

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 6, 2007, at 9:00 a.m., Lane Auditorium, County Office Building on McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Community Development, Mark Graham, County Planner, V. Wayne Cilimberg, Clerk, Ella W. Carey, and Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:02 a.m., by the Chairman, Mr. Boyd.

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

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

Mr. Dorrier mentioned that the Eastern Connector had not been discussed by the Board in a while and should be included on the agenda in the near future. Mr. Boyd agreed, stating that the committee has met and there have been two sessions with the public on the matter, so now would be a good time to bring this back. Mr. Tucker agreed to put it on the agenda.

Ms. Thomas mentioned that she and Mr. Dorrier had traveled to Chapel Hill, North Carolina, to look at a development that has parallels to some Albemarle developments, and UNC has decided to crack down on parking which has encouraged use of mass transit.

She also reported that she took a ride on CTS and found it difficult to get on and off the bus; there is also a need for shelters at bus stops.

Mr. Wyant commented that he has been to Bermuda, and they have ample bus service with routes that run every 15 minutes or so, but then there are issues of safety.

Mr. Rooker said that while Albemarle considers itself an aesthetically pleasing community, the County needs to do a better job of maintaining public areas with mowing and trash pickup. He suggested allocating some of the Board reserve this year for improving those areas.

Mr. Rooker also stated that the County had discussed a sliding scale policy for affordable housing, and he wondered what the status of that proposal might be. Mr. Davis commented that there is a work session scheduled for next Wednesday.

Mr. Rooker also asked about the ASAP proposal, and he suggested setting aside \$25,000 to proceed with the study on the impacts of population growth on ecological and environmental systems and what the upper limits might be based upon those factors. He said that his understanding is that the County would agree to the scope of the study and the consultant chosen to perform the work, with ASAP as the agent for the project.

Mr. Dorrier commented that a public/private matching situation would be desirable.

Mr. Slutzky said that ASAP was going to put up more, with both the County and City putting up \$25,000 each.

Mr. Boyd disagreed with Mr. Rooker's contention that there was consensus to move forward with this, adding that he has an issue appropriating additional dollars for what might essentially be a population control measure.

Mr. Rooker responded that ASAP is waiting for the County's response so that they can go to the city and to private donors, adding that this is a one-time expenditure.

Mr. Boyd commented that he is not convinced this would be a useful tool to the County.

Mr. Rooker said that the Board would be able to decide on the scope of work.

Mr. Slutzky mentioned that he had brought up the concept of conservation planning and everyone on the Board was enthused about that approach, adding that he recalled the Board agreeing to the more narrow scope of work as Mr. Rooker iterated. He added that he would support the \$25,000 allocation with the understanding that ASAP would provide a work plan and information about the hired consultant.

Mr. Boyd commented that he believes this will take the Community Development Department staff time and County financial resources, and he is not in favor of population control regardless.

Mr. Slutzky said that zoning in effect defines population, and this essentially means revisiting land use patterns that make for a sustainable community.

Mr. Dorrier stated that if the study would encompass the entire County, it would have a higher carrying capacity than just the urban ring.

Mr. Rooker commented that the focus of the study would be on resources in the County and what they could support for population.

Mr. Boyd said that there are no other localities in the United States that have done this.

Mr. Slutzky noted that the emergence of conservation planning will make it more common, and the idea is to have planning that accommodates human activity and is deferential to the long term survivability of valuable ecological systems.

Mr. Boyd responded that the master planning process should cover this.

Mr. Rooker stated that it is not covering the same thing, adding that it would be helpful to understand the impacts of population growth on resources.

Mr. Slutzky said that this is not a commitment to ASAP, but it is a step forward in conservation planning in the County.

Mr. Wyant commented that this is a major undertaking, and there will be significant resources needed.

Mr. Dorrier added that the entire region should be considered and not just the County.

Mr. Rooker replied that this is the first step, and this group is willing to leverage dollars to get a significant component of this done.

Mr. Rooker **moved** to set aside \$25,000 from the Board reserve to be applied toward the study subject to an approved scope of work, consultant agreement, and matching funds that are adequate to complete this component. Mr. Slutzky **seconded** the motion.

Mr. Wyant clarified that a work plan would be brought forth that includes a work plan and a consultant's specifications.

Mr. Rooker added that there should also be a reasonable study area defined, and ASAP would need some commitment from the Board in order to raise funds for the study.

Mr. Boyd said that he is opposed to anything that would require significant staff time, and he is not convinced this is not just population control.

Mr. Slutzky said that before the Board approves it, they need to understand the scope of what ASAP has in mind.

Mr. Rooker stated that he would like to have County staff review the proposed scope of work from ASAP, adding that allocated staff time could be limited after the proposal comes back if desired. He also said that does not appear to be a staff-intensive piece of work.

Mr. Boyd asked what the end product of this exercise would be.

Mr. Slutzky commented that he is stunned at Mr. Boyd's reluctance to put any staff time into this as there was a discussion in October by the Board on how to approach planning at which time they talked about the possibility of destroying ecological systems to accommodate additional population. He also said that he would like for this study to bring forward information about the carrying capacity of the County's ecological systems and where they are most vulnerable to the intrusions of human activity.

Mr. Boyd noted that this type of study is subjective.

Mr. Slutzky replied that it is definitely not as it is based on science and not social science. He stated that it's a path towards knowing the point at which we fall off the cliff, and he wants to know that point, and then the Board can have a policy decision about what to do about it, but that is a separate discussion.

Mr. Boyd noted that there are already many agencies involved in analyses of development projects in the County.

Mr. Rooker said that information from groups like StreamWatch could be collated and provided as part of this study. He stated that he thinks for long-term planning purposes it would provide a very helpful tool.

Ms. Thomas commented that what has been brought forth by ASAP is not as clear as it could be so this discussion will help them better articulate that. She stated that she is in favor of the motion with the contingencies as stated. Ms. Thomas stated that to say we do not want to know this stuff' is putting

our head in the sand when there is the possibility that this will be something of valuable information, and in ten years other counties will be doing it all over the country, and we will have been the first.

Mr. Dorrier added that what Albemarle does influences surrounding counties, and this cannot be done in a vacuum, adding that he hopes ASAP comes back with something that includes a regional approach.

Mr. Wyant noted that this could be a good planning tool and is an important undertaking, but it will likely require significant staff time and might require changing the Comprehensive Plan. He added that he would support it to get more knowledge.

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

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

NAYS: Mr. Boyd.

Mr. Slutzky commented that there was an Agricultural/Forestral District Committee meeting yesterday. He reported that they would be putting out a newsletter on a quarterly basis that includes information on what it means to the District, the responsibilities and the benefits.

He also said that he had asked for a report on Land Use taxation as the committee recognized that there are people in the program who probably should not be. Mr. Slutzky stated that the group is considering a validation program that includes what other localities have done.

Ms. Thomas said that she would not want that to be decided on its own, and she wants to make sure that there is not something added that kicks people out of the program but instead encourages people to use their land for agricultural purposes.

Mr. Slutzky commented that the specific issue discussed was whether the County wants to revisit participation in the program that is contrary to the original intent and purpose of the exemption.

Ms. Thomas noted that there has already been a letter drafted to send out to people who participate in the program outlining what they need to be doing. She thinks that is the direction to take rather than removing people.

Mr. Slutzky said that the Ag/Forestry Committee simply wants to validate participants and not kick them out.

Mr. Rooker added that he does not know why the County would not want to validate participants.

Ms. Thomas stated that she believes that people who might be abusing the system are likely ones who would have no trouble filling out the reports and forms.

Mr. Rooker clarified that one issue is whether to change the system itself, and the other is to find out whether people who get the exemption actually qualify.

Mr. Boyd reminded Board members that in the interest of time, committee reports had been moved to the end of the agenda.

Agenda Item No. 5. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Tom Loach provided Board members with a copy of a FOIA request he made to the County for information regarding the Crozet Master Plan and the population figures for Crozet. He stated that the Crozet Master Plan shows that the population produced would be 11,200 under the Neighborhood Model versus 12,500 under by-right development. He added that the 24,000 population plan was a fabrication made up by the staff and endorsed by the Board over the explicit objections of the community.

Ms. Jackie Lombardo, founder of FACTS and a member of the Sierra Club's National Toxics Committee, addressed the Board. She submitted a petition with over 500 signatures along with the Piedmont Group of the Sierra Club, the Virginia Organizing Project and Beyond Pesticides. She encouraged adoption of non-toxic policies for cleaning and pest control for all public parks, school fields and buildings, and she encouraged stopping use of pesticides around children as there is evidence of harm as well as safer alternatives. She said that County Parks & Recreation reduced pesticides on school fields this spring and participated in an online training program, but she added that policy is needed here. She said that seven different herbicides are used near children for weeds by Parks & Recreation, and six of the seven applied on school fields are toxic to the developing brain with four capable of causing asthma. Ms. Lombardo said that the EPA has pulled two of these as they are carcinogens, adding that a deltamethrin would have been applied in the Jack Jouett cafeteria had her group not intervened. She also noted that there are no posted notices alerting the presence of these chemicals, and she mentioned that teachers have the highest rate of breast cancer and Parkinson's disease than any other profession in the United States. Ms. Lombardo noted that a recent report from the Virginia Department of Education's "Chronic Health Conditions" shows increasing numbers of children with permanent chronic illnesses and

learning disabilities, i.e., 3,400 children (one in three) with a health issue. She requested a formal response from the Board on behalf of her group.

Ms. Barbara Cruickshank, a parent, community health nurse, and member of FACTS, addressed the Board. She reported that a study done by the Environmental Working Group of Washington DC titled "Body Burden: Pollution in Newborns" showed that umbilical cord blood showed 287 different chemical and pesticide compounds. Ms. Cruickshank said that no further studies are needed to show the presence of chemicals, and Albemarle needs to take measures to limit their use.

Ms. Mary Kostichak addressed the Board, stating that she is President of the Advanced Mills Homeowners Association. She said that the people who live on the north side of the bridge would like the County to support a temporary bridge, and she encouraged them to secure a bridge that would hold a school bus or emergency vehicle.

Ms. Ann Mallek addressed the Board, asking for replacement of the Advanced Mills Bridge and urging historical determination of the current bridge by DHR, the change to the current procurement policies for non-competitive bidding, and search for emergency funds. She said that the Earlysville Residents League has assembled suggestions from a recent meeting with VDOT into a petition, which is presented. Ms. Mallek said that small businesses are also negatively affected by the bridge not being able to accommodate delivery vehicles. She also mentioned her support for the removal of pesticides in the schools, and she encouraged the Board to consider additional voting machines with a verified paper trail rather than making a further investment in those that would be outdated and disallowed.

Mr. Tom Olivier of the Piedmont Group of the Sierra Club addressed the Board and thanked them for supporting the ASAP proposal. He also expressed the Sierra Club's support for removal of pesticides in the County school system.

Mr. Slutzky suggested the Board propose a moratorium on those pesticides and herbicides being used in the schools and by Parks & Recreation until the staff can come to the Board and give a report to articulate why they are needed.

Mr. Boyd said that in the school system, that would be up to the School Board. He noted that Ms. Friedman was present at this meeting and taking notes during this discussion.

Mr. Davis agreed.

Mr. Rooker pointed out that the restrictions should be on toxic pesticides as there are other non-toxic solutions. He asked to hear from Pat Mullaney, Director of Parks and Recreation, on these alternatives.

Mr. Mullaney commented that he is not prepared for a thorough comment today, but Parks & Recreation is looking at this issue. He said that the cleaners need to be effective, such as those that address blood-borne pathogens, so caution needs to be taken to ensure a bigger problem is not created.

Agenda Item No. 6. Consent Agenda.

Mr. Rooker **moved** for approval of Items 6.0 through 6.11, with removal of Item 6.9 (VRS for law enforcement officers). Mr. Slutzky **seconded** the motion. (Discussion on individual items are included with those items). Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Item 6.0. FY 2007 Appropriation to Purchase Voting Machines.

The Executive Summary states that during its 2007 session, the General Assembly adopted a law prohibiting localities from purchasing direct recording electronic voting machines (DREs) after June 30, 2007. The law provides for the phase-out of DREs as those currently in operation wear out, and for the phase-in of optical scan voting machines.

The election laws require a minimum number of voting machines that must be available for use in each precinct and also limits the maximum population of an electoral precinct. The practical effect of these two provisions is to require localities to keep a certain number of voting machines operational at all times and to add to their total inventory of voting machines as the population increases. The Department of Voter Registration and Elections has found that in heavy turnout elections, it is best to have more than the minimum number of voting machines available for use.

Currently, the County has an inventory of 97 voting machines. All but one of these machines are DREs. In the November, 2006 general election, 94 of the 97 machines were used. The other three were out of service. As a result, the Registrar believes there is an insufficient number of back-up voting machines for a major election.

In order to have enough DRE machines to meet the projected number of machines needed for the 2008 presidential election, the Electoral Board has determined that six additional DREs will be needed to accommodate the increase in the County population and the potential breakdown of some existing machines. While the current long-term plan is to phase in the optical scan machines, the Electoral Board did not feel that doing so would be wise at this time, as it would result in different machines being used in different precincts in the 2008 presidential election. In addition, the optical scan machines do not appear to be in compliance with the accessibility requirements of the federal Help America Vote Act (HAVA). Finally, there is pending federal legislation which may alter the recent Virginia voting machine legislation. HB 811 in its current form would require that all voting machines used in federal elections produce a verified paper audit trail; however, it does not mandate the use of optical scan machines.

To purchase six additional DRE voting machines before the end of FY 06/07, an appropriation of \$38,070 is needed. The State Board of Elections advises that \$31,725 of this cost will be reimbursable under HAVA, although not until FY 07/08. The County's actual cost for the purchase of six machines will be \$6,345. As a result of purchasing machines in the current fiscal year, two voting machines originally planned in the coming fiscal year will not be necessary. Contracts for the purchase of the six voting machines must be completed by June 30, 2007, because of the mandates of the new state legislation effective July 1, 2007. The FY 07/08 budget will be adjusted if the requested appropriation is approved.

Staff recommends that the Board approve the purchase of six DRE voting machines in FY 06/07 and approve the attached Appropriation # 2007086.

(Discussion: Mr. Slutzky said that he does not see the point in investing in six new voting machines that have no paper trails.

Ms. Thomas commented that the report presented in the selection of the machines is thorough, and she is relying on that information, noting that these machines are ADA compliant.

Mr. Tucker confirmed that to his knowledge, there are no ADA-compliant machines that are ADA compliant.

Mr. Rooker noted that the optical scan machines do not meet the disability requirement for access.

Mr. Will Harvey, Secretary of the Albemarle County Electoral Board, addressed the Board. Mr. Harvey said that the State has not certified any such machine, but the recent passage of the law by the General Assembly will likely change that, adding that the County has been wrestling with how to get through the next two years. He said that the State law says an optical scan is the paper trail, but the federal bill does not say that.

Mr. Boyd commented that they are wrestling with a difficult situation, and this is the best interim measure.

Mr. Rooker added that this is a thorough report, and the local expenditure is \$6,345 to get through two election cycles.

Mr. Harvey stated that they are between a rock and a hard place because of the discrepancy in State and Federal law.)

By the recorded vote set out above, the Board approved the purchase of six DRE voting machines in FY 06-07 and approved Appropriation #2007086.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007086
DATE _____
BATCH# _____

NATION: Purchase of Six Voting Machines

FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
				CODE	AMOUNT	DEBIT	CREDIT
1000	13020	800101	Registrar-Mach & Equip-Rep	J	1	38,070.00	
1000	95000	999990	Board Contingency	J	1	(38,070.00)	
						0.00	0.00
							0.00

Item 6.1. Approval of Minutes: October 4, 2006, and March 7, 2007.

Mr. Dorrier had read his portion of the minutes of October 4, 2006 (pages 1-31 [end at Item #17]) and found them to be in order.

Mr. Boyd had read his portion of the minutes of March 7, 2007 (pages 28 [beginning at Item #17] - end) and found them to be in order.

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

Item 6.2. Resolutions of Appropriations for the Albemarle County Operating and Capital Budgets for FY 2007-2008.

It was noted in the Executive Summary that the County's FY 07/08 Operating and Capital Budgets were adopted by the Board of Supervisors on May 9, 2007, for a total estimated amount of \$305,409,603. The attached Annual Resolution of Appropriations for the Fiscal Year ending on June 30, 2008 would authorize the expenditure of those budgeted funds, effective July 1, 2007.

This Resolution is a comprehensive Resolution which appropriates the total County budget, including both operating and capital funds in a single resolution, and includes many of the initial Special Revenue Fund appropriations that in the past were not included in the operating appropriation resolution.

Since April, adjustments have been made to the adopted budget numbers as updated information became available. These adjustments have resulted in a revised net total appropriation amount in this resolution of \$305,409,603, a decrease of \$352,239. The change is due to minor adjustments in the School Self-Sustaining Funds and Special Revenue Funds and changes in transfers between funds.

General Fund **\$219,137,216**

There are no changes to the General Fund Budget adopted in May.

School Fund **\$147,950,352**

There are no changes to the School Fund Budget adopted in May.

School Self-Sustaining Funds **\$15,254,196**

The transfer to the School Bus Replacement Fund from the School Fund Budget decreased \$100,000.

Special Revenue Funds **\$13,869,832**

Special Revenue Funds have decreased \$526,474 since the budget was adopted. This is due to removal of the United Way Day Care Scholarship Program as a special revenue. Federal funding for this program ended on May 31, 2007. The County will still continue to provide funding for the program, which will be rolled up under the DSS Service Programs in the County's General Fund.

General Government Capital Improvements Fund **\$14,139,592**

There are no changes to the General Government Capital Improvements Fund Budget adopted in May.

School Division Capital Improvements Fund **\$14,128,000**

There are no changes to the School Division Capital Improvements Fund Budget adopted in May.

Stormwater Capital Improvements Fund **\$725,000**

There are no changes to the Stormwater Capital Improvements Fund Budget adopted in May.

Debt Service Fund **\$14,721,044**

There are no changes to the Debt Service Fund Budget adopted in May.

Interfund Transfers **\$134,515,629**

Transfers between funds decreased by \$274,235 since the budget was adopted in May.

Also attached is a Resolution that will allow the County to reimburse with borrowed funds general revenue dollars expended for capital projects that are planned to be funded with debt. Without this resolution, bond proceeds could not be used for expenditures for those projects required to be made prior to the sale of bonds.

Staff recommends adoption of the attached Annual Resolution of Appropriations for FY 07/08 that allocates a total of \$305,409,603 to the various General Government and School Division operating, capital improvement, and debt service accounts for expenditure in the FY 07/08. In addition, staff recommends the adoption of the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

By the recorded vote set out above, the Board adopted the following Resolutions of Appropriations for FY 2007/08 that allocates a total of \$305,409,603 to the various General Government and School Division operating, capital improvement, and debt service accounts for expenditure in FY 2007/08, and adopted the following Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

ANNUAL RESOLUTION OF APPROPRIATIONS
 OF THE COUNTY OF ALBEMARLE
 FOR THE FISCAL YEAR ENDING JUNE 30, 2008

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2008; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT (Fund 1000)

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:

Refunds and Abatements	\$146,590
------------------------	-----------

Paragraph Two: GENERAL MANAGEMENT AND SUPPORT

Board of Supervisors	\$500,355
County Attorney	\$849,237
County Executive	\$1,582,003
Department of Finance	\$3,914,046
Department of Human Resources	\$992,574
Department of Information Technology	\$2,638,330
Voter Registration/ Elections	<u>\$458,796</u>
	\$10,935,341

Paragraph Three: JUDICIAL

Circuit Court	\$94,852
Clerk of the Circuit Court	\$701,674
Commonwealth's Attorney	\$885,262
General District Court	\$20,000
Juvenile Court	\$54,111
Magistrate	\$5,450
Sheriff's Office	<u>\$1,979,662</u>
	\$3,741,011

Paragraph Four: PUBLIC SAFETY

Albemarle County Fire/Rescue Department	\$6,476,437
Department of Police	\$12,264,040
Emergency Communications Center	\$2,028,770
Fire/Rescue Credit	\$42,000
Fire Department Contract (City of Charlottesville)	\$600,565
Forest Fire Extinguishment	\$13,216
Thomas Jefferson EMS Council	\$21,184
Volunteer Fire Departments	\$1,212,711
Volunteer Rescue Squads	\$459,842
Building Codes and Inspections	\$1,216,907
Community Attention Home	\$57,314
Juvenile Detention Center	\$1,037,318
Offender Aid and Restoration (OAR)	\$150,527
Regional Jail Authority	\$2,812,915
SPCA Contract	<u>\$189,322</u>
	\$28,583,068

Paragraph Five: GENERAL SERVICES / PUBLIC WORKS

General Services / Public Works	\$3,814,508
Office of Facilities Development	<u>\$650,180</u>
	\$4,464,688

Paragraph Six: HUMAN SERVICES

AIDS Support Group	\$4,719
Arc of the Piedmont Infant Development Program	\$8,543
Boys and Girls Club	\$13,483
BRMC - Latino Lay Health Promoter	\$5,787
Charlottesville - Albemarle Legal Aid Society (CALAS)	\$36,900
Charlottesville Free Clinic	\$9,351
Children, Youth and Family Services (CYFS)	\$91,864
Commission on Children & Families (CCF)	\$236,708
Computers4Kids	\$9,765
FOCUS - Teensight	\$28,395
Health Department	\$921,773
JAUNT	\$704,382
Jefferson Area Board on Aging (JABA)	\$267,900
Madison House	\$9,876
Music Resource Center	\$6,335
Piedmont CASA	\$8,500
Piedmont Virginia Community College (PVCC)	\$27,381
Region Ten Community Services	\$566,276
Sexual Assault Resource Agency (SARA)	\$23,000
Shelter for Help in Emergency (SHE)	\$82,082
Urban Vision	\$26,000
Department of Social Services	\$11,416,476
Tax Relief for Elderly/Disabled	\$678,638
United Way -Child Care	\$102,531
United Way - Centro de Ayuda	\$12,500
Bright Stars Transfer	\$706,529
Comprehensive Services Act Transfer	<u>\$2,494,649</u>
	\$18,500,343

Paragraph Seven: PARKS, RECREATION AND CULTURE

Department of Parks & Recreation	\$2,326,345
Jefferson-Madison Regional Library	\$3,041,270
Ash-Lawn Highland	\$9,773
Literacy Volunteers	\$25,100
Municipal Band	\$17,490
Piedmont Council of the Arts	\$12,206
Save the Fireworks	\$10,000
Virginia Discovery Museum	\$11,613

Municipal Band	\$17,490
Piedmont Council of the Arts	\$12,206
Save the Fireworks	\$10,000
Virginia Discovery Museum	\$11,613
Virginia Festival of the Book	\$11,500
Virginia Film Festival	\$15,750
Visitors Bureau	\$476,181
WHTJ Public Television	\$5,253
WVPT Public Television	\$5,253
Zona Latina	\$3,000
Darden Towe Park Transfer	<u>\$151,087</u>
	\$6,121,821

Paragraph Eight: COMMUNITY DEVELOPMENT

Albemarle Housing Improvement Program (AHIP)	\$400,315
Alliance for Community Choice in Transportation	\$6,500
Central Virginia Small Business Development Center	\$7,500
Charlottesville Transit Service	\$666,248
Department of Community Development	\$5,520,116
Housing Office	\$838,492
Monticello Area Community Action Agency (MACAA)	\$186,748
Piedmont Housing Alliance (PHA)	\$109,035
Planning District Commission (TJPDC)	\$104,127
Soil and Water Conservation	\$85,834
Stream Watch	\$10,400
VPI Extension Service	<u>\$193,241</u>
	\$8,128,556

Paragraph Nine: CAPITAL OUTLAYS

Transfer to General Government Capital Improvements Fund - Recurring	\$9,807,664
Transfer to Schools Capital Improvements Fund	\$1,098,000
Transfer to Storm Water Fund	<u>\$725,000</u>
	\$11,630,664

Paragraph Ten: REVENUE SHARING AGREEMENT

Revenue Sharing Agreement	\$13,212,401
---------------------------	--------------

Paragraph Eleven: OTHER USES OF FUNDS

Transfer to General Government Debt Service	\$1,929,269
Transfer to School Division Debt Service	\$12,234,074
Transfer to School Fund - Recurring	\$98,433,401
Health Insurance Reductions Reserve	\$249,785
Salary Contingency - Merit	\$223,800
Salary Contingency - Reclassifications	\$159,500
Board Contingency Reserve	<u>\$442,904</u>
	\$113,672,733

Total GENERAL FUND appropriations for the fiscal year ending June 30, 2008: \$219,137,216

To be provided as follows:

Revenue from Local Sources	\$188,276,254
Revenue from Local Sources - Transfers	\$1,364,635
Revenue from the Commonwealth	\$23,740,643
Revenue from the Federal Government	\$5,458,463
Revenue from Fund Balance	\$297,221

Total GENERAL FUND resources available for fiscal year ending June 30, 2008: \$219,137,216

SECTION II: REGULAR SCHOOL FUND (Fund 2000)

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2008:

Paragraph One: REGULAR SCHOOL FUND

Administration, Attendance & Health	\$10,480,326
Facilities Construction/ Modification	\$147,600
Facilities Operation/ Maintenance	\$13,932,761
Instruction	\$110,368,559
Pupil Transportation Services	\$9,214,772
Other Uses of Funds	\$3,806,334

Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2008: \$147,950,352

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$98,433,401
Revenue from Other Local Sources	\$794,339
Revenue from School Fund Balance, Carry-Over, Transfers	\$1,144,000
Revenue from the Commonwealth	\$44,960,306
Revenue from the Federal Government	\$2,618,306

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2008: \$147,950,352

SECTION III: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2008:

Paragraph One: FOOD SERVICES (Fund 3000)

Maintenance/ Operation of School Cafeterias	\$4,090,341
Summer Feeding	<u>\$300,000</u>

Total FOOD SERVICES appropriations for fiscal year ending June 30, 2008: \$4,390,341

Total FOOD SERVICES appropriations for fiscal year ending June 30, 2008:	\$4,390,341
To be provided as follows:	
Revenue from Local Sources	\$3,194,331
Revenue from the Commonwealth	\$54,977
Revenue from the Federal Government	<u>\$1,141,033</u>
Total FOOD SERVICES resources available for fiscal year ending June 30, 2008:	\$4,390,341
Paragraph Two: PRE-SCHOOL SPECIAL EDUCATION FUND (Fund 3205)	
Special Ed Pre-School Program	<u>\$67,442</u>
Total PRE-SCHOOL SPECIAL EDUCATION FUND appropriations for fiscal year ending June 30, 2008:	\$67,442
To be provided as follows:	
Revenue from the Federal Government	<u>\$67,442</u>
Total PRE-SCHOOL SPECIAL EDUCATION FUND resources available for fiscal year ending June 30, 2008:	\$67,442
Paragraph Three: McINTIRE TRUST FUND (Fund 3501)	
Payment to County Schools	<u>\$10,000</u>
Total McINTIRE TRUST FUND appropriations for fiscal year ending June 30, 2008:	\$10,000
To be provided as follows:	
Revenue from Investments Per Trust	<u>\$10,000</u>
Total McINTIRE TRUST FUND resources available for fiscal year ending June 30, 2008:	\$10,000
Paragraph Four: PREP PROGRAM	
C. B. I. P. Severe (Fund 3201)	\$1,003,140
E. D. Program (Fund 3202)	<u>\$828,028</u>
Total PREP PROGRAM appropriations for fiscal year ending June 30, 2008:	\$1,831,168
To be provided as follows:	
Revenue from Tuition and Fees	<u>\$1,831,168</u>
Total PREP PROGRAM resources available for fiscal year ending June 30, 2008:	\$1,831,168
Paragraph Five: FEDERAL PROGRAMS	
Adult Education (Fund 3115)	\$118,418
Carl Perkins (Fund 3207)	\$161,441
Chapter I (Fund 3101)	\$1,224,874
Drug Free Schools (Fund 3107)	\$36,524
Migrant Education (Fund 3101)	\$103,785
Title II (Fund 3203)	\$398,890
English Literacy/Civics (Fund 3221)	\$100,000
Economically Dislocated Workers (Fund 3116)	\$40,000
Title III (Fund 3215)	\$109,040
Title V (Fund 3216)	\$14,098
Reading First (Fund 3302)	\$160,000
21st Century Grant (Fund 3219)	\$145,000
Race to GED (Fund 3309)	\$55,810
Families in Crisis (Fund 3304)	<u>\$25,000</u>
Total FEDERAL PROGRAMS appropriations for fiscal year ending June 30, 2008:	\$2,692,880
To be provided as follows:	
Revenue from Local Sources	\$45,000
Revenue from Local Sources (Transfer from School Fund)	\$41,000
Revenue from the Federal Government	<u>\$2,606,880</u>
Total FEDERAL PROGRAMS resources available for fiscal year ending June 30, 2008:	\$2,692,880
Paragraph Six: COMMUNITY EDUCATION FUND (Fund 3300)	
Community Education	<u>\$1,623,275</u>
Total COMMUNITY EDUCATION FUND appropriations for fiscal year ending June 30, 2008:	\$1,623,275
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$1,623,275</u>
Total COMMUNITY EDUCATION FUND resources available for fiscal year ending June 30, 2008:	\$1,623,275
Paragraph Seven: SUMMER SCHOOL (Fund 3310)	
Summer School	<u>\$557,683</u>
Total SUMMER SCHOOL appropriations for fiscal year ending June 30, 2008:	\$557,683
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	\$234,243
Revenue from Local Sources (Tuition)	\$164,840
Miscellaneous Revenues	<u>\$8,600</u>

Revenue from the Commonwealth	<u>\$150,000</u>
Total SUMMER SCHOOL resources available for fiscal year ending June 30, 2008:	\$557,683
Paragraph Eight: SCHOOL BUS REPLACEMENT (Fund 3905)	
School Bus Replacement	<u>\$1,000,000</u>
Total SCHOOL BUS REPLACEMENT appropriations for fiscal year ending June 30, 2008:	\$1,000,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$1,000,000</u>
Total SCHOOL BUS REPLACEMENT resources available for fiscal year ending June 30, 2008:	\$1,000,000
Paragraph Nine: AIMR SUMMER RENTAL FUND (Fund 3145)	
AIMR Summer Rental	<u>\$446,010</u>
Total AIMR SUMMER RENTAL FUND appropriations for fiscal year ending June 30, 2008:	\$446,010
To be provided as follows:	
Revenue from Local Sources (rental)	<u>\$446,010</u>
Total AIMR SUMMER RENTAL FUND resources available for fiscal year ending June 30, 2008:	\$446,010
Paragraph Ten: INTERNAL SERVICE - VEHICLE MAINTENANCE FUND (Fund 3910)	
Vehicle Maintenance	<u>\$762,700</u>
Total INTERNAL SERVICE VEHICLE MAINTENANCE FUND appropriations for fiscal year ending June 30, 2008:	\$762,700
To be provided as follows:	
Revenue from Local Sources (Charges)	<u>\$762,700</u>
Total INTERNAL SERVICE VEHICLE MAINTENANCE FUND resources available for fiscal year ending June 30, 2008:	\$762,700
Paragraph Eleven: GENERAL ADULT EDUCATION FUND (Fund 3133)	
General Adult Education	<u>\$16,000</u>
Total GENERAL ADULT EDUCATION FUND appropriations for fiscal year ending June 30, 2008:	\$16,000
To be provided as follows:	
Revenue from Local Sources	<u>\$6,000</u>
Revenue from the Commonwealth	<u>\$10,000</u>
Total GENERAL ADULT EDUCATION FUND resources available for fiscal year ending June 30, 2008:	\$16,000
Paragraph Twelve: DRIVERS SAFETY FUND (Fund 3305)	
Drivers Safety Fund	<u>\$365,000</u>
Total DRIVERS SAFETY FUND appropriations for fiscal year ending June 30, 2008:	\$365,000
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$310,000</u>
Revenue from the Commonwealth	<u>\$55,000</u>
Total DRIVERS SAFETY FUND resources available for fiscal year ending June 30, 2008:	\$365,000
Paragraph Thirteen: OPEN DOORS FUND (Fund 3306)	
Open Doors Fund	<u>\$122,400</u>
Total OPEN DOORS FUND appropriations for fiscal year ending June 30, 2008:	\$122,400
To be provided as follows:	
Revenue from Local Sources (Tuition)	<u>\$120,000</u>
Revenue from Local Sources (Advertisements)	<u>\$2,400</u>
Total OPEN DOORS FUND resources available for fiscal year ending June 30, 2008:	\$122,400
Paragraph Fourteen: STATE PROGRAMS	
Special Education Jail Program (Fund 3212)	\$133,920
Algebra Readiness (Fund 3152)	\$38,000
Individualized Student Alternative Education (Fund 3142)	\$23,576
Project Graduation (Fund 3217)	\$50,000
Teacher Mentor Program (Fund 3151)	<u>\$9,586</u>
Total STATE PROGRAMS appropriations for fiscal year ending June 30, 2008:	\$255,082
To be provided as follows:	
Revenue from the Commonwealth	<u>\$255,082</u>
Total STATE PROGRAMS resources available for fiscal year ending June 30, 2008:	\$255,082

Paragraph Fifteen: AMERICAN HISTORY GRANT (Fund 3158)

1 American History Grant	<u>\$79,715</u>
Total AMERICAN HISTORY GRANT appropriations for fiscal year ending June 30, 2008:	\$79,715
To be provided as follows:	
Revenue from Local Sources	<u>\$79,715</u>
Total TNE PARTNERSHIP GRANT resources available for fiscal year ending June 30, 2008:	\$79,715

Paragraph Sixteen: COMPUTER EQUIPMENT REPLACEMENT FUND (Fund 3907)

Computer Equipment Replacement Fund	<u>\$1,000,000</u>
Total COMPUTER EQUIPMENT REPLACEMENT FUND appropriations for fiscal year ending June 30, 2008:	\$1,000,000
To be provided as follows:	
Revenue from Local Sources (Transfer from School Fund)	<u>\$1,000,000</u>
Total COMPUTER EQUIPMENT REPLACEMENT FUND resources available for fiscal year ending June 30, 2008:	\$1,000,000

Paragraph Seventeen: KLUGE-CLUB YANCEY (Fund 3157)

Kluge-Club Yancey	<u>\$20,000</u>
Total KLUGE-CLUB YANCEY appropriations for fiscal year ending June 30, 2008:	\$20,000
To be provided as follows:	
Revenue from Local Sources	<u>\$20,000</u>
Total KLUGE-CLUB YANCEY resources available for fiscal year ending June 30, 2008:	\$20,000

Paragraph Eighteen: FOUNDATION FOR EXCELLENCE (Fund 3502)

Foundation for Excellence	<u>\$14,500</u>
Total FOUNDATION FOR EXCELLENCE appropriations for fiscal year ending	\$14,500
To be provided as follows:	
Revenue from Local Sources (Miscellaneous)	<u>\$14,500</u>
Total FOUNDATION FOR EXCELLENCE resources available for fiscal year ending June 30, 2008:	\$14,500

GRAND TOTAL - OTHER SCHOOL FUNDS	\$15,254,196
---	---------------------

SECTION IV: OTHER SPECIAL REVENUE FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2008:

Paragraph One: COMPREHENSIVE SERVICES ACT FUND (Fund 1551)

Comprehensive Services Act Program Expenditures	<u>\$6,843,342</u>
Total COMPREHENSIVE SERVICES ACT appropriations for fiscal year ending June 30, 2008:	\$6,843,342
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	<u>\$2,494,649</u>
Revenue from Local Sources (Transfer from School Fund)	<u>\$1,040,000</u>
Revenue from the Commonwealth	<u>\$3,308,693</u>
Total COMPREHENSIVE SERVICES ACT resources available for fiscal year ending June 30, 2008:	\$6,843,342

Paragraph Two: BRIGHT STARS 4 YEAR OLD PROGRAM FUND (Fund 1553)

Bright Stars Program	<u>\$1,043,561</u>
Total BRIGHT STARS 4 YEAR OLD PROGRAM FUND appropriations for fiscal year ending June 30, 2008:	\$1,043,561
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	<u>\$706,529</u>
Revenue from Local Sources (Transfer from School Fund)	<u>\$87,737</u>
Revenue from the Commonwealth	<u>\$249,295</u>
Total BRIGHT STARS 4 YEAR OLD PROGRAM FUND resources available for fiscal year ending June 30, 2008:	\$1,043,561

Paragraph Three: TOWE MEMORIAL PARK FUND (Fund 4200)

Darden Towe Memorial Park	<u>\$235,048</u>
Total TOWE MEMORIAL PARK FUND appropriations for fiscal year ending June 30, 2008:	\$235,048
To be provided as follows:	
Revenue from Local Sources (Transfer from the General Fund)	<u>\$151,087</u>
Revenue from Other Local Sources	<u>\$83,961</u>
Total TOWE MEMORIAL PARK FUND resources available for fiscal year ending June 30, 2008:	\$235,048

Paragraph Four: MJ HEALTH GRANT (Fund 1563)	
MJ Health Grant	<u>\$5,000</u>
TOTAL MJ HEALTH GRANT appropriations for fiscal year ending June 30, 2008:	\$5,000
To be provided as follows:	
Revenue From Local Sources	<u>\$5,000</u>
Total MJ HEALTH GRANT resources available for fiscal year ending June 30, 2008:	\$5,000
 Paragraph Five: VISITOR CENTER FUND (Fund 9800)	
Repair and Maintenance	<u>\$67,734</u>
TOTAL VISITOR CENTER FUND appropriations for fiscal year ending June 30, 2008:	\$67,734
To be provided as follows:	
Revenue from Local Sources	<u>\$67,734</u>
Total VISITOR CENTER FUND resources available for fiscal year ending June 30, 2008:	\$67,734
 Paragraph Six: COURTHOUSE MAINTENANCE FUND (Fund 9150)	
Transfer to General Government Capital Improvements Fund	<u>\$31,827</u>
TOTAL COURTHOUSE MAINTENANCE FUND appropriations for fiscal year ending June 30, 2008:	\$31,827
To be provided as follows:	
Revenue from Local Sources	<u>\$31,827</u>
Total COURTHOUSE MAINTENANCE FUND resources available for fiscal year ending June 30, 2008:	\$31,827
 Paragraph Seven: TOURISM FUND (Fund 1810)	
Tourism Enhancement (Transfer to General Fund)	\$630,399
Tourism Projects (Transfer to General Government Capital Improvements Fund)	<u>\$472,101</u>
Total TOURISM FUND appropriations for fiscal year ending June 30, 2008:	\$1,102,500
To be provided as follows:	
Revenue from Local Sources	<u>\$1,102,500</u>
Total TOURISM FUND resources available for fiscal year ending June 30, 2008:	\$1,102,500
 Paragraph Eight: CRIMINAL JUSTICE PROGRAMS FUND (Fund 1520)	
Criminal Justice Grant Programs	<u>\$720,698</u>
Total CRIMINAL JUSTICE PROGRAMS FUND appropriations for fiscal year ending June 30, 2008:	\$720,698
To be provided as follows:	
Revenue from the Commonwealth (Grant)	<u>\$720,698</u>
Total CRIMINAL JUSTICE PROGRAMS FUND resources available for fiscal year ending June 30, 2008:	\$720,698
 Paragraph Nine: VICTIM-WITNESS GRANT FUND (Fund 1225)	
Victim-Witness Program	<u>\$101,128</u>
Total VICTIM-WITNESS GRANT FUND appropriations for fiscal year ending June 30, 2008:	\$101,128
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$18,279
Revenue from the Commonwealth (Grant)	<u>\$82,849</u>
Total VICTIM-WITNESS GRANT FUND resources available for fiscal year ending June 30, 2008:	\$101,128
 Paragraph Ten: METRO PLANNING GRANT FUND (Fund 1208)	
Metropolitan Planning Organization Funding	<u>\$16,000</u>
Total METRO PLANNING GRANT FUND appropriations for fiscal year ending June 30, 2008:	\$16,000
To be provided as follows:	
Revenue from the Federal Government (Grant)	\$12,800
Revenue from the Commonwealth (Grant)	\$1,600
Local Funds (Transfer from the General Fund)	<u>\$1,600</u>
Total METRO PLANNING GRANT FUND resources available for fiscal year ending June 30, 2008:	\$16,000
 Paragraph Eleven: HOUSING ASSISTANCE FUND (Fund 1227)	
Family Self-Sufficiency Program (Transfer to General Fund)	\$340,000
Section 8 Housing Assistance Payments	<u>\$2,613,544</u>
Total HOUSING ASSISTANCE FUND appropriations for fiscal year ending June 30, 2008:	\$2,953,544

To be provided as follows:

Revenue from the Federal Government	<u>\$2,953,544</u>
Total HOUSING ASSISTANCE FUND resources available for fiscal year ending June 30, 2008:	\$2,953,544

Paragraph Twelve: VEHICLE REPLACEMENT FUND (Fund 9200)

Vehicle Replacement	<u>\$749,450</u>
Total VEHICLE REPLACEMENT FUND appropriations for fiscal year ending June 30, 2008:	\$749,450

To be provided as follows:

Revenue from Local Sources	<u>\$724,450</u>
Revenue from Other Local Sources	<u>\$25,000</u>
Total VEHICLE REPLACEMENT FUND resources available for fiscal year ending June 30, 2008:	\$749,450

GRAND TOTAL - SPECIAL REVENUE FUNDS	<u><u>\$13,869,832</u></u>
--	----------------------------

SECTION V - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND (Fund 9010)

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One: COURTS

Court Square Maintenance/Replacement Projects	\$100,000
J&D Court Maintenance/Replacement Projects	\$15,000
Old Jail Facility Maintenance	<u>\$199,000</u>
	\$314,000

Paragraph Two: PUBLIC SAFETY

Hollymead Fire Station	\$816,000
Pantops Fire Station	\$499,000
VFD Fire & EMS Apparatus Replacement	\$1,328,000
Police Patrol Video Cameras	<u>\$129,000</u>
	\$2,772,000

Paragraph Three: PUBLIC WORKS

County Facilities - Maintenance/Replacement	\$660,000
Recycling Centers	\$250,000
Ivy Landfill Remediation	\$640,000
Keene Landfill Closure	\$100,000
Health Department HVAC Improvements	<u>\$35,000</u>
	\$1,685,000

Paragraph Four: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Neighborhood Implementation Plan Program	\$100,000
Revenue Sharing Road Program	\$1,000,000
Sidewalk Construction Program	\$82,000
Transportation Improvement Program - Local	\$1,625,000
Transportation Improvement Program - Regional	\$100,000
Roadway Landscaping Program	\$24,000
Streetlamp Program	<u>\$48,000</u>
	\$2,979,000

Paragraph Five: HUMAN DEVELOPMENT

PVCC Roundabout	\$43,000
-----------------	----------

Paragraph Six: PARKS, RECREATION & CULTURE

County Athletic Field Development	\$40,000
Paramount Theater	\$33,000
Greenway Program	\$50,000
River and Lake Access Improvements	\$35,000
Preddy Creek Trail Park	\$198,000
Park Enhancements	\$79,000
Cale Elementary School Playground Replacement	\$130,000
Patricia Byrom Forest Preserve Park	\$200,000
Parks - Maintenance/Replacement	<u>\$118,000</u>
	\$883,000

Paragraph Seven: LIBRARIES

Central Library Maintenance/Replacement	\$159,000
Gordon Avenue Library Improvements	<u>\$4,000</u>
	\$163,000

Paragraph Eight: TECHNOLOGY AND GIS

County Server/Infrastructure Upgrade	\$345,000
Access Albemarle - IVR and CRM	\$500,000
New Phone Switch - Courthouse	<u>\$50,000</u>
	\$895,000

Paragraph Nine: ACQUISITION OF CONSERVATION EASEMENTS

Acquisition of Conservation Easements (ACE) Program	\$1,627,000
---	-------------

Paragraph Ten: CAPITAL RESERVE

Capital Reserve	\$2,778,592
-----------------	-------------

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2008:	\$14,139,592
To be provided as follows:	
Revenue from Local Sources (Tourism Fund Transfer)	\$472,101
Revenue from Local Sources (General Fund Transfer)	\$9,807,664
Courthouse Maintenance Funds	\$31,827
Loan Proceeds	\$3,628,000
Interest Income	\$200,000
Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2008:	\$14,139,592

SECTION VI: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND (Fund 9000)

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2008:

Paragraph One: EDUCATION (SCHOOL DIVISION)

ADA Structural Changes	\$20,000
Administrative Technology	\$175,000
Wide Area Network Upgrade	\$400,000
Instructional Technology	\$450,000
Maintenance/Replacement Projects	\$8,089,000
State Technology Grant	\$700,000
Gymnasium HVAC and Lighting Replacement	\$1,195,000
Greer Elementary School Renovations	\$840,000
Albemarle High School Addition/Renovation	\$900,000
Brownsville Elementary Addition	\$859,000
Vehicle Maintenance Facility Addition	\$500,000

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2008:	\$14,128,000
---	---------------------

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$1,098,000
Proffers	\$100,000
Interest Earned	\$100,000
State Construction Funds	\$197,000
State Technology Grant	\$700,000
VPSA Bonds	\$11,933,000

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2008:	\$14,128,000
--	---------------------

SECTION VII: STORM WATER CAPITAL IMPROVEMENTS FUND (Fund 9100)

That the following sums of money be and the same hereby are appropriated from the STORM WATER CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2008:

Paragraph One: STORM WATER PROJECTS

Storm Water Control Program	\$725,000
-----------------------------	-----------

Total STORM WATER CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2008:	\$725,000
---	------------------

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$725,000
---	-----------

Total STORM WATER CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2008:	\$725,000
--	------------------

SECTION VIII: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2008:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND (Fund 9900)

Debt Service Payments - School Division	\$12,234,074
Debt Service Payments - PREP	<u>\$233,209</u>

Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2008:	\$12,467,283
--	---------------------

To be provided as follows:

Revenue from Local Sources (Transfer from General Fund)	\$12,234,074
Revenue from Local Sources (PREP Fees)	<u>\$233,209</u>

Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2008:	\$12,467,283
---	---------------------

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND (Fund 9910)

Emergency Services Radio System Lease/Debt Service Payment	\$826,556
Lease/Purchase Software	\$41,314
Debt Service Payments - General Government	\$1,375,891
Bond Issuance Cost	<u>\$10,000</u>

Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2008:	\$2,253,761
---	--------------------

To be provided as follows:

Revenue from Local Sources	\$283,178
Revenue from Local Sources (Transfer from General Fund)	<u>\$1,970,583</u>

Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2008:	\$2,253,761
--	--------------------

GRAND TOTAL - DEBT SERVICE FUNDS	\$14,721,044
---	---------------------

GRAND TOTAL - DEBT SERVICE FUNDS \$14,721,044

**TOTAL APPROPRIATIONS MENTIONED IN
 SECTIONS I - VIII OF THIS RESOLUTION
 FOR THE FISCAL YEAR ENDING June 30, 2008**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$219,137,216
Section II	School Fund	\$147,950,352
Section III	Other School Funds	\$15,254,196
Section IV	Other Special Revenue Funds	\$13,869,832
Section V	General Government Capital Improvements Fund	\$14,139,592
Section VI	School Division Capital Improvements Fund	\$14,128,000
Section VII	Storm Water Capital Improvements Fund	\$725,000
Section VIII	Debt Service	<u>\$14,721,044</u>
		\$439,925,232

Less Inter-Fund Transfers

General Fund to School Fund	(\$98,903,053)
General Fund to Special Revenue Funds	(\$4,096,594)
General Fund to Capital Improvements Funds	(\$11,630,664)
General Fund to Debt Service Funds	(\$14,204,657)
Special Revenue Funds to General Fund	(\$970,399)
Special Revenue Funds to Capital Improvements Funds	(\$503,928)
School Fund to Self-Sustaining Funds	(\$2,284,361)
School Fund to Special Revenue Funds	(\$1,127,737)
School Fund to General Fund	(\$394,236)
Self-Sustaining Funds to School Fund	(\$400,000)
	<u>(\$134,515,629)</u>

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS \$305,409,603

SECTION IX: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2008:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center \$4,755,645

Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2008: \$4,755,645

To be provided as follows:

Revenue from Local Sources	\$4,317,931
Revenue from the Commonwealth	\$424,694
Revenue from the Federal Government	<u>\$13,020</u>

Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2008: \$4,755,645

BE IT FURTHER RESOLVED THAT the Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, the appropriations made to these funds for the period covered by this appropriation resolution.

SECTION IX

All of the monies appropriated as shown by the contained items in Sections I through VIII are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance (Richard Wiggans) and Clerk to the Board of Supervisors (Ella W. Carey) are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for good, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the same rate as that established by the State of Virginia for its employees and shall be subject to change from time to time to maintain like rates.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Six

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Seven

This resolution shall become effective on July first, two thousand and seven.

* * * * *

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors (the "Borrower"), intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$30,076,274.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

* * *

Exhibit A

**CAPITAL IMPROVEMENT PROGRAM
BONDED PROJECTS
FY 2007/08**

Schools	Amount
1. School Maintenance Projects	\$7,639,000
2. Gymnasium HVAC and Lighting Replacement	\$1,195,000
3. Greer Elementary School Renovations	\$840,000
4. Albemarle High School Addition/Renovations	\$900,000
5. Brownsville Elementary School Addition	\$859,000
6. Vehicle Maintenance Facility Addition	\$500,000
<u>Schools Subtotal</u>	<u>\$11,933,000</u>
General Fund	Amount
1. Hollymead Fire Station Apparatus	\$816,000
2. Pantops Fire Station Apparatus	\$499,000
3. Fire Rescue Apparatus	\$1,328,000

4. County IT Infrastructure/Server Upgrade	\$345,000
5. Ivy Landfill	<u>\$640,000</u>
General Fund Subtotal	\$3,628,000

TOTAL DEBT ISSUE – FY 2007/08 PROJECTS **\$15,561,000**

REAFFIRMATION OF PREVIOUSLY BONDED PROJECTS

General Fund	Amount
1. Juvenile & Domestic Relations Court Renovations	\$4,000,000
2. Hollymead Fire Station	\$5,981,068
3. Pantops Fire Station	\$2,112,000
4. Ivy Fire Station	\$1,634,000
5. Public Safety Training Facility	<u>\$788,206</u>
General Fund Subtotal	\$14,515,274

TOTAL DEBT ISSUE – ALL PROJECTS **\$30,076,274**

Item 6.3. Resolution - Avon Court Industrial Access Grant.

It was noted in the Executive Summary that Section 33.1-221 of the Code of Virginia, as amended, provides for a program commonly known as the Industrial Access Fund Program, under Virginia’s Economic Development Access Fund. The use of Economic Development Access funds is limited to: (1) providing adequate access to economic development sites on which new or substantially expanding manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters or other establishments are planned; and (2) improving existing roads that may not be adequate to serve the establishments as described in (1).

Representatives of the Avon Court Industrial Park have made a request to the County to support use of Industrial Access Funds to lengthen and widen Avon Court, located off of Avon Extended. This park is presently zoned Light Industrial and is being actively marketed by its owner for industrial uses. The park will include as many as 10 lots, with buildings ranging in size from 10,000 to 24,000 square-feet. The attached request asks that the County apply to the state for a “bonded project” whereby the Board will guarantee to the state that qualifying industries will locate in Avon Court within a five-year period sufficient to cover the state’s participation in improving the access road. The Avon Court representatives will, in turn, enter into an agreement with the County to meet all the obligations of the program and provide a surety to the County to guarantee that no County funds will be at risk by the Board’s action if the project does not meet the state’s requirements and the County is required to reimburse the state’s costs.

A County policy on the application of the Industrial Access Program was adopted in 1993 and established a policy to support project requests on a first-come, first-serve basis. Two other criteria were established: 1) All property adjoining a proposed industrial access road shall be currently zoned for industrial uses that will qualify under the state’s industrial access program, and 2) all costs and potential obligations of the program shall be borne by the applicant such that no local funds are in any way involved in such a project.

Since 1993, the federal government passed the North American Free Trade Agreement (NAFTA), which opened the market for some manufacturing to move to cheaper labor markets in Mexico; the US continues to experience an out-migration of major industry. Since 1990 Albemarle County has experienced an average annual decline of 4.6 % in basic industry jobs, specifically in manufacturing, representing a total loss of 3,200 jobs in this sector. However, supporting industry and service sectors are continuing to grow, keeping pace with population growth, and have no place to locate or expand in the development areas. Several are operating in the rural areas as non-conforming uses or in violation of the zoning ordinance. Some are electing to leave the county. An analysis of county land zoned for light industrial uses indicates only 0.1% of the total acreage, or 477 acres, is considered under-utilized with a building value of \$20,000 or less. This number does not reflect land taken by critical slopes, flood plains, or non-conforming uses valued greater than \$20,000 such as a single-family residence. Therefore this percentage of underutilized light-industrial zoned land is likely much less than 477 acres. Additionally, the average-size LI parcel is 6 acres, and the median is 2.7 acres – prohibitively undersized for most operations to develop. The Avon Court project provides smaller-sized spaces, within the development area, for the local-serving, supporting businesses (landscaping companies, auto repair, parts supply, warehousing and distribution), as well as sectors of basic industry such as research and development, or precision-production work for the medical or aerospace industry – important sectors for our economy for paying higher wages.

Staff does not foresee any budget impact. Because an eligible establishment is not yet constructed or under firm contract, this program requires Albemarle County to guarantee by bond or other acceptable surety that such will occur. The maximum time limit for such bond shall be five years, beginning on the date of the allocation of the economic development access funds by the Commonwealth Transportation Board. The County manages this liability by requiring the property owner to enter into an agreement with the County which obligates the owner to reimburse the County if the program requirements are not met and to assure this agreement with a proper bond.

Staff recommends adopting the attached resolution to request industrial access funding and recommends that the County Executive be authorized to enter into agreements necessary for the Industrial Access Funds and assuring the County is protected from default by the property owner after review and approval of these agreements by the County Attorney.

By the recorded vote set out above, the Board adopted the following resolution to request industrial access funding and authorized the County Executive to enter into agreements necessary for the Industrial Access Funds and assuring the County is protected from default by the property owner after review and approval of these agreements by the County Attorney:

**RESOLUTION BY ALBEMARLE COUNTY
TO REQUEST INDUSTRIAL ACCESS FUNDING**

WHEREAS, the County of Albemarle desires to facilitate the industrial development of property located in the County; and

WHEREAS, this property is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide substantial employment; and

WHEREAS, the subject property has no access to a public street or roadway and will require the construction of a new roadway extension which will connect to Avon Court (Route 1101); and

WHEREAS, the County of Albemarle hereby guarantees that the necessary environmental analysis, mitigation and right of way for this extended roadway and utility relocation or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, in addition to the need for a new roadway extension, the existing public road network does not provide for adequate access to this property and it is deemed necessary that improvements be made to Avon Court (Route 1101); and

WHEREAS, the County of Albemarle hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement and utility relocations or adjustments, if necessary, will be provided at no cost to the Industrial, Airport and Rail Access Fund; and

WHEREAS, the County of Albemarle acknowledges that the State Environmental Review Process (SERP) must be completed prior to any construction activity on this project as a condition of the use of the Industrial, Airport and Rail Access Fund; and

WHEREAS, the County of Albemarle hereby guarantees that all ineligible project costs and any other costs not justified by eligible capital outlay will be provided from sources other than those administered by the Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED THAT the Albemarle County Board of Supervisors hereby requests that the Commonwealth Transportation Board provide financing from the Industrial, Airport and Rail Access Fund to provide an adequate road to this property; and

BE IT FURTHER RESOLVED THAT the County of Albemarle hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on Albemarle County Tax Map Parcel Number 07700-00-00-008B0 within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request; and

BE IT FURTHER RESOLVED THAT the Albemarle County Board of Supervisors hereby agrees that the new roadway so constructed will be added to and become a part of the Secondary System of Highways.

Item 6.4. Rural Rustic Road Paving Projects – Bishop Hill Road (Route 734), Gilbert Station Road (Route 640) and Maxfield Road (Route 647).

The Executive Summary states that the Board of Supervisors recommended sections of Bishop Hill Road, Gilbert Station Road and Maxfield Road (Attachments A, B and C) for paving under the Rural Rustic Road program in the County's Six Year Secondary Road Priority List and VDOT's Six Year Secondary Road Construction Plan.

Rural rustic roads are paved at a width based on reduced and flexible standards that leave trees, vegetation, side slopes and open drainage abutting the roadway undisturbed to the maximum extent possible without compromising public safety. Rural rustic road standards allow a road to be paved within a 30' easement. In a traditional paving project, improvements are typically done within a 50' right of way. Rural rustic road paving projects are considerably less expensive to construct than traditional paving projects.

VDOT requires a resolution from the Board of Supervisors designating Bishop Hill Road, Gilbert Station Road and Maxfield Road as Rural Rustic Roads and requesting that they be paved using Rural Rustic Road standards (Attachments D, E and F). Pursuant to policy adopted by the Board of Supervisors (Attachment G), staff mailed a letter to every property owner along these three roads informing them of the paving project and that VDOT would pave the road using Rural Rustic Road standards instead of traditional paving standards. Staff did not receive any correspondence or calls noting opposition to any of

the projects. Numerous calls were received from residents along all three roads supporting the rural rustic road paving project. Staff met with Maxfield Road residents, at their request, to further explain the paving project.

If approved by the Board of Supervisors, VDOT will begin work on these projects this summer using state resources. Each project will take 45-90 days to complete. As part of staff's effort to evaluate the Rural Rustic Road program, VDOT will conduct a speed study on Route 640 before the paving project begins and approximately 9 months after the paving to assess the impacts of the paving project on vehicle speed.

These projects are included in the County's Six Year Secondary Road Priority List and will be paid for by VDOT.

Staff recommends the Board of Supervisors adopt the attached resolutions designating sections of Bishop Hill Road, Gilbert Station Road and Maxfield Road as Rural Rustic Roads and requesting VDOT to hard surface these road segments as Rural Rustic Road paving projects.

By the recorded vote set out above, the Board adopted the following resolutions to designate sections of Bishop Hill Road, Gilbert Station Road, and Maxfield Road as Rural Rustic Roads and requested VDOT to hard surface these road segments as Rural Rustic Road paving projects:

RESOLUTION

To Pave Bishop Hill Road Using Rural Rustic Road Standards

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

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

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

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

WHEREAS, this Board believes that the segment of Route 734 (Bishop Hill Road) between Route 795 to Route 1807 should be designated a Rural Rustic Road because of its qualifying characteristics; and

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

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

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

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

RESOLUTION

To Pave Gilbert Station Road Using Rural Rustic Road Standards

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

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

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

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

WHEREAS, this Board believes that the segment of Route 640 (Gilbert Station Road) between Foxwood Drive to the railroad bridge should be designated a Rural Rustic Road because of its qualifying characteristics; and

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

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

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

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

RESOLUTION

To Pave Maxfield Road Using Rural Rustic Road Standards

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

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

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

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

WHEREAS, this Board believes that the segment of Route 647 (Maxfield Road) between Rt. 22 and the end of state maintenance should be designated a Rural Rustic Road because of its qualifying characteristics; and

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

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

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

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

Item 6.5. Road Name Change – Junaina Devonhurst Drive to Devonhurst Drive.

It was noted in the Executive Summary that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests are forwarded to the Board of Supervisors for approval upon validation of the following: Landowners of more than fifty (50) percent of the parcels served by the road in question have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with other road name guidelines (not a duplicate name, is limited to three words, does not exceed sixteen characters and/or spaces, etc.) outlined in the Manual.

A request has been received from James T. Hallett, the sole landowner on Junaina Devonhurst Drive, to change the name of Junaina Devonhurst Drive to Devonhurst Drive. The proposed name is a common road name within the meaning of the Manual and is consistent with the Manual's road name guidelines. A map showing the location of the road is attached to the Executive Summary.

There is no anticipated budget impact. The landowner will be responsible for costs associated with new signage.

Staff recommends that the Board approve the change in the road name from Junaina Devonhurst Drive to Devonhurst Drive and authorize staff to coordinate/implement the change.

By the recorded vote set out above, the Board approved the change in the road name from Junaina Devonhurst Drive to Devonhurst Drive and authorized staff to coordinate/ implement the change.

Item 6.6. Revised Petty Cash Resolution.

The Executive Summary states that Virginia Code Section 15.2-1229, provides that the County may adopt a resolution to establish petty cash funds not exceeding \$5,000 each to be used to transact daily County business.

The Board of Supervisors last established petty cash funds by Resolution on June 7, 2006. Staff recommends adoption of a new Resolution to authorize an increase in the Community Development Department petty cash fund from \$50 to \$100 and the Finance Department petty cash fund from \$3,350 to \$4,350. The increase in the Community Development petty cash fund is necessary due to the continued high volume of business directed at the Community Development Department. The increase in the Finance Department petty cash fund is necessary for the Revenue and Taxation Division. During tax season (the two weeks prior to the June 5th and December 5th tax deadlines), the Division experiences a need for additional petty cash to make change for taxpayers when they pay their bills. Historically, if petty cash is running low, Division staff members will go to the bank and bring back cash for the Division to use. This is obviously not the best way to operate from a security standpoint for both County employees and County funds. In addition, it pulls Division staff away from the building during the busiest time of the year.

Starting May 21st, Loomis Armored US, Inc. began providing armored car service to transport funds collected by the County during the day to the bank. In addition, Loomis will be bringing, as needed, cash to the County. This means that General Services and Finance employees will no longer have to transport large amounts of money to and from the bank. By increasing the petty cash amount for Finance, staff can now plan to have Loomis provide, on a daily basis, sufficient funds to handle petty cash needs during tax season.

There is no budget impact from this action.

Staff recommends that the Board adopt the attached Resolution to increase the Community Development petty cash fund from \$50 to \$100 and the Finance petty cash fund from \$3,350 to \$4,350 and reestablish the existing petty cash funds.

By the recorded vote set out above, the Board adopted the attached Resolution to increase the Community Development petty cash fund from \$50 to \$100 and the Finance petty cash fund from \$3,350 to \$4,350 and reestablish the existing petty cash funds:

RESOLUTION

WHEREAS, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors adopted a Resolution on June 7, 2006 establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend certain petty cash funds for the above stated purpose.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia establishes the following petty cash funds:

Finance Department	\$ 4,350.00
Social Services	200.00
Community Development	100.00
Police Department	1,800.00
Sheriff's Department	100.00
Fire and Rescue	150.00
Fire and Rescue - Monticello Fire Station	250.00
Commonwealth's Attorney	300.00
Parks & Recreation	<u>100.00</u>
Total	<u>\$ 7,350.00</u>

Item 6.7. Request to change road names in Old Trail Creekside.

It was noted in the Executive Summary that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests are forwarded to the Board of Supervisors for approval upon validation of the following: Landowners of more than fifty (50) percent of the parcels served by the road in question have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with other road name guidelines (not a

duplicate name, is limited to three words, does not exceed sixteen characters and/or spaces, etc.) outlined in the Manual.

A request has been received from the landowners in Old Trail Creekside to change the name of the roads listed below. The request was attached to the Executive Summary. All landowners have signed the request in favor of changing the road names. The proposed names are common road names within the meaning of the Manual and are consistent with the Manual's road name guidelines. A map showing the location of the road names was attached to the Executive Summary.

The Executive Summary noted the following:

<u>Current Name:</u>	<u>Proposed Name:</u>
Mountain Path Drive	Millstream Drive
Mount Vista Lane	Windmere Lane
Mountain Path Terrace	Bradbury Court
Mountain Path Court	Millburn Court

There is no anticipated budget impact. The landowners will be responsible for costs associated with new signage.

Staff recommends that the Board approve the changes in the road names as referenced above and authorize staff to coordinate/implement the changes.

By the recorded vote set out above, the Board approved the changes in the road names as referenced (Mountain Path Drive to Millstream Drive, Mount Vista Lane to Windmere Lane, Mountain Path Terrace to Bradbury Court, and Mountain Path Court to Millburn Court) and authorized staff to coordinate/implement the changes.

Item 6.8. Adopt resolution authorizing Chairman to sign revised Darden Towe Park Agreement.

The Executive Summary states that in 1985, the City and County executed an option agreement to purchase property which now constitutes Darden Towe Park. In February of 1986, both jurisdictions entered into an agreement which exercised this option and delineated City and County responsibilities for the development, operation, and maintenance of the property as a park and recreation area. This agreement is now over 20 years old and does not address current operational responsibilities or the function and make-up of the Darden Towe Park Committee. In recognition of the shortcomings of the existing agreement, the Director of the City Parks and Recreation Department and the Director of the County Parks and Recreation Department jointly developed a revised agreement for consideration by the Darden Towe Park Committee. At the February 21, 2007 meeting of this Committee, a motion was adopted recommending that the Board of Supervisors and City Council authorize the execution of the attached agreement.

The major revisions to the agreement are summarized as follows:

1. Much of the original agreement addressed funding responsibilities for the purchase of the property as well as the first three phases of development of the Park. Since this work is now complete, this language is removed from the agreement.
2. The original mechanism for allocating annual funding responsibilities for Park operations between the City and the County was never instituted and was ultimately replaced with a formula built upon daily County/City vehicle sticker census counts. Since the City has eliminated its vehicle decal program, this methodology is obsolete. Accordingly, the proposed agreement divides annual funding responsibility based on the population of the two localities.
3. The current method of charging the City softball league program for field use is unwieldy especially in light of the fact that the City provides the programs equally for both localities. Therefore, the provision to charge this program an additional fee is eliminated.
4. The agreement establishes a new five year term effective July 1, 2007 through June 30, 2012.
5. The membership and role of the Darden Towe Park Committee are described in the agreement.

These revisions are discussed in more detail below:

Deletions/revisions from the original agreement:

SECTION I. PURPOSE - This section has been restated eliminating references to the property purchases and the Joint City-County Park Report dated February 10, 1986.

SECTION II. PLAN OF DEVELOPMENT and SECTION III. APPROPRIATIONS - These sections have been eliminated entirely as they pertain to the three development phases which have been completed.

SECTION IV. ALLOCATION OF COSTS - References to the first three development stages and an entry station attendant to collect fees from non residents and to monitor park usage are eliminated since the City and County have determined that the staffing costs associated with an entry station would exceed the expected revenue collections.

SECTION V. PARK OWNERSHIP - References to the acquisition of contiguous properties are eliminated since all affected properties have been acquired. The contiguous properties referenced in this section referred to the Snow and Bosely properties which bordered the

Mahanes' property. The Mahanes' property was the initial property acquired for the Park. The Snow and Bosely properties were subsequently acquired and are now part Park property.

SECTION VI. SUPERVISORY COMMITTEE - This section has been eliminated along with the formal designation and role of the staff supervisory committee. Staff supervision of the park has been revised as stated under SECTION V. PARK SUPERVISION in the new agreement.

SECTION VIII. NIGHT LIGHTING AND SOFTBALL - The original agreement prohibited night lighting of competitive sport facilities in the first three development stages. The new agreement recognizes the history of the lighting issue and requires mutual agreement of the City and County before any lighting of sport or other recreation facilities is installed.

SECTION XIII. BREACH OF AGREEMENT and SECTION X. NAMING OF THE PARK - These sections have been eliminated since they are no longer applicable.

Mechanism for determining allocation of costs:

The original agreement called for annual Park operating costs to be determined according to the percentage of actual park usage by residents of the two localities, averaged over the most recent two years. Usage was to be monitored by an attendant at an entry station who would also collect a fee from residents of jurisdictions other than the City and the County. The City and County later agreed that it would be cost prohibitive to staff an entry station and decided instead to base park usage on a vehicle sticker count taken once per day in the parking lots. The City/County agreement was never formally amended to reflect this change. With the recent decision by the City to eliminate its vehicle decal program, the revised method is no longer viable. Staff is recommending that costs be allocated based on the populations of the two localities according to the Weldon Cooper Center for Public Service Annual Population Report, with the 2006 Weldon Cooper data being used for the allocation of costs for the period from July 1, 2007 through June 30, 2012.

The FY 2006-2007 budget divides the funding responsibility for the Park at 64.2% for the County and 35.8% for the City. This is based on the average of the past two years use and dividing equally the responsibility for non resident use. Examining just County and City use over the past 5 years, County usage has averaged 68.5% vs. 31.5% for the City. Based on the Weldon Cooper estimates from 2000 through 2005, the estimated City/County population for 2006 is 131,700 with 91,800 (69.7%) being County residents and 39,900 (30.3%) being City residents. It is recommended that the final agreed upon shares for the upcoming 5 year period be determined when the final 2006 Weldon Cooper numbers become available in 2007.

In agreeing to this higher percentage share for the County, it is recognized that Towe Park will be receiving increasing neighborhood use by County residents due to growth in the Pantops area residential population and that Pen Park, which is solely funded by the City, receives significant use by County residents.

Elimination of City softball fee for field use:

The City administers a softball league program with primary game sites at McIntire Park, PVCC, and the Park. In the original agreement, a portion of the revenue derived from this program, after deducting program expenses, were to return to the Park as revenue based on the volume of total games played at the Park. Since league expenses vary from year to year due to facility repairs and the maintenance needs at the other two (2) locations, the City league program has never been a reliable source of revenue for the Park and the computation of what constitutes a fair share is unnecessarily confusing. Both Directors agree that since the City administers the softball program equally for residents of both the City and County, and that the City is already paying an agreed upon share for the maintenance of the Park, there should be no additional fee paid by the City for this program. In agreeing to this, it is recognized that when administering a program as large and complex as the City softball program, there are indirect costs to the locality which are not accounted for when determining program fees.

Five year term of agreement:

The original agreement is over 20 years old and outdated. The recommended term for this agreement is five years from July 1, 2007 through June 30, 2012.

Darden Towe Park Committee:

The Darden Towe Park Committee evolved from the City/County committee which negotiated the original agreement and guided the original development of the park but was not recognized in the original agreement. The new agreement identifies the membership and role of the Darden Towe Park Committee.

The County share of funding for FY 06-07 is \$161,939 while the City share is \$90,302. Concurrently with reviewing the agreement, City and County staff have reviewed the operating budget. Through realigning responsibilities, purchasing new equipment, and attaining other efficiencies (including the elimination of the time consuming daily sticker count), one (1) full time staff position was eliminated from the budget. The combination of the increased County share for funding coupled with the reduced operating budget decreases the County's funding for FY 07-08 by approximately \$10,850 or 7%. The combination of the decreased City share and reduced operating budget will decrease the City funding for FY 07-08 by approximately \$24,600 or 27%.

Staff recommends that the Board of Supervisors adopt the attached resolution authorizing its Chairman to sign the new agreement being recommended by the Darden Towe Park Committee.

By the recorded vote set out above, the Board adopted the attached Resolution authorizing the Chairman to sign the new agreement being recommended by the Darden Towe Park Committee.

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE
TO SIGN NEW DARDEN TOWE PARK AGREEMENT**

WHEREAS, the County of Albemarle and the City of Charlottesville jointly own Darden Towe Park; and

WHEREAS, much of the original agreement between the County and City providing for the fair and equitable allocation of responsibility between the two localities for the development, operation and maintenance of the park is over 20 years old and has become outdated; and

WHEREAS, the Darden Towe Park Committee reviewed and approved a new agreement to be recommended to the Board of Supervisors and City Council for the future development, operation and maintenance of the park effective July 1, 2007;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes its Chairman to sign the Darden Towe Park Agreement as recommended by the Darden Towe Park Committee.

Item 6.9. Resolution - Law Enforcement Employees VRS Retirement Option, **was pulled from the consent agenda.**

It was noted in the Executive Summary that legislation enacted by the 2007 Virginia General Assembly (Senate Bill 1166) provides localities the option to increase the VRS retirement benefits for employees included in the Law Enforcement Officers Retirement System (LEOs). Eligible employees include all employees deemed to provide hazardous duties in the Police Department, the Fire Rescue Department, and the Sheriff's Office. This option is also available and may be considered by the Regional Jail Authority for its LEOs eligible employees.

The amendment to Virginia Code § 51.1-206, effective July 1, 2007, provides a locality the option to adopt a resolution to increase the retirement Multiplier used by VRS from 1.70 percent to 1.85 percent for employees eligible for the LEOs benefits. This change would impact approximately 240 employees in the Police Department, the Fire Rescue Department, and the Sheriff's Office. The VRS Multiplier factor times the years of service times the average final salary determines an employee's retirement income and has the potential to increase retirement income for LEOs eligible retirees by 8 to 10%. Once adopted by the County, this option cannot be revoked and will apply to all current and future County employees meeting the eligibility criteria. The increased retirement Multiplier of 1.85 percent can apply only to LEOs eligible employees who retire on or after July 1, 2007.

Approval of this change would result in an increase to our overall VRS rate by 0.47%. The new rate would be 13.43% instead of the 12.96% budgeted for FY08. The cost of this change currently would be approximately \$142,000 in annual reoccurring expense. Implementing the change effective January 1, 2008 would result in a FY08 impact of one-half that amount, approximately \$71,000.

This option is available beginning July 1, 2007 or at a later date upon the Board's adoption of the referenced Resolution and sixty days notice to VRS.

In recognition of the hazardous duties performed by County Police, Fire/Rescue, and Sheriff's Office personnel, it is recommended that the Board adopt the attached Resolution establishing a 1.85 VRS Multiplier for all LEOs eligible employees effective January 1, 2008.

(Discussion: Mr. Rooker commented that this is \$142,000 per year that would become a regular part of the annual budget.

Mr. Slutzky expressed concern that the County is short in the number of police officers needed in the County, and perhaps the better investment is to get new officers.

Mr. Boyd agreed that the item should be addressed separately.

Mr. Tucker stated that the recommendation would be to begin this in January 2008.

Mr. Rooker commented that he is doubtful this would impact someone's decision to take a job in Albemarle but perhaps extra starting pay might.)

Item 6.10. Resolution to accept the Relocation of Route 606 (Old Dickerson Road) in the State Secondary System – Rio District.

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

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with Form AM-4.3 dated June 6, 2007, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

WHEREAS, the portions of Route 606 (Dickerson Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 606 (Dickerson Road), identified as from Route 743 to .27 miles from the intersection of Route 606, for a length of 0.27 miles, pursuant to Section 33.1-151, of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 606 (Dickerson Road) identified as from Route 743 to .38 miles north of Route 743, as shown on plat recorded 06/07/2006, in the office the Clerk of Circuit Court of Albemarle County, in Deed Book 3215, page 206, with a 60-foot right-of-way width, for a length of 0.38 miles, pursuant to Section 33.1-229, of the Code of Virginia; and

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

Item 6.11. Resolution to accept the abandonment of Route 649 (Airport Road) in the State Secondary Road System – Rio District.

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

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with a sketch dated March 30, 2007, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

WHEREAS, the portions of Route 649 (Airport Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 649 (Airport Road), identified as from the intersection of Route 606 (Dickerson Road) to .01 miles west of Route 606 (Dickerson Road) to the end of state maintenance, for a distance of 0.01 miles; and those portions of Route 648 (Airport Road), identified as from the intersection of Route 29 to .77 miles west of Route 29 at the intersection of Route 606 (Dickerson Road), for a distance of 0.77 miles, pursuant to Section 33.1-155, of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 649 (Airport Road) identified as from the intersection of Route 29 to .46 miles west of intersection of Industrial Drive (Route 882), for a length of 0.46 miles; those portions of Airport Road (State Route 649) from .46 miles west of intersection of Industrial Drive (Route 882) to the intersection of Business Park Drive (Route 881), for a length of 0.23 miles; those portions of Airport Road (State Route 649) from the intersection of Business Park Drive (Route 881) to the end of the project at round about Dickerson Road (Route 606), for a length of 0.08 miles; those portions of Business Park Drive (State Route 881) from the intersection of Deerwood Drive (Route 1501) to the intersection of Airport Road (Route 649), for a length of 0.12 miles; and those portions of Industrial Park Drive (State Route 882) from the intersection of Airport Road (Route 649) to the end of state maintenance, for a length of 0.10 miles, pursuant to Section 33.1-229, of the Code of Virginia; and

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

Item 6.12. Historic Preservation Committee Update, **was received for information.**

The Executive Summary states that the Historic Preservation Plan was adopted in the Fall of 2000. In April 2001 the Board of Supervisors adopted the Priority Recommendations for Historic

Preservation in Albemarle County (the "Priority Recommendations", Attachment A) as the action agenda to be used for the implementation of the Plan. The original Priority Recommendations are taken directly from the adopted Historic Preservation Plan. The Board also approved recommendation #1 for implementation, thereby establishing a standing Historic Preservation Committee (HPC). Members were appointed and the HPC held its first meeting on January 8, 2002. The Board of Supervisors last received a formal update on the work of the HPC in November 2005. Since that time the HPC has continued to work on the "Priority Recommendations", as outlined in the Committee's cover letter and assessment (Attachments B and C). The Committee has requested that this status update be provided to the Board at this time.

Recommendations made in the 2005 HPC update are being considered in the current review/update of the Natural Resources and Cultural Assets section of the Comprehensive Plan, which is scheduled for review by the Planning Commission in the Fall/Winter of 2007. The HPC had three recommendations resulting from its current assessment (see page 9 of the assessment, Attachment B). Regarding the Committee's recommendation on membership, due in large part to the high number of members originally appointed to the Committee, vacated appointments have been filled only when a specific area of expertise was considered lacking in the Committee make-up. Regarding the Committee's recommendation for improvements to the HPC page on the County's web site, this work falls under Priority Recommendation #7, which provides for education programs. Staff for the Committee will work on enhancements to the County's website to expand the information provided about the HPC and its work/products. Regarding the recommendation for a dedicated line item in the budget, the Committee's funding needs will be considered as part of the development of the proposed budget for the Community Development Department.

At this point in time, the HPC's assessment is for information only. As such, it has no direct budget impact.

This has been provided for information only. No action is required at this time.

(Discussion: Ms. Thomas mentioned that the Historical Preservation Committee has felt that some of the face of history in the area is slipping away, although having an historic preservation planner now and getting a database are steps in the right direction. She said that they now send letters to people who have purchased historic properties or are members of the preservation alliance, and they would also like to have a webpage.

Mr. Rooker commented that the Board should revisit the possibility of a historic preservation ordinance, and right now there is no money in the budget for the database. He added that he would like to see a copy of the Committee's brochures.)

Item 6.13. Lewis and Clark Center – Phase I Development Plan, **was received for information.**

It was noted in the Executive Summary that the lease agreement between the Lewis and Clark Exploratory Center and the City and County requires prior written consent from the City and County before improvements can be made to the leased area. In addition, the special use permit approval for the Center included a condition that the proposed improvements are to be reviewed by the City and County prior to construction to make sure there are alternative uses should the venture fail. The Lewis and Clark Exploratory Center has now decided on a Phase I development plan and is seeking consent from the City and County to proceed. Construction is anticipated to begin in early 2008.

The Phase I development plan includes the construction of a 20 foot wide gravel internal access road, thirty five gravel parking spaces and a 2500 square foot building. Both the City and County Parks and Recreation Directors have reviewed the plans and are satisfied with the scope of the initial development and that the resulting facility could serve an alternative public use if vacated by the Lewis and Clark Exploratory Center in the future. As the authorized signatories of the lease agreement, the County Executive and City Manager are authorized to provide written consent for the proposed improvements. In order to provide information for consideration in deciding whether to provide that consent, the plan was presented to the Darden Towe Park Committee for review on February 21, 2007. The Darden Towe Park Committee approved the Phase I Plan and agreed that the plan should be sent to the whole Board and Council as a consent agenda information item.

The Phase I development plan has no budget impact on the City and County.

This item is being presented for information only and no Board action is required.

(Discussion: Mr. Rooker thanked the Board members who worked on the Lewis & Clark Center for fostering such an environmentally friendly design.)

Item 6.14. Lake Hollymead Sediment Removal, **was received for information.**

The Executive Summary states that at the May 2nd Board meeting, Mr. Boyd requested staff report back on the issue of the County assuming responsibility for the sediment removal in Lake Hollymead. This issue has arisen because Forest Lakes homeowners believe the construction of the Hollymead Town Center has resulted in excessive sediment reaching Lake Hollymead. As a result, they have requested the County assume responsibility for removal of this sediment. The following are points staff considers important background to this request.

- Hollymead Town Center has undergone construction for several years and has maintained an erosion and sediment control permit during this period. There have been several permit violations during the construction, but all of those violations have been addressed at this time. Violations and corrections are not unusual for a construction project of this size.
- The sediment appears to have been entered into the upstream end of the lake from Powell Creek. While this source includes drainage from a significant part of the Hollymead Town Center, it also includes other construction sites, including Airport Road, Deerwood, and the Charlottesville Albemarle Airport. Additionally, as with any stream, a significant amount of sediment comes from stream bank erosion. No one has been able to distinguish which sediment comes from which source. Staff notes that the sediment that spilled into Route 29 from the Hollymead Town Center would not have entered the lake below this point. Thus, it appears that is a separate event which has been mitigated by the developer.
- Lake Hollymead was deliberately used by past property owners for sediment control during construction of the Hollymead and Forest Lakes subdivisions. This is a fairly common practice which recognizes the existing lake can be equal or better to other sediment controls. The lake was not dredged with completion of that construction. As such, considerable amounts of sediment entered the lake prior to the start of the recent construction.
- Lake Hollymead is privately owned and maintained. While the County owns and maintains the dam, the lake has remained with the homeowner's associations. Prior to the start of construction at the Hollymead Town Center, staff advised the downstream homeowners associations that the construction would likely result in sediment reaching their lake and advised them to conduct a preconstruction survey so that any incremental damage to their property would be documented. This was never done and no one has been able to definitively say how much sediment was deposited during the recent construction period.
- All reservoirs and lakes accumulate sediment and have a limited lifespan without dredging. To illustrate, the Board was engaged for several years in discussions about lost capacity in the South Fork Rivanna Reservoir due to sediment. As with Lake Hollymead, it proved difficult to definitively quantify the sources of that sediment.

While the scale is larger with Lake Hollymead, staff has seen similar complaints in the past with other projects. With past projects, the County has kept its role to enforcing the Water Protection Ordinance while recognizing that sediment controls are not a perfect mechanism. Effectively, staff has separated the County's legal responsibility for enforcing erosion and sediment control as required under Virginia law from the issue of one property owner harming another by the act of grading. Staff has been very careful never to claim or imply that the County was assuming responsibility for the actions of the upstream property owner. In past situations, staff has encouraged the property owner for the construction site and the downstream property owner to seek solutions on their own.

There is a mechanism by which the County may assume responsibility for this lake and the sediment. As advised by the County Attorney, there must be an established public interest before the County can spend tax dollars. In cases where the downstream property is privately owned and there are no public easements, staff has never found such a public interest. There is a mechanism by which a public interest could be created. In 17-309 of the County's Water Protection Ordinance, there are provisions for dedication of regional storm water management facilities to the County. That provision has been exercised by the Board in the past, though staff's position in those circumstances has been that the facility should be brought up to an acceptable level of service or a contribution made to allow the County to bring it up to that level of service prior to the dedication. In the case of Lake Hollymead, we have advised the homeowners association that the necessary first step would be for the property owners to grant the County an easement for the lake to establish it as a regional storm water facility. The property owners have indicated they are not willing to dedicate this easement, noting it would extend onto several private properties. As such, discussions never progressed to the point where staff would advise the Board to accept such a dedication. While discussions never reached that point, staff did do some preliminary analysis on how the lake could be maintained and sediment removed. None of the alternatives are considered ideal and all appear to require initial expenditures upwards of \$500,000 for some base level of service. There would also be a need for ongoing County maintenance after the initial work.

Staff believes the County's policy has been to limit County responsibility to administering the erosion and sediment regulations as required by State law. Notwithstanding the legal requirements, if the County were to participate in the clean up of private property in situations such as this, we believe the County will establish a precedent by which all future construction projects could generate an expectation of similar reparations. Thus, this could result in a far reaching change in policy requiring the County to either: 1) assure downstream properties would never be harmed by setting the erosion and sediment control standards so high that construction is effectively prohibited or 2) establish a large financial commitment in future budgets so the County can remedy any damage caused by future construction projects.

If current policy is maintained, there is no additional fiscal impact. As discussed, a change in policy would result in a significant annual budget impact. Before expending public funds, the County would have to establish an appropriate public interest in the impacted properties.

This report is presented for information only. If the Board wishes to consider a change in policy, staff will schedule a separate work session.

(Discussion: Mr. Slutzky said he supports staff's recommendation. He also thinks the Board needs to give staff some direction on the issue, as they currently recommend not bringing that body of water under County control.

Mr. Boyd said that he has been communicating with the Forest Lakes Homeowners Association, and they are not happy with this report. He further stated that if there is not enough support on this Board to do anything further, then the Board needs to bring closure to the issue.)

Item 6.15. Agricultural Exemptions to Erosion and Sediment Control, **was received for information.**

It was noted in the Executive Summary that at the May 2nd Board meeting, Board members requested information on how newly constructed roads could be exempted from County regulation under the "farm road exemption" and later used for development purposes. This executive summary provides that information.

To understand the exemption of "farm roads" from County regulation, staff considers it important to start with the State enabling authority. The authority for the County's Erosion and Sediment Control Program comes from the State's Erosion and Sediment Control Law (Title 10.1, Chapter 5, Article 4). In that law, there are 13 specific types of activities exempted from regulation set forth in the definition of a "land disturbing activity," including the following:

7. *Tilling, planting or harvesting of agricultural, horticultural or forest crops, or livestock feedlot operations; including a specific list of engineering operations;*
10. *Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Virginia Dam Safety Act, ditches, strip-cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;*

No state law, regulation, or guideline expressly exempts agricultural roads. However, staff has been consistently advised by the Department of Conservation and Recreation that it interprets the State agricultural exemption to include agricultural roads if those roads are used only for exempted activities. For example, a farm road to a pasture would be exempted but a farm road that also provides access to the house on the property would not be exempted. The County's Water Protection Ordinance includes the State exemptions and also includes a definition of "Agricultural Road" so that the Ordinance is consistent with the State's interpretation of the law. The County Code definition reads:

Agricultural road. The term "agricultural road" means a road or portion of a road that is constructed exclusively for access to agricultural land and is located on or serves a lot which is not the subject of a pending or approved preliminary or final plat, preliminary or final site plan, zoning map amendment to a non-agricultural zoning district, or a special use permit for a use or activity not directly related to agriculture.

One of the most common complaints staff hears is that a property owner is abusing this exemption. Staff admits it is very easy to abuse the exemption because it is practically impossible to prove the owner's intent violates the ordinance without a confession by the property owner. For example, a property owner can build a pond for his aesthetic use claiming it will be used to water cattle and then decide against raising cattle. Similarly, he could build a road to access his fields, claiming an agricultural exemption, and decide to convert the land to another use as soon as he finishes construction of the road. There is nothing in the State law that would prevent a property owner from changing his mind once the clearing and grading is complete. With respect to the most egregious violation, converting agricultural roads to a non-exempt use, the County has attempted to address this with the following provision in the Water Protection Ordinance:

17-200 A.4. for the prior construction of an agricultural road, when the owner submits a preliminary or final plat, preliminary or final site plan, an application for a zoning map amendment to a non-agricultural zoning district, or an application for a special use permit for a use or activity not directly related to agriculture for the lot on which the agricultural road is located or serves, if both: (i) the plat, plan or application was submitted within twenty-four (24) months after construction of the agricultural road began; and (ii) the program authority determines that the dimensions and alignment of the agricultural road substantially correspond to the dimensions and alignment of a road proposed on the plat, plan or any document submitted as part of an application.

Basically, staff can require a plan for anyone converting the road to a non-exempt use within two years of starting construction of the road. Staff notes this provision provides a limited ability to manage the abuse. First, it is after the fact. That means the environmental damage of sediment leaving the property is complete and there is no sediment control during construction. Second, as the use is established, requiring the building of the sediment control measures at that point will basically require the disturbance of additional land with no benefit. Similarly, requiring the building of a different road will only repeat the land disturbance and increase the impact. Third, it is noted this ordinance provision does not apply to a building permit, which is the most common circumstance for this type of activity. Fourth, this is limited to activities where a plan is submitted within two years. If the property owner waits one day longer, the provision doesn't apply. Fifth, it should be noted that even if the County requires an after the fact permit, the property owner has avoided the cost of installing the sediment control measures and County oversight for construction. That provides a significant financial incentive to abuse this exemption in the State law.

Finally, staff would note Albemarle County is hardly unique in experiencing this type of abuse. This same concern is heard from many localities and the State is certainly aware of it. This State exemption remains despite the reported problems. Staff speculates that the issue is that the removal of

this exemption would require regulation of farmers, and the State has not found that the correction of the abuse justifies the cost of regulation for legitimate farmers. However, Virginia Code § 10.1-570 authorizes any locality to adopt more stringent regulations than those imposed by the State, so the Water Protection Ordinance could be amended to either remove the exemption for agricultural roads or to regulate them under certain circumstances where there is a high risk that erosion will impact adjacent properties or sensitive environmental resources (e.g., when they are within a certain distance of a waterway or an adjoining property). Staff is also studying how the Water Protection Ordinance's provision for "erosion impact areas" can be better utilized to regulate otherwise exempt activities not subject to the County's erosion and sediment control regulations if those activities are found to be adversely impacting other properties. This authority can not prevent unregulated land disturbing activity, but it may allow the County to require the landowner to correct activities that are persistently impacting other properties with damaging sediment.

There are no direct budget impacts for the County from this activity. Indirect impacts, however, can include degraded natural resources, which devalue the County, and/or the County addressing the impacts by increased funding for stream buffers and stream mitigation.

Staff is providing this material for information only. If there is an interest in adopting more stringent regulations in the Water Protection Ordinance, staff can discuss this with the Board when changes to the erosion and sediment control regulations are considered later this year.

(Mr. Boyd asked if there was any interest on the Board to proceed. Board members concurred with the recommendation to adopt more stringent regulations in the Water Protection Ordinance.)

Item 6.16. Citizens Advisory Committee for the Charlottesville-Albemarle Public Defender Office 2006 Annual Report.

The Board received this report for information only.

Item 6.17. Copy of letter dated May 16, 2007, from John Shepherd, Manager of Zoning Administration, to Martin Albert, re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS -- Tax Map 33, Parcel 25A-Rivanna District (Property of Martin Albert) Section 10.3.1, **received for information.**

Item 6.18. Copy of application of Virginia Electric and Power Company to revise its cogeneration tariff pursuant to PURPA Section 210 – Case No. PUE-2007-00034, **received for information.**

Item 6.19. Copy of minutes of the Albemarle County Service Authority Board of Directors of February 15 and March 15, 2007, **received for information.**

Item 6.20. Copy of Planning Commission minutes of April 3 (draft), April 10 (final), and May 8(draft), 2007, **received for information.**

Item 6.21. Groundwater Monitoring Program Status Report, **was received for information.**

It was noted in the Executive Summary that following four years of work by the Groundwater Committee the Board of Supervisors adopted the Groundwater Ordinance by amending the Water Protection, Zoning and Subdivision Ordinances on December 8, 2004. Information was presented to the Board of Supervisors on November 2, 2005 concerning the planning and implementation of a Groundwater Monitoring Program. In support of obtaining monitoring sites in an efficient manner, the Board of Supervisors on October 4, 2006 authorized the County Executive to accept Deeds and Licenses granting the County the right to establish groundwater monitoring wells.

This report provides a general status report on the groundwater monitoring program and focuses on three areas of the program which are discussed below:

Groundwater Ordinance "Tier Reviews" of Development Proposals – The Building Code and the Zoning and Subdivision Ordinances require information on groundwater to be provided with an application for building permits and submittal of subdivision plats and site plans where the structures will depend upon private water wells. Varying levels of review are required depending on the type of development/subdivision proposed for the site, from Tier 1 to Tier 4. To date, staff has generated or reviewed over 200 reports for subdivisions and site plans. Through the Tier 3 review process, long term well monitoring opportunities have been obtained for four sites and several more sites are currently in process.

Monitoring Wells – The primary purpose of the Groundwater Ordinance is to gather information regarding the County's groundwater resources. The establishment of groundwater monitoring wells is a key component of this effort.

Water level measurements are being obtained on a weekly basis from three wells identified as MW-1, MW-2 and MW-3 (Attachment A). These well sites have been established through "donation" by the landowner outside of the Tier review process. No known Well Completion Reports exist for these

wells therefore, well depth, casing length, bedrock descriptions, and flow rates are unknown. MW-1 and MW-3 are drilled and steel cased bedrock wells while MW-2 is an old rock-lined, hand-dug well. The three wells currently being monitored have provided a good starting point for long-term water-table monitoring and the establishment of static water levels in those locations. Water-table data collected from the three wells are presented as hydrographs as Attachments B through E. Additional and more strategically located wells will be necessary for a more comprehensive understanding of our groundwater resources throughout the County. Staff continues to pursue other monitoring wells in strategic locations.

The well monitoring site easements that have been obtained through the implementation of the Groundwater Ordinance are shown on Attachment F. Also shown are potential future easements on properties that have had preliminary plats submitted but do not have final plat approvals at this time. Decisions to install future monitoring wells on easements will be based on bedrock geology, hydrogeologic units, surrounding land use, subdivision plans, accessibility and well density.

Public Information and Outreach – Natural Resources/Groundwater staff continues to be involved in public outreach efforts geared to educating the public on groundwater issues, responding to public requests for information and reports of groundwater related issues, and encouraging the participation in the groundwater monitoring program through the donation of well sites suitable for monitoring purposes. A Groundwater brochure has been prepared and is distributed at appropriate public events and meetings. Informational talks have also taken place or are planned for events such as Rivanna River Days and League of Women Voters forums. Groundwater staff also assists in activities such as the Red Hill community well effort and numerous public inquiries regarding general groundwater related issues.

Summary – The groundwater monitoring program has been in place for two years. Extensive information will need to be collected over a long period of time before significant issues and trends can be determined through analysis. The focus of the program at this time is to continue to establish monitoring points through the tier review and other strategic well site/locations. However, information gathered from some tier reviews has been helpful in the development review process to organize development/lot locations to minimize groundwater impacts.

A budget for the implementation of the Groundwater Monitoring Program is in place at this time. Costs for installing wells and monitoring equipment will be kept within the approved budget. Plans are in place to install equipment to obtain and store daily measurements at the wells, reducing program expenses beyond the cost of the equipment due to a reduction of staff travel time and vehicle costs.

This is for information only. No action is requested from the Board of Supervisors at this time.

(Discussion: Mr. Benish reported that through the tier process reviews, the County has been able to get new wells and has tried to get to donations for groundwater monitoring.

Mr. David Swail said that he believes the next step in groundwater monitoring should be to do a concentrated study in and around one of the rural subdivisions, with three or four wells used to monitor groundwater levels and quality before the roads are built and the houses are put in. He noted that these wells are not being pumped but are just sitting there for the purpose of being monitored, to establish impact on water levels, nitrates, and other benchmarks.

Mr. Wyant commented that more time needs to be spent in the future on monitoring.

Mr. Rooker commented that the wells seem to be very shallow.

Mr. Swail stated that the wells are not being pumped, they are just sitting there to provide the regional water table level. He said that the wells should be tested in spring and fall as chemistry changes.

Mr. Wyant noted that these wells will also provide information on chemicals such as nitrates, and he asked if draw-down was ever done.

Mr. Swail replied that the County has not done so on these.

Ms. Thomas said that Albemarle is one of only 19 counties that is conducting testing of well water according to a study done by the U.Va. Engineering School.

Mr. Benish noted that this is Mr. Swail's last day, and the program would be moving under the County Engineering Department.)

Item 6.22. Comparative Report of Local Government Revenues and Expenditures for Fiscal Year ended June 30, 2006 in accordance with Section 15.2-2510 of the Code of Virginia, as prepared by the Auditor of Public Accounts, **received for information.**

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

Ms. Sue Friedman addressed the Board, stating that the School Board is considering a charter school application for Arts Infusion "school within a school" for middle schools. She said that the Board would be reviewing this application at their June 14th meeting, noting that the County has made a commitment to pursue charter schools in terms of reaching overall goals. Ms. Friedman reported that the

schools have approved an extra-curricular student conduct policy and have had fairly good response. She said that they are in the midst of assessment of the policy by the superintendent, Board, and schools, and would be discussing it at their June 29th retreat. Ms. Friedman also said that Mr. Boyd and Mr. Wyant met with Ms. Moynihan, and Ms. Moran and Mr. Tucker have met together with her and agreed on the value of having frequent dialogue and joint planning retreats. She invited the Board to upcoming County schools graduations. Ms. Friedman said that the schools were able to print reports and distribute them for a total cost of \$6,000, with the information distributed within the area that the schools serve.

Ms. Friedman added that schools would be looking at staffing, facilities, and programs to evaluate efficiency. She reported that 60 percent of the County's high school graduates have taken a college-level course. She also reported that all three of the County high schools were noted in *Newsweek* magazine in J. Matthews's list of the top 1,200 comprehensive high schools in the country. Ms. Friedman noted that this fall starting teachers will make \$40,000, which keeps the County competitive in attracting teachers, and retention is up to 88 percent. She added that the schools are looking into the pesticides issue.

In response to Mr. Rooker's question about school resource officers, Mr. Tucker reported that the police chief has not made a decision yet on how to handle this. Mr. Tucker said that the main problem is that the County has been hit with an unusual loss of staff due to Iraq, family leave, and injuries, which has left a shortfall in street officers.

Ms. Thomas asked if the driver's education curriculum was prescribed exclusively by the State, adding that she would like to see handling of alternative transportation such as bicycles and busses as part of that.

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

Agenda Item No. 8b. Transportation Matters not Listed on the Agenda.

Mr. Slutzky asked if something happened to the timing sequence of lights along Route 29.

Mr. Sumpter replied that there are issues being worked on, and the regional office has assigned Albemarle County as the top priority for the area in the coming year.

Mr. Slutzky said that the sign at the roundabout at the Airport is confusing. He believes that a sign on the left side of the road that reads "Airport" might resolve the intersection confusion.

Mr. Sumpter responded that they are looking at the roundabout with the area traffic engineer to address that and other concerns that have been raised.

Mr. Slutzky said that the Hillsdale Drive safety project was proposed to have four elevated crosswalks. He was told that it has been changed by VDOT to preclude the elevated crosswalks which in his mind is counter to the goal of calming traffic. That is a fundamental element of the safety concerns of the related communities.

Mr. Sumpter replied that he would look into the matter and report back to the Board.

Mr. Slutzky commented that Rio Mills Road, route 643 heading west from route 29, is scheduled for repavement. A property owner along that road is considering reactivating the quarry which will cause heavy truck traffic.

Mr. Sumpter said that the road is on the Six-Year Plan, and he is aware of a landowner's desire to reactivate the quarry. He stated that they are hoping to partner with landowners to improve that road.

Mr. Slutzky asked for a periodic update on the road improvements.

In response to Mr. Wyant's question about land dust, Mr. Sumpter said he has reported this to maintenance.

Mr. Wyant also said that coming off of I-64 Eastbound toward Crozet and Yancey Mills there is a significant drop-off on the shoulder. Mr. Sumpter said he would followup.

Ms. Thomas said that Route 633, Cove Garden Road, is paved on each end but not on the middle. A resident that lives just beyond the edge of the hard surface, at 3954 Cove Garden Road, would like it extended a short distance. Mr. Sumpter said VDOT will follow up with the request.

Mr. Dorrier asked if Route 713 could qualify for Rural Rustic Road status.

Mr. Sumpter replied that it would qualify if the Board wanted to put it in the Six Year Secondary Road Plan. To place it there now would require reprioritization of the roads on the schedule. Mr. Sumpter added that it would be considered for near year's plan. He noted that traffic counts two years ago showed 160 vehicle trips per day.

Mr. Dorrier asked about Route 795, noting that people would be using it more to get to Charlottesville as development occurs on Route 20 South. He commented that Route 713 should probably be paved since the Route 795 traffic would generate more cars onto Route 713.

Mr. Benish commented that Route 795 could be taken up at the next review period to be held this fall, and the Board would need to adjust the list to bring this into the system.

Mr. Sumpter added that it would also require altering the Six-Year Plan.

Mr. Dorrier also asked about Black's Lane which is located off of Route 795. He stated that it is about a half mile long, and several residents have asked him about paving and improvements to the road.

Mr. Boyd said that State Farm has approval for a light there, but there is no funding for it. He added that it is needed because of the traffic volume coming onto Route 250.

Mr. Sumpter stated that lights are approved through the regional Six-Year Plan, and funds are allocated lump-sum for signal installations. He added that there has been a great strain on that budget because of increased development, and officials are working to get signals installed, including the State Farm signal.

Mr. Rooker said that it would be helpful to keep traffic flow going as smoothly as possible when the light is put in.

Mr. Sumpter responded that synchronization for Route 250 and Route 29 is on the list of things to do along that road.

Mr. Sumpter reported that the Advance Mills Bridge requires a six-month inspection, and the last one, done in May, revealed severe fatigue and fractures in some of the members. Mr. Sumpter said that for safety reasons, the bridge was closed until further analysis. He said that on May 8th, VDOT staff met with the Earlysville Residents League to provide an update on the status of bridge replacement and the bridge repair. He reported that staff has been analyzing it and is prepared to move forward, having determined that the current bridge cannot be reopened.

Mr. David Pierce reported that additional deterioration was found as well as five or six members that were cracked; additional ultrasonic testing verified this and that is of great concern. He noted that with that information there was no other option but to close the bridge. Mr. Pierce said that a temporary solution would be to use a temporary bridge at a cost of \$750,000, and he presented a brochure showing such a structure. He said that it would take three or four months to address the cultural resource items to remove the existing bridge, and there is a replacement project in the Six-Year Bridge Plan for 2011. Mr. Pierce stated that the alignment would need to be chosen so it could go to design as quickly as possible, with the public portion of the process to be the most time consuming. He said that they could move fairly quickly if instructed, and it would take one to two months to advertise for bids while the cultural assessment occurred. Mr. Pierce noted that it would only take a few months to complete the bridge.

In response to Ms. Thomas question about weight limits on a temporary structure, Mr. Pierce said that he has determined that the bridge could hold at least 15 tons which would allow almost anything except school busses.

In response to Mr. Wyant's question about the cultural inventory, Mr. Pierce explained that the truss itself is not historical but is considered a contributing factor to the Advance Mills crossroads, and before it can be removed a memorandum of agreement needs to be obtained.

Mr. Pierce explained that it would be very costly to maintain the bridge for a long period of time, and he would not want to leave the temporary bridge in for more than three or four years. He said that divers have to be brought in every few years to look at the piers as the substructure causes great concern. Mr. Pierce emphasized that the temporary structure should not be viewed as a long-term solution.

Mr. Rooker asked about funding. Mr. Sumpter said that they have not established funding yet, and he has found notes that indicate the Board has been in favor of preserving the existing bridge. He stated that he thinks it is very important that VDOT and the County approach this whole entire thing as a partnership.

Mr. Rooker said that if the whole bridge were taken down, that would affect the historical status.

Mr. Pierce responded that the permanent replacement has a lot more impact, and the alignment issue has not yet been resolved. He said that they are hoping not to use construction money but instead use maintenance money. Mr. Pierce confirmed for Mr. Slutzky that he is hoping to have the Board's endorsement of the temporary replacement now with a commitment to discuss funding in the very near future.

Mr. Wyant noted that staff needs to know that the Board wants to move ahead with a temporary structure, and the option of no bridge is not really an option.

Mr. Rooker commented that it is unfortunate to have to spend \$750,000 on a temporary structure instead of accelerating the process.

Mr. Pierce said that there are certain processes that are related to the historical nature of the bridge.

Ms. Thomas stated that she would like to see the timetable for both the temporary and permanent bridges for a better perspective.

Mr. Pierce said that the temporary one would not delay the process for the permanent one.

Mr. Pierce also stated that the funding for the project is federal funds and would not be able to be used for a temporary structure.

Mr. Rooker stated that he endorses the idea of a temporary bridge, but he has a strong interest in moving forward with the permanent structure.

Mr. Boyd clarified that it appears that the consensus of the Board is to move forward with the temporary structure with support for expediting the permanent replacement.

In response to Ms. Thomas, Mr. Pierce said that bicycles could use the bridge in its current form but there is no way to prevent vehicles from using it if bikes do.

Mr. Slutzky complimented Mr. Sumpter and Mr. Pierce on their work with the community.

Mr. Wyant also thanked them, adding that the community had mentioned some alternate routes.

Mr. Benish mentioned that there is usually a requirement for documenting historic structure replacement so that may add some time to the process. He added that it is a very important structure to the character of the area, and it is one of two remaining span bridges in the County.

Agenda Item No. 9. Annual Housing Report.

Noting that it was 11:49 a.m., Mr. Boyd suggested this presentation be moved to June 13, 2007, as part of a joint work session with the Planning Commission.

Mr. Tucker commented that anything regarding affordable housing could be communicated to Ron White via email.

Mr. Boyd said that his report would be available at the work session as well.

Agenda Item No. 10. Appeal: SUB-2007-059, Meadows Estates - Vacating Coopers Lane (AKA Terrior Road) – Final. Request to vacate a previously recorded public street right-of-way. Concurrent with this vacation is a request for authorization by the Planning Commission to allow creation of a private street in the Rural Areas, in accordance with Section 14-232A(3). The property, described as public street right-of-way and known as Cooper Lane, is approximately 5.26 acres. Meadows Estates subdivision is zoned Rural Areas (RA). This site is located in the Scottsville Magisterial District on the southeast side of Carters Mountain Road (State Route 627).

Mr. John Shepherd, Chief of Current Development, reported that this is an appeal of the Planning Commission's denial of a private road authorization request. He explained that the final plat was approved on March 1, 2000 for an eight-lot subdivision in the Scottsville Magisterial District on Carter's Mountain Road, with a public street as part of the approval which is almost complete. He stated that three lots within the development contain development rights. Mr. Shepherd said that the owners of the lots have determined they want a private road that the Homeowners Association would maintain, and they have submitted a plat that shows abandonment of the existing public right of way and the creation of a private street easement serving lots one through eight. He noted that on April 3, 2007, the matter was placed before the Planning Commission with staff review that included analysis of the request for compliance with Section 14.232.A-1 and Section 14.232.A-4.

Mr. Shepherd said that the first section addresses significant environmental degradation, and staff found that the road had been constructed to VDOT standards and conversion to a private street would impose additional regulation to future subdivisions due to required Commission review for adding lots to a private road. He said that staff was unable to make findings under Section 14.323.A-1 to recommend approval; the Commission unanimously denied the request. Mr. Shepherd said that staff did not address the second criteria for private road approval: Section 14.232.A-3 (general welfare), which states that "one or more private streets may be authorized if the general welfare, as opposed to the proprietary interest of the subdivider, would be better served by the construction of one or more private streets than the construction of a public street."

Mr. Shepherd explained that if the Board chooses to approve this, it would have to be done under the criteria of "for general welfare," adding that the Commission approved a similar request in December 2006 to convert a public road to a private road for Ingleside on Garth Road, a 12-lot development.

Mr. Slutzky asked if the Board overrode the Planning Commission's decision, would it reduce the number of development rights. Mr. Shepherd replied that it would not, adding that additional lots on a public road could be created by-right with a subdivision plat; on a private road, lots would require Planning Commission approval.

Mr. Rooker commented that the County does not want to approve lots on a private road that would not be able to take place on a public road. He noted that is not the case here or in Ingleside. He also noted that there is an advantage to having a private group assume responsibility for a road at their own expense.

Mr. Slutzky added that this also helps to make it more difficult to do some development in the rural area, which is consistent with the Comp Plan.

Mr. Shepherd added that this road would be designed and built to VDOT standards.

Mr. Davis said that the Planning Commission looked at the environmental degradation standard, but it did not consider the general welfare standard.

Mr. Rooker stated that he spoke with his Commission member, and he indicated that he had changed his mind about denying approval after learning more about it.

Mr. Cilimberg commented that the Planning Commission was unanimously in support of staff's recommendation, and the Commission was sensitive to Mr. Edgerton's concern that this was a by-right development in an agricultural/forestral district. He said that he saw no benefits to reducing the standards of the road nor were there benefits to the community in making exceptions to this road. Mr. Cilimberg also said that there was concern raised that additional lots could be developed. It was mentioned by the staff person, Summer Frederick, that a public road would allow this but a private road would require Commission review.

Mr. Shepherd said that it is a difficult set of criteria in the general welfare criteria to make a positive finding, and staff did not specifically address that. He added that they did recognize that the homeowners' association's ability to take responsibility for road maintenance is a factor in favor of a finding of general welfare.

Mr. Davis noted that the standard under general welfare is that it supports the general welfare instead of the proprietary interest of the subdivider, looking at whether it would save the subdivider money or whether it is somehow furthering his interest rather than the general interest. Mr. Davis said in looking at this, it is more of a neighborhood issue and not a money issue. He stated that he does not think that there is any indication that this is for the proprietary benefit of the developer.

Mr. Slutzky commented that he is not swayed that there would be a cost savings attributed to a homeowners' association. He stated that he is sympathetic to the application because of the reduced capacity and because it is difficult for development rights to be exercised.

At this time the Chairman asked for public comments.

Mr. John Grabb, President of First Colony Company, based in Charlotte, North Carolina, addressed the Board on behalf of Vineyard Estates, LLC. Mr. Grabb said that there are five reasons for privatization: rural character of the road would be better preserved and maintained with a private road; aesthetics would be enhanced with a private road; environmental quality would be better preserved; taxpayers and the County will benefit; and VDOT will benefit.

Mr. Grabb presented information on entrances along the road, noting that the Morven Farm entrance measures 19 feet from column to column; the Albemarle House is 21 feet wide; and 3846 Carter's Mountain Road is 18 feet wide. He showed photos of the approach to Cooper's Lane, noting that the wide-open entrance has trees close to the roadway, and they do not want a wide-open road for The Meadows. Mr. Grabb explained that there are currently three public roads off of Carter's Mountain – Secretary's Road, Blenheim Road, and President's Road. He added that Cooper's Lane would be the only public cul-de-sac in this corridor, and it only serves eight lots. He showed a public road entrance plan, with 40 feet of right of way and five-foot drainage easements on either sides; the entrance for this would be 50 feet and would be radically out of scale with the other properties. Mr. Grabb showed a private road entrance that would be 22 feet wide, and thus more in keeping with the character of the area.

Mr. Grabb said that building to public road standards would require planting outside of the right of way; private roads allow for landscaping to be brought up to the roadside. He explained that VDOT's maintenance obligations would be removed in lieu of homeowners' association care; over five acres would be added back to the tax rolls.

Ms. Thomas asked how the planting would impact the treatment of stormwater and runoff. Mr. Grabb replied that there would still be drainage easements on each side, and would not affect it.

Mr. Rooker commented that it is actually a benefit to have plantings closer to the road.

There being no other comments, Mr. Boyd closed the public comment period.

At this time, Mr. Dorrier **moved** to authorize private roads for the Meadows Estates Subdivision.

Ms. Thomas asked if there could be conditions.

Mr. Davis replied that the Board could, but staff did not recommend any. He said that a condition for staff would be to approve a planting scheme.

Mr. Wyant said that he would prefer that it say a planting scheme would be done by a certain time.

Mr. Davis pointed out that the finding in favor of this application would be that this meets the general welfare criteria of the Ordinance, and also meets the conditions of Section 14-234. He noted that the motion could simply be to authorize the private roads for this subdivision conditioned upon approval of a landscaping plan by staff that is substantially in conformance with the plan presented to the Board by the applicant.

Mr. Dorrier then **restated** his **motion** to approve SUB-2007-059 for Meadows Estates, to authorize the private roads for this subdivision conditioned upon approval of a landscaping plan by staff that is substantially in conformance with the plan presented to the Board by the applicant.

Mr. Wyant **seconded** the motion.

Ms. Thomas commented that she is leery of private roads as a number of them have become problematic.

Roll was then 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.

Agenda Item No. 11. Natural Heritage Committee Annual Report.

It was noted in the Executive Summary that on July 6, 2005, the Board of Supervisors authorized the creation of the Natural Heritage Committee. The Committee was described as:

“...an advisory committee that maintains the County’s Biodiversity Assessment; advises the Board of Supervisors, the Planning Commission, and County staff on applying biodiversity information to land-use decision-making; and supports biodiversity education in the County.”

The Natural Heritage Committee Fact Sheet provides more details on the Committee’s charge. The Committee has divided itself into four subcommittees to address major work areas.

The Committee’s Annual Report for fiscal year 2006-07 has two purposes:

1. To report on the Committee’s activities over the last year. These activities, summarized in the section titled “Progress to Date,” include development of a work plan to meet its charge, as well as progress on the four major work areas in that plan:
 - Biodiversity Assessment – cataloging and analyzing the County’s biological resources, as a foundation for effective conservation planning
 - Rapid Conservation – identifying biological resources within the County that are in need of conservation in the short term, and identifying appropriate tools
 - Education – finding methods to communicate natural heritage information to the public, and developing a communications plan
 - Strategic Conservation – developing a long-term conservation plan for biodiversity in the County

The report also includes the Committee’s goals for work in these areas in the upcoming year.

2. To recommend specific sites for conservation (as a result of the Rapid Conservation subcommittee’s work, building on the October 2004 report of the Biodiversity Work Group). The Annual Report recommends six sites for conservation, and lists voluntary conservation tools (including conservation easements, land-purchase programs, and County assistance in funding natural resource management efforts, and stewardship- recognition programs--all in concert with education programs) that could be applied to protect them.

There are no budget impacts directly related to the Annual Report. At future meetings, staff will report on the budget implications of any of the Committee’s conservation recommendations that the Board would like to investigate.

Staff recommends that the Board of Supervisors accept the Natural Heritage Committee’s annual report, and direct Community Development staff to report to the Board on options for implementing the

report's recommendations for the six conservation sites.

Mr. Tom Olivier addressed the Board to present the report, noting that they had already received a copy of it. He stated that the Board created the temporary Biodiversity workgroup in 2002, which spent two years developing an initial assessment of biological resources to provide a scientific foundation for the committee, which was authorized in 2005 through the Comp Plan. Mr. Olivier said that the committee has adopted four main strategies: maintaining an ongoing assessment of the state of County resources; educating the public on biodiversity and its stewardship; developing a rapid conservation program for near-term protection of important sites; and developing a long-term landscape biodiversity conservation plan. He said that the group has divided themselves into four subcommittees with each one focusing on one of those specific areas.

Mr. Olivier reported that the assessment group has reviewed available GIS data sets, developed a preliminary landscape classification for use in assessments, and has initiated a collaborative effort with other local conservation organizations to acquire a high resolution GIS land cover area. He added that the Nature Conservancy and StreamWatch have agreed to contribute funds toward acquisition of this layer. Mr. Olivier also said that the Education subcommittee has begun work on a biodiversity education website that will become part of the County's website, and development of content is underway. He stated that the rapid conservation subcommittee has developed a proposal for designation and protection of sites with important biological resources, and has worked with staff to develop a GIS layer that will permit planning staff to identify important biological resources in areas of planning interest. Mr. Olivier reported that the long-term strategy group has held preliminary discussions of long-term plan development, has helped developed a budget, and has collaborated extensively to help develop a conservation site proposal. He said that in the coming months, the committee plans to establish a website, identify key elements of the long-term plan, and progress on establishment of the assessment database. Mr. Olivier added that accomplishing the mission will require strengthening of data management, and they would later this year present a budget request to the County.

Mr. Olivier said that the committee is asking today for the County to designate six areas of exceptional biological value as high priority conservation targets: the Campbell wetlands, Pinkerton, and Preddy Creek wetlands; two river bluff areas, the Key West Rivanna and North Fork Rivanna River bluff sites; the Rivanna River bluff before Buck Island Creek site; and the Southern Mountains.

Mr. Olivier reported that there should be a program to establish permanent easements at and around sites recognized of being at high biological value. He stated that the easements should include conservation plans designed to protect important biological resources contained at the sites. He added that the committee recommends that programs be established also to educate landowners in these high biological value areas and support stewardship, with the County rewarding landowners who provide stewardship of their land. In response to Mr. Rooker's question, Mr. Olivier said that the conservation plans attached to the site should address protecting the biological resources because they are so special.

Mr. Scott Clark reported that they did a brief analysis of how many parcels there were, noting that the majority are under private owners although there are some in partnership or UVA holdings.

Mr. Boyd commented that no one has contacted Key West landowners about this.

Mr. Olivier replied that the sense of the committee was that this was the proper step to take as the biological value was separate from the actual ownership of property.

Ms. Thomas asked if they had considered a letter going out to landowners.

Mr. Olivier responded that the landowners would be educated so that people know that what they have has value in terms of biodiversity.

Mr. Wyant commented that there will likely be conflict with what the group is recommending and what people have done with their land.

Mr. Olivier responded that he practices certain farming techniques on his own property, and every area cannot be optimized for all things.

Mr. Carlton Ray addressed the Board, stating that there is a variety of habitats that are interconnected, and the one conflict that is undesirable is a conflict with the environment. He said that if people had guidelines for how to be stewards of their own land, there would not be a high cost associated with these measures.

Mr. Rooker asked how realistic it would be to have the committees come up with a letter to be sent out to landowners in a particular area.

Ms. Thomas noted that a lot of people do not know that outbuildings are important in historic value so letters from the Historic Preservation Committee have informed the public with favorable response. She stated that she is a believer in communicating this with people, telling them what of value they have. There are things that can be done by even the most ordinary landowners.

Mr. Olivier asked if she was suggesting sending the letters prior to characterizing what the stewardship activities are.

Mr. Slutzky suggested that the letters include strategic elements after the committees come up with specific ideas, especially the education committee.

Mr. Olivier commented that TDR's might initially be applied to these natural resource sites because it would avoid flooding the market with an enormous number of TDRs. He also said that a lot of work has been done in the mid-Atlantic in terms of vulnerability of land, and the committee would like to have a model of risk to change as used by the Natural Heritage Commission.

Board members complimented the committee on all of their work.

Mr. Benish noted that staff is very aware of what this committee and others are doing.

Ms. Thomas said that landowner education may have more of an impact than purchasing a conservation easement.

Board members expressed **consensus** that the Natural Heritage Committee collaborate with staff on its conservation recommendations, including finding funding sources to support work/analysis needs.

Agenda Item No. 12. **Public Hearing:** An ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of board of supervisor members by 4.00% effective July 1, 2007 from \$13,530.00 per annum to \$14,071.00 per annum. (Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Mr. Tucker reported that this is a four percent increase, which is equal to the market increase for staff. He said, if approved, it would increase the salary to \$14,071. Mr. Tucker noted that staff recommends adoption of the ordinance as presented.

Mr. Slutzky said that the four percent has rational basis, but since the budget has been tightened, he does not feel it would be appropriate to accept a raise at this time.

Mr. Boyd noted that it would be a total increase of \$3,000 for the entire Board.

Mr. Tucker cautioned Mr. Slutzky that delaying any raise could put them further and further behind and might require a larger increase in the future.

Mr. Rooker said that the protocol has been to provide the same raise as County employees, just to keep up with cost of living.

At this time the Chairman asked for public comments.

Mr. John Martin addressed the Board, stating that they might not be looking far enough out into the future as this would impact future supervisors.

Ms. Thomas agreed, noting that the Board is not paying itself anywhere near the equivalent of the hours being put in.

Mr. Rooker added that there also statutory limitations as to what they can do.

There being no other comments, Mr. Boyd closed the public comment period.

At this time, Ms. Thomas offered **motion** to adopt an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of Board of Supervisors. Mr. Rooker **seconded** the motion.

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

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

NAYS: Mr. Slutzky.

ORDINANCE NO. 07-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARD OF SUPERVISORS, 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 2, Administration, Article II, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of Board of Supervisors, as follows:

CHAPTER 2. ADMINISTRATION

ARTICLE II. BOARD OF SUPERVISORS

Sec. 2-202 Compensation of board of supervisors.

The salary of the board of supervisors shall be fourteen thousand seventy-one dollars (\$14,071.00) for each board member effective July 1, 2007. In addition to the regular salary, the vice-chairman shall receive a stipend of thirty-five dollars (\$35.00) for each and every meeting chaired and the chairman shall receive an annual stipend of one thousand eight hundred dollars (\$1,800.00).

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05, Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07)

State law reference--Compensation of board of supervisors, Va. Code § 15.2-1414.3.

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

Agenda Item No. 13. **Public Hearing:** An ordinance to amend Chapter 1, General Provisions, of the Albemarle County Code, by amending Section 1-119, Additional court costs, to increase the fee authorized by Virginia Code Section 53.1-120 from \$5.00 to \$10.00 that is assessed against defendants convicted of an offense in criminal or traffic cases in the Albemarle County General District or Circuit Courts and to expand the authorized expenditure of funds generated by the fee, currently limited to courthouse security personnel, to include equipment and other personal property used in connection with courthouse security. This ordinance will be effective on and after July 1, 2007. (Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Mr. Tucker said currently, County Code Section 1-119(B) requires defendants convicted in criminal or traffic cases in the district or circuit court to pay a fee of \$5.00 to be used for funding courthouse security personnel.

During the last General Assembly session, the General Assembly amended Virginia Code Section 53.1-120 to enable a locality to increase the courthouse security fee from \$5.00 to \$10.00.

The proposed County Code amendment would implement an increase in the courthouse security fee from \$5.00 to \$10.00. As enabled by Virginia Code Section 53.1-120, the amendment would also authorize that the fee, in addition to funding courthouse security personnel, be available to fund equipment and other personal property used in connection with courthouse security if requested by the sheriff.

The ordinance would be effective on and after July 1, 2007.

Mr. Tucker said the average annual revenue generated from the collection of this fee for the last two fiscal years was \$53,591.00. The fee increase would double the revenue and would be available to fund courthouse security personnel and security related equipment.

Staff recommends that the Board adopt the attached proposed ordinance after the public hearing.

At this time the Chairman invited public comment. There being none, the matter was placed before the Board.

At this time, Mr. Rooker **moved** approval of an ordinance to amend Chapter 1, General Provisions, of the Albemarle County Code, by amending Section 1-119, Additional court costs. Mr. Slutzky **seconded** the motion.

Roll was then 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.

ORDINANCE NO. 07-1(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, 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 1, General Provisions, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 1-119 Additional Court Costs

CHAPTER 1

GENERAL PROVISIONS

Sec. 1-119 Additional court costs.

A. A fee of two dollars (\$2.00) shall be taxed as additional costs in each criminal, traffic or civil case in the respective district or circuit courts of the county for the purpose of providing for the

maintenance, construction or renovation of the courthouse, jail or court-related facilities located in and serving the county and to defray the costs of cooling, heating and electricity in these facilities. The director of finance shall segregate the fees collected pursuant to this section for the purposes designated above.

B. A fee of ten dollars (\$10.00) shall be taxed as additional costs in each criminal or traffic case in the respective district or circuit courts of the county in which the defendant is convicted of a violation of any statute or ordinance. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the director of finance, and held by the director of finance subject to appropriation by the board of supervisors to the sheriff's office for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

C. A fee of twenty five (\$25.00) shall be taxed as additional costs in each criminal case in the respective district or circuit courts of the county in which the defendant is convicted of a violation of any statute or ordinance and is processed for admission into the regional jail as a result of such conviction. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the director of finance, and held by the director of finance subject to appropriation by the board of supervisors to the sheriff's office for the funding of costs of processing arrested persons into the regional jail.

(Ord. of 8-8-90; Ord. of 8-5-92, Code 1975, § 1-8, 6-17-89; Code 1988, § 1-8 Ord. 98-A(1), 8-5-98; Ord. 02-1(1), 6-5-02; Ord. 07-1(1), 6-6-07)

State law reference--Authority for above provisions, Va. Code § 17.1-281; Va. Code § 53.1-120; Va. Code § 15.2-1613.1.

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

Agenda Item No. 14. Closed Session.

At 1:04 p.m., **motion** was offered by Mr. Slutzky that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions and to conduct an administrative evaluation.

The motion was **seconded** by Mr. Rooker. 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.

Agenda Item No. 15. Certify Closed Session. The Board reconvened into open session at 2:10 p.m.

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. Rooker. 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.

Agenda Item No. 16. Appointments.

Motion was offered by Mr. Wyant to:

Appoint Robert Bossi; John Crosby; Barbara Elias; Nancy R. Hackman; Charles Harris; Ron Hoffman; Tucker Hurt; Glenna Kennett; Rita Krenz; and Anthony McHale to the Pantops Community Advisory Committee.

Appoint Michael Peoples to the Regional Disability Services Board, with said term to expire June 30, 2010.

Appoint Will Cockrell to the Thomas Jefferson Water Resources Protection Foundation.

Reappoint William B. Harvey to the Advisory Council on Aging, with said term to expire May 31, 2009.

Reappoint Ronald Matthews to the Jefferson Area Community Criminal Justice Board, with said term to expire on June 30, 2010.

Reappoint Jacqueline Rice and Anthony Townsend to the Jefferson-Madison Regional Library Board, with said terms to expire on June 30, 2012.

Reappoint Barbara Barrett to the Region Ten Community Services Board, with said term to expire June 30, 2010.

Appoint Steven Koleszar, as the School Board representative, to the Audit Committee.

The motion was **seconded** by Mr. Rooker. 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.

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

Mr. Melvin Breeden, Director of Office of Management and Budget, said the Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Fund, E-911, School Self-Sustaining, etc.

The proposed increase of this FY 2007 Budget Amendment totals \$7,503,027.82. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

Special Revenue Funds	\$	90,641.00
School Fund	\$	5,600.00
School Program Funds	\$	6,015.00
Capital Fund	\$	7,400,690.10
Stormwater Fund	\$	81.72
TOTAL ESTIMATED EXPENDITURES – All Funds	\$	7,503,027.82

ESTIMATED REVENUES

Local Revenues (Fees, Contributions, Donations, Proffers)	\$	79,386.82
State Revenue	\$	82,641.00
Federal Revenue	\$	3,000.00
General Fund Balance	\$	7,225,000.00
Other Fund Balances	\$	113,000.00
TOTAL ESTIMATED REVENUES – All Funds	\$	7,503,027.82

The budget amendment is comprised of nine (9) separate appropriations, one (1) of which has already been approved by the Board as indicated below:

Approved May 9, 2007:

One appropriation (#2007077) totaling \$113,000.00 for additional funding for the vehicle sallyport project.

The eight new appropriations are as follows:

- One (1) appropriation (#2007078) provides \$11,615.00 in funds for various Education programs;
- One (1) appropriation (#2007079) totaling \$8,000.00 for two Police Department grants;
- One (1) appropriation (#2007080) reallocating \$359,586.50 in capital funds from the Greenbelt-Boat Access project to the Byrom Forest Preserve project;
- One (1) appropriation (#2007081) transferring \$12,690.10 from the Glenmore Proffer fund for Stone Robinson School field improvements and \$50,000.00 from the Old Trail Proffer to fund the Western Park Master Plan;
- One (1) appropriation (#2007082) allocating \$10,775.00 from the Board's contingency reserve for the June 12th primary election;
- One (1) appropriation (#2007083) provides \$87,410.00 in funding for a Child Advocacy Center grant for the Commission on Children and Families;
- One (1) appropriation (#2007084) transferring \$7,225,000.00 in FY06 excess revenues and expenditure savings to the Capital Improvements Fund; and
- One (1) appropriation (#2007085) transferring \$81.72 in interest earnings from the Greenbrier Office Park proffer to the Stormwater Fund.

A detailed description of these requests is provided on Attachment A.

Mr. Breeden said staff recommends approval of the FY 2007 Budget Amendment in the amount of \$7,503,027.82 after the public hearing, and then approval of Appropriations #2007078, #2007079,

#2007080, #2007081, #200782, #2007083, #2007084, and #2007085 to provide funds for various local government, school, and capital projects and programs as described in Attachment A.

Appropriation #2007078 **\$11,615.00**

Revenue Source: Local Revenue (Donations/Grants) \$ 11,615.00

At its meeting on April 12, 2007 the School Board approved the following appropriation requests:

- B.F. Yancey Elementary School has been awarded a grant in the amount of \$4,500.00 from the Lowe's Charitable and Educational Foundation. These funds will be used to construct and maintain an outdoor classroom built in the form of a greenhouse. This classroom will provide hands-on learning for students and is envisioned to bring together community members, family members and teachers to work side by side with students.
- Jeff Matriccino, a 5th grade teacher at Hollymead Elementary School, has been awarded a \$520.00 classroom mini-grant from Virginia Professional Educators. These funds will be used to purchase Ocean Current Kits to be used in the 5th grade classrooms.
- Murray Elementary School received a donation in the amount of \$400.00 from an anonymous donor. It has been requested that this donation be used to support the miscellaneous needs at Murray Elementary School.
- Meriwether Lewis Elementary School received a donation in the amount of \$5,200.00 from the Meriwether Lewis PTO. It has been requested that this donation be used to support the teaching assistants at Meriwether Lewis.

At its meeting on April 26, 2007 the School Board approved the following appropriation requests:

- The Club Yancey Program has been awarded a grant in the amount of \$995.00 from the local Childhood Obesity Task Force. These funds will be used to purchase materials to support the Club Yancey Dance Program. This program is designed to get students and their parents moving in their target heart rate for at least 25 minutes two or three times a week.

Appropriation #2007079 **\$8,000.00**

Revenue Source: Local Revenue (Grant) \$ 5,000.00
Federal Revenue (Grant) \$ 3,000.00

The Albemarle County Police Department has received the following grants:

- State Farm – Good Neighbor Citizenship Grant: State Farm has awarded the Albemarle County Police Department a grant contribution in the amount of \$5,000.00. The purpose of this grant contribution consists of a two-day training event for twelve operators and equipment. There is no local match.
- The Department of Motor Vehicles has awarded the Albemarle County Police Department a grant in the amount of \$3,000.00 for overtime expenses. This grant is in conjunction with the nationwide "Click It or Ticket" campaign. Albemarle County will be stopping citizens for traffic offenses and in the process checking safety restraint use and giving a ticket if appropriate. There is no local match.

Appropriation #2007080 **\$359,586.50**

Revenue Source: Inter-fund Transfer \$359,586.50

In September 2001, \$360,000.00 in funds appropriated for Rivanna Greenway projects in the Capital Improvements Program were allocated to establish a boat launch at the Rivanna Reservoir. At that time, a private land owner had indicated a willingness to have this launch constructed on his property. Since that time, the property owner has decided not to go forward with the project and staff has requested the remaining available funds, \$359,586.50, be transferred to the Byrom Park Forest Preserve project. In addition to the \$200,000.00 in funding scheduled in the FY08 Capital Improvements Budget, these funds will be used to acquire property for the park entrance and construction of a parking area.

Should the property owner decide in the future to go forward with the Rivanna Reservoir boat launch project, funding will be requested in a future CIP budget process.

Appropriation #2007081 **\$ 62,690.10**

Revenue Source: Local Revenue (Proffers) \$ 62,690.10

The Department of Parks & Recreation has requested the use of proffered funds for the following capital improvement projects:

- Glenmore Proffer - \$12,690.10 – These funds will be used to renovate the soccer field at Stone Robinson Elementary School for school and community use. The School Division has approved the use of these funds for this purpose.
- Old Trail Development Proffer - \$50,000.00 – These funds will be used for the Western Park Master Plan.

The Division of Zoning and Current Development has approved the use of these funds for these capital improvement projects.

Appropriation #2007082 **\$ 10,775.00**

Revenue Source: Board Contingency \$ 10,775.00

The Department of Voter Registration and Elections has requested the appropriation of \$10,775.00 to fund expenses relating to the planned June 12th primary election for the Republican nomination for State Senate, 24th District, which will include the following Albemarle County voting precincts: Crozet, Free Union, Brownsville, and Central Absentee. The Board Contingency will be used to fund this appropriation.

Appropriation #2007083 **\$ 82,641.00**

Revenue Source: Federal Revenue \$ 82,641.00

In 2005, the Charlottesville/Albemarle Commission on Children & Families' (CCF) Family Violence Work Group recommended creation of the Foothills Child Advocacy Center as a pilot project with Albemarle County as temporary fiscal agent. A children's advocacy center provides coordination of a multidisciplinary team to serve child victims of physical or sexual assault/abuse. The team consists of police, social services, victim/witness, prosecutors, and service providers. It provides a single forensic interview and case management services to reduce trauma for child victims and improve prosecution. CCF submitted a request to the Virginia Department of Health and Human Services for \$82,641.00 to fund the Project Directors Salary, rent and utilities, training, and furnishings and equipment for the facility. A Board of Directors has been formed, which has applied for federal non-profit status. When this is obtained, the program will migrate from the County to a free standing non-profit. This is expected to happen before the end of the calendar year. There is no local match.

Appropriation #2007084 **\$ 7,225,000.00**

Revenue Source: General Fund Balance \$7,225,000.00

By policy established by the Board of Supervisors, all revenue surplus and 60% of expenditure savings is to be transferred to the Capital Improvements Program. The FY06 revenue surplus and 60% of expenditure savings total \$9,225,000.00 (\$8.349M in revenue surplus and \$0.786M in expenditure savings).

During the FY08 budget process, the 2007 Real Estate Tax rate was reduced to \$0.68/\$100 of assessed value resulting in a \$4.0M reduction in FY07 General Fund revenues. To offset the impact of this reduction, \$2.0M of the FY06 surplus and expenditure savings is being retained to fund the FY07 General Fund budget. The remaining \$2.0M impact will be funded by anticipated FY07 revenue surplus and expenditure savings.

Appropriation #2007085 **\$ 81.72**

Revenue Source: Local Revenue (Proffer) \$ 81.72

On April 4, 2007, the Board appropriated funds in the Greenbrier Office Park proffer to be used toward the Minor Ridge/Wynridge drainage improvement project. Since that time, additional interest in the amount of \$81.72 has accumulated in the proffer fund account and requires a supplemental appropriation to transfer these funds for use towards the Minor Ridge/Wynridge drainage improvement project.

Ms. Thomas expressed her disappointment that the Rivanna Reservoir boat launch project had been abandoned.

Mr. Tucker said that it could always be re-appropriated if the Board wanted it.

Ms. Thomas asked about the two-day training program at State Farm through a citizenship grant.

Mr. Wyant asked about the proffers being handled for Old Trail and the western park of the County.

Mr. Benish replied that there is \$75,000 that is allocated for broader planning for parks in the Crozet area.

Mr. Boyd commented that he wants to make sure that there is still funding available for Preddy Creek.

Mr. Mullaney responded that he does not intend to use all this amount in Crozet, and Parks & Rec. would like to have less formal parking areas that would cost less.

Public comment was invited. There being none, the public hearing was closed and the matter placed before the Board.

At this time, Ms. Thomas **moved** for approval of the FY 2007 budget amendment in the amount of \$7,503,027.82 and approval of Appropriations #2007078, #2007079, #2007080, #2007081, #200782, #2007083, #2007084, and #2007085 to provide funds for various local government, school, and capital projects and programs. Mr. Wyant **seconded** the motion.

Roll was then 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.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007078
DATE _____
BATCH# _____

EXPLANATION: Education Programs and Grants
 School Board Meetings - 4/12/2007 and 4/26/2007

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	DONATIONS	J 2	5,600.00		
2	3104	18000	189900	REVENUE - MISC. GRANTS	J 2	5,020.00		
1	2206	61101	114100	SALARIES-TEACHER AIDE	J 1	4,830.47		
1	2206	61101	210000	FICA		369.53		
1	2215	61411	580000	MISC. EXPENSES		400.00		
1	3104	60205	601300	EDUCATIONAL SUPPLIES		520.00		
1	3104	60213	601300	ED & REC SUPPLIES		4,500.00		
	2000		0501	EST. REVENUE			5,600.00	
			0701	APPROPRIATION				5,600.00
	3104		0501	EST. REVENUE			5,020.00	
			0701	APPROPRIATION				5,020.00
2	3104	18000	181222	REVENUE	J 2	995.00		
1	3104	60213	601300	EDUCATIONAL SUPPLIES	J 1	995.00		
	3104		0501	EST. REVENUE			995.00	
			0701	APPROPRIATION				995.00
TOTAL						23,230.00	11,615.00	11,615.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007079
DATE _____
BATCH# _____

EXPLANATION: Police Department Grants – “Click It or Ticket” and State Farm – Good Neighbor Citizenship Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1534	33000	330011	DMV Grants	J 2	3,000.00			
1	1534	31013	120000	Overtime	J 1	2,770.50			
1	1534	31013	210000	FICA	J 1	229.50			
	1534		0501	EST. REVENUE			3,000.00		
			0701	APPROPRIATION				3,000.00	
2	1510	18120	181121	REVENUE-STATE FARM	J 2	5,000.00			
1	1510	31013	550100	TRAVEL/TRAINING	J 1	3,800.00			
1	1510	31013	800100	EQUIPMENT	J 1	1,200.00			
	1510		0501	EST. REVENUE			5,000.00		
			0701	APPROPRIATION				5,000.00	
TOTAL							16,000.00	8,000.00	8,000.00

0501	Est. Revenue
0701	Appropriation

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007080
DATE _____
BATCH# _____

EXPLANATION: Reallocation of Funding from Greenbelt – Boat Access to Patricia Byrom Forest Preserve Park Project

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	9010	72030	950111	Greenbelt - Boat Access	J 1	(359,586.50)			
1	9010	72030	950177	Byrom Forest Preserve	J 1	359,586.50			
TOTAL							0.00	0.00	0.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007081
DATE _____
BATCH# _____

EXPLANATION: Use of Proffer Funds: Glenmore Proffer for Stone Robinson School Field Improvements and Old Trail Proffer Funds for Western Park Master Plan

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	8520	18912	189911	Glenmore Proffer Revenue	J 2	9,000.00		
2	8520	15000	150101	Interest	J 2	363.47		
2	8520	51000	510100	Appropriation - F/B	J 2	3,326.63		
1	8520	93010	930002	Transfer to CIP	J 1	12,690.10		
2	9010	51000	512040	Transfer from Glenmore Proffer	J 2	12,690.10		
1	9010	71000	950218	Stone Robinson Field Improv	J 1	12,690.10		
	8520		0501	Est. Revenue			12,690.10	
			0701	Appropriation				12,690.10
	9010		0501	Est. Revenue			12,690.10	
			0701	Appropriation				12,690.10
2	8537	18937	189924	Old Trail Proffer Revenue	J 2	50,000.00		
1	8537	93010	930010	Transfer to G/F CIP	J 1	50,000.00		
2	9010	51000	512054	Transfer from Old Trail Proffer	J 2	50,000.00		
1	9010	71000	950219	Western Park Master Plan	J 1	50,000.00		
	8537		0501	Est. Revenue			50,000.00	
			0701	Appropriation				50,000.00
	9010		0501	Est. Revenue			50,000.00	
			0701	Appropriation				50,000.00
TOTAL						250,760.40	125,380.20	125,380.20

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007082
 DATE _____
 BATCH# _____

EXPLANATION: Funding for June 12 Primary Election

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	95000	999990	Contingency	J	1	(10,775.00)		
1	1000	13020	120000	Salaries - Overtime	J	1	1,300.00		
1	1000	13020	210000	FICA			100.00		
1	1000	13020	312510	Election Officials			3,000.00		
1	1000	13020	360000	Advertising			800.00		
1	1000	13020	390000	Other Purchased Services			4,500.00		
1	1000	13020	520100	Postage			75.00		
1	1000	13020	520300	Telecommunications			200.00		
1	1000	13020	540200	Lease - Buildings			300.00		
1	1000	13020	550100	Mileage			200.00		
1	1000	13020	600100	Office Supplies			250.00		
1	1000	13020	601700	Printing			50.00		
TOTAL							0.00	0.00	0.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007083
 DATE _____
 BATCH# _____

EXPLANATION: Foothills Child Advocacy Center - CCF

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1569	24000	240545	Va. Dept of Health	J	2	82,641.00		
1	1569	53157	110000	Salaries	J	1	37,480.00		
1	1569	53157	160305	Project Evaluation Stipend	J	1	750.00		
1	1569	53157	210000	FICA	J	1	2,867.00		
1	1569	53157	221000	VRS	J	1	4,857.00		
1	1569	53157	231000	Health Insurance	J	1	4,935.00		
1	1569	53157	312210	Contract Services	J	1	2,700.00		
1	1569	53157	350000	Printing	J	1	1,000.00		
1	1569	53157	360000	Advertising	J	1	890.00		
1	1569	53157	520100	Postal Services	J	1	500.00		
1	1569	53157	520300	Telecommunications	J	1	600.00		

1	1569	53157	540200	Rent	J	1	3,400.00		
1	1569	53157	550100	Travel/Training/Education	J	1	8,500.00		
1	1569	53157	580000	Miscellaneous Expense	J	1	2,500.00		
1	1569	53157	800200	Furniture & Fixtures	J	1	11,662.00		
	1569		0501	Est. Revenue				82,641.00	
			0701	Appropriation					82,641.00
TOTAL							165,282.00	82,641.00	82,641.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007084
DATE _____
BATCH# _____

EXPLANATION: Appropriation and Transfer of FY06 Revenue Surplus and FY06 Expenditure Savings

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1000	51000	510100	Appropriation - F/B	J	2	6,439,000.00		
1	1000	93010	930010	Transfer to GF CIP	J	1	6,439,000.00		
2	1000	51000	510100	Appropriation - F/B	J	2	786,000.00		
1	1000	93010	930010	Transfer to GF CIP	J	1	786,000.00		
2	9010	51000	512004	Transfer from G/F	J	2	7,225,000.00		
2	9010	51000	510100	CIP Fund Balance	J	2	(7,225,000.00)		
	1000		0501	Est. Revenue				7,225,000.00	
			0701	Appropriation					7,225,000.00
TOTAL							14,450,000.00	7,225,000.00	7,225,000.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007085
DATE _____
BATCH# _____

EXPLANATION: Additional Appropriation of Greenbrier Office Park Proffer for Stormwater Improvements at Minor/Ridge/Wynridge

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	8539	15000	150101	Greenbrier Proffer-Interest	J	2	81.72		
1	8539	93010	930202	Transfer to Stormwater	J	1	81.72		

2	9100	51000	512052	Trsf. Fr. Greenbrier Proffer	J	2	81.72		
1	9100	41000	800975	Storm Water Improvements	J	1	81.72		
	8539		0501	Est. Revenue				81.72	
			0701	Appropriation					81.72
	9100		0501	Est. Revenue				81.72	
			0701	Appropriation					81.72
TOTAL							326.88	163.44	163.44

Agenda Item No. 18. **Public Hearing:** Wickham Pond, Phase Two - To amend the Albemarle County Service Authority Jurisdictional Area to provide water and sewer service to Tax Map 56, Parcels 91 and 91B. Located on south side of Route 240, adjacent and to the west of the previously approved Wickham Pond development, in the Community of Crozet. White Hall Dist. (Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Mr. David Benish reported that this is a public hearing to amend the jurisdictional area boundary to designate Tax Map 56-91 and 91B for water and sewer service. He said that the parcels are located on the south side of Route 240 in Crozet within the development area, and this development was recently approved by the Board. Mr. Benish noted that this is within the development area and within the Comp Plan policies for the extension of service or to provide service to properties within the designated development area, so staff recommends approval of adding these properties for water and sewer service.

Mr. Benish also suggested taking items like this directly to public hearing because they are in the designated development area, and Board members agreed that this would be an efficient way to handle them.

In response to Mr. Wyant's question about limited service, Mr. Benish explained that there was a limited service designation dating back to the early 1980s, predating full water and sewer service by the County.

Ms. Valerie Long said she was present to represent Wickham Pond, if Board members had any questions.

Public comment was invited. There being none, the public hearing was closed and the matter was placed before the Board.

At this time, Mr. Wyant **moved** for approval of the Wickham Pond Phase II jurisdictional boundary change as requested by amending the Albemarle County Service Authority jurisdictional areas to include Tax Map 56, Parcels 91 and 91B for water and sewer service. Mr. Rooker **seconded** the motion.

Roll was then 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.

The Board then agreed that requests to amend the ACSA jurisdictional area designation, that are within the designated development areas, and that are consistent with the Comprehensive Plan policies can go directly to public hearing instead of the request first coming to the Board to set the public hearing.

Agenda Item No. 19. **Public Hearing:** SP-2007-003, North Pointe Stream Crossing – Middle Entrance (Signs #40,&74).

Proposal: Fill in the floodplain of Flat Branch Creek for a road crossing to provide access for the North Pointe development.

Location: East Side of Route 29 North (Seminole Trail) across from Northside Drive.

Tax Map/Parcel: 32-20, 32-23.

Magisterial District: Rivanna.

(Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Mr. Cilimberg reported that this would take care of the middle entrance to the North Pointe development, and the applicant's proposal would be to install a new stream crossing within the floodplain and immediately upstream place fill in the flood plain for construction of a portion North Pointe Boulevard

and creation of a new lake. He said that this is in the area of the proposed stream crossing for Northside Drive. Mr. Cilimberg reported that the 2005 FEMA study included Flat Branch and base flood elevations were determined. He noted that additional fill for the stream crossing will slightly alter the floodplain, and the proposed lake would be designed to pass a 100-year storm. Mr. Cilimberg also noted that there could be culverts put in, but the idea has been to get a particular type of crossing.

Mr. Cilimberg said that there were 12 conditions recommended by the Planning Commission, with the fifth condition being for an arch culvert. He stated that box culverts could be used if that is not possible, and the Commission was concerned about not knowing which culvert would be used so they recommended that this would be subject to their approval. Mr. Cilimberg said that the whole intent was to not have the culvert come through a special use permit process again, but the Planning Commission wanted to see the alternative. He noted that the recommendation is with the 12 total conditions and a 60-month period for the SP to be activated. Mr. Cilimberg mentioned that the discussion revolved around how much knowledge and control they might have over the decision that would get made.

Mr. Rooker wondered how much leeway there is with the box culvert design. He noted that the Board ended up going with the box culvert with the Mosby Mountain design.

Ms. Thomas said that there is no reason not to allow the Planning Commission to have the review they feel they need.

Ms. Valerie Long, representing North Pointe, addressed the Board. Also present are Mr. Chuck Rotgin, Principal of North Pointe Charlottesville, and Mr. Ron Keeney, Project Architect. She said that they want to use an arch culvert instead of a box culvert, and they have had a number of meetings with VDOT regarding this. Ms. Long said that the only issue is whether the soil in the area is sufficiently stable to support the footers for an open bottom culvert because the public road will be going above the culvert. If the soil samples are positive and can support the arch, they will do the arch. They would prefer that the language revert to the way it was originally drafted which states that the final decision will be determined by staff. The condition has been crafted fairly and reasonably, and they believe accounts for all possible results. If a box culvert is used, it will address environmental concerns.

Mr. Wyant expressed concerns about timing and sequencing. He is concerned about lessening damage to the environment and less damage downstream. Mr. Keeney explained that VDOT has had some history of problems with the open bottom culvert with scouring that was occurring along the foundation of the edge. It was about the soil bearing capacity of the location of the culvert foundation. It is his impression there is a specific soil bearing number VDOT is looking for in determining the culvert.

Mr. Wyant asked who wants the arch. Ms. Long said that they would like to do the arch culvert as would staff and VDOT.

Ms. Thomas asked if the maximum impervious surface was being considered that since impervious surface increases runoff, and most of the big boxes and lots are upstream from it.

Mr. Keeney replied that all of the engineers have said that it would be difficult to design the lake to retain the capacity of the 100-year storm. He added that they have to design for the worst case scenario, that is, a paved surface and a 100-year storm.

Ms. Long said that in February the Board approved a special use permit for the stream crossing for the northern entrance in order to build the northwest passage, and this issue was not applicable to that application because there was already an existing box culvert.

Ms. Tamara Ambler, the Natural Resources Manager, addressed the Board. She explained that there was not a discussion of how many barrels would be used in the box culvert, but it was more focused on whether it would be an arch culvert or box culvert.

Public comment was invited. There being none, the public hearing was closed and the matter was placed before the Board.

Mr. Boyd said that he is in favor of not having this have to go back to the Planning Commission, but instead having it go back to County staff.

Mr. Cilimberg said that originally it said staff but specifying the County Engineer would be fine.

At this time, Mr. Slutzky **moved** for approval of SP 2007-003 North Pointe Stream Crossing with the conditions brought forward by the Planning Commission, with the exception that condition #5 be modified with the words "of the Planning Commission" replaced "by the County Engineer." Mr. Wyant **seconded** the motion.

Roll was then 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.

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

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence, since changes to the floodplain are proposed;
2. County and VDOT approval of the final lane configuration for North Side Drive over the stream crossing with the final road plans;
3. County approval of hydrologic and hydraulic computations for the dam, culvert crossing and channels is required prior to issuance of grading permits;
4. Unless otherwise permitted by the County Engineer, there shall be no disturbance within fifty (50) feet of the stream channel, exclusive of the dam, the culvert under North Side Drive East, and walking trails. (In the Figure 2 above, the grading shown at points 1 and 2 must be eliminated, and where proposed contours are shown closer than fifty (50) feet to the stream, such as at point 3, the grading must be pulled back.);
5. The culvert under North Side Drive shall be an arch culvert which leaves the natural stream channel and banks undisturbed for a minimum width of twenty-four (24) feet. In the case that VDOT does not approve the placement of footings or the arch span under North Side Drive, box culverts may be used, subject to the review and approval of the County Engineer. In this case a minimum of two (2) culverts with one (1) countersunk for base stream flow shall be used, with impacts to the FEMA floodplain equal to or better than for the arch culvert span;
6. County Engineer approval of the following:
 - a. The culvert and embankments for North Side Drive shall encroach a maximum of one hundred ninety (190) feet along the stream channel;
 - b. The dam shall be designed with an emergency spillway (separate from the primary spillway) which will pass the one hundred (100) year storm (base flood) under the road which traverses the dam; and
 - c. The dam shall allow for a continuation of the base flow in the stream.
7. Unless otherwise permitted by the County Engineer, buildings and structural foundations shall be a minimum of twenty (20) feet from the limits of the floodplain. (This is a precautionary measure, anticipating the reaction of owners or tenants to water levels close to buildings, such as proposed in Area 1 in Figure 2.);
8. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits;
9. Natural Resources Manager approval of a stream buffer mitigation plan prior to the issuance of a grading permit prior to placement of any fill in the floodplain, and County approval of an erosion and sediment control plan prior to the issuance of a grading permit for placement of any fill in the floodplain;
10. Design Planner approval of a landscape plan. The landscape plan shall be shown on the road plans and erosion and sediment control plans submitted for North Side Drive. The landscape plan shall include a complete planting schedule keyed to the plan and shall provide the following:
 - a. Existing tree line and proposed tree line to remain, the limits of clearing and grading, and tree protection;
 - b. Provide an informal planting of mixed tree and shrub species and sizes to compensate for removed vegetation, and low-growing plants to stabilize slopes in the areas of proposed grading and tree removal. This planting shall occur regardless of the grading proposal (DDR or KCA) chosen;
 - c. Provide large shade trees on the north and south side of North Side Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2 ½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North; and
 - d. Provide large shade trees on the north and south side of North Side Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2 ½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North.
11. Design details of the retaining walls, including column cap design, pier design, stone finish, etc. shall be shown on the road plans and are subject to review of the Design Planner; and
12. If the use, structure, or activity for which this special use permit is issued is not commenced within sixty (60) months after the permit is issued, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

(The next two agenda items were heard concurrently.)

- #80). Agenda Item No. 20. **Public Hearing:** ZMA-2006-021, Avemore Commercial Amendment (Sign
Proposal: Rezone 1/10 acre from R-10 Residential (10 units/acre) to R-15 Residential (15 units/acre) to allow for an addition to the parking area to support Avemore Commercial.
Location: A portion of Garnett Center Drive, East of Route 20 North (Stony Point Road), South of Fontana Drive.
Tax Map/Parcel: TMP 78-B-3-1.
Magisterial District: Rivanna.
(Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Agenda Item No. 21. **Public Hearing:** SP-2006-044, Avemore Commercial Amendment (Sign #80).

Proposal: Addition of a small area to Avemore commercial (approved SP-2000-69 & SP-2000-70) to allow for parking to support the commercial uses.

Location: A portion of Garnett Center Drive, East of Route 20 North (Stony Point Road), South of Fontana Drive.

Tax Map/Parcel: TMP 78-B-3-1.

Magisterial District: Rivanna.

(Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Mr. Cilimberg reported that this is a minor rezoning of less than 1/8 acre, from R-10 to R-15 residential and an accompanying special use permit that would allow commercial use in the R-15 area; it is for parking and landscaping to complete the total plan for how this commercial area, already approved as part of the original rezoning, would be accomplished. He reported that the development is off of Route 20 and Fontana Drive, and he showed the overall plan including the subject area for this rezoning. Mr. Cilimberg noted that this proposal would be to accomplish a design to allow for the buildings to frame the two roads, the entrance to Avemore and another road, and it would have parking occur in a relegated fashion. He added that it would also allow for heavier landscaping to provide a buffer between the parking area and house. Mr. Cilimberg noted that one unfavorable factor is minor revisions to the proffers and plan, but they have been accomplished and is now before the Board with staff approval.

Mr. Boyd asked about the alignment of a parallel road to Route 250, and he asked if this impacted this proposal at all.

Mr. Cilimberg said that he is not aware of that in this location, but he would confirm this with Mr. Benish. He noted that the area being rezoned is very small and would likely not be impacted.

Mr. Graham noted that this is to the east and south of this, not this parcel. He said that everyone tried to come through the Elks Lodge location, but it never materialized.

At this time, the Chairman asked for public comments.

The applicant, Mr. Nate Cunningham of Stonehaus, addressed the Board. He reported that this parcel was brought to their attention by staff and was not part of the original Avemore development because of a surveying error. He said that they have met with adjoining homeowners and Wilton Farms, and a privacy fence has been constructed between one home and the site.

Ms. Thomas asked what kind of commercial is planning to go in here.

Mr. Cunningham responded that the first floor would be retail, with the second floor being small offices. He reported that it would include on-street parking, and hopefully it will synergize well with nearby residential projects.

Ms. Thomas asked what the provision would be for bicycles and busses.

Mr. Cunningham replied that they are providing bicycle storage racks as part of the shared parking, and he is not sure what the transit stops are nearby.

Mr. Cilimberg responded that there is a very near transit stop along Route 20 and a pullout right in front of Wilton Farms.

Mr. Cunningham said that the focus has been on connecting the pedestrian network as the biggest opportunity is for Avemore and Fontana residents to walk down to these retail shops.

There being no other comments, Mr. Boyd closed the public comment period.

Mr. Rooker **moved** for approval of ZMA 2006-021, subject to applicant's proffers, dated May 29, 2007. Mr. Wyant **seconded** the motion.

Roll was then 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.

(The proffers are set out in full below:)

Original Proffer _____
Amended Proffer X
(Amendment # 2)

PROFFER FORM

Date: 3-13-07, revised 5/29/07

ZMA # 2006-021

Tax Map and Parcel Number(s) 78B-03-1

**Original Rezoning ZMA-00-69 and ZMA 00-70
0.167 Acres to be rezoned from R10 to R15 with Special Use**

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

1). See attached "Avemore Proffers" A through K, on Pages 1 - 4

<u>Signature of All Owner</u>	<u>Printed Names of Owners</u>	<u>Date</u>
Avemore Apartments, LP By Avemore Investment Corp., G.P _____	John G. Desmond	5/29/07
Avemore, LLC, By Stonehaus, Inc. Manager _____	John G. Desmond	5/29/07

Avemore Proffers

The applicant's objective with this development is to provide a compact, high-density residential development with a variety of housing types and environmental and developmental amenities. Facilities for appropriate and complementary professional and retail services will be located within the development. With design features such as sidewalks, a central green, a community clubhouse, walking trails and preservation of open space, the development is intended to be sensitive to the natural characteristics of the site and to the surrounding areas, to provide an improved level of amenities, and to promote economical and efficient land use and appropriate and harmonious physical development, in order to accomplish a design in keeping with the goals and objectives of the County's Comprehensive Plan. The development will be a premier residential community and will reflect the applicant's commitment to providing high quality and attractive architectural design.

In connection with the applicant's rezoning application, the following proffers are made:

A. The Conceptual Development Plan dated 12/18/06, last revised 4/23/07 (the "Plan"), attached hereto as Exhibit A1, is proffered. All improvements shown on the Plan will be installed upon completion of all phases of construction. The character of the development will be in general accord with the form and character that is suggested by and is compatible with the proposed building elevations attached as the exhibits listed below. Modifications to the elevations shown on the attached exhibits which are either suggested by or required by the Albemarle County Architectural Review Board will be deemed to be in "general accord."

- Exhibit B "Shops," dated 12-15-00
- Exhibit C "Apartments," dated 12-15-00
- Exhibit D "Garages," dated 12-15-00
- Exhibit E "Townhomes," dated 12-15-00
- Exhibit F "Clubhouse," dated 12-15-00

B. Commercial buildings will have two (2) street facades (each with at least one street-level entrance), facing both Fontana Drive and Avemore Lane.

C. In satisfaction of the recreation facility requirements set forth in Section 4.16 of the County Zoning Ordinance and in order to better meet the needs of the residents of Avemore, the following amenities are proffered:

- (1) The Village Green will be surrounded by a hedge. Large variety trees, 2.5 inches in caliper or larger and of a species common to the area, will be located every 40 feet on center between the hedge and the travelway surrounding the Village Green. There will be access points to the Village Green at each of the four corners, each of which will consist of one (1) gateway flanked by two (2) brick corners. The hedge will be at least 24" high at planting, and the gates and brick corners will be approximately 32" high. At least three (3) benches will be provided in the Village Green. The Village Green improvements will be built in conjunction with the construction of the townhouse section phase of the development.
- (2) In addition to the Village Green, outdoor recreation facilities will consist of at least three (3) tot lots to be placed in the approximate locations shown on the Plan [reference 4.16.2].
- (3) The community clubhouse will contain an outdoor swimming pool, indoor fitness center, community room, business center, and leasing and management office for the development. At least two outdoor (2) picnic table and at least two (2) outdoor grills will be provided in the area adjacent to the creek behind the clubhouse.

The Director of Planning may determine that substitutions of recreation facilities are in general accord with this proffer and in satisfaction of the minimum requirements of Section 4.16.2.1.

- D. The applicant agrees to participate in the development of a regional SWM/BMP facility in lieu of any requirement that it develop on-site SWM/BMP facilities for the Avemore development.
- (1) The regional SWM/BMP facility will be designed and sized to provide a standing pool with a water quality volume equal to approximately 92,100 cubic feet at the approximate location shown on the Plan.
 - (2) The regional SWM/BMP facility meeting the above design requirements shall fulfill the Avemore development's requirement for stormwater quantity and quality for all portions of the development draining to the facility. Any portion not draining to the facility will have to meet the stormwater quantity and quality requirements by means of a separate stormwater management plan.
 - (3) The regional SWM/BMP facility will be constructed by the applicant, at its initial expense, during the first phase of Avemore construction, and will be completed prior to the issuance of permits for additional phases.
 - (4) The engineering design of the regional SWM/BMP facility will be subject to final engineering and site plan approval by Albemarle County's Department of Engineering. The Department of Engineering will have the right to reduce the design parameters outlined in this Item D if hydrology characteristics, hydraulic engineering, geotechnical engineering or topographic conditions dictate a modified design.
 - (5) The proffer set forth in this Item D is contingent on the availability of contiguous off-site property and the cooperation of the owners of such off-site property in providing the necessary dedication of such property for the purposes of construction and maintenance of the SWM/BMP facility. The off-site land will be dedicated under terms satisfactory to the applicant and the County prior to issuance of a grading permit for Avemore.
 - (6) In the event that the applicant determines that the regional SWM/BMP facility is not feasible under the terms and conditions outlined in this Item D, the applicant in its sole discretion shall have the right to construct on-site SWM/BMP improvements to satisfy County water quality and water quantity requirements. In such event, the proffers set forth in this Item D shall be null and void.
- E. Applicant will acquire sufficient right-of-way, as determined by the County of Albemarle Engineer, for a private, urban cross-section connector road that will be constructed to VDOT Mountainous Terrain Standards. Such right-of-way will commence at the round-about/parking area at the northeastern corner of the development, in the general area shown on the Plan as "Reserved for Private Street Connection (24' Pavement Maximum)," and will terminate at Olympia Drive. This right-of-way will be platted prior to approval of a site plan for the Avemore development.
- In conjunction with the construction of the phase closest to the area shown on the Plan as "Reserved for Private Street Connection," the applicant will either construct the connector road or bond with the County for the construction of the connector road. This bond will be held until the completion of the connector road; provided, however, that if Olympia Drive is not extended to a point where the connector road can be completed within 15 years, the bond will be returned to the applicant, with interest.
- F. Upon construction or widening of Fontana Drive, the applicant will construct a four foot (4') wide, concrete sidewalk along Fontana Drive, between Avemore Boulevard and State Route 20.
- G. Internal walking paths will be five feet (5') wide and will be paved in asphalt.
- H. Prior to site plan approval for phase 1 of Avemore, the applicant will dedicate to public use an eight foot (8') wide right-of-way for the construction, maintenance and repair of a sidewalk across Wilton Lots 16A, 16B, 17-1, 17-2 and 17-3, along the common boundary of such lots with State Route 20.
- I. The applicant will provide sufficient right-of-way in the area between Wilton Farm Road and State Route 20 necessary to facilitate the construction of a second left-turn lane from Fontana Drive onto State Route 20, provided that such right-of-way will not create a zoning violation for any existing improvements along the path of such new right-of-way. This right-of-way will be provided at the time the Avemore road plan is approved by Albemarle County.
- J. The Open Space shown on the plan along the shared common boundary with lots 1 through 10, Fontana, Phase 1, will consist of (i) a forty foot (40') buffer which will not be disturbed during construction and (ii) a seventy foot (70') building set back.
- K. The applicant will contribute the lesser of (i) 50% of the cost of installing a traffic signal at the intersection of Fontana Drive and State Route 20 or (ii) \$50,000, such sum to be applied only to the cost of installing such traffic signal. If the County obtains full funding for such traffic signal from other sources and the applicant is not required to contribute toward the cost of such signal, the applicant agrees that its contribution may be applied instead toward the portion of the Route 20 improvement project in the area between Fontana Drive and U.S. Route 250. Such payment will be made by the applicant at the later to occur of (x) the installation of such traffic signal (or installation of the Route 20

improvements, as the case may be) or (y) the issuance of the first building permit for the Avemore development. *This item has been satisfied.*⁷

At this time, Mr. Rooker **moved** for approval of SP-2006-044. Mr. Wyant **seconded** the motion.

Roll was then 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.

Agenda Item No. 22. **Public Hearing:** SP-2007-002, Farm Worker Housing (Sign #38).

Proposal: Farm worker housing facilities including 5 sleeping cabins and 1 kitchen/bath structure for 10 seasonal workers.

location: 571 Coles Rolling Road (Route 712), approximately 1 mile east of the intersection with Route 713.

Tax Map/Parcel: Tax Map 122, Parcel 10.

Magisterial District: Scottsville.

(Notice of this public hearing was advertised in the Daily Progress on May 21, 2007 and May 28, 2007.)

Mr. Cilimberg reported that this would allow for farm workers' housing to encompass five sleeping cabins as well as one kitchen/bath facility for ten seasonal workers. He explained that this is located off of Route 20 South in southern Albemarle County, and he noted that it is adjacent to the historically significant Pine Knot property. Mr. Cilimberg presented a view of the property from Coles Rolling Road, including the particular units and bath/kitchen structure. He said there is a pond for fire suppression that would need to be approved by fire and rescue as the ordinance requires. Mr. Cilimberg noted that there is a site distance limitation at the exit that VDOT needs to verify before zoning clearance can be made. He said that there has been a recommendation for approval of the SP by staff and the Commission with three conditions.

In response to Mr. Dorrier's question about the site distance, Mr. Cilimberg explained that there would need to be some clearing of vegetation off the road around the entrance/exit.

At this time the Chairman asked for public comments.

The applicant, Mr. Matthew Holt, addressed the Board as farm manager of the property.

Mr. Holt explained that he runs an organic farm which is very labor intensive. He said that most of his workers are students, Peace Corps volunteers, and teachers, who hope to be able to share their knowledge. Mr. Holt confirmed that he owns the property where the site distance needs clearing, and they have had an excavator working on this for several days now.

Mr. Dorrier asked how long the workers stay on.

Mr. Holt replied that they usually stay for six months.

There being no other comments, Mr. Boyd closed the public comment period.

Mr. Dorrier **moved** for approval of SP-2007-002 Farm Worker Housing subject to the three conditions recommended by the Planning Commission. Ms. Thomas **seconded** the motion.

Roll was then 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.

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

1. The improvements proposed under SP-2007-00002 and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Conceptual Plan for SP 2007-032" (including the attached sheet titled "Conceptual plan for farm worker housing"), revised March 23, 2007, and initialed "SMC";
2. Parking spaces shall be delineated by bumper blocks. Bumper blocks shall be constructed of a durable material such as concrete or treated timbers. Each bumper block shall be a minimum length of six (6) feet, a maximum height of five (5) inches, and shall be securely anchored into the ground in at least two (2) places; and
3. The parking area shall be surfaced with gravel. A minimum depth of six (6) inches of #57 or #21A stone shall be used to surface the entire parking area.

Agenda Item No. 23. **Public Hearing:** CPA-2005-02, Growth Management Policy Update. Amend the Land Use Plan component of the Albemarle County Comprehensive Plan by revising the Growth Management and Public Facilities sections to be consistent with the more-recently adopted Rural Areas component of the Comprehensive Plan. Amendment would change policy identifying agriculture and forestry as priority uses in the Rural Areas to a policy identifying multiple important aspects

of the Rural Areas to be protected. (Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Mr. Benish reported that this relates to the Rural Areas section of the Comprehensive Plan, and the Planning Commission reviewed this on April 24th and recommended approval. He said that the intent of these amendments is to update the County's growth management policy to reflect the recently adopted Rural Areas section and reflect the guiding principles. Mr. Benish noted that there was an intent to include eight components of the rural areas, including land use preservation and land use conservation, emphasizing that all components are important. He said that the prior growth management policy had reflected agricultural and forestry uses so this brings it up to date.

Mr. Benish explained that three areas have changed, and there have been revisions to the existing policy as well as the text that follows the overall goal. He noted that the other sections being updated include the Community Facilities section in the plan as it parroted the growth management policy and provided a higher level of service to development areas and rural areas.

Mr. Benish said that the third area is in the Rural Areas plan, and there is a desire to simplify the language here so the old language was removed for consistency. He emphasized that while farming and forestry are still deemed important, the Commission and Board wanted to ensure that all resources are given equal consideration.

Mr. Wyant said that conservation and preservation are part of what is being done with all of the resources in the rural areas and should not be viewed separately.

Mr. Rooker stated that it says "protecting the elements that define the rural areas."

Mr. Slutzky emphasized that one of the underlying reasons those elements are protected is the ongoing asset value of the ecological systems that provide services to the County going forward.

Mr. Boyd commented that this has not been reviewed yet by the public so it will need to be re-posted anyway.

Mr. Benish noted that it was not online, but it was available through hard copy on request.

At this time the Chairman asked for public comments.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He said that he took the current text and retyped it so it read easier. He said that PEC would like to see the emphasis put on the land as well as land uses.

Mr. Rooker suggested changing the language to "protecting land and appropriate rural uses."

There being no other comments, Mr. Boyd closed the public comment period.

Mr. Slutzky **moved** to defer the discussion and public hearing of CPA-2005-002 to July 11, 2007. Mr. Wyant **seconded** the motion.

Roll was then 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.

Agenda Item No. 24. **Public Hearing:** CPA-2007-003, Green Building and Sustainability Amendment. Amend the Natural Resources and Cultural Assets components of the Comprehensive Plan in support of the County's sustainability initiative. Amendments to the Comprehensive Plan include text that establish general parameters for achieving goals with respect to green building, address County buildings and operations in terms of energy efficiency and sustainability, and provide support for the development community and the public in general relative to green building and sustainability. (Notice of this public hearing was advertised in the *Daily Progress* on May 21, 2007 and May 28, 2007.)

Ms. Thomas asked if green building needed to be defined.

Mr. Benish said that that term becomes sort of quick jargon.

Mr. Slutzky suggested that the United States Green Building Council has some language on their website that might be a summary capture that could be used.

Ms. Thomas stated that she would like it to be as accessible to the public as possible.

Mr. Benish said that Sean Dougherty and Bill Edgerton have worked together closely on this.

Mr. Benish reported that this is a proposal to amend the Natural Resources & Cultural Assets chapter of the Comprehensive Plan by adding more specific language regarding sustainable design and green building efforts. He noted that that section of the plan covers the Thomas Jefferson Sustainability Accords that were adopted in the late 1990's. Mr. Benish mentioned the Board's desire to implement

green building measures, and the Planning Commission adopted a resolution of intent to amend the plan to reflect within the Comp. Plan the goals and strategies for addressing sustainable development.

In response to Mr. Slutzky's comments regarding Comp Plan language, Mr. Benish said that this sets a starting point for policy to keep us on track.

Mr. Benish said that the amendments focus on internal operations and management, encouraging and educating the community and development community to foster the efforts and continue with education and research. He said that the Planning Commission recommended approval of the language as presented, adopted on May 8, 2007, and the Commission recommended minor amendments to provide more clarity to the advanced sustainability within development community strategies. Mr. Benish stated that there is new language attached to the sustainability accords.

Ms. Thomas mentioned that she has several dozen editorial changes to improve the readability of the document.

Mr. Slutzky said that he would like to have some time to go over this and provide changes by email and then revisit the document as he is wondering about including things like adoption of the Clean Cities initiative.

Mr. Tucker stated that Mr. Benish could make the changes now or have the changes submitted electronically and then bring it back on a Consent Agenda.

Mr. Boyd said that he has some philosophical points he would like to discuss about the document.

Mr. Boyd asked about the last strategy: purchase of energy credits for renewable energy.

Mr. Dougherty explained that the energy that comes from a power company is not from sustainable sources, and renewable sources are those like wind and solar. He said that the idea is to purchase energy from other locations, and it becomes a cooperative effort between power companies. Mr. Dougherty said that the entire grid spreads across the country, and companies like Dominion say that they will pay for additional energy by supporting renewable energy.

Mr. Slutzky said that it creates a market demand for renewable energy sources on the supply side so there is an increased inclination to produce those resources to stimulate that behavior in a market way.

Mr. Dougherty said that in LEED buildings, energy credits are often purchased to increase that demand. He noted that the energy companies work out this crediting.

Mr. Boyd commented that he is concerned about spending more staff time on committees, and he is not eager to regulate what people outside of government are doing as the development community is embracing this on their own.

Mr. Rooker said that he views this as a mutual information-sharing opportunity, and the County sponsored the Green Building Forum in the office building very recently. He stated, "We do want to increase the visibility of environmentally-sensitive building in the community." He noted that there are ideas that can come out of a committee that can benefit the whole community.

Mr. Boyd stated that there are enough committees out there, such as Blue Ridge Homebuilders Association's Green Building committee rather than form a committee of their own. He stated, "These things have a tendency to mushroom into large committees taking huge amounts of staff time."

Mr. Rooker said that staff feels this could actually save time rather than having them pursue green building objectives independently.

Ms. Thomas commented that she is not convinced it is needed. She noted that perhaps the wording should be to move forward with exploring this and having an annual forum.

Mr. Wyant stated that BRHA will probably lead the charge with this as they are pressured to provide that type of tool.

At this time the Chairman asked for public comments.

Mr. Jay Willard of the Blue Ridge Homebuilders Association addressed the Board, stating that a number of their residential clients have requested Earthcraft homes and other environmentally friendly designs. He emphasized that what the Board is doing could be done in conjunction to what is already being done out there. Mr. Willard said that the BRHA is sponsoring a tour of Earthcraft homes over the next two weekends.

There being no other comments, Mr. Boyd closed the public comment period.

Mr. Slutzky **moved** to defer action on 2007-003 Green Building and Sustainability Amendments until July 11, 2007. Mr. Wyant **seconded** the motion.

Roll was then 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.

Ms. Thomas commented that it would have been nice to have this ahead of time, but it is understandable given staff's workload.

(Note: At 3:54 p.m., the Board took a recess, and reconvened at 4:08 p.m.)

Agenda Item No. 25. Work Session: Community Development Work Program.

Mr. Graham reported that the master plans are still being kept as a priority in the Board's strategic plan, but several Comp. Plan items are being deferred, such as the Natural and Cultural Resources section and the Land Use Plan. He said that Rural Areas is still scheduled for the five-year review. Mr. Graham also said that the proffer policy is new with the next discussion planned for late June, and a Comp. Plan amendment will be presented on August 8th followed by education and outreach. He said that under Rural Areas, staff plans to have the rural areas strategies to the Planning Commission in August for public hearing, and then back to the Board as early as September. Mr. Graham mentioned that there was discussion still left for Land Use Tax.

Mr. Rooker said that it would be nice to have some closure with some of these items, and he hopes this can stay on schedule.

Mr. Graham noted that with critical slopes, this is not the rural areas strategy but is intended for the development areas to reflect the open space plan. He said that the County has considered corridor-specific design with the ARB, but that was deferred due to lack of staff time and shortage in funds for a consultant.

Ms. Thomas asked about all the work Amy Arnold has done on Route 250 West.

Mr. Graham replied that it is sitting out there but there are not resources out there to carry it to the next step, and the intent was to have different guidelines for each corridor. He added that staff has built in a base level of services to green building, and staff is also eager to get Contractor's Storage Yard defined and some other administrative housekeeping items done.

Mr. Davis commented that the ordinance is 25 years old now, and keeping it up to date has been a challenge.

Mr. Graham said that the proffer policy item has caused him to push back the erosion and sediment control measures, and the development review task force is also underway. He said, "We have a full plate next year, and it looks like it will be sometime the following fiscal year before we start to get open slots to take on new initiatives."

Mr. Wyant asked about staff changes and turnover.

Mr. Graham responded that most of these programs are not being impacted by that, but current development with subdivisions and site plans generated turnover because high workload meant staff burnout. He said that the alternative engineering review has also helped.

In response to Ms. Thomas' question, Mr. Graham said that staff is trying to have policies accomplished within five years.

Mr. Rooker asked about the two-phased ZMA for the development review team and how it would impact the rezoning process.

Mr. Graham replied that staff is hopeful that it will reduce it, and the idea is that the first phase would focus on the big picture issues and not into the plan details until the land use is decided.

Mr. Rooker asked what would be involved if the decision is made to go to the one-year time period to adopt the new standard of a two-phase process.

Mr. Davis responded that they would have to amend the ordinance as it is currently an un-codified process. He also said that fee provisions would need to be considered as would submittal criteria.

Mr. Graham said that staff wants to work with the development community to make sure that both parties agree on the process, and they are building time in for that. He said that the devil is in the details, and this would also have to go to the Planning Commission for comments and then there would be another public hearing. Mr. Graham noted that is a three-month process for both the Commission and then the Board.

Mr. Rooker asked if the lengthy process would need to be done if there is just a basic change in order of how rezoning submissions are being handled.

Mr. Davis said that this process has been being worked out, and now staff is working on improving this so it could be folded into the ordinance.

Mr. Graham commented that the gap between the specified ordinance requirement for submittal versus the actual expectation is huge.

Mr. Boyd said that part of the recommendation of the development review task force has been to set up training sessions for the ARB, the Commission, and the Board to explain what the expectations are. He said, "We have all strayed a little bit in what we do."

Mr. Cilimberg stated that there is a lot floating out there, and staff has been trying to pull it all together to give the Board something that makes sense. He noted that they can decide at that point whether there is a ZTA or policy decision that needs to be made. Mr. Cilimberg said that it might be easier for the Board to decide after there is something substantive presented to them.

Mr. Davis said that any change in things like fee structure would need to become part of the ordinance, adding that you could not adopt a fee as just a Board policy.

In response to Mr. Wyant's question about City View, Mr. Graham explained that staff has a whole team working to improve that system and that will just have to be fit into priorities.

Agenda Item No. 26. Places29 Update, Review of Public Process.

Ms. Lee Catlin, Public Relations Manager, reported that before Places 29 there was a foundation laid through the 29/H-250 process, and in May 2005 the Places 29 initiative was launched. She said that the Board appointed the Planning Commission as the advisory committee for the process, and there were a number of meetings held at that time that focused around the vision and guiding principles. Ms. Catlin said there was a round of initial framework public input opportunities in November 2005 through January/February 2006; in May there was another round of meetings to evaluate the framework plans. She stated that it was narrowed down to one framework plan that continued into March 2007, stating that Places 29 has been before the Planning Commission ten times and before the Board eight times, with nine major public meetings and open houses as well as 14 other public meetings where it was discussed. Ms. Catlin said that the County sent out 25 e-news updates to almost 450 subscribers to the County's A-mail list.

Ms. Judy Wiegand reported that the consultants have given numerous presentations on the area and the proposed changes, with the public included to provide input that has led to the guiding principles. She said that there is a three-step review process: to staff, TJPDC, and VDOT; reviewing each chapter and sending revisions back to the consultants; and the consultants sending back the revised plan. Ms. Wiegand stated that the plan is eight chapters, covering all aspects of the plan from design to implementation. She noted that the Planning Commission has approved the idea of eight individual work sessions. Ms. Weigand explained that they will receive the chapters two weeks before their work sessions along with staff reports, and the work sessions will run from 5:00 p.m. to 9:00 p.m., with those involving public comment to start at 6:00 p.m. She added that there will also be a public comment period during each work session where chapters are discussed, and two work sessions exclusively for public comment.

Ms. Wiegand said that they are going to have a transportation presentation on July 10th to help the Commission review the extensive transportation study that is part of Places 29, to include transportation modeling done with and without improvements. She stated that they will do Chapters 1 to 4 on July 17; Chapters 5 to 6 on July 31; and then the first public comment workshop in September that focuses on Chapter 5. Ms. Weigand stated that there will also be work sessions in late September and early October, and the complete master plan will be in October with the second public comment work session in late October/early November. She said that during the review process, there will be opportunities for public comment related directly to the text of the plan, and all the chapters will be posted on the websites of the County and Planning District Commission a day or two after they are given to the Planning Commission. Ms. Weigand explained that copies will also be available in the County office building and public library, and the public will be encouraged to contact their Commissioner or a staff person for any questions. She emphasized that they want to make this an interactive process.

Ms. Catlin said that they want to make sure staff input is meaningful. She provided some examples of input that has been directional in terms of how the plan has gone: preserving existing neighborhoods; respecting the environment; creating compact mixed-use pedestrian-oriented development; emphasizing multi-modal transportation; providing more pedestrian bikes, paths, and trails; increasing open space; and connecting it with greenways and parks. Ms. Catlin said that other factors have also influenced the plan, noting that staff felt the plan needed to be responsible to the Neighborhood Model. She said that the U.S. North Corridor transportation study and H-250 had already laid the groundwork for it as did work by UVA, as well as County, VDOT, and TJPDC staff recommendations. Ms. Catlin stated, "The plan is really an amalgamation of a number of influences."

Ms. Catlin commented that they focus as many people as possible in meaningful participation in the process, using a variety of information channels to solicit that feedback including website, email, and phone. She noted that an important objective has been to give careful and respectful consideration to all input and feedback, citing comments from Forest Lakes residents as an example. Ms. Catlin stated that there are several areas where there has not been agreement, such as grade-separated interchanges.

Mr. Rooker said that every traffic study he has seen has shown that lack of grade-separated interchanges at Hydraulic and Rio Roads means that Route 29 operates at an "F" level of service.

Mr. Boyd commented that perhaps it should not be used as an expressway to carry so much traffic.

Ms. Catlin said that this still may come forward as an issue without agreement, and it will go through the normal channels, such as the Planning Commission and the Board, for resolution.

Mr. Slutzky responded that it may be wiser to get the Board involved earlier so there does not have to be so much undoing if there is not support, and he suggested a work session on the issues.

Mr. Rooker noted that it seems preempting components of the plan; there is not the advantage of having the process.

Ms. Catlin said that the public participation process has been effective in bringing them forward, although they will not always be sorted out neatly. She explained that it is important to everyone that the process be considered to be valid and conclusive. Ms. Catlin asked if the Board had any specific revisions to the proposed process or the general direction being taken for master planning.

Mr. Rooker said that he is concerned about making preemptive decisions without getting input that the process is established to provide as that brings forth specific recommendations.

Mr. Boyd commented that the scope of Places 29 was too big. He stated that the maps should have been more concentrated instead of including blanket neighborhoods such as Earlysville, emphasizing that some stakeholders have a greater investment than others. He added that the language was also difficult to comprehend for most people.

Ms. Catlin suggested that after the transportation chapter, the Board could talk through the key elements and give back direction at that point.

Mr. Boyd said that Chapter 8 should be moved up as it establishes a timeline. He also commented that the consultants have been very remote and inaccessible, and he does not have any connection with them at all.

Mr. Slutzky added that he has not had a chance to meet with the consultants at all except through staff. He said that he would rather have a work session before it goes to the Planning Commission because Board discussion might help inform their deliberations.

Mr. Rooker said that it should be handled the same way as a rezoning request, and doing it the other way preempts decisions without the value of Commission input.

Mr. Boyd noted that he is not in favor of parallel roads through existing neighborhoods, but he would support putting them in new neighborhoods.

Mr. Slutzky disagreed.

Mr. Rooker said that there will have to be difficult decisions made. He noted, however, that if they are pulled out, the process is disrupted and decisions are made without full information.

Ms. Thomas expressed her disagreement that the scope is too big, as the Route 29 development area encompasses a large area, and the goal here is to tie together land use and transportation despite the fact that VDOT was skeptical that the County could pull it off. She emphasized that the Board's pre-judgment should not take precedence over this process.

Mr. Rooker said that this is a process of public input, objective analysis, and traffic modeling, and all these factors will help the Board in their decision making.

Mr. Dorrier suggested having a work session to root out the tough issues and deal with them.

Ms. Catlin noted that staff put the option out to have that discussion after Chapter 5, and the question is whether the Board wants the Planning Commission to evaluate things at that time or have the Board review it first.

Mr. Rooker said that he would like to get the Planning Commission's opinions without having the Board weigh in first as the Board can always make a different decision from them.

Mr. Boyd commented that what usually comes to the Board is just the Planning Commission's recommendation.

Mr. Rooker responded that he reads the minutes.

Ms. Catlin said her understanding of the next step is that the Board would like to schedule a work session in August after the Planning Commission finishes its review of Chapters 5 and 6. She will provide Board members with a copy of her presentation.

Agenda Item No. 27. From the Board: Committee Reports.

Mr. Dorrier said that he and Ms. Thomas visited Chapel Hill, North Carolina to look at some mixed-use and mixed-residential style neighborhoods as part of the Meadow Mount development. He indicated that the area was very pedestrian friendly and had more living options for retirees.

Ms. Thomas reported that while she was attending the Local Government Advisory Commission to the Chesapeake Bay meeting in Washington DC, there were lots of projects discussed that were similar to Places29. She also said that the Anacostia River has a number of citizen commissions like the Rivanna River Commission and have managed to clean that up.

Ms. Thomas noted that on July 2nd Albemarle County will be hosting six Italian visitors from Prato and Poggio a Caiano. Board members are invited to attend. July 5th is their last evening and dinner is planned for that evening as well.

Ms. Thomas stated that the National Association of Counties is holding its annual meeting in Richmond this year. The annual meeting has never been held in Virginia. She encouraged Board members to attend some of the sessions.

Ms. Thomas said that the Rivanna River Commission has held several meetings and adopted a charter. She is now serving as chair of the group. She noted that the Commission found that sediment is probably not the main problem in the river. Ms. Thomas stated that it is being further studied, and the Nature Conservancy is putting up money for a consultant.

Ms. Thomas said the Transportation Accountability Commission is supposed to develop measurable objectives to determine if land use and transportation are working together.

Ms. Thomas said that was part of a meeting that involved Portland, OR, and several other communities on how to deal with the aging population and how to make this a good place for all generations to live. She has one of the tool kits from that meeting, if anyone is interested in looking at it.

Ms. Thomas commented that the League of Women Voters is holding its groundwater meeting on June 26th at the Ivy Creek Foundation Natural Area, Education Center, from 5:00 p.m. to 7:00 p.m. David Swales will be representing the County on the panel discussion.

Ms. Thomas said that she attended a meeting on Limited English Proficiency. She noted that because of the resettlement of refugees in the community, there is great demand and requirements of the County to provide services to individuals regardless of the language. She added that this requirement will gradually have budget impacts.

Ms. Thomas asked if Board members want to add to its agenda a time where it can respond to issues raised by the public under "Other Matters". It was the consensus of the Board that the format of the agenda remain as it is.

Mr. Wyant said that on June 7th, they will be holding their third meeting on emergency recovery system.

Mr. Wyant said discussions on downtown Crozet zoning issues are moving along well; there have been two community meetings held.

Mr. Rooker noted that it is helpful if there would be a local consultant that could work on this if possible.

Mr. Wyant said in June, there will be a dog vaccination clinic at the community center in White Hall.

Mr. Rooker said that an item that came out of the recent joint meeting with the School Board during the budget work session was that Albemarle currently does not qualify for the cost to compete. Currently legislation does not include the County. He suggested coordinating with the School Board to include language it in our legislative package.

Mr. Rooker commented that there are some measures that could be taken to improve the aesthetics of the urban areas within the County, such as better maintenance including mowing and planting. He asked about the Landscaping in Place program that is similar to the Art in Place.

Mr. Tucker responded that it has not moved forward as the County hoped. He reported that the County has contractual services to maintain the Entrance Corridors, and perhaps the Board should consider the cost of expanding those services.

Ms. Thomas said that the landscaping done coming onto Fontaine Avenue looks very nice, and she noted that has been done by the County.

Mr. Slutzky added a codicil to what Mr. Rooker was just talking about. He stated that along Rio Road toward the bypass there is a category of cleanup that should be a function of zoning enforcement as people's grass is not being cut.

Mr. Tucker responded that there is a different code section for that because it has not been adopted, and it would become an enforcement issue that would be fairly difficult given the size of the County.

Mr. Davis said that there is enabling authority for a nuisance type ordinance that applies to grass, and it could be specified at a certain height. He added that there would need to be some rational basis as to where that would be enforced.

Mr. Boyd asked about the status of the proffer software that was going to provide a list of proffers, and he wondered if it could be available on a quarterly basis.

Mr. Graham replied that staff had been doing it on an annual basis, but they could provide it more frequently.

Mr. Boyd said he would like to see information on previously encumbered funds that do not show up on any lists, such as the YMCA allocation.

Mr. Boyd commented that the data for Places29 traffic flow and transportation may not be thorough enough, and the data used may have been old.

Mr. Graham reported that the origins and destinations studies may be getting pretty old at this point.

Mr. Slutzky commented that those studies are very expensive.

Mr. Boyd said that it is important to determine where cars are going once they cross the bridge.

Mr. Wyant stated that some of the best traffic modeling is done at the Highway Research Council, and he noted that they do the work for VDOT.

Mr. Rooker noted that it would be helpful to do some modeling and pause where the County is now and not spend any more money until better information is gathered.

Ms. Thomas said that the MPO decided to have a period of time to respond to comments brought to the Board, and she wondered if there should be some way to respond to things such as the pesticide discussion earlier today.

Mr. Foley responded that there is a staff person that is working on that particular issue.

Ms. Thomas suggested having members of the public leave an email address so that staff could contact them.

Mr. Slutzky asked about how to address Mr. Loach's comment.

Mr. Rooker said that at the MPO, if there are questions they try to respond, and if there are just comments they do not necessarily respond.

Ms. Thomas noted that she believes there was a mistake made with Crozet as the consultants did not take into account the density changes in neighborhoods, and the County was not immediately forthright when that was discovered.

Mr. Slutzky said that the County has already acknowledged that.

Mr. Rooker emphasized that that was not the master plan that was adopted but that was preliminary information. He stated that the master plan adopted shows population at 12,000 in 20 years, and Mr. Loach wants to take projected zoning and compare it. Mr. Rooker emphasized that apples to apples is projected zoning under the new master plan, which is 21,000 or 22,000, but only if every property is built out to maximum density. He said the apples to apples is what could have been done under the old

Comprehensive Plan and what can be done under the existing master plan, and they are not very different.

Mr. Wyant said that he does not want to get into dialogue when those comments are made unless the Board is willing to get behind schedule.

Mr. Tucker emphasized that the Board's policy has been to not engage in debate or response during the public comment period in unscheduled items.

Agenda Item No. 28. At 6:25 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman

Approved by the Board of County Supervisors
Date: 12/12/2007
Initials: EWJ