

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

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

ABSENT: None.

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

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

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

Agenda Item No. 4. Recognitions: Presentation of Albemarle County Sheriff's Reaccreditation Plaque, Sheriff Robb.

Sheriff Ed Robb said his department has received reaccreditation after four years of hard work in fulfilling the requirements of 180 standards. He said this would not have happened without the support of this Board and the County Government. He is proud of the fact that they have met their goals. He then introduced Mr. Gary Dillon, Accreditation Commission; Charlottesville Police Chief, Tim Longo; and, Albemarle County Police Chief, John Miller.

Mr. Dillon said he is the Program Manager of the Virginia Law Enforcement Accreditation Program and is employed by the Department of Criminal Justice Services in Richmond. He explained that the program has long been recognized as a means of maintaining high standards of professionalism; schools, universities and hospitals are required to maintain this status but accreditation of law enforcement agencies in Virginia is completely voluntary. The VLPSC was formed in the early 1990s to provide law enforcement agencies in the Commonwealth with an avenue for demonstrating that they meet 180 commonly-accepted standards for effective and efficient operation. Since then, approximately 60 agencies have been accredited, and 100 are working toward this designation. Each agency that participates must meet or exceed Commission criteria contained in each standard by demonstrating to the Commission that they possess, utilize and follow adopted standards contained within their own policies, rules and regulations.

Mr. Dillon said that after the agency conducts a self-assessment and is satisfied they have completed all compliance preparation and planning tasks, they notify the Commission they are ready to become a candidate for accreditation. The Commission selects a team and schedules an onsite assessment, which includes a rigorous review to verify the agency's compliance with all standards. He noted that in June 2006, the team found Albemarle to be in compliance with all accreditation standards, adding that once an assessment team leaves the agency, the agency still needs to maintain its accreditation files on an ongoing basis and submit to annual verification of compliance as required by the Commission. On August 24, 2006, the Executive Board of the VLEPSC met and unanimously recommended the Albemarle Sheriff's Office for reaccreditation.

Chief Longo, on behalf of the Commission, presented the accreditation certificate to Sheriff Robb.

Mr. Rooker congratulated Sheriff Robb and his department on achieving this prestigious reaccreditation.

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

Mr. Scott Elliff said he lives at 1885 Turnwood Place in Forest Lakes. He came today to share some feedback from Forest Lakes and Hollymead on some aspects of the Places29 master plan, specifically, concerning both an Ashwood Connector and a Forest Lakes/Hollymead Connector. He gave to the Board a handout containing a map of the area. He said an Ashwood Connector would open up an otherwise limited access neighborhood and connect Polo Grounds Road and potentially beyond other traffic plans. The Hollymead Connector is basically a little parallel road to Route 29 for spillover traffic. He emphasized that the homeowners in all of these areas are overwhelmingly opposed to these roads. They have no value and are a detriment to the community. He said they met with the Places29 people a few months ago, and over a hundred people turned out, overwhelmingly opposed to these roads. The County staff said they were being built because they thought the neighborhoods would like them in that area. Everybody present said thanks, but no thanks. He said Forest Lakes and Hollymead are limited access, relatively closed mature neighborhoods. They do not want them opened to commuter traffic, 18-wheelers and traffic all hours of the day and night. He lives near the end of the Ashwood Connector and at the present time there is no problem with children playing in the street. Everybody can walk the streets, because they are all cul-de-sac neighborhoods. He said that although the County said they were listening at the meeting a couple of months ago, the next round of the plan continued to show the roads on the map, but now with dotted lines. They went out and got a petition signed; it now has 850 signatures from residents of the neighborhoods there and all are opposed to this road construction. They want the roads taken off the Places29 maps. He said there was an additional handout which describes their position on

these roads. They know it is difficult to get public input on various matters, but in this case, the Board has that input. Please take the roads off of the maps.

Mr. Dave Phillips said he is a resident of Forest Lakes. He said he does favor the road, which happens to be in his back yard. He said that when they moved into Forest Lakes, they were told that the roads were possibly going to be built, but he knows there is no way they will be built because there is no money to build the roads which are really needed. He said he is with the Charlottesville Area Association of Realtors (CAAR) and he wanted to learn more about Mr. Slutzky's proposal for a TDR type of program for transfer of development rights. He said members of the Association have met with Mr. Slutzky and there has been a great deal of analysis on his plan. While waiting for the details, they wanted the Board to know they are interested in hearing more about the proposal because it is an attempt to balance property rights and protection of the rural area. If there is a way to balance that, they applaud the attempt. They are against certain proposals which have come through this Board, and continue to come through different localities that try to take away property rights. He said this is an attempt to preserve some measure of property rights while accomplishing the task.

Mr. Jay Willer, Government Affairs Director of the Blue Ridge Homebuilders Association, addressed the Board stating he wants to encourage the Board's consideration of Mr. Slutzky's proposal on tradable development rights. He said it is too early to either endorse or oppose the proposal. There are concerns about possible impacts on some of the smaller builders, but they do think it is an interesting and potentially valuable approach. The legislation at the State level which allows development rights was strongly supported by their state organization, the Homebuilders Association of Virginia, and they think it has value. Builders understand the value of having a well-equipped toolbox and finding the right tool for the right job. This has the potential for being the right tool for the right job in balancing the County's growth. They encourage the Board's support for the proposal and look forward to helping Mr. Slutzky and the Board to find the right way to do this if it is the right tool to use.

Ms. Jerry McCormick-Ray was present to address concerns of Citizens for Albemarle about the unsustainable growth the County is undertaking. With rural area building permits averaging about 291 per year and with approved rezonings and subdivision plats and site plans, thousands of home and people will be added yearly to the rural area to swell the County roads and to swamp the rural character of Albemarle County with noise, pollution and congestion. This will leave citizens with huge environmental social debts. With these massive changes in both designated growth and rural areas, rural land will not remain rural for very long, threatening Albemarle's wildlife, natural heritage, sustainable water supply, scenic beauty and the tourism economy. She said the Comprehensive Plan recognizes that both the rural area and the development areas are subsets of the overall environment of Albemarle County upon which the developed environment and its people depend. The maintenance enhancements of the quality of life, economic wealth and the health of the citizens are dependent on the natural environment and the ecological services it performs.

Ms. Ray said the recent citizen's survey showed that they value a quality of life but remain concerned about the impacts of continued growth and development. Governor Kaine supports a partnership to protect Virginia's outdoors to ensure that we preserve the natural, cultural and historic resources that serve as foundations for Virginia's identity. She said the RWSA has issued its water supply plan to ensure the County maintains its water supply for future generations. To achieve this goal the County must take action to protect its source water and river systems that run through rural lands. Neither landowners who depend on well water, nor RWSA, can sustain their expected supply of water without County protection of stream buffers, forest and rural land. The County has no plan in place to control suburban growth that is creeping into the rural areas rather it seeks to sustain growth at the taxpayers' expense. The County proposes to issue a \$9.2 million bond to cover capital costs of growth. Citizens for Albemarle would like to see the County's ACE program receive a similar multi-million dollar bond so landowners will have the option to put more land into conservation easements. It is mandatory to balance the scale between the costs of development against the needs to support rural protection. At present, the County favors a pro-growth policy. Is it the policy of the County to support massive change in designated growth areas while ignoring rural land protection? An alternative is required. Today, Mr. Slutzky will present a plan that needs consideration. Whether one agrees or disagrees with this plan, it needs discussion as it seems to be the only plan now extant for constraining growth in the rural area.

Mr. Corky Shackelford said he would like to give a personal perspective as a landowner in the Rivanna District on this same proposal. He could not endorse Mr. Slutzky's proposal in its present form because it has some features he does not think the County could live with. However, he wants to recommend it for the Board's consideration because the transfer of development rights has much potential so it deserves the Board's study. He hopes the Board will take it under advisement.

Ms. Gina Haney said she is president of Preservation Piedmont. She came to speak about Mount Pleasant Baptist Church. She said Preservation Piedmont has been working to preserve the church for the last two years. In 2004 they documented the exterior of the church, drew a plan of the one-acre parcel, and extensively photographed the exterior and the interior. Their former president, Ben Ford, wrote a letter to the Airport Authority arguing for the church's preservation in place. Along with Carter G. Woodson's Institute for African-American and African studies, they undertook a comprehensive documentation effort of the church, its congregation and the larger post-Bellum, African-American community. This included attending a homecoming event and scanning historic photographs of the

church and prominent persons involved in its organization. She said this is an important site, not just to the congregation, but to the larger citizenry of Albemarle County.

Ms. Haney said the original church building was erected on the site in 1874 about a hundred yards from the church's present location under a brush arbor on Walker Jefferson's farm. These churches are disappearing in the County, and in the State, so it is important that everybody work together. Preservation Piedmont offers any assistance it can give to the County to figure out something that is workable for the congregation, for the County and for the Airport Authority.

Mr. Jeff Werner of the Piedmont Environmental Council said he had also come to speak about Pleasant Grove Baptist Church in Earlysville. He asked that the Board get involved with the potential loss of this historic structure. He cannot address the details and complexities of this matter in just three minutes, but he will ask that the Board revisit this issue at the end of this meeting. He is aware of the options and offers which have been made to the congregation, and their willingness to abandon the old church. He said the PEC and Preservation Piedmont have recently been involved in efforts to garner historic designation for the structure, but they are concerned that their efforts are providing cover for the Airport Authority to suspend their agreement with the congregation. Not wanting to jeopardize the congregation's interests, they have reluctantly decided to discontinue their organizational efforts for designation.

Mr. Werner said the proposed demolition of this church involves a Federal agency and thus requires compliance with Section 106 of the National Historic Preservation Act. That section cannot be skipped or precluded simply because the congregation opted for a new church. He said the City and County governments are better positioned to hold the Airport Authority – acting on behalf of the FAA – to the letter of the law, and in a manner that is consistent with this community's commitment to historic preservation. He handed out copies of information including press coverage of the situation and said the last page is an anonymous e-mail he received from someone who is worried about this church. This person is familiar with the Airport Authority's discussion and that e-mail provides a troubling prospective of what is going on. He said this is primarily why he is present today asking for the Board's help.

Mr. Werner said that according to the State Department of Historic Resources the FAA failed to comply with Section 106. This revelation led to the Airport Authority's decision to reevaluate their agreement with the congregation. It is the FAA's failure to follow Federal guidelines that caused this situation. While PEC and Preservation Piedmont are sympathetic to the congregation's interests, as preservationists they cannot apologize for holding a Federal agency accountable for its obligations under this country's historic preservation laws. The PEC and Preservation Piedmont can imagine no valid argument for this church not being designated historic. The key finding in a 1999 evaluation suggests the original siding had been removed. He has been out to the church and there is white vinyl siding on it, but underneath there is old wood siding, possibly the original. All they sought was historic designation which could assist in an effort to preserve a structure, but designation does not mandate preservation. The fear that it would indicates the Airport Authority's lack of understanding of this issue. Getting designation may have assisted in preservation tax credits and may have helped someone relocate the building. It could have raised the public's awareness of this situation.

Mr. Werner said he is present today simply seeking a partnership with the County. They had planned to submit to VDHR an application for historic designation. If the Board believes this is an appropriate action, they urge the County to work with the City and the Airport Authority to complete this application. If necessary, the PEC will work with its own consultant to complete the application and the Board can sign it. The PEC will also make available an attorney they work with who is an expert in historic preservation law. Finally, there is no reason this matter should end up as anything other than a success story for this community. All they ask today is that the Board considers taking the lead and getting directly involved. He assures the Board that Preservation Piedmont and PEC are ready and willing to work with the County as partners.

Mr. Boyd said he would like to address the matter brought up by the Forest Lakes Homeowners. He has not seen the petition, but will rely on there being 850 signatures. He has heard this request on more than one occasion. Although he appreciates Mr. Phillips' opinion, he thinks he is outnumbered. He suggests the Board remove those roads from the Route 29 study similar to what the Board did with the Ruckersville Parkway proposal. These roads are not favored by the area's homeowners and should not cause them anymore angst.

Mr. Dorrier said he thinks Mr. Boyd has a point. Although there may be merit to the proposal, he thinks the Board needs to discuss it in a formal manner before making any decision.

Mr. Boyd said the Board is spending a lot of time getting the public's input on the Neighborhood Model. If the Board ignores overwhelming public opinion, as in this case, what is it saying about its process? Later today the Board is going to discuss hiring a new person to improve that process, and the public will think the Board is not listening to them when there is this much opposition to an area of the plan and it refuses to take it off and continues to study it.

Mr. Dorrier asked if anybody is in favor.

Mr. Boyd said the Board just heard Mr. Phillips say he is in favor of the road and he has heard a couple of other people say they are in favor, but there is overwhelming opposition in the community.

Mr. Slutzky said he is committed to the underlying principles of the Neighborhood Model and thinks a road connecting to Proffit Road is an appropriate thing for the County to consider. However, when the Board takes public input on a regular basis like it has on the Places29 master plan and gets a significant signal in one direction or another, if the Board is not differential to that input, credibility of the public input process is undermined. The Board could say everybody in the neighborhood is wrong and they don't know what is in the best interests of the County. That is a legitimate and arguable position to take if one believes in having interconnecting roads inside the growth areas. Even though he wishes the public wanted those roads he would support taking them off of the Places29 map because it is clear the community that is impacted by that exercise has overwhelming expressed displeasure.

Ms. Thomas said she still bears the scars from having recommended connecting roads in her district. She said roads on a map are scary but are there to remind the public it might lead to some good things. She knows of a road on a map which is about to be turned into a bicycle/pedestrian pathway which would have gone through someone's back yard, so it has never been built. She said everyone who drives on Route 29 North and thinks government should do something about that terrible traffic situation has an obligation to think about what can be done. If the hands of the planners coming up with these suggestions are cut off at this stage before the modeling is completed, she thinks the Board will have failed to deal with a traffic issue the public is most unhappy with. The Board has a duty to look at this sort of connector as a way of dealing with that issue. There are ways to build a road so it does not detract from a neighborhood. There was mention of 18-wheelers coming through their neighborhoods, and there is a way to be sure that never happens. It is not the Board's job to respond at this time even to a massive and heartfelt concern by the neighborhood.

Mr. Wyant said he is concerned about the public process. The Board needs to listen to public input. This is a large number of folks. The Board asked for a suggested parallel road, but does it have to be this parallel road? Maybe there are other alternatives. When the Board deals with Places29, it needs to be sure it explores other opportunities.

Mr. Rooker said he agrees with Ms. Thomas and Mr. Wyant. He thinks the public input process is important, but he thinks it is precipitous in the middle of the study to take out these roads based on what he considers to be only one side of the story. Before the Board weighs into the decision, he would like to hear from the people involved in the traffic study and understand their reasoning for recommending these roads. Although this is a concerned group that presented a petition today containing a lot of names, this is not a scheduled agenda item so no opportunity has been provided for people on the other side of the issue to come forward and comment. There has been a lengthy public input process for Places29 through the input forums held. Eventually, the Board will receive a summary of all those public comments about everything in the plan. It would be precipitous to have this matter being raised under other matters from the Public on the agenda and step into the Places29 planning process and start pulling out projects. Ultimately, certain proposals may drop out of Places29 as part of the overall process.

Mr. Boyd said he thinks about this a little differently. The Board is partnering with the community to get their ideas and this is not the first time this request has been made. During the charrettes nobody came out strongly, other than staff, and said an alignment for a parallel road to Route 29 on the eastern side, such as has been described today, is the appropriate one to do. He said people are opposed to this idea; they are in favor of a road on the western side of Route 29, or a Berkmar Drive type of extension. He said the Board will either do this in partnership with the community or in a consultant's vacuum. This has been discussed at many meetings, and is a last effort by the community. They don't want the County to even plan for this road. They would rather the County plan some other way to get a parallel road to Route 29. They do not want the road going through their neighborhood. He does not view this as being something just listened to on one side; he has listened to all sides.

Mr. Rooker said staff has not made a presentation as to why this particular segment of road is in the plan or what they think it will do. If ultimately it makes sense to take it out, he would have no problem with that recommendation. This is Mr. Boyd's district, but there are other members of the Board who are not as intimately involved with the public comment from that area. He would suggest that this matter be put on the agenda, have staff make a report, get a capsule of the total public comment, etc., and discuss it. The Board did that with the Ruckersville Parkway. One of the differences was that a lot of the Ruckersville Parkway was outside of the study area.

Mr. Wyant said when the Board gets to the Places29 master plan he will ask the consultant and staff if they had considered other roads. The people today talked about their side of the picture, but he wants to look at the other side at that time.

Mr. Tucker suggested that Mr. David Benish explain the process to the Board and if Board thinks that will take too long, it might be scheduled on the agenda.

Mr. Benish said staff and the consultant are presently evaluating public input from meetings. The consultant is taking into consideration comments about the number of land uses and the transportation issues. That information will be presented at the next public input process sometime in February. For Places29 the consultant and staff are looking at tiering roadways. That has put the Ashwood Connector as the lowest tier roadway (just preserving the right-of-way) so if it is determined in the future that the road is feasible, its possibility had not been foreclosed. They do not want to create a situation such as that which occurred with Hillsdale Drive; building that connector into the City is going to cost \$20.0 million whereas that road alignment could have been preserved 15 years ago. He said the Ashwood Connector is not a priority road connection at this time, but the proposal is for a parallel system. The consultant is still working and testing the effectiveness of those adjustments with the intention of bringing that concept to the Board and public tentatively in February. There are still scenarios which must be worked through.

Mr. Rooker said since this information will be available in February he thinks it would be prudent for the Board to wait for that information.

Mr. Boyd said he does not have a problem waiting until February. He said that meeting was originally scheduled in the fall, and now it is to be in February. He said the trepidation this community feels is being drawn out. The Board can say the road will not be put there, but if the plan is designed with the road shown, there is always the potential it will be put there. He will wait until February, but is also asking that staff bring him overwhelming support for this road to offset the overwhelming opposition it has. Unless staff can prove there is some overwhelming reason this road should be shown, he will push this Board to not support it based on community input.

Mr. Slutzky said he agrees with Ms. Thomas' remarks in particular. Through the Places29 dialogue, the County has received a significant amount of feedback from people in the Places29 region, not just Mr. Boyd's constituents, but from a significant number of people in the Rio District also. He has gotten two clear signals. They want a parallel road system, but they don't want it to meander through residential neighborhoods the way the Proffit Road connection would. He would be thrilled if the Board would acknowledge the public input that has not been reflected on these two specific issues in the consultant's work. He would ask the consultants to change the map they bring forward in February to reflect what Ms. Thomas said about a right-of-way for biking and walking that would still allow for an opportunity in the future for a road to be built if during study of the Eastern Connector it were determined that using Proffit Road was the correct way to get across the Rivanna River to Pantops. It is possible public sentiment in this community would shift because that road would be their quick way out to Pantops without using Route 29. The road's configuration in the County might influence local preferences. If the Board put in a placeholder for the bike/pedestrian pathway in the plan, future options would be preserved and the Board would have acknowledged the overwhelming public input received during the Places29 dialogue. It would not be absurd to wait until the next leg of the journey, but it also would not be unreasonable to have the consultants show these roads as bike/pedestrian paths with enough right-of-way to accommodate a road if at some point in the future the community wanted them.

Mr. Boyd said he has a question. Does that road go through private property? It is not property the County owns or has easements through. Mr. Tucker said the purpose would be that the County had identified the road and then as development comes forward, staff would request either reservation or dedication of right-of-way.

Mr. Boyd said he is willing to wait until the meeting, but he wants this petition to be given to the consultants and they consider it in their deliberations because this is part of the public input the County is getting.

Mr. Benish said the consultant is aware of the petition. Right now in terms of priorities it is not seen as a recommended interconnection. It is a reservation so as not to foreclose on future needs.

Mr. Boyd said he wants staff to come back and tell him why there is such opposition to what the community wants.

Mr. Rooker said this is being made into a contest when it isn't. It is a matter of when the decision is made, perhaps with other things having to do with Places29. At that time it may make sense to take some specific action on these particular connections.

Mr. Boyd agreed, but said he needs more support than what he has heard so far. He has talked to all of these people, and the idea expressed is that the road should not be there. It has not been said that this is the only route that can be taken, or that it is the only viable solution to the road, or that there is the money for it; he needs more support because he has been attending the meetings. Other than that, he can wait until February.

Mr. Tucker said he has suggested to Mr. Benish that because of the concern it might slip in terms of timing, the right-of-way issue should be put on target for February in case the entire Places29 review slips.

Mr. Rooker said at that time the Board should have someone from the TJPDC, preferably Mr. Harrison Rue, attend to explain where they are in the process, how this particular connection fits in, what the public input has been, and what the traffic studies indicate. He said the Board has to be cognizant of the fact that in virtually every case, a neighborhood involved in any kind of connection, will oppose it. He said Hillsdale has been discussed for over 20 years, and everyone involved in transportation in the community has known that connection was planned to be made at some time, and it was finally going forward, and of course it was overwhelmingly opposed by people who lived on or adjacent to the road. Everyone imagines that a connection, which is primarily designed to serve the people within that neighborhood area, is also going to become a *de facto* bypass. The thought that 18-wheelers would actually leave Route 29 and go through Forest Lakes to come out back on 29 does not make any sense; the same thing with Hillsdale. He said the Board has the power, working with the Commonwealth Transportation Board, to put no truck designations on roads. He said staff should bring this back in February for discussion.

Mr. Wyant said Crozet already has this issue. It has to be made clear whether it is a through road, a parallel road, or a neighborhood road. He said the proposal for Eastern Avenue in Crozet is now being studied by the Advisory Group just for that reason alone. There cannot be a through road in neighborhoods with parallel parking, crosswalks, and children walking and playing and with the speed limit

being 35 miles per hour. He said the County's first master plan is facing this issue, so it needs to be faced before going any further with the next plan.

Agenda Item No. 6. Consent Agenda. Ms. Thomas **moved** to approve Items 6.1 (as noted) through 6.12 on the Consent Agenda, and to accept the remaining items for information (**Note:** Conversation pertaining to individual items will be found at the end of that item).

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

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

Item 6.1. Approval of Minutes: March 13A, March 15A, March 20A, March 22A, May 10A&N, August 1 and August 3, 2006.

Mr. Dorrier had read the minutes of March 15, 2006 (Afternoon), and found them to be in order as presented.

Mr. Rooker had read the minutes of March 20, 2006 (Afternoon), and found them to be in order as presented.

Mr. Slutzky had read the minutes of March 22, 2006 (Afternoon), and found them to be in order with only a couple of typographical errors which he noted for the Clerk.

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

Item 6.2. Resolution – Watch for Child Playing signs on Bleak House Road (Route 662).

It was noted in the Executive Summary that the residents of Monte Drive and Bleak House Road have submitted a request to the County to install Watch for Child Playing signs on Bleak House Road near its intersection with Monte Drive. The County has the following criteria for reviewing this type of request:

- Watch for Child Playing signs shall be considered on secondary roads: Bleak House Road is in the secondary road system (Route 662). This road has a daily traffic count of 250 vehicle trips/day.
- The request must come from a Homeowner's Association where applicable: The residents that live in the area filed a petition.
- There must be a child activity attraction nearby for the sign to be considered: There is no established child activity area such as a park or tot lot on Bleak House Road, nor are there any sidewalks. The children that live on this road often walk and/or bike on the road to visit other homes or areas to play. There are approximately 12 young children living along this section of the road. Staff believes Watch for Child Playing signs will properly notify drivers to watch for children using the road and will make the road safer for the children.
- The installation of the sign shall not conflict with any existing traffic control devices: The proposed location of the signs will not conflict with any existing traffic control devices.

This request meets three of the four review criteria. There are no formal/central child activity attraction areas on the road (Criteria 3). However, given the number of children in the neighborhood and the lack of sidewalks, it is staff's opinion that this request for the installation of Watch for Child Playing signs has merit in this location.

The cost to install a Watch for Child Playing sign is \$125. This cost will be paid from the County's Six-Year Secondary Road maintenance fund. Staff recommends that the Board adopt a Resolution approving the installation of Watch for Child Playing signs on Bleak House Road (Route 662), near its intersection with Monte Drive.

(**Discussion:** Ms. Thomas said she has no objection to this request, but noticed that the cost will be \$125. While staff is looking at County fees, she thinks they might look at having a fee for having these signs placed. If a neighborhood has five children, and they want the signs, she thinks they could pitch in and help pay for the sign. That would make sure they were sincere when making the request.)

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

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON
BLEAK HOUSE ROAD (ROUTE 662)**

WHEREAS, the residents of Montei Drive and Bleak House Road are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the neighborhood; and

WHEREAS, many children live and play in this area and the residents believe that a Watch for Child Playing sign would help alleviate some of the safety concerns; and

WHEREAS, the residents of the Montei Drive and Bleak House Road have requested that the County take the necessary steps to have a Watch for Child Playing sign installed;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the community's request for VDOT to install the necessary Watch for Child Playing signs on Bleak House Road near its intersection with Montei Drive.

Item 6.3. Resolution – Watch for Child Playing signs on Gristmill Drive (Route 1157).

It was noted in the Executive Summary that the Mill Creek Homeowner's Association submitted a request to the County to install Watch for Child Playing signs on Gristmill Drive near its intersection with the Southern Parkway. There is a concentration of children that live on Gristmill Drive and Spring Mountain Court and ride their bikes and play in the yards in this area. VDOT requires that the Board adopt a resolution approving the placement of a Watch for Child Playing sign before the sign can be installed.

- The County developed the following criteria for reviewing a Watch for Child Playing sign installation request:
- Watch for Child Playing signs shall be considered on secondary roads. Gristmill Drive is in the secondary road system (Route 1157). This road has a daily traffic count of 380 vehicle trips/day.
- The request must come from a Homeowner's Association where applicable. Gristmill Drive is part of the larger Mill Creek subdivision consisting of over 500 homes. A request was received from the Homeowners Association.
- There must be a child activity attraction nearby for the sign to be considered. There is no formally established child activity area such as a park or tot lot on Gristmill Drive. However, Gristmill Drive is located near an access point/trail to Biscuit Run where walking trails have been established. There are no sidewalks along this road, and only a minimal trail/pathway system within the Mill Creek development. The children that live in this area often walk and/or bike on the road to visit other homes to play. Staff believes that Watch for Child Playing signs will properly notify drivers to watch for children using the road and will make the road safer for the children.
- The installation of the sign shall not conflict with any existing traffic control devices. The proposed location of the signs will not conflict with any existing traffic control devices.

This request meets three of the four review criteria. There are no formal/central child activity attraction areas on the road, although the Biscuit Run trail system is nearby (Criteria 3). However, given the number of children in the neighborhood and the lack of sidewalks, it is staff's opinion that this request for the installation of Watch for Child Playing signs has merit in this location. The cost to install a Watch for Child Playing sign is \$125. This cost will be paid from the County's Six-Year Secondary Road maintenance fund.

Staff recommends that the Board adopt a Resolution approving the installation of Watch for Child Playing signs on Gristmill Drive (Route 1157) near its intersection with the Southern Parkway.

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

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON
GRISTMILL DRIVE (ROUTE 1157)**

WHEREAS, the Mill Creek Homeowner's Association is concerned about traffic in its neighborhood and the potential hazard it creates for the numerous children that live and play in the neighborhood; and

WHEREAS, many children live and play on Gristmill Drive and the residents believe that a Watch for Child Playing sign would help alleviate some of the safety concerns; and

WHEREAS, the Mill Creek Homeowner's Association has requested that the County take the necessary steps to have a Watch for Child Playing sign installed;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the community's request for VDOT to install the necessary Watch for Child Playing signs on Gristmill Drive near its intersection with Southern Parkway.

Item 6.4. Native Meadow Road Name Change to Zack Lane.

It was noted in the Executive Summary that Part I, Section 6(e) of the Albemarle County Road Naming and Property Numbering Manual, allows road name change requests to be made to the Board. Landowners have requested that the name of Native Meadow Road be changed to Zack Lane. Four out of the five property owners signed the request. It was represented that the fifth owner is also in favor of the change. The proposed name is a common road name within the meaning of the Manual and is consistent with the Manual's other road name guidelines. The road was previously named Zack Lane but was renamed Native Meadow Road at the request of the developer as part of the approval of a subdivision in 2005. There is no anticipated budget impact to this request. The landowners will be responsible for costs associated with the new signage.

Staff recommends that the Board approve change of the road name from Native Meadow Road to Zack Lane and grant staff authority to coordinate/implement the change.

By the recorded vote set out above, the Board approved changing the name of Native Meadow Road to Zack Lane and granted staff the authority to coordinate/implement the change.

Item 6.5. Resolution authorizing the issuance of revenue bonds, pursuant to the Industrial Development and Revenue Bond Act, by the Charlottesville Authority in an amount not to exceed \$170,000,000 for the benefit of the University of Virginia Foundation.

(Discussion: Ms. Thomas said she knows the Albemarle County Industrial Development Authority is going to change its application form and stressed that green building aspects be used. She said this was mentioned at a meeting between this Board and the IDA and she is pleased to see they are taking the Board's suggestion and making it part of their criteria. It is not in place now, so the Board cannot ask for it on this application.

Mr. Rooker said these bonds will be issued by the City's IDA. Ms. Thomas said it requires action by this Board also.)

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

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

The Industrial Development Authority of Albemarle County, Virginia (the Authority) was requested by the University of Virginia Foundation (the Foundation), whose principal business address is 465 Crestwood Drive, Charlottesville, Virginia 22903, to hold, on behalf of Albemarle County, Virginia (the County), a public hearing on the issuance by the Industrial Development Authority of the City of Charlottesville, Virginia (the Charlottesville Authority) of its revenue bonds in an amount not to exceed \$170,000,000 (the Bonds), pursuant to the Industrial Development and Revenue Bond Act, Title 15.2, Chapter 49 of the Code of Virginia of 1950, as amended (the Virginia Code). The proceeds of the Bonds will be used to assist the Foundation in (a) financing the cost of (i) the acquisition, construction and equipping of the Advanced Research Technology building (the ART Building) located at 550 Ray C. Hunt Drive in the Fontaine Research Park in the County, (ii) the acquisition and construction of the West Main Street parking garage fronting on 11th Street, S.W., in the City of Charlottesville, Virginia (the City) located one-half block southwest of the intersection of West Main Street and 11th Street, S.W. and to be used in part by tenants of a future office building to be built adjacent thereto, (iii) the construction of the West Main Street connector, an above-ground walkway which connects the parking garage fronting on 11th Street with the University of Virginia Hospital in the City, (iv) the acquisition, construction and equipping of the Life Sciences Annex attached to the ART Building and to be used for laboratory space located at 550 Ray C. Hunt Drive in the Fontaine Research Park in the County, and (v) the construction of a road in the University of Virginia Research Park off of Airport Road, which is located on the west side of U.S. Route 29 approximately 6 miles north of the City limits in the County, and (b) refinancing the cost of (i) the acquisition, construction and equipping of the Dynamics Building used by the University of Virginia for office space and located at 2015 Ivy Road in the City, (ii) the acquisition, construction and equipping of the Blake Center Building used by the University of Virginia for office space and located at 1224 Jefferson Park Avenue in the City, (iii) the acquisition, construction and equipping of a building used by the University of Virginia for office space and other purposes located at 400 Ray C. Hunt Drive in the County, (iv) certain land located in the University of Virginia Research Park and possibly other locations and (v) the acquisition, construction and equipping of buildings used primarily for the housing of students attending the University of Virginia that are located at (1) 2021 Ivy Road, (2) 600 Brandon Avenue and (3) 411, 413-415 and 417-419 Brandon Avenue consisting of 48 units, 44 units and 47 units, respectively, all in the City (all of the foregoing in clauses (a) and (b) being collectively referred to herein as the Projects). The proceeds of the Bonds will also be used to finance certain costs of the issuance of the Bonds.

Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), and Section 15.2-4906 of the Virginia Code, provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. Some of the Projects are located in the County, and the Board of Supervisors of the County (the Board) constitutes the highest elected governmental unit of the County. The Bonds

will be issued by the Charlottesville Authority, and the City Council of the City gave its approval to the issuance of the Bonds on December 4, 2006. Section 15.2-4905 of the Virginia Code provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the industrial development authority of the second locality. The Charlottesville Authority adopted its inducement resolution on November 14, 2006 (the Charlottesville Inducement Resolution).

Following the public hearing held by the Authority on November 14, 2006, the Authority adopted a resolution (the Resolution) in which it recommended and requested that the Board approve of the issuance of the Bonds by the Charlottesville Authority. A copy of the Resolution, a brief summary of the Authority's public hearing, the Foundation's Fiscal Impact Statement and the Charlottesville Inducement Resolution have been filed with the Board.

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

1. The recitals made in the first paragraph above are hereby adopted as part of this Resolution.
2. The Board hereby concurs with the Charlottesville Inducement Resolution and approves the issuance of the Bonds by the Charlottesville Authority for the benefit of the Foundation, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Charlottesville Authority to assist in the financing and refinancing of the Projects.
3. The concurrence with the Charlottesville Inducement Resolution and the approval of the issuance of the Bonds do not constitute an endorsement to a prospective purchaser of the creditworthiness of the Projects or the Foundation, and neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be pledged thereto.
4. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to the Foundation, direct or consequential, resulting from the Charlottesville Authority's failure to issue the Bonds for any reason.
5. This resolution shall take effect immediately upon its adoption.

Item 6.6. Resolution to appoint Assistant Fire Marshal (Gary Rodney Snead) pursuant to Virginia Code.

It was noted in the Executive Summary that Virginia Code § 27-36 provides that the Board may appoint one or more assistant fire marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the fire marshal. Virginia Code § 27-34.2:1 provides that in addition to such other duties as may be prescribed by law, the governing body may authorize an assistant fire marshal to have the same police powers as a sheriff, police officer or other law enforcement officer and the authority to investigate and prosecute certain designated offenses.

The appointment of Gary Rodney Snead, who is currently a Fire Prevention Inspector/Investigator, as an Assistant Fire Marshal is necessary in order for him to fulfill the duties and responsibilities of the Fire Marshal's office. He has satisfactorily completed the mandated training designed by the Virginia State Department of Fire Programs and approved by the Virginia Fire Services Board for fire marshals; this is a prerequisite for a fire marshal to exercise police powers pursuant to Virginia Code § 27-34.2:1. The Board has previously authorized assistant fire marshals to exercise police powers.

Staff recommends that the Board adopt a Resolution appointing Gary Rodney Snead as an Assistant Fire Marshal with full police powers as authorized in Virginia Code §§ 27-34.2:1 and 27-36.

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

RESOLUTION TO APPOINT ASSISTANT FIRE MARSHAL

WHEREAS, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize an assistant fire marshal to have the same police powers as a sheriff, police officer or law-enforcement officers; and

WHEREAS, the appointment of Gary Rodney Snead as an assistant fire marshal with police powers will promote the efficient and effective operation of the County of Albemarle Department of Fire Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Gary Rodney Snead to be an Assistant Fire Marshal pursuant to Virginia Code § 27-36; and

BE IT FURTHER RESOLVED, that he be authorized to have the same powers as a sheriff, police officer or law-enforcement officer pursuant to Virginia Code § 27-34.2:1.

Item 6.7. Health Department Carry-over Funding Request.

It was noted in the Executive Summary that County policy requires that any agency with surplus County funds at the end of the fiscal year must return those funds to the County or request approval from the Board to retain those funds for specific uses. The Health Department has carry-over funds in the amount of \$19,026 from their FY '06 budget and is requesting approval from the Board to use those funds for FY '07 identified needs.

The Health Department has identified \$35,152 in local carry-over funds, \$19,026 from the County and \$16,126 from the City. They propose to use these one-time funds for two major areas: Records Retention/ Storage and Pandemic Flu/Disaster Planning. The Records Retention funds would be used to provide for additional filing units, as well as staff time to purge and scan documents into a new system. Funds for Pandemic Flu and Disaster Planning would be used to continue to fund two current temporary positions for an additional three months to provide support to private and public sector businesses.

Staff recommends approval of the Health Department's request to retain \$19,026 in FY '06 local carry-over funds.

By the recorded vote set out above, the Board approved the Health Department's request to retain \$19,026 in FY '06 local carry-over funds.

Item 6.8. Amendment of Commission on Children and Families Agreement to change Fiscal Agent.

It was noted in the Executive Summary that in 1997 the Board of Supervisors and the Charlottesville City Council established the Commission on Children and Families (CCF) to plan, coordinate, monitor and evaluate a community wide system of all children and family agencies and programs and entered into an agreement to jointly fund and operate the Commission. With respect to the funding of the Commission, the agreement stated that the City of Charlottesville will provide fiscal and legal services to the Commission for an administrative fee equal to two percent of the Commission's operating budget.

At its inception, the Commission was housed in City Hall and all staff were designated to be City employees under the direct supervision of the Assistant City Manager. In 2004 the Commission moved into the new County Office Building on 5th Street and now leases 2300 square feet of office space located between the County's Department of Social Services and its Housing Office. Now that the Commission is housed by the County and utilizes the County's technology and communication systems, there are logistical and efficiency reasons for the County to assume the role of fiscal agent and bring Commission employees under the County's personnel policies. Commission staff would be more connected to the people with whom they come in contact on a day-to-day basis if they were County employees working under the same performance guidelines and expectations, holidays, building opening and closing times, etc.

Transferring fiscal agent responsibilities from the City to the County would impact two administrative functions:

Human Resources: Current Commission staff would become County employees with all the compensation and benefit changes administered by the County's Human Resources Department

There are currently six FTE's Commission staff, a Director, a Planner, a Criminal Justice Coordinator, a CSA Coordinator, an Administrative Assistant and a half-time Information and Outreach Coordinator and a half-time Family Assessment and Planning Team Coordinator (one person fills the last two positions). All but one of the current employees would come over to the County under their current compensation. The Criminal Justice Coordinator has requested to remain under City employment since he is nearing retirement eligibility and it would not be in his best interest to change at this point. Commission staff would move to the County at their current compensation and then would be moved onto the County's pay scale as appropriate. The County's Human Resources Department has reviewed the current compensation and feels the salaries are commensurate with the County's pay scale for similar positions. Benefits such as accrued leave and sick leave would also be transferred to the County.

Only two staff members are vested in retirement plans, one in the City's Defined Benefit Plan and one in the Defined Contribution Fund. The Defined Benefit Plan credits can be transferred to VRS and the Defined Contribution Plan credits can either remain with the City or be transferred to the County's 457 Deferred Compensation Plan. Those employees who are not vested have the option of transferring their credits to the County's 457 Plan or taking a distribution if they choose.

Written and signed statements have been received from each employee verifying that they understand the impact of the transfer and are in agreement with the transfer. The City's Human Resource Department and the County's Human Resource Department have worked collaboratively to insure that the transfer is achieved successfully.

Fiscal Management: The responsibility for administering the Commission's \$880,000 operating budget would transfer to the County's Finance Department. The County already serves as fiscal agent for various Commission grants of approximately \$235,000 brought into the community. Staff from the respective Finance Departments has worked collaboratively to insure that the transfer is achieved successfully. The County's Finance Department does not anticipate that the transfer of these fiscal agent responsibilities will have a significant impact on their workload.

Although the initial CCF agreement signed by the City and County stipulates that the City may charge a two percent administrative fee for being the fiscal agent, the City did not charge any during the ten-year period the Commission was under its fiscal agent status. In recognition of the City not having charged the fee to the Commission, the County has agreed to reduce the fiscal agent fee from two percent to one percent for the next five years at which time the City and County will negotiate a fiscal agent fee consistent with the fee charged for other joint City/County funded agencies.

Each locality will save approximately \$10,000 in local support dollars for the Commission, a total savings of \$20,000, due to reduced retirement benefit costs under County policies. County staff estimated the approximate cost of assuming the fiscal agent responsibilities:

\$770/per employee in HR/Training costs x 6 FTE	\$ 4,620
\$0.013/per \$1.00 of accounting, purchasing and Finance administration services x \$880,000	\$ 11,900
<u>\$40.79/per hour of legal services x 40 hours</u>	<u>\$ 1,631</u>
Total Estimated Fiscal Agent Cost	\$ 18,151
One percent Administrative Fee of \$9,662 (50% paid by County/50% by City)	\$ 4,831
Reduced County contribution to CCF personnel costs	\$ 10,000
<u>Total Revenue Offset</u>	<u>\$ 14,831</u>
Net Cost to County	\$ 3,320

Staff recommends that the Board approve the amended Agreement between the Albemarle County Board of Supervisors and the Charlottesville City Council on the Commission on Children and Families, which transfers the fiscal agent responsibilities from the City to the County effective January 1, 2007.

By the recorded vote set out above, the Board adopted the following resolution and approved the amended Agreement between the Albemarle County Board of Supervisors and the Charlottesville City Council on the Commission on Children and Families, which transfers the fiscal agent responsibilities from the City to the County effective January 1, 2007.

RESOLUTION APPROVING AMENDMENT TO COMMISSION ON CHILDREN AND FAMILIES AGREEMENT

WHEREAS, the Albemarle County Board of Supervisors and the Charlottesville City Council established the Commission on Children and Families in 1997 to plan, coordinate, monitor and evaluate a community wide system of children and family agencies and programs, and approved an agreement to jointly fund and operate the Commission with the City of Charlottesville providing fiscal and legal services to the Commission; and

WHEREAS, it is now desired that the County be the fiscal agent for the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the Chairman to execute a revised Agreement between the Albemarle County Board of Supervisors and the Charlottesville City Council relating to the operation of the Commission on Children and Families that establishes Albemarle County as the fiscal agent for the Commission.

AGREEMENT BETWEEN THE ALBEMARLE COUNTY BOARD OF SUPERVISORS AND THE CHARLOTTESVILLE CITY COUNCIL ON THE COMMISSION ON CHILDREN AND FAMILIES

The Albemarle County Board of Supervisors (the County) and the Charlottesville City Council (the City) agree to join together to form the Commission on Children and Families (the Commission) whose sole responsibility shall be to plan, coordinate, monitor and evaluate a community wide system of children and family agencies. The intended goal of the Commission is to improve services to children, youth and families, to be accountable for the efficient use of public/private resources and to be responsive to the changing needs of the community. In doing so, we agree to the following:

- 1) With respect to the STRUCTURE OF THE COMMISSION, the City and the County agree that:
 - a) The Commission shall consist of twenty-eight voting members. Eleven of the voting members shall be citizen representatives (Citizen Members): five appointed by the County, five appointed by the City and one jointly appointed private service provider. Of the eleven citizen members, at least one appointee from each jurisdiction must be a parent, and at least one appointee from each jurisdiction must be a youth under the age of eighteen years at the time his or her appointment takes effect. Fourteen of the voting members shall be as follows (Agency Members): the School Division Superintendent from both the City and the County; one elected School Board member from both the City and the County; the Director of the Department of Social Services from both the City and the County; the Chief of Police from both the City and the County; the Director of Parks and Recreation from both the City and the County; the Director of the Sixteenth District Court Services Unit; the Director of the Thomas Jefferson Health District; the Director of Region Ten Community Services Board; a representative of the University of Virginia; an Albemarle Assistant County Executive; a Charlottesville Assistant City Manager; and the President of the United Way–Thomas Jefferson Area.
 - b) Terms of Appointment. Each Citizen Member of the Commission shall be appointed for a term that shall expire three years from the first day of July of the year of appointment, except the youth Citizen Members shall be appointed for a term that shall expire one year from the first day of July of the year of appointment. With the exception of the private service provider representative, each Citizen Member shall be eligible for reappointment to one additional term of the same length as the initial appointment. The private service provider shall not be eligible for reappointment to a second term. Notwithstanding the foregoing, any Citizen Member, including the private service provider, who is initially appointed to fill a vacancy, may serve an additional successive term. Appointments shall be staggered for continuity. Each Agency Member of the Commission shall serve for as long as they hold their public office or until replaced by the appointing authority.
 - c) Manner of Appointments. The City and/or County shall appoint the specific individuals representing that locality who will serve on the Commission, unless the member is solely designated by his position or office, and by identifying the date upon which that individual's appointed term will expire, if applicable. The representative of the University of Virginia will be jointly appointed by the City and the County.
- 2) With respect to the RESPONSIBILITIES OF THE COMMISSION, the City and the County agree that the Commission shall:
 - a) Adhere to the responsibilities of the Community Policy and Management Team set forth in Virginia Code Section 2.2-5200 et seq.;
 - b) Provide comprehensive short and long range planning for children and family services within the Charlottesville/Albemarle community;
 - c) Make program and funding recommendations to the City and County governing bodies within the budgetary procedures and guidelines set by each jurisdiction;
 - d) Review and evaluate current service delivery systems to ensure that the needs of children and families are being met effectively and efficiently;
 - e) Identify and encourage new and innovative approaches to program development for children and families;
 - f) Identify additional public and private funding sources for children and youth programs;
 - g) Participate in the yearly evaluation of the director of Commission staff;
 - h) Provide structured opportunities for community input and participation on the needs of families, e.g. public hearings workshops focus groups and work teams;
 - i) Provide an annual report to the Board of Supervisors and City Council to insure that the County and City are in agreement with the policy and direction set by the Commission.
- 3) With respect to STAFFING OF THE COMMISSION, the City and the County agree that:
 - a) Staff will be hired, supervised and evaluated as mutually agreed upon by the City and the County with assistance and input from the Commission;

- b) Staff will be employees of the County of Albemarle subject to all personnel policies and entitled to all its benefits; provided, however, that one current CCF employee will remain a City employee, subject to all City policies and benefits, until his retirement.
- 4) With respect to FUNDING OF THE COMMISSION, the City and the County intend to:
- a) Provide an annual contribution as mutually agreed upon for the operation of the Commission;
 - b) Direct the Commission on Children and Families to actively seek funding for children and family projects from other sources, including public and private grants, local service groups and the business community;
 - c) Pool all Comprehensive Services Act (CSA) administrative funds for the operations of the Commission. Each jurisdiction will continue to provide the required matching funds for CSA services according to the state formula subject to annual appropriation;
 - d) The County of Albemarle will provide fiscal and legal services to the Commission for an administrative fee equal to one percent (1%) of the Commission's operating budget for a period of five (5) years beginning January 1, 2007. At the conclusion of the five year period the City and County will negotiate a fiscal agent fee consistent with the fee charged for other joint City – County agencies.

Item 6.9. Turkey Sag Road (Route 640) Paving Request by private citizen.

It was noted that at the October 4, 2006, meeting of the Board, staff presented a request from Mr. James Craig to use his own resources to pave a section of Turkey Sag Road (Route 640) to VDOT Rural Rustic Road standards. Pursuant to new County guidelines, the Board requested staff to notify the adjacent property owners and the public using this section of the road about the paving proposal.

Mr. Craig wishes to pave approximately 4,610 linear feet of this road using Rural Rustic Road standards. This section of the road is fairly straight and VDOT has indicated it can be paved to the Rural Rustic Road standards which allow paving to take place within the existing right-of-way. There will be no grading of the embankments along the road. The paving and replacement of undersized and failing drainpipes along this segment of road will help hold gravel in place and avoid erosion and run-off into Turkey Sag Creek. Currently, VDOT has to frequently replace gravel on this section of roadway after heavy rains. Dust and washboarding are major problems and paving would eliminate these concerns. VDOT has indicated its support for this paving request and has approved the preliminary plans for construction. This request does not conflict with the Rural Area Chapter of the Land Use Plan.

Staff mailed letters to all properties adjacent to the proposed improvements and posted a public notice sign along the roadway. Staff did not receive any comments from the public opposing the improvements, but did receive a call and an e-mail supporting the paving request. Both supporters were out of town adjacent property owners and expressed strong support for the project.

Based on the public comments received, the project's consistency with the County's Comprehensive Plan, and the comments from VDOT (including the maintenance cost and erosion control benefits of the project), staff supports allowing Mr. Craig to use his own resources to pave this section of Turkey Sag Road to VDOT's Rural Rustic Road standards. There will be no budget impact to the County.

Staff recommends that the Board approve Mr. Craig's proposal to pave this 4600 foot section of Turkey Sag Road to VDOT Rural Rustic Road standards.

(Discussion: Ms. Thomas said when this request first came to the Board there was a map showing where conservation easements were located along this road. That influenced her agreeing to give permission for the project. Unless other Board members disagree, in the future she wants to be sure notation of conservation easements is part of the Board's criteria and mapping. She said all of the Board members know of a situation where there were lots of promises that it was being done for the good of the children and there were potential conservation easements, but it has in fact turned into a lot of For Sale signs along the road.

Mr. Wyant said he would like for VDOT to address it if they inspect during construction. If these roads are not constructed properly, there will be major maintenance problems in a couple of years. These roads are of a lesser design than normal roads.

Mr. Boyd asked if VDOT normally oversees such projects.

Mr. Wyant said they normally do, but he just wants to be sure they are aware of this project.)

By the recorded vote set out above, the Board approved Mr. James Craig's proposal to pave a 4600 foot section of Turkey Sag Road to VDOT Rural Rustic Road standards using his own resources.

Item 6.10. Revised FY 2007/2008 Budget and CIP Events Calendar.

It was noted in the Executive Summary that the original FY '07-08 Operating and CIP Budget Calendar was provided to the Board on October 4, 2006. During the joint meeting between the Board of Supervisors and the School Board on November 1, 2006, the School Board requested that the second public hearing be moved so that it would not coincide with the School System's spring break.

There are several dates in the budget presentation and approval process that cannot be moved due to State Code requirements. First, the County is required by State law to adopt its tax rate by April 15 because the first-half tax year collection is in June. The adoption date cannot be moved forward and must stay with the adoption date of April 11 for the tax rate. Working back from that date, Virginia Code requires that there be seven days between the public hearing advertisement for the budget and the adoption of the budget. There must be seven days between the public advertisement of the budget and the tax rate public hearings and the actual hearing dates. Those dates, therefore, cannot be moved.

During the budget calendar review, staff realized that the Board's work sessions actually needed to be moved back a week from the original schedule in order to meet Code requirements for the seven days between the public advertisement and the public hearing. Those budget work sessions are now set to begin on Monday March 11 and end with the fourth or final budget work session on Wednesday, March 21.

Since the adoption date for the tax rate cannot be delayed, there are only two options for changing the Board's public hearing from April 4 (which conflicts with the School's spring break), to Wednesday, March 28. One option is to move the whole budget process back a week and have the budget delivered to the Board the last week of February, rather than the first of March. This option would not only be very difficult for budget staff to change at this point, but the Superintendent has indicated it would also be difficult for the School Board to move its review schedule back a week. The second option is for the Board to condense its work session schedule by moving work sessions back a week and completing them by March 14. This would allow the Board to meet the advertising requirements for a public hearing on March 28.

In reviewing the budget schedule, staff determined that with all the financial preparation work being done with the funding the future work sessions and the October CIP session with the School Board, the February Business Plan work session will probably not be needed, so staff is proposing that it be cancelled. Staff has provided a chart which shows the revised calendar (this will be the calendar for the work sessions and public hearings unless the Board directs staff to implement the alternative calendar to meet the School Board's request for a public hearing date other than April 4). The revised calendar will show the official budget process schedule unless the Board directs staff to implement the alternative calendar. The Alternative Calendar condenses and compresses the meeting schedule, especially for work sessions, which will impact the time needed for staff preparation and for Board of Supervisors' review.

By the recorded vote set out above, the Board approved the following revised calendar dates for the FY 2007-2008 budget: March 7, public hearing on recommended budget; March 12, 14, 19 and 21, Board work sessions; April 4, public hearing; and, April 11, adoption of budget and setting of tax rates

Item 6.11. Revisions to the Charter and By-laws of the Central Shenandoah Criminal Justice Training Academy.

It was noted in the Executive Summary that in 1973 the County signed the Charter creating the Central Shenandoah Criminal Justice Training Center and became a founding member. The Center provided criminal justice training and education to the law enforcement personnel of Albemarle County (Police and Sheriff's Departments) and other jurisdictions within the region. In October 1998, the Board adopted a resolution approving the formation of the Central Shenandoah Criminal Justice Training Academy and its Charter, which replaced the Central Shenandoah Criminal Justice Training Center. The Academy currently provides criminal justice services for a total of 59 agencies, including 14 counties and 20 cities and towns.

In July 2006, the Academy's Executive Committee reviewed its Charter and By-Laws and updated those documents to reflect changes in the Academy's physical location and internal operating procedures, as well as changes to State law governing the Academy. Specifically, the changes reflect the Academy's current location in Augusta County (formerly it was located in the City of Waynesboro); changes to procedures for admission of new members; changes to the method of approval of the Academy's annual budget; clarification of the powers of the Executive Committee (which is responsible for the day-to-day operation of the Academy); revisions to procedures for termination of the Academy; and, revisions to procedures governing the voting rights of directors.

One major change involves the right of members to withdraw from the Academy. The old Charter and By-Laws allowed withdrawal at any time with six months notice. Changes to State law adopted in 2001 changed this to mandate that withdrawal could only occur every fifth year starting in 2001 and then only with approval by two-thirds vote of the Board of Directors. The other major change which affects only new members (it does not affect existing members) was to remove the lump sum payment in order to join. Previously, the charter provided that the Academy Board could charge a lump sum payment as an entry fee in addition to the annual membership fees for new members. Over the years, exceptions had been granted for every agency that applied for membership so this provision has been removed.

As one of the charter member organizations of the Academy, Albemarle County must approve the Academy's revised Charter and By-Laws as a condition of membership. This requires that the Board adopt a Resolution approving and incorporating the revised Charter and By-Laws of the Academy. Staff recommends that the Board adopt a Resolution approving the Academy's revised Charter and By-Laws.

By the recorded vote set out above, the Board adopted the following Resolution approving the Central Shenandoah Criminal Justice Training Academy's revised Charter and By-Laws

**RESOLUTION TO APPROVE THE
CENTRAL SHENANDOAH CRIMINAL JUSTICE
TRAINING ACADEMY'S REVISED CHARTER AND BY-LAWS**

WHEREAS, Albemarle County joined as a member of the Central Shenandoah Criminal Justice Training Center in 1973; and

WHEREAS, by adoption of a Resolution on Oct. 7, 1998, the Board approved the formation of the Central Shenandoah Criminal Justice Training Academy and its new Charter; and

WHEREAS, the Academy provides required basic and in-service training for law enforcement officers, jail officers and dispatchers of Albemarle County and other jurisdictions within the region; and

WHEREAS, since its formation in 1998, the Academy has relocated its training center and changed some of its operating procedures; and

WHEREAS, there have been changes in state law that governs the Academy; and

WHEREAS, the Academy wishes to update its Charter and By-Laws to reflect these changes; and

WHEREAS, the Board of Supervisors approves of the proposed changes in the Academy's revised Charter and By-Laws.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Academy's revised Charter and By-Laws.

Item 6.12. Resolution to accept road(s) in Parkside Village, Phase I and Phase II Subdivision, into the State Secondary System of Highways.

(Discussion: Mr. Wyant asked if there were any conditions attached to this request for where Hilltop Street connects into Parkside for the sidewalk. He said a number of people have expressed concerns about this. He knows that only a small path of asphalt was put down.

Mr. Mark Graham said there is a proffer associated with the Parkside Village rezoning for a sidewalk project there. Before it got installed it was found that additional easements are needed and the property owners in that area were not willing to provide those easements. Instead, the developers put in a temporary asphalt trail along that area. When General Services looked at creating a permanent sidewalk there they ran into problems with the easements.

Mr. Wyant asked how this matter can be resolved. That was one of the conditions and the developer has not met the conditions.

Mr. Graham said the developer did satisfy the conditions of the rezoning for the development. This is an offsite improvement. General Services is still working to see if there is an alternative to avoid the need for those easements. They do not have the answer yet.)

As requested by County staff, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Parkside Village Subdivision, Phased 1 and 2**, described on the attached Additions Form LA-5(A) dated **December 6, 2006**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Parkside Village Subdivision, Phases 1 and 2**, as described on the attached Additions Form LA-5(A) dated **December 6, 2006**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

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

- 1) **Hill Top Street (State Route 1014)** from the intersection of Route 691 (Hill Top Street) to the end of statement maintenance of Hill Top Street West, as shown on plat recorded 10/03/2002 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 1974, pages 487-492, with a 40-foot right-of-way width, for a length of 0.02 miles.
- 2) **Hill Top Street (State Route 1014)** from the intersection of Route 691 (Hill Top Street) to the end of statement maintenance of Hill Top Street East, as shown on plat recorded 10/03/2002 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 1974, pages 487-492, with a 40-foot right-of-way width, for a length of 0.08 miles.

Total Mileage – 0.10

Item 6.13. Eastern Connector Alignment Update.

It was noted in the Executive Summary that the Board of Supervisors and Charlottesville City Council have each allocated \$250,000 to study an alignment for the proposed Eastern Connector, a road project identified for further study in the UnJAM 2025 Regional Transportation Plan. The Eastern Connector study will provide a minimum of three alternative road alignments that will provide a connection between the Pantops Development Area/Route 250 east of Route 20 and the Northern Development Areas/Route 29 between Rio Road and Proffit Road.

Additionally, the study will provide a thorough assessment of issues related to each alignment and a recommendation of a preferred alignment based on the analysis and input/direction provided through the study process. Each alignment evaluated by the consultant will consider traffic impacts, environmental impacts, impacts to neighborhoods, impacts to private and public property, including parkland, and project construction costs and overall fiscal implications.

A consultant selection committee consisting of representatives and staff from the City, County and VDOT has chosen the consultant firm of Post, Buckley, Schuh and Jernigan (PBS&J) to study the alignment. The scope of work is completed and the contract is under review by the County Attorney's Office. Staff anticipates a signed contract by early December.

The City Council and Board of Supervisors have completed the appointment of an Eastern Connector Steering Committee (ECSC). The members of the ECSC are: Ken Boyd – County; Mark Graham – County; Juan Wade – County; Cal Morris – County; George Emmitt – County; Jon Fink – City; and, Kevin Lynch – City. The duties/functions of the ECSC are to work with the consultant to determine a minimum of three alternative alignments that will provide a connection between Route 250 east of Route 20 and Route 29 North between Rio Road and Profit Road. The Study will provide a thorough assessment of issues related to each alignment and a recommendation of a preferred alignment.

The entire project is anticipated to last 14 to 16 months. The project includes several public input sessions. The kickoff meeting is expected to take place in January of 2007. There will also be several steering committee meetings and a final round of project meetings. The consultant is currently gathering background data in anticipation for the project kickoff meeting. Staff is anticipating the document in February/March 2008.

Staff will provide quarterly project status reports to the Board beginning approximately in March of 2007, and will also be available at each day Board meeting to answer any questions regarding the project under the Transportation Matters agenda item.

This report was received for information.

(Discussion: Ms. Thomas asked if the committee could study this road as a bus/bike road only. It would reduce the size of any bridge that must be built over the Rivanna River, and could be a way of providing a park and ride lot on the eastern side of town for people who work to the north. It would be attractive because it could allow for an express bus route, as well as a bike route.

Mr. Boyd said as he read the report he was concerned that it did not clearly identify the first step of the study as being the traffic study. His concern all along has been that a lot of traffic turns left on High Street in the City and is clogging that area, and that particular traffic might not be redirected by an Eastern Connector.

Mr. David Benish said staff is going to distribute to the Board members today a scope of work for the project. He thinks that as part of the process there is an analysis of needs and demands; a modeling process.

Mr. Boyd said the staff report says three alternatives will be studied. He thought the Board had agreed to the traffic analysis, then, after that was completed it would decide on an appropriate plan of action.

Mr. Rooker said the Board's action was to approve the allocation of \$250,000 to match the City's allocation, and after the traffic data was received to make certain the connector would carry enough traffic so it made sense to go forward with the rest of the study.

Mr. Benish said that is implicit in the scope of the project. The staff report just indicates what the study could encompass. The first step in the process is the analysis, and then the scope calls for three alignments to be established.

Mr. Juan Wade said no-build is definitely one of the options. The study will show what could happen if nothing is done. Staff is in the information-gathering process now.

Mr. Boyd said the staff report indicates the consultant is gathering background data in anticipation of the project's kickoff meeting. He asked if that is the traffic study which should indicate the need to move forward.

Mr. Wade said there is going to be an internal meeting with County staff, City staff and VDOT staff on December 15. They will talk about how to proceed. It is anticipated that the kickoff meeting will be in January. Then in the spring of 2007, there will be options available. The information to that point could show there is no need to go further.

Mr. Boyd said he wants the Board's intent to be made clear to the public. This was to start with a traffic study, and then it would determine how to proceed based on the results of that study.

Mr. Rooker said the action the Board took was to have a two-step process. The first was to get the traffic numbers, and then, based on those results, decide what to do.)

Item 6.14. Copy of letter dated November 6, 2006, from John Shepherd, Manager of Zoning Administration, to Patricia C. Garnett, re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS -- TMP 056A1-01-00-08500 WHITE HALL MAGISTERIAL DISTRICT (Property of Josephine P. Beale Life Estate) Section 14.3, **received as information.**

Item 6.15. New Resident Brochure.

It was noted in the staff's report that currently the County has contact with new residents moving into Albemarle through the Real Estate Division of Finance via sales verification letters and through the Finance Department via vehicle decals, tax payments and other licensing type activities. With approximately 2000 new residents moving to Albemarle County every year, there is an excellent opportunity to share important County government information with incoming citizens through these outreach opportunities. Staff has revised and expanded the brochure that was being used for new resident information to provide comprehensive information about County government services and philosophies to help relocating citizens understand more about our community and how to interact with County government.

The brochure will be distributed to all new County residents in several ways. The brochure is being shared with the Charlottesville Albemarle Association of Realtors (CAAR) for distribution to their members and is being posted to the website for download by interested persons. Also, the brochure is being included in the mailing that goes to all new property owners from the Real Estate Division and is being distributed by the Visitor's Assistance Center and by the Finance Department to new residents who come to the building or who receive mailings from the County. Printing of the brochure will be funded through existing funds.

This item is for information; there is no action required by the Board.

Item 6.16. 2006 Third Quarter Building Report as prepared by the County of Albemarle Community Development Department, **received as information.**

Item 6.17. First Quarter FY 2007 Financial Report, **received as information.**

Item 6.18. Copy of Planning Commission minutes for September 19, 2006, **received as information.**

Agenda Item No. 7. Board-to-Board, Monthly Communications Report, School Board Chairman.

Ms. Sue Friedman, Chairman of the Albemarle County School Board, was present. She said both Dr. Pam Moran and Mr. Brian Wheeler were also present today. She said they are looking for people in the community to serve on their Charter School Review Committee. That deadline is this Friday.

Ms. Friedman said the School Board has directed the Superintendent to prepare a Schools budget funding request that reflects a reasonable estimation of projected revenues, with reduction strategies in the event those revenues do not materialize. Then they will also have a list of unfunded needs. They tweaked their CIP program, and it is on the School Board agenda for approval on December 14 with some changes, but not changing the dollar figure upward.

Ms. Friedman announced that the Piedmont Virginia Business Education Alliance has been formed, which is a new expanded version of CASBA, with a more forward-thinking agenda related to career, technical and workforce-readiness type skills.

Ms. Friedman said all School Board members and the Superintendent attended the annual School Board Association conference in Williamsburg, and had a joint dinner with the City School Board. She noted that they are planning a joint City-County School Board meeting for early 2007, with the topic area of alternative education – charter schools, alternative schools, CATEC, etc.

Ms. Friedman said that they were beginning a search for a new principal at Western Albemarle High School. She reported that Mr. Al Reiser is retiring, and they hired Mr. Joe Letteri out of Richmond for this job, and he will be working with Al for a while before his retirement, and then he will assume the position of Buildings & Grounds Facilities Director.

Ms. Friedman offered to answer any questions.

Mr. Boyd said the backpack situation has been in the news recently. He is getting a lot of e-mail about it. He asked for comments.

Ms. Friedman responded that the School Board approved a policy in September, and has been looking to see how it works. They have received a lot of feedback. Because of a court decision in the Fourth Circuit Court of Appeals affecting Maryland, West Virginia and Virginia only, School Divisions are required to make available to any non-profit the opportunity to send a flyer home in a backpack regardless of whether they are faith-based or not. Previously, Albemarle's policy excluded religious and faith-based material from going home. This case made it clear that if any community organization is allowed to send material home with children, it must allow all nonprofit organizations with the usual, no violent, no the negative, or materials that are inappropriate. She said the School Board looked at three options. One was no flyers at all. The second option was government and school flyers which the court narrowly left open. Third, to allow all flyers from everyone with a disclaimer with the time and place they determined, so that flyers do not have to go weekly, but could be sent every semester. With some parameters on frequency, the School Board agreed to the third option making it clear that the time it was taking staff to take care of all the flyer distribution would be monitored and they would take community input. She said the feedback has not been positive. She does not think the policy will remain as currently written.

Mr. Rooker asked what frequency is allowed under the current policy. Dr. Moran said the policy for spring would be two flyers per organization per semester – which is similar to the school in the Maryland suit. She emphasized that a disclaimer is required to be printed on the flyers, but parents are still concerned.

Mr. Slutzky said it may sound foolish but he was concerned when he read in the newspaper that there was a distribution of some literature that a lot of people find very repugnant, and he asked if the current policy would allow the KKK to make a distribution through that same pathway. Dr. Moran said they would take to Mark Trank for review anything from an organization they felt was questionable in terms of the legality of what they wanted to communicate. He would review it against legal ramifications and possibly consult with Mr. Davis as to whether it met the test of the court case they have to operate under.

Mr. Rooker said he thinks there will be few opportunities to screen out materials. Mr. Davis said if there is something deemed offensive or disruptive to the School System, they may be able to regulate that, but generally the content of the message is protected by the First Amendment so just because it may be offensive to some, if it is not disruptive to the environment of the school, the Schools may not be able to discriminate based on the content of the message.

Mr. Boyd asked if the flyer had to do with the pageant ritual; and did it go through that process? Ms. Friedman said yes.

Mr. Boyd asked if the School Board deemed that not to be offensive enough to prevent it from going out?

Mr. Rooker said it would have to be something that almost incited violence in order to not be allowed under the First Amendment.

Mr. Dorrier said there may be criminal statutes involved also.

Dr. Moran said the School Board has to rely on its legal counsel to make those determinations. Their past policy was clear and narrowly defined the flyers that they felt met the test of serving the student

community. The court case that occurred around Montgomery, Maryland's school division clearly opened the door to flyers that come from a broader perspective in terms of organizations. Mr. Davis noted that the law allows time, manner, and place restrictions, but not content restrictions generally.

Ms. Moran commented that when they opened the door, the School Board felt that restricting organizations that serve the students well (Scouts, YMCA, SOCA, etc.) had the potential to limit some students from ever knowing those opportunities existed. They see this as a community service which they have provided for years. They anticipated that the new policy could cause some controversy, and it has. They will probably go back after receiving some feedback and make a determination as to narrowing it or maintaining it.

Mr. Boyd said since he brought this up, he would like to say that he felt the School Board was very calculated in what it is doing in this process. He thanked Dr. Moran for apprising the Board of what is going on because it is getting inquiries.

Mr. Wyant said he has received only negative feedback on the flyer policy. He is a member of the CIP Technical Review Committee and he is somewhat disturbed that the Schools are still working on their CIP since budget time is approaching. Ms. Friedman said the School Board is working on changing that CIP schedule for the next process so it would not be so close to budget time.

Ms. Friedman presented to the Board members copies of the Schools new poster listing their vision, mission and goals. Also, she handed to the Supervisors a set of student art note cards as a token of appreciation from the School Board for continuing to be supportive and having as one of the Supervisors' goals support of the School Division in being world-class.

Agenda Item No. 8a. Transportation Matters: VDOT Monthly Report.

Mr. Allen Sumpter, Residency Administrator, addressed the Board, reporting that VDOT has made signal and timing modifications at the Route 20/Route 250 intersection on Pantops. He discussed this with Mr. Boyd and it will be monitored during the next week to see if it helps traffic. There was concern expressed about taking two lanes of traffic straight across Route 250 into the shopping center, and that is being reviewed.

Mr. Sumpter reported that if the property owner agrees VDOT will try to arrange tree-trimming on Walnut Level, and also install a Watch for Turning Vehicles sign there.

Mr. Wyant asked if the improvements to Jarman's Gap Road are still on schedule. Mr. Sumpter replied that there have been significant changes made because of development occurring in the area. There needs to be a new timetable presented in light of funding issues.

Mr. Sumpter commented that his staff is actively involved with County staff on revisions to the Six-Year Secondary Road plan. The timeline is to hold a work session in January with the plan coming to the Board in February for a public hearing and adoption of a new plan. At that time, there should be clarification of funding issues involved with the Meadow Creek Parkway, and other projects.

Mr. Wyant said VDOT is replacing the bridge near Clark's Road and took up the beams recently. He asked what kind of riding surface will be put back. He said there is a problem with the Millington Bridge which has not been resolved. Mr. Sumpter responded that it will not be the same type of surface as on Millington.

Ms. Thomas asked about improvements to Old Ivy Road because this project keeps slipping down in funding because of the Board's choices. She said Police Chief John Miller has expressed concern about the underpass under the railroad where the road angles so it is too narrow to handle two large sized cars. This is one of their most frequent accident locations. She said that was a surprise because if traffic-calming has any logic, cars would be going too slowly to have an accident. She knows the entire project has been postponed, but is there any way to realign the passage under that bridge. She thinks if the road was straightened without touching the abutments on either side, it would be a more reasonable road. Mr. Sumpter said he will look to see what might be done.

Mr. Rooker said when the project was originally planned it included widening the road and providing sidewalks out to Route 250, with extensive work on the railroad bridge at a cost of several million dollars for the cost of widening under the bridge. It became apparent that funds would never be available to do that project, so the County tried to consolidate the funds from that project into another project.

Mr. David Benish said in order to reduce the costs, VDOT did a preliminary assessment of an alternate design for the project about six years ago, and found that if the alignment of the existing roadway was skewed, the width of the abutments is wide enough for two lanes – not for sidewalk and bike lanes. He said there were rock outcroppings on the north side and they did not do enough analysis to know what the cost would be. There was not a clear cost for that alternative, but taking a three-lane section back down to two lanes and being able to use the railroad abutments in some form did take a lot of the cost off. The total cost was very high and the Board went to consolidating its priorities in that area. There is some

analysis indicating there could be a lesser cost roadway put in there, but the cost for that type of spot improvement has not been determined.

Mr. Rooker said he would love to see those improvements done on that road, especially pedestrian bicycle improvements because it is heavily traveled by students.

Ms. Thomas said when Secretary of Transportation, Pierce Homer, talked to VACo he said he had not received a single complaint from any locality about the 30 percent cuts in transportation budgets. She said that monthly this Board agonizes over Albemarle's budget being cut. She said the Board might consider making a formal complaint to the Secretary so he can't stand up in public and say he has not had a single complaint from a county.

Ms. Thomas handed to Mr. Sumpter a notice about Camp Holiday Trails. She said that Mr. Sumpter needs to get together with her and Mr. Tom Frederick about that road.

Mr. Dorrier said Glendower Road, located in Keene, is a two mile stretch of road from Plain Dealing Farm to Route 795, and it has potholes and has dust problems. It needs some work.

Mr. Boyd said the residents of Stony Point Pass had presented a petition asking if the road could be included in the Rural Rustic Road system; after he and Mr. Sumpter rode over the road they got a report that the road would not qualify. He said they discussed the possibility of having only certain sections of the road included. Mr. Sumpter said that is being looked at as part of the Six-Year planning process.

Mr. Boyd asked if suspension of grading on Rocky Hollow Road due to weather would delay the Rural Rustic Road improvements. Mr. Sumpter replied that the work will move along quickly in the spring. If they work on the road in the winter, it will make its condition worse than normal for the residents. During the winter they will only put in the things which make sense, such as pipe.

Mr. Boyd asked about comments in Mr. Sumpter's report that the transportation funding shortfall will possibly extend the advertisement date for the Meadow Creek Parkway project. Mr. Sumpter said that note has been in the report for months, and it really needs to be revised.

Mr. Boyd said the Board has identified that as its highest priority project and is willing to shift money from other things so that project will not slip. He wants to be sure that if anything comes up to delay that project in any way, the Board knows about it immediately. Mr. Sumpter said VDOT is working with County staff to get the funding set. He feels positive about the project.

Mr. Slutzky thanked Mr. Sumpter for the opportunity to meet with him and would like to do so after the first good snow somewhere in the western part of the Rio District, the part served by the Free Union headquarters.

Mr. Slutzky mentioned the corner of Greenbrier Drive and Rio Road to see if any changes could be made. He was told by a constituent that drivers coming out of the gas station have a traffic light and a right-of-way that people must yield to when heading north but wanting to turn left. He was surprised that it is set up that way, and wonders if there have been other accidents at that place, and if that is the best configuration for that intersection. He asked Mr. Sumpter to look at it.

Mr. Rooker asked for an update on the right-of-way process for the Meadow Creek Parkway. He would like to know what percentage of parcels have been made an offer and have been accepted, does it look like there will have to be certificates of take with respect to any property, or does it look like negotiated settlements are likely? He said the County has identified money in its budget that could be used to cover the project budget shortfall, but he would like to know where the City stands on making up their shortfall of funds. Mr. Sumpter said he is not sure of the City's status. He has been working with the City on the stormwater management portion of the project. There are some modifications there that might have a significant impact on the cost of the Parkway from the interchange at Route 250.

Mr. Rooker asked if the cost would be higher or lower. Mr. Sumpter said it would be lower.

Mr. Rooker said it would be helpful to the Board to know how the City is doing in terms of keeping on schedule. Mr. Sumpter said he will get that information to the Board.

Mr. Boyd suggested that VDOT observe the traffic gridlock at the intersection of Route 250/Route 20 between 4:30 p.m. and 5:00 p.m. He asked that it be done during rush hour as State Farm traffic has a big impact on back-ups at the lights on Route 250. Mr. Sumpter said VDOT did some of the timing modifications recently at that point and they worked on that timing during that particular time period.

Mr. Rooker mentioned said there are many traffic gridlocks during rush hour. For example, Garth and Georgetown Roads are often completely stacked with traffic. He said that is an indication of what's happening with respect to traffic in an area that's completely under-funded for transportation.

Mr. Wyant said that in the VDOT Monthly Report he noticed requests for Half-Mile Branch and Hill Top Street. He was not aware of these requests, and asked that when they are received by VDOT to make County staff aware of the requests also.

Mr. Rooker noted that last Friday night there was a community meeting in Free Union with three VDOT officials and Mr. Butch Davies. There were about 225 people present concerning the closing of VDOT's maintenance facility in Free Union. As a result of that meeting there is some movement toward finding a way to maintain some facility in the Free Union area. He said Senate Emmett Hanger is writing a letter to VDOT asking that they look at this issue again. He said a draft resolution has been given to the Board members indicating its position on the closing of the headquarters. He said the Board had asked for the cost data and level of service data to substantiate the closing and still provide the same level of service. The data shows that VDOT has backed off somewhat from saying they could provide the same level of service, but said they would provide a level of service within their minimum guidelines. Today that area receives a level of service which is much better than VDOT's minimum guidelines require.

Mr. Rooker asked the Board to consider the resolution which he had handed to them. He pointed out one change to make in the language in the sixth "Whereas". He suggested it read: Whereas the projected cost savings from the closure did not take into consideration the increased costs attributable to providing VDOT service to Free Union from more remote VDOT headquarters. He said that captures the thought a little better. He said the level of service issue is dealt with in a previous clause. He asked if the Board would accept his suggestion.

Mr. Slutzky said he would prefer that language.

Mr. Wyant said the resolution should not say Free Union, but should say the area covered by the present Free Union area headquarters. He said that in Albemarle County there are headquarters at Keene, one at Yancey Mills, one at Boyd's Tavern to the east, and there are none on the northern side of the County. That area has the second highest number of miles being covered in the County today. He said VDOT will suggest they can cover the area out of Stanardsville. Those minimum guidelines used to require service in 30 minutes, and now it is 45 minutes. They did not clarify that the minimum guidelines have increased tremendously.

Mr. Dorrier **moved** to adopt the proposed resolution with the change recommended by Mr. Rooker. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

RESOLUTION TO OPPOSE CLOSURE OF FREE UNION AREA HEADQUARTERS

WHEREAS, the Commonwealth of Virginia has held the responsibility to maintain public road facilities in Virginia counties not under the County Manager form of government; and

WHEREAS, the responsibility of public road maintenance is currently undertaken by the Virginia Department of Transportation and serves an essential public safety function, including timely snow plowing and debris removal; and

WHEREAS, the Virginia Department of Transportation has proposed closing the Free Union Area Headquarters in Albemarle County; and

WHEREAS, the Free Union Area Headquarters serves a large area of the County including schools, school bus routes, emergency services facilities and personnel, and the Charlottesville-Albemarle Regional Airport; and

WHEREAS, the proposed closure of the Free Union Area Headquarters would result in a decrease in the level of service presently provided to many secondary roads in the service area; and

WHEREAS, the anticipated cost savings and decrease in service level from the closure would be passed on to neighboring area headquarters that must provide maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County does hereby oppose the Virginia Department of Transportation's proposed plan to close the Free Union Area Headquarters.

Agenda Item No. 9. JAUNT Annual Report, Donna Shaunnesey.

Ms. Donna Shaunnesey reported that in FY '06, JAUNT had another successful year. They found through a recent passenger survey that riders give them high marks for their service. She thanked the

County for coming through last year during the budget crunch to make up for cutbacks made by the General Assembly. She appreciated the wonderful County appointees to the JAUNT Board. Two of the four officers this year are Albemarle County appointees. Their president is Ray East and their treasurer is Juandiego Wade. Mr. Cliff Bise is experienced in financial matters so he brings a lot of expertise to the Board and finance committee. Their newest Board member, Jamie Hughes, has lots of medical experience.

Ms. Shaunnesey said that last year they had an incredible safety record. The good news about last year was all of the bad things that did not happen. She said they avoided a lot of problems. She said they spent \$100,000 more in gas than budgeted last year which could have devastated the system, but they were able to move some things around, take some cost-savings measures and actually ended the year with only \$10,000 over their actual budget, and sold some vehicles to make up the shortfall. She said JAUNT has a stellar safety record, but they were able to do even better last year. So far, this year looks even better than before; most accidents just fender-benders, and with traveling over 1.0 million miles a year, that is remarkable.

Ms. Shaunnesey commented that VDOT is operating more efficiently than in past years, although the number of trips in the county was down last year – primarily because two other entities began running trips to areas that JAUNT had served. She indicated that currently JAUNT is providing 12 percent more trips than the previous year, with the Scottsville service on track to double in two years of operation. She said JAUNT has wonderful drivers; 49 staff members received awards recently for perfect driving and/or perfect attendance. This year JAUNT is working to create a non-profit so they can do fundraising; they have actually received some bequests in the past.

Mr. Dorrier asked if 76 percent of JAUNT's ridership is composed of people with disabilities. Ms. Shaunnesey said that is true.

Mr. Dorrier said that seems to be a high number. Ms. Shaunnesey said their fare structure is set up so it attracts people with disabilities or who are over the age of 60.

Mr. Dorrier asked if these people are using JAUNT to get to work. Ms. Shaunnesey said most of those people are going to work, while some are going to the hospital or to dialysis. About one-third of the people transported are going to work. She thinks this number will increase as the population ages.

Ms. Shaunnesey said that JAUNT is working on a new strategic plan and would appreciate feedback from the Board and County staff as well. She said they are responsive to requests. They accomplished most of their goals and objectives in their previous strategic plan.

Ms. Shaunnesey said if the Board has any suggestions as to how JAUNT might be helpful in the discussion of a regional transit authority, she would appreciate receiving those comments. She said JAUNT already is a regional transit authority, so it will be an interesting process to talk about creating another one. Finally, she thanked the Board for its support of JAUNT.

Ms. Thomas asked when the County makes decisions about subdivision layouts it should take into consideration how the layout might affect JAUNT vehicles. Ms. Shaunnesey said she has provided their turning radii to the County Planning Department so they can be sure that vehicles can be turned around. There are also canopy issues. They are on the County's list to receive materials about all site plans, so they have occasionally sent comments about certain requests, one of those being Rosewood. She had not given much thought to the bigger picture of a subdivision, but it would not hurt to do so.

Mr. Rooker thanked Ms. Shaunnesey for her report.

Agenda Item No. 10. Appeal: SUB-2006-224, Rolling Meadows. Request for Private Street to serve 4 lots: Request for preliminary subdivision plat approval to create 4 lots on 18.62 acres zoned RA. Tax Map 56, Parcel 112. Located 900 feet west of Normandy Drive and 200 feet off the Rockfish Gap Turnpike (U.S. Route 250). The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. White Hall District.

(Note: Mr. Rooker called for a five-minute recess while staff was loading information into the computer for a PowerPoint presentation.)

Mr. Bill Fritz, Chief of Zoning, said this is an appeal of a preliminary subdivision plat for Rolling Meadows, which is located on Route 250 West in Crozet just behind the Greenwood Motel. The property contains 18.5 acres. The applicant is proposing a four-lot subdivision, leaving one development right which would be assigned to either Lot 3 or Lot 4 since the other lots are too small. A private street is proposed for the development, rather than a public road, so there was a requirement for approval by the Planning Commission. The plat was reviewed by staff and the road was found to meet the standards for approval of a private street in that the earth disturbance was 230 percent more for installation of a public street than for installation and construction of a private street. Staff recommended approval since the design is adequate and meets the design standards for a private street. The applicant did not request any waiver of design standards.

Mr. Wayne Cilimberg, Director of Planning, said the Commission voted 6:1 to deny the waiver. For the persons voting for denial, the issue was that this would make it easier for the applicant to develop a rural area property. Another Commissioner stated a preference for public road standards in this particular area of Route 250. There were concerns expressed with the steepness of grade and safety

factors in accessing this road from Route 250. There was also concern that there had been no contact with VDOT, which is an option, regarding the possibility of using mountainous terrain standards. There was also concern about the accessibility for emergency vehicles due to the grade, especially in the winter time.

Mr. Rooker asked if all private roads have grade limitations. Mr. Fritz said "yes" and this request meets all grade standards. They can have a 12 percent grade up to a 16 percent maximum. It meets the standards by holding the grade with a landing at the intersection with Route 250.

Mr. Rooker asked if there were any indication that there might be a safety issue with this road. Mr. Fritz said in staff's opinion, there is no safety issue. The road meets design standards. It is steeper than a rolling terrain public road, which could have a ten percent grade.

Mr. Boyd said he read the Commission's minutes and he is curious as to whether the discussion and the reasons for denial are in the purview of their charge. Mr. Cilimberg said often the Commission consults with Mr. Greg Kamptner, Assistant County Attorney, and they always cite their reasons for denial as they related to the provisions of the Subdivision Ordinance. Mr. Fritz said staff has referenced the specific text of the ordinance for approval of private roads on Page 6 of the Executive Summary.

Mr. Davis said there are findings that have to be met before a waiver can be granted for a private road. If those standards are met, a denial cannot be arbitrary and capricious, but if there is any valid reason to not approve it that is not arbitrary and capricious, then it is within the powers of the Commission, and the powers of this Board on appeal, to not approve the waiver.

Mr. Boyd asked if Mr. Davis feels the Commission was well within those guidelines in denying this request. Mr. Davis said "yes." Their discussion regarding public safety, their discussion regarding maintenance and their discussion regarding the environment in this particular circumstance were all reasonable discussions to have in deciding if there is a reasonable basis not to approve the waiver.

Mr. Rooker said the Commission is charged under the ordinance with hearing these matters and it is only on appeal that they come to this Board. Their discussion could be far-ranging, but ultimately they have to make a decision based upon some objective facts.

Mr. Boyd said he just wanted to be sure he understands how that process works. Mr. Fritz said there are several criteria which allow the Commission to consider private streets; one of them is environmental impacts and degradation. That is why he provided the information in the executive summary as to the difference in these two things. It is not automatic. The criteria says if the applicant meets the 30 percent difference, then the Commission may approve the private streets but just meeting the 30 percent does not give an automatic approval.

Mr. Boyd said he was curious about it because their thought process was contrary to that of the staff. Staff felt the private road does conform.

Mr. Wyant said that is only as to cut and fill. Environmental does not mean degradation of streams in this case.

With no further questions for the Board, Mr. Rooker asked the applicant if he wished to speak.

Mr. Dustin Green was present on behalf of the applicant, Mr. Victor Pascarella. He said they brought the appeal to the Board because they thought there was some confusion. There was a statement made at the Commission meeting that VDOT was supposed to have some kind of approval in a mountainous area. He thought having a private street was null and void of VDOT having any say in the approval process. There was also speculation that Mr. Pascarella would save a lot of money by not having to haul away the excess dirt. That was not a factor in his analysis of the road. He said the mention that the earth disturbance would be 230 percent more for installation of a public street is equivalent to about 100 truck loads of dirt that would have to be removed from the site. The dirt has to be moved somewhere because it is affecting the integrity of the slope of the property at this time.

Mr. Rooker said the Commission questions whether the width of the easement was sufficient to allow a public road cut through the property. He asked Mr. Green to explain.

Mr. Green said there is enough land between the edge of the motel property and the house. The only thing holding them back from getting a 50-foot right-of-way was the setback requirement for rural areas of a 125 foot mountainside setback. There is a house 28 feet off the right-of-way so they might have gotten a 43-foot right-of-way, but they could not go any further.

Mr. Rooker asked if Mr. Green was saying that without approval of a private road the development cannot move forward. Mr. Green said that is correct.

Mr. Fritz said staff believes the applicant may be able to construct a road within the 40-foot right-of-way.

Mr. Rooker asked if that is an existing easement. Mr. Fritz said there is no easement. There is a strip of land on the property which is a fee simple, pipe stem, a non-conforming lot, but it is only 40 feet wide. He pointed out the house on a map. He said staff has not seen the road plans. It is sometimes possible to construct roads within 40-foot right-of-ways. Staff analyzed it and it was the engineer's opinion that it was reasonable.

Mr. Rooker asked if staff thinks it might be possible to construct a public road through there on the existing fee simple strip, but is not one hundred percent certain. He asked Mr. Fritz to explain the situation with the setback requirement of the road cut from the house. Mr. Fritz said when this turns into a public or private street it would impose a setback. There already is a setback because there is a side lot line of 25 feet. It could not be widened so the house would be located closer than 25 feet to the property line or the right-of-way. They don't have a whole lot of room to work with. He said they could apply for a variance, but on its face it doesn't seem to meet the criteria for a variance.

Mr. Slutzky said he is struggling with this. He does not want to do anything that would facilitate development in the rural area. That is incompatible with the Comprehensive Plan and with his views. When the applicant said he could not build without getting this approval he thought that was a strong reason for denying the request. If the road can be built in the right-of-way and the Board denied the applicant's appeal, there would still be an environmental impact to meet the public road requirements which are more disruptive of the soils and more disruption of the environmental integrity of the area. He thinks the Board needs a clear answer to that question. He cannot decide today if he does not know if his denial would in effect cause this project to go down, or whether it would cause a greater disruption of the environment because it can go forward. He asked if there is a way to get clear and crisp answer to that question.

Mr. Rooker said that is why he asked the question of the applicant and staff. He thinks that is the crux of the issue. Mr. Fritz said he will explain what was requested of the applicant. When requesting approval for a private street the applicant must provide a public street alignment and a private street alignment so they can be compared; the plan displayed before the Board today is the public road plan that was submitted. Staff looks at it to see if the road has been designed correctly, but without having VDOT approval of it, he cannot guarantee it can be approved. He said this plan does require some grading easements off site.

Mr. Wyant asked if they are temporary or permanent easements. Mr. Fritz said it would be a permanent easement. Mr. Davis said one of the criteria that must be found before a waiver can be granted is that there are no more lots proposed on the private road than could be constructed with public roads, and if the Board is not satisfied that has been demonstrated then the Board has not made the adequate findings to grant the waiver.

Mr. Rooker said the applicant has said he could not build a public road through the property.

Mr. Green stated there is an alignment that is (the recording failed at this point, and his response was not recorded).

Mr. Rooker asked if any Board member saw this differently.

Mr. Wyant said he said 50 feet of right-of-way, but he noticed that staff said 40 feet. Mr. Fritz said there is only 40 feet through there. It is possible to build a public road within a 40-foot right-of-way. Sometimes it would have to go to curb and gutter or retaining walls or some alternative design. But it is possible.

Mr. Rooker said he understands the Board must have an affirmative finding that no more lots are being allowed on the private road than the number that would be allowed on a public road standard. The Board does not have information today upon which it can make that affirmative finding. The staff says it's possible, the applicant says he's not sure, and there is the question of having an easement from the adjoining property owner on the western side. Mr. Davis said they do not have that easement today. Mr. Fritz said they do not have the easement in place, but staff understands that the landowner has expressed a willingness to negotiate an easement. That is what is requested during preliminary reviews.

Mr. Wyant said they must demonstrate they can build a public road and at this time the County does not have VDOT's approval. Mr. Fritz said staff never has that approval during the preliminary review stage.

Mr. Wyant said he sees this same problem on every plan that comes in unless it goes to VDOT first. Mr. Fritz said that would be a shift in how plans are processed, but it can be done. That would answer once and for all questions about whether approval of a private street is authorizing a subdivision with additional lots.

Mr. Wyant asked if the other Board members would like to make that policy shift.

Mr. Rooker said there are situations where staff can say it is very clear that with the existing right-of-way they can build a public standard road. In this case, that is clearly not the case. The applicant has indicated he is not certain he can build a public road standard through there. He does not know if he can acquire the easement. He does not see how this Board could overturn the Commission based on the information before it today.

Mr. Rooker asked if there were a motion on this request.

Mr. Wyant asked what kind of motion is needed. Is the Board denying the request?

Mr. Rooker asked if the Board needed to act on the appeal today. Mr. Davis said with the consent of the applicant the Board could defer the decision. The only thing this delays is the mandatory timeline

for approving or denying the subdivision plat. Unless the waiver is granted the subdivision plat will have to be administratively denied. There is a timeline that is on.

Mr. Fritz said staff went to the Commission within the 60-day timeline. It is in the appeal period now. Mr. Davis said there are two options. One is with the applicant's consent to defer the matter. The other option is to approve or deny the waiver. If the option is to deny the Board has to state the basis for that denial as part of the motion. From his understanding, at this point the primary basis is a failure to demonstrate that a public road would yield the same number of lots that a private road would yield in this development, as well as the reasons presented by the Commission.

Mr. Green said the applicant has the easement from the Campbell property which is a 15-foot easement going onto their property; it is in the form of a signed agreement.

Mr. Wyant asked if they have a design for VDOT which meets their standard. Mr. Green said he does not have that from VDOT.

Mr. Slutzky said the applicant has already testified that he does not think he can build the road.

Mr. Wyant said he did not hear that. Mr. Green said he has an alignment with him that he has not given to staff. They will have to go through the process of seeing if it meets the guidelines for public roads.

Mr. Rooker said the Board has two answers from the applicant on that. First, when he was asked the question he said "no" and then he came back and talked about constructing the road with a retaining wall, curb and gutter, etc. He said the question is whether the Board wants to allow the applicant to defer with the idea that he can present to staff additional information which may or may not establish that he can build the public road through there, or does the Board want to go ahead and act today.

Mr. Wyant said he thinks there have been communication problems, so unless the Board wants a deferral, he is going to make a motion for denial.

Mr. Rooker asked if Mr. Wyant is open to allowing the applicant to ask for a deferral. Mr. Green said he would like to have a deferral.

Mr. Rooker asked if a time has to be put on the deferral. Mr. Tucker suggested deferring this matter to January 3, 2007, at the earliest.

Mr. Davis asked if that would give staff enough time to review the road plan. Mr. Fritz said for staff review only, they could meet that date, but it might not give enough time for VDOT to reply.

Mr. Rooker suggested deferring it to February 7. Mr. Green agreed.

Mr. Wyant **moved** to defer the appeal to February 7, 2007. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Mr. Wyant asked if this should be made a policy. He said the standards are really clear, so he thinks the applicant should go to VDOT first. He would like to have a policy requiring VDOT approval.

Mr. Rooker said he thinks the Board is suggesting that staff take the plans to VDOT after they have made a preliminary review. If staff thinks the developer cannot build a public road, they would take the plans to VDOT and get a preliminary indication from VDOT as to whether they believe a public road can be built in that location based upon the specifications submitted.

Ms. Thomas asked staff how many times a year this kind of dilemma arises. If this situation is fairly unique, she does not think the County needs to change its policy. Mr. Fritz said a case where there is a limited right-of-way is fairly rare. There are other issues where there might be a stream crossing, grade issues or curvature issues where staff is making the assessment that it is a buildable road, but he thinks all of these requests could be sent to VDOT to get something saying it appears to be within their design parameters; it would be something short of actual approval.

Mr. Rooker said he thinks that would be a good policy move to make. He asked if any Board member disagreed. No one disagreed.

(Note: The Board recessed at 10:58 a.m., and reconvened at 11:05 a.m.)

Agenda Item No. 11. Charlottesville Free Clinic Building Proposal.

Ms. Roxanne White, Assistant County Executive, reported that the Free Clinic is proposing to build and maintain at its own expense a 12,600 square foot building on land owned by the City and County where the Regional Health Department is presently located. They want to make sure the City and County agree with the proposal before moving forward with their plans. She said the clinic has operated since

1992, and has been sharing clinic space with the Health Department. Staying on that site would provide easier access to the public than moving to a different location. They provide pharmaceutical services and reduced-cost medicine, and they have doubled the amount of prescriptions so their space is inadequate. There are about 400 people on their waiting list for dental care that they have not been able to serve, and they are also seeing an overall increase of from three to twelve percent 12% each year. The addition would be located at the front of the Health Department lot, and they would also add 26 parking spaces, which meets City Code.

Ms. White said concerns have been expressed about whether there is enough space on the lot should the Health Department need to expand, but architects have determined there is also space at the back of the lot for additional parking should it be needed by either entity. There will be a master plan done to ensure that any expansion would be able to fit on this same site. City Council approved the plan on Monday night.

Ms. White said the plan would involve a 40-year lease with the City issuing an RFP, and the County would need to approve the plan also. There would be no investment from either locality except for granting use of the property. The plan would come back once the design is approved, but this is the initial concept proposal.

Mr. Dorrier asked the percentage of patients at the Free Clinic from Albemarle County. Ms. White said 45 percent are from the County, with 80 percent total coming from the City and County.

Ms. Thomas said the Board had received a note from neighbors stating that they approve of the plan. She asked if there would be bus access to the facility.

Ms. Erica Ocello, Clinic Director, responded that there is bus access and many patients do use bus service although it ends at 6:30 p.m. and the clinic stays open until 8:30 p.m.

Ms. Thomas said this is a wonderful organization that does good things for the community.

Mr. Rooker agreed, adding that it is nice that they are going to be able to locate next to the Health Department.

Mr. Boyd asked about the RFP and the possibility of another entity coming along for the property. Ms. White replied that they would have to offer free medical services to the community.

Mr. Slutzky suggested that they talk to the Red Cross, as they have a building on Rose Hill Drive that is being under-utilized.

In response to Mr. Dorrier's question, Ms. Ocello said they request a \$3.00 donation for prescriptions but patients aren't required to pay this, and one percent of the Free Clinic's annual income is generated from this source.

Ms. White noted that the Free Clinic saves on administrative costs by not collecting fees and filing insurance claims.

Mr. Wyant **moved** for the Board to grant preliminary concept approval of the CFC Board's request to proceed with its plan to build a 12,600 square foot building on the property jointly owned by the County and City adjacent to the Regional Health Department. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 12. Community Engagement Program, Lee Catlin. (Because of time constraints, this item was skipped, and will appear at the end of this day's agenda.)

Agenda Item No. 13. Albemarle County Transferable Development Rights (TDR) Proposal, David Slutzky.

Mr. Slutzky said he is asking the Board to consider his proposal for transferable development rights because the Comprehensive Plan states the County intends to protect the rural areas from development by concentrating development activities in the designated growth areas. There are process elements missing in the effort to protect the rural areas, even though there have not been policies implemented that would have that effect; the Board has considered and rejected phasing and clustering proposals which would have slowed down growth activities but delayed development rights. The Mountain Overlay District proposal does offer actual protections for the rural area. He is appreciative that the Board has kept that initiative alive. The MOD and TDR proposal can be worked on simultaneously although the TDR proposal is on a much slower track.

Mr. Slutzky said he went to property owners in the rural areas and stakeholder groups to find out why they were not in favor of the MOD. They expressed concern that rural property owners would be bearing the burden for land protection. He would support a downzoning of the rural areas, although he is not certain other Board members are in favor of that.

Mr. Rooker said before Mr. Slutzky became a Board member this issue was discussed. The vote was 3:3 on whether or not to support a downzoning. He would support it now; Ms. Thomas had said phasing and clustering was a lesser alternative to downzoning.

Ms. Thomas said she is opposed to having staff spend time on this proposal unless a majority of the Board would strongly consider downzoning.

Mr. Boyd said he is opposed to taking away people's property rights, as he views it as confiscation. He was opposed to it when this was discussed previously and he is opposed to it now.

Mr. Slutzky said that is the reaction he got when he met with his constituents. This Board has not historically been supportive of downzoning, although there is a desire to protect the rural area.

Ms. Thomas said she doesn't agree that downzoning is a usurpation of property rights.

Mr. Slutzky said this proposal is an attempt to protect the rural areas while creating a market mechanism so rural area property owners could gain some basis for compensation. The Board is stuck, and the proof of that was when phasing and clustering went down to defeat by a 3:3 vote.

Mr. Slutzky said he believes that in order to protect the rural area the number of available development rights must be reduced. In order for the Board to accomplish that politically, it needs to find a way to have rural area property owners end up at least as well off as they are today or they're going to resist it.

Mr. Slutzky said his TDR proposal starts with a downzoning of 50 acres. In the new rural area an owner would not be able to subdivide a property to a lot smaller than 50 acres as that number would be the minimum lot size that would be protective. The part of the County set aside as rural area would be partitioned off, an equivalent of one percent of the County, leaving 94 percent of it as rural area. The one percent would be defined as a boundary area contiguous to growth areas, and a transferable development rights ordinance would be implemented in accordance with the enabling legislation effective July 1.

Mr. Slutzky said a TDR program would include a donor area and a receiving area, with the donor area being the 94 percent of the County retained and protected as rural area and the receiving area would be the one percent boundary zone put against the existing growth areas. He is suggesting taking the many thousands of development rights strewn across the rural areas and clustering them up against the growth area, which would relocate many of them to enable the County to have greater efficiencies in providing services to the residents where those rights would be located. As they reside today those development rights are not subject to proffers or Neighborhood Model form and design, they are by-right and can be subdivided and built upon in accordance with ordinances. In order for them to be marketable when they are moved into the boundary area, they need to retain those characteristics – being by-right and not subject to the Neighborhood Model.

Mr. Slutzky said the development rights that could be transferred into the boundary area would be those that are rendered useless by the downzoning; if there is a parcel in the rural area with 10 development rights and after downzoning it would only have two, the eight that are no longer useable would be available for transfer into the boundary area. If it is true that there are 50,000 development rights in the County, and only some subset of those could actually be used, then his proposal is that only those that are actually useable would be eligible for transfer. He said the donor rights would be from the 94 percent of the County that remains from the rural area that are real development rights. Well-drilling shouldn't necessarily be required, nor should the perk testing as staff has said that about 95 percent would perk at this point.

Mr. Slutzky explained that it might be a complex process to figure out what parcels should be included, but he feels they should be up against the existing growth area. The Board would decide on upper bounds of density for the boundary area roughly equivalent to two dwellings per acre. Essentially what would occur is having a developer go out in the rural area and purchase useable development rights, not ones that were theoretical. He said downzonings have one flaw because they don't address the existing inventory of already available lots for development, and staff has suggested there are as many as 8,000 parcels that could be developed that wouldn't be impacted by a downzoning. Those landowners would be able to sell off their development rights into the boundary area, but in order to be able to do so they would have to put their land in conservation easements.

Mr. Boyd asked if Mr. Slutzky was referring to the lots already in an established neighborhood designated as a rural area.

Mr. Slutzky said they could still build on those lots, but he would like to make it possible for them to sell their development rights.

Ms. Thomas said that can be done today and a tax break received, although it is hard to get anyone to accept a conservation easement on small parcels.

Mr. Slutzky said in order to sell parcels not affected by a downzoning, a landowner would need to secure a conservation easement. The rudimentary idea is to do the 50-acre downzoning, create the boundary area that's one percent of the County where the development rights get clustered. While the parcels would not be subject to the Neighborhood Model principles, he feels developers would find that the most saleable product would be those types of homes. He is proposing that if you are in the boundary area and want to acquire density, you would be able to build two dwelling units inside the boundary area; if

you wanted to build affordable housing, bonus density should be given. The conversion ratio for that could be at a level to encourage that affordable housing is built. The rate at which the rural area is being built out is about 250 to 300 units per year, and he doesn't think the boundary area would be more desirable for most people than the growth areas.

Mr. Slutzky said right now the assessed valuation for a 40-acre parcel in the rural area with one house and no development rights located next to a similar parcel with 10 development rights is the same, as rural area development rights are not given value. The Assessor indicated to him that because no one has ever sold a development right in Albemarle County, it is uncertain how much they are really worth.

Mr. Rooker clarified that this policy would require a legislative change. The Board had indicated its support of legislation that would enable this or create the ability to design a much broader TDR plan.

Mr. Slutzky said that effective July 1, 2006, there was enabling legislation adopted for TDRs, but his proposal would include a legislative fix to provide a modification to redefine the development right for Albemarle County so it is useable. He has talked with members of the House of Delegates and it is possible this fix could be done in the next General Assembly session. He has had informal conversations with people in the appraisal community and in academic centers as to what effect a downzoning would have on property values, and the consensus is that it would be expected to have either no effect or a positive effect. If there were a significant reduction in the available options for new entrants into a market, which a downzoning would cause, there would be a scarcity that should increase prices slightly. If you are surrounded by parcels that could be subdivided, it would be less desirable for people who wanted to live in the rural areas to live there. While the market isn't sufficient to cover all the development rights, this proposal at least provides a 20-year market for rural area development rights.

Mr. Slutzky said he would like staff to work with an advisory group as this moves forward, with the primary issues being where the boundary area should be and what size it should be. This is not his idea, but rather he is presenting a proposal that resulted from a significant amount of discussion with stakeholders in the community. None of the groups indicated their support for the proposal, but have merely provided input. He thinks the Board has to do something, and he would not support it if it delayed progress with the Mountain Overlay District initiative.

Mr. Rooker thanked Mr. Slutzky for all of his work, noting that there was legislation which came into effect July 1, 2006, so this is a quick turnaround for the proposal.

Mr. Dorrier said there is an effort to create more conservation districts in the County and perhaps that's a better way to go. He said the 50-acre zoning is going to be hard to sell to the public.

Mr. Slutzky said someone with 400 acres who would like to cluster their development rights could do so and leave the rest of their property intact – perhaps in a conservation easement.

Mr. Rooker distributed information on the County's current development areas, noting their approximate square mile size. He said none of them are over seven square miles, and one percent of the County would make this area 7.23 square miles, the largest growth area in the County. He thinks the Board needs to understand the magnitude of this proposal. A growth area would be larger than the County's current largest growth area, which is the Hollymead area. One other issue he is concerned about is the placement of this large growth area, and existing growth areas have a density of about one dwelling unit per acre, and this denser growth area would be denser than any in the County.

Mr. Slutzky said the County has invited increased density, such as North Pointe, even though developers are not always able or willing to develop at that level.

Mr. Rooker said in the growth areas the County has been getting a density of about one dwelling unit per acre. The average density for subdivisions like Dunlora is 1.3 dwelling units per acre, so if a growth area were created to accommodate that level of development, to accommodate 5,000 development rights in the rural area that would mean 10,000 lots or 7,700 acres. That would require a 12 square mile increase in the growth area, which is about double the size of the current largest growth area, and a smaller parcel of seven square miles would only accommodate 6,000 lots. What impact would this have on the rural areas and also in the growth areas if a plan came forward which involved a downzoning that would eliminate about 40,000 development rights.

Mr. Rooker said he wants to make sure this would not create a situation where the County could be sued for the elimination of development rights. Politically, a future board could be under tremendous pressure to reverse the downzoning because there wasn't a place to sell the development rights or create another gigantic growth area to accommodate them. He has an issue with creating what would be the largest growth area in the County, an area where the County would not get any proffers. He said the legislation requires that infrastructure be in place in order to accept the development rights, and this area would be created without that infrastructure. He doesn't buy the argument that the County is better off having development rights concentrated in one area, as transferring development rights wouldn't increase property values overall.

Mr. Rooker said he sees this as potentially creating a huge growth area that would be developed without reference to Neighborhood Model requirements, that would not require proffers, and he sees no way of providing infrastructure except at huge taxpayer expense to service that area. He does not want to spend a lot of time on a plan that has no basic support from Board members such as what happened with phasing and clustering. He is concerned about creating a large growth area, and wonders how many people would vote for a downzoning in the rural area when the receiving area couldn't accept all of the

development rights. Other counties are concerned about monetizing development rights, as it might be a basis for future legal action.

Mr. Slutzky suggested the Board members may not have as much information as is needed.

Mr. Rooker said he handed out some sheets in which the computations are made and he does not disagree if there is something inaccurate about these computations, but he sees that accommodating 5,000 development rights out of the 45,000 or 50,000 in the rural areas would require creating a growth area of 12 square miles.

Mr. Slutzky said that is not what he has come up with. He is suggesting that one percent of the County be set aside to absorb as many of the rural area development rights as possible.

Mr. Rooker said at one per acre that would be about 2,500 development rights, or at two per acre it would be 4,600 development rights.

Mr. Slutzky said he doesn't want to get into that level of detail today.

Mr. Rooker said Mr. Slutzky has specific numbers in his proposal. The devil in anything is in the details. He thinks the Board also needs to consider whether there would be slowing of development in the rural areas with the creation of a new development area, as there would still be development rights in the rural areas. If landowners are aware this plan is coming, he believes they would subdivide ahead of time to gain more property rights, adding that if a person has an option to sell a lot in Free Union for \$250,000 or sell a development right for \$15,000 or \$20,000, they will chose the option that brings them more.

Mr. Slutzky asked why that would be.

Mr. Rooker said using the Loudoun County example, people would subdivide ahead of the ordinance, and the plan would not slow down development in the rural area. The County would likely end up still having 300 lots a year built on in the rural area. A giant growth area would be created where dense development would be allowed but there would be no proffers to help with the building of the infrastructure needed to service that area. The County is required to provide that infrastructure upfront.

Mr. Slutzky said the same rural area development rights that would be relocated into the new development area would not give the County proffers today. There's no change in that situation, other than the fact that by having those residential units concentrated closer to the growth areas there is efficiency in providing County services to those dwelling units.

Mr. Rooker said the County would probably continue to see two to three hundred lots built on in the rural areas, and it would still have this growth area.

Mr. Slutzky said he doesn't understand the logic that someone would rather build in the rural area when they could get a higher density in the growth area.

Mr. Rooker said if a development area as large as Hollymead was created and property owners were told they could buy development rights from the rural area and not use the Neighborhood Model or give proffers, it is likely there would be a Dunlora-type density. During rezonings the County can dictate form. He doubts that he will support a plan that creates a growth area that is only going to accommodate 2,500 development rights from the rural area. He cannot support the creation of a huge additional growth area in the County in which a pretty good amount of density would be packed where the County would not get proffers and would not control the form of development. He would consider downzoning the rural area, but there is a problem with promising that a market is being created for development rights as there is not enough of a market to handle all of them.

Mr. Slutzky said he had proposed that one percent of the County would be used as a measure for that growth area using the figure of two development rights per acre except for affordable housing.

At this point, Mr. Tucker noted that the Board needs to go into closed session soon in order to return for public hearings advertised for 2:00 p.m.

Mr. Boyd said he would still like to pursue the legislative piece, and perhaps a work session is needed to get all the details of Mr. Slutzky's TDR plan sorted out.

Ms. Thomas agreed the Board needs to discuss this proposal further before asking staff to do any work on it. She does not want to go to the General Assembly or delude citizens into thinking the County is waiting for legislation before they can act. She thinks the Board's reputation will hurt if it goes to the General Assembly with a vague proposal. It would not look kindly on that kind of request.

Mr. Rooker asked Mr. Davis to report on what was discussed by the High Growth Coalition, a group of about 20 counties that are growing at over one percent per year. Mr. Davis said he attended a meeting with VML and VACo staff as well as representative from the 20 localities. The TDR legislation just passed was discussed in detail. Most of those localities don't have much interest in the TDR legislation. It is viewed as a simplistic piece of legislation for a simplistic TDR program that would not accommodate what's being discussed today. There was concern about compensating for downzoning. At this point it may not be necessary to ask a Legislator to introduce something for Albemarle County because VML and VACo are already discussing changes to that legislation that may do what is needed.

Mr. Slutzky asked if they would be supportive of a legislative tweak if it were introduced by someone else.

Mr. Rooker replied that he would be favorably disposed to support it if VACo, VML, and the High Growth Coalition supported it. He does not think the Board needs to consider how it is viewed by other counties, how it would impact the TDR legislation generally or what other things might get added to it.

Mr. Wyant said he doesn't want staff to work on this proposal until the Board does some more work on their priorities.

Mr. Slutzky asked how the rural areas would be protected if the Board doesn't move forward with this.

Mr. Rooker responded that there are numerous ways to accomplish rural area protection.

Ms. Thomas distributed a two-page list with some of those tools.

Mr. Dorrier said the Board could go to the Legislature and ask them to increase the credit for putting land into conservation easements. Mr. Davis said the State has put a cap on it, and the Federal component is going to end, which will make it less favorable from a tax standpoint.

Mr. Rooker said when he heard the concept of Mr. Slutzky's plan, he was supportive, but the details are troubling. He said a work session could include discussion of a number of things to protect the rural areas, and the TDR program could be included.

Mr. Dorrier suggested sitting down with representatives from the Farm Bureau, the Free Enterprise Forum, the realtors' association, etc. to brainstorm ideas.

Mr. Tucker noted that next week the Board is to discuss the Mountain Overlay District proposal and the rural areas in general, so perhaps at that time they could take this item up again.

Agenda Item No. 14. Closed Session.

At 1:16 p.m., Mr. Slutzky offered **motion** that the Board go into closed session pursuant to Section 2.2-3711A of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; under Subsection (3) to discuss the acquisition of property necessary for an addition to a County library; under Subsection (5) to discuss a prospective business interested in locating in the County; and, under Subsection (7) to consult with legal counsel regarding specific legal matters requiring legal advice relating to settlement of a contract dispute

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

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

Agenda Item No. 15. Certify Closed Session. At 2:25 p.m., the Board reconvened into open session.

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

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

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

Agenda Item No. 16. Appointments.

Motion was offered by Mr. Boyd to:

Appoint Mr. Jamie Spence to the Fiscal Impact Advisory Committee, with said term to expire July 8, 2008.

Appoint Mr. John Martin to the Rivanna River Basin Commission, with length of term to be determined at later date.

Appoint Mr. Reed Muelman to the RSWA Citizens Advisory Committee, with said term to expire December 31, 2008.

Reappoint Mr. Joseph Samuels and Mr. Ross Stevens to the ACE Appraisal Review Committee, with said terms to expire December 31, 2007.

Reappoint Mr. David Cooke to represent the Jack Jouett District, Mr. Dabney Sandridge to represent the White Hall District and Ms. Alice Fitch to represent the Samuel Miller District on the Equalization Board, with said terms to expire December 31, 2007.

Reappoint Mr. Joshua Goldschmidt to the Housing Committee, with said term to expire December 31, 2010.

Reappoint Mr. David Emmitt and Mr. William Lassetter to the Public Recreational Facilities Authority, with said terms to expire December 13, 2009.

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

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

Non Agenda Item.

Mr. Boyd said he would **move** to adopt the following Resolution authorizing settlement of the 800 MHz contract dispute. The motion was **seconded** by Mr. Dorrier. Roll was called, and the motion carried by the following recorded vote:

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

**RESOLUTION TO AUTHORIZE
SETTLEMENT OF 800 MHZ CONTRACT DISPUTE**

WHEREAS, the County of Albemarle is a member of the Charlottesville-University of Virginia-Albemarle County Emergency Communications Center (ECC); and

WHEREAS, as a member of the ECC, the County is a party to the 800 MHz Public Safety Radio System Agreement dated December 31, 2002, together with the City of Charlottesville and University of Virginia, and Motorola, Inc.; and

WHEREAS, on behalf of the County, City and University, the ECC accepted and took possession of the 800 MHz radio communications system on June 30, 2006, and authorized final payment to Motorola at time; and

WHEREAS, Motorola filed a claim under the Agreement seeking compensation for certain amounts were withheld by the ECC under the Agreement; and

WHEREAS, the parties have reached a tentative agreement settling all matters remaining in dispute between the parties, and such agreement is subject to the approval of the governing bodies of the County, City of Charlottesville and University of Virginia; and

WHEREAS, the Agreement is presented to the Board of Supervisors for its consideration.

NOW, THEREFORE, BE IT RESOLVED the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Settlement Agreement and all other documents necessary to formalize settlement under the following terms and conditions:

1. The ECC agrees to pay Motorola the sum of \$290,000 as full and final payment under the 800 MHz Agreement within thirty (30) calendar days of the effective date of the Agreement.

2. Motorola agrees, within twenty (20) business days of receipt of the payment referenced in paragraph 1 above, it will deliver the following equipment in new, unused condition, and with full applicable warranties, to the ECC, at no additional charge:

- a. Sixty (60) Motorola XTS5000 Model II Digital Portable Radios with Impres Battery, Model Number H18UCF9PW6AN with SmartZone software and configured, equipped, and flashed identically to the ECC's existing XTS5000 Model II radios. Codeplug installation shall be defined at time of shipment.
- b. Ten (10) Motorola Impres Multi-Unit Chargers with Display Modules, Model Number WPLN4130A; and

- c. Six (6) Motorola Digital XTL5000 W7 Digital Consollette Radios with SmartZone software and configured, equipped, flashed and programmed identically to the ECC's existing Consollette radios.

Agenda Item No. 17. **Public Hearing:** FY 2007 Budget Amendment. (Notice of this public hearing was published in the Daily Progress on November 26, 2006.)

Ms. Laura Vinzant reported that this budget amendment totals \$838,369.61 and is comprised of ten separate appropriations, one of which was approved by the Board on October 11, 2006 (Appropriation No. 2007-026 totaling \$100,000.00 for a grant awarded to the Commission on Children and Families to train and implement a family functional therapy program).

The nine new appropriations are: Two appropriations (No. 2007-030 and No. 2007-037) for grants awarded to the Police Department totaling \$95,990.00; two appropriations (No. 2007-034 and No. 2007-036) totaling \$105,671.72 for Education donations and grants; one appropriation (No. 2007-035) totaling \$227,500.00 to implement Phases 1, 2 and 3 of the County Wellness Program; one appropriation (No. 2007-038) distributing the merit pool adjustments from the budgeted Merit Pool contingency to departments; one appropriation (No. 2007-039) totaling \$110,653.89 for the Nextel/800 MHz Radio Interface project at the Emergency Communications Center; one appropriation (No. 2007-040) totaling \$185,554.00 for a grant award to OAR/Thomas Jefferson Area Criminal Justice Board; and, one appropriation (No. 2007-041) allocating contribution funds totaling \$13,000.00 for Fire/Rescue's Car Safety Seat Program and equipment and supplies for the Monticello Fire Station Volunteers. A detailed description of these requests follows.

Appropriation No. 2007-030, \$130,000.00. Revenue Source: Grant Revenue – Federal, \$65,000.00; Transfer from Schools, \$50,000.00; and, Transfer from CIP \$15,000.00. The U.S. Department of Justice awarded Albemarle County a grant in the amount of \$130,000.00 to update and/or install video monitoring systems for Monticello, Western Albemarle and Murray High Schools. This includes cameras, recorders, a viewing monitor and antennas. The School Resource Officer will share responsibility for the system with School administration. This new system will serve as a deterrent, a monitor for immediate response, and a record of people and events for use in enhancing future safety. This grant has a 50 percent local match will be funded from existing funds appropriated in the School Division (\$50,000.00) and the Local Government Capital Improvements Program (\$15,000.00).

Appropriation No. 2007-034, \$1,000.00. Revenue Source: Donation \$1,000.00. At its meeting on September 28, 2006, the School Board approved the following request: Cale Elementary School received a donation in the amount of \$1,000.00 from Wal-Mart Stores, Inc. It has been requested that this donation be used for purchasing technology materials for Cale Elementary.

Appropriation No. 2007-035, \$227,500.00. Revenue Source: Health Insurance Fund Balance \$227,500.00. The first three phases of the Comprehensive Wellness Program developed for County employees will be funded by an appropriation from the Health Insurance Fund Balance. The first three initiatives of the program are as follows:

- Phase I - Perform comprehensive health assessments which would include fasting lab work, employee feedback sessions, and incentives to encourage employees to participate.
- Phase II – Develop a needs assessment and prioritize programs to be offered.
- Phase III – Implement life changing programs such as educational classes addressing cardiovascular health, diabetes, nutrition, and exercise. Various on-site wellness activities such as mobile mammography and blood pressure clinics would be offered in addition to weekly wellness coaching sessions to address weight management, tobacco cessation and exercise.

Appropriation No. 2007-036, \$104,671.72. Revenue Source: Donations \$12,225.00; Grants \$30,000.00; School Program Fund Balance \$62,446.72. At its meetings on October 12 and 26, the School Board approved the following requests:

- Stone Robinson Elementary received a donation in the amount of \$200.00 from the Dr. Joe & Sally Gieck Fund. It has been requested that this donation be used to help with Lyrics Alive – A Language Arts Program for Children.
- State Farm Insurance Company has awarded Agnor Hurt Elementary School a grant in the amount of \$25,000.00. This grant will fund the Mobile Classroom Project, The Do Drop In Bus. This is an Albemarle County School bus equipped as if it were a classroom. The goal of the program is to improve the academic performance of students through extending the time available to learn.
- B. F. Yancey Elementary School has been awarded a grant in the amount of \$5,000.00 from The Laura Bush Foundation for America's Libraries. These funds will be used to refurbish the school's existing collection with current and relevant titles in designated areas of need.
- Baker Butler Elementary School received a donation from Jessica and Rob Bell in the amount of \$225.00. It has been requested that this donation be used to purchase an iMac touch screen computer for the students at Baker Butler.
- The Virginia Department of Education (VDOE) selected Albemarle County Public Schools as one of eleven school divisions to participate in the Professional Partnership for School Leadership Preparation Grant. This grant program offers an alternative approach to

administrative preparation that will give candidates the knowledge and skills they need to become effective school administrators. The grant award has a fund balance in the amount of \$62,446.72 which may be expended in FY '06-07.

- Woodbrook Elementary School received a donation in the amount of \$800.00 from Terry Caddell. It has been requested that this donation be used to cover the cost of a picnic table for the School's courtyard.
- Meriwether Lewis Elementary School received a donation in the amount of \$10,000.00 from the Meriwether Lewis PTO. It has been requested that this donation be used to support the teaching assistants at Meriwether Lewis.
- Cale Elementary School received a donation from Jeff Adams with a matching contribution from an anonymous donor. Jeff Adams donated \$500.00 and the anonymous donor matched it with \$500.00 with a total donation of \$1,000.00. It was requested that this contribution be used for public, charitable purposes to support the Paul H. Cale Elementary School Parent Teacher Organization.

Appropriation No. 2007-037, \$30,990.00. Revenue Source: Grant Revenue-Federal \$30,990.00. The Department of Justice has awarded the Albemarle County Police Department a grant in the amount of \$30,990.00 for the implementation of the Gang Resistance Education and Training (GREAT) Program. The purpose of this grant is for officer training and teaching supplies. After implementation, officers will begin providing class sessions on gangs and gang resistance in local middle schools. There is a local in-kind match of \$37,936.00 for regular officer hours. These funds will be tracked separately.

Appropriation No. 2007-038, \$56,100.00. The FY 2007 budget appropriated a merit pool contingency to be distributed to individual departments after the July 1 merit calculation had been performed. This request allocates \$56,100.00 from the merit pool contingency to the appropriate departments based on actual salary adjustments resulting from the merit calculations.

Appropriation No. 2007-039, \$110,653.89. Revenue Source: Grant Revenue-Federal \$110,653.89. The Emergency Communications Center (ECC) has requested an appropriation totaling \$110,653.89 to purchase equipment and installation services for Nextel dispatch consoles to interface to the ECC Regional 800 MHz system. Funding for the equipment and installation services will be provided from the interoperability grant monies and will require no local match.

Appropriation No. 2007-040, \$185,554.00. Revenue Source: Grant Revenue-Federal \$139,167.00; Other Local Contributions \$46,387.00. The Department of Criminal Justice Services has awarded Offender Aid and Restoration/Thomas Jefferson Area Community Corrections Board a grant in the amount of \$139,167.00 with a local match of \$46,387.00 for a total award of \$185,554.00. This grant will assist in the training and education of police officer to improve their understanding and interactions with citizens having mental illnesses including signs and symptoms. Albemarle County will serve as fiscal agent for this grant. Local match monies will be comprised of several local agencies and boards. The County Police Department's local match, \$9,985.87, is funded through existing appropriated funds within the Police Department's operating budget.

Appropriation No. 2007-041, \$13,000.00. Revenue Source: Contributions Fund Balance \$13,000.00.

- Several years ago a contribution fund was established enabled the Albemarle County Fire and Rescue Department to accept donations from citizens for child safety seat installations provided by County Fire/Rescue staff as well as donations made to the Monticello Fire Rescue volunteers. Periodically, requests for the transfer and use of these funds have been made to replenish needed child safety seats and supplies as well as to purchase items requested by the Monticello volunteers to upgrade station furniture, equipment, and uniforms that are not generally funded in the Fire/Rescue operating budget.
- Staff has requested the use of \$5,000.00 in donation funds to cover the cost of additional child safety seats which are donated to Albemarle County citizens who do not have the financial resources to purchase seats on their own. In addition, educational brochures and supplies will also be replenished to support child seat installs and monthly child seat classes offered free to our citizens.
- The Monticello Fire Rescue Volunteers requested use of \$8,000.00 in donation funds to purchase furnishings and additional gear racks, upgrade and repair various station equipment, purchase audio-visual equipment and training aides to support in-station training efforts; and reimbursement of landscaping materials to perform station upkeep.

Ms. Vinzant said staff recommends approval of the FY 2007 Budget Amendment in the amount of \$838,369.61 after the public hearing, and then approval of Appropriations No. 2007-030, No. 2007-034, No. 2007-035, No. 2007-036, No. 2007-037, No. 2007-038, No. 2007-039, No. 2007-040 and No. 2007-041 to provide funds for various Local Government, School, ECC and Capital projects and programs.

Mr. Boyd asked if the \$65,000 matching grant in Appropriation No. 2007-030 was already in the School budget. Ms. Vinzant said the local match was already in the budget.

Mr. Wyant said it was noted as updating and/or installing video monitoring systems. He asked what it is. Ms. Vinzant said she did not have that answer.

Mr. Rooker asked about Appropriation No. 2007-035. In reference to the \$227,000 amount, it would be helpful to have some baseline information on this. A number of companies have made an investment in wellness. To the extent that this can be monitored to be sure this investment was wise three or four years from now, it would be helpful. Mr. Tucker said part of this money will be used to establish the baseline so it can be tracked.

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

Mr. Dorrier offered **motion** to approve the FY 2007 Budget Amendment in the in the amount of \$838,369.61 and to approve appropriations No. 2007030, No. 2007034, No. 2007035, No. 2007036, No. 2007037, No. 2007038, No. 2007039, No. 2007040, and No. 2007041, to provide funds for various local government, school, ECC, and capital projects and programs, as set out in the executive summary.

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

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

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-030
 DATE: 12/06/06
 EXPLANATION: 2006 COPS Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	1537	33000	330001	Grant Revenue-Federal	J2	65,000.00		
2	1537	51000	512001	Transfer from School Division	J2	50,000.00		
2	1537	51000	512031	Transfer from LG CIP	J2	15,000.00		
1	1537	62420	800101	Machinery & Equipment	J1	130,000.00		
	1537		0501	Est. Revenue			130,000.00	
			0701	Appropriation				130,000.00
1	9010	31010	800714	Technology Upgrade	J1	(15,000.00)		
1	9010	93010	930200	Transfer - Grant Projects	J1	15,000.00		
1	2433	62420	800100	Bldg Services - Equipment	J1	(50,000.00)		
1	2433	62420	930200	Transfer - Grant Projects	J1	50,000.00		
TOTAL						260,000.00	130,000.00	130,000.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-034
 DATE: 11/06/06
 EXPLANATION: Education Donation

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	1,000.00		
1	2214	61101	601300	Inst/Rec Supplies	J1	1,000.00		
	2000		0501	Est. Revenue			1,000.00	
			0701	Appropriation				1,000.00
TOTAL						2,000.00	1,000.00	1,000.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-035
 DATE: 12/06/06
 EXPLANATION: Wellness Program - Phases 1, 2, and 3

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	1020	91042	311004	Wellness Program	J1	227,500.00		
2	1020	51000	510100	Appropriation - F/B	J2	227,500.00		
	1020		0501	Est. Revenue			227,500.00	
			0701	Appropriation				227,500.00
TOTAL						455,000.00	227,500.00	227,500.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-036
 DATE: 12/06/06
 EXPLANATION: Education Program and Grants

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	3104	18000	181212	Laura Bush Library	J2	5,000.00		
2	3104	18000	181247	State Farm Grant	J2	25,000.00		
1	2210	61101	601300	Inst/Rec Supplies	J1	200.00		
1	3104	60213	601200	Books & Subscriptions	J1	5,000.00		
1	3104	60215	132100	PT/Wages-Teacher	J1	21,000.00		
1	3104	60215	210000	FICA	J1	1,606.50		
1	3104	60215	601300	Instructional Supplies	J1	2,393.50		
	2000		0501	Est. Revenue			200.00	
			0701	Appropriation				200.00
	3104		0501	Est. Revenue			30,000.00	
			0701	Appropriation				30,000.00
2	2000	18100	181109	Donation	J2	12,025.00		
2	3220	51000	510100	Appropriation-F/B	J2	62,446.72		
1	2206	61101	114100	Salaries-Teacher Aide	J1	9,289.36		
1	2206	61101	210000	FICA	J1	710.64		
1	2212	61101	800201	Furniture/Fix -Replacement	J1	800.00		
1	2214	61101	601300	Inst/Rec Supplies	J1	1,000.00		
1	2217	61101	601300	Inst/Rec Supplies	J1	225.00		
1	3220	61311	160300	Stipend-Staff Development	J1	15,000.00		
1	3220	61311	210000	FICA	J1	1,147.50		
1	3220	61311	312700	Prof Serv Consultants	J1	27,000.00		

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1	3220	61311	550100	Mileage	J1	100.00		
1	3220	61311	580500	Staff Development	J1	8,449.22		
1	3220	61311	601300	Educational Supplies	J1	10,250.00		
1	3220	61311	601700	Printing	J1	500.00		
	2000		0501	Est. Revenue			12,025.00	
			0701	Appropriation				12,025.00
	3220		0501	Est Revenue			62,446.72	
			0701	Appropriation				62,446.72
TOTAL						209,343.44	104,671.72	104,671.72

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-037
DATE: 12/06/06
EXPLANATION: Gang Resistance Education and Training

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	1518	33000	330001	Federal Revenue	J2	30,990.00		
1	1518	31013	120000	Overtime Wages	J1	18,811.69		
1	1518	31013	210000	FICA	J1	1,558.31		
1	1518	31013	550100	Travel/Training	J1	9,336.00		
1	1518	31013	600100	Supplies	J1	1,284.00		
	1518		0501	Est. Revenue			30,990.00	
			0701	Appropriation				30,990.00
TOTAL						61,980.00	30,990.00	30,990.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-038
DATE: 12/06/06
EXPLANATION: Distribute merit pool adjustments to departments

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
1	1000	12010	110000	Salaries - Co Exec	J1	5,600.00		
1	1000	12013	110000	Salaries - Com Rel	J1	1,000.00		
1	1000	12015	110000	Salaries - OMB	J1	1,300.00		
1	1000	12040	110000	Salaries - Co Attorney	J1	5,000.00		
1	1000	12200	110000	Salaries - IT	J1	27,500.00		
1	1000	21010	110000	Salaries - Circuit Court	J1	500.00		
1	1000	22010	110000	Salaries - Comm Atty	J1	9,100.00		
1	1000	34050	110000	Salaries - Inspections	J1	6,100.00		
1	1000	95000	999999	Merit Pool Contingency	J1	(56,100.00)		
TOTAL						0.00	0.00	0.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-039
DATE: 12/06/06
EXPLANATION: Nextel / 800 MHz Radio Interface

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	4100	33000	330325	Interoperability Grant	J2	110,653.89		
1	4100	31042	800301	Communications Equip	J1	110,653.89		
			0501	Est. Revenue			110,653.89	
			0701	Appropriation				110,653.89
TOTAL						221,307.78	110,653.89	110,653.89

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-040
DATE: 12/06/06
EXPLANATION: Byrne-JAG CIT Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	1519	33000	330400	Federal Revenue		139,167.00		
2	1519	18110	181310	Community Criminal Justice		4,985.87		
2	1519	18110	181311	UVA Dept of Psychiatry		985.88		
2	1519	18110	181312	Breeden Foundation		9,985.87		
2	1519	18110	181313	Albemarle Police Dept		9,985.87		
2	1519	18110	181314	ACRJ		4,985.87		
2	1519	18110	181315	Region Ten		4,985.87		
2	1519	18110	181316	Charlottesville Police Dept		9,985.87		
2	1519	18110	181317	Helping Hands		485.90		
1	1519	29412	566122	Community Criminal Justice Bd	J1	185,554.00		
	1519		0501	Est. Revenue			185,554.00	
			0701	Appropriation				185,554.00
TOTAL						371,108.00	185,554.00	185,554.00

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2007-041
DATE: 12/06/06
EXPLANATION: Use of Donated funds for Car Safety Seat Program and Equipment & Supplies for Monticello Fire Station Volunteers

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER CODE	AMOUNT	GENERAL LEDGER	
							DEBIT	CREDIT
2	8405	51000	510100	Appropriation - F/B	J2	13,000.00		
1	8405	93010	930009	Transfer to G/F	J1	13,000.00		
2	1000	51000	512008	Tns fm Contribution Fd	J2	13,000.00		
1	1000	32015	561415	Car Safety Seat Pgm	J1	5,000.00		
1	1000	32019	601325	Equipment-Volunteers	J1	4,000.00		
1	1000	32019	800200	Furn & Fix -Volunteers	J1	4,000.00		

8405	0501	Est. Revenue	13,000.00	
	0701	Appropriation		13,000.00
1000	0501	Est. Revenue	13,000.00	
	0701	Appropriation		13,000.00
TOTAL			52,000.00	26,000.00

Agenda Item No. 18. Cascadia and Broadus Memorial Baptist Church. **Public Hearing** on a request to amend the Jurisdictional Area Boundary of the Albemarle County Service Authority to provide water and sewer service to Cascadia development (Tax Map 62, Parcel 25, and Tax Map 78, Parcels 59 and 59A) and Broadus Memorial Baptist Church (Tax Map 62, Parcel 25C/C1), all located in the Pantops Development Area (Neighborhood Three). (Notice of this public hearing was published in the Daily Progress on November 20 and November 27, 2006.)

Mr. David Benish, Chief of Planning, said the developers and owners of the Cascadia Development are requesting that approximately 56 acres of land is added to the Albemarle County Service Authority jurisdictional area for water and sewer service. The property is located on the east side of Route 20 north of the Route 250 intersection. The Cascadia development was approved by the Board on August 2, 2006.

Mr. Benish said the Broadus Memorial Baptist Church have requested inclusion into the district boundary also. Both properties lie fully within the Pantops development area. This request is consistent with the County's policy for extension of service to properties in the development areas. Staff also noted that there are two smaller one-acre parcels adjacent to the Church that lay fully within the development area so they could also be added to the jurisdictional area. Staff recommends approval for water and sewer service to all of those properties. He offered to answer questions.

Mr. Wyant asked if there are other areas shown on the map on display that will be faced with doing this same thing at a later date. Mr. Benish said these parcels straddle the development area boundary a little so to keep this action simpler staff left the request as it is presented. Eventually other parcels will be requested to have water and sewer service when they are developed. He said other than a couple of other parcels further to the east on Pantops, most parcels on Pantops will be in the jurisdictional area.

At this time, Mr. Rooker opened the public hearing and asked the applicants to speak.

Mr. F. A. Iachetta addressed the Board on behalf of the Broadus Memorial Baptist Church stating they welcome this change. They were prepared to ask for it after Cascadia was rezoned. It is just logical that they be served since they have ten acres left in the growth area.

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

Mr. Boyd **moved** to approve the amendment to the Albemarle County Service Authority jurisdiction area boundaries to include Tax Map 62, Parcel 25, 25A, 25B, 25C and 25C-1, and Tax Map 78, Parcels 59 and 59A for water and sewer service. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Mr. Dorrier commented that Dr. Iachetta served as a member of the Board of Supervisors for six years in the 1970s.

Agenda Item No. 19. Airport Property. **Public Hearing** on a request to amend the Jurisdictional Area Boundary of the Albemarle County Service Authority to provide water and sewer service to Tax Map 31, Parcel 27A, located on the west side of the Charlottesville-Albemarle Airport property in the Hollymead Development Area. (Notice of this public hearing was published in the Daily Progress on November 20 and November 27, 2006.)

Mr. Benish said the Airport Authority is requesting Albemarle County Service Authority Jurisdictional Area designation for sewer service to an 11.45 acre parcel located on Earlysville Road just west of the airport runway. There is an undeveloped property zoned LI, Light Industrial, located within the designated Hollymead Development Area. 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 boundary.

Mr. Benish said a recent boundary survey of this property indicates that a two-acre portion of the 11.5 acre parcel is located outside of the designated Development Area, which is inconsistent with the parcel boundaries depicted on County Tax Maps. A portion of the property was recently downzoned from LI, Light Industrial, to RA, Rural Area (ZMA-2006-10) for the Pleasant Grove Baptist Church (SP-2006-24 approved by the Board on November 1, 2006). This two-acre portion of the property is not intended to be served by public utilities. No request has been made by the Airport Authority or the church for public service. The Board's action should indicate that only the portion of the property located within the designated Development Area is to be included in the ACSA Jurisdictional Area. This Rural Area portion

of the property will be subsequently subdivided from the parent parcel when deeded to the Church. The property owner will bear the costs for water and sewer hook-up.

Mr. Benish said as a general policy, staff has advised that public utility capacity be reserved to support development of designated Development Areas. Since the area proposed for the service 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 amend the ACSA Jurisdictional Area boundary to permit public water and sewer service to the area located within the designated Development Area of Hollymead, identified as TMP 31-27A (Residue) on a boundary exhibit by Kirk Hughes & Associates, dated June 22, 2006. That action would not imply that any service would be provided to the two acres.

Mr. Slutzky asked if the Church transaction is not completed, would the action of the Board potentially designate those two acres. Mr. Benish said the jurisdictional boundary map will reflect a line that is consistent with what is referred to in the action taken. He said the church site is in the rural area and it would be inconsistent with the County's policy. The church members have not expressed an interest in the service. He said that if there is a health or safety issue in the future, the policy would allow the Board to consider extending service to that acreage based on that issue if the property were adjacent to water and/or sewer line.

Ms. Thomas asked if the members of the church were apprised of this situation. Mr. Benish said he only confirmed that this request was only for the portion of the property that would be retained by the Airport Authority.

At this point, Mr. Rooker opened the public hearing and asked the applicant to speak.

Mr. Bryan Elliott, Airport Manager, said water and sewer is not currently available and would be expensive to extend to the west side of the Airport, so they felt the most economical means would be to provide the two-acre tract with private septic and well. The request was not discussed with the church members because of the cost of infrastructure.

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

Mr. Boyd said he assumes the Airport is not planning on bringing water and sewer to their property any time in the near future. Mr. Elliott said there are no plans in their current six-year plan to bring water and sewer to the property. This is a housekeeping action to follow along their Comprehensive Plan amendment which the Board adopted last year.

Mr. Wyant **moved** to extend the boundary of the ACSA to TMP 31-27A. Mr. Davis said because of the issue that Mr. Benish raised earlier there is a specific description of the property necessary in the motion. It is the residue of the parcel as shown on the (attached) boundary exhibit by Kirk Hughes and Associates dated June 22, 2006.

Mr. Wyant **amended his motion** to state that this is approval of an amendment to the ACSA Jurisdictional Area boundaries to permit public water and sewer service to that area located within the designated Development Area of Hollymead identified as TMP 31-27A (Residue), located on the boundary exhibit by Kirk Hughes & Associates, dated June 22, 2006.

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

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

Agenda Item No. 20. **Public Hearing:** Proposed ordinance to amend Section 4-213 of Chapter 4, Animals and Fowl, Article II, Dogs and Other Animals, Division 2, Running at Large, of the Albemarle County Code to establish Section One of Corville Farm Subdivision as an additional area of the County where dogs are prohibited from running at large. (Notice of this public hearing was published in the Daily Progress on November 20 and November 27, 2006.)

Mr. Tucker said 14 property owners representing ten of the 14 lots in Section 1 of Corville Farms Subdivision signed a petition requesting that this section be added to the list of designated areas where it is unlawful for the owner of any dog to permit such dog to run at large. In order to do so, an ordinance amendment is required, and staff recommends that after the public hearing the Board consider adopting the ordinance as advertised.

Mr. Dorrier asked if a notice letter was sent to all of the property owners. Mr. Tucker said he does not know if a letter was sent, but the Board members have a copy of the petition that was signed and it describes what the Code section requires.

Mr. Rooker pointed out that these requests are initiated by residents of the subdivisions. The Board requires that a majority of property owners in the subdivision sign the petition.

Ms. Thomas asked if the area is well defined within the subdivision so the Animal Control officers can tell where the dog ordinance is in effect, and where it is not.

Sgt. Peter Mainzer, Supervisor of the Albemarle County Animal Control Unit, addressed the Board. He is not familiar with the different sections of the Corville Farm Subdivision. Corville Farm Road runs off of Greenwood Road and there are 20+ houses on that road.

Mr. Davis said the ordinance references a subdivision plat which is actually Attachment "B" in the Board's packet. It basically covers the first seven lots off of the main road, and Section 2 is the section beyond that point. It would not be visibly apparent that there is a distinction between Section 1 and Section 2 of this development. One would have to be familiar with the subdivision plat.

Sgt. Mainzer said that is correct.

Ms. Thomas asked what sort of problem that presents for enforcement. Sgt. Mainzer said from an enforcement standpoint it would be much easier if the entire Corville Farm Road were in the area of enforcement. There are three animal control officers and they are permanently assigned to particular areas of the County. The officer assigned to that area of the County is Officer Tate, so she would be the one to respond to complaints on a daily basis.

Mr. Wyant asked if the dog has to come from parcels inside of Section 1. Mr. Davis emphasized that this ordinance would apply to the area of Section 1. It does not matter where the dog lives. If the dog wanders into Section 1, and it is at-large, it would be in violation of this ordinance.

Mr. Rooker asked if that is true throughout the County. Mr. Davis said in the areas which are restricted, that is how the ordinance works.

Mr. Dorrier asked what the problem is in Corville Farm. Sgt. Mainzer said for this meeting they researched the number of animal-related calls for service to the Police Department. There have been 44 animal-related problems since 2002 on Corville Farm Road. Twenty-seven of those calls took place in 2006. He said many of those calls were for dogs running at-large. There were six written reports completed since 2002 for animal problems. Many of the complaints seem to be centered on several families in Corville Farms.

With no further questions for staff, Mr. Rooker opened the public hearing.

Ms. Michelle Prieto who lives outside of Section 1, addressed the Board. She was not aware of this request until last Saturday. She has done research since then and finds that this problem originated from what used to be two dogs, but now it is just one dog that has not been trained. She owns three dogs and they are well behaved. She thinks the dog needs to be dealt with, not the whole subdivision.

Mr. Wyant asked if Ms. Prieto lives in Section 2. Ms. Prieto said she does and the dog where the problem originated also lives in Section 2. She said it is her cousin's dog and it is not trained, but she would not hurt anyone. The dog plays with her dogs and her kids. She agrees there is a problem with one dog, but there is not a problem with the whole neighborhood, so it does not need a leash law.

Mr. Dorrier asked if this dog is a pit-bull. Ms. Prieto said "yes." She also has a pit bull which she has owned for two and one-half years, and there are no behavioral problems with her dog. She owns three dogs including the pit. The problem is that the dog in question has not been trained; it has been picked up before. The dog's owner is a 19-year-old, and his parents are "fed up." They are not willing to help him out if the dog gets picked up again. She has been trying to work with him; it is not a neighborhood problem. It's a single-dog problem.

Ms. Thomas said Ms. Prieto does not live in this section of the subdivision and she wonders if her dogs run at large in this section. Ms. Prieto said her dogs do not run loose at all. Her mother lives two houses away and her grandmother lives across the street. Her pit bull is trained and rides a little bicycle in the road in front of her grandmother so she can watch him. She is afraid that if this passes for that one section, it might pass for the whole neighborhood. That is a big issue. She does agree that something needs to be done about the dog in question. She said you can't just let a pit bull run; it needs strict discipline. She does not think the whole neighborhood should have to suffer because of one dog. The dog might be gone next week, but this law is forever.

Ms. Thomas said a majority of people in a defined neighborhood would have to request this law. The Board's action on this request would not automatically put her section of the subdivision under this law.

Ms. Prieto said she does not think anybody was notified of this request. No one sent anything to her end of the street to make them aware of it. She did not know this was coming before the Board, and her dogs are like her kids. She doesn't think this need to be handled in this way.

Mr. Wyant asked if there is a way to distinguish between Section 1 and Section 2. She said she has lived there all her life, and it is not a straight line across a street separating the two sections.

Mr. Wyant asked if on the ground one could tell they were the two sections are located. Ms. Prieto said "no."

Ms. Mary Tomlin addressed the Board. She said they have lived in this subdivision since 1977. She owns Lot 18 which is where her 88-year old mother-in-law lives. She also owns at the end of the subdivision, Parcel A. It is part of what used to be Corville Farm, and later Joseph Casiro bought it and renamed it Monterey Farm. Now Mr. Quinn owns it and it is called Memory Lane. She said this is her

nephew's dog which is creating the problem, but there are other dogs in the neighborhood that might move from one lot to another and there is no problem with that. She said they are at the foot of the mountains, and a lot of hunters' dogs come into the subdivision. They just call the owner. She said something does need to be done, but the way the subdivision is laid out there is not way to approve one part and not the other. She suggested there being more research to see if the owner would get rid of the dog.

Ms. Barbara Rhodes said she is the daughter of a resident in the subdivision and mows her grass. She has been there several times when the pit bull came out and showed his teeth. She thinks there was a boxer also there which had the same type of behavior. They are afraid that if this law is not enacted for the whole subdivision, there will be more dogs with the same type of behavior. She thinks it is very unsafe. She supports this request.

Ms. Joanne Hester said she started the petition for the dog leash law. She has had to use a spray bottle or Mace in order to get to her mailbox because the dogs were after her. She said you can't run from these dogs and they were always in her yard. She is afraid of these dogs. Both the pit bull and the boxer have been after her. She has called Animal Control many times. She thinks a leash law is need.

Ms. Thomas asked if her problems have always been with those two dogs. Ms. Hester said she did not have any problems until just recently, but if there is not a leash law, some of these people will probably bring the same thing into the subdivision again and causing the same kind of problems. She has never had a problem with any other dogs in the neighborhood.

Mr. Dorrier asked if all of the people out there support the leash law. Ms. Hester said over half of the residents signed the petition. She said the boxer jumped over a four-foot fence into Ms. Raines' yard. Also these dogs crawled under the gate of the house across the street.

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

Ms. Thomas asked Sgt. Mainzer if he would recommend enacting this leash law given what has been said about the situation tonight.

Sgt. Mainzer said initially the calls centered around two families. The dog belonging to one family is no longer there. There is the one family that seems to be the focus of many of the complaints. He understands the boxer is no longer in the neighborhood, which just leaves just the pit bull which is the focus of many of the complaints. The pit bull has a current license and rabies vaccination. There was some discussion with the Commonwealth's Attorney about getting the dog declared as a dangerous dog, but apparently the information did not rise to the level of that dog being declared as a dangerous dog. While the dog may have acted aggressively it has not bitten anybody. It may have bitten another animal, but he is not sure about that. It has not physically attacked a person.

Mr. Davis said the standard for declaring a dog a dangerous dog is that it has either bitten, attacked, or inflicted injury on a person or a companion animal. If it meets that criteria it would be declared a dangerous dog, and would have to be restricted on the owner's property under specific conditions. Apparently that set of circumstances has not yet occurred.

Sgt. Mainzer said Officer Tate has done some mediation with this family providing them suggestions on properly confining the dog. She did a site visit to inspect the kennel or the pen being used for the dog. Things went along fairly smooth for several months, and then recently there was an increase in the number of calls. Now, for some reason it is not a priority for them. They let the dog out and don't get the dog back and they go to work, and suddenly there is a problem animal roaming the neighborhood. He said the County has tried to do mediation.

Mr. Rooker said the ordinance is not dog specific or incident specific. If people in the neighborhood want an ordinance, a procedure has been set up that allows them to get an ordinance adopted. The lady who started this request is concerned about her own safety. He said there is a question about whether these two sections of the subdivision are separate sections under the ordinance.

Mr. Davis said that over the years the Board has adopted 40 different ordinances to restrict areas in the County, and this has been done by subdivision plat areas. In some neighborhoods the entire neighborhood has been included and in some it has not. In this particular instance the petition includes a majority of the subdivided lots in a section of a subdivision that was platted separately. The interpretation is that this is a neighborhood as far as this ordinance is concerned.

Ms. Thomas said the Board's policy allows neighborhoods to have as much self-governance as possible. She will not go against the Board's policy, but she hopes people in the area who signed the petition know what the process is. As was alluded, the designation does not guarantee that dogs will not run at large.

Mr. Wyant said it is a shame that certain individuals make it difficult for other people to live in a safe area. This would only deal with Section 1, and he is supportive of this request because he thinks the safety of people is paramount. He then offered **motion** to adopt An Ordinance to Amend and Reordain Chapter 4, Animals And Fowl, of the Code of County of Albemarle, Virginia, Chapter 4, Animals and Fowl, Article II, Dogs and Other Animals, Division 2, Running At Large, Section 4-213, In certain areas, by adding Section 4-213A(41), Section 1 of Corville Farm subdivision.

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

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

NAYS: None.

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

ORDINANCE NO. 06-4(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, 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 4, Animals and Fowl, Article II, Dogs and Other Animals, Division 2, Running At Large, Section 4-213, In certain areas, is hereby amended and reordained as follows:

By Adding: (41)

**CHAPTER 4. ANIMALS AND FOWL
ARTICLE II. DOGS AND OTHER ANIMALS
DIVISION 2. RUNNING AT LARGE**

Sec. 4-213 In certain areas.

A. It shall be unlawful for the owner of any dog to permit such dog to run at large at any time within the following designated areas of the county:

* * * * *

(41) Section One of Corville Farm Subdivision as platted and recorded in the Office of the Clerk of the Circuit Court of the County in Deed book 474, page 003.

(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord. of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; Ord. 06-4(1), 12-6-06)

State law reference--Authority of county to adopt this section, Va. Code § 3.1-796.93.

Agenda Item No. 21. Public Hearing: SP-2004-029, Holy Cross Episcopal Church (Sign 28).
Proposed: Special use permit amendment for expansion of an existing, non-conforming church to expand the existing fellowship hall by approximately 800 square feet.
Zoning Category/General Usage: RA-Rural Areas: agricultural, forestal and fishery uses; residential density (0.5 unit/acre).
Section: 10.2.2.35 (church building and adjunct cemetery).
Comprehensive Plan Land Use/Density: Rural Areas, preserve and protect agricultural, forestal, open space and natural, historic and scenic resources/density (.5 unit/acre).
Entrance Corridor: No.
Location: Craigs Store Road (Route 635), approximately 3.5 miles south of Batesville.
Tax Map/Parcel: Tax Map 84, Parcel 61.
Magisterial District: Samuel Miller.
(Notice of this public hearing was published in the Daily Progress on November 20 and November 27, 2006.)

Mr. Cilimberg reported that the request is for expansion of an existing non-conforming church to allow the fellowship hall to expand by approximately 800 square feet. The church is located on Craig's Store Road, approximately 3.5 miles south of Batesville. The parcel is a cleared site with three existing structures – the church, fellowship hall, and an additional building used for monthly food bank distribution. There is also an open yard and cemetery on the property. It is an area of residential/farm and forest uses in the rural area of the county.

Mr. Cilimberg said staff identified several favorable factors – it is an existing historic church, no new use is proposed, its expansion would not create an intensification of use on the site, and the applicants have altered the location of the proposed addition in order to minimize visual impacts on the existing historic church building.

Mr. Cilimberg said there were three factors which were unfavorable which were discussed at the Planning Commission meeting – the design of the proposed addition has not been specified and it should be designed so it will not adversely impact the existing historic building in its current rural setting; the existing entrance is substandard and there were conditions recommended to address that; construction of the addition and the new entrance would create impacts on neighboring properties, and there were also conditions to address that impact.

Mr. Cilimberg said at the time the Commission considered this request the plan included the new entrance to address the concern of VDOT about sight distance at the existing entrance.

Mr. Cilimberg noted that at its November meeting, the Commission recommended approval of the special use permit without requiring the new entrance. With that this meant that the conceptual plan needed to be revised to remove the new entrance, and a revised plan was provided dated November 15 and a copy is included in the Board's packet. It correctly reflects the Commission's recommendation. He said staff recommends that if the Board concurs with the Commission's recommendation and approves this special use permit with the conditions recommended, there is a new Condition No. 1 which references the new plan. It also removes staff's recommended conditions 4, 5, 6, 7 and 9 as regards the new entrance, use of the existing entrance, design review by the Historic Preservation Planner, buffers and stormwater management. He then showed a picture of the existing entrance which created the concern about sight distance. There would have been disturbance to create a new entrance, and with no additional traffic anticipated, and no record of any accidents immediately related to the existing entrance, the Commission made its recommendation to the Board and did not recommend the conditions that staff had recommended.

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

Mr. John Grady was present to represent the church. He said they support the Commission's comments and are pleased with the outcome of their discussions. The entrance was a big issue and the church is happy to explore with VDOT a sign or anything else the Board might require. He offered to answer questions.

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

Ms. Thomas immediately **moved** to approve SP-2004-029 subject to the four conditions recommended by the Commission with Condition No. 1 amended as stated by Mr. Cilimberg. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

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

(**Note:** The conditions, as recommended, are set out in full below.)

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled Application Plan SP 2004-29, prepared by Lum's Land Surveys, Inc., and dated 11/15/06 (copy on file);
2. There shall be no day care center or private school on site without approval of a separate special use permit;
3. Construction of the proposed addition shall commence within five (5) years of the date of approval of this special use permit or the permit shall expire; and
4. Any new outdoor building and site lighting shall be provided by full cutoff fixtures. The note regarding the current lighting provisions shall be removed from the conceptual plan.

Agenda Item No. 22. **Public Hearing:** ZMA-2006-017, Buck Mountain Planned Residential Development Boundary Adjustments and Rural Areas rezoning (Signs 7 & 72).

Proposal: Rezone 2.456 acres from RA, Rural Areas zoning district (TMP 17-26D) which allows agricultural, forestal and fishery uses; residential density to become a part of TMP 17-60 Planned Residential District PRD (Buck Mountain PRD) which allows residential (3-34 units/acre). Also, boundary line adjustments within the Buck Mountain PRD, 1.56 acres PRD Common Area (TMP 15-115) to TMP 17-60 and TMP 17-61, and 1.56 acres of TMP 17-26D added to Common Area (TMP 17-115). No additional residential units proposed.

Proffers: No.

Existing Comprehensive Plan Land Use/Density: Rural Areas, preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre). Entrance Corridor: No.

Location: Southeast quadrant of intersection of Free Union Road (Rt. 601) and Davis Shop Road (Rt. 671).

Tax Map/Parcel: TMP 17-60; TMP 17-61; TMP 17-115; TMP 17-26D.

Magisterial District: White Hall.

(Notice of this public hearing was published in the Daily Progress on November 20 and November 27, 2006.)

Mr. Cilimberg said the Buck Mountain Planned Residential Development lies in a general area of rural area zoning, but the PRD dates back some year. He showed the area on a map saying the request would allow about 2.5 acres be rezoned from RA to PRD. A little over 1.5 acres would be removed from the PRD common area and put into lots, and 1.5 acres would be put into the PRD common area to compensate and adjust the boundaries of the residential area as well as the common open space with the PRD. He said the adjustments are to cure the problem of agricultural buildings and fences encroaching into the common open space, and to resolve an encroachment of a driveway serving Tax Map Parcel 17-60 onto the neighboring property Tax Map Parcel 17-61. Until recently, the applicants were unaware the encroachments existed.

Mr. Cilimberg said staff included in its report a basic description of the changes taking place between various parcels. He said the request also includes, by necessity, a request to modify Section 19.6.1 of the Zoning Ordinance to permit less than 20.5 percent of common open space within the PRD;

the original PRD consisted of about 20.67 percent in common open space which is less than 25 percent open space required by Section 19.6.1. This adjusted PRD with the increase in acreage, the total would be 240.5 acres roughly, which means the 20.46 percent would now be in open space. He said the 25 percent of open space within the PRD was not required with the original approvals and the amount of acres taken from the common open space would be replaced by an equal amount of undeveloped land within the application area and staff does not object to the request.

Mr. Cilimberg said staff noted several favorable factors including replacement of all the common open space, closing an existing gap in the common open space between properties, and no additional dwellings would result from the rezoning, the land removed from the Rural Areas zoning district would be used as open space for the residents of the Buck Mountain PRD, and no additional demands for public facilities or services would result from the rezoning. Based on these findings, staff recommended approval of the Zoning Map Amendment and the request for modification from Section 19.6.1 of the Zoning Ordinance. The Planning Commission has also recommended that for the Board's approval.

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

Mr. George McCallum addressed the Board on behalf of one of the applicants, but is present for all three applicants today. His clients are Tim and Daphne Reid. He said he has nothing to add to what Mr. Cilimberg said. It is a simple matter of a boundary line adjustment between three owners who want to do the adjustments. If this were all rural area, it would be approved administratively. Because of the two different zoning districts, the land that is coming from the rural areas zoning must be rezoned in order to permit this adjustment to occur. He said staff and the Commission unanimously recommended approval, and he will ask that the Board also approve the request.

Mr. Rooker asked if this whole thing started when an owner found out their driveway encroached on someone else's property. Mr. McCallum said Tim and Daphne Reid have a contract to sell their property, and the new purchaser did a new physical survey that was better than the one done in 1989. It found a number of irregularities and encroachments, fences, etc. Since the Reid's own the two lots they are selling, and a 56-acre tract which is zoned rural areas, they wanted to take 2.5 acres from their rural area land and move it into the PRD so they could expand one of the lots so the boundary lines were beyond the fences that have been used, and were used even before they bought the property. They told their adjoining neighbor Mr. Jeff Kilmer about this problem and asked if he would join with them. He also had a problem with the location of his barn which sits partly on his lot and partly on the common area. So they agreed to work together to rectify the situation.

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

Mr. Wyant immediately **moved** to approve ZMA-2006-017, Buck Mountain Planned Residential Boundary Adjustments and Rural Areas rezoning and the request for modification from Section 19.6.1 of Section 19 Planned Residential Development (PRD) of the Zoning Ordinance to allow less than the minimum twenty-five (25) percent common open space. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 23. 2006 StreamWatch Report, John Murphy.

Mr. John Murphy addressed the Board. He said StreamWatch is a collaborative program of seven partners involved in watershed management – Albemarle County, the Rivanna Water & Sewer Authority, the Rivanna Conservation Society, the Thomas Jefferson Planning District Commission, Thomas Jefferson Soil & Water Conservation District, and Fluvanna County. They are sponsored and governed by those organizations and also by some grant funding. Their mission is constrained to environmental monitoring. They do no advocacy or any recommendations with respect to management options. He said any questions his report brings up that pertain to policy, the Board will answer itself. If there is a change in management, the Board can address questions to Ms. Tamara Ambler, the County's Natural Resources Manager.

Mr. Murphy presented a set of slides while he gave the report. He said they have sites stationed all over the Rivanna Basin; the Rivanna includes parts of Greene, Albemarle and Fluvanna counties. They believe a subset of their sites is representative of the watershed with respect to geography and land use. Virginia has a biological standard that is a requirement of the Clean Water Act. The aquatic life standard is prescribed by a numerical biological index, which reflects the health of the bug community in the stream. He said those bugs are used as a measure of water quality and stream health. They parallel important uses such as recreation and water quality. StreamWatch uses a version of this index to determine whether or not streams are meeting standards.

Mr. Murphy said this is for the Rivanna watershed. A watershed is a catchment, or a basin, that funnels water to a given point on a stream. He said there is also a sub-watershed of the Rivanna basin, the Mechums River. There can be watersheds within watersheds.

Mr. Murphy explained how StreamWatch assesses biological health. They use the presence or absence of the bugs, their diversity, and the proportion of these organisms, which are very responsive to

different stressors. They conduct side-by-side tests with DEQ which show no difference in the results they generate.

Mr. Rooker asked if DEQ does their assessment in a similar manner. Mr. Murphy said it is very similar.

Mr. Wyant said the last slide noted that there is frequent sampling, but there is not enough time for regrowth to occur where they are sampling. Mr. Murphy said that is not an issue with their sampling. There is enough room in the stream to move around, so they don't see a sampling effect from their work. He said each sample collected is of the same quality as that collected by DEQ, but their dataset is much deeper. They have more samples per site than DEQ; StreamWatch covers more sites.

Mr. Murphy showed a graphic of how the stream bug community translates into a score. In a healthy stream such as Buck Mountain Creek there were 19 different bugs but no one bug was overwhelmingly dominant which gave that stream a score of 66. Contrast that with Meadow Creek in the middle of the City, there were only six types of organisms with one of them making up 75 percent of the sample; its score was 17. Anytime they assess a site or a stream, that assessment is based on multiple samples. They use volunteers to help with the collection.

Mr. Murphy noted a chart on Page 5 of the report giving the assessment scores of all of their sites. He said he would mention only the categories of "very good" and "good." These streams meet the Virginia standard. "Fair" fails the Virginia standards, but they think those streams have a chance of regaining the standards. "Poor" and "very poor" are streams that they think are persistently impaired and have little chance of regaining the standard without extraordinary amounts of money or effort. They looked at dozens of potential factors that could be driving stream health. Most of them fell into three major categories: local scale habitat, landscape scale watershed attributes, and landscape scale human-driven attributes. On the local scale, that included things like riparian forest cover or sediment in the stream. For natural watershed attributes, they looked at slope, stream order and watershed size. For the human-driven attributes, it included things like population density, percent of forest cover, and affluence.

Mr. Murphy said they were able to do the watershed analysis through the GIS. The Mechums River basin and Carys Creek are both in the Rivanna River basin. He said the GIS system helped them to determine how much the watershed is forested.

Ms. Thomas asked if that information is in the report given to the Board. Mr. Murphy said the Board had been given a summary of the 60-page report. He said the full report can be downloaded from the website for StreamWatch. He said they were also able to determine the population density for each watershed draining to their monitoring sites. He said the next step after all the data was gathered was to establish which factors are the best predictors or correlates of biological conditions at the site.

Mr. Murphy said the most important finding to discuss is that most of the Rivanna is in fair shape, moderately impaired, it does not meet the state standard. About half of the tributary streams in the basin meet the standard, and half do not. He said the strongest correlate was population density. Other correlates were local habitat and other landscape factors, but they were not as strong as population, and they tended to disappear when population density was considered.

Mr. Murphy said there are four different classes of watershed when considering stream health – rural, ex-urban, suburban, and urban. He said rural streams are generally in good shape; those draining ex-urban watersheds with 40 to 60 people per square mile were in fair shape not meeting the standard. By the time you get to suburban densities with 160 to 1,000 people per square mile they are in poor shape and probably in a biological condition that will never meet the standard.

Mr. Rooker said reading the report shows the direct relation between population density and water quality. He asked if there is anything that can be done in higher population areas that is not hugely expensive that has a significant impact on that correlation. Mr. Murphy said he does not know. There is a lot of science and studies available, but the answers are unique to each geographic region and watershed. He said the next step is to look at various mitigation strategies and best management practices.

Ms. Tamara Ambler, Natural Resources Manager, said it has been found that once your impervious developed area gets to a certain degree people find that stream health declines and may be irreversible. She said some of the newer development techniques that people are considering, such as low impact development and green infrastructure, might hold some promise. The bottom line is that natural land form is being replaced with impervious area. Green roofs and disconnect of stormwater and daylight channels might improve the situation, but there is no guarantee unless further research is done. There is not a lot of information on if the restoration efforts helped. A lot of money and effort has been made nationwide toward stream restoration, but there are not quantifiable results from that work. The scientific industry is working to get that information.

Mr. Boyd said in the Board's most recent approval of North Pointe, they have agreed to utilize bio-filters in their commercial area. He asked if there is enough data on those to tell if they will be useful. Ms. Ambler said those bio-filters are intended to manage the phosphorous loading which is the target nutrient looked for in water quality. She said nutrients have an impact on aquatic life, but it is a secondary thing. She does not know if there is a direct correlation as of yet. She said Mr. Murphy has been working closely with her and the Water Resources Manager. With the potential of the Biscuit Run development there is the opportunity to do both a before and after study. They are working on developing the design of that study.

Mr. Boyd asked if the developers are receptive to working with staff on that study. Ms. Ambler said they are.

Ms. Thomas said she is impressed that the University of Virginia is working hard to daylight their streams and do some of the right things. She asked if there is a downstream site from the University that could in the next few years give an idea of whether they have had an effect on quality. Mr. Murphy said they do have a site which is far downstream at Meadow Creek. It is probably too far to see what the University does upstream. He said that is a highly urbanized watershed, probably 4,000 to 6,000 people per square mile, and streams in those watersheds tend to be in bad shape. Improvements can be attained by doing things like daylighting a stream, but it's not realistic to try to attain good or very good water quality or biological health in those streams.

Mr. Murphy explained that the correlation is very strong. Any ecologist or biologist who finds an R-square value of .89 gets excited, but that does not mean it is good news. There are two benchmarks of biological condition – a Clean Water Act line which is the demarcation between the water quality and stream health that meets the standard and that which does not; that line is crossed at about 55 people per square mile or one dwelling unit per 27 acres. In the report they should have pointed out that this is not a precise point; there is variation. The best way to think about it is that when making the transition from a rural to an ex-urban type of land use scenario, there is the risk of falling into the fair category and failing to meet the State standard. The next benchmark is the persistent impairment line that demarcates fair from poor and very poor. Once in that zone it's hard to ever get back up to good or very good given consistent land use in the watershed. That happens at between 100 and 300 people per square mile.

Mr. Murphy said the model is only applicable to third to fifth order of warm water streams in the basin. It assumes current and historical human behaviors, so the questions being asked about some of the newer remediation, mitigation and best management practices are apropos. They are not sure how much they can tweak that relationship between land use and stream health. The Rivanna River itself is not included in this study; it is a much larger stream and there are different dynamics with it.

Mr. Murphy said population densities of the Rivanna were chosen as the model because it has the strongest and best correlate. Population density is an indicator of watershed disturbance. Other indicators are impervious surface, forest cover, and all run closely together in these types of correlation analyses. He showed a slide representing the population densities of the Rivanna localities. They are well over the Clean Water Act line – which is 56 people per square mile, but the median population density is about 60 people per square mile, statistically speaking about the same as the Clean Water Act line. About half of the Rivanna basin sub-watersheds are pretty close to rural, in the ex-urban category, and that's why about half of the streams in the basin are in good shape or very good shape. He said the population is distributed very unevenly. The overall population density of the basin is 215 per square mile because of Charlottesville and Lake Monticello. The risk of persistent impairment for the Rivanna River is unclear. It does not meet standards, but it is not known if it is persistently impaired or if there is hope for restoring it into good or very good conditions. It is not known because the model does not apply to the Rivanna River because it is a bigger stream and partly because the benefits for concentrating population and other measures are not fully known. The "real" causes for biological degradation are many, but some are habitat degradation and water quality degradation, perturbing the food web in the stream, things happening in the immediate environment of the organism. The systemic causes of degradation need to be understood. A leading theory is that impervious surfaces and forest clearance related to commercial and residential development directly create sediment runoff during the construction process and/or creates hydrologic alteration for the watershed. The stream behaves differently so there are more violent floods and there is a smaller base flow because there is not as much water percolating into the groundwater. The violent side of the alteration leads to stream bank erosion and sedimentation. A lot of people think that is the number one problem.

Mr. Murphy said the chain of causation is very difficult to prove. It is a tough scientific nut to crack. StreamWatch and others will continue to hard on this to find the chain of causation. That will help to better understand what interventions will be the most effective. What is they never can prove the specific mechanisms that link landscape disturbance to stream health? He feels that this is inferred in the report. He thinks that when the biological health of the stream is predicted, watershed-scale land use seems to be a master variable. Another might be flow, but it appears to be a master variable. Locally-scaled protection and mitigation strategies may have limited capacity to overcome the effects of watershed scale landscape alteration.

Mr. Dorrier asked the association between Stream Watch and the Rivanna River Basin Commission. Mr. Murphy said the Commission is just forming, and it will be a political advisory body. StreamWatch will in a sense be a contractor to the Commission. The Commission can ask them to collect data, develop information and write reports.

Mr. Rooker asked if the mission of StreamWatch is scientific in nature. Mr. Murphy said "yes."

Mr. Boyd said one of the main objectives of the Commission was to identify the effects of sediment on streams. They told the Board that no one had done an effective study of that. That seems to him to be scientific. Mr. Murphy said that is true, but the Commission will commission people to do such a study.

Mr. Rooker said StreamWatch is not focusing as much on the Rivanna River as on the streams. Mr. Murphy said they have a lot of data on the River itself and they do assess the health of the River, but the model that relates population density to stream health doesn't apply to the River. The River is quite different from the tributaries, it works differently because of its size. He said the population density model

assumes a relatively even population distribution within the sub-watersheds. That does not characterize the population centers in the Rivanna basin.

Ms. Thomas said she is influenced by an EPA theory that says you may ruin a few streams, but if you protect the watersheds of many other streams, you may live with that. What alarms her about StreamWatch findings is the county is at about the 50/50 mark. If growth management policies were effective, many streams would have been saved. The figures Mr. Murphy has shown show that is not being done well. Deciding on what condition is acceptable to the County is part of the answer to that question. Is fair acceptable to the County? Is it acceptable to the County for more streams to fall into fair conditions? Can a few streams get into a poor or very poor condition?

Mr. Rooker said what's less than optimistic is the state of the scientific knowledge as to what cost-effective measures can be implemented to impact the stream once it's impaired to reverse the condition, and the direct correlation between population and stream conditions. He said that seems to make it difficult to "turn back the clock" and remove streams from fair back to good condition.

Ms. Thomas said that as Americans it is expected that there to be an engineering fix for these problems. Mr. Murphy said if there is an engineering fix, it's going to cost a lot.

Mr. Wyant said lots of measures can be designed, but it is unknown how those measures will perform in the field. He would like to see these measures monitored for their success. There is a long distance down these streams, and the impact between two points is not known. It will only be known over a period of time. Mr. Murphy said even if a local BMP, like a stormwater detention pond or an additional riparian forest width is used, if they help the stream locally, it is unclear how far downstream that benefit goes. Maybe you get a spot fix there, but is it really addressing the problem for the whole stream. He said there are many ways of measuring stream health.

Mr. Slutzky said next week the Board will be discussing the proposed Mountain Overlay District and he thinks someone is going to bring up the idea of expanding the reach of some provisions in that proposal throughout the general area. One of those is a larger stream buffer – from 100 to 200 feet. He asked if activity like that would yield positive results in reducing the decline of the integrity of these waterways, or there not a sufficient scientific basis to support such an expansion of the setbacks. Mr. Murphy said a lot of studies show that stream buffers have a profound local effect. Looking at this from the scale of the watershed, if all of the streams in the watershed could be buffered it would have a big effect. He said that normally when people talk about buffering they are talking about buffering a couple hundred yards of stream in length. In order to have an impact on the whole stream, you'd have to do more buffering. If you take runoff measurements at the site, you get an effect from widening the buffer.

Mr. Rooker thanked Mr. Murphy for the report today. He said the Board appreciates what StreamWatch is doing to bring the community this information. He asked Mr. Murphy to pass on the Board's thanks to all of the StreamWatch volunteers.

Ms. Thomas said she will be attending a Local Government Advisory Committee meeting to the Chesapeake Bay when this meeting is finished. They will be talking about efforts to keep and increase the forest cover in the Chesapeake Bay wide watershed.

Agenda Item No. 24. Rivanna Water & Sewer Authority (RWSA) Mitigation Plan Presentation, Tom Frederick.

Mr. Tom Frederick, Executive Director of the RWSA, was present. He said the final document required to be submitted to State and regulatory agencies for construction of the new Ragged Mountain Dam is a mitigation plan for stream and wetland impacts that will be caused by that project. RWSA has put together a conceptual plan for how to do that which is not tremendously detailed but provides a general concept. They propose to create four acres of wetlands on property they have an option to purchase off of South Franklin Street adjacent to Moore's Creek next to the Charlottesville Stockyard; and a stream mitigation plan that covers 75,500 linear feet of stream along Buck Mountain Creek and some adjoining tributaries on land already owned by the RWSA.

Mr. Frederick said with respect to the stream mitigation it would include an average of 200 feet of buffer that will be placed in conservation easements on each side of that 75,000 feet of streams, the creation of 200 acres of new forest within buffered areas to replace where land has been deforested in the past, and approximately 500 linear feet of stream bank that will be enhanced to protect against further erosion. He said in the time since he appeared before the Board on November 2, 2006, they have invitations from a number of people who lease land from the RWSA in that area, or own land that is in the nearby area, who wanted to ask questions or express concerns as to how the plan might affect them. They gathered some information from those meetings. He would like to clarify that at the November 2 meeting, they had said the stream mitigation plan would accomplish more than twice what's required by the U.S. Army Corps of Engineers to obtain a Federal permit. They also said it would accomplish what is necessary to obtain a State permit for the same Ragged Mountain Dam. In some of the comments they heard after that meeting it was suggested that their mitigation plan is too big. From the Federal perspective that might be true, but from the State perspective, if the plan is diminished substantially they will not get a State permit to build the Ragged Mountain dam.

Mr. Frederick said he would like to comment on some of the discussions they have held with individuals. They believe there are some things that can be incorporated into the written conceptual plan that allow for flexibility. He has spoken with the consultant who has negotiated permits with regulatory

agencies in a number of other localities. They feel strongly about the comments that he is about to make. This addresses many of the issues they have heard and also keeps to the forefront approval of the mitigation plan. While they hope to achieve an average 200 feet of buffers on each side of the stream, they allow for flexibility in locations where it is appropriate. From the locations he and his staff have looked at, they think there should be some consideration where there is existing, active, agricultural land use in those areas that would be part of a strict 200 feet and those uses would be substantially impacted if they held to the 200 feet. That is not a firm commitment, but an agreement on a case-by-case basis to look at those issues. They need to maintain water quality objectives, and be assured they can maintain a project of specific size to satisfy State regulatory requirements. There is geology and topographic features that are site-specific that impact when reducing a buffer begins to defeat some of the water quality goals. He said they are flexible and open to looking at those issues.

Mr. Frederick said another thing expressed is the need to cross the streams. After talking with the Soil & Water Conservation District, they have details on how stabilized crossings can be developed. Streams could be crossed for such purposes as horseback riding, supervised cattle movement, hunting, and other similar uses. In order to maintain the connectivity between people and nature, this is an important item that should be worked into their flexible plan.

Mr. Frederick said there are areas where even parallel to streams and in areas where they intend to forest as part of buffers, that they allow for farm equipment movement, even four-wheel drive traffic that is specifically related to necessary purposes and land use. He said if this moves forward, those are recommendations he intends to offer the RWSA Board of Directors when they are ready to submit the conceptual mitigation plan to the regulatory agencies. He said people have asked what RWSA will do with the balance of the property that was purchased in the early '80s and '90s that is not part of the current mitigation plan. He said at this time the Board of Directors has not given him directions on how to proceed to make any offers with respect to that issue. He said there are a number of organizations who have endorsed the total mitigation plan – the Rivanna Conservation Society, the Nature Conservancy, the Thomas Jefferson Soil & Water Conservation District, and the Greater Charlottesville Area Chamber of Commerce. Following discussion he is asking today for the Board's support to allow the RWSA to submit their conceptual plan to the regulators which starts the discussion with those agencies.

Ms. Thomas said she appreciates all the work that has been done to reach this point. The recent RWSA meetings with affected landowners seems to have been very helpful. It is important to recognize that there are important agricultural uses that are valuable in keeping the land so it is the kind of buffer wanted. However, the report just receives notes that the buffer is part of what is happening on the rest of the land. She concludes that a lot of houses can undo the good of the buffers, and that will certainly affect the decisions the Rivanna Board will make about the ultimate disposition of the rest of that land. In general she thinks land is treated better when the owner is on it and working it. She is not opposed to someday getting that land back into the hands of owners who will feel an ownership pride in working it. But, the StreamWatch report which came before this discussion pointed out that having intensive development could undo the good the forested buffers are doing. She appreciates the ongoing dialogue the RWSA is having with the community.

Mr. Rooker said it has been a huge amount of work to get the water supply plan to where it is now. Mr. Frederick and his staff has done a huge amount of work and the Authority Board has done an excellent job, particularly with the public presentations. The meetings are on the RWSA website, and also on the local cable channel. He asked Mr. Frederick to explain the expected schedule for moving forward.

Mr. Frederick said the plan has already been approved by the Albemarle County Service Authority Board of Directors and the City Council. With the Supervisors' support, it will be put on the Rivanna Board of Directors agenda for December 18. If that is all favorable, they will submit their conceptual plan by Christmas. After that, it is in the hands of the regulatory officials. They are hoping these regulatory officials will meet certain target dates which will drive issuance of a permit by early next summer. RWSA is preparing its capital program to move to design in the next fiscal year for both the dam and the mitigation work.

Mr. Rooker asked if the Board needs to take action to approve this recommended plan.

Mr. Boyd said before doing that, he would like to echo what Ms. Thomas just said and compliment Mr. Frederick on being proactive with the citizens' concerns that have been brought to his attention.

Mr. Wyant thanked Mr. Frederick for what he has done. He would like to know about the people who have property in the Buck Mountain area and whether their concerns have been addressed.

Mr. Frederick said he is not familiar with the issue Mr. Wyant mentioned, but will look at the situation and have a discussion with the people involved. They have met with five tenants and landowners in the area. The open invitation extends to anyone in that area and continues even after today. What he summarized in the way of ideas came from a composite of those five discussions. He cannot say that what he has proposed to this Board will alleviate every concern that has been expressed. He knows some of them involve the issue of what will happen to the balance of the land. He is trying to develop proposals that will address as many of those issues as possible. He is also considering some of the ideas and asking if they are appropriate from a legal perspective. He emphasized that the primary objective is to protect the water, including sediment control, nutrient uptake, wildlife support, etc.

Mr. Frederick emphasized that by endorsing submission of the conceptual plan today, the Board is not locking in any values on any map; that is the beginning point in any negotiation. Ultimately DEQ, Corps of Engineers and U.S. Fish & Wildlife officials would need to be involved in any decisions. RWSA

will advocate what they think should be permitted. They have to come to the table and the way to do that is to submit this conceptual plan.

Mr. Rooker said at the public information meeting on November 2, there were a lot of comments about the plan and 99 percent of the comments were position. He said the property being talked about is owned by the Rivanna Authority having been bought for water supply purposes; the land has been leased for years at a nominal consideration. He said it is good that the Authority is doing what it can to accommodate the requests of neighboring landowners and people who have been leasing the property for a number of years, but the primary goal has to be getting an effective plan approved.

Mr. Tucker said Mr. Frederick and his staff will continue to meet with property owners to work out issues as they come forward. Today, they ask that the Board adopt a motion to authorize the RWSA to submit this mitigation plan to the Corps of Engineers and Department of Environmental Quality for approval.

Mr. Boyd offered **motion** to this effect. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

NAYS: None.

Mr. Boyd said that almost two years ago it was brought to the Board's attention by the public that the RWSA Board of Directors might be restructured so that elected officials might serve on that board. Water is as important an issue to the community as transportation; officials serve on the MPO. He said at that time there was a preliminary report from staff as to what would be required but it was put on hold pending the report the Board received today. He would now like to have that put back on the table and see if there is a consensus to have staff bring back the necessary report as to how the Board might restructure the RWSA to have board members serve on that board, similar to how the MPO is structured.

Mr. Tucker said that is possible, but the other reason this was delayed was that the Board was going to consider whether it is appropriate to merge the retail side of the Albemarle County Service Authority with the wholesale side of the RWSA and the City's Public Works into one large authority that oversaw both retail and wholesale. He said the City of Roanoke and Roanoke County did that several years ago.

Mr. Boyd said he thinks that is something that should be looked at in light of the continued and expanding interdependencies that are evolving between the City and the County and water resource management. He thought the first step might be looking at the RWSA Board.

Mr. Slutzky asked if there is any reason not to do it all at one time.

Mr. Rooker said the first issue of combining the authorities was discussed a while ago. Based on the white papers that were written by joint staff, it was decided not to go any further with that component. Changing the makeup of the board is a different issue and he would suggest the Board discuss that issue again.

Mr. Boyd said he was asking for a consensus today to go back and address that issue.

Mr. Davis said that would need to be a joint decision of the City and the County. There is a process staff can review with the Board again as to how that might occur.

Mr. Tucker asked if the ACSA Board must also concur. Mr. Davis said they do not need to concur on that issue. Mr. Tucker asked if this would affect the Four-Party Agreement.

Mr. Boyd said he would like to have this put on the Board's agenda for discussion.

Mr. Rooker said that can be done. He said the last time the Board discussed this, he does not think the City had any interest in changing the makeup of the Rivanna Board.

Agenda Item No. 12. Community Engagement Program, Lee Catlin. (This agenda item was skipped earlier in the day.)

Ms. Catlin said she has previously spoken with the Board about the organizational impact of meeting the strategic objective of having master planning for development areas completed within the next five years. Much of that conversation focused on infrastructure needs, bricks and mortar, etc., but today she would like to focus on people aspects.

Ms. Catlin said general public information pieces include websites and e-mail lists for each master planning area, with 650 to 700 people per area. Also, there is the planning of meetings and facilitation work. With Crozet there were about 12 major meetings and public sessions while Places29 has had eight up to this time. Staff anticipates continued communication through the earlier phases along with response to impacts of the Neighborhood Model on the ground as new communities form – including different expectations about levels of service.

Ms. Catlin said in order to address this emerging need, the County Executive's Office requests a Community Engagement Specialist to be funded beginning in spring 2007 to ensure quality public participation efforts for the current and imminent master plan activities and other community engagement priorities. This position would work with the Community Relations Manager to encourage citizen participation and awareness, to facilitate community partnerships in order to develop innovative solutions to County issues, and to support meaningful and credible public involvement in County planning, policy development and project implementation.

Ms. Catlin said in the next five years, there will be three new fire stations coming on line, plus two community parks and some accelerated local and regional transportation projects. Programming of these things raises the level of interest. The 2006 Citizen Survey asked people to rank 33 government services. The opportunity for citizens to provide public input ranked No. 10 out of the 33 with 99.5 percent ranking it as very or somewhat important – ahead of providing needed infrastructure, protecting natural resources and managing growth.

Mr. Boyd said while he appreciates all the work Ms. Catlin and others have done, he is not necessarily pleased with how these efforts are going. Citizen groups seem to be assuming some of the Board's responsibilities. He cited the Crozet Library project as an example. Ms. Catlin said it's important to understand the role of community engagement, which is to bring information to decision-makers.

Mr. Boyd said he is concerned about how the Board interacts with the large number of committees. He does not think it's quite meshing and working. Mr. Tucker said a good example is the discussion about connector roads – as they were taken off today from the Places 29/Forest Lakes plans based on citizen comments.

Mr. Rooker said when you open things up for significant public engagement, there must be a format where that can reasonably occur. Regarding Mr. Boyd's concerns about the library process, he feels the Board made the best decision for the community. People on the other side of the issue always feel somewhat slighted, and there is no way to get around that.

Ms. Catlin said lessons can be learned from public engagement, and the last thing she would want is some kind of filter between what people think and believe and what the Board does.

Mr. Rooker said in the past the Board moved ahead with projects without a lot of public input. They've deviated from that to create a process which calls for public input. He thinks it was a good decision to have public input in the Crozet Library site selection process.

Mr. Boyd said the Crozet Library is different because it is a centerpiece for the community. He wants more public debate, and more community involvement. He doesn't feel this process is working well right now.

Ms. Thomas said the County went through a huge process to foster more public involvement with the budget. She said Mr. Boyd has not come up with an alternative. She thinks it should be a constant struggle to talk about the best way to do things. She is not convinced the Board shouldn't get a Community Engagement Specialist. She **moved** to create a Community Engagement Specialist position. Mr. Slutzky **seconded** the motion.

Mr. Slutzky commented that there is a lot of support for this position, but he is encouraged by having all viewpoints brought forward. He also has heard from constituents that the public input sessions such as those held about the Ruckersville Parkway didn't really incorporate what was said.

Mr. Wyant said it's difficult to streamline communications if there isn't one specific contact person.

Mr. Rooker said planners assigned to geographic areas are different than communications personnel. Mr. Tucker clarified that it is the intent to have a planner assigned to each area of the County. He thinks the Board should provide some guidelines as to what they'd like to meet the concerns of Mr. Boyd and other Board members. What the Board is talking about is a change in policy. People come to the MPO meetings time and time again, but the MPO can't just pull things out because there's a strong group that has a particular interest in a topic. The general public is often not at meetings.

Ms. Catlin said this position will not be making decisions about what should be in master plans, but would be taking information and opinions from the public to the Board and then back again. This is a conduit kind of position.

Mr. Rooker said people come to the MPO who are against the Meadow Creek Parkway, but rarely if ever do people come in who are in favor of it.

Mr. Boyd said the problem he saw arise was that there were no alternative approaches discussed by the consultant, and that needs to occur for the public's benefit. He is supportive of adding this person.

Ms. Catlin said she would be happy to draft a job description and bring it back to the Board.

At this time, roll was called, and the motion to add the new position passed by the following recorded vote:

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

Agenda Item No. 25. From the Board: Committee Reports and Matters not listed on the Agenda.

Mr. Wyant said he has discussed with Mr. Mark Graham a problem concerning the sidewalk, easements and VDOT acceptance of the road in the Bargamin Park Subdivision. Mr. Graham said the County is attempting to give the developer time to come up with a solution.

Mr. Wyant asked Mr. Graham to explain what happened with the sidewalk and easement at Gray Rock. Mr. Graham explained that it was not built to the approved plan. The sidewalk was built outside of the right-of-way, and now the developer needs to get easements from private properties. The alternative would be to tear out the road and sidewalk and rebuild them correctly. He said they can't be accepted into the State System until they are done right. He said there's no obligation for the property owners to grant the easements, and the County is hoping the developer will come up with a good solution. From the County's perspective, ultimately the developer is responsible for those.

Mr. Wyant mentioned that VDOT will not accept the Western Connector into Old Trail into the State System because it does not meet design requirements/standards. Mr. Graham said he was not aware of that issue. From the County's perspective, the developer is responsible.

Mr. Wyant said the Building Committee met to discuss the northern fire station and they have realized about \$94,000 in savings by doing value engineering.

Ms. Thomas said the Board members received an invitation to the Lewis and Clarke Dinner on December 15, 2006. There will be representatives from our Sister County in Washington State present, as well as many others from outside the state, approximately 100 people have signed up to attend.

Ms. Thomas said NACO is holding its annual meeting in July, 2007 in Richmond. Albemarle County has been asked to sponsor a bus, the bus will be traveling from Richmond to Jamestown. It is an opportunity to tout the virtues of Albemarle County as a tourist destination. There is no cost to the County to host the bus. Ms. Lee Catlin indicated she is working on this with Mr. Mark Shore of the Convention Bureau.

Mr. Tucker said the County is hosting a bus, not having to provide one, and there will be donations from local businesses and others to sponsor the bus trip.

Ms. Thomas said Albemarle County has two sister counties. One is in Washington State. The other is in Italy based on a friendship that was forged between Thomas Jefferson and Filippo Mazzei. Representatives from Italy will be coming here in June, and if other Board members would like to help, she would welcome their assistance. Mr. Rooker said he would be happy to assist.

Ms. Thomas said the Historic Preservation Committee realized that half of demolitions are being done to buildings over 50 years old, and she feels historic fabric is being lost. In the coming year, the Committee will be looking at demolition and various aspects of the Historic Plan.

Ms. Thomas mentioned the issue raised earlier regarding the Pleasant Grove Baptist Church and the possibility of it being a historic structure. She said the issue is complicated; the building has not been officially designated by the State as a historic structure, they've only done a drive-by survey. She is supportive of having a more thorough review done of the structure and she would like to discuss that further and get some staff input. Mr. Tucker suggested that representatives from the Airport Authority and the County meet to discuss the issue further.

Mr. Rooker said the Airport Authority will not buy the property because they are concerned about having to avoid historic structures. The church has decided they don't want to use the old building even though it could be moved. He supports exploring how the County's involvement might impact this issue, but he doesn't want to create a situation where the church's deal doesn't go forward.

Mr. Slutzky said he didn't understand how declaring it a historic structure would impact the transaction.

Ms. Thomas said she is not sure how that plays in.

Mr. Davis said the Airport Authority can back out of the contract if the funding they want to use can't be used for that purpose; their funding is contingent on Federal regulations being met – he assumes the structure is not historic. If it is an historic structure, there may be an additional Federal process the Airport Authority would have to go through that might disqualify the funding in the near term if not forever.

Mr. Tucker said the Authority and FAA are waiting for the Department of Historic Resources to make a recommendation and reconsider this whole issue. There has not been a final analysis and recommendation from DHR as of yet. The FAA determined it was not historic because of storm windows and vinyl siding that had been added, but they've asked DHR to concur with that or not. The County's historic folks and Airport folks should meet to further discuss this. He said it is the County's own zoning regulations that prohibited the church from expanding. He doesn't know the church's intent about moving or not moving the structure.

Mr. Boyd said he would like the Board to take a first step toward creating an Economic Development/Job Creation Opportunity Fund that could be used to address underemployment. He suggested using the \$200,000 that was set aside for, but not used, for additional retiree benefits. He also suggested adding an additional \$50,000 to the fund. He said the fund could be replenished with increased revenues.

Mr. Boyd then **moved** that the Board create a line item (Economic Opportunity Fund) in the budget and move the \$200,000 previously earmarked for benefits for retired employees, to be used as an Economic Development and Job Creation Fund, and to direct the County Executive to increase that fund by another \$50,000 during the budget process, to bring the total to \$250,000.

Ms. Thomas said the Fiscal Impact Committee has determined that bringing jobs into this community has an impact on infrastructure and a negative impact on the community's fiscal health. Until there's a study done showing something has changed in the community and the community is not in a situation where bringing in new jobs simply increases the tax burden on everybody who's already here (she thinks this is a popular sort of knee-jerk reaction to a situation that all evidence shows the community is not in), she does not think the Board needs to spend taxpayer dollars to entice jobs into this community.

Mr. Boyd said part of this initiative would relate to what types of businesses are desired for the County. He thinks the creation of good-paying jobs is a good expenditure of taxpayer dollars.

Ms. Thomas said there's no evidence salaries are raised by this, and people don't find themselves to be upwardly mobile.

Mr. Dorrier said the community suffers from underemployment. Twenty percent of the population is at or below 200 percent of the poverty level. He thinks a small amount of money can be used for specific businesses that members of this Board think are good for the community.

Mr. Rooker said if this was an area with high unemployment – such as Southwest Virginia – he would support this suggestion. But the Charlottesville/Albemarle community has about a two percent unemployment rate with large employers planning to add thousands of jobs in the coming years. In that climate, he does not think it's wise to be spending taxpayer dollars to stimulate growth. Private entities are actively courting businesses to buy their land and locate in this community. The community is investing in maintaining and improving its quality of life in light of the growth that is already occurring. If this suggestion moves forward, he hopes the money is spent in a targeted fashion to make sure it accomplishes its objectives. If the objective is to improve wages, conditions should be put on use of that money to be sure how it's spent. If this goes forward the Board should establish some criteria about how that money will be spent.

Mr. Boyd agreed the money should be carefully spent to develop internal jobs; providing better paying jobs is a quality of life issue.

Mr. Wyant said he would like for companies to hire locally. How these funds are used is critical, for things like training, etc., so local employees are skilled enough to take these jobs.

Mr. Slutzky said he is comfortable with supporting the fund, but he's not sure he would be comfortable deciding on those variables right now. He would want the employment invested in to be hiring local people instead of bringing new families in. He thinks it's a productive idea.

Mr. Davis said the effect of the motion would be to create this fund, and every year it could be a budget decision as to how the money was allocated that year.

Mr. Boyd **moved** to create a line-item in the budget for this purpose using the existing retirement funds of \$200,000 and that another \$50,000 be moved into the fund next year. The motion was **seconded** by Mr. Dorrier.

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

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

Mr. Boyd commented that he feels the Chamber of Commerce is an important job generator, but he previously backed off of his support of moving forward with this by way of a public hearing. He indicated that the Chamber would like to pursue this. He **moved** that the County Executive bring back to the Board, as part of an appropriation public hearing, the allocation of funds necessary for the County to join the Chamber of Commerce.

Mr. Dorrier **seconded** the motion.

Mr. Rooker said this would be a fundamental change in Board policy as the Chamber is an advocate for business that supports development. He said there are a lot of advocacy groups in the community that do great work but the Board doesn't join them. There are at least 25 groups that have come before this Board to advocate their positions, and he feels it would be a mistake to join the Chamber. He said the situation with the School Board is different as they do not make decisions about the final County budget or have the Chamber come before them and make requests. He knows there are a number of people in the community who feel the same as he does. If the Board wants to take this up, it should be put to public hearing and have the community weigh in on it.

Mr. Boyd said the County was a member of the Chamber at some point in the past. He asked why the public should be dragged through this process.

Ms. Thomas asked Mr. Boyd if he simply wanted an appropriations item. This is such a disconnect from his previous strongly-held opinions about how the Board does business with the community.

Mr. Boyd said a public debate took place during the discussions about whether to join the TJ Partnership for Economic Development. He doesn't think there would be much difference in this discussion.

Ms. Thomas said this would be a major change in Board policy. If Mr. Boyd wants to roll ahead with four votes and go with it, then he should do so. But he should not hide behind some suggestion that he's a great advocate for citizen participation in the very same meeting.

Mr. Dorrier said the City is a member of the Chamber, and the county was at one time. He thinks having a seat at the table is important, even more so than membership on the TJPED.

Mr. Rooker said if the Board is going to join advocacy groups, then each Board member should come forward with a list of groups that should be joined. He said the Chamber has government affair meetings that he has attended. If the Board is going down that road, then that's fine. But he thinks each Board member should then think about other advocacy groups the Board should join and sit at the table with. He emphasized that the same reason the Board left the Chamber previously, still applies.

Ms. Thomas stated that era should not be used as an example as it was a time when the county government was accused of too close collaboration with developers.

Mr. Boyd reiterated that his motion was that the next time there is a public hearing on appropriations to include an item for joining the Chamber of Commerce, but not appropriate the funds until that happens.

Mr. Rooker said he owns a business that is a member of the Chamber.

Mr. Boyd said he also does.

Mr. Rooker asked why the Board wouldn't just put this on the agenda so it would give the public notice.

Roll was called at this time and the motion carried by the following recorded vote:

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

NAYS: Mr. Rooker and Ms. Thomas.

Mr. Slutzky said he will be launching a website called talk to your government.com. Its' purpose will be to engage the public in the process of government. He said he will be sending out a letter to each of the registered voters in his district announcing the launch, asking them to give their via e-mail address, and then three or four times a year he will request their input on issues. He said there are statistical challenges to running an e-referendum, but the statisticians he has consulted with indicated this would provide a meaningful measure. He will post the results and anyone can sign on as a guest. He has received positive feedback on the idea from his constituents.

Mr. Rooker said the School Board has asked that the Budget Calendar for the FY 2008-09 budget be adjusted so that the final public hearing does not conflict with the School's Spring Break. One alternative suggested holding the work sessions during March with the public hearings being held on the 18th and 28th; in order to accomplish such a compressed schedule, the Board would need to start their work sessions a few weeks earlier. He asked the Board to take a look at such a schedule to see whether they agree.

Mr. Boyd said he wouldn't want to do anything to shorten the amount of time the Board has to work on the budget.

Mr. Davis said this changes needs to be decided because there is a change in the law that requires there be a notice put in the mailed reassessment notices as to the actual date of the tax rate public hearing.

Mr. Rooker said this could be considered for the following year. Mr. Tucker said the compressed time schedule is a concern for staff. He is not sure if the Assessor's Office is already working with the dates that were previously set.

Mr. Tucker said a work session on the Business Plan has been scheduled for February 7, 2007.

Agenda Item No. 26. Adjourn to December 13, 2006, 3:00 p.m., Room 235.

At 6:22 p.m., with no further business to come before the Board, **motion** was offered by Mr. Wyant to adjourn this meeting until December 13 at 3:00 p.m. Mr. Slutzky **seconded** the motion, which passed by the following recorded vote:

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

Chairman

Approved by the Board of County Supervisors

Date: 08/08/2007

Initials: EWJ
