. Those are segregated by master planning areas and where people will move is projected. He asked the mechanics of establishing how to do this. Mr. Cilimberg said the County's projection for growth over 20 years is taken, and if the answer to bullet No. 1 is "yes", there will be a plan developed for what is expected to happen in the Development Areas. Bullet No. 2 tries to distribute that population within the Development Areas. The figure used in Crozet is 12,000 in 20 years. Staff did not compare that to the overall County growth at the time, but if the Board answers "yes" to Bullet No. 2, in the next master plans staff will be trying to determine what level of growth will occur within those areas in the 20-year planning period based on what the overall growth is expected to be in the County.

Mr. Boyd said since the conversation has lapped over into Bullet No. 3, the County would be saying it should only approve the number of homes that should be done in that area. Then, the market would control how many homes are actually built.

Mr. Rooker said the second bullet addresses whether planning needs to be done, as was done in Crozet, for the population and the dwelling units that might occur over a 20-year period, as well as consider the ultimate build-out and then plan infrastructure with respect to that 20-year period. He thinks that was a good approach in Crozet, and some lessons were learned there about communications with the community during that planning process. He asked if anyone had an objection to bullet No. 2 as a continued policy with respect to the master plan.

Mr. Slutzky said in order to understand it better he would like to restate the second bullet. He understands it says the Board will plan the designated growth area but for the moment hold back on phasing. But, that 20-year population estimate will be taken into consideration when planning the designated growth area. The allocation of infrastructure resources based on that 20-year demand within the growth areas and how to optimize serving that demand will also be considered. He wants to be sure the language does not say that in a growth area like Crozet the planning will go up to the 20-year population projection, and once approvals are equal to the 20-year growth projections, approvals would be stopped so the density potential would not exceed the 20-year build-out. He wants to be sure that is not what is being said because some citizens have suggested that is what should be done.

Mr. Rooker said that question is somewhat raised in Bullet No. 3. He does not think there is a tool for controlling population. The Board can set general parameters and property can be rezoned, but that does not mean it will be built out to the maximum density.

Mr. Dorrier commented that Bullet No. 2 and Bullet No. 3 put too much emphasis on master planning. He said master planning as a target of action is fraught with predictions that may not come true based on assumptions that may not be valid. In a constantly changing landscape, there is no way to predict what might happen in the year 2016.

Mr. Rooker responded that through master planning and designing a community which might develop according to that plan, there might be some control over what happens there.

Mr. Dorrier asked if Loudoun County had planned for an additional 200,000 people. Were they able to control that growth? How can the County control who moves to Albemarle?

Mr. Slutzky said there are two different issues before the Board. Can it control the number of folks that arrive in Albemarle? The answer is "no." Can it control the form of development that results from their arrival? The answer is "yes." That is what master planning is about. The master plan is the vision for what the community will look like, feel like, and operate like, and it informs the economic decisions about infrastructure and so forth.

Mr. Dorrier said it talks about the theoretical capacity for ultimate development.

Mr. Rooker said the existing Comprehensive Plan actually already does that.

Ms. Thomas said the Board is required by law to do something like that. Mr. Cilimberg said the result of having land use designations with residential densities embedded in them is that there is a theoretical top-end number.

Mr. Dorrier said the first Comprehensive Plan adopted in Albemarle County was off by 100,000 people. Mr. Cilimberg said that is why the Plan is to be reviewed every five years.

Mr. Wyant said when the Plan says 20 years, people think that is the only population number, but what would happen when the plan was reviewed on the five-year cycle if the population was going down. He thinks the type and form of development encourages people to move here. Perhaps there should be changes to the type of development in the next five-year review.

Mr. Rooker said when a property is rezoned if that rezoning is beyond the intended population limit over a 20-year period, control is lost over where that population should go. It is his understanding that only through rezonings can the County control the density that will end up in a certain area.

Ms. Thomas suggested the Board does not know how to implement Bullet No. 2. She does not think it was done in Crozet. It happened because it was a figure used to compare what the Plan can create and what existing zoning can create. In fact, the Crozet Plan has a form of development that has no relationship to the number of people who will live there in the next 20 years. She said no one was told that if everything on the map were adopted, it had no relationship to the 20-year projection. She said the citizens of Crozet thought the type of development on the map was based on what they said they wanted to see in Crozet. She thinks staff needs to explain further how there would be a vision and a growth expectation and what would be done with that growth expectation. Almost everything done in the County over the last 15 years has been toward creating a form of development. But, that has no direct connection with numbers and that is the dilemma in front of the Board now. Before saying it agrees with Bullet No. 2, she would need more information on how the Board would go about doing that. The County has not been doing it, and she does not think it would be an easy step to take.

Mr. Rooker said staff is merely suggesting that master planning proceed the same way it did in Crozet.

Ms. Thomas said that has created a lot of problems.

Mr. Rooker said when densities are created in specific areas, how could someone be prevented from adding together all of those densities to see what the potential for that area would be. That is all that happened in Crozet after the plan was all done. He said that could happen everywhere in the County.

Ms. Thomas said if the Board wants to do it differently, it ties Bullet No. 2 and Bullet No. 3 together. Somehow, as an example only, the Board would have to say Crozet should develop as an "upside down L" and all the eastern development should not happen in the next 20 years. And, what is in the "upside down L" approximates development of the type and the numbers that equate to the 12,000. She does not think a master plan could be derived that shows all of the developments and then say it has any connection to the number of people over the next 20 years.

Mr. Boyd asked how the County would go about this planning process. He asked if in doing a master plan staff estimates how many people would be expected to move into the area over the next 20 years and then plan a community to accommodate that population. Or, does staff look at the land and determine what type of housing is wanted in different areas and then determine how many people it would accommodate.

Mr. Cilimberg said if it is decided that the plan will only be for 20 years, there is truly not a vision of the place and what it could ultimately become. He said the vision part of planning is not thrown away; you don't discard the idea that there is a need to look at what the plan will look like at the ultimate end. That was done in Crozet. The way to plan for actual growth, because it's unpredictable, is based on 20-year projections of the kind of growth that will occur and what will be accommodated in terms of growth and infrastructure. He said you would default to Bullet No. 3 by saying that in order to do that only priority areas are needed where growth should occur.

Mr. Slutzky said that creates a different problem. If growth is anticipated in 20-year lines and to constrain it in that way (that is what phasing the growth areas would be tantamount to doing) would force two consequences (pressure in the rural area and the part of Crozet that is not in the "L" where there is building by-right). That undermines the whole point of the master planning exercise and the long-term vision. He said there is a problem with the 20-year number because the Board could choose to master plan land uses in the other growth areas based on the aggregate vision of what the place could look like without taking into account population. In Crozet, due to planning for the water supply system, there has to be 20-year population projection made.

Mr. Rooker said the Comprehensive Plan itself is a 20-year document.

Mr. Slutzky asked if that means there is no requirement to determine the 20-year population projection. There is nothing driving that unless it would be useful to have that number if the Board were choosing to phase development in the designated growth areas.

Mr. Rooker said he does not think the County is trying to establish what the 20-year population will be, but instead is trying to plan areas that will create the kind of community wanted and that will accommodate the growth of the County, and at the same time have some understanding of what the infrastructure needs will be in that area over the 20-year period based upon some reasonable population projection.

Mr. Boyd said there has to be a projection of population because infrastructure is built on that projected population. Although it has been said the County will not be built out to that figure in 20-years, Crozet may build-out as it has been envisioned. The idea of projecting the population and then building the community to accommodate that is coming full circle for him.

Mr. Slutzky asked if Mr. Boyd was favoring phasing.

Mr. Boyd said "no." He is not talking about phasing at all, he agrees with Mr. Slutzky on that subject. It means that when master planning calculations could be made about how many people want to live in a certain area.

Mr. Wyant said the form of development was worked on when master planning Crozet. If boundaries had been drawn around the existing Crozet area and then left alone, there would have been the same population with by-right development as that called for in the Plan. If more density in a different form is requested, there is no way the population would not go above that number. Even by-right development would drive it above 12,000.

Mr. Boyd asked Mr. Wyant if he can envision that Crozet will ever be built-out.

Mr. Rooker said places are never really built out because people come in and redevelop.

Ms. Thomas asked if the Board might think about Places29 for a minute. She said it is suggested in that master plan that there should be an employment center near Rio Road and another employment center near the Airport. Although Rio Road already has activity now, it is suggested that there be a major redevelopment of the area. She thinks the Board can say it hopes that someday it will be redeveloped to look a certain way. However, there will not be the population, or the infrastructure, or the market for that to happen in the next 20 years. Since there is another employment area near the Airport, the Board might say it would rather have the one at Rio Road developed first. She does not think there will be enough population growth to do all of those different employment centers shown on the map. If not, following Bullet No. 2, should the Places29 master plan recognize that if there are three redevelopment pieces, that is not what is wanted at all, and there will not be the infrastructure to support those pieces? Yet, that is the long-range vision. Can the Board do that? Mr. Cilimberg said that is the third bullet.

Ms. Thomas said it is tied in with the second bullet also.

Mr. Slutzky said he would like to ask a different question. He said when the Board talks about concentrating growth in the designated growth areas it does not talk about establishing an upper boundary for population; it is just a "crystal ball thing" about how many people will be in the County in 20 years. The Board is not talking about the optimal absorption capacity of the community. In the mid-90s the Planning District Commission got money from some Federal agency to determine the population in the County if everything was built out to the maximum.

Mr. Rooker said that study was to determine what the Comprehensive Plan would allow if all land was rezoned to its maximum density.

Mr. Slutzky said the County is moving toward that when it master plans its designated growth area. Maybe a relevant first question to consider would be the optimal ultimate population given the County's natural ecological system infrastructure. He said there is a new idea in the planning world these days having to do with green infrastructure. Traditional planning starts with the premise that human action is the starting point. After determining where we want to be and how we want to move around, and then messing things up, where do we have little plots of natural resources left that we can preserve? An alternative view would be to start with the ecological system that we want to preserve. There are already existing growth areas that have been committed to development. How do we optimize the population absorption capacity of the County as a whole, including these growth areas, and include the rural areas, and from that population figure do master planning in a way that fulfills that optimal level. It may be that a higher number of people could be absorbed in the growth areas, and it might be a lower number. If we did master planning in accordance with what was considered to be the optimal balance of natural resources and human activity, then consider the rate at which to get there, the speed at which we get there becomes less material because we are getting toward something we can accept. If the maximum absorption capacity is determined to be 96,000 people and we are almost there, we don't need any mass transit. However, if we decided it was 280,000 people, we might think differently about the optimal transportation modalities because of them being informed by this larger question.

Ms. Thomas said she thinks that is what ASAP (Advocates for a Sustainable Albemarle Population) wants to do for the County.

Mr. Rooker said he supports that and has for a while. He thinks the Board should consider what the community should look like when it is built out. It has to be worked from the resources that are available in the community to support the population.

Mr. Wyant said he is a civil engineer and has dealt with problems in the real world. He said in Peacock Hill and Keswick nothing is happening because they don't have the infrastructure to support any growth. Just putting zoning on land does not say that piece of ground can support that zoning. The dense areas are being supplied with public utilities, but on rural land if there is no water and you can't take care of your own sewage disposal, you shouldn't be there.

Mr. Rooker said a decision needs to be made as to whether the ultimate population for the area is the maximum population that resources will support or should it be scaled back for other reasons. He said there are two components. How much population can the area resources support? Second, regardless, what should the community look like when it is fully built-out? He agrees with Mr. Slutzky and thinks the County should work backwards. The master plan should flow from an overall plan for the area rather than piecing together a number of master plans and not understanding how they relate to the overall.

Mr. Slutzky said there is the issue of eco-system services. It isn't purely a resource to population ratio, but it is taking those two variables and planning the optimal balance of these ecological systems and the County's willingness to absorb populations. It also informs where having growth areas is a critical benefit because in principle we're preserving the 95 percent of the County that is in the rural area. That rural area might have an absorption capacity that will result in an increased population, but it is an increased population that might be extracting the maximum value out of that land. It is bringing into the planning exercise considerations such as the natural systems capacity you don't want to exhaust and the ecological systems services you want to preserve, and then based on what's left over you decide how much density can be meaningfully absorbed. Master planning should be done in accordance with those densities in those places. The only piece of the puzzle you have to be aggressive about now is protecting the rural areas from further growth.

Mr. Rooker asked if green spaces are identified every time master planning is done. Mr. Cilimberg said the County is not operating from some optimal population level, and the Development Areas as they currently exist – without master planning – are nowhere close to what that optimal level might be. He said the rural area may be beyond the optimal, given what is capable of happening there. He said there is also the question of money and the amount available to pay for infrastructure. The Development Areas have been laid out based on natural considerations. The Open Space Plan was laid out in the early 90s, and the Development Areas boundaries in that plan do not generally conflict with the open space resources that were considered important. He said Crozet was different because it lies in the South Fork Rivanna Reservoir. There were even expansion areas identified at that time which would not conflict with the open space resources.

Ms. Thomas said the Board held visioning sessions. Maybe the problem is that the Board has been at this for such a long time that people forget about the sessions held 15 years ago. Also, no maximum number was set. She is concerned that the maximum numbers will be much bigger than anyone wants them to be for the reasons which have been laid out. She said the Board has not dealt with the 20-year population projections and the master planning. She thinks this is a good exercise even though the Board is not getting very far.

Mr. Boyd asked the impact of this discussion on the Pantops master plan. Mr. Cilimberg said there are two master plans which are close to being ready for review by the Planning Commission. Staff needs some directions from the Board to be sure everything is covered.

Ms. Thomas said that is why she mentioned Places29. She thinks the Board should decide which of those Development Areas it wants to see develop in the next 20 years and which are longer term.

Mr. Slutzky said he thinks that until the County addresses the 50,000 by-right development possibilities in the rural areas (something which master planning doesn't address), it is only dealing with half of the problem.

Ms. Thomas said she feels strongly about that also, but she has seen figures that put together growth spurts in the Development Areas and building permits in the rural areas; with the exception of one or two years when Forest Lakes was being built, there is no connection.

Mr. Slutzky said he and Ms. Thomas will just disagree on that. He has been talking with a land use expert at the Brookings Institute about that issue and the person disagrees; they are talking about doing a study. There is no obvious connection based on the numbers, but there are dynamic reasons why there should be a connection in growth patterns. He said that he and Ms. Thomas will not necessarily agree on that, and it does not matter.

Ms. Thomas said it does matter. The basic question in front of the Board may come out differently depending on whether the Board thinks what is done in the urban area fundamentally drives what goes on in the rural area and that there should be no phasing approach in the urban area.

Mr. Rooker said for the sake of moving this conversation along, he asked that the Board discuss the second bullet. Hopefully everyone is in agreement that the master planning process occurring right now for Places29 and Pantops will result in a scope and scale of planning that is similar to what was done for Crozet in terms of developing it down to the block areas, etc. He said there is no way to keep citizens from adding up the numbers set out in the plan. He said time and time again, it has been seen that areas do not develop to their maximum capacity. He asked if the Board members agree with the second bullet.

Ms. Thomas said she believes the Places29 and the Pantops plans will suggest a form of development that will support more people than are anticipated in the next 20 years. The plan will say it is

for 20 years, but it will assume a much greater growth than the 20-year figure, and that will be self-defeating. The County will end up with splotches of development like that occurring in Crozet where people are doing precisely what the master plan suggests, but it will not match the 20-year population projection.

Mr. Rooker said in master planning an area, the County is not saying it will build out in 20 years. He thinks Ms. Thomas' point goes to the third bullet. That is, a community may be designed with an ultimate holding capacity and the only way to assure that occurs is through some form of phasing or being cognizant of rezonings. Mr. Cilimberg said staff is calling these priority areas.

Mr. Rooker said he understand the County's Comprehensive Plan has to be a 20-year document.

Ms. Thomas said she thinks the master plan should have growth expectations for the 20-year planning period.

Mr. Rooker said when things that could happen beyond the 20 years are designated, it has to be recognized that growth will not stop at 20 years.

Ms. Thomas said there has to be a better way to do that than was done in the Crozet plan.

Mr. Tucker said the reason staff is putting this forward is so the same thing does not happen that happened in Crozet. He said the 50-year ultimate build-out number for Crozet was not publicized and it should have been.

Mr. Rooker said that is what the second bullet says will be done. The third bullet is where the action is. It addresses how the County assures the 20-year plan is realized within the context of a plan that may provide for periods of time beyond the 20 years.

Mr. Slutzky suggested that in the second bullet the Board agree to define its expectations for population at 20 years, but design the long-term plan with a maximum population number based on its build-out. The design will not be before 20 years, but will show what the community will look like ultimately.

Mr. Boyd asked how exactly that would be accomplished.

Mr. Slutzky said master planning will lay out the form of design to accommodate a specific number and he wonders if that is wise. He said the ASAP population-limiting argument starts with the maximum population wanted in the growth area, and then master planning is done in accordance with that vision. He suggested that the Board continue on the course it is on to get a form and design to help manage what the County is doing inside the growth area, and then on a parallel track explore what is the optimum population capacity for the growth areas. Then, as these plans are revisited every five years, they might be adapted to what could be a smaller or a larger optimal population. The Board does not have to stop what it is doing because it is still meaningful absent that maximum population number. He said the Board should seek to answer that part of the question also.

Mr. Rooker said he thinks that part should be answered but it is difficult to accommodate that while in the middle of master planning exercises for Route 29 and Pantops. Since these plans are to be reviewed every five years, maybe the Board will be better informed in five years about the changes that need to be made.

Mr. Slutzky said as to the third bullet, he is very uncomfortable about phasing in the growth areas for several reasons. When the Board sets out to form a design and then later layers in the maximum population density based on thoughtful dialogue, he thinks the market will decide phasing.

Mr. Boyd said Pantops is building out while the master planning is taking place. He said what is missing from the discussion is practicality, and the reality of the dollars the County has carried over to Route 29. There was a mention of employment centers at Rio Rd/Route 29. He said that will create the need to have major redevelopment there. Is that really practical or should they be looking further out Route 29 where there is space? If there is to be phasing it should be based on what the market is doing.

Mr. Rooker said he does not disagree, but there could be forced-phasing created. If no additional development farther out Route 29 North were approved, people would redevelop land closer to town. He said allowing a Wal-Mart, for example, on a flat, empty piece of land will always be the best option for the developer because it is cheaper for them. If that land were not available they might have to redevelop land such as Albemarle Square. The market will respond to what the public sector establishes.

Mr. Boyd said that is true if there are areas that are not successful now, but the corner of Rio and Route 29 is fairly successful right now.

Mr. Slutzky said the owner of one of the major centers is currently thinking about their redevelopment options in light of the Places29 discussion.

Ms. Thomas said she is afraid that if they come up with something that looks exactly like the Master Plan, but with a lower density, it will defeat the purposes of the master plans if some sort of phasing does not occur.

Mr. Slutzky said the Board can influence without constraining market decisions. An example would be to decide that the Board buys into the notion of a mid-town which is an idea the public said they like. He does not feel qualified to decide the precise progression of development activity because those decisions are complex. Things in the Board's purview to influence relate to allocations for infrastructure.

Mr. Boyd referred to Places29 and a "mid-town" and said it might be decided that a mid-town is a priority item, and the County will do everything it can to support a mid-town at Rio Road. The Board would be saying that a mid-town is a lot more important than Berkmar Drive Extended, etc.

Mr. Slutzky replied that he envisions taking a large-scale view of infrastructure elements like transportation and designing them to accommodate the ultimate design for the growth area and that will imply the changing nature and form of Route 29. Then, put in a transit corridor that connects the right employment centers.

Mr. Boyd asked where that money would be coming from.

Mr. Wyant said the emphasis in Crozet was on creating a "downtown" in order to attract businesses there.

Mr. Cilimberg said if the downtown area of Crozet were a priority, the Board would be talking about making investments there since that is what spurs development activity. He said when they decided in Virginia Beach 10 years ago to try and create a downtown on Pembroke Boulevard he thought the idea was crazy. Virginia Beach invested a lot of money in that area and now it's happening. There is something to be said about deciding within the larger areas the places the Board would like to see become the initial areas to develop based on a lot of considerations. One of those considerations is the public investment.

Mr. Rooker said that is directly related to the third bullet (Should Master Planning establish priority areas for development and investment in public infrastructure within each Development Area?). If the County is to try and make those Development Areas grow in a way that makes sense, both in the short-term and the long-term, there are two ways to do it. One is through infrastructure and public investment to help it happen. The second is something like phasing or a will on behalf of the Board to try to avoid approving projects far dispersed from the areas that are set as a priority. He said the fact that there is limited demand must be kept in mind. There are about 900 units built each year in the County. He said the Board could approve so much that places develop in a way that creates no sense of community.

Mr. Slutzky said he thinks bullet No. 3 is two different things. One is prioritizing development which is what Mr. Rooker is talking about. The second is prioritizing infrastructure. He supports infrastructure, but disagrees with prioritizing development. He said if the Board starts to limit approvals because a certain level of density has been reached, it would only trigger by-right decisions the marketplace might make that undermine the master plan concept.

Mr. Rooker said establishing priority areas for development does not mean there has to be phasing, but he thinks that must be done in order to decide where public infrastructure is to go. If downtown Crozet is a priority area, that is why the County would invest in infrastructure there. He thinks the Board should establish the priority areas for the purpose of deciding where to put the public investment.

Mr. Slutzky said he does not disagree as long as it is not tantamount to a particular phasing strategy.

Mr. Tucker said some of this is public/private so investments are being tied into priority areas so something can be worked out with the private sector. The County cannot afford to do it all by itself.

Mr. Wyant said he would do it from the center of the downtown out, and then further from the center use private funding.

Mr. Rooker said it is unfortunate that Crozet is not developing in that way.

Mr. Boyd said the problem is trying to get the private sector to live with the pace of government. He said it takes years to get things done because there is not the money needed. Businesses will not sit and wait for years for the government because of its process.

Ms. Thomas said one thing that has not been mentioned in this discussion is the fact that VDOT's money is shriveling up.

Mr. Tom Foley, Assistant County Executive, said this is tied to the Strategic Plan session the Board will have in December. Staff needs direction from the Board as to whether it is committed to incentives in infrastructure to help direct things in Crozet. He said when a rezoning request is in front of the Board the question is whether the Comprehensive Plan allows the Board to legally turn down things because the request is not in the right place at the right time. Decisions will need to be made as to how to fund infrastructure. Staff will need to bring back some information for the Board to consider.

Ms. Thomas said there are some people who are buying land on the assumption that if what they want to do fits the master plan, it will be approved. There are some new landowners who will be upset if the Board starts talking about phasing. There are some landowners who gambled a long time ago that the County would not stick to the designated growth area boundaries.

Mr. Slutzky asked if Ms. Thomas is suggesting that Places29 and Pantops be halted and a phasing design element be put into those plans before they are adopted.

Ms. Thomas said at some point, she thinks the Board should do that.

Ms. Slutzky asked the criteria by which the Board would decide which components of the plan would not be developed for 15 or 20 years.

Mr. Rooker said it would be done in the same way that a particular area is good for high density residential and another area is good for a lower density. The Board makes those decisions all the time.

Mr. Slutzky said if the Board is to give feedback to staff, he wants to make it clear that he does not support phasing development in the growth areas now. He is concerned about the impact on by-right development in the growth areas. There is also the other issue about the pressure it might bring on the rural areas. He trusts the market to make that decision. He is committed to making sure the Board moves forward as quickly as possible with the master plans and that the plans are followed, and the Board chooses areas to concentrate its infrastructure resources on; that will imply prioritization to some degree and that is different from phasing. He does not support phasing, but does support concentrating infrastructure, and signaling intent to the marketplace, and then letting the market react.

Ms. Thomas said she thinks priority areas will end up in phasing.

Mr. Foley said staff realizes that there are differing opinions on this question. That needs to be fleshed out with some more discussion.

Mr. Rooker said he would like to get information from other areas that may have engaged in similar planning, and areas that may have imposed a phasing approach and the results of that approach. He said the reason the Board has these issues to deal with is that Albemarle is a desirable community in contrast to other places in the State who want any kind of development they can get. Albemarle does not have that problem, but has great demands from people coming into the community who want to build. The question is how that can be done and keep the kind of community all want to see 15 or more years from now.

Mr. Boyd said if the Board is going to change its philosophy and start phasing in the Development Area that needs to be known. People are buying land and he thinks it is disingenuous for the Board if that word is not put out to the public as soon as possible.

Ms. Thomas said she agrees with Mr. Boyd.

Mr. Rooker said he does not disagree, but that could have been said at every point in time when the Board made a decision. Any time that issue is raised there will be someone who engaged in a transaction last week, but under the expectation he might be able to rezone the property tomorrow.

Mr. Boyd said the County has a master plan that does not call for phasing in the Development Areas.

Mr. Rooker said the Board needs to decide whether or not it wants to do that. He thinks the Board wants priority areas developed so the public infrastructure investment goes in those areas. The Board wants the Planning Commission, as it goes through these processes with the two new master plans being developed, to develop a priority list. The Board knows it wants to invest in those areas, but the second question will be whether to phase.

Mr. Cilimberg said that information is necessary for staff. Staff is at a critical point in the process for the Pantops and Places29 Master Plans. What the Board has said today is that it agrees with continuing the larger-scale approach of master planning the Development Areas as a whole for the long-term, but it also wants to focus on what is realistic for 20 years and it should be oriented to the idea that there are areas which should be identified as priority to receive investment and to develop within those 20 years. The phasing piece is yet to be determined.

Mr. Rooker said he would like information from other areas that have utilized phasing. Also, there has to be some way to explain to the public the use of density ranges in the master plan for planning purposes even though it is likely only the midpoint would be reached.

Mr. Foley said the Board has a rezoning request before it almost each month and that rezoning is approved at the maximum allowable density. No matter what you tell the public, they assume the land will be developed with the highest density. The only question for the Board is whether it wants to be able to approve rezonings based on a different density, or in a phased approach.

Mr. Rooker said if there are a number of rezoning requests presented for the top end of the density range, the Board needs to keep that in mind. It might think an area will develop at the mid-range, and if that is the expectation, maybe the Board should not be approving a lot of zoning requests for maximum densities.

Ms. Thomas said past experience has been that developers do not develop to the maximum allowable density.

Mr. Rooker said he thinks that for recent requests approved, the way they are planned based on their Application Plans, they will have to build out that way.

Mr. Foley said staff has been making that statement all along, but it has not gotten them to a place where they feel comfortable with it. That is part of the issue that needs to be worked through. In Crozet the maximum densities could be changed, or it could be developed in phased approaches. There are different options to look at. Staff needs to bring back information for a full discussion of the issue.

Mr. Boyd said he thinks there needs to be some practicality with the priorities that are to be developed. He asked if the question is decided on it being the most achievable. In the case of redeveloping the corner at Rio Road/Route 29, if it is going to cost \$100.0 million for an interchange to make it work; where would that money come from as opposed to some other priority that might be less expensive?

Mr. Cilimberg said current master planning is not to address just the local level of need, but a regional level also. He said people are driving out of the County into the City all the time, and there are needs created by that level of activity in the region that must be accommodated as well as the master planned areas.

Mr. Rooker said there seems to be significant interest in looking at an ultimate population for the area. If the Board tackles that task, as plans came back in five-year rotations, that would provide a layer that should be considered in those plans.

Mr. Slutzky asked if the Board should direct staff to start thinking about what that means and how they might approach that.

Mr. Rooker said he thinks staff should start to think about that task and what it might entail and how it might fit into what is going on. He does not want to direct staff to do this right now because of other pending items. He said the organization (Advocates for a Sustainable Albemarle Population) has an interest in doing this. He thinks they want to engage with staff on how it might be accomplished.

Mr. Rooker thanked Mr. Cilimberg for the report.

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26. From the Board: Committee Reports and Matters not listed on the Agenda.

Ms. Thomas said the West Leigh Homeowners' Association has approached her with a request that the County help them with repair of the dam in West Leigh. She asked if staff could provide an answer. Mr. Davis said there is a distinction between this location and the situation in Key West. Roads in West Leigh are private whereas the roads in Key West are designated as public roads. Also, loss of the dam would not land lock anyone.

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Ms. Thomas said she attended a Leadership Summit called by the Governor. She said the County will have to double the rate at which it is putting land into conservation if it wants to meet its stated goal. She also attended a session on air quality, outdoor recreation, and water quality and water resources. She said that air quality deposits about 25 percent of the nitrogen that ends up in the Chesapeake Bay, so air quality is tied to water quality. The EPA is looking at the Chesapeake Bay program.

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Ms. Thomas said she attended an event where she was one of the only local elected officials present. She educated Federal bureaucrats about the local level of government, which they have so little idea about. She said it is easy for them to say leadership should be shown on the local levels to get things done.

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Mr. Boyd asked if the County could speak with VDOT about the weight limit posted for the new Proffit Road bridge. He said the Stony Point Fire Department is concerned because all of their trucks are over the weight limit posted. They have applied to VDOT for a waiver to be able to cross the bridge. He asked if there was anything the County could do to help them.

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Mr. Slutzky said his strategy for protecting the rural areas is far more complicated than the versions that have been put out so far. He asked the Board if he could work with staff, and come back in November with a description of what he was proposing.

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Mr. Rooker asked the status of the Biscuit Run development. He asked if there is an executive summary. Mr. Cilimberg said staff has received a traffic impact analysis. He believes the review, when it is done, will be most informative. Mr. Rooker suggested having a general concept presentation of the traffic study.

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Mr. Rooker mentioned the Meadow Creek Parkway and its deficit funding. He said the Board needs to decide how to deal with the deficit, and make sure funds are identified for this project.

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Mr. Rooker said there are a group of people who would like to change the name of Seminole Trail to Cavalier Way. Mr. Davis said this Board does not have the authority to name primary roads. However, the Commonwealth Transportation Board requires that before they will consider changing a name, they must have a resolution from the local governing body with a recommendation for the name change. He believes that without the support of this Board, the CTB would not rename it.

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Agenda Item No. 27. Adjourn to October 11, 2006. With no further business to come before the Board, at 6:30 p.m. Mr. Wyant **moved** to adjourn this meeting until 2:30 p.m. on October 11. The motion was **seconded** by Mr. Slutzky. Roll was called, and the motion passed by the following recorded vote:

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

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Chairman

Approved by the Board of County Supervisors
Date
Initials