

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 1, 2006, at 9:00 a.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth 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, County Planner, V. Wayne Cilimberg, and Clerk, Ella W. Carey.

Agenda Item No. 1. The meeting was called to order at 9:08 a.m., by the Chairman, Mr. Rooker.

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

Agenda Item No. 4a. ~~Recognition: Presentation of Albemarle County Sheriff's Reaccreditation Plaque, Gary Dillon, Executive Director, Accreditation Committee.~~ (Removed from agenda)

Agenda Item No. 4b. Recognition: Proclamation recognizing National Philanthropy Day.

Mr. Rooker read the following proclamation into the record:

National Philanthropy Day

- Whereas,** philanthropic organizations are responsible for enhancing the quality of life of people; and
- Whereas,** philanthropy is a uniquely American tradition and our American nonprofit sector is the model for countries around the world; and
- Whereas,** voluntary associations formed to address societal needs are an integral part of American society; and
- Whereas,** the history of American philanthropy is filled with the names of the earliest Americans, and their efforts spawned universities, free public libraries, home for widows and orphans, and volunteer fire departments, to name a few; and
- Whereas,** in 2005 Americans gave \$260.28 billion, a rise of 6.1 percent, estimated to be 2.1 percent of Gross Domestic Product; and
- Whereas,** in 2005, 83.94 million American adults volunteered, representing the equivalent of over 9 million full-time employees at a value of \$239 billion; and
- Whereas,** four in five charities use volunteers and the estimated dollar value of a volunteer is \$18.04 per hour, and
- Whereas,** America's nonprofit sector now accounts for nearly 10 percent of the American workforce; and
- Whereas,** today the nonprofit sector affects nearly every citizen in one way or another, from museums and concerts, school-sponsored day trips, the little leagues and other groups that enrich our youth, to social services agencies that provide food, clothing, housing and training for those less fortunate.

Now, Therefore, Be It Resolved, that I, Dennis S. Rooker, Chairman, on behalf of the Albemarle County Board of Supervisors, do hereby proclaim **November 15, 2006**, to be **National Philanthropy Day** in Albemarle County, and urge all citizens to recognize the tradition of philanthropy as it continues to improve and enhance the lives of all by promoting the common good.

Agenda Item No. 5. From the Public: Matters not listed for Public Hearing on the Agenda.

Ms. Donna Barrone addressed the Board, noting that she is in favor of amending County Code Section 10-107 regarding the discharging of firearms in the county. She is a resident of the Whippoorwill Hollow neighborhood in Western Albemarle, which borders a wooded area near the Mechum River. She said that Meriwether Lewis Elementary School is in close proximity to this area, and elementary, middle, and high school bus stops are also located adjacent to this area. She mentioned that neighborhood wooded lots back up to this area, and children run through and around the woods on their way to friends' houses. She said that over the last year, peace and quiet has been disrupted by the loud sound of gunshots ringing through the nearby woods. She indicated that she has called Albemarle County police and the game warden on a number of occasions but in each case the people shooting have left before the

police have arrived. She stated that during deer hunting season, she kept her children and pets inside and deer carcasses and gun shell cases were found near her neighbor's yard. She added that after the season was over, the shooting still continued, and the shooters indicated that they were skeet shooting on a parcel owned by a friend. She left a statement from her next door neighbor with the clerk.

Mr. Dave Phillips, Chairman of the Save the Fireworks Foundation, addressed the Board. He thanked them for their support of the 4th of July fireworks at McIntire Park. He said the Board members are invited to take part in the "dunking tank" as Blake Caravati did this year. He stated that the event was very successful, and estimates show that about 15,000 people were in McIntire Park for the show, as well as 5,000 or 6,000 at the high school, and another 5,000 at Giant on Pantops. He said he has a DVD from the 2005 event that shows the festivities, and presented the Board with a flag and official document from Senator John Warner's office.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that he has been working on a paper on new dwelling units in Charlottesville and Albemarle related to population growth. He said that this is a draft summary of that paper, and he hopes to have a final version online soon. He added that county staff has been very helpful in this process. He reported that since the year 2000, there are 17,932 residential units in the pipeline for the City of Charlottesville and the county's growth area, and between 1985 and 2005, only 17,919 building permits for new residences were issued. He said that if you take the population projections from Gannett Fleming's report and the VDH report in 1997, and the VEC projections, and all of the next 20 years of projected growth occurs it could fit into the existing number of planned units without having to go into the rural area. He believes that what the Board has in the pipeline potentially outpaces the Comprehensive Plan. He also added that stale zoning could result from this.

Mr. John Johanna addressed the Board, stating that he would like to voice his concerns about cell-phone towers, as they cause brain cancer, leukemia, chronic fatigue and other health conditions. He reported that the Federal government indicated in the Telecommunications Act of 1996, Section 7.04, that local citizens cannot have any say in whether the towers are put up in their communities or not based on environmental/health problems. He said this is a violation of the Tenth Amendment, which states that the power not delegated by the constitution to the federal government is left to the states or to the people. He added that he lives near a cell-phone tower and it is troubling to know he's being radiated against [his] will. He said he would like for the Board to pass an ordinance banning the towers completely or setting a limit – as New Zealand did – of .02 microwatts per square centimeter based on evidence that 100 percent of that level would cause cancer.

Ms. Jennifer Sulzberger addressed the Board, stating that she supports the ordinance amending County Code 10.107. She said that the 200-yard safety/buffer zone for firearms discharge that the ordinance creates is not overly burdensome or intrusive, adding that she is not opposed to hunting in any way but is concerned about safety. She stated that a buffer zone that requires more separation from people in the woods from homes and public gathering places such as bus stops and roadsides, noting that it would be appropriate in a county like Albemarle.

Mr. Donald Hanky addressed the Board, stating that it would be difficult for hunters to comply with the 200-yard buffer requirement that is part of the proposed firearms ordinance, although its general intent does make sense. He said that he has been hunting for most of his adult life and there are many instances where being 200 yards from a private dwelling that would not be possible. He said that it would be appropriate to limit firearms use near public buildings, but it would be difficult to enforce this near residences.

Mr. Roger Matthias addressed the Board, stating that he is a retired Albemarle County police officer. He said that the proposed ordinance that includes a 200-yard limit would be difficult to enforce, especially related to measuring that distance.

Mr. Rooker said firing ranges are exempt from the ordinance.

Mr. John Martin of Free Union addressed the Board, noting that this came up before the Board eight years ago. He mentioned that around that time, Mrs. Janice Garrison was killed on her own property in a hunting-related incident.

Agenda Item No. 6. Consent Agenda. Ms. Thomas **moved** for approval of Items 6.1 through 6.7 on the Consent Agenda, and to accept the remaining items for information. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

Item 6.1. FY 2007 Appropriations.

It was noted in the Executive Summary that the Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The total of these requested FY 2007 appropriations is \$328,419.96 and will not require a budget amendment public hearing at this time. Should subsequent FY 2007 appropriations total more than \$71,580.04, these six appropriations and one appropriation from the October 11, 2006, Board meeting would be incorporated into a budget amendment public hearing at that time?

This request involves the approval of six new FY 2007 appropriations as follows: Appropriation No. 2007-021 totaling \$34,136.72 for reappropriation of the seized assets account; Appropriation No. 2007028 totaling \$251,065.14 for Scottsville streetscapes; Appropriation No. 2007029 totaling \$37,409.00 for police department grants; Appropriation No. 2007031 totaling \$2,000.00 for a contribution to the fire department; Appropriation No. 2007032 totaling \$3,077.01 for education programs; and Appropriation No. 2007033 totaling \$7,411.09 to create a separate Martha Jefferson Hospital Dental Grant fund.

A detailed description of these appropriations is provided below:

Appropriation No. 2007-021, \$34,136.72. Revenue Source: Seized Assets Fund Balance, \$34,136.72. The Commonwealth's Attorney and the Albemarle County Police Department receive funds in conjunction with other Federal/State agencies regarding seized asset monies for illegal substance and related arrests. This request is to reappropriate fund balances from FY 2006 into the current year.

Appropriation No. 2007-028, \$251,065.15. Revenue Source: CIP Fund Balance, \$251,065.15. At the October 4, 2006, Board meeting, the Board approved funding for up to half of the request from the Town of Scottsville to assist in completion of the town's Historic Streetscape Project. The full request was \$502,130.27.

Appropriation No. 2007-029, \$37,409.00. Revenue Source: Federal Grants, \$35,730.00; Transfer from the Police Department, \$1,679.00. The Commonwealth of Virginia DMV awarded the Albemarle County Police Department a grant in the amount of \$5,000.00 to assist in the increase of bike patrol riding time, enforcement efforts and citizen assistance. This grant will also assist the department with educational activities to promote the enjoyment gained from bicycle riding as well as the important safety aspects associated with it. There is a 10 percent in-kind match.

The Commonwealth of Virginia DMV awarded the Albemarle County Police Department a grant in the amount of \$25,692.00 to assist in the purchase of radar units as well as funding overtime hours for DUI checkpoints, increased saturation of trouble spots on both primary and secondary roads and in shopping locations. There is a 10 percent in-kind match.

The Department of Criminal Justice Services awarded the Police Department a grant in the amount of \$5,038.00 with a local match of \$1,679.00 for a total of \$6,717.00. The purpose of this grant is to purchase a scanner, laminator, a video time lapse viewer, two video monitors, and a training session to assist in developing criminal investigations and eventual prosecutions.

Appropriation No. 2007-031, \$2,000.00. Revenue Source: Local Contributions, \$2,000.00. The Wal-Mart Foundation Community Heroes Grant Program awarded the Department of Fire Rescue a grant in the amount of \$1,000.00. A grant from Pantops Physical Therapy provided an additional \$1,000.00 for a total of \$2,000.00 in grants. This money is to be used on volunteer recruitment and retention efforts to benefit the fire rescue system.

Appropriation No. 2007-032, \$3,077.01. Revenue Source: Local Contributions, \$3,077.01. Broadus Wood Elementary School received a donation in the amount of \$3,077.01 from the Broadus Wood PTO. It has been requested that these funds go toward purchasing an ELMO machine, LCD projector, and 3 Saddle Staplers.

Appropriation No. 2007-033, \$7,411.09. Revenue Source: Family Support Fund Balance, \$2,411.09; Local Grant, \$5,000.00. Martha Jefferson Hospital provides a grant in the amount of \$5,000.00 annually to provide dental services to children in the Bright Stars program. Funding for this grant must be used for dental services only and any balances remaining at the end of the year must be carried forward to use for dental services in future years. Currently, the grant is budgeted within the Bright Stars program fund and grant balances are intermingled with other fund balances. This request will create a new fund for managing and tracking the dental services grant and includes the \$5,000.00 award for FY 2007 and \$2,411.09 in balances carried forward from prior years.

Staff recommends approval of the FY 2007 Appropriation Nos. 2007-021, 2007-028, 2007-029, 2007-031, 2007-032 and 2007-033.

By the recorded vote set out above, the Board approved of FY 2007 Appropriation Nos. 2007-021, 2007-028, 2007-029, 2007-031, 2007-032 and 2007-033, all as set out below:

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-021
DATE: 11/01/06
EXPLANATION: Reappropriation of Seized Asset Accounts

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1234	51000	510100	Seized Assets - F/B	J2	10,372.67		
2	1235	51000	510100	Seized Assets - F/B	J2	1,631.53		
1	1236	51000	510100	Seized Assets - F/B	J2	22,132.52		
1	1234	22010	800700	Commonwealth Att.	J1	10,372.67		
1	1235	39000	580905	Police - State	J1	1,631.53		
1	1236	39000	580905	Police - Federal	J1	22,132.52		
			0501	Est. Revenue			10,372.67	
			0701	Appropriation				10,372.67
	1235		0501	Est. Revenue			1,631.53	
			0701	Appropriation				1,631.53
	1236		0501	Est. Revenue			22,132.52	
			0701	Appropriation				22,132.52
TOTAL						68,273.44	34,136.72	34,136.72

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-028
DATE: 11/01/06
EXPLANATION: Funding for 50 percent of Scottsville Streetscapes Project

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9010	41020	950203	Scottsville Streetscapes	J1	251,065.14		
2	9010	51000	510500	Appropriation - CIP F/B	J2	251,065.15		
			0501	Est. Revenue			251,065.14	
			0701	Appropriation				251,065.14
TOTAL						502,130.29	251,065.14	251,065.14

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-029
DATE: 11/01/06
EXPLANATION: Police Department Grants

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1532	33000	330011	Federal DMV Grant	J2	5,000.00		
1	1532	31013	120000	Overtime	J1	4,617.50		
1	1532	31013	210000	FICA	J1	382.50		
			0501	Est. Revenue			5,000.00	
			0701	Appropriation				5,000.00
2	1533	33000	330011	Federal DMV Grant	J2	25,692.00		
1	1533	31013	120000	Overtime	J1	9,874.06		
1	1533	31013	210000	FICA	J1	817.94		
1	1533	31013	800100	Machinery & Equipment	J1	15,000.00		
			0501	Est. Revenue			25,692.00	
			0701	Appropriation				25,692.00
2	1531	33000	330001	Grant Revenue - Federal	J2	5,038.00		
2	1531	51000	512004	Transfer from G/F	J2	1,679.00		
1	1531	31013	550100	Travel/Training	J1	242.00		
1	1531	31013	601600	Data Processing Supplies	J1	1,175.00		
1	1531	31013	800700	ADP Equipment	J1	5,300.00		
1	1000	31013	930200	Transfer to Grant Fund	J1	1,679.00		
1	1000	31013	800100	Police-Mach/Equip	J1	(1,679.00)		
	1531		0501	Est. Revenue			6,717.00	
			0701	Appropriation				6,717.00
TOTAL						74,818.00	37,409.00	37,409.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-031
DATE: 11/01/06
EXPLANATION: Fire Rescue Donation

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	18100	181109	Contributions	J2	2,000.00		
1	1000	32016	360000	Advertising Expense	J1	2,000.00		
			0501	Est. Revenue			2,000.00	
			0701	Appropriation				2,000.00
TOTAL						4,000.00	2,000.00	2,000.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-032
DATE: 11/01/06
EXPLANATION: Education

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	3,077.01		
1	2201	61101	800100	Machinery/Equipment-New	J1	3,077.01		
			0501	Est. Revenue			3,077.01	
			0701	Appropriation				3,077.01
TOTAL						6,154.02	3,077.01	3,077.01

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-033
DATE: 11/01/06

EXPLANATION: Create a separate fund for the Martha Jefferson Hospital grant that was previously a part of the Bright Stars Fund

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1563	18120	181222	MJH Dental Grant	J2	5,000.00		
2	1563	51000	512000	Tr from Family Support	J2	2,411.09		
1	1563	61122	311008	Dental Services - Greer	J1	1,547.00		
1	1563	61129	311008	Dental Sv - Stone Robinson	J1	834.00		
1	1563	61150	311008	Dental Services - Woodbrook	J1	833.00		
1	1563	61151	311008	Dental Services - Agnor Hurt	J1	833.00		
1	1563	16652	311008	Dental Services - Cale	J1	834.00		
1	1563	16653	311008	Dental Services - Scottsville	J1	833.00		
1	1563	95000	999990	Contingency	J1	1,697.09		
2	1557	51000	510100	Family Support Fund Bal.	J2	2,411.09		
1	1557	53150	939999	Tr to MJH Grant Fund	J1	2,411.09		
2	1553	18120	181222	MJH Dental Grant	J2	(5,000.00)		
1	1553	61122	311008	Dental Services - Greer	J1	(833.00)		
1	1553	61129	311008	Dental Svs - Stone Robinson	J1	(834.00)		
1	1553	61150	311008	Dental Services - Woodbrook	J1	(833.00)		
1	1553	61151	311008	Dental Services - Agnor Hurt	J1	(833.00)		
1	1553	16652	311008	Dental Services - Cale	J1	(834.00)		
1	1553	16653	311008	Dental Services - Scottsville	J1	(833.00)		
			0501	Est. Revenue			7,411.09	
			0701	Appropriation				7,411.09
	1557		0501	Est. Revenue			2,411.09	
	1557		0701	Appropriation				2,411.09
	1553		0501	Est. Revenue			5,000.00	
	1553		0701	Appropriation				5,000.00
TOTAL						9,644.36	14,822.18	14,822.18

Item 6.2. FY 2005-06 ACE appraisals; Resolution accepting FY 2004-05 landowners offers to sell conservation easement.

It was noted in the Executive Summary that on July 5, 2006, the Board approved the appraisals for the FY 2004-05 applications and approved extending invitations to submit offers to sell to those properties. ACE regulations require each landowner who desires to sell a conservation easement to submit a written offer to the County to sell the easement for a fixed price determined by an appraisal and subject to an adjustment based on adjusted gross income. The easement is also subject to the terms and conditions contained in a proposed deed of easement negotiated by the parties. If the Board accepts the offer, the regulations require that it must do so in writing and only after an action authorizing acceptance. The Board is not required to accept an offer to sell a conservation easement. Either the Albemarle County Public Recreational Facilities Authority ("PRFA") or the Virginia Outdoors Foundation ("VOF") may be co-holders of the easements.

On May 3, 2006, the Board approved the ACE Committee's request to have five properties appraised from the Round 6 (FY 2005-06) applicant pool. Based on estimates of easement value for this class, the ACE Committee believed funding was sufficient to purchase most, if not all, of these easements. Furthermore, the ACE Committee believed it was prudent to obtain appraisals on more properties than funding would allow in the event some higher ranking applicants dropped out once they received their appraisals. In early August 2006, the appraisals for Round 6 were completed by Pape and Company. The appraisals were reviewed by the Appraisal Review Committee on September 27, 2006.

Before the County can extend applicant invitations to submit offers to sell, the Appraisal Review Committee must review the appraisals to make sure they are consistent with appropriate appraisal guidelines and practices and recommend that the Board accept the appraisals as presented. Regulations require that the ACE Committee recommend which of the appraised parcels the Board should invite to submit offers to sell conservation easements. In the event a higher ranked applicant(s) drops out of this initial pool, the Committee may slide down the ranking list and substitute another parcel(s) that is lower ranked provided it is still eligible. In addition, the ACE Committee must decide how many easements can be purchased within the budget and make recommendations thereon to the Board. The selection process is based on scoring and class rank (according to the ranking evaluation criteria). Only the highest ranked properties, whose purchase is feasible within the budget limits, are recommended by the Committee.

The Board must then identify the easements to be purchased as provided under section A.1-111(A) of the County Code. Since it is unlikely that every applicant to whom an invitation to offer to sell is sent will submit an offer, if one applicant drops out of the pool, another applicant would be added until the County runs out of applicants or money, whichever occurs first.

Acceptance of FY 2004-05 landowners' offers to sell a conservation easement: From the Round 5 (FY 2004-05) applicant pool, the County recently received offers to sell conservation easements from Boyle, Vieille and Donnelly, the owners of the properties described below:

Owner	Tax Map-Parcel Number	Price	Co-holder
Vieille	TM 56, Parcel 113 (269.200 acres)	\$304,000	PRFA
Boyle	TM 95, Parcel 1 (93.540 acres)	\$280,000	PRFA
	<u>TM 95, Parcel 18 (14.180 acres)</u>		
	Total		(107.720 acres)

Donnelly TM 120, Parcel 17 (161.590 acres) \$150,000 PRFA

Three other applicants from this pool (Davey, Metcalf/South and Rock Mills Land Trust) have not yet submitted offers to sell conservation easements to the County. Offers to sell are anticipated from these applicants once they have adequately assessed the County's invitation to submit an offer and approved the exact terms and conditions of the deed of easement.

Acceptance of FY 2005-06 ACE appraisals and approve extending invitations to submit offers to sell to the top five ranked FY 2005-06 applicants: On September 27, 2006, the Appraisal Review Committee recommended that the Board accept all five Round 6 (FY 2005-06) appraisals. Subsequently, the ACE Committee recommended that the Board invite the top five ranked applicants, which are the Huckleberry Hill Farm, Chester, Fields, Hook and Motley properties, to submit offers to sell conservation easements. The ultimate purchase of these five easements will result in the protection of 583 acres and the elimination of 44 development lots. In addition, these properties have almost 6,000 feet of State road frontage and more than 29,000 feet of protected stream and river frontage. Of the five properties, three have significant tourism value, two are in the Southwest Mountains Rural Historic District, three are working farms, two are in the watershed of the South Fork Rivanna River Reservoir and one is on a County scenic highway.

For the first four years of the ACE program in which the County acquired easements on 16 properties and protected 3,777 acres, the County's net cost was approximately \$3,125,737 out of the County's budgeted funds of \$3,872,500. Though a portion of unspent funds can be attributed to attrition (approved applicants withdrawing or not making offers to sell), \$357,933 was leveraged from outside contributions and additional savings were realized from adjustments of easement value from the income grid. If all eleven applicants from FY 2004-05 and FY 2005-06 sell easements to the County as currently valued, the County will have acquired easements on 27 properties and protected 5,497 acres at a cost of up to \$6,012,099. While the County's budgeted funds for that period were \$5,872,500, additional funding leveraged from outside contributions of \$489,433 and any additional adjustments of easement value from the income grid will more than cover the difference.

Funding for the purchase of conservation easements from both applicant classes comes from the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and the CIP-Tourism-Conservation budget (line-item 9010-72030-580416), a budget previously approved by the Board to fund ACE properties with "tourism value".

The following recommendations are provided for action by the Board of Supervisors:

- Adopt a resolution accepting the FY 2004-05 applicant pool landowners' respective offers to sell a conservation easement to the County, for the price specified and subject to the terms and conditions contained in the proposed deed of easement, and authorize the County Executive to sign the final deed of easement for each property.
- Accept the five appraisals by Pape and Company for applications from the FY 2005-06 applicant pool.
- Acceptance of FY 2004-05 landowners' offers to sell conservation easements; Accept FY 2005-06 ACE appraisals; Approve extending invitations to submit offers to sell to the top five ranked FY 2005-06 applicants.
- Approve extending invitations to submit offers to sell to the top five ranked FY 2005-06 applicants, which are the Huckleberry Hill Farm, Chester, Fields, Hook and Motley properties.

(Discussion: Mr. Slutzky commented that it would be useful for staff to show how many development rights are being retired when conservation easements are being reported on. Mr. Tucker replied that staff could start providing that.

Mr. Slutzky said that he would also like to see a history of how many dollars have been spent along with total number of development rights retired.)

By the recorded vote set out above, the Board adopted the following resolution, and approved of the recommendations set out in the staff's report.

**RESOLUTION ACCEPTING OFFER TO SELL
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

WHEREAS, the County has received an offer to sell a conservation easement under the ACE Program from the owner(s) of the following properties:

Vieille, Jean & Catherine	TM 56, Parcel 113 (269.200 acres)
Boyle, Marilyn	TM 95, Parcel 1 (93.540 acres) TM 95, Parcel 18 (14.180 acres) Total (107.720 acres)
Donnelly, Thomas	TM 120, Parcel 17 (161.590 acres)

WHEREAS, the owner(s) offered to sell a conservation easement on the respective properties to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County's invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby accepts the offer to sell a conservation easement for each of the properties described above, and authorizes the County Executive to execute all documents necessary for completing the acquisitions.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owner(s) of the properties identified herein, or their contact persons.

Item 6.3. Whittington PRD Amendment - Request to set public hearing to amend the Jurisdictional Area Boundary to provide sewer service to Tax Map 89, Parcel 95 and Tax Map 90, Parcels 3, 45, 46, 47, and 48 located on Old Lynchburg Road (Route 631) approximately one and one-quarter miles south of the intersection of Old Lynchburg Road and Interstate 64.

It was noted in the Executive Summary that the applicant is requesting ACSA Jurisdictional Area designation for sewer service to six parcels totaling an approximately 186 acres located on the west side of Old Lynchburg Road (Route 631), south of its intersection with Interstate 64. The property is located entirely within the Rural Areas, in the Samuel Miller District. The parcels are currently served by water only. The applicant is requesting sewer service for Whittington which was approved as a Planned Residential Development (PRD) by the Board in 1977. Although the applicant prefers to connect to public sewer, the Virginia State Department of Health has indicated that the soils on the site are adequate to support septic systems for the proposed 96, 40,000 square foot lots. Because the parcels are located in the Rural Areas and adequate soils are present for the required septic systems connecting these lots, public sewer would be inconsistent with County utility policies. The properties adjacent to the south, west and northwest of these parcels are in the Rural Areas and are not included in the Jurisdictional Area. The properties across Old Lynchburg Road to the southeast are located within the Development Areas and are designated "water and sewer". The parcels located immediately to the northeast in the Mosby Mountain residential development are located within the Rural Areas, but are served by both water and sewer. The Mosby Mountain water service designation is the result of a zoning and Jurisdictional Area action made by the Board in the 1970's, prior to the establishment of the current policies for Jurisdictional Areas designation.

The applicant has submitted a Zoning Map Amendment request on this property (Whittington, ZMA-06-11), which is currently under review by staff. The property has been zoned PRD (or equivalent zoning district) since 1977, with the original approved application plan showing a total of 104 lots. The current rezoning request is not a new proposal, but an amendment in response to a Zoning Administrator determination that development plans for the site would be subject to approval of an application plan that meets the provisions of Section 8 of the Zoning Ordinance. The plan now under review, which shows a total of 96 lots, is intended to meet the provisions of Section 8 and replace the original application plan. Nothing in the County's current ordinance is necessitating the provision of public sewer to the site.

The Whittington PRD is located outside of the designated Development Area off of Old Lynchburg Road in Rural Area 4. The property is zoned Planned Residential Development, with the Comprehensive Plan land use designated as Rural Areas. The parcels are currently covered by mature deciduous forest and are located in the Moore's Creek watershed. The Comprehensive Plan recommends serving only the Development Areas with public water and sewer service; these parcels are located outside the Development Areas. The Virginia State Department of Health has indicated that the soils on the site are adequate to support septic systems for the proposed 96, 40,000 square foot lots; therefore, there does not appear to be any health or safety need to provide public sewer to the site. Sewer system capacity should be used to serve the designated Development Areas, in support of the County's growth management policy. Designating these parcels as part of the ACSA Jurisdictional Area for public water and sewer service would not be consistent with County policy, particularly with the presence of adequate soils to support the needed septic systems.

This request is not consistent with the principles, objectives and strategies of the Comprehensive Plan for the provision of sewer service outside of the designated Development Area. No verification of endangerment to public health and safety has been provided. Based on this information, staff does not recommend approval of this request and recommends that the Board not proceed to public hearing. However, should the Board wish to consider the proposed amendment in the context of the Whittington ZMA (ZMA-06-11), it would have to set a public hearing. The Jurisdictional Area public hearing could coincide with the Board's public hearing for the ZMA (which is not scheduled for Board review at this time).

(Discussion: Mr. Slutzky and Ms. Thomas asked if the purpose of the request presented for Whittington PRD amendment to the jurisdictional area boundaries is that the Board not move forward with that request. Mr. Tucker responded that it is, and if the Board would like to take a different action, then they could pull the item from the Consent Agenda and do so.

Mr. Rooker said that by voting on 6.3 on the Consent Agenda, the Board would be denying the request.)

By the recorded vote set out above, the Board denied the request to set a public hearing on a request to amend the ACSA jurisdictional area boundaries for sewer service to include Whittington PRD.)

Item 6.4. Red Hill Community Well - Request to set public hearing to amend the Jurisdictional Area Boundary to provide water service to Tax Map 87B, Parcels 4, 4A, 6, 6A, 6B, 7, 7A, 8, and 10, located on Taylors Gap Road (Route 710) and Tax Map 87B, Parcels 9, 10A, 11, 12, 60, 60A, 60B, and 61 located on Red Hill School Road (Route 760).

It was noted in the Executive Summary that County staff has been working with the Virginia Department of Environmental Quality (DEQ) since 2003 on a study to find a replacement water supply in the Red Hill area which is needed due to a major groundwater contamination incident originating at the Trading Post on Route 29. To this date, 11 wells have been contaminated by gasoline and seven of these have had carbon filtration units installed, some for many years. DEQ has already expended over \$1.0 million on investigations, remediation and maintaining carbon filtration units. To date 4,400 gallons of gasoline and four million gallons of contaminated groundwater have been extracted from the ground. Although the contaminant plume has stabilized, the complete cleanup of the site is not expected in the foreseeable future due to the extent of contaminated groundwater. DEQ continues to be concerned that a permanent, reliable water supply needs to be provided for the impacted properties and those still at risk for contamination.

The history of this project is summarized below:

- At its March 5, 2003 meeting, the Board authorized County staff to work with DEQ to facilitate a long-term water supply solution.
- DEQ and the County held a public meeting at Red Hill School on April 22, 2003, to inform the public about the situation and seek input on whether a replacement water supply would be supported.
- On December 10, 2003, the Board authorized the County Executive to sign an interagency agreement with DEQ. The agreement allowed the County to procure consultant services to study and recommend a replacement water supply, with all study costs to be reimbursed by DEQ.
- A Request for Proposal was developed in the Fall of 2003, and after a competitive process, Golder Associates was chosen to conduct the study. The study involved evaluating the feasibility of various water supply configurations: individual replacement wells, shared wells, or a community water supply. The work was divided into two phases. Phase 1 was a preliminary groundwater investigation, and Phase 2 involved more detailed geologic and engineering work to analyze particular water supply options. Phase 1 was completed in the summer of 2004.
- On August 11, 2004, based upon the results of Phase 1 of the study and staff recommendation, the Board authorized staff to proceed with Phase 2 of the study, with the selected water supply configuration of a medium size community water well to serve the 11 impacted properties plus additional properties immediately surrounding and/or down gradient from the contaminant plume that may be impacted in the future.
- DEQ and the County held a public meeting at Red Hill School on December 13, 2004, to present the results of Phase 1 of the study, the options for developing a community water supply system, and the upcoming Phase 2 study.
- Phase 2 of the study continued through 2005, which included negotiations with landowners to establish a location for exploratory water well drilling.
- On May 9, 2006, DEQ sent an open letter to the residents in the immediate vicinity of the Trading Post advising that a location for exploratory water well drilling had been secured on the Oakey property.
- On August 31, 2006, DEQ sent an open letter to the residents in the immediate vicinity of the Trading Post advising that a successful exploratory water well had been drilled on the Oakey property, and that the County, Rivanna Water and Sewer Authority, Albemarle County Service Authority, and Albemarle County Schools were coordinating the potential establishment and maintenance of a community water system.

The subject property for this request is not within a Development Area. The Comprehensive Plan provides guidance concerning water service in the Rural Area:

General Principle: Discourage the utilization of central water and/or sewer systems or the extensions of public water and sewer into the rural Area except in the cases where public health and safety are at issue. Rural Area development will be served by individual water and septic systems only (central water facilities are considered wells, springs, or other systems capable of serving three or more connections).

New central water systems in the Rural Area shall be strongly discouraged except for solving potable water and/or health and safety problems. Any new central systems approved due to potable water and/or health and safety problems must meet ACSA standards and not allow residential densities to increase beyond the density achievable with individual on-site facilities.

Staff opinion is that the existing groundwater contamination poses a significant health and safety issue and a water system is needed in the area to provide safe potable water to existing parcels. Therefore, this request is consistent with the intent of the Comprehensive Plan.

As outlined above, there is a definite health and safety issue. Due to the location and extent of the threat (which includes the Red Hill Elementary School) this request is consistent with the intent of the

Comprehensive Plan even though the location is not adjacent to existing lines. Staff finds the central well system is the only alternative to adequately address the problem.

The community well and water system will be owned by RWSA and operated by ACSA, who will bear the financial impact of the long-term operational cost. The Virginia Leaking Underground Storage Tank (LUST) fund is being utilized by DEQ for this project, and the current case has access to a total of \$1 million. A portion of these funds are being used and will continue to be used by DEQ for remediation of the Trading Post site and long-term monitoring of groundwater. These funds will also be used by DEQ to develop the well and distribution system and connect households to the system. DEQ has committed that any funds remaining will be provided to the ACSA to subsidize the operation of the system so that customer costs are in keeping with the rest of the County. While this will alleviate the burden of operating this small system for a period of time, it can be assumed that the system will operate at a financial loss in the long-term to maintain a reasonable customer cost.

Staff recommends proceeding to a public hearing to consider amending the ACSA Jurisdictional Area map to allow for water only designation for the properties Tax Map 87B, Parcels 4, 4A, 6, 6A, 6B, 7, 7A, 8, and 10, located on Taylors Gap Road (Route 710) and Tax Map 87B, Parcels 9, 10A, 11, 12, 60, 60A, 60B, and 61 located on Red Hill School Road (Route 760). These properties have been identified by DEQ as having contaminated wells or continue to be at risk for contamination in the future. Staff recommends that the community well only serve the residents/parcels whose private wells are contaminated or identified by DEQ to be at risk for contamination. These properties do not include parcels in the Southern Hills Subdivision, which in the past was considered to be at risk of contamination. According to the most recent opinion of DEQ, while the Southern Hills Subdivision is certainly down-gradient of the contaminant plume, DEQ does not consider the wells in that area to be at risk at this time based upon the continued monitoring of a sentinel well located on the south side of South Branch – this well has remained free of contamination to date, indicating that the stream may be acting as a local groundwater divide.

(Discussion: Ms. Thomas commented that the Leaking Underground Storage Tanks (LUST) program has had a lot of money put into the community, but is coming to a close and that burden would shift to Albemarle County Service Authority water users.

Mr. Slutzky asked if the county has explored restitution through the DEQ and the property owner.

Ms. Thomas replied that the owner has been responsible for keeping carbon filters on the homes involved, and the state has also been monitoring the situation closely. Mr. Davis confirmed that it is a complicated history, but DEQ has pursued the people who are responsible for the pollution and have collected what they can for remediation.

Ms. Thomas noted that they are pumping out and have sentinel wells to test where the plume is. She stated that this proposal is not to enlarge the area.

Mr. Slutzky commented that there are limits to what DEQ can collect from the offenders.)

By the recorded vote set out above, the Board directed staff to advertise for a public hearing on December 13, 2006, to amend the ACSA Jurisdictional Area map to allow for water only designation for the properties Tax Map 87B, Parcels 4, 4A, 6, 6A, 6B, 7, 7A, 8, and 10, located on Taylors Gap Road (Route 710) and Tax Map 87B, Parcels 9, 10A, 11, 12, 60, 60A, 60B, and 61 located on Red Hill School Road (Route 760).

Item 6.5. Airport Property – Request to set public hearing to amend the Jurisdictional Area Boundary to provide water and sewer service to Tax Map 31, Parcel 27A, located in on the west side of the Charlottesville-Albemarle Airport property in the Hollymead Development Area.

It was noted in the Executive Summary that the Airport Authority is requesting ACSA Jurisdictional Area designation for sewer service to an 11.45 acre parcel located on Earlysville Road just west of the airport runway. The undeveloped property is zoned LI, Light Industrial, and is located within the designated Hollymead Development Area, in the White Hall District. The parcels to the east containing the Airport are currently designated for water and sewer service and are served by both utilities. The properties to the south, west and northwest are located in the designated Rural Area and are not in the ACSA Jurisdictional Area.

The Comprehensive Plan recommends serving the Development Areas with public water and sewer service. This parcel is located within the Hollymead Community Development Area and is already designated in the ACSA Jurisdictional Area for water service. Therefore, designating this parcel for public water and sewer service would align with County policy. Service would be provided through the airport property to the east. The property owner will bear the costs for water and sewer hook-up.

As a general policy, staff has advised that public utility capacity be reserved to support development of designated Development Areas. Since this property is located within a designated Development Area, the provision of both water and sewer service to the property would be consistent with the Comprehensive Plan public utility policy. Therefore, staff recommends that the Board set a public hearing date of December 6, 2006, for this request for public water and sewer service to Tax Map 31, Parcel 27A.

(Discussion: Regarding the ACSA Jurisdiction Area amendment for the Airport property, Mr. Slutzky asked if the Pleasant Grove Baptist Church which is in the flight path of the Airport is in the rural area or the growth area and if it had public sewer/water. Mr. Tucker replied that it does not have public utilities and is not located in a growth area, but if the church were moved it would be in the development area.

Mr. Benish clarified that when staff went through the review of the church, they discovered that a portion of its property is in the rural area, and this action is to put the remainder into the jurisdictional area, although the church is not requesting any services.)

By the recorded vote set out above, the Board authorized staff to advertise for a public hearing on December 6, 2006, to amend the ACSA Jurisdictional Areas to provide for public water and sewer service to Tax Map 31, Parcel 27A.

Item 6.6. Request to set a public hearing to amend the County Code, Section 4-213, to add Section One of Corville Farm Subdivision as an area where it is unlawful for the owner of any dog to permit such dog to run at large.

It was noted in the Executive Summary that Virginia Code Section 3.1-796.93 authorizes governing bodies of counties to prohibit dogs from running at large. Section 4-213 of the Albemarle County Code makes it unlawful for the owner of any dog to permit such dog to run at large in designated areas of the County. Fourteen property owners owning 10 of 14 lots in Section One of Corville Farms Subdivision signed a petition requesting that the Board add Section One of Corville Farms subdivision to the list of designated areas where it is unlawful for the owner of any dog to permit such dog to run at large. They submitted their petition and a copy of the recorded subdivision plat to the Clerk of the Board as required.

If the Board wishes to add Section One of Corville Farms Subdivision to the list, an ordinance amendment to Section 4-213 of the County code is required. A draft ordinance adding that area to the list was forwarded. Staff recommends that a public hearing to receive comments on the draft ordinance be set for December 6, 2006.

(Discussion: Ms. Thomas asked if the area mentioned in the leash law item is distinct enough so that owners know when they're in and out of the area. Mr. Tucker replied that Corville Farms is well-defined enough that it should be clear to everyone, including police who enforce it.)

By the recorded vote set out above, the Board authorized staff to advertise for a public hearing on December 6, 2006, on An Ordinance to Amend and Reordain Chapter 4, Animals And Fowl, of the Code of the County of Albemarle, Virginia, by adding Section 4-13.A(41), Section One of Corville Farms, as one of those areas where dogs are prohibited from running at large.

Item 6.7. FY 2006 Budget Appropriations.

It was noted in the Executive Summary that the Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The total of this requested FY 2006 appropriation is \$172,523.24 and will not require a budget amendment public hearing at this time. Should subsequent FY 2006 appropriations total more than \$327,476.76, this appropriation would be incorporated into a budget amendment public hearing at that time.

This request involves the approval of one new FY 2006 appropriations: Appropriation No. 2006-097 totaling \$172,523.24 for funds over-expended in FY 2006. A detailed description of this appropriation follows:

Appropriation No. 2006-097, \$172,523.24. Revenue Source: Glenmore Proffer Revenue \$17,845.09; Glenmore Proffer Fund Balance \$153,154.91; Federal Grants \$1,523.24. The State budget for the CDC Child Care Initiative Grant was increased by \$1,523.24 from the original budget submitted to the County. There are matching Federal funds for the increased budgeted expenses. There is no impact on local funds. An expenditure of \$171,000.00 from the Glenmore proffer was planned for the School CIP. However, official action was never taken to transfer the funds from the proffer. This appropriation officially transfers \$171,000.00 to the School CIP.

Staff recommends approval of FY 2006 Appropriation No. 2006-097.

(Discussion: Mr. Boyd asked about the Proffer Balance Fund item, asking if it would be collected from the developer and held. Mr. Tucker responded that funds are just being moved into a common fund where they can be used, as the Board would appropriate that allocation as necessary. He said he would go back and check on the sunset provisions, if there are any, as Mr. Boyd has requested.

Ms. Thomas said proffers are being digitized and are available online. Mr. Tucker agreed that they could be provided, adding that the proffer tracking system would be available, but a total proffer summary would need to be tallied manually.

Mr. Mark Graham reported that the proffers are available online, and City View would be able to show what the proffers are with specific projects, but staff had not been planning to make public what would be put on the web. He said that they are keeping track of proffers on a line-by-line basis, and offered to set up a demonstration to show the board how that system works.

Mr. Slutzky asked if they would be able to look up what proffers have not been fulfilled. Mr. Graham responded that staff could generate a list of those, but he believes they are current, except for outstanding funds due to the county.

Ms. Thomas said that one dating back to 1990 is the Red Hill proffer.

Mr. Rooker commented that the line-by-line is important, as the gross number does not tell you a whole lot unless you know how it is earmarked to be spent. Mr. Graham said that staff could get that information to the Board.)

Mr. Wyant asked if the zoning study would need to be enhanced in order to make the Crozet downtown district plan work. Mr. Graham responded that County staff has been working closely with the Advisory Council on those items, and that district would enhance what is being asked for.

Mr. Wyant asked if downtown Crozet had actually been defined yet. Mr. Graham responded that they have a starting boundary, but that could be adjusted.)

By the recorded vote set out above, the Board approved of Appropriation No. 2006-097 as set out in full below:

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-097
 DATE: 11/01/06
 EXPLANATION: Fund Overexpenditures

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	8520	93010	930004	Glenmore Proffer-Trs	J1	171,000.00		
2	8520	51000	510100	Glenmore Proffer-F/B	J2	153,154.91		
2	8520	18912	189911	Glenmore Proffer Revenue	J2	17,845.09		
	8520		0501	Revenue	J1		171,000.00	
	8520		0701	Appropriation	J1			171,000.00
1	1561	53115	110000	Child Care Init.-Salaries	J1	1,523.24		
2	1561	33000	330001	Grant Revenue-Federal	J2	1,523.24		
	1561		0501	Revenue	J1		1,523.24	
	1561		0701	Appropriation	J1			1,523.24
					TOTAL	345,046.48	172,523.24	172,523.24

Item 6.8. Letter dated October 3, 2006, from Walter J. Kucharski, Auditor of Public Accounts, Commonwealth of Virginia, to the Honorable Dennis S. Rooker, re: review of Commonwealth collections and remittances of the Director of Finance and Sheriff of the County of Albemarle for the year ended June 30, 2006, **was received for information.**

Item 6.9. Preddy Creek Trail Park – Comprehensive Plan Compliance Review, **was received as information.**

Item 6.10. Copies of Planning Commission minutes for June 27, August 29, September 5 and September 12, 2006, **were received as information.**

Item 6.11. Board-to-Board, Communications report of activities from the Albemarle County School Board, dated November 1, 2006, **was received as information.**

Item 6.12. Crozet Community Advisory Council's Economic Development Position Paper, **received as information.**

Agenda Item No. 7. Transportation Matters.

Mr. Alan Sumpter, VDOT Residency Administrator, addressed the Board. He asked if they had any questions.

Mr. Boyd commented that it is good to see the Meadow Creek Parkway identified.

Mr. Slutzky said that his request concerning the intersection of Hydraulic Road and Route 29 is not in the report. Mr. Sumpter reported that VDOT engineers have discovered issues with left-turn movements as well as right-turn movements, and there would be further review of that intersection. Mr. Slutzky asked that this show up as part of VDOT's report in the future.

Mr. Sumpter commented that it has been beneficial for him to ride with Supervisors around the County to observe projects and needed improvements. He thanked Mr. Rooker, Ms. Thomas and Mr.

Boyd for riding their areas with him, and looks forward to scheduling rides with Mr. Slutzky, Mr. Dorrier and Mr. Wyant.

Mr. Sumpter mentioned that work would begin on White Mountain Road next week, weather permitting, to be coordinated with other ongoing rural rustic road work.

He said there is an issue with Millington Bridge, as there is pre-soaked timber underneath the surface that is causing it to break loose. A permanent solution is needed, and in the meantime, VDOT will maintain it as best they can. He will get with the Structure and Bridge Division to discuss possible solutions.

Mr. Wyant commented that there are not many things that can adhere to the timbers, and the speed limit should probably be lowered on that bridge.

Regarding the traffic signal at Austin Drive, Mr. Sumpter reported that putting a "no right turn signal" there would not be conducive to the function of the traffic signal operations, but they would be looking at synchronization for the light at Boulders Boulevard.

He also said that VDOT staff has been working with Ms. Sherrie Whitaker from Albemarle County Schools Transportation Department in cutting brush to assist the school busses.

He reported that Dawson Lane is not in the State system. Mr. Dorrier commented that the road seems public to him. Mr. Sumpter replied that it is private, and he would be glad to ride out there with him.

Mr. Sumpter indicated that the soccer field sign on Polo Grounds Road has been moved, but there is a debate about the one at the intersection because traffic on Route 29 still needs to be able to see it.

He said that for Route 20, the through-study with the lane at the traffic light will also include synchronization of Elks Drive as part of that whole issue.

Regarding the Proffit Road Bridge request, he added that the railroad was sending data to the structure and bridge department and there is a little more analysis that needs to be done on that, but hopefully that request could be granted in a few weeks.

Mr. Sumpter also said that he needs to go out to the Polo Grounds underpass with engineers, who are considering putting some detectors in the road if a traffic signal isn't feasible to warn people in advance if cars are approaching.

Mr. Boyd asked about the Meadow Creek Parkway project. Mr. Sumpter responded that Mr. Tucker requested a transfer of funds from dormant projects to Meadow Creek, and VDOT has initiated that process. He said that the next step is review of existing monies that were already on those projects to see how much should be put toward the Parkway without affecting Jarman's Gap Road and other priorities. Mr. Sumpter noted that funding for Meadow Creek is under review, and he hopes to be able to share some positive news in the next several weeks.

Mr. Boyd asked that the Board be informed if the process gets slowed down.

Mr. Rooker added that one thing needed soon is the status of the right-of-way acquisition process, as that is the current phase, to get a list of specific parcels, owners, and status on each.

Mr. Sumpter replied that the right-of-way plans have just been signed by the Commissioner, and the notice to proceed had been issued to begin acquisition – which would include appraisals. He mentioned that he has been actively involved in looking at the funding and he is feeling positive about it.

Mr. Slutzky said that he has met with Dunlora residents about a traffic light there, and the Meadow Creek project would hopefully help with that. He asked Mr. Sumpter to check on the possibility of synchronizing the light on Rio Road at Greenbrier Drive with the one on Penn Park that would make it easier to get in and out at rush hour.

Mr. Wyant asked for VDOT's paving schedule for 2007.

Mr. Wyant asked when repairs to the Old Ivy Road bridge might be complete. Mr. Sumpter responded that they put the beam in over the weekend, so it shouldn't be very much longer.

Mr. Wyant asked that the emergency vehicle sensors on the traffic lights be put onto the three traffic lights in Crozet, in front of the schools.

Ms. Thomas commented that VDOT and the County need to work on Reservoir Road if it turns out to be a heavy construction road, as right now it is just slated for spot repairs.

Mr. Rooker asked Mr. Sumpter if he had had an opportunity to review the Georgetown Road file. Mr. Sumpter replied that he is in the process of organizing a meeting that would hopefully take place in the next few weeks. He is hopeful that the project can move forward soon even if it is scaled back a bit.

Mr. Boyd asked if the Eastern Connector study has moved forward. Mr. Graham replied that all committee members have been assigned, except for a City citizen representative, and the contract would be signed soon. He said that the project timeframe had been slated for a year.

Agenda Item No. 8. Discussion: Proposed amendment to Firearms Ordinance (deferred from September 6, 2006.)

Mr. Davis said State law enables counties to prohibit discharge of firearms in areas where the Board determines by ordinance that it is dangerous to the inhabitants thereof. He said that under current County Code, that authority has been used to prohibit firearms discharge in subdivisions in residential areas of the county that is defined by zoning districts. Those zoning districts do not include the RA area of the county. He said that his office has reviewed the existing code and enabling authority and looked at what similar jurisdictions have done – Chesterfield, Hanover, Fauquier, and Prince William counties – and the approach they have taken includes restrictions on a certain distance from buildings, dwellings, and other occupied structures. What he is presenting today is that type of concept ordinance, which would place a restriction within 200 yards of a dwelling. He explained that if a person were to obtain written permission from the occupant of a dwelling unit, then that distance could be lessened, and there would be restricted area next to any business establishment, public building, public gathering, or public meeting place.

In addition, Mr. Davis said, there are a number of exemptions in Section C of the draft ordinance that would allow discharge of firearms – in skeet and hunting ranges, defense of personal property as permitted by law, a rifle range established by law enforcement, in a private below-level basement, killing dangerous or destructive wild animals, euthanizing sick or wounded animals, by law enforcement officials, in theatrical performances/salutes/athletic events where blanks are fired, and killing deer on lots greater than five acres in an agricultural area with a proper permit from the state.

Mr. Wyant asked a question about the rural areas exception. Mr. Davis explained that it allows the Department of Conservation to issue kill licenses for large lots in rural and agricultural areas. So under control settings, they can issue a permit to thin the deer herd and state law does not allow a county to prohibit that.

Mr. Dorrier asked about the number of complaints that have been placed regarding discharge of firearms in a residential area or near a road.

Chief John Miller was present. He said he does not have those figures with him, but the Police Department does support this ordinance. He said that the issue is a quality of life and safety issue in neighborhoods. There have been a number of issues over the years where they had no recourse when firearms discharge took place. This law was patterned after Chesterfield County. He is not totally sold on 200 yards as that locality has experienced problems in closer proximity than that. Most of the charges would be misdemeanors. This ordinance gives the community some recourse in residential and development areas. He noted that most other statutes around the state are 100 yards, and it would have to be looked at closely as he has nothing really to base it on other than those comparisons.

Mr. Wyant asked about the parcel in Earlysville that has a firing range. Chief Miller responded that it is on two or three acres in a subdivision.

Mr. Boyd asked if there could be specific neighborhoods selected. Chief Miller responded that it would be difficult to enforce that if only certain neighborhoods were involved. Mr. Boyd responded that he did not think it would be difficult to identify rural area neighborhoods. Chief Miller said that a person could always get permission from a landowner as mentioned before.

Ms. Thomas commented that she worries about the 200 yards because a rifle bullet can be deadly much beyond that, and she does not want to give people a false sense of security. She said that maybe there is no reason to give a numerical limit, and wondered if it would be easier to enforce a shorter distance. Chief Miller responded that it would certainly be easier to enforce.

Mr. Davis stated that in his discussions with other localities that have these ordinances, he learned that it is easier to prosecute a greater distance because it is more obvious to see that the shooter is in violation.

Mr. Wyant commented that it is less safe to allow a greater distance, and perhaps posting property that is specifically designated under the ordinance is the better course of action.

Mr. Slutzky asked about the provision for rifle ranges, and asked if there are any gun clubs that have target practice that are not organized by law enforcement officials. Mr. Davis stated that Rivanna Rifle Club would not be affected by this, and new clubs established by zoning approval would not be subject to the ordinance either.

Mr. Slutzky asked about the standing and walking provision, and asked if you are in a car if that is considered being on the highway. Mr. Davis responded that it is. He confirmed that state law dictates that shooting of deer in Rural Areas cannot be prohibited on a five-acre or larger parcel if a state permit has been granted.

Ms. Thomas said that Ednam Forest agreed to allow hunting there, but several properties did not agree so those are marked on maps that the hunters use.

Mr. Rooker commented that the ordinance does include a list of protected areas, and there is nothing in the ordinance now to prevent someone from shooting in a shopping center. The firing of the guns is not unlawful.

Mr. Dorrier asked about a law prohibiting firing near a public highway.

Mr. Wyant responded that the distance varies by county, and Albemarle has 50 feet as that limit. Mr. Davis emphasized that that prohibition is for firing in, or across or within the right of way, so you can stand next to the right of way and fire straight up in the air. He noted that in the Rural Areas, the minimum lot size is two acres, but can be as much as five, so there is no clean way to define the boundaries of a subdivision there. With the leash law ordinance, the subdivision plat is referenced, and most animal control officers who are enforcing that have no idea where those boundaries are. He stated that an ordinance that only pertains to certain neighborhoods is difficult to draft, and that is why other localities have used the distance criteria.

Ms. Thomas asked what the definition of a dwelling would be, noting that there are often abandoned structures on rural properties. Mr. Davis responded that dwellings are defined by having inhabitants, but perhaps it could be clarified if that is a concern.

Mr. Wyant commented that shooting near a hunting cabin would not be permitted then.

Mr. Rooker responded that there would be permission given in that instance. Mr. Davis noted that there is wide discretion by localities to define the type of area they want to restrict, and generally distance has been used in relation to where people live or gather.

Mr. Dorrier asked if it was focused on dwellings. Mr. Davis responded that that has been the criteria.

Mr. Wyant asked if a person could walk in the road with a loaded firearm if the property is owned on both sides. Mr. Davis clarified that you can hunt along a public road as long as you have permission from the property owners on both sides of that road.

Mr. Boyd asked Mr. Jim Camblos, Commonwealth's Attorney, to come forward.

Mr. Camblos said when he wrote the letter to Mr. Rooker, he was thinking of properties of two acres or less. He said that reckless handling of a firearm carries a 12-month jail sentence under a different provision of the law, and this new ordinance imposes a misdemeanor monetary penalty. This is more about the safe handling of guns and the quality of life. He agreed that the proposed ordinance is enforceable, although it might not be easy. Regarding the high-profile cat shooting that was recently in the news, he indicated that that took place within 30 yards of a next-door neighbor's property. Mr. Camblos emphasized that he did not propose this in a reckless way. He brought this up because he was a little bit shocked that there was not a stronger ordinance prohibiting firearms discharge.

Mr. Rooker emphasized that this ordinance covers what Section 18.2-56.1 does not cover. He said that he recently received a letter from a constituent expressing concern about frequent gunshots heard year-round, especially during hunting season.

Mr. Camblos commented that the provision about rural areas is more difficult, as it is easier to see where neighborhoods are in residential areas.

Ms. Thomas said that she feels they are deluding people by making them feel they are being protected by this 200-yard limit. She expressed concern that something would be passed that really does not protect people.

Mr. Camblos stated that in his mind, this is for situations like Earlysville, where you have someone shooting in their backyard right next to another home. He commented that in the past, the County has had to pursue people on a public nuisance basis.

Mr. Rooker asked how safe people in a neighborhood feel if someone is sitting on their porch firing shots off. He said that residents of rural neighborhoods have a right to feel safe.

Ms. Thomas emphasized that she just wants to make sure this ordinance does not mislead people into thinking it will keep them totally safe.

Mr. Rooker said that the question at this point is whether to send it to public hearing, and he thinks it is time to do that in order to receive public comment.

Mr. Davis stated that the Board could amend the ordinance after the public hearing to adjust the distance, and it might be better to advertise it at a greater distance.

Mr. Dorrier said that it is a pretty broad provision to allow people to hunt deer on larger rural parcels. Mr. Davis responded that that is state law and cannot really be changed locally.

Mr. Boyd commented that he is not yet convinced the item should go to public hearing.

Mr. Wyant noted that he is concerned about creating a situation that the County does not want by having people fire from a further distance.

Mr. Rooker said that it is less safe the closer you are to a property.

Mr. Boyd commented that he wants to make sure there are not already existing laws that cover this, and perhaps looking at enforcing those.

Mr. Rooker responded that the ordinance needs to be amended, and the only point being debated thus far is the dwelling unit part of it, and defining the distance.

Mr. Wyant said that just having the dwelling used as a measurement is not going to protect a subdivision because the house might be set back further.

Mr. Slutzky commented that it seems there are some unclear variables, and it may be premature to have a public hearing.

At this point it was the consensus of the Board to bring the ordinance back with some clarification on the dwelling definitions and distance provisions.

Agenda Item No. 9. Crozet Community Advisory Council Update, Mary Rice.

Ms. Mary Rice addressed the Board, stating that the County staff has been excellent to work with and very communicative about happenings in Crozet. She said that they have had five meetings, and have a diverse group of mostly middle-aged participants. She stated that some of them live in the growth area, and the majority – but not all – were involved in the Master Planning process. She said that the group's charge was to work with the neighborhood planner and other County staff on implementing the plan with the goal of gathering diverse interests and working collaboratively with staff, businesses, and developers. She said that the group had to break their charge down into workable chunks, and so the mission statement was shortened.

Ms. Rice presented a paper on economic development in Crozet, stating that the Council felt the Master Plan included principles on the importance of downtown, but that at the current time the principles might be jeopardized by development decisions that have happened since the adoption of the Plan. She indicated that the group has embraced the concept that Crozet downtown must remain the town's dominant commercial area, and that its' revitalization must be advanced prior to the establishment of other commercial areas. She said that the Council had voted earlier – which the Board endorsed – to hire a consultant to study an overlay district for Crozet.

Ms. Rice stated that the group also came up with ideas related to architectural style guidelines, a downtown model, and a commercial neighborhood model plan. She mentioned that there would be 16 citizens in a small group working with an architect on developing the architectural language of Crozet. She mentioned that they also have an eastern area subcommittee working as a result of displeasure with Old Trail Drive, and they want to ensure that Eastern Avenue turns out differently. She added that the group is now working on all of the eastern area, including schools as it is possible one intended school site will be lost. She said that they have also been working on the library plan, but the committee could not develop a position paper on library selection. She stated that the committee has worked on an endorsement of proffer guidelines, which they have now forwarded to the Board. She said the group has listened to streetscape presentations and the next committee meeting would be about affordable housing. She added that the other subcommittees that have not been active yet are the historic resources committee, greenways committee, overall density committee, and recycling committee.

Ms. Rice reported that County staff has been helpful by attending meetings, and that access has been nice. There has not really been enough time at meetings, and she feels the group is too large adding that eight to 10 people would be a better size. The diversity of knowledge has been helpful, but it was difficult because people who had not been involved at all had to be brought up to speed. She suggested that it would be helpful to have a mix of people identified as liaisons and those who were not so that it would have been clearer who had the time to work on council issues.

Mr. Wyant thanked Ms. Rice for all of her work, indicating that it has been a difficult task.

Mr. Slutzky said that for future planning, it would be helpful for the committee to recommend how to set up other councils.

Mr. Rooker noted that perhaps when this is done in the future, the tasks could be refined so the committee's charge is more focused.

Mr. Dorrier asked if a timetable was developed for this project. Ms. Rice replied that the group has only extended out as far as February, so they broke into subcommittees and then assigned them each a meeting per month. She explained that the way they addressed the issues was a combination of priority and immediacy.

Agenda Item No. 10. Northern Fire/Rescue Station Review and Update.

Mr. Tom Foley, Assistant County Executive, reported that Mr. George Shadman, Director of General Services, and Fire Chief Dan Eggleston were also present to answer questions and address the Board on this subject.

Mr. Foley presented a map showing current coverage in the development areas, and how the new proposed station would help complete the service area. He explained that the scope of the station project includes an engine, ladder truck, tanker, and an ambulance as well as the staff required to run it. It also requires three full deep bays and living/public space such as a kitchen/dining area, dorm rooms and study space, exercise/locker rooms, and a community/training room. He added that they are trying to attract college students who would serve as volunteers, as has been done in other areas of the country. He confirmed that that would be year-round living space, in response to Mr. Boyd's question. He said there is no distinction made between volunteer bunks and career staff bunks, as they are all part of one crew. He added that a battalion chief's office would probably be added in the future.

Mr. Foley stated that \$3.7 million has been appropriated for this project as of this fiscal year, and the building cost originally was \$2.4 million for 15,724 square feet at \$155 per square foot and the site work cost estimate was \$620,000. He said that was in 2004, and the bids now put the project size at 16,257 square feet because the original number was based on the Monticello Fire Station which is not the same design. He said the UVA Foundation Design Review Committee requirements drove some of the costs up, as did increases in building material costs and the addition of the volunteer dorm space. He mentioned that varying textures, colors, and exterior finishes were required with the committee – with exterior brick and masonry and white columns and an artificial slate roof driving the costs up considerably. He presented renderings of the proposed facility, noting that the design is driven by the University Research Park standards, including the cupola that was of some concern by Architectural Review Board.

Mr. Foley mentioned that the County could save \$180,000 annually by not having to hire three career staff and instead use volunteers. He noted that the volunteer participation has not gone well, and they are hoping that the dorm spaces will save some money and attract students as volunteers. He said that the hurricane season had a real impact on building material availability, and construction spending has increased 30 to 40 percent in the last 18 months, as The Wall Street Journal and other publications have corroborated. He noted that square footage costs in Henrico are running about \$223, with Spotsylvania at \$230; DRC requirements have added about \$20 per square foot to the County's \$246.

Mr. Foley mentioned that the final cost factor includes site issues, noting that there is no road currently to serve the fire station, but the new road would begin the first leg of the parallel road system through the Research Park that eventually will cross over to the Hollymead Town Center. He showed the rezoning application plan approved by the County, which shows the road leading back to the Research Park. He said the proffer was on Parcel D, and there was a stringent line on buffers as well as wetland consideration, making road location difficult. Staff had a lot of challenges fitting the road between the buffers. He added that there was a lot of dirt to move to get the elevation of the fire station to match up with the road. He said that the Foundation is building the road and would deliver on time as their schedule is designed to be ahead of the County's. He noted that UREF provided the County with the five-acre property, and the County did not have much of a choice except to use this property unless they wanted to buy an entire new piece of property.

Mr. Boyd said that he calculated a 61 percent increase, and asked if land purchase had been considered in the original estimate. Mr. Foley replied that it had always been intended to be a proffered site, adding that the 41 percent increase in building costs, the requirements of the business park, and additional funds to address the increase in site work make up that total increase. He emphasized that the County did a search for a better deal on property and came to the conclusion that this proffered site was the best way to go, especially in light of their building a road. He said an independent consultant could be brought in to do value engineering, but that would involve redesign and rebidding, or the entire project could be re-evaluated altogether – cutting out parts of the project. He noted that anything like that would involve review by the ARB, by the DRC all over again, and might lead to site plan issues that would go back to the Planning Commission. He added that every month this project is delayed, it increases in cost by about \$35,000.

Mr. Rooker reiterated that there's not much that can be done now, and value engineering is only useful if design changes are going to be made, and going back through the process now would require ARB, DRC, and possibly Commission involvement.

Mr. Boyd asked if these costs were compared to any private sector organizations. Mr. Foley responded that the County is dealing with putting a road in and all the elevations. The site issues are very unique and have driven the costs up.

In response to Mr. Rooker's question, Mr. Foley confirmed that five bidders were contacted about this project.

Ms. Thomas commented that she is interested in good architecture, but these features are driving the cost up and are subtracting from the visual appearance of the building. Mr. Davis stated that the proffer states: "The design shall be in general accord with the University's Research Park design guidelines." He confirmed that they are written guidelines.

Mr. Foley noted that there were choices in their guidelines, and the County chose mid-level options. In terms of appearance it may be worth having an architect go back over the plan and cut some things out.

Ms. Thomas commented that a lot of good decisions have been made, such as putting in the dorm rooms that could attract students who would help defray the costs.

Mr. Boyd said that it is possible to attract volunteer fire volunteers anyway.

Mr. Rooker responded that it has been difficult to accomplish that in the area, and there would be a different pool to draw from if the dorms were provided. Mr. Tucker suggested that staff take this back to the Building Committee and look at some of the suggestions to perhaps bring the costs down.

Mr. Slutzky said that sounds like a good plan, and he does not want to undermine the effort, but he is concerned in the long run about having this conversation every time a structure is built in the County. He suggested that staff put this out for others to bid on in hopes of getting lower prices. Mr. Tucker stated that the project was advertised for bid, and five bids were brought in.

Mr. Wyant recalled using \$285 on public facility projects, and he hopes that delaying the project won't drive costs up, adding that he would also like to have value engineering considered here. Mr. Foley replied that staff would bring back information on value engineering.

Mr. Rooker added that he would also like for staff to bring back information, as Mr. Slutzky suggested, on the bidding process – the extent to which it is advertised, the possibility of contacting contractors from outside the area –and have a work session.

Mr. Wyant **moved** to accept staff's recommendation to move forward with the present design with staff negotiating with the apparent low bidder in an attempt to save costs where quality and long term maintenance will not suffer, and making nominal changes in design that would not require going back to the UVA Design Review Committee, County ARB or County Community Development Department.

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

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

NAYS: None.

Agenda Item No. 11. Human Services Investment Report.

Ms. Roxanne White, Assistant County Executive, reported that staff has waited a long time to get this work done. The Commission on Children and Families received a grant to do the report, and received assistance from the University of Virginia.

Mr. Steve Stern, a Professor of Economics at the University of Virginia, addressed the Board. He reported that he has served on a CCF subcommittee working on better understanding the City and County Human Services budgets. He explained that they began by grouping things into category and also organizing them by sources of funding. He said that there are many private organizations providing services in the community but are not receiving governmental funds, so they were not included in this report.

In response to Mr. Boyd's question, Ms. White noted that the YMCA does not receive government funds, but the Boys & Girls Club does.

Mr. Stern stated that staff and the advisory group double-checked the numbers, as did the agencies who provided the figures. He said that Medicaid funding is listed as state funding, but is in reality a combination of state and federal funding. He emphasized that a significant portion of funding for services comes from state and federal monies, which means there is investment in local programs; but that also means they are subject to changes that happen on a level that is impossible to control and predict. He reported that the CCF has put together a second task force to consider how efficient it would be to provide more resources. He stated that there might also be further research on the role of private funding in human services, the comparison to other localities in terms of how the community spends money, a deeper analysis of the community's vulnerability to state and federal funding decisions, fiscal implications of state and federal mandates, and analysis of subsidization of local programs in outlying counties.

Mr. Rooker asked how difficult it would be in gathering the comparative data. Mr. Stern responded that since other communities have not done this, it would be difficult.

Mr. Boyd added that you would have to use very similar communities.

Ms. Thomas asked Mr. Stern what he thinks the logical next step is. Mr. Stern said that he feels it is important to understand where needs are, prioritize the needs, and then analyze how effective extra resources put into that would be.

Ms. Thomas asked how needs would be determined. Mr. Stern responded that focus groups would be used, but the CCF already has information on different characteristics of the community and how well Albemarle is doing in different areas.

Mr. Boyd commented that to get a real feel for how the community is being served, non-profit organizations should be included. Ms. White replied that when a new matrix is developed, that would be included.

Mr. Rooker pointed out that that's part of the reason why CCF was created. Ms. White commented that the County is going to need to look at Medicaid cuts at the national and state level, and

plan how to deal with those. Mr. Stern noted that Medicaid and Medicare will have to be dealt with soon, or they will go bankrupt.

Ms. White commented that they need to be very clear on how monies for things such as mental health services are being used, so that their effectiveness can be evaluated.

Mr. Rooker noted that it is unlikely that the local government could pick up what is not funded by state and federal sources.

Mr. Slutzky said that if the government reduces those sources, perhaps taxes would be lowered accordingly and those could be picked up at the local level. Ms. White stated that the group has already started meeting and there is some good assessment data that has already been collected, especially related to best practices and what is currently being done, and the gap between those two things.

Mr. Boyd noted that monies for recreation, etc. are not just spent on families in need. Ms. White agreed, stating that all families are being helped by those funds.

Agenda Item No. 12. ~~2006 Water Quality Assessment list of impaired waters, Presentation by Mr. James Shiflet, Regional Water Resources Planner from DEQ's Valley Regional Office.~~ (Removed from agenda)

Agenda Item No. 13. Closed Session. At 12:00 p.m. Mr. Slutzky **moved** to go into closed session pursuant to Section 2.2-3711A under 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 addition to a county library, and under Subsection (7) to consult with legal counsel regarding specific legal matters requiring legal advice relating to County records. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 14. Certify Closed Session. The Board reconvened into open session at 2:00 p.m.

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

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

Agenda Item No. 15. Appointments.

Motion was offered by Mr. Boyd to:

Appoint Ms. Amy Laufer to the Commission on Children on Families, with said term to expire June 30, 2009.

Appoint Mr. Paul Beyer and Ms. Ida Simmons to the Housing Committee, with said terms to expire December 31, 2009.

Appoint Ms. Shirley Terrell, to the Housing Committee, to fill the unexpired term of Steve Taylor, with said term to expire December 31, 2007.

Appoint Mr. Alan Collier as the Rivanna District representative on the Equalization Board with a term to expire on December 31, 2006.

Appoint Ms. Rosa Hudson as the Scottsville District representative on the Equalization Board with a term to expire on December 31, 2006.

Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 16. **Public Hearing:** An Ordinance to Amend Chapter 15, Taxation, of the Albemarle County Code, that amends Section 15-704, Persons Eligible for Exemption, to provide tax exemptions to more taxpayers by increasing the total combined income cap from \$30,000 to \$50,000 and the net combined financial worth cap from \$90,000 to \$125,000, and that amends Section 15-705, Amount of Exemption, by adjusting the sliding scale for the amount of real estate tax exempted based upon the

amended total combined income and net combined financial worth factors. The proposed effective date of this ordinance is January 1, 2007. (Notice of this public hearing was advertised in the Daily Progress on October 16 and October 23, 2006.)

Mr. Tucker reported that at the Board's meeting on October 4, staff provided information on tax relief for the elderly and disabled. This proposed ordinance would increase the income and net worth limits to determine eligibility to \$50,000 and \$125,000 respectively, up from the current levels of \$30,000 and \$90,000. He said that staff believes the funds are available in the FY 06 budget, and the impact on the FY 07-08 budget would be evaluated based on the number of applications received, but they do not anticipate it to exceed what is currently being budgeted. He stated that after the public hearing, staff is recommending that the Board adopt the advertised ordinance and that it become effective on or after January 1, 2007.

Mr. Boyd said the County needs to look at the possibility of capping the amount, and also making sure wealthy people are not taking advantage of this, in the event they have a trust that is not reflected in their income.

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

Ms. Thomas **moved** to adopt An Ordinance to Amend Chapter 15, Taxation, Article VII, Real Estate Exemption For Certain Elderly and Disabled Persons, of the Code of the County of Albemarle, Virginia, by amending Sec. 15-704, Persons eligible for exemption, and Sec. 15-705, Amount of exemption. Mr. Wyant **seconded** the motion.

Mr. Boyd said he would like to have staff bring back a list of the value of the property being excluded, which would help with the cap situation in the event large, expensive homes were being used in seeking exemption.

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

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

NAYS: None.

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

ORDINANCE NO. 06-15(3)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE VII, REAL ESTATE EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS, 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 15, Taxation, Article VII, Real Estate Exemption for Certain Elderly and Disabled Persons, is hereby amended and reordained as follows:

By Amending:

Sec. 15-704 Persons eligible for exemption

Sec. 15-705 Amount of exemption

CHAPTER 15. TAXATION

ARTICLE VII. REAL ESTATE EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS

Sec. 15-704 Persons eligible for exemption.

Persons who satisfy all of the following requirements are eligible for the exemption established in section 15-703:

- A. The person claiming the exemption shall have either:
 1. Reached the age of sixty-five (65) years prior to the taxable year for which the exemption is claimed; or
 2. Became permanently and totally disabled prior to the taxable year for which the exemption is claimed.
- B. The person claiming the exemption shall be a person owning title or partial title in the dwelling.
 1. The person claiming the exemption shall own title or partial title to the real estate for which the exemption is claimed on January 1 of the taxable year.
 2. A dwelling jointly owned by a husband and wife may qualify if either spouse is sixty-five (65) years of age or older or is permanently and totally disabled.

3. Except as provided in paragraph (B.2), the exemption shall not apply to a dwelling jointly owned by a person who is sixty-five (65) years of age or older or who is permanently and totally disabled (an "exempt person"), and a person who not an exempt person.

C. The person claiming the exemption shall occupy the dwelling as that person's sole dwelling.

1. The dwelling shall not be used for commercial purposes.

2. The fact that a person who otherwise qualifies for exemption established by this article resides in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which the exemption is sought does not continue to be the sole dwelling of the person during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

D. A manufactured home is real estate eligible for the exemption established by this article if the person claiming the exemption demonstrates to the satisfaction of the director of finance that the manufactured home is permanently affixed. Either of the following shall be evidence that the manufactured home is permanently affixed:

1. The person claiming the exemption owns title or partial title to the manufactured home and the land on which the manufactured home is located, and the manufactured home is connected to permanent water and sewage lines or facilities; or

2. Whether or not the manufactured home is located on land on which the person claiming the exemption owns title or partial title, the manufactured home rests on a permanent foundation and consists of two (2) or more units which are connected in such a manner that they cannot be towed together on a highway, or consists of a unit and other connected rooms or additions which must be removed before the manufactured home can be towed on a highway.

E. The total combined income shall not exceed fifty thousand dollars (\$50,000.00) for the calendar year immediately preceding the taxable year.

F. The net combined financial worth shall not exceed one hundred twenty-five thousand dollars (\$125,000.00) as of December thirty-first of the calendar year immediately preceding the taxable year.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; 6-12-85; 5-13-87; Ord of 12-19-90; Ord. of 4-7-93; Ord. 96-8(2), 12-11-96; Code 1988, § 8-26; 9-9-81; Ord. 12-19-90; Code 1988, § 8-26.1; Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 03-15(2), 11-5-03; Ord. 04-15(2), 12-1-04, effective 1-1-05; Ord. 06-15(3), 11-1-06, effective 1-1-07)

State law reference—Va. Code §§ 58.1-3210, 58.1-3211, 58.1-3212, 58.1-3214, 58.1-3215.

Sec. 15-705 Amount of exemption.

The amount of the exemption established by this article from the real estate tax for any taxable year shall be as follows:

Percentage of Real Estate Tax Exempted

		Net Combined Financial Worth		
		\$0-\$85,000	\$85,001-\$105,000	\$105,001-\$125,000
Total Combined Income	\$0-\$20,000	100.0 percent	90.0 percent	80.0 percent
	\$20,001-\$30,000	75.0 percent	67.5 percent	60.0 percent
	\$30,001-\$40,000	50.0 percent	45.0 percent	40.0 percent
	\$40,001-\$50,000	25.0 percent	22.5 percent	20.0 percent
	Over \$50,000	0.0 percent	0.0 percent	0.0 percent

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-27; Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 04-15(2), 12-1-04; Ord. 06-15(3), 11-1-06, effective 1-1-07)

State law reference—Va. Code § 58.1-3212.

This ordinance shall be effective on and after January 1, 2007.

Agenda Item No. 17. **Public Hearing:** An Ordinance to amend Chapter 15, Taxation, of the Albemarle County Code, Section 15-601, Property Exempt from Taxation by Classification, that amends and reestablishes a class of property owned by hospitals conducted not for profit that may qualify for exemption from County property taxes. The proposed effective date of this ordinance is January 1, 2007. (Notice of this public hearing was advertised in the Daily Progress on October 16 and October 23, 2006.)

Mr. Davis reported that in 2003, the State Constitution was amended to shift responsibility from granting property tax exemption from the General Assembly to local governments. The Board adopted

Section 15-16.01 of the County Code, which established the classifications for exempt property. He said the County essentially re-adopted the classification exemptions that had existed under state law, which created a consistency in the transition. The provision that had applied to non-profit hospitals had been on the state books since 1902, which stated that a property had to belong to and be exclusively used by the hospital in order to be exempt. He noted that the Board seemed to agree that a hospital relocating to the County should be tax-exempt, but the strict provisions are not practical now – as there are often private ownership interests, such as for-profit companies.

Mr. Davis stated that a general licensed in-patient hospital that qualifies as a non-profit would be tax-exempt, as well as an outpatient hospital that is immediately adjacent to a qualifying in-patient hospital. He said that staff recommends this ordinance be adopted and it would address modernization of the ordinance, noting that it would apply to Martha Jefferson Hospital.

Ms. Thomas suggested that the County look at the fiscal impact of this measure. Mr. Tucker responded that a fiscal impact study took place during the rezoning request, but that pertained to the property itself, not transportation and so forth.

Ms. Thomas noted that while hospitals provide valuable services, they also bring significant impacts.

Mr. Rooker pointed out that the state classifications adopted clearly exempt non-profit hospitals, and the Board had concluded that it made sense for a property adjoining the hospital to be eligible. He added that the new Martha Jefferson location is closer to I-64, and where it draws traffic today is more congested – including people accessing it via Free Bridge.

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

Mr. Ron Cottrell, Vice President of Planning at Martha Jefferson, addressed the Board. He said that this move would allow Martha Jefferson to better integrate clinical services that ultimately result in better service to patients and their families. Mr. Cottrell stated that the change in the County Code would make it more modern, and Martha Jefferson would be happy to work with the County on determining fiscal impact.

There being no further public comment, the hearing was closed and the matter placed before the Board.

Mr. Dorrier **moved** to adopt An Ordinance to Amend Chapter 15, Taxation, Article XVI, Property Exempted from Taxation, of the Code of the County of Albemarle, Virginia, by amending Sec. 15-1601, Property exempt from taxation by classification.

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

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

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

ORDINANCE NO. 06-15(2)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE XVI, PROPERTY EXEMPTED FROM TAXATION, 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 15, Taxation, Article XVI, Property Exempted From Taxation, is hereby amended and reordained as follows:

By Amending:
Sec. 15-1601 Property exempt from taxation by classification.

CHAPTER 15. TAXATION

ARTICLE XVI. PROPERTY EXEMPTED FROM TAXATION

Sec. 15-1601 Property exempt from taxation by classification.

A. Pursuant to the authority granted in Article X, Section 6 (a) (6) of the Constitution of Virginia to exempt property from taxation by classification, the following classes of real and personal property shall be exempt from taxation:

1. Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof.
2. Buildings with land they actually occupy, and the furniture and furnishings therein owned by churches or religious bodies and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such building.

3. Nonprofit private or public burying grounds or cemeteries.
4. Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students.
5. Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories and nunneries, conducted not for profit but exclusively as charities.
6. Parks or playgrounds held by trustees for the perpetual use of the general public.
7. Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.
8. Property of any nonprofit corporation organized to establish and maintain a museum.
9. Property owned by hospitals conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment), provided such property is either occupied or used (i) as a general licensed inpatient hospital or (ii) as a licensed outpatient hospital immediately adjacent to a general licensed inpatient hospital that has qualified for tax exemption pursuant to this section. Any portion of the property owned by such hospital that is either leased to a third-party or not used for hospital purposes shall not be exempt from taxation under this subsection.

State law reference—Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003, Va. Code § 58.1-3651; Va. Code § 58.1-3606. Pursuant to Enactment Clause 2 of Chapter 557 of the 2004 Acts of Assembly, this ordinance shall be effective as of January 1, 2003.

(Ord. 04-15(1), 9-1-04, effective retroactive to January 1, 2003; Ord. 06-15(2), 11-1-06, effective 1-1-07)

This ordinance shall be effective on and after January 1, 2007.

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

Agenda Item No. 18. **Public Hearing:** ZMA-2006-010, Charlottesville-Albemarle Airport – Pleasant Grove Baptist Church (Sign #39).

Proposal: Rezone 2.00 acre portion of 11.451 parcel from LI - Light Industrial zoning district which allows industrial, office, and limited commercial (no residential) uses to RA - Rural Areas zoning district which allows agricultural, forestal, and fishery uses and residential density of 0.5 units per acre to allow new church under Special Use Permit.

Proffers: No.

Existing Comprehensive Plan Land Use/Density: Institutional - schools, universities and colleges and ancillary facilities and public facilities and utilities.

Entrance Corridor: No.

Location: Earlysville Road between Route 606 (Dickerson Road), Walnut Hills Subdivision.

Tax Map/Parcel: Tax Map 31, parcel 27A (2.00 acre portion).

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on October 16 and October 23, 2006.)

Agenda Item No. 19. SP-2006-024, Charlottesville-Albemarle Airport – Pleasant Grove Baptist Church (Sign #39).

Proposed: New church building.

Zoning Category/General Usage: LI - Light Industrial - Industrial, office, and limited commercial uses (no residential use); Airport Impact Area.

Section: 10.2.2 (35).

Comprehensive Plan Land Use/Density: Institutional - schools, universities and colleges and ancillary facilities and public facilities and utilities.

Entrance Corridor: No.

Location: Earlysville Road between Route 606 (Dickerson Road), Walnut Hills Subdivision.

Tax Map/Parcel: Tax Map 31, parcel 27A (2.00 acre portion).

Magisterial District: White Hall.

(Notice of this public hearing was advertised in the Daily Progress on October 16 and October 31, 2006.)

Mr. Cilimberg reported that the Airport Authority and the Church have made this request to rezone a portion of the Authority's property from Light Industrial to Rural Areas – a two-acre portion of the 11.5 acres that exist on this parcel – to allow for construction of a church building and parking area. He said the property is located on the east side of Earlysville Road, between Dickerson Road and the Walnut Hills Subdivision, and adjacent to the airport; it is in the Rural Areas of the Comprehensive Plan and is currently zoned Light Industrial.

Mr. Cilimberg said that the only question raised from staff's standpoint is that it would be a reduction in the LI zoning available in the County. The request clarifies the boundary between the rural area and development area, establishes zoning that was consistent with the Comp Plan for the two acres that would be involved, and downzoning for Rural Area reduces the demand on local utilities and roads. As for the special use permit, he pointed out that a small-scale church is a less intense use than most by-right uses under RA zoning, and allows the congregation to continue its relationship to the surrounding community and maintain its physical presence within the neighborhood.

Mr. Cilimberg indicated that the Planning Commission only raised one main concern – the possibility of the old church building being maintained, and adjacent owners were most concerned about having an adequate buffer. He reported that the buffer concerns have been addressed in conditions #4 and #5 with a requirement for a 50-foot rear buffer, and a 20-foot buffer on the north side of the property. He said that the Planning Commission and staff have recommended approval subject to 11 conditions.

Ms. Thomas asked if it is possible to have historic preservation architects keep a record of the church, as its structure is historic. Mr. Cilimberg replied that the last time that was conditioned, the church was in a different location in a different parcel.

Mr. Slutzky asked if the church is in the flight path of the airport. Mr. Cilimberg replied that it is in the safety zone, and his understanding is that the church needs to be moved because that is part of FAA regulations.

Mr. Rooker said that perhaps the County's Historic Preservation Committee could be utilized in documenting the history.

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

Ms. Valerie Long addressed the Board on behalf of the Charlottesville-Albemarle Airport Authority, noting that this is a minor downzoning that also allows for a special use permit to ensure that the church could be a by-right use on the property. She noted that the FAA does fund the vast majority of the cost of moving the church, as regulations require that it be moved from the runway safety zone. She indicated that the church has the option to either relocate the existing structure or build a new one on the two-acre site, and the church is interested in constructing the new facility. She mentioned that the Airport Authority has worked with staff and church officials to help find a viable use for the structure, and they have been working to record the history of the church through photos and documents. She confirmed that the building must be either moved or demolished.

Mr. Brian Elliott, Executive Director of the Charlottesville-Albemarle Airport Authority, addressed the Board and said that there was a provision in the purchase agreement negotiated with the church that stated they would relocate the church or build a new one on the site provided. He indicated that the church had a structural engineering firm come and look at the property, and they determined it could be moved. He said that the church has indicated they would like a new facility so they can have a fellowship hall. He stated that the monetary compensation agreed upon was to replace the 1,600-foot structure or relocate the building in-kind, noting that the square footage cost would be \$200 per square foot. He said that over the course of 18 to 24 months, they have had discussions between the authority, the FAA, and the church.

Mr. Rooker commented that the negotiations of the church over the payment of their building is not a valid reason to approve or deny the rezoning.

Mr. Slutzky said that he conversed with members of the Planning Commission, who expressed concern that church members were not present at their meeting.

Mr. Rooker emphasized that the land is owned by the Airport Authority. Mr. Davis said that the deal between the church and Airport Authority is not a valid basis for whether this property is appropriately used as a church.

Mr. Wyant commented that if there is a way to provide assistance for site work, that would be helpful.

Mr. Elliott noted that that would be up to the FAA, and it has already gone to their headquarters for approval – which included an amount for site work as well as for the structure. He added that the agreement entered into called for the Airport Authority to move forward with the rezoning of this property, and if that is not met than the purchase agreement is null and void.

Mr. Cilimberg mentioned that in 2004, Preservation Piedmont did do documentation on the church equivalent to that done for the church on Morgantown Church.

Mr. Wyant asked for clarification of what was being voted on.

Mr. Rooker replied that the vote is for a rezoning of the property so the church can be built and a special use permit so they can operate it there. He asked if the Airport Authority has power of condemnation. Mr. Davis replied that the FAA does not have power of condemnation, but the Airport Authority does. He said that the Authority would have to exercise that option, adding that the Authority would own the property.

Ms. Long indicated that Mr. Elliott told her the Authority would not elect to use its condemnation powers.

Ms. Wyant expressed concern about losing this historic structure, as many black churches in the community have been lost along with their history.

Ms. Long clarified that it is possible for the church to get a variance from the FAA.

Mr. John Griffin, Attorney for the Church, addressed the Board. He stated that the church would like to expand, but it cannot do so in its current location. He said that the congregation would have to find additional funding to make improvements to the new church. He said that as far as preserving the current church, a variance with the FAA might allow the church to stay and perhaps a historical marker could go up. He stated that the church would prefer to move and have an adequate facility than to stay and not be able to expand.

Mr. Slutzky asked if it would be possible to have the Airport Authority pursue a variance that would allow the old structure to continue standing.

Deacon Ralph Carter addressed the Board, stating that the church needs to expand. He said that the church right now is a one-room church, which provides no community space for classes and such. Deacon Carter stated that the cost of infrastructure was one of the biggest issues they encountered in negotiating the estimates, adding that they would like very much to preserve parts of the church – such as the old bell, pulpits, etc. He said that they currently have 35 active church members, but have not been able to expand to accommodate families with things like Sunday School and nursery.

Deacon James Thomas of Pleasant Grove Baptist Church addressed the Board, noting that he has been a part of the church for his 60 years. He expressed regret about not being able to bring the old structure, but they would like to have a facility they can expand.

Mr. Jeff Werner stated that he does not know the designation of the structure but it certainly sounds like there is a story here to be told. He encouraged the church members to contact the Department of Historic Resources and it is not that hard to move structures, but it is hard to maintain them.

Ms. Long clarified that the church has gone through the Section 106 review twice now, and the Department of Historic Resources has determined that it does not technically qualify as a historic structure, although it does have historic value in the eyes of the community. She indicated that the safety of the public on the ground is what the FAA focuses its concern on.

Ms. Shirley Chapman, Pastor of the Church, indicated that the reason they could not be put as a historical structure was because of the rezoning. She said that the infrastructure to get to the new facility is their biggest concern, and moving will allow them to grow as a church.

There being no further comment from the public, the hearing was closed and the matter placed before the Board.

In response to Mr. Wyant's questions about the church expansion, Mr. Cilimberg clarified the area where the building might expand, noting the setback requirements and buffer areas. Mr. Cilimberg said that they would be under the Zoning Ordinance for those things, not the special use permit conditions.

Mr. Davis clarified that if the church expanded in the future, they would have to amend the special use permit and the Board would adjust any setbacks at that time.

At this time Mr. Wyant **moved** to approve ZMA-2006-010 for the Charlottesville-Albemarle Airport-Pleasant Grove Baptist Church. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

Mr. Wyant then **moved** to approve SP-2006-024, Charlottesville-Albemarle Airport-Pleasant Grove Baptist Church subject to the 11 conditions recommended by the Planning Commission. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

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

1. Special Use Permit 2006-24 shall be developed in general accord with the following: "Proposed 2.000 acre division off of Tax Map 31, Parcel 27A" prepared by Kirk Hughes and Associates and Concept plan dated June 23, 2006, prepared by Kirk Hughes and Associates, and titled "Pleasant Grove Baptist Church" (Attachments A1 and A2);
2. A site development plan shall be required;
3. Setbacks for the church property shall be seventy-five (75) feet front, twenty-five (25) feet sides, and thirty-five (35) feet rear;
4. A twenty (20) foot buffer (no disturbance zone) shall be maintained continuous along the boundary between the church property and TMP 31-23J to the north;
5. A fifty (50) foot buffer (no disturbance zone) shall be established the full length of the easternmost property boundary of the church parcel; a tree protection plan shall be required as part of site plan approval;
6. Sanctuary and classroom expansion, or the addition of day care and other non-worship uses, will require amendment to this petition;
7. Section 14-404 is waived to allow for a separate vehicular entrance from Earlysville Road serving the church parcel only;
8. VDOT approval of vehicular entrance shall be required;
9. Virginia State Health Department approval of well and septic systems shall be required;
10. The applicant is required to coordinate verification of adequate fire flow with the Fire Department during the building permit process; and
11. Five (5) years shall be allowed from the date of approval of this Special Use Permit to the commencement of the use.

Agenda Item No. 20. ZMA-2006-007, Hollymead Town Center, Area B Proffer Amendment (Signs #80, 86, 87.

Proposal: To amend approved proffers on land that is zoned PDMC: Planned Development Mixed Commercial - large-scale commercial uses; and residential by special use permit (15 units/ acre). No dwelling units are proposed.

Proffers: Yes.

Existing Comprehensive Plan Land Use/Density: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).

Entrance Corridor: Yes.

Location: West of Route 29 between Town Center Drive and Timberwood Boulevard.

Tax Map/Parcel: Tax Map 32, Parcel 43; Tax Map 32, Parcel 43B, Tax Map 32, Parcel 43C; and Tax Map 32, Parcel 43D.

Magisterial District: Rio.

(Notice of this public hearing was advertised in the Daily Progress on October 16 and October 31, 2006.)

Mr. Cilimberg reported that the request was originally for a two-year extension of the proffer that would require construction of Meeting Street with acceptance by VDOT. The applicant went before the Planning Commission in September, with staff and the Commission both recommending denial due to lack of construction on the street. He indicated that since that time, construction of the street has commenced and is moving towards completion; the construction of Town Center Drive from Meeting Street is also progressing. He stated that with the changed circumstance, staff feels that construction can be completed and VDOT can accept the road within one year – to June 15, 2007. He also said that concerns raised by staff and the Commission have been substantially addressed.

Mr. Rooker asked if the requirements of Proffer #3 – pursuant to the approval of ZMA 2001-019 – had been met. Mr. Cilimberg responded that according to Mr. Mark Graham, the bond is in place so the proffer has been satisfied.

Mr. Slutzky asked if there are currently any unsatisfied proffers. Mr. Cilimberg replied that he does not believe any proffers are not satisfied.

Mr. John Shepherd, Zoning Manager, stated that the proffers have all been met, except for the one before the Board today.

Ms. Thomas asked what the grounds would be for disapproval, noting that this applicant has a ZMA (River Heights) dating back to 1989 with three proffers – a hundred-foot strip for a pathway, access to Rivanna Reservoir, easement for river frontage – that the County has really struggled to get them effectuated. She stated that because of that history, she is not inclined to give leeway on the proffer with the current application.

Mr. Davis responded that those are separate applications, and the decision to approve or deny this request has to be based on a reasonable foundation that is fairly debatable. The Board is not compelled to approve this application for this extension; the only issue before the Board is a failure to comply with a proffer to build a road segment. He added that the applicant might provide a valid basis for that when he speaks, and the effect of denial would generate a Zoning Ordinance violation. He stated that

this could mean they would be cited with a violation, or the County could get an injunction that would compel them to build the road – but they are building the road already.

Mr. Dorrier asked what problems have been caused by this delay. Mr. Davis replied that an important part of the rezoning application was the completion of the road, which has been delayed. He added that at the time, it was felt that this was an important consideration in the rezoning.

Mr. Boyd commented that the extension is being requested in order for VDOT to have time to take the road into their system. Mr. Cilimberg said that staff's concern was that nothing had started, and areas C and D had plans for development. There was really only one way to that development via Timberwood, and staff felt that Meeting Street and Town Center Drive sections were an expectation to better deal with the development of that area as it occurred. He added that with construction now underway, that issue is not the same anymore.

Mr. Wyant asked if Meeting Street only needs asphalt to be complete. Mr. Cilimberg responded that Meeting Street, as it intersects with Timberwood Boulevard at the roundabout, has been constructed with a layer of asphalt. He added that it is the point where Area A and Area C meet where construction is now happening.

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

The applicant's representative, Mr. Steve Blaine, addressed the Board. He said that the proffer for Meeting Street was a two-lane section, but after the construction of Area B, Area A submitted a rezoning request. He explained that it is the ultimate design that Meeting Street would become a four-lane segment, so the design, planning, and review of a four-lane segment delayed the ultimate approval of the road section. He indicated that the building of the road does not take as much time as the design and moving of tenants.

Mr. Wyant asked how long it would likely take to get the plans submitted to VDOT. Mr. Blaine responded that it would usually only take three or four months, and they have already approved the plans – but now VDOT needs to inspect the roads and accept them into the system.

Mr. Wyant noted that there would be a change in the original design because it is now a two-lane. Mr. Blaine replied that VDOT has indicated they would approve a two-lane road. He added that there are layers of remedies – including a bond in place – to meet the four-lane requirement.

Mr. Cilimberg stated that the proffer states the road needs to be completed so that it would be accepted by VDOT; the acceptance, itself, does not have to take place right away.

There being no other comments from the public, the public hearing was closed.

Mr. Slutzky **moved** for approval of ZMA-2006-07 to allow revision of the proffer for the Meeting Street half section which proposes to extend the deadline to construct and have the road accepted by VDOT by June 15, 2007. Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

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

(**Note:** At 4:13 p.m., the Board recessed to go into Meeting Room 235 for a joint meeting with the School Board.)

Agenda Item No. 22. JOINT MEETING WITH SCHOOL BOARD.

SCHOOL BOARD PRESENT: Ms. Sue Bell Friedman; Mr. Stephen Koleszar; Mrs. Diantha McKeel; Mrs. Barbara Massie Mouly; Mr. Jon Stokes; and Mr. Brian Wheeler.

SCHOOL BOARD ABSENT: Mrs. Pamela Moynihan.

OFFICERS PRESENT: Dr. Pamela Moran, Superintendent; Ms. Roxanne White, Assistant County Executive; Mr. Tom Foley, Assistant County Executive, Ms. Laura Vinzant, Budget Analyst, Office of Management and Budget; and Ms. Jennifer Johnston, School Board Clerk.

At 4:20 p.m., Mr. Rooker, Board of Supervisors, Chairperson, called the Board of Supervisors meeting back to order. Ms. Friedman, School Board Chairman, called the School Board to order.

Item No. 22a. Discussion: Revenue Projections/Capital Improvements Program (CIP) Overview.

Ms. White said she will begin the presentation with information on revenue projections, allocation of FY08 local taxes and revenues for capital and debt, school operations and General Government operations. Ms. Vinzant will provide an overview of the five year financial forecast, and then Mr. Foley will provide some recommendations from the CIP Oversight Committee.

Ms. White reported that the budget and estimate for next year show total revenues at \$199.9 million, with new revenues at \$222 million for next year – an increase of 11.1 percent. She indicated that the largest increase would be in general property taxes (84 percent of the increase), or an increase of \$18.6 million. Ms. White said that other local taxes would increase by 6 percent, and total local increase would be \$21.6 million in new revenues, a 12.8 percent increase. She noted that state and federal dollars are yielding in a 3 percent overall increase; transfers and fund balance are down by \$300,000 because of a budget fund balance in FY 2007.

Ms. White confirmed for Ms. Friedman that this is based on current tax rates.

Ms. White indicated that there is an increase in \$116.6 million in revenue, or 15.8 percent, reflecting the 22 percent reassessment rate in 2007 and 5 percent in 2008, combined with new construction. She pointed out that rates would go down in the out years, and would likely be 5 percent in 2009 and 2010, with 6 percent in 2011 and 2012. Ms. White mentioned that personal property taxes would increase between 9 percent and 10 percent, with the General Assembly freezing the tax relief and giving the same level each year. She said that that would result in a total of about 6 percent growth each year for personal property tax revenue.

Ms. White said that sales tax would average out to between 4 and 6 percent, with 4.4 percent increase for FY 08; transient occupancy tax increases steadily as does food and beverage.

Mr. Rooker commented that more revenue would need to be put in the CIP in order to accomplish capital projects. Perhaps it needs to be a bigger allocation.

Ms. White reported that last year the revenue sharing is \$10 million, and this year it would be \$13 million, based on the 27 percent reassessment rates in 2005. She noted that this is subtracted and given to the city. Ms. White also said that the first component is to increase the debt service and monies that go to the CIP by the same revenue growth as the combined school fund and general fund – an 8.7 percent growth rate on current dollars going to the CIP, reflecting a 10 percent increase net of revenue sharing in the general fund and a 2 percent increase in the school fund.

Mr. Koleszar noted that housing prices would not necessarily stay where they are.

Mr. Rooker said that there is a current underestimation of costs related to CIP projects.

Ms. White mentioned that the second part of the capital reserve is 2 cents on the tax rate, with what the Board rededicated to the CIP, increasing the CIP transfer by approximately \$1 million. She said that the third part of the debt service capital formula is one-half of a percentage point of the net new revenue growth going to capital. Ms. White emphasized that the total is a \$3 million increase going to the CIP this year.

Ms. White reported that the schools were at \$91 million last year, with \$100 million this year; local government realized \$51 million last year, with \$57 million this year.

Ms. Vinzant reported that the annual compensation increase is now at 5 percent, made up of a 4 percent market increase, a .7 percent merit increase, and a .3 percent reclassification increase. She said that health insurance would increase by 5 percent for two years, then 8 percent for the next three years.

Ms. White clarified that the increase is based on the market study over the past five years, then projecting the outlook.

Ms. Vinzant stated that the model for operations assumes a 2 percent maximum increase across departments, with agency increases assumed to be 5 percent annually, as well as four new police officers. She noted that there was a commitment to fund the four police officers.

Mr. Rooker added that there was a Comp Plan goal to add the officers per thousands of population, and determined that 1.5 per thousand is lower than comparable communities.

Mr. Tucker emphasized that that figure is just for staff use to build a budget and the Board wouldn't necessarily have to support that later.

Ms. Thomas asked what the basis is for holding the agencies to a 5 percent increase.

Ms. Vinzant replied that historically that is what has been given, and this is a five-year projection based on revenues.

Mr. Slutzky said that perhaps the Board would want to consider the possibility of additional growth generated from things like NGIC, etc.

Ms. White replied that this is a projection based on averages, and there has been no decision made about what each agency will get. She said that staff would welcome direction from the Board on how to build the budget.

Ms. Vinzant explained that the revenue/expenditure assumptions do not include operating impacts of CIP projects, such as staffing for fire stations, new funding, expanding programs, etc. She said that they predict a \$5.2 million balance in FY 2008 going up to a \$15.3 million balance, with schools already pulled out. Ms. Vinzant said that CIP operating impacts are now based on recommended CIP figures coming

from the oversight committee; after those are removed, they show a 4.8 percent balance of revenues over expenditures in 2008, dropping to an \$8.8 million balance.

Ms. Vinzant reported that there is an assumption of doing \$2 million in strategic initiatives per year, based on a four-year average for budget cycles, with a \$2.7 million surplus in 2008 and eventually a deficit.

Mr. Foley pointed out that there is some money built in to address Meadow Creek Parkway, etc. He also said that the transfer sets aside some money to address transportation priorities, but the Board hasn't allocated that money yet. Mr. Foley said that it does fund those projects to a certain level, but the Board needs to decide how much. He stated that the increased cost of capital projects over two years ago estimates have been factored in, with \$285 per square foot being used for libraries, verified by several sources, instead of the previous figure of \$175.

Mr. Foley stated that staff has put together figures on operating new fire stations, etc., with costs estimated and factored in as presented.

Mr. Boyd said that putting it in the operating budget doesn't really show the true impact of a new item, such as a library or fire station. He emphasized the importance of having that start-up cost information to be able to show the public the true costs of those items.

Mr. Foley noted that the cost of the Northern Fire Station does reflect a ladder truck, ambulance, etc. He emphasized that the point of this meeting tonight is to provide the boards with adjustments that have occurred as a result of the oversight committee's work. Mr. Foley said that that committee is charged with doing a ten-year assessment every two years, as well as presenting an actual five-year CIP budget plan. He explained that the oversight committee recommends a \$230 million CIP, up \$68 million from the five-year plan presented two years ago. Mr. Foley noted that costs have escalated, and the cost estimates have become more accurate as the out years have come to fruition.

Mr. Foley reported that the total amount of \$68 million is split between general government and schools, with new projects accounting for \$10.2 million in general government and \$28 million in project adjustments. He said that a library has been moved from the out years to the five years, which is the biggest chunk. Mr. Foley said that school projects include \$2 million in new initiatives, but also include \$7.8 million to replace generally planned projects with specific projects.

Mr. Foley noted that the general government side includes \$130 million, a \$38 million increase – courts up \$2.1 million, based on new projects; public safety up \$5.6 million including 800 Mhz replacement, records management, etc.; public works up \$3.3 million - renovations of the COB, window replacement; a storage facility would be used for both schools and general government. He pointed out that Community Development has small increases but there are Neighborhood Model and urban infrastructure increases that are reflected in the CIP.

Mr. Foley stated that Parks & Recreation showed a decrease of \$190,000, primarily because of a proffered park site. He noted that north of the city line there are two library projects planned at over 45,000 square feet of space; the oversight committee suggested looking at one library in the middle to serve both parts of the development area. He also said that the Board's decision to increase ACE funding is reflected here as well, with the idea of giving \$1 million to that program each year. Mr. Foley noted that station replacement is the majority of cost of Seminole Trail and CAARS, and there is also some equipment replacement beyond the five years.

He explained that staff felt that there were some projects not adequately reflected, so staff moved them out of the 10 year timeframe, and crossovers such as those included in the master plans have been moved out until those plans come to fruition.

Mr. Foley stated that the biggest issues in the school CIP are additions to the Crozet and Brownsville Elementary Schools, Western Albemarle High School, and the Southern Elementary additions and renovations. He clarified that this information has come from the long-range planning committee within the schools, and has been developed with staff as well.

Board members from both boards indicated that they have not necessarily approved what is being presented here.

Mr. Foley mentioned that there is also an elementary school in the out years that totals \$28 million, and there will be some more discussion of that.

Mr. Wheeler commented that the inflation factor in the CIP has caused the cost of the Crozet Elementary School to go up to \$29 million from the original \$12.5 million estimate if it is constructed in the out years, with 5 percent cost increases estimated for each year.

Mr. Foley confirmed that the 5 percent annual increase is what staff uses in out year estimates. He said that the County has set some maximums that were developed with financial advisors, then compared the financial picture with other AAA-rated localities. Mr. Foley explained that Albemarle looks at outstanding debt as a percentage of assessed property values in the county – a key indicator, and the county's policy is that that won't exceed two percent. He noted that the County is well under their policy. Mr. Foley stated that county debt service compared to revenues remains under the 10 percent county policy maximum, varying above and below it but remaining far under the cap.

He also said that the way the county monitors the bottom line is to look at the reserve balance in the CIP, with revenues being considered against debt service and expenditures. Mr. Foley said that the reserve balance starts at \$17 million, and the goal is not to get below \$2 million, with the out years in FY 2013 and 2014 dropping below that benchmark based on estimates.

Mr. Boyd asked how it was decided to borrow some monies for things like the fire stations.

Mr. Foley replied that the Board would need to discuss that and determine strategies, starting with a work session on December 1st.

He stated that the CIP Oversight Committee's role was discussed at their meetings. Mr. Foley explained that the committee reviews the technical review team's recommendations – budget staff, etc. – who look at overall justification and timing through evaluation criteria to see how projects would rank. He noted that that information then goes to the oversight committee and looks at items along with long-range goals and objectives and the county's financial policies. Mr. Foley cited the library for the northern growth area as an example of an item needing further review. He said that their recommendations go to the County Executive to eventually go to the Board, and he has to make sure that the budget balances. Mr. Foley said that the oversight committee needs to make sure that it does.

Mr. Foley asked if the School Board should submit their request to the Oversight Committee, or the Board. He answered by saying he feels it should go to Committee first because they figure out how to balance revenues. They need to have the final request of every department, agency, and board in the county to finish their work.

Mr. Wheeler noted that items from the master plan would also have a significant impact on the CIP in years forward, and schools need to be represented here.

Mr. Rooker responded that schools are integrally involved every step of the way, and the priority items are based on strategic initiatives.

Mr. Wheeler said that he was suggesting moving forward, but wants to make sure that there are enough school representatives plugged into the process.

Mr. Koleszar commented that the two boards need to work together on long-range planning, noting that some schools are including community libraries as part of their buildings. He emphasized that these types of conversations need to take place on a higher level.

Ms. Friedman noted that there are schools across the country looking at inter-generational designs to save money and use them as community resources.

Mr. Rooker stated that it is important to stay within the process.

Ms. Friedman said that it is just a different way of looking at building buildings.

Mr. Rooker responded that these ideas should be carried forward in this process.

Mr. Tucker mentioned that the intergenerational idea was considered with Monticello, but was shelved for logistical reasons.

Mr. Foley noted that the off year of the CIP is a great time to discuss those items.

Mr. Rooker said that by the time the budget comes to the Board from Mr. Tucker, a lot of input and discussion has already happened, so the process being accelerated is dependent on staff scheduling. He emphasized that he doesn't want to short change the process just to move a hearing date back. Mr. Rooker asked for a proposed schedule that could be presented to staff for input as to how it would work if changed.

Item 22b. Matters not Listed on the Agenda.

Ms. Friedman asked that the Board of Supervisors consider moving their final budget public hearing because it conflicts with the School Division's Spring Break. Board discussion occurred around this topic and it was noted that staff would look at the feasibility of moving the date. School Board members stated that they would provide whatever support was needed in terms of getting the School Board's funding request completed in a timelier manner if necessary to move the public hearing date.

(Note: At 5:43 p.m., the Board of Supervisors meeting recessed. Mrs. McKeel offered a motion to adjourn the meeting of the Albemarle County School Board. Mr. Stokes seconded the motion, and the motion passed unanimously.)

Agenda Item No. 21. Discussion: Crozet Library-Site Selection.

Ms. Lee Catlin, Community Relations Manager, reported that the Crozet Library was identified in the County's CIP budget several years ago at \$5.9 million. There was a lot of discussion about the new library during the Crozet Master Plan process. She said that the majority of people who were involved did

express a preference for a site that they felt could catalyze activity in the downtown, and the consultant in response to that placed the library at a location on Crozet Avenue in the heart of downtown. The plan defines the downtown as the district-wide focal point and places the library in the core downtown district. She indicated that the plan emphasizes completion of the sidewalk system, placement of the new library, and creation of the first two blocks of Main Street. She said the old school has been designated as a preserved area in the Master Plan to be used for open space, historic/agricultural activities, low density and restricted land uses.

In response to that direction, Ms. Catlin said, the County has put a lot of energy into finding a downtown viable option, and staff has selected the Harris-Amato site as the best downtown site of the 13 potential locations considered. She stated that elements of that site complied most favorably with conditions established in the Master Plan and neighborhood model – within easy walking distance of existing goods and services, creates a visible and unique anchor and destination that can differentiate downtown from other commercial sites, provides infrastructure and parking – and it was a property that was available for the County to procure. She added that the old school is the second recommended location, and has a lot of public sentiment behind it. She noted that a public meeting last week drew 150 people who broke into small groups, and their outcomes have been shared with the Board as summary comments and concerns. She mentioned that comments from the Crozet Library email have also been shared with the Board. Ms. Catlin then introduced Ms. Melanie Hennigan, the Lead Project Architect with Grimm + Parker Architects.

Ms. Hennigan addressed the Board, stating that her firm has designed more than 20 public libraries over the last 16 years, and she has led those efforts. She mentioned that they currently have five libraries underway in Virginia. She pointed out that her firm is committed to LEED Design, and she is an accredited professional. She commented that the County has done a great job in creating a collaborative design process, and they have an opportunity to tie the building directly to the community's history and local architectural context. She said that her firm's designs strive to create a building that is unique to its site, and they are not cookie cutters.

Ms. Hennigan said that there are some incredible opportunities for the Crozet Library, and this is once in a lifetime opportunity to take public dollars and spend them in a certain place where they will have the most impact and significance. She stated that her firm took the local Crozet group through the site analysis. She said that the size that they tested all three sites for was from 15,000 to 22,000 square feet of library, and for 75 parking spaces. She indicated that they looked at the school site itself, open space on the old school site, and the Harris-Amato property in downtown. She said that they want to have a clear site entrance, and locate it so that there is an option to have solar lighting.

Ms. Hennigan explained that the tallest part of the school has the most promise of the structure to be a library, but it also has some challenges; she presented a site plan of how that would work. She explained that the tall historic part of the school would be renovated, then an addition would be put on the back with the long classroom built in the 1960's being demolished. She noted that the long narrow classroom part is not very tall, and libraries need tall ceilings that can have suspended light fixtures and that accommodate high-volume, low-velocity air systems. She said the main historic part of the school would provide an extremely dramatic renovation, as the floor would need to be significantly reinforced to accommodate a heavy book load. She added that the structure for the roof does not meet current fire codes and would need to be replaced, and green roof options would mean that the wood structure would not be the best material to go underneath that. It could be done, but would be a very expensive renovation. She said that there would be about 8,400 square feet of the existing building that would be modified and renovated as shown, and the other area shown is a 7,000 square foot addition to the rear of the structure. She added that they have also increased the parking and have redesigned the grade and asphalt to accommodate it, with relocation of the playground. The parking lot is screened with trees and a service area would go in back.

Ms. Hennigan reported that the second option would be to place the library in a brand new building on the school site, but the slopes on the site would probably require significant earthwork. She said that if you were going to develop the site for a library, the new building would be set back and a loop parking area between it and the existing school would be created.

Ms. Hennigan explained that the third option is the Harris-Amato property on Crozet Avenue on the downtown site. She said that there are some significant views from the site, which also contains some magnificent historic trees. She noted that the site slopes about 11 percent, and the resulting footprint in keeping a street edge and creating a sidewalk-treescape would allow for 18,000 square feet on one floor. She emphasized that because of the slope, the library would need to be two floors to accommodate 36,000 square feet or so. She added that if you were to come into the library in the parking area, you would enter at the upper level on-grade into the main floor of the library. She mentioned that this site has the best solar orientation possibilities, and the north façade could face a future Main Street as well as creating another façade along Crozet Avenue.

Ms. Hennigan concluded by stating that each site has its advantages and disadvantages.

Mr. Rooker thanked her for her presentation, and thanked the people who have waited for the item to be discussed today by the Board.

Ms. Thomas commented that one of the conflicts happening in Crozet is between rural and slightly urban infrastructure. She asked Ms. Hennigan to discuss how easy it would be to use Crozet Avenue to access the proposed downtown site.

Ms. Hennigan replied that if you are driving on Crozet Avenue, it would be just as easy as it is now to access downtown properties, and the additional parking created by the library would make it even easier once you do get downtown.

Ms. Catlin said that the goal is walkability, and this would allow for one trip in to be made, which would hopefully eliminate some trips.

Ms. Thomas asked if Crozet Avenue would be changed compared to what it is today, and asked if it would be widened.

Mr. Mark Graham responded that the plan now is for a three-lane section, with wider sidewalks on both sides. It is taking more of a downtown street-section appearance. He added that Main Street coming in would allow for a left-turn lane from Crozet Avenue where the two roads "T."

Mr. Rooker asked if it was anticipated that the library activity would occupy the 75 spaces on a typical day. Mr. Graham replied that the original study showed a need for about 40 to 45 spaces, but the library staff have indicated there are peak times such as "Storytime," that generate the need for more spaces. He said that the overlap with other businesses has not been extensively considered at this time, but there is lots of opportunity for shared uses.

Mr. Rooker asked how use of this lot for general downtown parking could be prevented. Mr. Tucker responded that the County wants that to happen, for people who cannot find parking elsewhere.

Mr. Rooker agreed that it is nice to have the additional parking, but just wanted to make sure that people accessing the library had parking available to them.

Ms. Hennigan said that her firm has done the town center style Rockville and Frostburg libraries, and negotiations took place between the business community and the library regarding dedicated library parking spaces. She said that perhaps Crozet would want to do the same, even taking hours into consideration.

Mr. Wyant commented that putting the library downtown means expansion would need to be vertical, and the other sites would allow for horizontal expansion. He stated that this is one of the biggest investments in Crozet, and asked if green space is a consideration for future libraries. He added that a matrix needs to be developed to compare the proposed sites, and the downtown property might actually require putting in a new light.

Ms. Hennigan said that all of these proposals have costs and implications, and any site could have a big unknown. In terms of costs, all the sites appear to be within approximately \$1.0 million of each other.

Ms. Catlin noted that there is a site evaluation table with about 17 criteria and a comparative cost analysis included for each of the three options.

Mr. Rooker asked if the old school site could actually be used as a school in the future.

Ms. Thomas commented that the County is in greater need now for a new school site in this area.

Mr. Rooker said that two locations for a library are controlled by the County, and said that the downtown site would add some vitality to the downtown that the school sector would not. He stated that the important issues are making a commitment to revitalizing Crozet, and controlling a site that might actually be used for a school again. He added that there might be other uses for the school site that provide more flexibility for public use in the future. Ms. Catlin noted that the Harris-Amato site is only an option for a library, but would not have other possible uses.

Ms. Thomas added that the Gordon Avenue Library is two stories with library-related uses, but the top floor of that is used as the actual library.

Mr. John Halliday, Director of the Jefferson-Madison Regional Library, addressed the Board. He said that there are a lot of similarities between Gordon Avenue and what is proposed for Crozet, but the footprint for that Charlottesville branch is only 8,000 square feet. He said the downstairs part of Gordon Avenue is used for meeting space, mechanical space, book sale space, etc. He stated that they have put up signs to indicate designated library parking. He noted that the library Board of Trustees feels the County has two excellent sites, and whatever decision made will be good for Albemarle County even though either choice will likely disappoint some people. He recommended designating parking if the downtown site is chosen, and safety concerns for traffic and pedestrians also need to be considered. He stated that the Library Board's main concern is square footage, and the downtown site would provide a larger site that could offer all services on one floor, and the total area of the other site is less – 15,000 square feet on two levels.

Mr. Wyant asked if the Library Board has a preference as to one or two floors.

Mr. Halliday responded that they would prefer to have all services on one floor, and it seems possible to accomplish this on either site.

Mr. Boyd noted that the \$550,000 land costs should also include the Harris and Amato properties, as those were purchased for the library. Mr. Davis mentioned that the Harris property was budgeted under the Main Street improvements.

Ms. Thomas commented that there is lots that can be done with the property beyond just the library.

Mr. Boyd said that it is disingenuous to not include the land costs in factoring the total amount for the downtown library.

Mr. Rooker stated that it would also be disingenuous not to count the old school site as well as that property would be used. Ms. Catlin responded that the assessed value of the school site is \$450,000 and the building is \$900,000, for a total of \$1.3 million.

Mr. Rooker commented that either site is using property with invested value.

Mr. Boyd said that the \$550,000 should not be included then.

Mr. Rooker responded that either way you're using up an asset with \$1 million in land. It is not like the school site is free. He added that the acreage for the school site is five acres, which could be substantial if sold.

Mr. Tom Foley pointed out that the Harris property could not be used for anything else, and that served as a catalyst for development of the Main Street area, as stipulated in the Crozet Master Plan. There are a number of investments related to the implementation of the Master Plan.

Mr. Wyant asked if a layout had been done on the parking for the Harris-Amato property. Mr. Graham replied that he did a quick hand-estimate that showed about 90 spaces, but that was more constrained than what was presented at this meeting. He added that the more you push the building site in, the more space you have for service parking there.

Ms. Hennigan noted that the long-term expense considerations include how the building is going to be staffed. Her firm spends a significant amount of time and effort focusing on that. If you cannot see and supervise that space, you cannot open that part of the library. Or if you have to staff more people in the library, you do not get to stay open as many hours, and that hits the public right where it counts. She added that the ground level of the downtown site has lots of potential for uses other than just a library.

In response to Mr. Wyant's questions about Frostburg, Ms. Hennigan said that the proposed library sites were all in different locations. She explained that Frostburg had a mayor with a vision to put something downtown that would want people to stay in the community and raise their children there instead of moving away. The idea was to give them great public amenities.

Mr. Wyant asked if anyone had looked at where clients would likely be coming from, keeping traffic in mind. Ms. Hennigan responded that people would be coming from all arterial roads to access the library, and the quality of the facility would likely draw people from farther distances.

Mr. Rooker emphasized the need for the Board to make a decision, as momentum is lost along the way, adding that he is not sure any additional information would aid in the decision-making.

Mr. Boyd said that he hasn't had time in just a week to sort through all the material presented and sent and emailed. He would like some additional time to study the material. He said that a lot of people feel they are being herded into the downtown location, not that that's wrong, but it should be considered.

Mr. Dorrier commented that the Scottsville Library is located downtown in an old school, and he is influenced by the downtown connection because he has seen it work. He sees this interaction that occurs in a small community, and he thinks the downtown area pulls together because of the library being there. He added that the old school site is a harder sell because it is about one-half mile from the rest of downtown. He is inclined to lean more towards supporting the downtown Crozet site.

Mr. Slutzky commented that there has been plenty of opportunity for staff to comment, and he believes the downtown site would serve as a key to revitalization. He also agreed with Mr. Rooker's assessment that the old school site could be used for something else, whereas the downtown site couldn't be used.

Ms. Thomas said that she believes a unanimous vote would be better, and there is some danger in drawing out the decision because it allows people to become more cemented in their positions. She stated that once a site is chosen, it is likely to bring residents together as the plans move forward. She does not want to do anything that exacerbates that kind of division in the community.

Mr. Wyant stated that he knows their decision might foster a divide in the community, but it needs to be made on behalf of the entire county, not just local Crozet. He said that he would feel comfortable making a motion only if Mr. Boyd is ready to move forward.

Mr. Boyd said that he does not want to hold up the vote, but wants to make sure that he is weighing both sides of the issue.

Mr. Slutzky commented that the fact the community is so engaged in this is a really good sign for the future of Crozet.

Mr. Wyant then **moved** to select the Harris-Amato site downtown for the new Crozet Library location. Ms. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 23. From the Board: Committee Reports and Matters not Listed on the Agenda.

Ms. Thomas commented that she would like her fellow Board members to think about tools to help protect the rural areas, in light of the Board's recent non-endorsement of phasing and clustering. She said that she would share her ideas via email.

Ms. Thomas also asked for suggestions for recommended members to serve on the Rivanna River Commission.

Ms. Thomas said that Mayor Brown is appointing an energy conservation brainstorming group, and asked her to serve on it. There were no objections from Board members.

Agenda Item No. 24. Adjourn. At 7:11 p.m., there being no further business to come before the Board, Mr. Boyd **moved** to adjourn this meeting for a joint transit work session with Charlottesville City Council on November 29, 2006, at 10:00 a.m. in this same meeting location. Ms. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Chairman

Approved by the Board of County Supervisors

Date: 10/10/2007

Initials: EWJ
