

A meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 5, 2007, at 9:00 a.m., in the Lane Auditorium in the County Office Building on McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Community Development, Mark Graham, Clerk, Ella W. Jordan, and Senior 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. Recognitions.

Mr. Boyd said Albemarle County received an achievement award for its Total Rewards Employee Recognition Program at the 72nd National Association of Counties (NACo) Annual Conference held last month. The mission of Albemarle County is to enhance the well-being and quality of life for all citizens by providing the highest level of public service consistent with prudent use of public funds. To support this objective, the County must motivate and retain a workforce of employees who continuously provide high quality, customer-focused service to its citizens. Albemarle County developed a Total Rewards strategy to recognize and reward exceptional performance and to encourage employees to proactively provide services and solutions to customers. This Employee Recognition Program is the first component of the Total Rewards strategy, designed to acknowledge extraordinary employee contributions, promote teamwork and sustain customer service focused behaviors. This program gives employees a set of performance criteria so that they may identify exemplary, deserving behaviors in others; it also gives options to formally recognize and reward exceptional performance. In bestowing the achievement award to Albemarle County's Total Rewards program, NACo officials cited it as "an effective and creative program that promotes quality, efficiency and responsible and responsive county government management."

Mr. Boyd commended the Human Resources Department and those employees who put the time, energy and creativity into creating this award-winning program. He thanked the employees for their dedication to improving customer service and high quality performance. He asked the Human Resources team members to stand and be recognized.

Ms. Thomas said that she represented the County during the award presentation. She added that it is very competitive award and the team is to be commended.

Mr. Boyd said for the fifth year in a row, Albemarle County has been named among the top ten most technologically advanced, cutting edge county governments of its size in the U. S. by the Center for Digital Government and the National Association of Counties (NACo) in their 2007 Digital Counties Survey. Albemarle County ranks ninth in the nation in utilizing information technology (IT) to deliver high quality service to its customers and citizens based on a population category of 150,000 or less, according to the survey. Albemarle is among only seven Virginia jurisdictions ranked in the top ten for the four population categories, and one of only two Virginia counties to be ranked in the top ten in the 150,000 and less population category. All counties in the United States were invited to participate in the survey.

Mr. Boyd said that the County is delighted to be included in the elite communities across the country that are receiving national recognition for providing quality information technology services to their citizens. The County is continuously adding new features to help its users find out information and do business with the county quickly and conveniently, which is reflected in its high survey ranking.

This honor reflects the hard work of the County Web Team which is comprised of our Webmaster, Elaine Pack; Web Content Manager, Lisa Gilliam, and the IT Departmental Web editors who are so critical to keeping the website accurate and up to date. The Board commends the County Web Team on helping to create a top ten website that is experiencing dramatically increasing use by its citizens. The Board looks forward to continued growth and productivity for the County website in the years ahead. He asked all members of the County web team to stand up and be recognized.

Mr. Boyd noted that he would be presenting the following Latino Heritage Proclamation at an event on September 14, 2007:

Latino Heritage Month

WHEREAS, each year, the U.S. celebrates Latino/Hispanic Heritage Month from September 15 through October 15, to recognize and celebrate the contributions of the more than 44.3 million Latinos residing in the U.S.; and

WHEREAS, the citizens of Albemarle County wish to acknowledge our Latino residents and their contributions to the cultural richness, diversity and economic success of our community; and

WHEREAS, many organizations in our community are working to welcome and support our Latino residents, and bring all of our community members together through their education and outreach efforts; and

WHEREAS, Albemarle County wishes to recognize local firms such as Zona Latina, for helping to dispel cultural stereotypes and bridge barriers by providing educational and television programming to improve the quality of life for our growing Latino population and the general public; and

WHEREAS, in conjunction with Latino Heritage Month, Zona Latina is celebrating the start of their second season of educational programming that showcases the richness of Latino culture and provides a service to our Latino community; and

WHEREAS, Zona Latina has worked tirelessly and successfully to address the communication and cultural challenges faced by our community's growing Latino population by eliminating language and cultural divides that serve as an impediment to greater understanding among diverse groups of citizens;

NOW, THEREFORE, BE IT RESOLVED, that, I, Kenneth C. Boyd, Chairman, on behalf of the Board of Supervisors of Albemarle County, Virginia, do hereby proclaim **September 15, 2007 through October 15, 2007**, as "**LATINO HERITAGE MONTH**" in Albemarle County, and encourage our citizens to celebrate the accomplishments and diversity of our Latino residents, and recognize the valuable achievements and efforts of organizations such as Zona Latina who are working to create opportunity and inclusiveness in our community.

Mr. Boyd presented the following proclamation recognizing October 2007 as Domestic Violence Awareness Month. He presented the proclamation to Marie Murray and Tom Laux:

Domestic Violence Awareness Month

Whereas, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

Whereas, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

Whereas, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

Whereas, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

Whereas, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

Whereas, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

Whereas, the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

Whereas, the Shelter for Help in Emergency commemorates its 28th year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

Now, Therefore, Be It Resolved, that in recognition of the important work being done by the Shelter for Help in Emergency, I, Kenneth C. Boyd, Chairman of the Albemarle County Board of Supervisors, do hereby proclaim the month of October 2007 as **DOMESTIC VIOLENCE**

AWARENESS MONTH and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children, and men.

Ms. Murray said she is a client advocate at the Shelter for Help in Emergency. She thanked each Board member for their awareness and support.

Mr. Laux also thanked the Board for their support of the Shelter.

Agenda Item No. 5. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd said Board members have received a resolution from C'ville Rail requesting the Board support a market study of enhanced passenger rail in the U.S. Piedmont Corridor. He asked if Board members wanted the organization to make a presentation at a future meeting or take up the discussion themselves.

Mr. Slutzky said he is familiar with the request and would be happy to support it if staff could draft a version for Albemarle County.

Mr. Boyd agreed, but said he is not comfortable with the clause binding the locality to financial support. He did mention to C'ville Rail that he would like to remove that reference from the resolution.

Mr. Rooker indicated that he supports the concept of the resolution.

Mr. Tucker agreed that staff could prepare a resolution to come back to the Board on a Consent Agenda.

Mr. Boyd asked the status of a previous request regarding how the County can prevent the building of agricultural roads that are turning into subdivision roads, and how the Board could strengthen current ordinances.

Ms. Thomas said she would like to know the status about strengthening erosion and sediment control regulations. Stormwater is also a concern.

Mr. Graham replied that that work has been delayed because of focus on rural area ordinances, but it is hoped that staff would have it ready for the Board in the Fall.

Mr. Davis replied that the ordinance does not address the agricultural road issue as stringently as desired, but staff is also looking at erosion impact areas and provisions within the ordinance that would allow corrective action – even though it would be after the fact. If there is still persistent offsite erosion, then staff can take some action.

Mr. Graham noted that this problem is not unique to Albemarle, as many localities throughout the state are complaining about loopholes being used by developers.

Mr. Slutzky asked if it would be worth adding this to the legislative agenda and asking one of the County's legislative representatives if they would support a bill.

Mr. Rooker commented that the Board needs to know exactly what it is asking for.

Mr. Davis added that it is a tricky legislative matter because it is not popular to regulate agriculture, but there should be a way to focus on just the abusers of the ordinance. Staff can continue to look at whether there is a legislative option.

Mr. Boyd agreed that staff needs to bring back more details for Board discussion.

Mr. Rooker said he believes the focus should be on whether there is anything that can be done under current enabling legislation that the Board is not doing that would be reasonable by way of a change in an ordinance and, secondly, are there areas where the County might get some reasonable legislative help.

Mr. Davis said the challenge is that when the activities are occurring people are declaring it is a legitimate agriculture use.

Mr. Slutzky said he would like this to come back to the Board with some options that protect the ecological systems.

Mr. Boyd said that Board members received a copy of a letter from the Army Corps of Engineers indicating that they are beginning the approval process for the County's 50-year water plan. Albemarle has been working to cut through the regulatory red tape of 11 different state and federal organizations to get this endorsement so that additional water reserves can be built soon.

Mr. Rooker stated that it would be prudent for the Rivanna Water and Sewer Authority (RWSA) to solidify its agreement with the City regarding the land that would be inundated. The County needs to know if there is going to be a contribution or if the City takes the position that property is being taken and they want some compensation.

Mr. Tucker said the negotiations are moving forward.

Mr. Boyd reiterated his desire to have the RWSA Board restructured, including having elected representatives.

Mr. Wyant said he is also interested in restructuring the RWSA Board.

Mr. Rooker suggested that this be put on an agenda as a topic for discussion.

Ms. Thomas said that the Board at one point did not want additional information about waste-handling, noting that she does attend their Board meetings. Board members need to think about why they would want to do this.

Mr. Boyd said that he is most concerned about the major decisions regarding bonding and financing, not just general information, adding that the question of more representation on that board has still not been resolved.

Ms. Thomas noted that a citizen representative has expressed an interest in having broader County representation.

Mr. Slutzky said that he is not in favor of having more representation than the City. He would rather see a collaboration of the parties and not try to offset the balance of power because of demographics.

Mr. Tucker stated that the issue has been that the City has not been receptive to adding elected officials to the Four Party Agreement. He suggested that Board members speak with members of City Council. It is very simple to make the changes, but he thinks the Board members need to make sure that the City Council members are willing to move forward.

Mr. Boyd said that he would contact Mayor Brown.

Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Allan Kendrick addressed the Board, stating that he appreciates the Board's efforts to reequip the Advance Mills area with a bridge. He has lived in the area for 40 years and looks forward to the issue being resolved. Mr. Kendrick suggested that VDOT provide a general outline or schedule of how they are approaching this, indicating that the old bridge is still sitting there. Despite Board efforts, he does not see where any progress is being made.

Ms. Ann Mallek, a resident of a farm in Earlysville under Virginia Outdoor Foundations' easements since 1998, addressed the Board. She encouraged the Board to write State officials supporting the Land Preservation Tax Credit, "the single-most effective tool for land conservation in the state," once again being targeted by budget-cutters. The program has been responsible for protecting over 250,000 acres statewide since it was created in 2000. Thanks to the state tax credits, the LPTC, landowners have voluntarily made dramatic strides in improving records of land conservation. In 2006 the General Assembly established a \$100 million annual cap to provide stability and predictability to the state budget. In conservation easements, they know that the County cannot do it alone, as their ACE Program has funds to purchase fewer than one-third of qualifying properties this year. She stated that easements are becoming part of the financial planning landscape, and the number of qualified applications has steadily grown. Without donated easements we will never achieve meaningful conservation goals. Therefore, we need the LPTC to supplement our local efforts. Land conservation is important to all in Albemarle, providing water quality protection, preserving the working farms and forests in our landscape and our scenery in which our tourism industry depends. She asked Board members to support this effort in Richmond.

Mr. Sam Caughron, a resident of 523 Lexington Avenue in Charlottesville, and President-Elect of the Albemarle County Medical Association, addressed the Board and encouraged them to support legislation to allow cities and counties to eliminate secondhand smoke in public places. He has also requested this from the City of Charlottesville and suggested the County work with them. Mr. Caughron stated that the 2006 Tobacco Smoke Report of the U.S. Surgeon General showed that secondhand smoke causes disease and premature death in children, acute respiratory problems and difficulties with cardiovascular disease, there is no risk-free level of secondhand exposure, and ventilation and other air-cleaning technologies cannot fully eliminate this. He also indicated that studies have shown that banning smoking does not have a negative effect on the hospitality industry. The National Cancer Institute determined that secondhand smoke was responsible for about 53,000 American deaths annually. Many cities are now becoming smoke free. Their organization believes that residents have the right to smoke; however, they deserve the individual right to decide – if they will be exposed to this dangerous product – and that they have the protection of local government if they do not. He added that citizens are being

damaged against their will. He hopes the Board will join in making this area one of the healthiest in which to live. He asked that the Board lobby so that this local government can create its own options to deal with this issue.

Mr. Paul Newland, a resident of Advance Mills and member of the Advance Mills Homeowner's Association addressed the Board. Mr. Newland commented that he is a user of the County's website and he was pleased to see the award given earlier to the County. It is one of the best websites he has used and it is very user-friendly, maintained and current. They have over 550 households residents in support of the bridge effort, and have established a working group of residents available to offer assistance. They have set up a website in support of ongoing information. The website "advancemills.org" goes online Friday. They will be happy to include any appropriate information on the website to update the residents. They are anxious to hear about the progress of the temporary bridge and the schedule VDOT will be following. He thanked VDOT and Board members for their support and ongoing attention to this effort.

Mr. Jay Willer, Executive Vice-President of the Blue Ridge Homebuilders Association, addressed the Board, referred to a report on economic growth which stated that "from 1990 to 2005 average annual employment has grown faster than population – 2.2% average annual growth in employment versus 1.9% of average annual growth for population". He stated that the population growth is not the rampant out of control growth that a number of people will claim that it is, and there is already some mechanism requiring employees to live outside of the County. Mr. Willer said the other statement he found interesting was that "local serving small businesses provide the most jobs and generally the most support to the local economy; the multiplier effect of the small local business is substantial to the local economy." Information from the U.S. Census Bureau indicated that last year the total value of labor and materials in Albemarle County was \$183,680,000 for the housing industry. Adding to that corporate multipliers shows a huge contribution to the local economy.

Mr. Rooker commented that he would like having the ban on smoking in public places added to the Board's legislative packet, and also add support of the Land Preservation Tax Credit to the packet.

Mr. Dorrier added that the County should adamantly oppose any reduction in the tax credits.

Mr. Boyd and Mr. Slutzky agreed.

Mr. Davis pointed out that the Virginia Clean Air Act allows the County to be as restrictive as its parameters provide, but it is somewhat limited in scope at this point. He added that the ban on smoking in restaurants was defeated in last year's session, as restaurants are private places, not public.

Agenda Item No. 7. Consent Agenda.

Mr. Slutzky asked that Item 7.6 be pulled from the Consent Agenda for discussion.

Mr. Rooker said he also would like to pull Item 7.6 and to have an additional discussion on Item 7.15.

Motion was then offered by Mr. Rooker, to approve Items 7.1 through 7.7, with the exception of Item 7.6, on the Consent Agenda and to accept the remaining items for information. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Item No. 7.1. Approval of Minutes: August 2 and September 6, 2006; January 3, January 10, February 14, March 14, April 11, May 2 and August 16, 2007.

Mr. Slutzky said he had not read his minutes of May 2, 2007, and asked that they be pulled.

Mr. Rooker said he had read his minutes of February 14, 2007 (pages 1-30) and found them to be in order.

Mr. Boyd said he read the minutes of September 6, 2006 and August 16, 2007, and found them to be in order. He asked that the minutes of April 11, 2007 be pulled and moved to the next meeting.

Mr. Wyant said he had not read August 2, 2006 (pages 1-39), and asked that they be pulled.

Mr. Dorrier had read his portion of the minutes of August 2, 2006 (pages 39-end); January 3, 2007 (pages 1-24) and January 10, 2007 (pages 24 – end) and found them to be in order.

Ms. Thomas had read her portion of the minutes of January 3, 2007 (pages 24-end) and February 14, 2007 (pages 31-end) and March 14, 2007, and found them to be in order, with the exception of some typos.

Item No. 7.2. FY 2007 Appropriations.

The Executive Summary states that the Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget 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 Funds, E911, School Self-Sustaining, etc.

In the past, Code of Virginia § 15.2-2507 required a budget amendment public hearing when the amendment exceeded one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser. Effective July 1, 2007, this code section was amended removing the "or the sum of \$500,000 whichever is lesser" from this requirement, therefore, a budget amendment public hearing will only be required after the cumulative appropriations exceed one percent of the currently adopted budget.

The total of this requested FY 2007 appropriation is \$339,869.95. A budget amendment public hearing will be required if future additional cumulative appropriations exceed one percent of the currently adopted budget.

This request involves the approval of two (2) new FY 2007 appropriations as follows:

- Two (2) appropriations (#2007090 and #2007091) totaling \$339,869.95 for various school programs and grants.

Appropriation #2007090 **\$82,162.41**

Revenue Source:	Local Revenue (Donation)	\$ 5,377.93
	State Revenue	100.00
	Federal Revenue	68,394.90
	Fund Balances (School Special Revenue)	8,289.58

At its meeting on May 20, 2007, the School Board approved the following appropriations:

The Charlottesville-Albemarle Community Foundation Grant was not fully expended for FY05/06 and has a fund balance in the amount of \$5,464.16. It is requested that the fund balance be appropriated for use in FY06/07 to help purchase band uniforms.

The Special Education Sliver Grant was not fully expended in the school budget for FY05/06. The grant carryover amount of \$18,400.97 was retained by the State and may be appropriated for FY06/07. The grant also has a fund balance in the amount of \$2,825.42. These grant funds will be used to fund staff development, materials and stipends in order to successfully certify special education teachers as highly qualified in content.

The Preschool Early Childhood Education Grant was not fully expended in the school budget for FY05/06. The grant carryover amount of \$49,993.93 was retained by the State and may be appropriated for FY06/07. These funds will cover incurred additional expenses for the Agnor-Hurt preschool classroom set up and other preschool expenses.

Broadus Wood Elementary School received a donation in the amount of \$5,377.93 from the Broadus Wood PTO. It has been requested that this donation be used to purchase digital document cameras and LCD projectors at Broadus Wood Elementary School.

The Virginia Commission for the Arts has awarded a Touring Grant to Crozet Elementary School in the amount of \$100.00. This grant will assist with funding a Theatre IV performance.

Appropriation #2007091 **\$257,707.54**

Revenue Source:	Local Revenue (Grant)	\$ 15,000.00
	Federal Revenue	213,310.31
	Fund Balances (School Special Revenue)	29,397.23

At its meeting on August 9, 2007, the School Board approved the following appropriations:

Albemarle County and Charlottesville City Public Schools have partnered with the University of Virginia to implement a Carnegie Foundation Incentive Grant, "Teachers for a New Era". The key goal of the "Teachers for a New Era" (TNE) program is to "perfect a model teacher education program that attracts some of our most promising young men and women and transforms them into superb teachers, capable of eliciting the highest possible achievement from their students over the course of their careers." Expenditures have exceeded appropriations for FY 06-07 due to an increase in funding. This agenda item requests appropriation of \$15,000.00 in additional funds to cover these increases and to balance this fund.

The Standards of Learning Algebra Readiness Initiative was approved by the 2000 General Assembly for implementation starting 2001-2002. The purpose of the initiative is to provide mathematics intervention services to students at the middle school level who are at risk of failing the Algebra I end-of-course test. Albemarle County has chosen to provide intervention services at the five middle schools.

Expenditures have exceeded appropriation for FY 06-07 due to the state eliminating the carry forward provision for SOL Algebra Readiness funds. All funds had to be spent by June 30, 2007 or returned to VDOE. This agenda item requests appropriation of the \$21,329.26 fund balance to cover the additional expenses and to balance this fund.

Title I is a federally funded program designed to help children meet challenging content and performance standards. It supplements, not supplants, local funding in providing services to students in Albemarle County. The program utilizes strategies that focus on improving teaching and learning and building stronger partnerships between schools and communities to support the achievement of all children who are served. Title I supports reading/language arts instruction for students where achievement does not meet expected standards in the elementary schools where free/reduced lunch percentages are above the County average. Expenditures have exceeded appropriations for FY06/07 due to an increase in the federal allocation and expenses related to division level school improvement. There is a fund balance retained by the state in the amount of \$173,284.47 from FY05/06 which may be reappropriated for FY06/07. The funds will be spent on salaries and benefits, educational materials, staff development and telephone charges.

Albemarle County Adult Basic Education collaborates with local institutions and agencies when requested to provide tuition classes tailored to the individualized needs of particular students. All expenses are covered through tuition and registration fees. Expenditures have exceeded appropriation for FY06/07 due to an increase in the number of classes and associated expenses. There is a local fund balance in the amount of \$8,067.97 from FY05/06 which may be reappropriated for FY06/07.

Migrant is a federally funded program designed to locate all eligible migrant students residing within the regional district, evaluate their individual needs, and offer services to meet those needs. Expenditures have exceeded appropriations for FY06/07 due to Albemarle County Migrant Education Program (MEP) receiving \$50,212.00 for the MEP Incentive Consortium (Matematica) program for FY05/06. Matematica was a two-year collaboration of eight states, including Virginia, which developed a research-based mathematics curriculum for highly mobile migrant students. This curriculum was implemented in summer school programs throughout the consortium states during the summer of 2005 and was used again in the summer of 2006. Funds were received May 25, 2006 and had to be spent by September 20, 2006. There is a fund balance retained by the state in the amount of \$40,025.84 from FY05/06 which may be reappropriated for FY06/07. The funds were spent on salaries, benefits, educational materials and travel.

Staff recommends approval of the FY 2007 Appropriation #2007090 and #2007091.

By the recorded vote set out above, the Board approved the FY 2007 Appropriations #2007090 and #2007091.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007090
DATE _____
BATCH# _____

EXPLANATION: Education Donation and Programs – School Board Meeting – 05/20/2007

					SUB LEDGER			GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE		AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	DONATION	J	2	5,377.93		
2	3104	24000	240295	REVENUE-CROZET ELEM	J	2	100.00		
2	3143	51000	510100	APPROP. FUND BALANCE	J	2	5,464.16		
2	3205	33000	330111	PRESCHOOL GRANT	J	2	49,993.93		
2	3211	33000	330131	SLIVER GRANT	J	2	18,400.97		
2	3211	51000	510100	APPROP. FUND BALANCE	J	2	2,825.42		
1	2201	61101	800100	MACHINERY/EQUIP. -NEW	J	1	5,377.93		
1	3104	60203	312500	PROF. SERVICE- INSTRUCTION	J	1	100.00		
1	3143	61101	601300	INSTRUCTION MAT. UNIFORMS	J	1	5,464.16		
1	3205	61108	114100	SALARIES- TEACHER AIDE	J	1	7,382.39		
1	3205	61108	210000	FICA	J	1	611.54		
1	3205	61108	221000	VRS	J	1	694.86		
1	3205	61108	301210	CONTRACT SERVICES	J	1	3,305.14		
1	3205	61108	601300	INSTRUCTION MAT. UNIFORMS	J	1	38,000.00		
1	3211	61102	160300	STIPENDS-STAFF DEVELOPMENT	J	1	3,166.64		
1	3211	61102	210000	FICA	J	1	256.64		
1	3211	61102	580500	STAFF	J	1	145.00		

				DEVELOPMENT					
1	3211	61102	601300	MATERIAL	J	1	17,658.11		
	2000		0501	Est. Revenue				5,377.93	
			0701	Appropriation					5,377.93
	3104		0501	Est. Revenue				100.00	
			0701	Appropriation					100.00
	3143		0501	Est. Revenue				5,464.16	
			0701	Appropriation					5,464.16
	3205		0501	Est. Revenue				48,993.93	
			0701	Appropriation					48,993.93
	3211		0501	Est. Revenue				21,226.39	
			0701	Appropriation				21,226.39	
TOTAL							164,324.82	82,162.41	82,162.41

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007091
DATE _____
BATCH# _____

EXPLANATION: Education Programs and Grants – School Board Meeting – 08/09/2007

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	3101	33000	330101	TITLE I GRANT	J	2	173,284.47		
2	3103	33000	330102	MIGRANT GRANT	J	2	40,025.84		
2	3116	51000	510100	APPROPRIATION - F/B	J	2	8,067.97		
2	3152	51000	510100	APPROPRIATION - F/B	J	2	21,329.26		
2	3156	18120	189900	REVENUE - TNA GRANT	J	2	15,000.00		
1	3101	61101	111400	SALARIES - OTHER MANAGEMENT	J	1	21,046.64		
1	3101	61101	112100	SALARIES - TEACHER	J	1	62,136.04		
1	3101	61101	114100	SALARIES - TEACHER AIDE	J	1	5,329.44		
1	3101	61101	152100	SUB/WAGES - TEACHER	J	1	102.93		
1	3101	61101	210000	FICA	J	1	6,544.57		
1	3101	61101	221000	VIRGINIA RETIREMENT SYSTEM	J	1	12,685.28		
1	3101	61101	222100	ANNUITY - PART-TIME	J	1	767.47		
1	3101	61101	231000	HEALTH INSURANCE	J	1	11,568.64		
1	3101	61101	232000	DENTAL INSURANCE	J	1	395.32		
1	3101	61101	241000	VRS GROUP LIFE INSURANCE	J	1	975.80		
1	3101	61101	242000	GROUP LIFE/PART-TIME	J	1	83.20		
1	3101	61101	580500	STAFF DEVELOPMENT	J	1	39,148.14		
1	3101	61101	600200	FOOD SERVICES	J	1	1,285.72		
1	3101	61101	601300	EDUC. & RECREATION SUPPLIES	J	1	5,171.38		
1	3101	61311	115000	SALARIES - OFFICE CLERICAL	J	1	4,005.86		
1	3101	61311	210000	FICA	J	1	287.38		
1	3101	61311	221000	VIRGINIA RETIREMENT SYSTEM	J	1	588.48		
1	3101	61311	231000	HEALTH INSURANCE	J	1	615.30		
1	3101	61311	232000	DENTAL INSURANCE	J	1	21.60		
1	3101	61311	241000	VRS GROUP LIFE INSURANCE	J	1	45.28		
1	3101	61311	520100	POSTAL SERVICES	J	1	7.74		

1	3101	61311	550100	TRAVEL	J	1	427.21		
1	3101	62420	520301	TELEPHONE - LOCAL	J	1	45.05		
1	3103	61101	111400	SALARIES-OTHER MANAGEMENT	J	1	1,396.50		
1	3103	61101	132100	PT/WAGES-TEACHER	J	1	30,826.83		
1	3103	61101	210000	FICA	J	1	1,936.08		
1	3103	61101	221000	VIRGINIA RETIREMENT SYSTEM	J	1	205.15		
1	3103	61101	231000	HEALTH INSURANCE	J	1	30.76		
1	3103	61101	232000	DENTAL INSURANCE	J	1	1.08		
1	3103	61101	241000	VRS GROUP LIFE INSURANCE	J	1	15.78		
1	3103	61101	550100	TRAVEL-MILEAGE	J	1	2,344.73		
1	3103	61101	601300	EDUC. & RECREATION SUPPLIES	J	1	1,727.14		
1	3103	61311	115000	SALARIES-OFFICE CLERICAL	J	1	1,201.77		
1	3103	61311	210000	FICA	J	1	86.22		
1	3103	61311	221000	VIRGINIA RETIREMENT SYSTEM	J	1	176.52		
1	3103	61311	231000	HEALTH INSURANCE	J	1	61.53		
1	3103	61311	232000	DENTAL INSURANCE	J	1	2.16		
1	3103	61311	241000	VRS GROUP LIFE INSURANCE	J	1	13.59		
1	3116	63348	312700	PROF. SERV. CONSULTANTS	J	1	2,338.73		
1	3116	63348	550100	TRAVEL-MILEAGE	J	1	1,351.82		
1	3116	63348	580500	STAFF DEVELOPMENT	J	1	600.00		
1	3116	63348	601300	EDUC. & RECREATION SUPPLIES	J	1	3,777.42		
1	3152	63333	601300	EDUCATIONAL SUPPLIES	J	1	3,164.63		
1	3152	63333	800100	MACHINERY/EQUIPMENT - ADDL	J	1	3,164.63		
1	3152	63333	800710	DATA PROCESSING SOFTWARE	J	1	15,000.00		
1	3156	61101	112100	SALARIES - TEACHER	J	1	13,500.00		
1	3156	61101	210000	FICA	J	1	1,050.00		
1	3156	61101	221000	VA RETIREMENT SYSTEM	J	1	350.00		
1	3156	61101	231000	HEALTH INSURANCE	J	1	50.00		
1	3156	61101	232000	DENTAL INSURANCE	J	1	50.00		
	3101		0501	Est. Revenue				173,284.47	
			0701	Appropriation					173,284.47
	3103		0501	Est. Revenue				40,025.84	
			0701	Appropriation					40,025.84
	3116		0501	Est. Revenue				8,067.97	
			0701	Appropriation					8,067.97
	3152		0501	Est. Revenue				21,329.26	
			0701	Appropriation					21,329.26
	3156		0501	Est. Revenue				15,000.00	
			0701	Appropriation					15,000.00
	TOTAL						515,415.08	257,707.54	257,707.54

Item No. 7.3. FY 2008 Appropriations.

The Executive Summary states that the Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget 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 Funds, E911, School Self-Sustaining, etc.

In the past, Code of Virginia § 15.2-2507 required a budget amendment public hearing when the amendment exceeded one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser. Effective July 1, 2007, this code section was amended removing the "or the sum of \$500,000 whichever is lesser" from this requirement, therefore, a budget amendment public hearing will only be required after the cumulative appropriations exceed one percent of the currently adopted budget.

The total of this requested FY 2008 appropriation is \$1,152,798.21. A budget amendment public hearing will be required if future additional cumulative appropriations exceed one percent of the currently adopted budget.

This request involves the approval of six (6) new FY 2008 appropriations as follows:

- One (1) appropriation (#2008013) totaling \$918,485.00 establishing the Commission on Children and Families FY08 budget;
- One (1) appropriation (#2008014) in the amount of \$12,000.00 for a Smoke Detector Grant;
- One (1) appropriation (#2008015) receiving \$3,800.00 in funding for an law student intern in the Commonwealth Attorney's office;
- One (1) appropriation (#2008016) totaling \$67,382.00 for the Foothills Child Advocacy Center grant;
- One (1) appropriation (#2008017) in the amount of \$1,000.00 for a school donation; and
- One (1) appropriation (#2008018) reappropriating \$150,131.21 in local government grants.

Appropriation #2008013 **\$918,485.00**

Revenue Source:	Local Revenue	\$554,516.00
	State Revenue	363,969.00

The County of Albemarle is fiscal agent for the Commission on Children and Families. This request will appropriate the Commission on Children and Families FY08 operating budget.

Appropriation #2008014 **\$ 12,000.00**

Revenue Source:	Local Revenue	\$ 12,000.00
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The J&E Berkley Foundation has awarded the Albemarle County Fire Rescue Department a grant in the amount of \$12,000.00. This award will enable the continuation of a free smoke detector program targeted to bring single family residences into compliance with National Fire Protection Association (NFPA) recommendations. This program targets social-economic groups that are at-risk and usually cannot afford smoke detectors. There is no local match.

Appropriation #2008015 **\$ 3,800.00**

Revenue Source:	Local Revenue	\$ 3,800.00
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The Commonwealth's Attorney's Office has received \$3,800.00 in funding from the University of Virginia to fund a second-year law student intern in their office.

Appropriation #2008016 **\$ 67,382.00**

Revenue Source:	State Revenue Grant)	\$ 67,382.00
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The Virginia Department of Health has awarded the County a grant in the amount of \$67,382.00 on behalf of the Foothills Child Advocacy Center. Foothills Children's Advocacy Center is a project of the Charlottesville/ Albemarle Commission on Children and Families providing a culturally sensitive, coordinated community response to allegation of child abuse in a dedicated, child friendly setting. Foothills coordinates a multi-disciplinary team with members from city and county police departments, social services, victim witness, Commonwealth's Attorneys, Region Ten, among others, who along with Foothills staff work together on child abuse investigations and treatment for child victims and their non-offending family/caregivers. There is no local match.

Appropriation #2008017 **\$150,131.21**

Revenue Source:	State Revenue (Grant)	\$ 65,241.23
	Federal Revenue (Grant)	70,651.20
	Other Fund Balances	14,238.78

The following public safety grants have not expended all funding as of June 30, 2006 and will require re-appropriation. No additional local funding is required.

- In FY06/07, State Farm awarded the Albemarle County Police Department a grant contribution in the amount of \$5,000.00 to fund a two-day training event for twelve TAC Team members and the purchase of equipment (sidearm holsters). No funds had been expended at June 30.
- The Department of Criminal Justice Services awarded the Albemarle County Police Department a grant in the amount of \$13,579.00 with a local match of \$4,526.00 for a total award of \$18,105.00 to increase the recruiting and hiring of qualified police officers. This will be accomplished through

the selection and training of a police recruiter, development materials, and participation in up to ten job fairs and recruiting events in Virginia. The grant balance of \$13,565.00 will be reappropriated to FY07/08.

- The Department of Criminal Justice awarded the Albemarle County Sheriff's Department a grant in the amount of \$29,617.00 with a local match of \$166.54 for a total award of \$29,783.54. The purpose of this grant is to purchase automated external defibrillators (AED's), Alzheimer tracking bands, and digital video equipment and cameras. The grant balance of \$12,247.03 will be reappropriated to FY07/08.
- The Office of the Attorney General awarded the Albemarle County Sheriff's Department a grant in the amount of \$2,500.00 with a local match of \$250.00 for a total grant award of \$2,750.00. The purpose of this grant is to purchase equipment and supplies to assist seniors in our area to "Stay Safe". These efforts are in conjunction with the Jefferson Area Board of Aging, the Alzheimer's Association, and local Senior Citizen centers throughout the County. The grant balance of \$109.00 will be reappropriated to FY07/08.
- The U.S. Department of Justice awarded the Albemarle County Police Department a grant in the amount of \$15,847.00 to assist in funding overtime hours by current officers in support of reducing crime and improvement of public safety for more "Community Policing". No funds had been expended at June 30.
- The Commonwealth of Virginia Division of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$5,000.00 to assist in the increase of bike patrol riding time, enforcement efforts, and citizen assistance. This grant will also assist the department with educational activities to promote the enjoyment gained from bicycle riding as well as the important safety aspects associated with it. The \$3,802.72 grant balance will be reappropriated to FY07/08.
- The Commonwealth of Virginia Division of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$25,692.00 to assist in the purchase of radar units as well a funding overtime hours for DUI checkpoints, increased saturation of trouble spots both on primary and secondary roads and in shopping centers. The grant balance of \$1,526.58 will be reappropriated to FY07/08.
- The Commonwealth of Virginia Division of Motor Vehicles awarded the Albemarle County Police Department a grant in the amount of \$3,000.00 for overtime expenses and 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 be given a ticket if appropriate. The grant balance of \$148.55 will be reappropriated to FY07/08.
- The U.S. Department of Justice awarded the Albemarle County Police Department a grant in the amount of \$26,235.00 in FY05/06 to assist in the funding of overtime hours in an effort to reduce crime and improve safety with more "community policing". The grant balance of \$4,903.14 will be reappropriated to FY07/08.
- The U.S. Department of Justice awarded the Albemarle County Police and Fire Rescue departments a grant in the amount of \$88,370.00 in FY05/06 to assist in the preparation of response to incidents involving mass destruction weapons. The grant balance of \$4,528.06 will be reappropriated to FY07/08.
- The U.S. Department of Justice awarded the Albemarle County Police and Fire Rescue departments additional funds in the amount of \$50,068.00 for the 2005 Homeland Security Grant. The grant balance of \$1,018.25 will be reappropriated to FY07/08.
- The Department of Criminal Justice Services awarded the Commission on Children and Families a grant in the amount of \$100,000.00 to provide training and the implementation of the family functional therapy program, including staff training, manuals, and treatment services for the participations. The grant balance of \$60,132.23 will be reappropriated to FY07/08.
- The Department of Criminal Justice Services awarded the Commission on Children and Families a grant in the amount of \$11,667.00. The grant balance of \$10,956.00 will be reappropriated to FY07/08.
- The Department of Criminal Justice Services awarded the Commission on Children and Families a grant in the amount of \$16,526.00 with a local match of \$1,836.00, for a total grant award of \$18,362.00. This grant will provide training and the implementation of promoting greater accountability in the juvenile justice system including the increased accountability for juvenile offenders. The grant balance of \$16,347.65 will be reappropriated to FY07/08.

Appropriation #2008018 \$ 1,000.00

Revenue Source: School Fund Balance \$ 1,000.00

At its meeting on August 9, 2007, the School Board approved the following appropriation:

Red Hill Elementary School received a donation from the Wal-Mart Foundation in the amount of \$1,000.00. It has been requested that this donation be used to support Guidance and Character Education at Red Hill Elementary School. The donation was received on behalf of our guidance counselor, Cindy Payne as Wal-Mart Teacher of the Year. These monies were received in FY06/07 and are requested for appropriation in FY07/08.

Staff recommends approval of the FY 2008 Appropriations #2008013, #2008014, #2008015, #2008016, #2008017, and #2008018.

By the recorded vote set out above, the Board approved the FY 2008 Appropriations #2008013, #2008014, #2008015, #2008016, #2008017, and #2008018.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008013
DATE _____
BATCH# _____

EXPLANATION: Appropriate he budget for the Commission on Children and Families for July 1, 2007-June 30, 2008

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	4400	16000	160502	City of Charlottesville	J	2	288,645.00		
2	4400	16000	160503	County of Albemarle	J	2	232,443.00		
2	4400	18000	189990	Miscellaneous Revenue	J	2	7,928.00		
2	4400	18000	181315	Region Ten Reimbursement	J	2	25,500.00		
2	4400	24000	240000	State Categorical Aid	J	2	68,497.00		
2	4400	24000	240500	State Revenue - Grant	J	2	295,472.00		
1	4400	54101	110000	Salaries - Regular	J	1	157,006.00		
1	4400	54101	210000	FICA	J	1	11,549.00		
1	4400	54101	221000	Virginia Retirement Sys.	J	1	19,565.00		
1	4400	54101	231000	Health Insurance	J	1	23,010.00		
1	4400	54101	232000	Dental Insurance	J	1	1,000.00		
1	4400	54101	241000	VRS Group Life Insurance	J	1	1,706.00		
1	4400	54101	270000	Worker's Compensation	J	1	214.00		
1	4400	54101	310000	Professional Services	J	1	3,500.00		
1	4400	54101	312710	Computer Support	J	1	5,473.00		
1	4400	54101	320000	Temp. Help Services Fee	J	1	500.00		
1	4400	54101	350000	Print & Bind External	J	1	6,000.00		
1	4400	54101	360000	Advertising	J	1	800.00		
1	4400	54101	520100	Postal Services	J	1	1,000.00		
1	4400	54101	520300	Telecommunications	J	1	950.00		
1	4400	54101	540000	Leases & Rentals	J	1	20,204.00		
1	4400	54101	550100	Travel/Training/Education	J	1	1,503.00		
1	4400	54101	550600	Travel - Subsistence	J	1	300.00		
1	4400	54101	580100	Dues & Memberships	J	1	100.00		
1	4400	54101	600100	Office Supplies	J	1	4,000.00		
1	4400	54101	600200	Food Supplies	J	1	1,500.00		
1	4400	54101	601200	Books & Subscriptions	J	1	100.00		
1	4400	54101	601300	Educ. & Recreation Supplies	J	1	500.00		
1	4400	54101	800710	Data Processing Software	J	1	500.00		
1	4400	54102	301200	Contract Services - Other	J	1	457,936.00		
1	4400	54103	110000	Salaries - Regular	J	1	63,707.00		
1	4400	54103	210000	FICA	J	1	4,686.00		
1	4400	54103	221000	Virginia Retirement Sys.	J	1	7,939.00		
1	4400	54103	231000	Health Insurance	J	1	9,790.00		
1	4400	54103	232000	Dental Insurance	J	1	500.00		
1	4400	54103	241000	VRS Group Life Insurance	J	1	692.00		
1	4400	54103	270000	Worker's Compensation	J	1	87.00		
1	4400	54103	312710	Computer Support	J	1	1,263.00		
1	4400	54103	350000	Print & Bind External	J	1	600.00		
1	4400	54103	520100	Postal Services	J	1	500.00		
1	4400	54103	520300	Telecommunications	J	1	300.00		
1	4400	54103	540000	Leases & Rentals	J	1	8,520.00		
1	4400	54103	550100	Travel/Training/Education	J	1	652.00		
1	4400	54103	600100	Office Supplies	J	1	800.00		
1	4400	54104	301200	Contract Services - Other	J	1	5,145.00		
1	4400	54105	110000	Salaries - Regular	J	1	58,551.00		
1	4400	54105	210000	FICA	J	1	4,307.00		
1	4400	54105	221000	Virginia Retirement	J	1	13,240.00		

				Sys.					
1	4400	54105	231000	Health Insurance	J	1	5,354.00		
1	4400	54105	232000	Dental Insurance	J	1	225.00		
1	4400	54105	241000	VRS Group Life Insurance	J	1	477.00		
1	4400	54105	270000	Worker's Compensation	J	1	55.00		
1	4400	54105	301200	Contract Services - Other	J	1	200.00		
1	4400	54105	312710	Computer Support	J	1	1,684.00		
1	4400	54105	350000	Print & Bind External	J	1	400.00		
1	4400	54105	520100	Postal Services	J	1	200.00		
1	4400	54105	520300	Telecommunications	J	1	150.00		
1	4400	54105	530000	Insurance	J	1	590.00		
1	4400	54105	540000	Leases & Rentals	J	1	7,100.00		
1	4400	54105	550100	Travel/Training/Education	J	1	1,100.00		
1	4400	54105	550600	Travel - Subsistence	J	1	200.00		
1	4400	54105	600100	Office Supplies	J	1	455.00		
1	4400	54105	600200	Food Supplies	J	1	100.00		
	4400		0501	Est. Revenue				918,485.00	
	4400		0701	Appropriation					918,485.00
TOTAL							1,836,970.00	918,485.00	918,485.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008014
DATE _____
BATCH# _____

EXPLANATION: Fire Rescue Smoke Detector Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1576	18120	181319	Grant - Berkley Foundation	J	2	12,000.00		
1	1576	31092	800100	F/R Grant - Mach. Equip.	J	1	12,000.00		
	1576		0501	Est. Revenue				12,000.00	
			0701	Appropriation					12,000.00
TOTAL							24,000.00	12,000.00	12,000.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008015
DATE _____
BATCH# _____

EXPLANATION: Intern for Commonwealth Attorney's Office

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1000	18120	181272	UVA Law School	J	2	3,800.00		
1	1000	22010	130000	C'wealth Attorney-PT	J	1	3,800.00		
	1000		0501	Est. Revenue				3,800.00	
			0701	Appropriation					3,800.00
TOTAL							7,600.00	3,800.00	3,800.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008016
 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	67,382.00		
1	1569	53157	110000	Salaries	J 1	45,000.00		
1	1569	53157	210000	FICA	J 1	3,442.50		
1	1569	53157	221000	VRS	J 1	5,832.00		
1	1569	53157	222000	Life Insurance	J 1	508.50		
1	1569	53157	231000	Health Insurance	J 1	6,040.00		
1	1569	53157	280000	Worker's Compensation	J 1	193.50		
1	1569	53157	540200	Rent	J 1	4,000.00		
1	1569	53157	550100	Travel/Training/ Education	J 1	2,365.50		
	1569		0501	Est. Revenue			67,382.00	
			0701	Appropriation				67,382.00
TOTAL						134,764.00	67,382.00	67,382.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008017
 DATE _____
 BATCH# _____

EXPLANATION: Reappropriations Grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1510	51000	510100	Appropriation – F/B	J 2	5,000.00		
2	1512	33000	330001	Federal Revenue	J 2	10,140.53		
2	1512	51000	510100	Appropriation – F/B	J 2	3,424.47		
2	1513	33000	330001	Federal Revenue	J 2	12,247.03		
2	1514	24000	240000	State Revenue	J 2	109.00		
2	1524	33000	330001	Federal Revenue	J 2	15,847.00		
2	1532	33000	330011	Federal DMV Grants	J 2	3,802.72		
2	1533	33000	330011	Federal DMV Grants	J 2	1,526.58		
2	1534	33000	330011	Federal DMV Grants	J 2	148.55		
2	1536	33000	330001	Federal DMV Grants	J 2	3,524.43		
2	1536	51000	510100	Appropriation – F/B	J 2	1,378.71		
2	1546	33000	330001	Federal Grant Revenue	J 2	1,048.46		
2	1546	51000	510100	Appropriation – F/B	J 2	3,479.60		
2	1548	33000	330001	Federal Grant Revenue	J 2	1,018.25		
2	1572	24000	240500	State Revenue	J 2	60,132.23		
2	1573	24000	240000	State Revenue	J 2	5,000.00		
2	1573	33000	330001	Federal Revenue	J 2	5,000.00		
2	1573	51000	510100	Appropriation – F/B	J 2	956.00		
2	1574	33000	330001	Federal Revenue	J 2	16,347.65		
1	1510	31013	550100	Travel/Training	J 1	3,800.00		
1	1510	31013	800100	Equipment	J 1	1,200.00		
1	1512	31013	120000	Overtime	J 1	1,444.45		
1	1512	31013	210000	FICA	J 1	110.32		
1	1512	31013	350000	Printing & Binding	J 1	442.89		
1	1512	31013	390000	Purchased Services	J 1	11,567.34		
1	1513	21070	800100	Equipment	J 1	11,035.89		
1	1513	21070	800700	ADP Equipment	J 1	1,211.14		
1	1514	21070	600100	Supplies	J 1	109.00		

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1	1524	31013	120000	Overtime	J	1	14,634.70		
1	1524	31013	210000	FICA	J	1	1,212.30		
1	1532	31013	120000	Overtime	J	1	3,511.81		
1	1532	31013	210000	FICA	J	1	290.91		
1	1533	31013	120000	Overtime	J	1	1,112.14		
1	1533	31013	210000	FICA	J	1	147.44		
1	1533	31013	800100	Machinery & Equipment	J	1	267.00		
1	1534	31013	120000	Overtime	J	1	137.18		
1	1534	31013	210000	FICA	J	1	11.37		
1	1536	31013	120000	Overtime	J	1	4,510.39		
1	1536	31013	210000	FICA	J	1	392.75		
1	1546	31091	800100	Machinery & Equipment	J	1	40.48		
1	1546	31092	800100	Machinery & Equipment	J	1	4,487.58		
1	1548	31091	800100	Machinery & Equipment	J	1	1,018.25		
1	1572	53157	312105	Consulting Services	J	1	10,879.22		
1	1572	53157	550100	Travel/Training	J	1	10,613.19		
1	1572	53157	580000	Miscellaneous Expense	J	1	35,964.82		
1	1572	53157	600100	Office Supplies	J	1	2,675.00		
1	1573	53160	312105	Consulting Services	J	1	10,956.00		
1	1574	53161	110000	Salaries	J	1	13,355.65		
1	1574	53161	210000	FICA	J	1	1,106.35		
1	1574	53161	550100	Travel/Training	J	1	1,750.00		
1	1574	53161	800120	Equipment/Materials	J	1	135.65		
	1510		0501	Est. Revenue				5,000.00	
			0701	Appropriation					5,000.00
	1512		0501	Est. Revenue				13,565.00	
			0701	Appropriation					13,565.00
	1513		0501	Est. Revenue				12,247.03	
			0701	Appropriation					12,247.03
	1514		0501	Est. Revenue				109.00	
			0701	Appropriation					109.00
	1524		0501	Est. Revenue				15,847.00	
			0701	Appropriation					15,847.00
	1532		0501	Est. Revenue				3,802.72	
			0701	Appropriation					3,802.72
	1533		0501	Est. Revenue				1,526.58	
			0701	Appropriation					1,526.58
	1534		0501	Est. Revenue				148.55	
			0701	Appropriation					148.55
	1536		0501	Est. Revenue				4,903.14	
			0701	Appropriation					4,903.14
	1546		0501	Est. Revenue				4,528.06	
			0701	Appropriation					4,528.06
	1548		0501	Est. Revenue				1,018.25	
			0701	Appropriation					1,018.25
	1572		0501	Est. Revenue				60,132.23	
			0701	Appropriation					60,132.23
	1573		0501	Est. Revenue				10,956.00	
			0701	Appropriation					10,956.00
	1574		0501	Est. Revenue				16,347.65	
			0701	Appropriation					16,347.65

**RESOLUTION TO AUTHORIZE AMENDED
LEASE WITH CHARLOTTESVILLE-ALBEMARLE
COMMISSION ON CHILDREN AND FAMILIES (CCF)**

WHEREAS, the County Office Building on 5th Street contains certain office space that has been leased to the Charlottesville-Albemarle Commission on Children and Families ("CCF") since October 2004; and

WHEREAS, the relocation of the County Registrar to the County Office Building on 5th Street requires the relocation of certain CCF office space; and

WHEREAS, the County and CCF wish to amend their prior lease to recognize this office relocation, and to extend the term of CCF's occupancy through June 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute on behalf of the County of Albemarle, Virginia, an Amended Lease and any other document(s) necessary to lease office space at the County Office Building on 5th Street to the Charlottesville-Albemarle Commission on Children and Families.

AMENDED AGREEMENT OF LEASE

THIS AMENDED LEASE AGREEMENT is made as of September 5, 2007 by and between the COUNTY OF ALBEMARLE, VIRGINIA, Landlord, and the CHARLOTTESVILLE/ ALBEMARLE COMMISSION ON CHILDREN AND FAMILIES, Tenant. This Amended Lease Agreement supersedes that certain Lease Agreement between the parties dated March 22, 2006.

ARTICLE I. PREMISES AND IMPROVEMENTS

In consideration of the rents and covenants herein set forth, Landlord hereby leases to Tenant, and Tenant hereby rents from Landlord, the premises described on Exhibit A attached hereto and made a part hereof together with any and all improvements thereon (the "Leased Premises"). The Leased Premises shall be occupied by the Charlottesville/Albemarle Commission on Children and Families.

ARTICLE II. TITLE: QUIET ENJOYMENT

So long as Tenant is not in default hereunder, Tenant shall have peaceful and quiet enjoyment, use and possession of the Leased Premises without hindrance on the part of the Landlord or anyone claiming by, through, or under Landlord.

ARTICLE III. TERM

Section 3.1. Commencement and Expiration. The term of this Lease shall commence on July 1, 2007 (the "Date of Commencement") and shall expire June 30, 2014. All references to the "term" of this Lease shall, unless the context indicates a different meaning, be deemed to be a reference to the term described herein.

Section 3.2. Renewal. This Lease may be renewed for an additional period as may be mutually agreed by the Landlord and Tenant. If renewal is not agreed upon by the Landlord and Tenant, this Lease shall expire upon expiration of the initial term.

ARTICLE IV. RENT

Section 4.1. Annual Rent. Commencing upon the Date of Commencement, during the first year of this Lease, Tenant agrees to pay to Landlord annual rent of \$12.00 per gross square foot, payable in equal monthly installments, in advance, on the first day of each month during the term hereof. During the second year of this Lease, Tenant agrees to pay to Landlord annual rent of \$16.00 per gross square foot, payable in equal monthly installments, in advance, on the first day of each month during the term hereof. During the third year of this Lease, Tenant agrees to pay to Landlord annual rent of \$18.00 per gross square foot, payable in equal monthly installments, in advance, on the first day of each month during the term hereof. Gross square feet shall be calculated within the perimeter of the area to be used solely by the Charlottesville/Albemarle Commission on Children and Families.

After the third year of this Lease, the rent for any subsequent term of the Lease shall be indexed for inflation and shall be calculated by first establishing a fraction, the numerator of which shall be the level of the CPI Index (as defined herein) as of the first day of that month which is two months before the month in which the Date of Commencement occurs in the subsequent years, and the denominator of which shall be the level of the CPI Index as of the first day of that month which is two months before the initial Date of Commencement. The resulting fraction shall be multiplied by the rent agreed upon or established for the first year of the term of the Lease to determine the annual rent due for the year. The rental figure shall be revised each year based upon this formula. The CPI Index shall be the U.S. Bureau of Labor Statistics Consumer Price Index (all items, all urban consumers, 1982-1984 = 100). If the CPI Index shall be discontinued, Landlord shall designate an appropriate substitute index or formula having the same general acceptance as to use and reliability as the CPI Index and such substitute shall be used as if originally designated herein. Notwithstanding the foregoing, in no event shall the rent due for any lease year decrease below the rent payable for the first year.

Section 4.2. Address for Rent Payment. All payments of rent due Landlord pursuant to Section 4.1 shall be made to Landlord at the address specified in Section 15.3, or to such other party or at such other address as hereinafter may be designated by Landlord by written notice delivered to Tenant at least ten (10) days prior to the next ensuing monthly rental payment date.

ARTICLE V. UTILITIES AND SERVICES

Landlord shall provide water, sewer, electricity, heating and cooling, trash collection and janitorial services at no additional cost to Tenant. Tenant shall provide telephone and all other services.

ARTICLE VI. USE OF PROPERTY

Section 6.1. Permitted Use. Tenant shall have use of the Leased Premises for offices. Tenant shall also have use of the lunchroom, restrooms, elevators and main entry corridors, which areas will not be calculated in the gross square footage for rental purposes.

Section 6.2. Parking. Tenant shall be entitled to the use of parking spaces in the parking lot and an access easement to the Leased Premises.

ARTICLE VII. ALTERATIONS, IMPROVEMENTS, FIXTURES AND SIGNS

Section 7.1. Installation by Tenant.

(a) Tenant may, from time to time, make or cause to be made any interior non-structural alterations, additions or improvements which do not damage or alter the Leased Premises, provided that Landlord's consent shall have first been obtained in writing, and provided that Tenant shall obtain all required governmental permits for such alterations, additions or improvements.

(b) Tenant may, from time to time, make interior structural alterations, additions or improvements, only with Landlord's prior written consent to plans and specifications therefor, which consent shall not be unreasonably withheld. Upon the expiration or sooner termination of this Lease, Landlord shall have the option (exercisable upon sixty (60) days notice to Tenant except in the case of a termination of this Lease due to a default by Tenant, in which case no such notice shall be required) to require Tenant to remove at Tenant's sole cost and expense any and all improvements made by Tenant to the Leased Premises or to elect to keep such improvement as Landlord's property. In the event Tenant is required to remove any improvements, (i) Tenant shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if Tenant fails to properly remove such improvements or provide for the repair of the Leased Premises, Landlord may perform the same at Tenant's cost and expense.

Section 7.2. Signs. Tenant shall have the right to place signs on the interior or exterior of the Leased Premises with the prior written approval of Landlord.

ARTICLE VIII MAINTENANCE OF LEASED PREMISES

Section 8.1. Maintenance. Landlord shall be responsible for all repairs and maintenance for the Leased Premises, whether ordinary or extraordinary, structural or non-structural, foreseen or unforeseen, including, but not limited to, plumbing, heating, electrical, air conditioning, plate glass and windows. Notwithstanding the foregoing, Tenant shall be responsible for all maintenance and repairs necessitated by the negligence of Tenant, its employees and invitees.

Section 8.2. Surrender of Leased Premises. At the expiration of the tenancy hereby created, Tenant shall surrender the Leased Premises and all keys for the Leased Premises to Landlord at the place then fixed for the payment of rent and shall inform Landlord of all combinations on locks, safes and vaults, if any, which Landlord has granted permission to have left in the Leased Premises. At such time, the Leased Premises shall be broom clean and in good condition and repair, commensurate with its age. If Tenant leaves any of Tenant's personal property in the Leased Premises, Landlord, at its option, may remove and store any or all of such property at Tenant's expense or may deem the same abandoned and, in such event, the property deemed abandoned shall become the property of Landlord.

ARTICLE IX. INSURANCE

Section 9.1. Fire and Extended Coverage. Landlord agrees that it will, during the initial and any renewal term of this Lease, insure and keep insured, for the benefit of Landlord and its respective successors in interest, the Leased Premises, or any portion thereof then in being. Such policy shall contain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage," as the same may exist from time to time. Landlord agrees to name Tenant as an additional insured on such policy, as its interest may appear.

Section 9.2. Waiver of Subrogation. Landlord and Tenant each hereby releases the other from any and all liability or responsibility to itself or anyone claiming through or under it by way of subrogation or otherwise for any loss or damage to property caused by fire or any of the extended coverage or supplementary contract casualties, even if such fire or other casualty results from the negligence of itself

or anyone for whom it may be responsible, provided, however, that this release shall be applicable and in force and effect only with respect to loss or damage occurring during such time as any such release shall not adversely affect or impair the releasor's policies or insurance or prejudice the right of the releasor to recover thereunder.

ARTICLE X. WASTE, NUISANCE, COMPLIANCE WITH GOVERNMENTAL REGULATIONS

Section 10.1. Waste or Nuisance. Tenant shall not commit or suffer to be committed any waste or any nuisance upon the Leased Premises.

Section 10.2. Governmental Regulations. During the term of this Lease, Tenant shall, at Tenant's sole cost and expense, comply with all of the requirements of all county, municipal, state, federal and other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to the Leased Premises or Tenant's use and occupancy thereof.

ARTICLE XI. FIRE OR OTHER CASUALTY

If the Leased Premises shall be damaged so as to render two-thirds (2/3) or more of the Leased Premises untenable by fire or other casualty insured against under the insurance required to be carried by Landlord pursuant to Section 9.2, Landlord may elect to either terminate this Lease as of the date of damage or repair the Leased Premises. Unless Landlord elects to terminate this Lease, such damage or destruction shall in no way annul or void this Lease except that Tenant shall be entitled to a proportionate reduction of the rent payable under Article IV while such repairs are being made, such proportionate reduction to be based upon the proportion of the Leased Premises rendered untenable as a result of such damage. Notwithstanding the foregoing, if any damage or destruction from any cause whatsoever has not been repaired and such repairs have not commenced within one hundred eighty (180) days of the date thereof, Tenant may, as its exclusive remedy, terminate this Lease upon thirty (30) days written notice to Landlord.

ARTICLE XII CONDEMNATION

If the whole or any part of the Leased Premises shall be taken under the power of eminent domain, then this Lease shall terminate as to the part so taken on the day when Tenant is required to yield possession thereof, the Landlord shall make such repairs and alterations as may be necessary in order to restore the part not taken to useful condition; and the rent payable under Article IV shall be reduced proportionately as to the portion of the Leased Premises so taken. If the amount of the Leased Premises so taken is such as to impair substantially the usefulness of the Leased Premises for the purposes for which the same are hereby leased, then either party shall have the option to terminate this Lease as of the date when Tenant is required to yield possession.

ARTICLE XIII DEFAULT OF TENANT

Section 13.1. Default. The occurrence of any of the following shall be deemed a "default" under this Lease:

(a) Tenant fails to pay when due any amount of rent, additional rent or other monies due under this Lease, including Articles IV and V, and such payment is not received by Landlord within ten (10) days after written notice of such failure is received by Tenant; or

(b) a default in any of the other provisions of this Lease, and such default continues uncured for a period of thirty (30) days after written notice thereof from Landlord.

Section 13.2. Remedies. In the event of any default or breach hereof by Tenant, Landlord shall have the right (in addition to all other rights and remedies provided by law) to terminate this Lease or to re-enter and take possession of the Leased Premises, peaceably or by force, and to remove any property therein without liability for damage to and without obligation to store such property, but may store the same at Tenant's expense, and to collect from Tenant all rent then due and which would accrue for the unexpired portion of the term hereof, together with reasonable attorney's fees. In addition, in the event of a failure to pay rent, additional rent or other money within five (5) days of its due date, Tenant shall pay to Landlord the greater of Twenty-Five and no/100 Dollars (\$25.00) or one half (1/2) of one percent (1%) of such sum for each day after the fifth day such rent or other money is late.

ARTICLE XIV HOLDING OVER, SIGNS, SUCCESSORS

Section 14.1. Holding Over. Any holding over after the expiration of the term hereof, with the consent of Landlord, shall be construed to be a tenancy from month-to-month at the same rent herein specified (prorated on a monthly basis) and shall otherwise be on the terms and conditions herein specified as far as applicable.

Section 14.2. Showing the Leased Premises. During the last ninety (90) days of the term hereof, Tenant shall allow Landlord, or its agents, to show the Leased Premises to prospective tenants or purchasers at such times as Landlord may reasonably desire.

Section 14.3. Successors. All rights and liabilities herein given to, or imposed upon the respective parties hereto, shall extend to and bind the heirs, executors, administrators, successors and permitted assigns of the parties. All covenants, representations and agreements of Landlord shall be deemed the covenants, representations and agreements of the fee owner from time to time of the Leased Premises and Landlord shall be automatically released of all liability under this Lease from and after the date of any sale by Landlord of the Leased Premises. All covenants, representations and agreements of Tenant shall be deemed the covenants, representations, and agreements of the occupant or occupants of the Leased Premises.

ARTICLE XV. BROKER'S FEES

Tenant and Landlord hereby warrant that there are no brokerage commissions due in connection with this Lease.

ARTICLE XVI. NO ASSIGNMENT

Tenant shall not assign this Lease or sublet all or any portion of the Leased Premises, either directly or indirectly, without the prior written consent of Landlord. No assignment, sublease or transfer of this Lease by Tenant shall (i) be effective unless and until the assignee, subtenant or transferee expressly assumes in writing Tenant's obligations under this Lease, or (ii) relieve Tenant of its obligations hereunder, and Tenant shall thereafter remain liable for the obligations of the Tenant under this Lease whether arising before or after such assignment, sublease or transfer.

ARTICLE XVII. SUBORDINATION OF LEASE

This Lease and all rights of Tenant hereunder are and shall be subject and subordinate in all respects to (1) any mortgages, deeds of trust and building loan agreements affecting the Leased Premises, including any and all renewals, replacements, modifications, substitutions, supplements and extensions thereof, and (2) each advance made or to be made thereunder. In confirmation of such subordination, Tenant shall promptly upon the request of Landlord execute and deliver an instrument in recordable form satisfactory to Landlord evidencing such subordination; and if Tenant fails to execute, acknowledge or deliver any such instrument within ten (10) days after request therefor, Tenant hereby irrevocably constitutes and appoints Landlord as Tenant's attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any such instruments on behalf of Tenant. Tenant further agrees that in the event any such mortgagee or lender requests reasonable modifications to this Lease as a condition of such financing, Tenant shall not withhold or delay its consent thereto.

ARTICLE XVIII. MISCELLANEOUS

Section 18.1. Waiver. The waiver by landlord or Tenant of any breach of any term, covenant or condition contained herein shall not be deemed to be a waiver of such term, covenant, or condition or any subsequent breach of the same or any other term, covenant, or condition contained herein. The subsequent acceptance or payment of rent hereunder by Landlord or Tenant, respectively, shall not be deemed to be a waiver of any breach by Tenant or Landlord, respectively, of any term, covenant or condition of this Lease regardless of knowledge of such breach at the time of acceptance or payment of such rent. No covenant, term, or condition of this Lease shall be deemed to have been waived by Tenant or Landlord unless the waiver be in writing signed by the party to be charged thereby.

Section 18.2. Entire Agreement. This Lease, and the Exhibits attached hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between Landlord and Tenant concerning the Leased Premises; and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced in writing and signed by them.

Section 18.3. Notices. Any notice, demand, request or other instrument which may be, or are required to be given under this Lease, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

- (a) if to Landlord, at
County of Albemarle
County Executive's Office
401 McIntire Road
Charlottesville, Virginia 22902
or at such other address as Landlord may designate by written notice;
- (b) if to Tenant, at
Charlottesville/Albemarle Commission on Children and Families
1600 Fifth Street
Charlottesville, Virginia 22902
or at such other address as Tenant shall designate by written notice.

Section 18.4. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way do they affect this Lease.

Section 18.5. Partial Invalidity. If any term, covenant or condition of this Lease, or the application thereof, to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant, or condition of this Lease shall be valid and be enforced to the fullest extent permitted by law.

Section 18.6. Recording. Upon request of either party, a memorandum of lease will be executed and recorded. Such memorandum shall contain any provisions of this Lease which either party requests except for the provisions of Article IV, which shall not be included. The cost of recording such memorandum of lease or a short form hereof shall be borne by the party requesting such recordation.

Section 18.7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Section 18.8. Counterparts This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Section 18.9. This lease is subject to annual appropriations by the Board of Supervisors of Albemarle County, Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

TENANT

CHARLOTTESVILLE/ALBEMARLE COMMISSION ON CHILDREN AND FAMILIES

By: (Signed) Gretchen Ellis
Print Name: Gretchen Ellis
Title: Director

LANDLORD

This Lease is executed on behalf of the County of Albemarle by Robert W. Tucker, Jr., County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

COUNTY OF ALBEMARLE, VIRGINIA

By: (Signed) Robert W. Tucker, Jr.
Print Name: Robert W. Tucker, Jr.
Title: County Executive

Item No. 7.5. Destruction of Tax Records.

The Executive Summary states that the Library of Virginia's Record Retention and Disposition Schedule requires that paid tax tickets for a locality be retained for five years. After five years, such records may be destroyed upon approval by the Finance Director, and the County's designated records retention officer and upon authorization by the governing body pursuant to Virginia Code Section 58.1-3129(A).

The Finance Director and the Clerk to the Board have approved the destruction of FY 1999 to FY 2001 paid tax tickets, categorized on the Certificate of Records Destruction (Attachment A) as:

GS-28 100988 - Personal Property Tax Records: Paid Tax Receipts
GS-28 100996 - Real Estate Tax Records: Paid Tax Receipts

Approval from the Board of Supervisors is required to authorize the destruction of these records. Other related records that have met record retention schedule requirements and are shown on the attached Certificate will also be destroyed.

Staff requests that the Board authorize the destruction of the paid tax records.

By the recorded vote set out above, the Board authorized the destruction of tax records.

Item No. 7.6. 2006-07 ACE Appraisals from Round 7 and Purchase of Easements.

The Executive Summary states that on May 9, 2007, the Board of Supervisors approved the Acquisition of Conservation Easement (ACE) Committee's request to have seven properties appraised from the Round 7 applicant pool (FY 2006-07). These included Strawberry Hill Farm, Clayton, Anderson, McDaniel, Sacre, Barksdale and Rives properties – the top seven ranked properties from this class (see Attachment "A"). Based on projected easement values for this class at that time, the ACE Committee believed funding was sufficient to purchase most of the easements. Even if current funding was insufficient to purchase all of the easements, the Committee believed it was prudent to obtain appraisals on more properties than funding would allow in the likely event that some higher ranking applicants drop out after receiving their appraisals.

The role of the Board of Supervisors is to identify the easements to be purchased as provided under section A.1-111(A), which states in part: "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)." Since it is unlikely that every applicant to whom an invitation to offer to sell is sent will submit an offer, if one applicant drops out of the pool, another applicant would be added until the Program runs out of applicants or money, whichever occurs first.

The Executive Summary states that Objective 2.1 of the Strategic Plan provides that by June 30, 2010, increase the total combined acreage in permanent conservation easements and qualifying public parkland by 30,000 acres (50%) using public and private means.

In order for the County to reach this objective, 7,500 acres per year would have to be placed into easement between 2006 and 2010. A total of 6,356 acres was placed into easement in the year 2006, falling short of the first year's target by 15%. The ability to acquire all of the ACE FY 2006-07 applicant pool of 1,229.229 acres would further the Strategic Plan goal.

In mid-July, all seven appraisals were completed. Following their completion, the appraisals were submitted to the Appraisal Review Committee (see Attachment "B") and received unanimous approval on August 2, 2007. The ACE Committee met on August 13 to determine the easements to recommend for purchase based on the ACE budget. Although only \$1,387,543 of funding has been appropriated for FY 2006-07, there are unused funds from the previous year of \$93,041 and an additional \$865,000 of supplemental funding that should be available from two sources: 1) the Office of Farmland Preservation, which will provide at least \$300,000 in funds; and, 2) the Preservation Trust Fund, which will provide approximately \$565,000 or 50% of the cost for acquiring the Strawberry Hill Farm easement. Thus, the total funds available for ACE easement purchases for FY 2006-07 is anticipated to be approximately \$2,345,584 (see Attachment "C").

Although the Office of Farmland Preservation grant has not been received, we have positive indications that our application has an excellent prospect of receiving \$300,000 of grant funds after the first application stage. The deadline for the second application stage is August 31, 2007. Matching funding from the Preservation Trust Fund for Strawberry Hill Farm was recently approved by the Virginia Outdoors Foundation Board.

Since the total cost for acquiring all seven easements would exceed the FY 2006-07 ACE budget for this applicant pool, staff has offered the following options for consideration:

Option 1 (recommended by the ACE Committee) - purchase Strawberry Hill (the property receiving the Preservation Trust Fund matching grant) and offer the balance of funds (\$1,215,294) for purchase of the Clayton property easement. Although the Claytons would receive \$214,056 less than the appraised easement value, this balance could be used as a donation or tax deduction against the \$1,215,294 in income. There is the possibility of the Claytons refusing the offer to sell. If that were to happen, the remaining funds could be used to purchase four of the remaining five easements (McDaniel, Anderson, Sacre, and Barksdale). The County could offer the Rives property owner the remaining \$273,000, although it is substantially less than his appraised easement value. The ACE Committee also recommended that the Board of Supervisors approve the purchase of McDaniel, Anderson, Sacre, Barksdale, and Rives in the event Clayton drops out.

Option 2 – purchase the two highest ranked properties (Strawberry Hill and Clayton) at full value. This option would require an additional \$214,056 in funding either from the Board or from the next ACE allocation for FY 2007-08. The issues concerning using funds from the next fiscal year's allocation to help purchase properties in the current fiscal year's applicant pool are: 1) additional funding through grants or gifts to replace the FY 2007-08 funds is uncertain; 2) increasing costs of land will reduce the funding available for the next pool of applicants, thereby diminishing the opportunity of meeting the Strategic Plan Objective to acquire an additional 30,000 acres by 2010; and 3) the remaining applicants may not be available or willing to wait for the FY 2007-08 application year (deadline October 31, 2007).

Option 3 – purchase all FY 2006-07 properties. This option would require an additional \$2,135,356 in funding. This option would also place 1,229.229 acres into easements and would give protection of numerous resources.

Details of the ACE budget for the FY 2006-07 are provided in Attachment C.

If the Strawberry Hill and Clayton easements are acquired, the following resources would be protected:

- protection of 558 acres of farm and forestland
- elimination of 26 development lots
- 5,304 feet of state road frontage (including 3,761 feet on a County Scenic Highway)
- 3,000 feet of protected stream and river frontage
- 9,705 feet of common boundary with other protected lands (including 6,743 feet on Beaver Creek Reservoir)
- 330 acres of "prime" farm and forestland
- Strawberry Hill Farm has significant tourism value
- both are productive, working farms
- Clayton is in the watershed of the South Fork of the Rivanna River Reservoir and Beaver Creek Reservoir

Funding for ACE easements are provided for in the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and the CIP-Tourism-Conservation budget (line-item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with "tourism value." Three of the candidate properties qualify for the use of Tourism funds.

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

- 1) Approve the seven (7) appraisals by Pape and Company for applications from the year FY 2006-07 applicant pool (Strawberry Hill Farm, Clayton, Anderson, McDaniel, Sacre, Barksdale, and Rives properties--see Attachment "B").
- 2) Approve Option 1 as recommended by the ACE Committee: Approve the purchase of Strawberry Hill Farm, Clayton, Anderson, McDaniel, Sacre, Barksdale, and Rives properties according to the priority ranking order and based on funds available for FY2006-07. Based on available funds, initial offers to sell will be made for Strawberry Hill Farm and the Clayton properties.

(Mr. Rooker asked for an explanation of the options and the rationale for option one. He noted that there were three options presented related to the current round of ACE appraisals and asked to discuss them to ensure that everyone's in agreement, adding that the ACE Committee has recommended option one.

Mr. David Benish, Chief of Planning, explained that the top two candidate properties scored very high and are considered important properties to go after for acquisition; however, due to a shortfall to purchase the second property, the ACE Committee wanted to have the flexibility to move down the list and continue to acquire properties until available funds are exhausted.

Mr. Rooker asked if the available funds include some carryover funds.

Mr. Benish said the funds are unencumbered funds; they have monies from previous rounds but those funds are reserved for acquisitions in those previous rounds.

Mr. Boyd asked if the funds are being reserved pending acceptance of the offers. Mr. Benish said he is fairly certain those monies will be used for those purchases.

Mr. Rooker asked if the total money needed to purchase the Clayton property would be available if both grants were received.

Mr. Benish confirmed that option one assumes receipt of both grants – the maximum amount of money available as of today.

Mr. Ches Goodall indicated that the likelihood of receiving the grant funds is very high. The Preservation Trust Fund was approved by their board assuming that ACE's deed of easement is compatible with theirs. He noted that the \$300,000 from the Farmland Preservation Trust could actually be higher, because there are a certain number of programs that apply for these funds and they are sorting through 14 different applications to make sure they meet their requirements.

Mr. Boyd asked how long the County leaves an offer on the table before reallocating the money to the next property on the list.

Mr. Goodall said they generally give the applicant 30 days to respond to an invitation from the board. ACE is hoping to close on these properties early in the New Year.

Mr. Slutzky asked that when staff prepares these ACE reports, they show the number of development rights that would be retired on each property. His reading of the report is that the County wants to spend more than \$46,000 for each of the 26 development rights. He understands the benefits of conservation easements beyond just retiring the development rights, but those development rights could be eliminated free if the Board exercised its right to downzone the rural areas in its entirety. It does not think it is a good use of public money to expend \$46,000 each to retire only 26 development rights when the Board has just gone through a budget process that cut back on things that other people in the community would have like to see funded. He does not think the ACE Program is bad or inappropriately being administered, but in light of budget actions over the past year, the high cost of those development rights, he is not comfortable spending money in this way.

Mr. Wyant asked how there is only 26 development rights out of 560 acres. He thinks there are more development rights than are shown. Mr. Goodall noted that with an ACE easement, a landowner has the option of retaining a certain number of development rights – they can create 100-acre parcels and within each of those they can build one primary dwelling and two secondary dwellings. There are more development rights. Mr. Goodall said one of the reasons both of these properties scored so high was not the elimination of development rights; it was the other conservation values, i.e., tourism, stream protection for water quality.

Mr. Rooker said that what the program attempts to do is create a balance in the County of preservation of the rural area that is in effect paid for by the public, and the County also does a number of things to try to protect resources and restrict overdevelopment in the rural areas that are mandatory.

Ms. Thomas said it would be totally ridiculous to hamper the ACE Program and it is a discredit to look at it as just a tool to eliminate development rights.

Mr. Rooker added that \$865,000 of the money being used this year will be obtained from state grants, and having this program enables significant leveraging of dollars.)

Motion was then offered by Mr. Rooker to approve Item 7.6 on the consent agenda to approve the seven appraisals by Pape and Company for applications from the year FY 2006-07 applicant pool (Strawberry Hill Farm, Clayton, Anderson, McDaniel, Sacre, Barksdale, and Rives properties); and to approve Option 1 as recommended by the ACE Committee to approve the purchase of Strawberry Hill Farm, Clayton, Anderson, McDaniel, Sacre, Barksdale, and Rives properties according to the priority ranking order and based on funds available for FY2006-07. Based on available funds, initial offers to sell will be made for Strawberry Hill Farm and the Clayton properties. Mr. Wyant **seconded** the motion.

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

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

NAYS: Mr. Slutzky.

Item No. 7.7. Resolution to include roads in Old Trail Subdivision into the State Secondary System of Highways.

By the recorded vote set out above, the Board adopted the below resolution.

RESOLUTION

WHEREAS, the street(s) in **Old Trail Subdivision**, as described on the attached Additions Form AM-4.3 dated **September 5, 2007**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail**, as described on the attached Additions Form AM-4.3 dated **September 5, 2007**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

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

- 1) **Old Trail Drive (State Route 1815)** from the intersection of Route 250 (Rockfish Gap Turnpike) to the intersection of Reas Creek Drive (Route 1816), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2886, pages 134-155, with a 42-foot plus right-of-way width, for a length of 0.52 miles.
- 2) **Old Trail Drive (State Route 1815)** from the intersection of Reas Creek Drive (Route 1816) to the end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2886, pages 134-155, with a 42-foot plus right-of-way width, for a length of 0.03 miles.
- 3) **Reas Creek Drive (State Route 1816)** from the intersection of Old Trail Drive (Route 1815) to the end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3442, page 188, with a 40-foot plus right-of-way width, for a length of 0.35 miles.

- 4) **Reas Creek Drive (State Route 1816)** from the intersection of Old Trail Drive (Route 1815) to the end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3442, page 188, with a 40-foot plus right-of-way width, for a length of 0.02 miles.

Total Mileage – 0.92

Item No. 7.8. Copy of letter dated August 9, 2007, from Mr. John Shepherd, Chief of Current Zoning, to MeadWestvaco Corporation, c/o George B. McCallum III, McCallum & Kudravetz, re: *OFFICIAL DETERMINATION OF PARCELS* -- Tax Map 104, Parcel 8 (Property of MeadWestvaco Corporation) Section 10.3.1. – Scottsville Magisterial District **received for information.**

Item No. 7.9. Copy of Application of Virginia Electric and Power Company for a certificate of public convenience and necessity to construct and operate an electric generation facility in Wise County, Virginia, and for approval of a rate adjustment clause under §§56-585.1, 56-580 D and 56-46.1 of the Code of Virginia, *Case No. PUE-2007-0006* **received for information.**

Item No. 7.10. Copy of Application of Columbia Gas of Virginia, Inc. for approval to revise its tariff to allow the implementation of an off-system sales and capacity release incentive mechanism, *Case No. PUE-2007-00064* and copy of Application of Columbia Gas of Virginia, Inc. for approval of an amendment to a corporate sales agreement, *Case No. PUE-2007-00072* **received for information.**

Item No. 7.11. Copy of minutes of the Planning Commission for July 10, 2007, **was received for information.**

Item No. 7.12. Letter dated August 20, 2007 from Mr. Keith A. Showman, Environmental Engineer, Department of Environmental Quality, to Kenneth Boyd, Chairman, re: *Reissuance of VPDES Permit No. VA0076244, Stone Robinson Elementary School STP*, **was received for information.**

(Ms. Thomas said that the TJ Planning District Commission also receives notices of permit changes, and staff is doing as much research as possible regarding Stone Robinson Elementary School and its outflow. She reported that Stone Robinson is doing such a good job that the permit will require less frequent testing of its outflow.)

Item No. 7.13. Letter dated August 20, 2007 from Mr. Joseph P. Hassell, Environmental Program Manager, Department of Environmental Quality, to the Honorable Kenneth Boyd, Chairman, re: *Virginia Water Protection Individual Permit Number 06-1574 – Ragged Mountain Reservoir Expansion Project, Albemarle County, Virginia, Notification of Pending Public Notice* **received for information.**

Item No. 7.14. Board-to-Board, September 2007, *A Monthly Communications report from the Albemarle County School Board to the Albemarle County Board of Supervisors* **received for information.**

Item No. 7.15. Grass/Weed and Building Maintenance Ordinances.

The Executive Summary states that the Board has asked staff to investigate the possibility of adopting a grass and weed ordinance as well as a building maintenance ordinance. Each year, the County receives complaints about high uncut grass and unsafe / unsightly building conditions. While we have no records to determine the number of complaints received each year, we have found that in recent years the number of complaints appears to have increased.

Grass and Weed Ordinance:

Virginia Code § 15.2-901 enables the County to adopt an ordinance regulating the cutting of grass and weeds (see Attachment A). However, the authority is limited and applies only to **vacant** developed or undeveloped parcels. Occupied parcels that are poorly maintained could not be regulated by a grass and weed ordinance without additional enabling authority. Currently, Virginia Code § 15.2-1215 enables a limited number of localities to require that grass be cut on occupied residential properties. A grass and weed ordinance adopted pursuant to Virginia Code § 15.2-901 could apply to all zoning districts or to specific areas. Some jurisdictions do not apply the ordinance to lots of over 2 acres regardless of use or zoning designation. Other jurisdictions require cutting of grass and weeds on a lot that is over 2 acres only on that portion of the lot that is within 150 feet of the edge of pavement of a state maintained road or within 200 feet of a building. Violations can be enforced by imposing a civil fine of \$50.00 to \$200.00 and/or, after reasonable notice, by the County cutting the grass and weeds and charging the costs to the property owner. Staff has researched Grass and Weed ordinances in Virginia and found 32 localities that have adopted a grass and weed ordinance. (Staff has copies of many of these ordinances and they are available for review.) Staff surveyed selected localities to determine the method of enforcement and the number of violations each year. The following table summarizes the findings and demonstrates the proactive localities process more violations.

Jurisdiction	Proactive Enforcement	Responsive Enforcement	# of violations/year	Regulated Height
Henrico*	X		2,445	12 inches
Chesterfield*	X		825	18 inches
Stafford	X		93	6 inches
Roanoke*	X		300	12 inches
James City*		X	35	Unspecified
Spotsylvania		X	93	15 inches
Frederick*		X	12	18 inches
Henry*		X	57	Must be cut Monthly
Prince George		X	45	15 inches

*Have authority to regulate occupied residential properties

Building Maintenance Ordinance:

The County currently has three tools to address building maintenance:

- The Virginia Statewide Fire Prevention Code has been adopted by the County, and is administered by the Fire Marshal, in order to assure fire safety in public and commercial buildings, including their sites. (County Code § 6-200)
- The County Code includes a provision empowering the building official to order remedial actions, including demolition, for unsafe structures. This is used for dilapidated abandoned structures, on a complaint basis. (County Code § 5-300)
- Part I of the Virginia Uniform Statewide Building Code, entitled the Virginia Construction Code, which is mandated for enforcement throughout the State, includes a provision for addressing unsafe or unhealthy conditions in residential rental property. Such issues come to the County on a complaint basis, and the complaints must be lodged by the renter of the rental property in question. (Virginia Code § 36-99)

Beyond this authority, Virginia Code § 36-105 allows the County to adopt an ordinance regulating building maintenance under Part III of the Uniform Statewide Building Code, entitled the Virginia Maintenance Code. The Virginia Maintenance Code includes Chapters 2 through 8 of the 2003 International Property Maintenance Code (IPMC), which provides the technical guidance for determining whether or not buildings are being properly maintained. The IPMC, as amended for use in Virginia, does not address the cleanliness/sanitation of exterior property, weeds/grass, inoperative motor vehicles, defacement of property/graffiti, or rodent/insect infestations unless they are causing structural damage to the building. The IPMC does address fire safety inside the building, electrical, plumbing and mechanical systems maintenance and performance, light and ventilation inside the building, interior structural soundness, including stairs, handrails and guardrails, and exterior structural soundness, including weather tightness and resistance to weathering.

Staff surveyed several surrounding localities to determine if they have adopted the Virginia Maintenance Code. The jurisdictions polled are members of the James Madison Building and Code Officials Association, which is a regional gathering of code enforcement offices.

Jurisdiction	Virginia Maintenance Code	Jurisdiction	Virginia Maintenance Code
Buckingham County	No	Prince Edward County	No
Fauquier County	No	Cumberland County	No
Madison County	No	Town of Farmville	Yes
Greene County	No	City of Charlottesville	Yes
Orange County	No	City of Fredericksburg	Yes
Fluvanna County	No	Town of Culpeper	Yes
Louisa County	No		

Based on this sampling of jurisdictions, it is apparent that the Virginia Maintenance Code is a tool more popularly utilized by urban locales.

Grass and Weed Ordinance: Assuming a similar level of effort as used in Stafford or Spotsylvania County, staff estimates this program would require one-half FTE during the seven month growing season and would require between \$5,000 and \$10,000 in funding to do mowing where the property owner refuses. For subsequent years, the cost of that mowing may be recovered through the collection of costs and/or fines. Additionally, legal assistance from the County Attorney's office would be necessary to collect costs that are enforced by liens and to prosecute the civil complaints.

Building Maintenance Ordinance: Based on discussions with City of Charlottesville staff, it is anticipated that a similar program for Albemarle County would require four FTEs for inspections and enforcement, in addition to administrative support and a manager, or code official, to administer a building maintenance enforcement program. Additionally, building maintenance enforcement is more contentious than building code enforcement and significant legal assistance from the County Attorney's office is anticipated for prosecuting violations.

This summary is provided for information. In the event the Board is interested in further discussion about implementing either of these ordinances, it can be scheduled for a later date.

(Mr. Rooker said he would like to see the grass and weed ordinance component come back to the Board as a scheduled item. He would like something to allow better control of overgrown lots in the

development areas, as it improves the aesthetics of the community. Mr. Rooker noted that unbuilt lots can be regulated, and they are often unkempt and bothersome to neighbors. He is supportive of the maintenance code enforcement part because of the budgetary actions necessary.

Mr. Slutzky and Mr. Wyant agreed.

Ms. Thomas said that she thinks there can be a policy that does not get the County into proactive enforcement, noting that Stafford and Spotsylvania counties are struggling with regulating occupied residential properties.)

By the recorded vote set out above, the Board directed staff to bring back grass and weed ordinance.

Item No. 7.16. FY 2008-09 Operating Budget Events Calendar.

Agenda Item No. 8a. Transportation Matters: Advance Mills Bridge Update.

Item No. 8b. VDOT Monthly Report.

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

Mr. Sumpter reported that there are a few items needing attention including an update on the Advance Mills Bridge. He mentioned that the Acting District Administrator from Culpeper – Quinton Elliot – is in attendance at this meeting. Mr. Sumpter said the District Administrator was asked to go to Northern Virginia on temporary assignment due a vacancy, and Mr. Elliott was asked to come from the Central Office. Mr. Elliot is in charge of the Asset Management Division and is essentially the State Maintenance Engineer.

Mr. Rooker commented that there are still issues with the timing of the lights at Hydraulic Road/ Rio Road and Route 29, noting that not enough cars are allowed to go through East/West.

Mr. Sumpter replied that the Regional Traffic Operations Center has a new Signal Timing Engineer who just started last week and he has made an initial visit to the corridor. He said that a lot of the signal systems are being “band-aided,” and there are plans to change the computer systems that are presently in the boxes that run the signals; when that system is changed the entire system will be better synchronized.

Mr. Boyd said the same situation exists at Rio Road and Greenbrier Drive.

Mr. Wyant thanked Mr. Sumpter and VDOT for addressing all the issues he had.

Ms. Thomas asked for an update on the Meadow Creek Parkway. She asked if there is anything this Board can do to make sure the purchases are successful.

Mr. Sumpter responded that they are moving successfully with the right of way phase, and are working with County staff on permanent easements to the Wetzel parcels.

Mr. Boyd asked about the status of the traffic light on State Farm Boulevard.

Mr. Sumpter explained that they are waiting for a couple things related to approval for construction funds for installation. VDOT is currently working on the design of the signal.

Mr. Boyd thanked Mr. Sumpter for his work on the Rural Rustic Road Program.

Ms. Thomas thanked him for the information on the directional signage program.

Regarding the Advance Mills Bridge, Mr. Sumpter noted that last month the Board voted to proceed with a temporary bridge and asked VDOT to consider some other alternatives parallel to the existing bridge, and if those were not feasible move forward with removal of the existing bridge to locate the temporary bridge. During the past month, they spent time in the field collecting data and working with survey crews. After careful consideration they have decided to install the temporary bridge in the existing bridge’s location. Mr. Sumpter noted that the right of way was an issue, and locating the temporary bridge on anything other than the existing location would require administrative processes and an archeological survey and possibly full review. He emphasized that this could increase the time frame six to twelve months more and escalate the cost \$100,000 to \$200,000 more.

Mr. Sumpter said that using the existing alignment would still mean they have to go through the Section 106 and coordination with DHR, and work has begun on that with VDOT and all consulting parties. He added that Mr. Pearce's staff has begun work on the design for the temporary structure installation.

Mr. Slutzky asked for clarification of why the archeological survey would delay the process so much, and asked if it could be done concurrently with the site survey.

Mr. Sumpter replied that the department does not feel the one-lane structures could be put in and there is a lot of maintenance involved with that as a long-term solution. He said that the first official opportunity for the public to come in and formally comment on the three proposed alignments for the new bridge will be on October 11, 2007 at Spring Hill Baptist Church, 5:00 p.m. to 7:00 p.m. After those comments VDOT will make a determination on alignment for the new bridge, with a design public hearing next spring in May or June. They will then proceed with the design work, and begin right of way acquisition. Mr. Sumpter said that the permanent bridge project should be under construction by 2010 or 2011.

Mr. Boyd asked the timeframe for the temporary bridge. Mr. Sumpter said Ms. Ross has made contacts for the Section 106 process and hopes to get initial comments back within the next 30 days. The comments should outline what information is needed. He hopes to have more information on the construction process for the Board when he comes back in October.

Mr. Boyd asked if the preliminary construction work can parallel the environmental work. Mr. Sumpter said the design work is paralleling. They have to get the environmental approval before they can begin construction. They are trying to overlap as much of the work as possible.

Mr. Sumpter said the Board had previously asked if it could get an overview on County bridges. Mr. David Pearce, Culpeper District Bridge Engineer, is present to provide that overview.

Mr. Pearce addressed the Board, stating Albemarle County structure inventory is broken down into two components, bridges and culverts. There are 432 bridges in the County, 15 or 16 in the City of Charlottesville, and 11 that are maintained by the railroad; the Thomas Jefferson Foundation also has a few. He said that the 432 County bridges represent the sixth largest inventory of structures maintained by a county. He said that after the collapse of the bridge in Minnesota, there became lots of focus on sufficiency rating, general condition rating, and posting.

Mr. Pearce explained that the sufficiency rating is a scale of 1 to 100, considering every aspect of a bridge – the amount of traffic on it, the condition, the geometrics, detour lengths, etc. If the sufficiency rating is less than 50, he said, it qualifies for federal funds, and if it is less than 80 it qualifies for federal rehabilitation funds. General condition rating is on a scale of 0 to 9. If this rating is 3, it is considered to be in poor condition; if it is less than 3, it is closed. There are three main areas they look at for general condition rating – deck, superstructure and substructure. The beams are the superstructure and the riding surface is the deck. The box culverts are pipes and are one general condition rating. There has also been a lot of talk about structurally deficient bridges and there are several things that go into that. Typically if the general condition rating is 4 or less on any one of these components the bridge is considered structurally deficient.

Mr. Pearce indicated that the white signs with a number on them represent the capacity of a bridge, and a bridge is posted if it cannot carry a legal-load vehicle (dump truck) – anything more than 27 tons. If structures require posting, they are posted for the maximum weight vehicle that can cross the structure. He said that a school bus weighs 12 tons, so any bridge posted that number or higher can be used.

Mr. Pearce noted that the County is usually more involved with construction money, especially on the secondary system; interstate and primary bridges are usually recommended to go on a six-year plan at the district level and then approved by the Commonwealth Transportation Board. He added that the secondary structures are typically an effort by the Board of Supervisors to get the structure on a six-year plan. Mr. Pearce said that maintenance projects are usually the responsibility of the district bridge section (interstate and primary), and the residency (secondary).

Mr. Pearce stated that to improve the condition of structures in Albemarle County, secondary bridges need to be looked at with either six-year plan construction money or with maintenance money, and there are two ways to spend the maintenance money – contract jobs or VDOT state forces. He then mentioned secondary bridge replacements (construction funded) projects currently in the six-year plan include the two bridges associated with the Meadow Creek Parkway and four bridges that he initiated getting in the six-year plan through the use of the dedicated bridge funds (Route 743 over the North Fork Rivanna River, Route 708 over the CSX railroad, Route 606 over the North Fork Rivanna River and Route 606 over Jacobs Run). Mr. Pearce said that going back to 1990 and looking at bridges being built from the six-year plan, there are two (Route 671 over Moormans River and Route 660 over the South Fork Rivanna Reservoir). He confirmed that the last bridge constructed was 13 years ago – the Millington Bridge, and there have been eight structures in the last 10 years rehabilitated through maintenance funds. Mr. Pearce also added that state forces have helped renovate many bridges over the last 10 years.

He reported that in March 1996 there were 54 bridges posted in Albemarle County, and 37 are currently posted – the number has been reduced over the last 10+ years. They are making progress. Mr. Pearce said that he believes the active maintenance rehabilitation program needs to be continued. A lot

of counties have not accomplished what Albemarle has in replacing 26 superstructures with maintenance money.

Mr. Pearce said his purpose is to work with the Board to get “non maintainable” bridges on the Six Year Improvement Plan. Non maintainable means getting a bridge to a point where maintenance is no longer practical or it is not financially feasible. We cannot afford to waste money trying to maintain bridges that need to be replaced.

Mr. Boyd commented that he has been contacted by people who are concerned about the condition of railroad bridges, and asked if VDoT could possibly intervene in some way to encourage better repair.

Mr. Pearce responded that state law prohibits VDoT from maintaining railroad bridges with State funds, but they do inspect all bridges and if something is found to be a safety concern they will close it. He said that they share reports with the railroad, along with recommendations about repair. There is some ongoing dialogue with the railroad companies in the Culpeper District to see if they can come up with some solutions to eliminate some of the concerns.

Mr. Rooker said it is a ridiculous, archaic system. A lot of this goes back to the law – the railroad, for example, has priority over the highways on rights of way, etc., and, of course, maintenance and construction are underfunded for roads generally in the state. He added that these statistics presented did not deal with railroad bridges. He is working with Mr. Sumpter and VDoT to see about replacing the bridge that crosses the tracks going into the Floridan neighborhood on Broomley Road, which has enough traffic to merit a red light on Route 250. He explained the bridge got hit by a freight train and was damaged, and the traffic using it is a concern as the bridge is posted at 10 tons, it is one lane and fairly narrow. He mentioned that Dry Bridge and the Black Cat bridge are also problematic. Traffic is regularly crossing these bridges which have very low sufficiency rating and much higher weights than the posted limit. Mr. Rooker said the County needs to work with VDoT and the railroads to improve these situations.

Mr. Pearce replied that this is a huge concern, and any enforcement help from the County on reporting overweight vehicles on bridges would be greatly helpful.

Mr. Rooker commented that the County allowed lands to be developed and populated, and VDoT does in a sense “turn its head” to railroad bridges but does intervene when the situations become acute. He thinks the Board needs to actively identify some of these bridges and develop a plan for dealing with them. Maybe some of the money that the County puts in the CIP for transportation can be allocated to some of these safety issues.

Mr. Slutzky asked if the bridge over the reservoir had been included in the six-year plan. Mr. Pearce responded that the Route 743 project is the Advance Mills Bridge.

Mr. Slutzky asked if the temporary bridge span be longer and sit on the banks so that the support structures could be removed to provide a long-term structure. Mr. Pearce said that would delay the effort to get a temporary structure in there. That would also mean a lot of maintenance money would be spent to put a “band-aid” there that would not really meet the needs of the traveling public.

Mr. Slutzky responded that the bridge company representative that VDoT referred the County to indicated that a temporary bridge with a longer span could be put in place and that would last seven years. Mr. Pearce explained that he is trying to sell the product so “he’s painting a pretty picture of it,” but the type of structure, maintenance and inspection required for this is not cost-effective. He thinks the County would recoup that money real quick with a permanent structure.

Mr. Slutzky asked if VDoT looks at all the different bridge structures that heavy duty trucks have to traverse when they approve entrance permits. Mr. Sumpter said VDoT works jointly with the County when a development plan is submitted to identify any concerns whether it is a bridge or intersection. VDoT looks at the plan for traffic impacts and they work with the District. At times they request the developer to provide traffic input analysis as to where their trucks and traffic will go. VDoT then determines if other considerations need to be made.

Mr. Sumpter added that the Broomley Road Bridge brought to light a lot of issues that need discussion, and there has already been a meeting with Mr. David Benish and Mr. Juan Wade, of the County Planning Department, to talk about bridge-by-bridge condition ratings. Now is the time to discuss and establish some priorities for these bridge improvements whether it is through the six year plan, revenue sharing or some other source.

Mr. Benish commented that when they review the six-year secondary plan, the Board creates a list of strategic priorities that extend beyond that timeframe. Staff believes it is important to identify the bridges that are the most critical. When those are on the priority list, staff uses the information internally for VDoT and other funding sources such as the CIP. Staff has begun the process internally to try to bring to the Board some recommendations on how to address the issues.

Mr. Sumpter said that he has spoken with a Buckingham Branch representative regarding the Broomley Road project, and he indicated that he was in favor of moving forward with doing a project there – and also mentioned the Black Cat Road Bridge. He added that he has also had discussions with high-level railroad bridge officials, and they are essentially a “sister agency” of VDoT. Mr. Sumpter said the representative said they are three and one-half years into a 20-year lease, and CSX is still the property owner of that Buckingham Branch run.

Mr. Wyant commented that he wants to ensure that bridges that fire and rescue uses are included in the six-year plan.

Mr. Slutzky said he hopes that when these road entrance road permits are approved, specifically the quarry on Rio Mills Road, staff will determine which routes the trucks will take, not just when they turn left, but when they go onto Earlysville Road, the bridges they will traverse and the status of those bridges.

Ms. Thomas asked what could be done to instruct a new business as to what routes their trucks could use.

Mr. Davis replied that with by-right uses there is no such mechanism, and in some circumstances where special use permits are in play, those issues can be addressed. In rezonings, he said, that has not been addressed through proffers and they would likely be difficult to enforce.

Mr. Benish said that the best mechanisms in place are through VDoT, through truck restrictions on certain critical roadways – but there have also been difficulties with that – and many delivery trucks are exempt from those measures. In the case of a by-right development, staff actually looks to VDoT for help.

In response to Mr. Slutzky's question about denying entrance permits for a by-right use if granting it permitted overweight vehicles on bridges, Mr. Sumpter answered that only what is at a particular entrance and the immediate surrounding area can be considered.

Mr. Davis emphasized that in a by-right development, it is well established that you cannot require offsite improvements as a condition of that use. He added that the County and VDoT can enforce misuse of bridges that are posted.

Mr. Benish noted that the County has contacted businesses near bridges with posting limits as a voluntary measure to help enforce proper weight limits.

Mr. Tucker added that that is one of the few options the County has at this point. He thinks the only solution the County has is to make the businesses aware of the problems and to be mindful of the weight limits.

Mr. Slutzky commented that another suggestion is to not grant the permit until there is a better bridge solution.

Agenda Item No. 9. Wine Industry on Agricultural Economy in Albemarle, Presentation by Bill Moses.

Mr. Bill Moses addressed the Board, stating that he was Chairman of the Wine Board but that position is now held by David King of King Wineries. He explained that the wine industry is comprised of the Wine Board, which the Governor appoints, the vineyards association, and the wineries association – which is comprised of about 60 percent of the state's wineries. He said that you can be a member of the wineries association and vineyards association. The vineyards association has about 200 members. Mr. Moses said that Governor Warner appointed the wine work study group – comprised of about 30 individuals from wineries, vineyards, ABC Board, and the General Assembly. Mr. Moses noted that it was chaired by himself and Governor Tim Kaine, and the group studied the industry in Virginia and in other states. He said that the first report, "Doubtless as Good," made a number of recommendations that led to the passing of seven bills in three General Assembly sessions. Mr. Moses said that "Vision 2015" took another year, and there were meetings around the State with all the other wineries.

Mr. Moses reported that in 1979 there were six wineries in the State when the Farm Winery Act was passed, and the industry had essentially gone to the West Coast. He said that Virginia has now become the fifth largest state in numbers of wineries – over 120 – and the sixth largest state with acres planted – almost 4,000 – with most of them on the eastern slope of the Blue Ridge. Mr. Moses said that California has 500,000+ acres planted; New York has about 30,000 acres. He presented a chart mapping the growth of Virginia's industry, and more wineries are being established. Mr. Moses mentioned that Albemarle has 16 percent of the tons produced in the State, and 14 percent of the bearing acres; Loudon, Orange, and Fauquier round out the rest of the State. He said that it is difficult to estimate the top Virginia producers, but Albemarle is definitely included. Mr. Moses said that a farm winery license is different from a commercial winery license, and they buy more grapes, blend them, and bottle them here. He said that Virginia Tech has done a series of studies with every County mapped in terms of sunlight, slope, topography, etc. Mr. Moses described the "rip and strip" technique of planting grape vines, noting that you do not see a return on your investment for a long time and most wineries do not realize a profit for at least six years. He noted that we still drink less wine than the Europeans, noting that in Virginia for every acre of vines planted today you will need another five acres to meet demand in the future.

Mr. Moses reported that wine production and sales have been "dramatically increasing," up 22 percent from the year 2000, and the third highest wine tax in the country - \$1 million in 2006 – with about one-half of that amount coming back from the General Assembly for marketing and research. He said that when Oregon, Washington, and New York grew to about 100 wineries and started becoming successful, other wineries followed suit. Mr. Moses indicated that the state just completed a study on the economic viability of Virginia wineries and two premier consultants from California concluded that the average Virginia winery operates on a five percent margin. He said that the legislative solution to that is a statewide distribution system, and several cases are going to the Supreme Court to determine whether the state has the right to control the distribution. Mr. Moses emphasized that wineries are dependent on

events held at their wineries for additional revenue, with 60 percent of sales occurring in the wine-tasting room at a winery.

He said that they are working hard with the administration, with VDACS, and Virginia Tech to try to accomplish more in the County regarding plantings, adding that there are very few vineyards that get plowed under and they become generational. Mr. Moses said that the average life of a vine is 40 years, and once it is planted it can be passed on for many years. It is very remote that any of these businesses are plowed and then developed. They have been working with PEC and the Virginia Outdoors Foundation on a joint initiative to make the wineries and vineyards more aware of the benefits of conservation easements. This is a success story for the rural areas.

Mr. Boyd noted that there have been some legislative changes at the State level in terms of what counties can and cannot do in terms of restricting events. This is the type of agri-business we want in the community. He asked if Board members are interested in asking staff to better define County regulations pertaining to events.

Ms. Moses said wineries are looking statewide for guidance in order to better guide their business plans. It would be helpful to continue that dialogue. He indicated that the County ordinance currently limits events to 12 per year, up to 150 people, with a special use permit needed for more than that. That pertains to every winery in the County regardless of size. Mr. Moses said that if there could be an incentive created to do more, it would be beneficial to the wineries.

Mr. Slutzky said there is a system that works and the option for a special use permit exists. He would rather keep it where the Board has the option to decide on a case-by-case basis.

Mr. Rooker noted that there are a lot of unregulated events going on. A strategy adopted during consideration of the revised rural area plan was to look at this entire area. The idea was to look specifically at the wineries and their events. If there are ways to do this that are simpler and more understandable, it would behoove the County to take a look at it.

Mr. Moses said that there have been several cases recently where wineries have resisted planting because they are afraid they won't have enough products to qualify for distribution.

Ms. Thomas asked when the agricultural support person might be hired in the County. Mr. Tucker replied that because of the County's current review situation, it is not imminent.

Ms. Thomas said she has been told that the agricultural sector is being hampered because we do not have support services easily available.

Mr. Moses said they have not found any difficulty in terms of getting support for equipment. Mr. Moses noted that two areas to be cautious about have been in the employment sector: use of migrant workers, and the level of mid-management capability – as the PVCC program addresses. With respect to the production and distribution of wine, traffic is relatively limited.

Mr. Rooker commented that the County ought to exploit the advantages that Albemarle has over other counties.

Mr. Slutzky suggested the local wineries to put together a "straw man" to present proposals and suggestions to the Board.

Mr. Davis noted that in 2001 the County spent quite a bit of time modernizing its ordinance. There was a study and controversial public hearings held. He believes that the County has a good balancing ordinance. The ordinance can certainly be tweaked now, and there are legitimate issues related to the balance between rural area characteristics and promoting wineries. Staff has been receptive and the issues are in their work plan. He added that last year's legislation did not require Albemarle to change its ordinance at the present time. It is a matter of Community Development staff having the time to get this project underway. There is some discretion as to how the Board can regulate wineries.

Mr. Boyd asked if the wine industry could make some proposals instead.

Mr. Moses agreed.

Ms. Thomas noted that there is staff time needed to deal with the proposals.

Mr. Wyant mentioned that the definition of events needs to be addressed.

Mr. Moses added that a lot has changed in recent years and the wineries in the County are aware of that and are ready for the dialogue.

Agenda Item No. 10. Boys and Girls Club, Presentation by Tim Sinatra.

Mr. Tim Sinatra, Executive Director of the Boys & Girls Club, addressed the Board, stating that Habitat for Humanity and the Boys & Girls Club have come together to form a partnership in Southwood – which houses over 1,200 residents. He explained that the Club runs a summer program at Covenant School, who are among their biggest supporters, but the site is too small and the Club would like to

expand. Mr. Sinatra said that they will have about 250 members next calendar year, and presented numerous slides of images of families served as well as statistics on their demographics. He also said that they run a health and dental fair at Southwood with about 15 partners providing services onsite. Mr. Sinatra reported that they are running out of space for kids who want to come and do their homework. He explained that their annual operating budget is about \$95,000 with \$30,000 done in renovations and equipment; they are in the process of building a \$10 million facility near Buford Middle School. Mr. Sinatra said that Habitat is helping them to pursue grants and donations to improve the Southwood site, expressing concern that kids run out into the road near there to catch loose balls when they are playing in the sport court.

Mr. Sinatra said that the expansion area is about 1,500 feet of building that can be sectioned off into one main room or three rooms so that six to twelve year olds can be served there; with the original room being used just for teens. He explained that the sport court would also be expanded and fencing would be added as well as a playfield, greenspace, and shelter area. The goal of this is not just for the Boys & Girls Club, but for the community. Mr. Sinatra noted that Daggett & Gregg has stepped up to do the architectural services for free; Nelson, Byrd, and Woltz will provide landscape architecture; and other builders have expressed interest in the project. He said that their timeline is here and now, and they are confident they will raise the money. Mr. Sinatra explained that there are rooms designed for five core areas – computers, homework, health & life skills, etc. He emphasized that this is going to strengthen the social fabric of the community and help the families who live there.

Mr. Boyd indicated that he and Mr. Rooker have visited the site, and the Boys & Girls Club has done excellent work onsite. Mr. Boyd noted the confined space they occupy right now.

Mr. Slutzky asked if the funds were being requested on an emergency basis.

Mr. Sinatra responded that they are moving the project along as quickly as possible.

Mr. Rooker said that this is not an ongoing expense, but a construction expense. He commented on how valuable their programs are to children in the community and said he would like to make a contribution this year even though the budget situation is not entirely positive.

Mr. Dorrier commented that the Club does something no other organization does – provide mentors for children.

In response to Mr. Slutzky's question, Mr. Tucker noted that the Board's reserve is currently \$350,000.

Mr. Slutzky and Mr. Rooker said that they are both supportive of the measure, but would like some more budget information.

Ms. Thomas indicated that the Board has pledged money to the SPCA and the Paramount Theatre on a short-term basis in the past.

Mr. Sinatra said that they have \$25,000 of the \$400,000 needed, but they have met with some major donors. He suggested that the Board might make their contribution a match to leverage more in contributions. That would help this endeavor move much faster.

Mr. Dorrier asked if the County could also help with facilities improvements.

Mr. Sinatra responded that there is some major site work to be done, and there are a lot of local businesses who are stepping up now.

Ms. Thomas commented that she has a constituent who is often on the verge of homelessness who has told her that the Boys & Girls Club is the best thing in the community for his daughter.

Mr. Tucker said that he would meet with the Office of Management and Budget and come back with budget figures later today.

Agenda Item No. 11. School Support Services Complex.

Mr. Bill Letteri, Director of Facilities Development, summarized the Executive Summary which states that in 2005, the School Division submitted a CIP request to fund the construction of a 36,000 square foot facility on a site adjacent to the School's Vehicle Maintenance Facility to accommodate a School Warehouse to house student records, testing materials, surplus furniture, Building Services and Child Nutrition Services operations. Construction of the facility will also allow their School Technology Department (presently housed in a trailer) to occupy the building vacated by Building Services. In 2007, the project scope was revised to include storage space for general government operations. Details of the proposed project, totaling \$8,730,000 have been provided to Board members. Project funding was proposed to occur over two fiscal years, with \$2,470,000 in 2007/2008 for design and site work, and \$5,020,000 in 2008/2009 for the balance of construction.

At its March 19, 2007 work session, the Board of Supervisors deferred action on this item pending additional information from staff, to include clarification of square footage requirements, an analysis of space needs and availability, and the feasibility of combining the School and Local

Government IT departments. The project is now included in our CIP plan for fiscal years 08/09 and 09/10 respectively. At the time the project was moved to the second year of the CIP, the Board indicated it would consider moving the project back into year one based on the additional information.

This project is consistent with the objectives and goals listed in the school section of the County Community Facilities Plan and goals 4 and 5 of the School Division Strategic Plan.

In recent months, the Facilities Development Director, together with the Building Services Director for the School Division, evaluated anew the background and proposed justification for this project and offer the following observations:

- Child Nutrition Services is currently housed in a temporary office trailer at the Greer School site and lacks sufficient space to meet their current and future operational needs;
- The School Technology Department is currently housed in a temporary office trailer and, likewise, lacks sufficient space to meet their current and future operational needs. The construction of the new facility will allow the School Technology Department to occupy the vacated Building Services building which already accommodates the School's data center for the WAN. In recent years, the respective IT departments for Local Government and Schools have evolved separately to accommodate their unique operational needs, including the investment in special data center or computer rooms to house equipment. Combining these departments, while possible, would likely result in the loss of previously invested space/equipment and the need for additional space and/or equipment to accommodate an expanded program. At this time, it is simply unclear that this effort would result in any immediate operational or financial benefit for either organization;
- The Building Services Department has outgrown its current facility which lacks sufficient space for staff and visitor parking, plan storage, surplus storage for schools or office space for maintenance and custodial foremen;
- The new facility will accommodate Local Government storage which now occurs at a rental site at an annual costs of \$36,000, reducing the County's current cost per square foot;
- Centralized storage of School records is desirable and necessary to comply with state laws which mandate that such records be maintained for 75 years following a student's graduation;
- Parking is extremely limited around the entire Albemarle High School campus;
- The proposed central location of the new complex offers convenient access for all schools;
- The Timmons Group was retained to review three alternative building sites. A conceptual study and cost estimate was developed for the proposed site.
- Finally, the Board requested information regarding current space utilization. Over the past five to eight years, the County has developed and utilized space planning standards developed in consultation with our architects to ensure improved space utilization. Through this process, the County made the decision to purchase the County Office Building - 5th Street facility and prepare renovation to the County Office Building – McIntire. This analysis and utilization of space planning standards has allowed the County to better utilize current space and ensure that we are planning for future needs to avoid constant, short term and wasteful renovations. Because of this process, it was clear that the needs planned for the new facility could not be accommodated at the COB - 5th Street or McIntire. In addition, because the new space was planned to replace substandard trailer and costly rental space, space utilization was less of an issue. This new facility is designed to address basic needs for which current space is simply not available without a more costly and inefficient approach.

Mr. Letteri said in summary, based upon the above findings, staff believes that this project is justified operationally and represents a reasonable and prudent use of funds.

It is expected that utility costs for the new facility will be \$60,000 per year, based on the planned square footage. These costs will be partially offset by the avoidance of costs associated with the rental of storage facilities and operations of trailer units. Debt service cost is projected at \$ per year.

Mr. Letteri said staff recommends approval of the Support Services Complex through our CIP program and that early design efforts include program verification, analysis and confirmation of scope, evaluation of alternative building types, and updated cost estimates. *However, because the County is expecting to need to make reductions to the currently approved CIP due to reduced revenue projections, staff does not feel that moving this facility up to the current fiscal year is prudent. Through the update of the CIP this fall, staff will be reassessing the CIP overall and considering what projects may need to be reconsidered until our projected revenue picture improves.*

Mr. Letteri explained that the building is 46,000 square feet and would include 33,000 in warehouse space for record, surplus, and local government storage.

Mr. Letteri also explained that in discussions with Bruce Benson and Michael Culp, the County and Schools are already combining resources for finance and personnel, but the schools have very

specialized software and specific applications. They do not feel at this point that there would be economies or efficiencies in combining those segments of the operation at this time.

Mr. Boyd expressed disappointment in the subjective nature of the report, as there was nothing in the document that showed hard dollars related to space utilization. When the 5th Street building was purchased, there was a multi-year plan for space needs. The purpose of relocating people from this building was to free up space. That was the kind of space utilization and hard dollars he was expecting to see in a report. This information does not show the ongoing costs.

Mr. Rooker noted that the current lease is \$36,000 and the utilities would be \$60,000 in the new building. He said that he does not understand why the warehouse space costs \$190 per square foot, as he is familiar with space costing \$50 per square foot.

Mr. Letteri said that the term "warehouse project" may be misleading, explaining that the shell is an industrial type for \$60 a square foot just for that. The warehouse would be upgraded with certain condition, security and accessing measures at a cost of \$42 additional cost for that additional cost. He stated that office spaces were computed at \$101 per square foot, and site costs with about \$1 million in computer debt.

Mr. Slutzky noted that there is existing space on Route 29, not too far from Albemarle High School, – 82,000 square feet at \$56.

Mr. Letteri said that two other sites were studied in this process – Agnor Hurt and Albemarle High School – and neither of those spaces offered benefits over existing space. He said that the schools have looked at other options but have not come back with anything.

Mr. Rooker said that having a commercial realtor investigate options may yield a more cost-effective alternative in an existing building.

Mr. Tucker noted that once schools make a determination of where the site is going to be, they take that and implement it.

Mr. Davis emphasized that the school that facilities are built are the schools' decision, adding that there is a joint CIP done so that the Board can allocate the appropriate amount of funding.

Mr. Rooker stated that the Board does decide what the CIP allocation is though.

Mr. Tucker mentioned that there are Board members on the CIP Oversight Committee. He said that these needs were considered during the construction of the 5th Street facility.

Mr. Foley noted that this is the fourth time this project has come before the Board, and the entire process aspect of these types of project would be discussed at October's meeting.

Agenda Item No. 12. Economic Development Policy, 2007 Update. **Removed from agenda.**

Agenda Item No. 13. Closed Session.

At 12:42 p.m., **motion** was offered by Mr. Slutzky that the Board adjourn into closed session pursuant to section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions; and under Subsection (7) to discuss with legal counsel and staff specific legal matters relating to an interjurisdictional agreement.

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

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

Agenda Item No. 14. Certify Closed Session.

At 2:16 p.m., **motion** was 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. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant, Mr. Boyd, and Mr. Dorrier.
NAYS: None.

Agenda Item No. 15. Appointments.

Motion was offered by Mr. Wyant to make the following appointments:

Appoint Rob Farrell and reappoint James F. Powell, Joseph T. Samuels and Richard Keeling to the ACE Committee with said terms to expire August 1, 2010.

Appoint Larry Wilson to the Charlottesville-Albemarle Convention & Visitors Bureau (CACVB), with said term to expire June 30, 2009.

Appoint Robert M. Burke, Jr., to the Community Mobility Committee, with said term to expire ???

Appoint Jim Duncan to the Fiscal Impact Advisory Committee, with said term to expire July 8, 2009.

Appoint Robert M. Burke, Jr., to JAUNT, with said term to expire September 30, 2009.

Appoint Lynwood Bell to the Pantops Community Advisory Council.

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

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

NAYS: None.

Agenda Item No. 16. **Public Hearing:** SP-2007-0012. John Murphy Home Occupations Class B (Signs#104,105). PROPOSED: Administrative office/stream monitoring laboratory; not more than two employees/volunteers. LOCATION: 841 Turner Mountain Lane, off Tilman Rd north of Rt 250 West. TAX MAP/PARCEL: Tax Map 58, Parcel 55. MAGISTERIAL DISTRICT: Samuel Miller. (Notice of this public hearing was advertised in the *Daily Progress* on August 20 and August 27, 2007).

Mr. Cilimberg reported that the request is for an administrative office and stream monitoring laboratory with one part-time employee at the applicant's home. The site is located west of Charlottesville off of 250 and Tillman Road, at the intersection with Turner Mountain Lane. He said that there were several favorable factors noted by staff: it would not be visible from neighboring residences; it should not impact the character of the district or area; it will minimize commuting traffic; it is low-intensity; it is a community service that focuses on natural resources; and would be a good use in the rural area. Mr. Cilimberg mentioned the inadequate site distance at the intersection of Turner Mountain Lane and Tillman Road, noted by VDOT, but staff does not predict an increase in activity relevant to this application.

Mr. Cilimberg concluded by saying that staff and the Planning Commission recommend approval of the special permit with two conditions as presented.

Mr. Boyd asked the applicant for comments.

The applicant, Mr. Murphy, said he was present to answer questions.

Public comment was then invited. There was none and the Chairman closed the public hearing.

At this time, Ms. Thomas **moved** to approve SP-2007-0012 subject to the two conditions recommended by the Planning Commission. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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

1. Special Use Permit 2007-12 shall be developed in general accord with the concept application plan, a survey plat by Thomas D. Blue, dated 12/19/94 and received February 26, 2007 (Attachment A-on file) However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance; and
2. The presence on the site of employees shall be limited to 9:00 am until 5:00 pm Monday through Friday.

Agenda Item No. 17. **Public Hearing:** SP-2007-0018. Blue Ridge Equine Clinic Amendment (Sign #12). PROPOSED: Amend special use permit for equine veterinary clinic to allow addition of four horse stalls on southeast side of existing barn and three horse stalls on west side of existing barn. LOCATION: Mockernut Lane at the intersection with Buck Mountain Rd (Rt 665). TAX MAP/PARCEL: Tax Map 30, Parcel 110. MAGISTERIAL DISTRICT: White Hall. (Notice of this public hearing was advertised in the *Daily Progress* on August 20, and August 27, 2007).

Mr. Cilimberg reported that this amendment would be to allow additional facilities associated with the existing veterinary clinic – an examination area and different locations for more horse stalls. He said that the site is located west of Earlysville off of Mockernut Lane. This application is consistent with

supported rural area activities – equine use, horse farms – and no increase in the scale of use is anticipated. Mr. Cilimberg noted that no unfavorable factors have been found. Both staff and the Planning Commission recommend approval with one condition.

Mr. Paul Stevens addressed the Board and offered to answer any questions.

Mr. Rooker commented that the spot looks quite picturesque.

Ms. Thomas noted that Albemarle County is number one in equine inventory, according to a recent report.

The Chairman opened the public hearing. There being no one else from the public to speak, the public hearing was closed.

At this time, Mr. Wyant **moved** to approve SP-2007-0018 subject to the one condition recommended by the Planning Commission. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

(Note: The condition of approval is set out in full below:)

1. The clinic shall be for equine care only and shall be operated in accordance with the letter dated July 23, 1997 (attached to the staff report as Attachment D-on file). However, the clinic's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Conceptual Plan for SP 2007-00018," dated June 26, 2007, and initialed "SMC."

Agenda Item No. 18. **Public Hearing:** SP-2007-0019. St. George Church Addition.
PROPOSED: Addition to existing church building. LOCATION: 7240 Scottsville Rd; Scottsville Rd and Rt 626. TAX MAP/PARCEL: Tax Map 130, Parcels 2A, 2A1. MAGISTERIAL DISTRICT: Scottsville. (Notice of this public hearing was advertised in the *Daily Progress* on August 20 and August 27, 2007).

Mr. Cilimberg reported that this request is for an addition to provide a fellowship hall at the existing church, located off of Route 20 South near Totier Creek before getting to the Town of Scottsville. He presented illustrations of where the facility would be located, noting that favorable factors include the opportunity to sustain the presence of the church, addressing the needs of rural residents, and no impacts on adjacent properties. Mr. Cilimberg added that no unfavorable factors have been identified. Staff and the Planning Commission recommend approval with five conditions.

Ms. Thomas asked about the proposed lighting.

Mr. Davis noted that the lighting ordinance would be applicable to any addition proposed.

Mr. Wyant asked if condition #2 needed to be exactly 1,156 square feet, just in case there is a little bit of overage. That square footage is so specific.

Mr. Cilimberg said that could happen and he suggested the Board round the number up to an even number.

Mr. Davis said typically staff has given some margin of error.

Mr. Cilimberg suggested condition #2 be amended to increase the square footage to 1,300 and condition #5 be amended to state that "Construction of the addition shall commence within five years or this special use permit shall expire".

Board members agreed to the suggested changes.

Mr. Boyd asked the applicant if he had any comments.

Mr. McGibney had no comments. He agreed with the proposed change in conditions.

Public comment was then invited. There being none, the public hearing was closed.

Mr. Dorrier **moved** to approve SP-2007-0019 subject to the five conditions recommended by the Planning Commission and amended at the Board meeting. Mr. Slutzky **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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

1. Special Use Permit 2007-19 shall be developed in general accord with the concept application plan, provided by the applicant and dated July 31, 2006 (Attachment C-on file). However, the

- Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;
2. The addition shall be limited to not more than one thousand three hundred (1,300) square feet;
 3. The area of assembly shall be limited to a maximum sixty-five (65) seat sanctuary; occasional church gatherings beyond the normal capacity of the sanctuary shall be permitted;
 4. There shall be no day care center or private school on site without approval of a separate special use permit; and
 5. Construction of the addition shall commence within five (5) years or this special use permit shall expire.
-

Agenda Item No. 19. **Public Hearing:** SP-2007-0023. Kia Auto Display (Sign # 55).
PROPOSED: Expansion of the Kia auto dealership, including outdoor display and sale of automobiles in the Entrance Corridor. LOCATION: Just north of the existing Kia auto dealership at 1390 Richmond Rd (Rt 250 East), and south of Olympia Dr (under review). TAX MAP/PARCEL: Tax Map 78, Parcel 9. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on August 20 and August 27, 2007).

Mr. Cilimberg reported that this permit would allow for expansion of the existing dealership to include up to 57 display spaces with other parking. The intent of this special use permit requirement is to review potential impacts of outdoor sales and display activity on the Entrance Corridor. The general area of expansion will be to the north of the existing facility behind the facility. It will be minimally visible from Route 250 East. He said that favorable factors include that the proposal is by-right and the ARB has no objection to the proposal and have recommended conditions. No detrimental impacts in the Entrance Corridor are anticipated. Mr. Cilimberg indicated that staff and the Planning Commission have recommended approval with five conditions.

Mr. Boyd asked about access by driving through the two lots; if the lots will be connected. Mr. Cilimberg replied that it is not shown on the plan.

Ms. Margaret Maliszewski, Principal Planner, reported that access is on the right side of the plan along the eastern part of the parcel.

Ms. Thomas asked if any improvements along Olympia Drive required. Mr. Cilimberg said that the drive through will be an extension of the existing construction. The road connection would ultimately serve as an interconnecting road in Pantops, as this has been identified as an alternate connector there. He added that although completing the connection is not part of this special permit, they would have to finish Olympia to achieve their plan as shown.

The Chairman asked the applicant to come forward to speak.

Mr. Katorah Roell, representing the applicant, addressed the Board. Mr. Roell stated that the ARB has reviewed the request. It is connected to Olympia Drive for highway access to arrange for vehicle drop off from Route 250 back behind the site. Olympia Drive will be constructed all the way to the intersection on Town and Country. They have received Engineering and VDOT approval.

Mr. Boyd opened the public hearing. There being no one else from the public to speak, the public hearing was closed.

Mr. Rooker **moved** to approve SP-2007-0023 subject to the five conditions recommended by the Planning Commission. Mr. Slutzky **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

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

1. Vehicles shall not be elevated anywhere on site;
 2. The improvements proposed under SP-2007-23 shall be developed in general accord with the site plan entitled "Kia Auto Dealership Major Site Plan Amendment" prepared by Dominion Development Resources, LLC, with revisions dated 6-22-07. Vehicles shall be displayed only in spaces labeled as "display parking" on this plan;
 3. Display parking shall be only in designated striped parking spaces as identified on this plan;
 4. Final site plan approval is subject to ARB approval of the landscape plan (which shall be submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of ARB guidelines or the Zoning Ordinance to compensate for the negative visual impact of the proposed use, particularly regarding perimeter trees at the new display area; and
 5. Final site plan approval is subject to ARB approval of the lighting plan (which shall be submitted with the site plan). Maximum light levels on site shall not exceed thirty (30) footcandles.
-

(The next two items were heard concurrently.)

Agenda Item No. 21. **Public Hearing:** SP-2007-0024. Lewis and Clark Exploratory Center (Signs #49,50&54). PROPOSED: Extension of Special Use Permit 2004-04 to allow the establishment of the Lewis and Clark Exploratory Center of Virginia. LOCATION: Northern end of Darden Towe Park, on the west side of Stony Point Rd (Rt 20 North), approximately one-half mile north of the intersection with the Richmond Rd (Rt 250 East). TAX MAP/PARCEL: Tax Map 62, Parcel 23. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on August 20, 2007 and August 27, 2007).

Agenda Item No. 20. **Public Hearing:** SP-2007-0022. Lewis and Clark Exploratory Center – Access Rd (Signs #49,50&54). PROPOSED: Fill in the floodplain for an access Rd to the proposed Lewis and Clark Exploratory Center. LOCATION: Northern end of Darden Towe Park adjacent to the Rivanna River, on the west side of Stony Point Rd (Rt 20 North), approximately one-half mile north of the intersection with the Richmond Rd (Rt 250 East). TAX MAP/PARCEL: Tax Map 62, Parcel 23. MAGISTERIAL DISTRICT: Rivanna. (Notice of this public hearing was advertised in the *Daily Progress* on August 20 and August 27, 2007).

Mr. Cilimberg reported that the extension (SP-2007-0024) is to allow the applicant enough time to commence activity originally approved in January 2006, which would expire January 2008. The applicant is in the process of their site plan. He said that this request is to ensure that adequate time exists for plan revision and approval and commencement of construction. Mr. Cilimberg said that this was part of the basic plan. Staff and the Planning Commission have recommended approval with ten total conditions, including a suggested revision to one of the conditions to more clearly meet the intent of the condition. The condition specifies that it needs to be commenced by January 4, 2009.

Mr. Cilimberg said that the access road was identified in SP-2007-0022. It is in accord with the original Lewis & Clark approvals, and extends the existing internal gravel road within the floodplain that circles the park to the east and along the Rivanna River. He explained that about 580 feet will require fill, and it does not raise the floodplain elevation although it will change its cross-section. Mr. Cilimberg said that staff has recommended approval with three conditions, as has the Planning Commission.

Mr. Rooker asked what the allowable time extension was.

Mr. Davis replied that it is typically two years, but the Zoning Ordinance provides for such longer time as the Board grants, and this was a “safe amount of time” according to the applicant.

The Chairman asked the applicant for any comments.

Mr. Fran Lawrence said that thing seem to be moving along well, but they would be happy with two years to allow some breathing room. They expect to look for some bids on the site plan and the 2,500 square foot building within the next couple of months. They hope to break ground in the summer.

Mr. Rooker suggested making the extension through January 4, 2010.

Mr. Lawrence said they will not be changing the flood level of the river. They are very excited about the new road because it allows transition between the river and the park.

The public hearing was then opened on both special permit requests. There being no comments, the public hearing was closed.

Mr. Boyd commented that the Lewis & Clark Center is a great attraction, and his grandson enjoyed visiting there.

Ms. Thomas said she usually opposes anything that impacts the floodplain or the river, but she appreciates the integration of the river into the center. She also stated that she and Mr. Dorrier serve on the Lewis and Clark Board. They have been assured that they have no official conflict of interest.

Mr. Rooker then **moved** to approve SP-2007-0022 subject to the three conditions recommended by the Planning Commission. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

(Note: 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;
2. The fill slope must be protected against possible scour during the one hundred (100)-year storm, and must not exceed that shown in the application plan; and
3. Army Corps of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits.

Mr. Rooker **moved** to approve SP-2007-0024 subject to the ten conditions recommended by the Planning Commission including the change of January 4, 2009 to January 4, 2010. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

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

1. The site shall be developed in general accord with all sheets of the plan entitled "Lewis & Clark Exploratory Center," revised October 18, 2005 and prepared by Nelson, Byrd, Woltz. Setbacks indicated in the table on sheets L3.1 and L3.2 do not set increased minimum setbacks;
2. The top of the Lookout Tower, measured in elevation above mean sea level, shall not exceed [AMSL + 35]. The approved height shall at no time be taller than the tallest tree within twenty-five (25) feet of the Lookout Tower, and shall include any base, foundation or grading that raises the tower above the pre-existing natural ground elevation;
3. A maximum of twelve (12) special events, in accordance with Section 5.1.42.i, are authorized per calendar year;
4. A maximum of four (4) festivals, in accordance with Section 5.1.42.j, are authorized per calendar year;
5. A lighting plan and a landscaping plan shall be submitted, reviewed, and approved by the Architectural Review Board prior to final site plan development plan approval;
6. In accordance with Section 32.7.9.9, a twenty (20) percent tree canopy shall be required for the site based on the disturbed area for the historical center building, parking, and access road;
7. Prior to any grading or construction activity, the limits of the one hundred (100)-year flood plain and stream buffers, where adjacent to constructed proposed improvements including the amphitheater, timber fort, lookout tower, entrance road and retaining wall, shall be flagged at ten (10)-foot intervals by a land surveyor to prevent encroachment land disturbing activity, storage of construction equipment or materials, and actual construction of improvements during construction;
8. Outdoor amplified noise is not allowed on site;
9. As stipulated in the lease agreement between the applicant and the City and County, the proposed improvements are to be reviewed by the City and County prior to construction to make sure there are alternative uses available for the improvements should the venture fail, and
10. Special Use Permit 2007-024 shall be valid twelve (12) months from the date of the original approval and shall be expire on January 4, 2010.

At this time the Board returned to its discussion on the Boys and Girls Club.

Mr. Tucker said that the revenue picture "is not pretty," however there is about \$300,000 in the Board reserve as well as some unallocated revenue. He suggested having Mr. Sinatra make a request and having it reviewed by the ABRT group. The Board could also make a \$50,000 commitment for this year, and ask Mr. Sinatra to go through the process for next year. Mr. Tucker said, at its meeting next week, the Board will see a proffer with the Biscuit Run development that has some influence on the Boys and Girls Club.

Mr. Boyd said that he liked that idea, and any kind of seed money would help with fundraising.

Mr. Rooker indicated that Mr. Sinatra had hoped for the County to provide a matching grant to motivate other gifts.

Ms. Thomas asked if Mr. Rooker meant that when the Boys and Girls Club raised \$200,000, the County would contribute \$50,000.

Mr. Davis commented that the Board could put a condition on the appropriation to demonstrate a certain amount of other funding raised before the money was transferred.

Mr. Rooker agreed with Ms. Thomas' suggestion of \$200,000.

Motion was then offered by Mr. Rooker to authorize \$50,000 contingent on the Boys and Girls Club, raising \$200,000 as a match to the \$50,000. Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 24. From the Board: Committee Reports.

Ms. Thomas reported that the "blue" signs she had asked about are official VDOT signs, used to point out agricultural and rural features, and are prevalent in Nelson County. She commented that the signs do bring to the attention farm sales that otherwise would go unnoticed.

Mr. Slutzky noted that he has received questions from the public about why the water restrictions are still in place given recent rains. Board members receive reports weekly from the Rivanna Water and Sewer Authority and the County is still low several feet in some of the reservoirs. He does not think it is appropriate for the Board to revisit the restrictions at this time.

Mr. Boyd indicated that he has heard that there is no clear explanation on the web about the situation and updates.

Mr. Rooker said that there is a link that has to be utilized to get the appropriate information.

Mr. Boyd stated that it should be on the front page.

Mr. Tucker suggested putting it in the "Frequently Asked Questions" section.

Mr. Rooker agreed that the drought information should be prominent.

(Note: At 2:59 p.m., the Board recessed due to being ahead of schedule. The work sessions were scheduled to begin at 3:30 p.m. The Board reconvened at 3:33 p.m.)

Agenda Item No. 22. **Work Session:** Places29 Master Plan – Chapters 5 and 6.

Ms. Lee Catlin, Communication Relations Manager, said when the Board discussed Places29 several months ago, there was concern expressed that it not disrupt or inappropriately influence the Planning Commission's review out of sequence. However, the Board asked to be updated on critical issues related to Chapter Five, Future Land Use and Transportation Framework, following the Commission's initial review of that chapter since several of its issues are fundamental to the overall direction and structure of this Master Plan. The Board will have a full review of this material, including work sessions and public hearings, following conclusion of the Commission's process.

Ms. Catlin said the objective today is to update the Board on the Commission's review of Chapter 5 and focus on the issues which received significant public or Planning Commission attention. The second objective is to take any comments endorsed by a majority of the Board back to the Commission for their consideration as the review process continues. The Commission has been working sequentially through the chapters. Once they get through the whole document, they will do a holistic evaluation of the entire body of work. Staff understands that decisions by either the Commission or the Board about future chapters, for example, Chapter 8 which concerns Implementation and contains discussion about costs and schedules and sequencing, may make it necessary to revisit earlier material in other chapters. The logic is that the Board needs to establish the "what" of the plan before it can get into a detailed discussion about the "how" and "when" issues.

Ms. Catlin said this afternoon staff will give a brief introduction about the Plan's perspective, an overview of the transportation networking issues and a description of the major issues raised by the public and the Planning Commission. She said a summary of a number of major issues identified by the Commission are listed in the Board's executive summary (copy on file), and they are:

1. Requests to change the land use designation on two properties (Cliff Fox and Wendell Wood).
2. Development Area Boundary expansions south of Piney Mountain (near NGIC) and south of Hollymead around the proposed Berkmar Drive Extended.
3. The grade-separated intersections along U.S. Route 29 North.
4. The proposed transit network and expected ridership.

Mr. Cilimberg said trying to reflect the principles of the Neighborhood Model in this study is a unique process. It is the most locally significant element of planning in the Development Areas and in guiding the master planning process. From a County perspective, it is a primary driver in Places29. He noted that organizing principles for this study will be shown during this meeting on a screen in the room. They reflect established planning policies and the guiding principles endorsed by the public when the study began. There is also a major transportation study which is attempting to identify regional and statewide solutions for Route 29; hopefully the State will accept its recommendations for the area. This endeavor is as important to the County as land use planning.

Mr. Cilimberg said the study is being led by the County under the oversight of a team of County, VDOT, Planning District Commission and consultant staff. Funding is from the County as well as VDOT. This study is vitally important to addressing Route 29 in this area and in Virginia. This plan is unique in that it combines transportation planning for this national highway of significance with local land use planning at a much higher level of detail and integration than has been done in the past.

Mr. Cilimberg said it is important to note that staff is focused on the vision for this area even though it may take generations before the vision is realized. It will take a multitude of incremental decisions to get to the ultimate result. There will likely be one or more life cycles of land use in different areas before the vision is realized. Once the vision is in place, staff can focus on the steps that will get the County to the ultimate vision. That is the 20 years of plan implementation that will be part of Chapter 8.

Mr. Cilimberg said this plan reflects the best professional judgments of an entire team of staff from the County, the Planning District Commission, VDOT staff and the consultants, along with the Planning Commission, and significant public input and feedback. Decisions have been made with the full counsel and consent of the project team. He then introduced Mr. Harrison Rue, Executive Director of the Thomas Jefferson Planning Commission, to provide an overview of the transportation element.

Mr. Rue said it is critical from a contractual basis to understand that it is actually two contracts. This is the County Comprehensive Plan fleshing out the most urban Development Area in the Neighborhood Model; and it is also a VDOT Corridor Plan. TJPDC is working as consultants under contract to both VDOT and the County. This is the County's "Main Street" and major corridor for through traffic.

Mr. Rue said VDOT is interested in a conceptual design for Route 29 itself, and an access management plan. VDOT is interested in how to control access but still provide access to all businesses, the parallel road network, transit ITS and operations strategies and implementation. With regard to transit Mr. Rue said they took the early transit work from this study and incorporated into the Regional Transit Authority planning effort. They will feed the consultant's recommendations into this plan to coordinate actual service recommendations. They are interested in getting significant public involvement in transit authority issues. They just received notice of a \$100,000 FTA pilot grant applied for a few months ago for additional resources to do surveys, to do public involvement, to do more workshops, to communicate recommended strategies, and to give the Board public feedback in a variety of ways.

Mr. John Giometti, VDOT representative, said the consultants have tried to capture a definition for regional or through traffic, versus local traffic for Route 29. He said 12 percent of the traffic using Route 29 at the Route 250 Bypass either originates or has a destination outside of the County's growth area – so that is truly through traffic. Also, there are external trips - those that either have a destination within the growth area or start within the growth area; that is nearly 24 percent of the traffic. He explained that the largest component, true local trips – those that both originate and have a destination within the growth area - are nearly two-thirds of the traffic currently using Route 29.

Mr. Rooker asked if the 24 percent mentioned includes those people who left one growth area and went to another growth area in the County. Mr. Giometti said two-thirds are people moving around in the study area, and then 12 percent of the people move through the area. The 24 percent contains people who either start or end in the growth area.

Mr. Boyd noted a statement on the PowerPoint saying "Seventy percent of the trips traveling the length of the Route 29 North Corridor are destined for UVA or downtown."

Mr. Rooker said this is all about external trips, so 70 percent of the 24 percent would be about 15 percent of the traffic in the corridor is destined for UVA or the City of Charlottesville.

Mr. Boyd said he gets confused with the terms "external", "through", "origination places", "destination places"; it all gets convoluted.

Mr. Giometti showed a slide portraying through trips originating outside of the growth area of the Places29 study which have a destination outside of the growth area.

Mr. Slutzky asked if Mr. Giometti was saying that 12 percent of the traffic on Route 29 is in that category, and of that 12 percent a lot of those people might be going to Pantops, UVA or the City. That would suggest that only a small portion of that number of cars in the corridor is actually traveling from Culpeper to Lynchburg. Mr. Giometti said that is correct.

Mr. Rooker said if a person started in Greene County and drove to the University they would be shown in this group. Mr. Giometti said that is correct.

Mr. Boyd said this is important because the Board will be discussing the parallel roads noted on the PowerPoint. Yet, the ultimate parallel road for which land has been purchased (western connector road) is not shown in this plan. He thinks it would serve a great portion of people who live north of town but work in the downtown area. It is not even considered because it is a taboo thing to talk about. He just wants to clarify that 12 percent of the people who travel Route 29 go further south than Hydraulic Road. Logically, this number does not make sense to him.

Mr. Rooker said for the VDOT Environmental Impact Statement done in 1990, VDOT did an origin/destination study projecting traffic out to 2010. They actually spent \$1.0 million on the transportation component by just stopping people and asking them where they were going. That study showed that in order to improve the level of service on Route 29, no matter what else was done, the level of service had to be improved at the key interchanges of Rio Road and Hydraulic Road. The only way to increase the level of service beyond an "F" was to build those interchanges. He said those traffic studies were done in an extremely expensive way, and they support what Mr. Giometti has before the Board today.

Mr. Boyd said he would like to see the material that supports their projected build-out. He said Mr. Rooker is saying they had 20/20 vision 17 years ago, and he has trouble believing that could happen and that they knew how the corridor would build-out.

Mr. Rooker said the numbers developed today are the same numbers that were developed before. Six or seven years ago there was another origin/destination study on license plates and it came up with almost the identical numbers.

Mr. Boyd asked where the results of that study are located.

Mr. Rooker said the MPO has had them all along. They were looked at as part of the CHART Plan. The article he just handed out from the Daily Progress talks about the same thing. The only way to achieve a good level of service in the corridor is to deal with the traffic in the corridor because virtually all of the traffic in the corridor is inter-corridor traffic.

Mr. Boyd said he is still having trouble believing that. He asked where that information was from five years ago.

Mr. Rooker said Mr. Rue has it. They did a license plate study at that time, where they photographed the license plates of all cars entering the County at the Greene County line and photographed all cars leaving the County by major routes.

Mr. Boyd asked if that determination was that 88 percent of the traffic never went as far as Route 250, but stopped somewhere before getting to that point.

Mr. Rooker said there are two components. The 12 percent is through traffic. Then there is the 24 percent which either starts in the corridor or ends in the corridor. When he leaves his house, he would be in this statistic coming to the County Office Building. He lives in the growth area and is leaving that growth area. Then there is 12 percent that starts outside of the corridor and ends out of the corridor, those are the people who are passing through.

Mr. Slutzky said they are not necessarily passing through because the corridor ends at Route 250. A significant part of that 12 percent is going to the University, or the City, or is that wrong.

Mr. Rooker said that is in the 24 percent.

Mr. Slutzky said the 12 percent are people who came in to Route 29 from Greene County or some remote place. Where do they leave Route 29?

Mr. Giometti said it starts at Greene and goes past Route 250.

Mr. Boyd said he would like to know how many people start north of South Forest Lakes.

Mr. Slutzky asked if Mr. Giometti's number includes people leaving Route 29 at Route 250 east or west, or HealthSouth.

Mr. Rue said 75 percent of that 12 percent is roughly nine percent of the trips that start and end outside of the study area. They leave the area via I-64 or continue south to southern Albemarle or Lynchburg.

Mr. Slutzky said according to this study, no more than nine percent of the cars coming into Route 29 up north are going on to I-64 or Route 29 South. Some portion of those cars will get on I-64 and go to Piedmont College. There is a very small percentage of the traffic in that Route 29 corridor that is true through traffic. That is one of the major lessons of this transportation study.

Mr. Rooker said this study has been consistent with all of the studies.

Mr. Boyd said he is having trouble understanding that when there are big bottlenecks in the mornings and in the afternoons that all of those people are originating between Hydraulic Road and Rio Road.

Mr. Rooker said the reason the bottlenecks occur during those hours is because local people are moving around in the area; it is not through traffic.

Mr. Boyd said he has trouble at nine o'clock in the morning.

Mr. Rooker said they are in the 24 percent figure. Twenty-four percent of 75,000 vehicles is a lot of vehicles. During rush hours there are people who live in all neighborhoods that are included in this if they are going to some destination other than in the growth area.

Ms. Catlin said there may be additional information that could be furnished to Mr. Boyd. For the purpose of getting through the discussion today, she asked if staff could move forward with the presentation.

Mr. Giometti said the first three slides he showed provided the basis for picking the transportation network chosen. It is not all about dealing with Route 29 itself, but about creating a network of parallel roads to provide additional options for pedestrians, bicyclists, and transit so the traveler does not have to use Route 29 to make local trips. He showed a slide of the southern area of Places29, noting that the roads in red are parallel roads already in place or new parallel roads proposed to provide critical connections between different communities and shopping destinations. The green roads shown on the slide are additional parallel roads that would provide a benefit, but which are not viewed as being critical

in the next 20 years. The most critical component in the northern area of Places29 is Berkmar Road Extended across the South Fork Rivanna River to Airport Road and into the UREF property.

Mr. Boyd said he was confused by the different colored roads shown on the map. Mr. Giometti explained that if an existing road is colored red that indicates additional improvements are needed for that road. In the case of Rio Mills Road, at this time it is gravel; this study suggests it be paved. A road shown in red with a black line through it indicates the road has not been built yet. The roads colored green have not been built at this time, but are additional network roads that might provide some benefit, but which are not necessary in the next 20 years. The blue road is an extension of northern Free State Road up through the Belvedere tract. He does not know why it is colored blue.

Mr. David Benish said it is a road that would be internal to a future phase of Belvedere, but could also provide an opportunity for a future extension. It is part of a developed, future phase of the subdivision, so during the development phase, the County would want to reserve that road and get it incorporated into that plan of development.

Mr. Slutzky asked if that is a dead-end road.

Ms. Thomas said until just a few years ago, that road was the County's No. 1 priority and it was to be a through road. However, due to concerns of the neighborhoods in Forest Lakes, Hollymead and other developments, it has been dropped from consideration and all the focus goes to the west side of Route 29. This is a new concept, and it puts more emphasis on getting across Route 29.

Mr. Giometti said the parallel road concept does not mean there have to be parallel roads on both sides of Route 29 if adequate crossings of Route 29 are provided. They tried to be respectful of existing neighborhoods so there are no parallel roads on the east side of Route 29. The public was very clear during the Places29 meetings that they did not want parallel roads on that side or that interconnection. He said Berkmar Drive will be the major player in providing a parallel road. Grade separations are provided at Ashwood Boulevard, Timberwood Boulevard, Airport Road, and Rio Road. That will allow all of these neighborhoods access across Route 29 to Berkmar. The people in this area will be able to make local trips to shop, to work, and to schools without using Route 29. The grade separations also provide an opportunity for transit stops, bicyclist, pedestrians, and other modes to get to where they want to go. Now, it is a car centric corridor all focused on one roadway.

Mr. Boyd asked how much the traffic would be reduced if just transit and pedestrian crossings were built. He said some people might use a mode of transportation other than a car just to get over to the Target Store. He has spent a lot of time in those neighborhoods lately, and he has been asked by a lot of people when pedestrian access will be provided to the Hollymead Towncenter.

Mr. Giometti said data has not been gathered in this area to capture the individual modes. The last National Transportation Household survey done in Charlottesville was done in the late 1980s. There is a new study planned to begin in 2009. It will give information on what types of mode choices the community would make if those facilities were available to them.

Mr. Boyd said he thinks the biggest challenge to transit is getting people to actually use it or bicycles or to be pedestrians. It seems this study is just trying to find a better way to get a car from place to place. What if it was decided that the best choice to get across Route 29 was to bicycle or walk? Suppose no infrastructure was provided to move more cars around in the neighborhoods.

Mr. Giometti said no study of this magnitude is an "either" "or". All of the modes of transportation need to be considered. Considering just one does not address the overall issue of the future, or what this community should look like in 20 years.

Mr. Boyd said he thinks that if people can be encouraged to walk, it would help with a lot of things. Mr. Giometti said the facility has to be provided first in order to get people to use it.

Mr. Rooker said there was a pedestrian study of Route 29 which called for at least one pedestrian/bicycle overpass in the Hollymead area. But, how many people who live deep in Hollymead or Forest Lakes when going to get groceries will walk? Most people will not do that. He thinks the County should look at providing strategic overpasses, but that would be money wasted if an overpass were built for transit using standards for vehicles, and then vehicles were not allowed to use it. It was primarily from pressure from the residents in the Forest Lakes/Hollymead neighborhoods that the parallel roads on that side of Route 29 were eliminated from the plan. The only way this plan works reasonably well is if there is a way for vehicles to get over to the parallel road that is still to be built.

Mr. Boyd said 88 percent of the traffic will be taken off of Route 29 if there are other ways to move around in the area.

Mr. Rooker said that is correct, and the only way traffic can move up and down Route 29 on the east side is to get over to the west side and move up and down Berkmar Drive.

Mr. Boyd asked if the objective is to clear Route 29 for through traffic.

Mr. Slutzky said "no." There are a lot of businesses on Route 29 that want to have local people shopping there. The idea is to relieve the pressure of the traffic focused on this corridor and disperse it by two means, one by expanding transit options and other modalities, and the other would be to create a parallel road network to siphon off some of that traffic and spread it over other choices.

Mr. Giometti said he has other slides which will address transit specifically, as well as bicycle and pedestrian facilities within the corridor. The travel network he has shown (parallel roads, grade separations) were placed in a model in which travel time was examined for a trip through the corridor. The chart shows the number of minutes it takes to travel through various segments of the corridor presently, what it would look like if improvements were built, and what it would look like if nothing were done. This was projected out to the year 2025.

Mr. Giometti said the concept of having Route 29 as a boulevard was also looked at. He showed a slide representing how it looks today, and how it would look with some landscaping and a different treatment to the outside (some local access lanes, some nine-foot sidewalks). Every place this type of section would be needed has not been determined. One that would work well would lead up to the Hydraulic Road interchange, and perhaps some of the other grade-separated intersections (Hydraulic Road, Rio Road, Hilton Heights Road, Ashwood Boulevard, Timberwood Boulevard and Airport Road). He then presented some slides representing how these intersections would look and work, and the Board discussed them thoroughly.

Mr. Giometti showed a simulation of how the Rio Road interchange could develop over time. He proceeded to show a slide of the pedestrian/bicycle crossings of Route 29; a variety of both grade-separated and at-grade crossings are suggested along the entire corridor.

Mr. Giometti said one of the bicycle/pedestrian crossings is just south of the proposed Rio Road interchange and it would connect Berkmar Drive with Fashion Square Mall. He presented a rendering of how it would work. At this time there is a grade differential and the Fashion Square sits up higher than the west side of Route 29. There could be a pedestrian crossing at-grade on the Fashion Square side, but tied into two-story structured parking on the other. There would be a transit stop on each side.

Mr. Giometti said what he just presented is one example of how to make transit work. It is done by providing walkable communities, providing opportunities to get across Route 29 for pedestrians, and achieving the levels of density necessary for transit. When the Board gets to the Land Use Section of this master plan, there will be additional details available. Traditionally, rapid bus requires four to six units per acre average, with bus rapid transit requiring a higher density. Streetcars are another option, and that varies on the type of service and length of the route. The other critical component to making transit work, specifically for this corridor, is the parallel road network. If the County relies on Route 29 to get transit and all other traffic up and down through the growth area, there will not be a lot of success.

Mr. Dorrier asked about the recommendation for a second bridge over the South Fork Rivanna. Mr. Giometti said part of the transportation recommendations is to extend Berkmar Drive all the way to Airport Road.

Mr. Giometti said in order to make transit work, the consultants have developed a BRT running up the Route 29 corridor and several local circulator services for both the lower development area and the upper development area. Since the consultants developed this concept, the Board began work on a regional transit authority. The real answers and details of what could work in this area need to come from a study that would get down into much more detail than they could get from a study which covers so many modes, includes land use, and covers a growth area as large as that on Route 29 North.

Ms. Thomas asked if the Board were not satisfied with a plan that ended up with two percent of the trips taking place by transit and wanted something more like ten percent, if that is the kind of direction staff is looking for today. Ms. Catlin said the Planning Commission had the same discussion and made a recommendation about establishing a higher goal. If the Board does not agree with the recommendation from the Commission, that kind of comment would be helpful to staff and the consultants.

Mr. Boyd said he is trying to understand the slide being shown. He asked how large of a development with four to six units per acre would be needed to make rapid bus transit work.

Mr. Rue said the technical reports for the RTA study, which the Board will see in the next month or so, focuses on about six to eight factors including density. However, density is only one factor; the connections, the length of travel to a bus stop from specific developments, intersections, etc. are things being considered.

Mr. Boyd asked the growth rate being projected since this plan goes to the year 2025.

Mr. Rue said they are using the same growth projections in this study as the ones used in the long-range plan with VDOT and the MPO. Those numbers were developed by the County.

Mr. Benish said the modeling indicated a greater rate of growth for the Route 29 North corridor over the next 20 years than it did in other parts of the County. A relatively significant amount of growth was assumed within the Route 29 North corridor and is consistent with a number of recent approvals for developments.

Mr. Boyd said what is approved and what actually gets built is an entirely different number. He said there has been an extreme slowdown in development.

Mr. Benish said the modeling process is built off of VEC population projections for 20 years, and within that modeling process they are allowed to go 10 percent beyond the VEC projections allocated to all development areas in the County. Generally, more growth has been tracked in that area than the VEC projection.

Mr. Boyd said when the final data is presented, he thinks it will be important for the Board to understand the underlying criteria used. The whole thing is triggered by an assumption that there will be "X" number of additional houses along Route 29, plus many more businesses.

Mr. Rue noted said all of those assumptions are covered in excruciating detail in the technical reports and appendices to the report. If there are specific questions, he can refer Mr. Boyd to the specific parts of the report.

Mr. Rooker said he understands that when a study like this one links land use and transportation, they are constrained in terms of population growth assumptions. He thinks they have to start with the VEC numbers, and there is an upward boundary of about ten percent over those numbers that can be used.

Mr. Slutzky said if an excellent job of planning the Route 29 corridor is done and allows for sufficient density, a lot of growth that might have gone to Greene County or Fishersville or Fluvanna could end up in this area. It sometimes becomes a positive, self-fulfilling prophecy from the point of making transit modalities become more efficient and more effective. That is part of the beauty of integrating the transportation with the land use planning.

Mr. Boyd said this process started about three years ago, and growth rates were projected then. Have those growth projections been checked for accuracy at this point in the study. If so, how are those projections tweaked based on that?

Mr. Slutzky said he would be wary of being too particular in the near term. Looking at things like the NGIC expansion, there are independent variables that will take a two or three-year trend and make it not representative of the longer term of this 20-year plan.

Mr. Boyd said when showing what development might occur along the road and what the road could look like in 2025, is it realistic to think the intersection at Rio Road would look like the depiction on the slide just shown for 2025.

Mr. Giometti said he believes so. Everything being recommended for Places29 will be implemented incrementally. If the growth forecast is not what is expected, then some things will not be built. If growth exceeds projections, then there will be opportunities with private sector and public investment to get some things built.

Mr. Cilimberg said he would like to restate something he mentioned earlier. Transportation tends to plan around a 20-year forecast. Comprehensive Planning is done around a 20-year look at what can happen and be implemented in 20 years. What has been shown today for the Rio Road intersection could happen in 20 years; it might become the focal point for development in the north Route 29 area. It could be 30 to 50 years before other things happen along the corridor. He reminded the Board that during a discussion earlier in the year it directed staff that during master planning to identify priority areas. That is part of the implementation piece of this plan. Decisions might be made to enable priority areas to turn out like some of the pictures presented today.

Mr. Wyant asked if when the modeling is done, if it is averaged over a period of time. When modeling, the model is checked every so often and adjustments made. Mr. Cilimberg said growth and development varies in speed. Right now is a down time. Real estate tends to be that way and growth trends follow that to an extent. They are looking at what might happen over a longer period of time in order to be ready to deal with whatever happens.

Mr. Slutzky said in looking at the change in population over the last several years, it appears that the growth problem may have evaporated. It has not; it went to Greene County. A lot of those people still travel on Route 29 and shop in the retail district along Route 29. Data shows that the economic growth in the County is outstripping its population growth. That means the use of roads coming into the County represents a larger population growth than its population. When looking at data from all of those variables, it becomes almost an art rather than a science to decide which numbers to use. It sounds like using the VEC numbers is a reasonable benchmark and after the "big vision" is set up and mapped out, it is tweaked every five years according to what realities have unfolded. To him, it sounds like the staff and consultants are going about it the right way.

Ms. Catlin said the Board's full review of the plan will contain all of those numbers. Today staff wants to get comments on the critical issues for the Planning Commission. The Board's full review of the plan with all of that detail will come up at future meetings.

Mr. Boyd said it is hard to sit on the sidelines not wanting to delve into the details.

Mr. Giometti presented some slides showing images of the Las Vegas BRT. He then presented a simulation of a plan integrating pedestrian/bicycle crossings of Route 29 with transit. The view looking down Berkmar Drive toward Fashion Square Mall shows a grade-separated bicycle facility that ties Fashion Square, hopefully, to some kind of a two-story parking structure. There is a transit stop at the corner of the property. Development is built up tight against the road following the County's urban guidelines.

Mr. Giometti said VDOT was adamant that access management be included as part of Places29. The General Assembly recently passed legislation requiring VDOT to develop access management guidelines. Access management ties in well with the whole concept of bus rapid transit up and down

Route 29 with the parallel network and reorienting some land uses to that parallel road network. He said access management tends to maximize the effectiveness and safety of a roadway system. The strategies being suggested are different based on different context zones throughout the corridor. Traveling from Greene County all the way down Route 29, there are different circumstances along the road. They used criteria such as function, facility type, speed limit, and the area. Intersection spacing and signalization also plays into it.

Mr. Giometti then showed a simulation of what has been put together as part of Places29. In the Hydraulic Road area the consultants did a driveway-by-driveway inventory. It suggests a near-term and long-term solution to those access points. What is proposed at Albemarle Place has also been overlaid on an aerial image. They did a great job of trying to predict things which have already been approved in laying out the access management plan.

Mr. Giometti said a lot of the long-term solutions are tied to other improvements being made in the network. Once certain parallel roads are built, or certain grade-separations are built, certain accesses are either no longer needed or become prohibited because of the grade difference created. Every street being proposed has a cross-section developed. There are nearly 30 proposed cross-sections that will guide both new construction and redevelopment whether it is public or private. Every section includes all the modes - bicycle, pedestrian, and transit opportunities. Most importantly, it starts to frame what the sides of the roads look like and how uses adjacent to the roadways are expected to occur.

Mr. Giometti then showed examples such as Berkmar Drive north of Rio Mills Road. It is context sensitive and plays into the fact that there are challenges with topography. An effort was made to have that roadway fit within the topography; multi-use trails are shown on either side with adequate landscaping and lighting.

Mr. Slutzky asked if the bridge over the Rivanna to make Berkmar Drive a legitimate parallel road to Route 29, could be built at a smaller scale initially but designed in a way that it could be expanded as the rest of the network fills in.

Mr. Giometti said that is absolutely the correct way to go. It is done all the time at VDOT. He emphasized that it is important not to prohibit future planning because of funding concerns, but instead to model for the ultimate with the realization that what is actually built may be something less.

Mr. Slutzky said he would suggest that when information is provided to the public in the form of a written document, it be made clear that while right-of-way is proposed be "x" width, it is anticipated that a smaller width will be built in the near-term. He does not want the public to say it can never be built and undermine the credibility of this staged process.

Mr. Giometti said a lot of that will be addressed in Chapter 8, the Implementation chapter.

Mr. Rue said after talking with Transportation Secretary Witt Clement, it cannot be assumed that they would build roadway lanes and not build pedestrian facilities at the same time. No more roads can be built that do not have the sidewalks or trails.

Mr. Slutzky said there may be places on Route 29 where pedestrian features are built first even if a grade-separated interchange will be built later. Other modalities might cross at this point earlier so they should be designed now to accommodate that future expansion into other modalities.

Mr. Giometti said if efforts with the Regional Transit Authority get ahead of a lot of roadway infrastructure, then a way must be found to get people to transit stops.

Mr. Giometti said he will close with what he calls "low hanging fruit." There is an area in the County where infrastructure is already in place, so the County might make an investment to change its character. This area is a section of Rio Road at the railroad tracks, between Route 29 and where the Meadow Creek Parkway will be built and has been called "gasoline alley". He said the simulation shows it could be transitioned into a transit-ready neighborhood center. Adding better sidewalks and crosswalks, addressing the median, and putting in some streetlights and landscaping would hopefully encourage redevelopment that fits the County's urban design guidelines. The area could still include a gas station. It might be behind the façade of a retail use with condos over top. There could be bus shelters in the area. He stressed that this network of suggested improvements actually maintains the current level of service through the corridor.

Mr. Boyd said he would like to demonstrate to the public the challenge with the last transition slide shown. He would like to see some numbers associated with the amenities presented.

Ms. Catlin said the next step in this process is to focus on issues which generated a lot of public concern and a lot of Planning Commission attention. Staff would like to go through those specific issues and explain the Commission's reaction and direction in response to those issues and get the Board's reaction.

Mr. Benish said there is quite a bit of information included in the Executive Summary about these items. Staff has highlighted four areas to review that the Commission examined – requested land use changes (property owner requested land use designation changes), proposed boundary expansions, grade-separated intersections and transit networks.

Mr. Benish then referred to property owner requests for land use designation changes. The first request concerns a piece of property located on Worth Crossing in the Hollymead Community. The request is to change the land use designation to office or a mixed-use development. One other option would be to expand the community service area – the property is in the area of the Food Lion Shopping Center. The request is to change that land use designation to a non-residential land use designation. The current recommendation in the Comprehensive Plan is urban density residential. The consultant and staff recommended maintaining the land use designation as it felt the designation is more consistent with existing and emerging development to the north and to the east of this site. Also, sufficient land is available within the proposed framework plan to accommodate these land uses. The Planning Commission agreed with the consultant's and staff's recommendation to show it for urban density residential.

Mr. Boyd asked for clarification of the tract's location.

Mr. Benish explained that it is on the east side of Worth Crossing, behind the Food Lion Shopping Center. There is an electrical substation located just to the south of that tract of land; just to the north are townhouses constituting the residential development that lines Worth Crossing on the east side of the road. He pointed out that the Planning Commission has asked staff to consider the implications of their recommendations, so staff is currently evaluating those impacts.

Mr. Benish said the second area is one being referred to as land south of the Hollymead Towncenter. The request is to change the land use designation to permit a large footprint retail center and mixed commercial development. He pointed out the location of the land on the framework plan. The framework plan calls for two neighborhood centers, urban density residential and neighborhood density residential. The applicant has indicated that with this land use change he would be willing to construct significant portions of Berkmar Drive Extended which would include, if other funds are found for widening Route 29, construction of the bridge across the Rivanna River as part of the Berkmar Drive extension project.

Mr. Benish said the Planning Commission reviewed this request and made a general statement which related to all of the expansion areas. They felt that expanding the growth area at this point in time is not consistent with the goal of better utilizing the development areas and preserving the rural areas. Their feeling is that the boundaries of the development area should be maintained as they are. The other rationale is that available destination centers within the current framework plan are adequate to serve the needs for the next 20 years. That was their rationale for not changing the land use designation for the Hollymead development area.

Mr. Slutzky said the driver for this whole plan is the transportation element. Creating that parallel road along the west side of Route 29 – that would be Berkmar Drive – is probably the major lynchpin of all the things talked about for the Places29 plan. In order to complete that road, the roadway and bridge need to be built. The County has no money to build it, so if it is built at all, it will have to be built with public/private partnerships. If this were being designed in a purist world for the land use patterns east of Berkmar Drive and west of Route 29, there might be a rationale to support the neighborhood service centers as opposed to the big box centers. If a developer has already said that if the County would allow a fourth big box store in this corridor he might could potentially give the County the bridge and the completed road, it would be inappropriate for the Board to not take him up on that opportunity. Even with the possibility of a big box footprint in that location, the Board could not change its mind during the five or ten-year review process. The Board would not have to approve four big boxes even though they were in the master plan unless there were sufficient proffers to justify the approvals. If the Board persists with the designations recommended by staff and the consultants, it makes it unrealistic that the parallel road will be completed. He thinks the Board, in this case, should honor the request by building into Places29 the possibility of having that big box since it could result in the parallel road being built. He does not want staff's recommendation followed.

Mr. Benish said he was trying to combine two discussions because they relate, but based on the Planning Commission's decision not to expand the development area, staff needs to go back and reevaluate what other catalysts are needed to get that road built. Some of the land use designations in this area, which may include this property, need to be reevaluated. Staff recognizes that it is important to find ways and other catalysts to encourage private participation in this road construction, and also sees this reassessment relating to a change in land use designation that relates in part to the next expansion. With the Commission's recommendation, that option is gone.

Mr. Slutzky asked if because the Planning Commission recommended against expanding the growth area in this location, that option is not on the table.

Mr. Benish said because they recommended against that, it took away one of the methods staff saw as a possibility for encouraging participation in the construction of Berkmar Drive. Now, staff has to reassess land use designations, possibly in this area.

Mr. Slutzky said as one Board member, he heard these comments in public meetings, particularly in the early stages of Places29 where a lot of people were surprised that the land south of Hollymead Towncenter was actually designated as rural area. In the breakout group in which he participated, it was nearly a unanimous thought to go ahead and re-designate that land given where it is in the larger context. He wants to get the bridge over the South Fork Rivanna River so there can be a parallel road network start to take place. As staff examines options, he would like for them to entertain any and all possibilities including re-designation and potentially, if necessary, expanding the growth areas south toward the River.

Mr. Rooker said the parallel road network is important, but there's a question of how far that network goes. The parallel road network planned in the Hollymead Towncenter will serve a useful purpose whether or not there is a bridge. On the east side of Route 29 there would be a parallel road that stopped at the River. He agrees with the designation in the master plan for the part of this property that lies in the growth area. He thinks the Board should look at whether changing that designation might get a proffer that would make it feasible to build the bridge. He is less enthusiastic about changing the growth area designation and eliminating the rural area designation that exists in the area. That would make a growth area which started at Hydraulic Road and went all the way out to NGIC. He does not know that it makes sense and it is a significant change.

Mr. Slutzky said he would not be enthusiastic about taking the banks of the South Fork Rivanna River and taking them out of the rural area. He is just looking at the possibility of moving the growth area boundary a little further south, just enough to accommodate the proffers. He agrees there is some value in having that break.

Mr. Rooker said if the land use designation is changed in that area to provide for what becomes a destination center it impacts traffic generation from that site. If not careful, it could provide for a land use designation that created more traffic than would be alleviated by the traffic improvements. Some of this could be considered at the rezoning level, but the Board needs to be careful. It could get something that creates another traffic generator, one that overwhelms the improvements being talked about.

Mr. Slutzky said the Hollymead Towncenter and a significant amount of the commercial development approved all has to use Route 29 because there is not a bridge over the Rivanna now.

Ms. Catlin said staff agrees that the Planning Commission needs to take another look at this re-designation. She has heard support from a few members that they agree with that suggestion.

Mr. Boyd said he attended the meetings and the breakout sessions, and he knows that Berkmar Drive Extended was a high priority for everybody there. It is more of a priority than the parallel roads that at one time went through the Forest Lakes neighborhoods. If there is an offer on the table the Planning Commission feels is one the County should not accept, he would like to see how they propose to get that road built without those proffers.

Ms. Catlin said the master plan is not a place where proffers can be taken. There is some thought that a master plan and proffers are an uncomfortable mix.

Mr. Boyd said when talking about the financial part, he hopes part of it will show the realistic opportunities available to do that. If anyone knows where the money will come from to build Berkmar Drive Extended, improvements to Route 29 and the bridge, he thinks it should be part of the plan. He is not talking about a proffer.

Ms. Catlin asked if the Board supports having the Planning Commission re-look at this designation request. She said the boundary issue will come up as a separate issue.

Mr. Wyant said the Board is looking at a road network and how it works; he is looking at the bigger picture. He would like to have it considered.

Mr. Rooker asked Mr. Davis if the Board could make a Comprehensive Plan change for the land use designation based on a belief it would get a proffer to build a bridge. If it is in the land use plan that this is a big box center, it may be difficult to not approve a rezoning request that matches that land use designation even without a significant proffer for the bridge. He is concerned about how a change in land use designation shown in a master plan can be tied to a proffer. How would the Board ensure that if that designation is changed, it is done based upon a contingency that either the funds or the actual construction of a bridge would be forthcoming?

Mr. Boyd said there will be plenty of time before the Places29 master plan is made a part of the Comprehensive Plan.

Mr. Rooker said he favors having the Planning Commission look at this again. If that land use designation change is made, he is also interested in there being a contingency with respect to any potential rezoning to match that designation.

Mr. Davis said the Comprehensive Plan would have to identify the impacts to be addressed prior to any area being zoned more intensely. If there were a designation for this area to be more intensely developed, the Comprehensive Plan would also have to say that timing of that would not be appropriate until after provision for a parallel road or a bridge crossing. That would give a developer a guideline as to what he would need to proffer in order to make the rezoning happen.

Ms. Catlin said that could be part of what will go back to the Planning Commission for more discussion.

Mr. Benish said another aspect to keep in mind is that one of the plans for the implementation component is to establish priorities which can be based on expected improvements in a certain area based on the timing of development. The whole concept of priority setting is based on facility needs. It is one of the ways staff tries to embed staging and development and expectations for improvements into the master plan.

Ms. Catlin said if everyone is comfortable with this component, the next one to be discussed is that of boundary adjustments.

Ms. Thomas said she would like advice as to whether the Board can say it will only consider the boundary adjustment when there is a bridge in place, or change the boundary now for a big box with the expectation that the zoning will not take place until there is the bridge. She thinks the first position would give the Board a stronger position than the second position. She thinks everybody wants the bridge; it is just a question of the best way to get it.

Mr. Dorrier said everybody wants the Route 29 parallel road but there is no money for it right now. He thinks the Board might depend on the proffer, or if the proffer does not come through, the road still needs to be built sometime. He thinks the concept should be endorsed.

Mr. Benish said there are two expansion areas. The other is in the Piney Mountain development area and lies to the east and south of the existing Piney Mountain boundary. It is consistent with the area that was part of the map attached to the Resolution of Intent adopted for staff to study as a possible amendment as part of the Places29 process. He said a boundary adjustment for approximately 53 acres has been recommended for inclusion into the development area. That adjustment would provide an opportunity for expansion of the military base in the future, and to provide nearby adjacent residential housing to that employment center.

Mr. Rooker said it looks like there is already a lot of undeveloped land in the growth area. Mr. Benish pointed out an area on the map which is relatively undeveloped. He acknowledged that there has been a recent approval in the area.

Mr. Rooker said the Board just dealt with this question a month ago. It would be helpful to him when deciding whether the growth area needs to be expanded to see how much undeveloped land exists in the growth area today. Mr. Benish said for the other expansions in the Piney Mountain area, the staff and consultant felt the analysis for need of space indicated there is adequate area within the designated development area. There is not a particular demand for residential development for the expected growth over the next 20 years. This location includes land that staff understands NGIC is interested in expanding into in the future. It seems like a logical area for whatever potential expansion might take place.

Mr. Rooker said that technically, NGIC can expand whether the County approves it or not if the Federal Government buys the land. Mr. Benish said as a Federal Agency they are exempt from local zoning laws. He said the Planning Commission did not recommend any expansions to the development area. They felt there was adequate capacity within the existing development area so there should be focus on better utilizing those existing areas and protecting the designated rural areas. In this case, the Commission asked for further analysis for need and opportunity. Their position today is not to expand the development area, but they are waiting for that further analysis.

Mr. Slutzky noted that when the Board was addressing the NGIC issue some time ago, he thought the Board decided to make an expansion of about 30 acres in that area with the exact location to be determined later. Mr. Benish said when the Board adopts a Resolution of Intent to amend the Comprehensive Plan it is usually a proactive resolution that is considered a study process to determine appropriateness.

Mr. Slutzky asked if the Planning Commission is basically saying that no expansion in that growth area is appropriate. Mr. Benish said the consultant and staff have recommended the inclusion. The Planning Commission was uncomfortable generally with any growth area expansions.

Ms. Catlin said that is the Planning Commission's stand on this issue. She asked if a majority of the Board members have additional or different directions for staff.

Mr. Rooker said he understands there is no recommendation at this time from the Planning Commission. He is in favor of allowing them to get the additional information they requested and then make a recommendation.

Mr. Benish said the next area focused on is the expansion to the south end of Hollymead between the South Fork Rivanna River and the existing development area boundary. It is to the west of Route 29 and is shown primarily for urban density residential with a neighborhood service center and neighborhood density residential. The boundary currently goes to Rio Mills Road, but a fairly significant portion of the steeper property is actually shown as green space. Only a little over two-thirds of that area is designated for actual development.

Mr. Rooker asked the total acreage in the rural area north of the River as opposed to growth area. Mr. Benish pointed out the area on a map. He clarified that staff recommended including this area in the development area, primarily for the purpose of providing some catalyst for the development of the Berkmar Drive extension. With development of that site, internal roadways would be necessary requiring continued extension of that roadway and providing some potential for proffers that could generate additional cost toward development of the roadway. He said the Planning Commission did not favor this change in the boundary. They felt it was important to keep the break and continue to maintain and better utilize existing development areas and also protect the rural areas. With that decision, one of the methods embedded into the master plan to help fund the Berkmar Drive extension would go away. Staff felt it needed to reassess this area to figure out how catalysts could be created for construction of that road. He said the Commission recommended that this area not be included, but indicated they could reconsider it at a future time.

Mr. Rooker asked the size of the area. Mr. Benish said he does not know the exact number, but it is in excess of 100 acres.

Mr. Rooker said he thinks parallel roads serve a real purpose, and regardless of whether Berkmar Drive goes all the way through, it will serve a purpose within the existing growth area. He would like to understand how much traffic that road would take off of Route 29. He asked if the transportation study gives any reasonable basis for making that estimate. Mr. Rue said he thinks it would be over 20,000 cars per day.

Mr. Rooker said he was talking about the difference between having the bridge and not having the bridge. Mr. Rue said those studies are included in the report.

Mr. Rooker asked what a bridge in this section of the rural area would provide. How much of a traffic improvement would it provide? How much traffic is generated by adding 200 acres to the growth area, acreage that might be developed in a very dense manner?

Mr. Slutzky said if the bridge were built, cars might get on it at Airport Road and go all the way to Rio Road. He asked if the modeling anticipated that a number of cars would go over to get off of Route 29. Mr. Rue said this might be the route of choice for people coming from Greene County. For someone living in the area, they would use Berkmar Drive and not go on Route 29 at all. Through traffic would stay on Route 29 because it would be quicker unless they were going to a shopping destination on Berkmar Drive.

Mr. Rooker said parallel roads are built primarily to handle traffic in the growth area moving around on that side of Route 29. If talking about expanding the growth area, how much of an additional traffic benefit would be achieved by building a bridge and extending it through the present rural area.

Mr. Slutzky said if a grade-separated interchange is contemplated to be built at Route 29 and Rio Road, and eventually Meadow Creek Parkway is built, there is a significant expectation that traffic will go down Berkmar Drive across Rio Road and then into town on the Meadow Creek Parkway. The two pieces together give an alternative to Route 29. Mr. Benish said there is a delicate balance in the proposed network of roads. That balance is necessarily tripped by this expansion area given its acreage. The modeling indicated that the interchanges, the parallel road system, and the interconnected Berkmar are all essential to make all the roads function in the way suggested by the example. He said the expansion areas may not have such an impact to say there is no need for the parallel road connection. It may effect where grade separations and connections are needed from Route 29 to the expansion areas.

Ms. Catlin clarified that when this matter comes back to the Board for its review, the Board would like to have specific numbers attached to how that system works in the Berkmar Road area. She asked if there is anything the Board wants to communicate to the Planning Commission with respect to their work on this issue.

Mr. Rooker said before making a land use decision based on an assumption about a transportation impact, the Board needs to have numbers showing what that impact would be.

Mr. Benish said there were two applicants requesting expansion areas in the Piney Mountain that were not recommended for expansion. Areas to the north and west in the Piney Mountain area were looked at, and an area to the west of Dickerson Road just past the existing development area boundary. In summary, because there seemed to be adequate capacity within existing development areas, both the consultant and staff agreed there was no need in this planning period to add four additional residential areas, and the Planning Commission agreed. Staff said that when and if there is a need for future expansion because of the proximity of utilities, there may be that opportunity in the future.

Mr. Slutzky said he agrees.

Mr. Rooker agreed with the Planning Commission's recommendation.

Mr. Benish said the Board has discussed the recommendation for grade-separated interchanges, and the Planning Commission had a presentation and they understand and agree with the recommendations. There were concerns expressed about the assumptions in the model of two-percent capture for transit. The Commission requested that staff present standards, goals and objectives in the plan to encourage greater ridership on mass transit.

Mr. Slutzky said since the Planning District Commission has a consultant looking at the RTA idea, maybe gathering of data should be coordinated with them. This master plan talks about a two-stage development of the VRT. He does not want that "etched in stone" and have the consultant feel it must be honored, when in fact he may have a different opinion.

Ms. Thomas said she would like to have more information on water and sewer infrastructure, noting that some communities have actually mapped the age of their existing infrastructure. She said there is a railroad noted in the plan and she would like to know if there are options for freight sidings because there is talk of having more freight on rails, but this community has no sidings. She said light industrial land is crucial and she is afraid it is "slipping through our fingers." Park and ride lots are important, as are bicycle routes that make sense for commuters. When Biscuit Run was being talked about, the bicycling community came up with good suggestions, so the bike routes are tied in with trail systems and greenways, but for commuters there may be different routes.

Mr. Rooker said he thinks those are all good suggestions. Earlier he mentioned the pedestrian study of Route 29 previously done by VDOT at a cost of about \$120,000. He thinks that needs to be pulled out and looked at; one of the things recommended in that report were pedestrian-bicycle crossings along Route 29 separate from automobile crossings. He said a lot of the things in this plan are pretty expensive so would take many years to achieve.

Mr. Slutzky said in Chapter 5 he would suggest using the phrase "open space" instead of "green infrastructure", because the term green infrastructure in the planning world is taking on a more comprehensive meaning than the way it is being used in this report. While it is clear from the way the presentation was made today that transportation and transit are understood by staff as fundamental elements of the success of this planning exercise, the words in Chapter 5 reflect traditional views a little bit, and are light on the frequency of reference to transit versus transportation. BRT is more superficially dealt with than it could be, so he encourages that those two observations be addressed as much as appropriate.

Regarding light industrial, Mr. Benish said staff indicated to the Planning Commission that after looking at this draft of the framework plan, it seemed to not have enough light industrial designations, particularly in certain areas. Staff will be looking at that issue again.

(Note: At 5:46 p.m., the Board recessed, and reconvened at 5:55 p.m.)

Agenda Item No. 23. **Work Sessions: CPA-2006-003. Willow Glen (Signs # 27&29).**
PROPOSAL: Amend Comprehensive Plan from Industrial Service which allows warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) uses to Urban Density Residential which allows residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Rezone 23.681 acres from Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses for a maximum of 234 units. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service which allows for (see uses above) in the Hollymead Community. ENTRANCE CORRIDOR: No. LOCATION: property is east of Dickerson Road (Rt. 606) across from Charlottesville-Albemarle Airport and approximately 1500 feet south of intersection with Airport Road (Rt. 649) in Hollymead Community. TAX MAP/PARCEL: Tax Map 32, Parcels 49F, 49G, 49I, 49J, 49K.
MAGISTERIAL DISTRICT: Rio. **And ZMA-2006-019. Willow Glen (Signs #27&29).** PROPOSAL: Amend Comprehensive Plan from Industrial Service which allows warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) uses to Urban Density Residential which allows residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Rezone 23.681 acres from Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses for a maximum of 234 units. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service which allows for (see uses above) in the Hollymead Community. ENTRANCE CORRIDOR: No. LOCATION: property is east of Dickerson Road (Rt. 606) across from Charlottesville-Albemarle Airport and approximately 1500 feet south of intersection with Airport Road (Rt. 649) in Hollymead Community. TAX MAP/PARCEL: Tax Map 32, Parcels 49F, 49G, 49I, 49J, 49K.
MAGISTERIAL DISTRICT: Rio.

Mr. Cilimberg reported that the applicant has presented these petitions to address affordable and moderately-priced housing units. The Comprehensive Plan amendment would change industrial service and a small area of urban density residential to all urban density residential. The zoning map amendment would change the rural area zoning to PRD, planned residential development. This development would total 234 residences on the east side of Dickerson Road including amenities – connecting Willow Glen to the Hollymead Towncenter.

Mr. Cilimberg said staff, in early work sessions, discussed with the Planning Commission the factors favorable and not favorable to a change in the Comprehensive Plan. At that time, staff recommended not changing the industrial to residential in the Comprehensive Plan for most of the property, but to let the Places29 process make the final decision as to land use. At that time staff was concerned about losing additional industrial land. They did not have all of the studies needed to say how much of an effect the loss would have but they knew the property was in a location that gave an opportunity for smaller industrial users to operate. The property is located across from the Airport which is beneficial for industrial land. They also had concerns about introducing additional residential close to the Airport.

Mr. Cilimberg explained that what ultimately swayed the majority of the Planning Commissioners to recommend the change in the category of land in the Comprehensive Plan was the possibility of an affordable housing project beyond what the Board would see in a conventional project. Also, the Commissioners were influenced by the location of the industrial adjacent to Deerwood Estates – which is residential – and to residentially-zoned land to the south which primarily reflects the mobile home park in existence now. The Commission then recommended that the change be made.

Mr. Cilimberg mentioned a recent memo received from Ms. Susan Stimart, Business Development Facilitator, expressing a concern about reducing the amount of industrial service land. She

notes that loss of these parcels would contribute to the County's inability to provide sufficient land not in an entrance corridor which has large enough parcels and is more affordable.

Mr. Cilimberg said staff's first question for the Board is whether it agrees with the Planning Commission's recommendation that the Comprehensive Plan be amended as part of Places29 to show this area as urban density residential. He said the zoning map amendment will change rural area zoning to the planned residential development. There are adjacent areas of different residential districts, as well as the Neighborhood Model District as part of the Hollymead Towncenter. This planned development would allow for a variety of housing types and amenities, and is an appropriate district for this development proposal.

Mr. Cilimberg said there are some minor issues to be finalized before the Board holds its public hearing on these petitions regarding what the Planning Commission included in its recommendation for approval. The primary issue staff needs directions on pertains to the cash proffer. He said the applicant is proffering to construct 35 units – or 15 percent of affordable housing that meets the County's definition of affordable housing, and in addition to that, they are proffering to construct 24 units or 10 percent of their total for housing families earning up to 120 percent of the area median household income contingent on the County accepting the applicant's proffer of cash for a housing loan fund. The Housing Director has noted there is no current policy on moderately-priced housing.

Mr. Cilimberg said the applicant is proffering to use a portion of the cash proffers to establish a loan fund to assist buyers of moderately-priced units. It would be structured to be self-replenishing. When Willow Glen is complete, the fund could be used for housing in other parts of the County. Based on the Board's expectations and the dwelling unit types, in order to meet capital impacts, the cash proffer would need to total \$2,491,000, not including the 35 units they would provide as affordable units. The applicant's preferred proffers would total \$2,348,500; they would subtract the 35 affordable units (as staff did in its calculations) and provide only one-half of the normal cash proffer for the moderately-priced units. That is why units are shown calculated at \$5,950 per unit.

Mr. Cilimberg said in the end, the preferred proffer of the applicant would include money for capital improvements, transit and a housing loan fund, all totaling \$2,348,000 as opposed to what the County would anticipate receiving to cover capital impacts or \$2,491,000. The second question is whether the Board expects the full cash proffer with all funds devoted to capital improvements as recommended by the Commission, or is the Board willing to accept the applicant's proffer of moderately-priced units, reduced cash proffers for those units, and cash proffers for transit and a housing loan fund in lieu of capital improvements. Staff would like to get this "tidied-up" before it is scheduled for the Board's public hearing. It is important for staff and the applicant to know how the Board feels about the two remaining issues, but the Comprehensive Plan amendment is the more important question.

Ms. Thomas asked how this request got this far along in the process without having this question put to Board. She thinks this is a good location for light industrial. There is a dire need for moderate-sized light industrial uses. It could be a support facility for some industry not encouraged by the University in its research park. The property is beside the Airport. It is a bad location for housing, etc.

Mr. Cilimberg said a Resolution of Intent was passed on January 23, 2008, by the Planning Commission to consider the change which staff then took up as part of its decision-making on the project. The question was whether the Comprehensive Plan or Places29 should reflect a change of land use like this as part of its ultimate conclusion. He understands what Ms. Thomas has said, but staff had a resolution of intent from the Commission and staff was following up on that with the concurrent application for a zoning map amendment which the Commission said they would entertain at the same time.

Mr. Rooker said Comprehensive Plan changes are often initiated by the Planning Commission. That is not unusual. The applicant is entitled to pursue whatever plan they want to pursue and get it in front of the Commission and the Board knowing the Board does not have to make a change. He agrees that there is an inadequate supply of light industrial property. Over time, a number of changes have been made along the Route 29 corridor converting light industrial property to other uses. It is probably appropriate in places that have a high retail value and would be overly expensive for somebody to buy and use for light industrial purposes. Here is a property set back off of Route 29 that is across from the Airport, and that is not usually considered an attractive place for residential. Normally, areas around airports are considered prime light industrial locations. He does not feel it is a wise decision to convert this property to residential when a huge number of residential units have been approved in re-zonings and have not yet been built. If Biscuit Run is ultimately approved, there will be about 1,000 affordable units in the pipeline.

Mr. Slutzky said upon hearing about this request, his reaction was not dissimilar to that of Ms. Thomas and Mr. Rooker. What made him interested in the project were the affordable housing goals contained in the proposal. The applicant has done an excellent job of providing significant affordable housing as well as an innovative way to address workforce housing. Their request for a proffer credit for some portion of that is an interesting proposal. It may be accurate to say there is a dwindling supply of LI zoning, but he is not hearing about "a flood" of users for LI space that they cannot find.

Ms. Thomas said a month ago she would have said the same thing, but since then she has met with someone who shared with her his travails about trying to find a place for a use he thought fit in the rural area – that is where he had been operating for some years. The Zoning Administrator said he could not operate in the rural area; his operation had to be on LI land. He has had a difficult time finding property, and has found that other people are moving their businesses out to Zion Crossroads because

that type of land is not available in Albemarle County. When these businesses support industrials, it hurts the County by putting more traffic on the roads.

Mr. Slutzky asked how much of the acreage involved with this request is currently zoned LI and how much is zoned RA. Mr. Cilimberg said it is all designated LI, but is all zoned rural area.

Mr. Slutzky said there was a proposal for this land in the Places29 exercise. Mr. Cilimberg said the front part would have been shown as industrial, and the rear part would have been shown as residential.

Mr. Boyd asked the acreage in question. Mr. Cilimberg said it is 23 acres total, with the frontage on Dickerson Road being intended for industrial in the Places29 plan. On the back side, there was a thought about it being urban density residential because it is adjacent to residential property.

Mr. Boyd asked if the Light Industrial category would cover a 60,000 square foot light manufacturing business. Mr. Cilimberg said light industrial has a wide range of possible uses. It could be office, or manufacturing, or warehousing, etc.

Mr. Slutzky said he is sensitive to the need to address the LI category countywide. He is particularly enthused about having this much affordable and workforce housing built this close to a population center. He is not uncomfortable with making that zoning designation switch; that is one of the two questions staff asked today.

Mr. Boyd said he agrees with Ms. Thomas, and that has no reflection on this particular project. He is concerned about the lack of LI. He and Mr. Wyant know about a LI project the County lost because no location could be found for it. It did not fit the model the University had.

Mr. Wyant said this project today has nice features for affordable housing, but he knows of four cases where small contractors are not located in the County now because it is difficult to find LI land, and if you do, it is quite expensive. He has asked staff to look at adding a fourth designation to the Zoning Ordinance for these small type contractors. He said around the Airport, there is a need of buffering from the necessary features of society. Around this property there is residential; the mobile home park is on one side. He would like to know what this Board would do if there were a request for a mobile home park; it is another form of affordable housing which is leaving the County and it is essential in society. On one side of the property there is high density residential.

Mr. Boyd said he believes the applicant would like to speak to the Board about these requests.

Ms. Valerie Long, representing Sugar Ray II, LLC, addressed the Board. She said she would present the slides which were shown to the Planning Commission. She has a detailed presentation about the proffers issues.

Ms. Thomas said the Planning Commission said it would go away from light industrial because this is a wonderful affordable housing opportunity. It has turned out that it is a pretty ordinary affordable housing opportunity with 15 percent affordable, which is what the County would require of any applicant. She asked that Ms. Long address that issue.

Ms. Long said they feel it is an extraordinary project. It has the 15 percent affordable housing, but also proffers that in addition to the basic 15 percent of affordable housing, it also proffers 24 units of moderately-priced housing. They have proffered an innovative housing loan fund to help get the moderately-priced families into those units. The original intent of this project was to keep these units as affordable as housing. It is an integrated approach to addressing the challenges of affordable housing and moderately-priced housing. On many occasions there is a gap in funding for those families who make a little too much money to qualify for the County's or other nonprofit's funding sources.

Ms. Long said she will speak about the LI issue first. They spent about two and one-half years working on this project – including four work sessions with the Planning Commission, a meeting of the Commission regarding the resolution of intent, and a public hearing before the Commission where it unanimously recommended approval of the project. They looked at the appropriateness of re-designating this land from LI to residential. Before the land was acquired, they looked at whether this land was feasible for industrial development. She said that while the land price is not as high as land in the Ivy area for residential development, or on Route 29 for retail development, it is very expensive land for industrial use; it is not zoned LI, it is designated in the Comprehensive Plan as LI, but zoned RA. Any light industrial user who wanted to develop a project on that property would have to go through a lengthy and expensive rezoning process. That is a challenging process on top of the high land costs.

Ms. Long said they looked at the existing inventory of LI land in the community. They talked to neighbors, personnel at the Airport, Tim Rose at the University Foundation, the Chamber of Commerce, and the TJPED and asked if they thought this land was appropriate for industrial use. Everyone seemed to agree the land was appropriate for a residential use, particularly those living in Deerwood Subdivision. Neighboring landowners came and spoke at one of the work sessions in support of the project; they did not support an industrial use on the property. She emphasized that land surrounding the property is also designated for high density residential development. The property is essentially surrounded on three sides by land that is already developed as residential, is in progress, such as the Abingdon Place section of Hollymead Towncenter, or is designated for high density residential use.

Ms. Long said they talked to Mr. Bryan Elliot at the Airport Authority and asked for his opinion about this land. He indicated that the property is on the "wrong side of the road." Airport affiliated industries want to be on the Airport side of the road; it makes a big difference to be on the far side of the road. He had no objection to the project, but did express concern about having residential property this close to the Airport. There is always a noise issue with residents, so the applicant agreed to put a comment in the deed giving notice that these homes would be near the Airport so residents should not complain later about noise. Before any work session was held, Mr. Ray and his business partners held focus group sessions with residents in the area. There was no concern expressed about noise, but they got a list of amenities people would like to have in such a development. Those comments played a part in the design of the community, as well as the housing prices and the proffers.

Ms. Long said they spoke with Mr. Hulbert from the Chamber of Commerce. He spoke at the Planning Commission's hearing supporting the proposal. He indicated that there is a need for zoned industrial land, but this is not the place for it. She presented some additional inventory information – including the Northside Industrial Park and the UVA Research Park. She said there is other LI land available but she acknowledged that it is expensive and may change in the Places29 master plan. She said it was interesting to listen to the Board's discussion this afternoon concerning that master plan. There were many comments about bringing new land into the growth area or changing current designations. It was striking to note that when there were opportunities to consider bringing new land into the growth area, that land is proposed to be brought in as residential and not as industrial. If industrially-designated land is so vital, when the growth area boundaries are considered for expansion why is there not any consideration of putting industrially-designated land in those areas? This property has residential on three sides, it has been vacant for many years as RA land, and there has been no interest in pursuing a rezoning.

Mr. Rooker took exception to Ms. Long's characterization of the land as being "vacant for a long time," noting that all undeveloped land is regarded as vacant. The question concerns the appropriate land designation.

Ms. Long said she misspoke. It is not currently vacant; there are some residences on the property at this time.

Mr. Rooker said over time the Board has approved rezonings of industrial property to other designations especially in the Route 29 corridor. An expectation has been built into industrially-designated property that people can get a change to a use that may have more value. There are industrial sites being held by people who are basically looking for retail use prices or high density residential prices because they think the Board will re-designate the property. He said Ms. Long has made some good points, but there is another side. The Board has been somewhat accommodating to that change. Mr. Tucker said the map presented by Ms. Long does not show all of the University's Research Park. All of the land to the River north of the road shown on the map is vacant.

Ms. Long said that is correct. She said in work sessions with the Planning Commission the applicant asked a lot of questions because staff did not recommend approval of the Comprehensive Plan change because of the lack of industrial land. They asked for a report on location of industrial lands and their total acreage. They were told the Places29 process would have an inventory, but after waiting, they got their own data from the County's GIS system. That sheet lists all of the land in the County either zoned industrial or designed for industrial service, which is vacant. By their count, not counting the 477 acres in the University Research Park, there were 803 acres either designated or zoned industrial; perhaps the land is not in ideal locations but there is a need for a better inventory.

Mr. Rooker read from the staff's report. It said that of deeded records, only 923 acres are vacant or underutilized minus the UVA Research Park (so Ms. Long had already subtracted that getting a substantially different number). This leaves only 445 acres or .1 percent of total County land. Using a GIS-based analysis that number would be even less; 301 acres or .06 percent of the County's total land. He said this information was given to the Board into its packet of materials for today's meeting.

Ms. Long said her report was prepared in December, 2006 in preparation for their work session, but she assumes it is close. She said the total acreage was about 1,290 and they subtracted UREF's 487 acres in addition to their large 77 acre parcel and a few other parcels they own.

Mr. Boyd asked Ms. Susan Stimart how much of that inventory has been developed in the last five or ten years. He asked how she had arrived at a figure referred to as an "adequate supply." Ms. Stimart said there is a misunderstanding in Ms. Long's number. She has mentioned both industrial service from the Comprehensive Plan in combination with land that is zoned for light industrial activity. The numbers in the Board's report make a distinction between the two. There were 933 acres from the Comprehensive Plan considered vacant. Looking at land zoned for light industrial activity there are only 300 acres per the GIS source.

Mr. Rooker asked if the 933 number includes the UVA Research Park. Ms. Stimart said that is correct.

Mr. Rooker said if that is deducted, it leaves 445 acres, and of that 301 acres are actually zoned. Ms. Stimart said in the table furnished to the Board there are two different kinds of reporting. The deeded acres came from the camera data base; the second column which shows 300 acres is from the GIS guise. This was taken from 2005 records.

Mr. Boyd asked if light industrial land is developed over the next five years the way it has been over the last five years, if this is an adequate supply. Ms. Stimart said she based her opinion on the businesses "coming through the door" asking for space, both existing local businesses and newcomers wanting to be associated with some of UVA's research activities. She said UVA's policy is only to lease land and that can be prohibitive for certain R&D business models who want to own their land and their building. They are looking for alternative spaces near the UVA research park.

Mr. Boyd said he understands that, but it sounds as though staff has not looked at how much is actually being developed as light industrial. Mr. Cilimberg said need versus demand is a little different. History will show there has been a certain level of development by people who could afford to buy land. There has been a certain demand that hasn't been met in the County because of price. That is what Ms. Stimart was talking about, and those people tend to look for land outside of the County.

Mr. Slutzky said the analogy carries over into another realm. He said Albemarle has lost a significant number of workforce housing opportunities to Greene County because land acquisition costs are too high here. So, if the cost of LI land has simply been priced out of the LI marketplace, it is pointless for the Board to hold rigidly to those designations if they will never be manifest. That is a challenge when land prices go up.

Mr. Rooker said he agrees with some of that analysis. However, he thinks the expectation that the Board will change a designation leads to people holding onto property because they hope it can be changed to a more expensive use, so it is not sold as industrial property. This property was not transferred to the current buyer based on an expectation they would use it for industrial property. The price of conversion of use is built into the property if the Board is willing to continue to do that. If the Board continues to do that, the price for these alternate uses will not be a price for an industrial use.

Mr. Slutzky said the Board might look at the particular trend and how it impacts what Mr. Rooker said. He thinks the Board may have led this landowner down a path by prior behavior and "shame on us" if that is the case. The question is whether, in this particular case, it makes sense to change the land use designation for these 23 acres as this development is proposed. If the Board does not want to send the wrong message to the marketplace, it might make a statement that it will not be inclined to disregard the LI in the future; this is an unusual circumstance and should not be considered an indication of pattern behavior. In this case, the land value was priced out of the LI marketplace, and arguments have been offered for re-designation.

Mr. Rooker said the question is: Where is there a more appropriate location for industrial use in the County? This land is beside a research park which is zoned industrial and near the Airport. In most communities, land around an airport is zoned light industrial, commercial, etc. Also, the land would not be priced as high as land along the Route 29 corridor. He said there have land conversions from light industrial along Route 29 that got "priced out of the market" as industrial property. This property is a mile or more back from Route 29.

Mr. Slutzky said it is also next to high density residential which has already been approved. He thinks it would be beneficial to have staff make a presentation on what should be done about this presumed problem of getting light industrial property given the challenge of land values.

Mr. Dorrier said it appears this land is good for industrial use. Such land is needed in the County and this fits the Board's goal, but he thinks the residential development as shown also appears to be good. He said industrial zoning is needed somewhere in the County and this appears to be one of the best places to have it.

Mr. Boyd said he is undecided about this and would like to have more information on how to determine the appropriate inventory the County should have for industrial use.

Mr. Rooker said on the other side, what is the appropriate amount of inventory for residential use.

Mr. Boyd said that is the whole purpose of master planning.

Mr. Rooker said there are 301 acres in the County designated for industrial which are not built on, and several hundred thousand acres zoned that are designated for residential, and probably 15,000 or so units either approved or in the pipeline that have not been built. The question is: What is needed most? How much additional residentially-zoned property is really needed in the community today given the amount of existing residentially-zoned acreage that is unbuilt?

Mr. Boyd said he feels affordable housing is needed the most, and that is an attractive part of this proposal. He does not know as much about need as demand. He would like to know the demand for industrial given all the nuances of the County.

Mr. Rooker said he thinks that information would be helpful, but the Board needs to keep in mind the supply and demand for residential given the current inventory.

Mr. Tucker said he does not remember why these 23 acres were designated industrial when it is surrounded by residential except for the fact that it is located across the road from the Airport. He thinks staff should do some background work to answer why that land was originally designated industrial because it is almost like spot zoning.

Mr. Cilimberg said a couple of Comprehensive Plan changes have occurred in that area. The first was for the mobile home park which used to be zoned industrial. It was changed to residential for the park, and the language in that approval allows it to convert back to industrial if the mobile home park leaves the site. The other factor was that most of the land in the Hollymead Towncenter was zoned industrial. When the land use change was made for the Towncenter, the zoning was changed to a town center which allows residential. This land is actually an island that remains, rather than an island that was created. It is the last piece of what used to be a much larger area of industrial land south of Airport Road and west of Route 29 and east of Dickerson Road.

Ms. Thomas said a situation has been created where the neighbors do not want industrial because it is all residential around the property. This raises red flags about some serious planning the County has to do to locate light industrial land. The Board's actions have created this island in a place that she continues to think would be ideal for industrial and not ideal for residential. She said it would be a big fight to turn it into industrial.

Mr. Cilimberg pointed to an area on the map that is not part of this proposed rezoning, but which is shown in the Comprehensive Plan as industrial. If the Board approves the change to residential, that area will also be changed; no more islands of zoning will be left.

Mr. George Ray, the applicant, said when the three principals involved in this project were winding up work on the Paramount Theatre (he, Mike Gaffney and Susan Jessup), they decided to come up with a project that had a community aspect. In reading the newspapers about those who cannot afford to buy a home in Albemarle, they thought about a model for housing that's affordable as opposed to affordable housing under the County's guidelines of \$190,400. It should be a project for people who not only make 80 percent of the area's median income and have a problem buying a house, but people who make 100 percent who have a problem, and even people who make 120 percent who have a problem buying a house.

Mr. Ray said they were aware that this property had been on the market for nearly four years. It was very close to the Target store and Harris Teeter in Hollymead Towncenter, and they felt they could make a connection to the new road that goes from the Chevy Chase Bank to Dickerson Road. The price of the land was not what they would pay for it in another area of the County. Because they got the land for a reasonable price, they could afford to offer more houses in a tiered system where there is affordable housing according to the County's guidelines, a second tier of more moderately-priced houses (\$235,000 to \$265,000) and another tier that might be from \$265,000 to \$300,000, and some single-family houses that might cost \$400,000. They felt that they were meeting a County need. They designed the project around what they perceived to be a housing need in Albemarle County.

Mr. Ray said he is involved in a new industrial project which will be located in Fluvanna County. He can buy raw industrial land in Fluvanna County, 10.2 miles from Free Bridge for \$120,000 an acre. The Airport is also about 10.2 miles from Free Bridge, but the land there is \$300,000 an acre. He said the person mentioned earlier today who was operating from his home could not afford to pay \$300,000 for land and put a building costing about the same amount on that land. That is not a problem that is solvable anywhere, much less in a county where prosperity has led to the current land prices. He and his partners thought they were doing the County a benefit by proposing this project.

Mr. Ray said two years and nine months later, they are here fighting this issue about industrial land. He said the land sat for years, and there is not a sufficient demand for absorption to warrant taking a 24-acre piece of property and turning it into an industrial park. Blake Hurt is developing an industrial park on Route 29 North at this time. He thinks that if the County does an absorption study, it will find that there is a sufficient supply to last a long time in Albemarle County.

Mr. Rooker said he does not disagree, but 700 to 800 houses are being built each year in the County. On the flip side of that, there is probably 20 years or more, not counting the rural areas, of absorption for residential based on current re-zonings.

Mr. Ray said their project is an affordable housing project. All those other projects mentioned do not have the strong component their project has. He added that their tiered housing approach makes this project different and something which they request be approved.

Mr. Slutzky said it is noted in the staff's report that the units in this project are smaller units. He thought of that as being something favorable to the project because the smaller units are likely to remain more affordable. He thinks that is a characteristic of this project that makes it unique.

Mr. Rooker said the Board has not yet talked about the proffers, and he has a problem with them.

Mr. Ray said that is why they offered some alternatives. If the majority of the Board has a problem with the proffers, they can withdraw them and do them in the traditional way. They will still build the affordable houses; they just do not want to proffer them because they do not know what the future will bring. When they initially proposed this project, there was not the \$17,000 add-on to those houses that the County requires now. That has made it more difficult for them to build these moderately-priced units. That is why they have asked for the 50 percent consideration on the proffers for the moderately-priced units. They have been stretched out on this project for about three years, incurring \$434,000 interest on the property. He knows that is the risk they took, but in trying to build affordable housing, and now in the third year of trying to get an audience before the Board, they could have bought and given the County 2.27 affordable houses with no debt.

Mr. Rooker asked the price of the land. Mr. Ray said the 23 acres was purchased for \$2.7 million.

Mr. Boyd said the Board needs to give some feedback on the rezoning issue. He suggested taking a straw poll. He said the explanation Mr. Cilimberg gave about how the current zoning came about influenced him. He is leaning toward being favorable to the Comprehensive Plan change.

Mr. Slutzky said he is sensitive to the need for LI land somewhere. He was obviously comfortable from the start and would like to have staff present some information in the future as to how to address the LI problem. For this case, he is in favor of the Comprehensive Plan change.

Ms. Long said representatives from the Chamber of Commerce are also interested. They attended their work session and spoke in support of the Comprehensive Plan change, but also asked for her map of the inventory of Light Industrial land.

Mr. Rooker said he has never heard the Chamber speak against any development proposal or a rezoning. He is a little skeptical, but thinks it would be helpful to have them as a partner in looking at the County's industrial inventory, but the Chamber always supports re-zonings.

Ms. Long said they asked the Chamber to come to their work session and address the issue of the industrial inventory in the community. Their answer was that they do not think it is a good area for industrial uses. There is a reason that land has been sitting vacant for so long.

Mr. Rooker said he has obviously been speaking against this proposal. But, he may be ultimately convinced. He would like to see the reasoning the Chamber had behind their support of this project. He said the Board has gotten an Economic Development Report which talks about the dwindling supply of industrial property, and when he looks at this location, to him it appears to be a good location for industrial. He would like to see the Chamber's comments as to why they believe this is not a good location for industrial zoning.

Ms. Long said she was not involved during the applicant's focus group process. Mr. Ray explained to her that he had met with Bryan Elliott at the Airport, had met with Tim Rose at the University Foundation, and gathered their input. They said it is not a good industrial location, but Tim Rose said it would be good to have additional housing opportunities for employees and additional tenants because that is one of the biggest hurdles they have in marketing their facility.

Mr. Rooker said the County has talked to the University about putting housing in their research park, and they have given "lip service" to the idea. He is sensitive to the fact that the applicant has been trying to get approval for a long time. He would not want the Board to lead the applicant further and then six months from now decide it is not a good idea. It would be helpful to get some of the threshold information requested today. If the majority of the Board will not support changing the designation, it should not lead the applicant on.

Mr. Dorrier said the County's procedures have caused the cost of affordable housing to go up so high it is not affordable anymore. It is the process that has caused the increase in cost to where housing is not affordable when it is allowed to be built. He thinks this request is a perfect example of that problem. He asked Mr. Ray if he thinks the delays have been unnecessary.

Mr. Ray said it is just part of the process. From experience in his professional life, he has a great deal of sympathy for people who come to Albemarle and try to locate an industrial site. He thinks the County is being very intelligent to be methodical about it, but there have been consequences for the people who have tried to do a model, integrated affordable housing project. He said construction costs have risen at least 30 percent in the last two years and nine months. Interest rates are up. People can't get easy mortgages anymore. The people who have probably been hurt the most in the whole credit tightening are the people they want to attract to this project. That is why the loan fund is so important. In a project like this there has to be reasonably priced land, a product people can afford to buy, financing in place, and a way to help people through the process. They tried to create a package for Willow Glen that does all of those things.

Mr. Ray said they cannot afford to pay \$2.3 million into the capital fund and \$1.3 million for a loan fund. They requested the loan fund in order to help get people in these houses. It will become a self-perpetuating loan fund that is directly controlled by the County. If it suits the Board better, after the money goes through helping people get in these houses, it can cycle to the County's capital fund. By the time the County gets to building bridges, or extending Berkmar Drive, the money will have been cycled through the loan program, and the money could then go into the Capital Fund.

Mr. Boyd said the Board needs to get off of this point. The proffers still need to be discussed. He asked for comments from the Board members.

Mr. Wyant said he realizes there is a need for LI. He has talked with Mr. Mark Graham and likes the idea of the zoning needed for small business people. He said this spot was created as indicated and housing was put in the area. The people in Deerwood subdivision are opposed to an LI use on this property. He likes the two tiers for affordable housing this applicant proposes and is not ready to pass judgment on the proffers. He is in favor of changing this property into housing, but he wants the affordable housing phased with the other housing. That is critical to providing affordable housing to its constituents.

Ms. Thomas said she is a "maybe" partly because the Board has created an island of zoning by its own actions. She needs to see what has been described as an excellent affordable housing situation before she will think this is land that should be changed from industrial to housing.

Mr. Boyd said the question is whether Ms. Thomas, in this particular case, would be inclined to change it from LI to housing so the applicant can move forward with this project.

Mr. Dorrier said he thinks the reasons have already been stated by Mr. Wyant. Affordable housing is needed in the County and he thinks this is a good project, so he would be willing to support the Comprehensive Plan amendment.

Mr. Boyd said Ms. Thomas had said it well; a lot will depend on the product. He suggested that the proffers be discussed at this time.

Ms. Long said when she presented this request to the Planning Commission last December they had the same questions. Once the applicant explained the proposal they were eventually persuaded to favor the project. She presented a rendering of the project. She said there has not been a lot of discussion today about the connector road which they feel is important to the project. At this time, Towncenter Drive ends but will eventually go through another development and be extended to Dickerson Road. The applicant is proposing an interconnection to Willow Glen, and the applicant has agreed to build that connection provided they get the rights to do so since it is not on Willow Glen land. Due to the project's proximity to the stores in Hollymead Towncenter it would be a wonderful bicycle, pedestrian and vehicular connection to the retail – it is within walking distance to the services provided there. She indicated on the rendering the location of Deerwood Subdivision and said residents there expressed concern that there be appropriate buffering; they really do not want industrial on that land.

Mr. Rooker said he thinks the Board needs to be careful. If it were left up to every neighborhood in the County there would be nothing but residentially-zoned land throughout the County with big buffers between the residential developments. Nobody wants commercial or industrial development beside them. This is an island and maybe there are reasons to convert it to residential. The Board has over time converted an entire area that was probably a good industrial area into something else.

Ms. Long said she does not disagree, but she wanted to accurately portray the opinion of the neighbors in the area. The applicant sought their input, suggestions, comments and support of the project. That was their feedback.

Ms. Thomas asked if there is any possibility of an interconnection with the Deerwood Subdivision. Ms. Long said there has been no discussion of that by the applicant; she does not think there is a physical opportunity for such a connection. They would be willing to look at and discuss it with them if a way could be found to make it work.

Mr. Rooker said they might get an interconnection if those people think the choice is between having an industrial development or interconnected residential development. Mr. Cilimberg said there is no possibility for a road connection based on the platting of the lots. There is a connection to Timberwood Boulevard as well as Airport Road.

Ms. Long added that there is also a trail network. They are working on trail interconnections so people could come through the property down to the Hollymead Towncenter area.

Ms. Thomas asked if there are bicycle trails.

Ms. Long said there would be walking trails all through the property. She then presented images of the proposed housing types (condominiums proposed as studio, one-, two- and three-bedroom units, with some having parking under the building). The buildings are all relatively similar. One building is proposed to be a higher-end type of condominium designed to be similar to Mr. Ray's Glenwood Station project. Also, three different sizes of townhouses are proposed. There are 12 duplexes (all will be affordable) mixed in with the single-family detached units, scattered throughout the project. There are 22 single-family detached units, and they hope to keep the price close to \$400,000. In terms of amenities there is an open space plan which has been designed with an entrance off of Dickerson Road having a tree-lined opening and a central green. There is a pedestrian sidewalk network throughout the project. A clubhouse is proposed without a pool since the focus groups that participated wanted open space and no pool due to maintenance requirements. Two tot lots are proposed. The stormwater management facility has been designed as an amenity. It will be full of water, and there was talk of stocking it with fish; it is intended to be an attractive water feature amenity for the community. There are a variety of walking trails throughout the project.

Mr. Rooker asked the size of the central green area. Mr. Ray said it is almost the size of a football field.

Mr. Rooker asked the percentage of open space. Ms. Long said it is 14.36 acres of pervious area. She showed a rendering of the open space and explained the amenities contained therein. She said the easiest issue to talk about is the affordable housing component pursuant to the County's policy of a \$190,000 limit. They are proffering that 15 percent (equivalent to 35 units) of the homes will be affordable. In addition, they are proffering 24 units (10.2% of total units) will be moderately-priced (called tier one). They are proffering this tier in the smallest sized town homes and some of the condo units. They will be affordable for those making up to 120 percent of the area median family income. The theory

is to address the gap in available product for those families who make too much to qualify for an affordable unit, but cannot afford a market-priced unit.

Mr. Rooker said in talking about \$220,000 to \$293,000 in that tier, he thinks there is already a lot of that product available in the market today. There is no need to build units priced in that tier. The River Run development is built with a park around it. He talked with someone the other day who just bought a similar unit in River Run for a substantially lower price. There are numerous condo conversions available now. Barracks West is actually going back to rentals because they were unable to sell out as condos in the \$150,000 range and lower. Turtle Creek has prices between \$140,000 and \$165,000.

Ms. Long said they think these units will be very different from the units mentioned by Mr. Rooker. Those communities have all the same type of product in a single community.

Mr. Rooker said River Run is very similar to what is being proposed. It has a community pool, a fair amount of green space, Pen Park is built around it, it has townhouses and condos, and the price points are no higher than the price points mentioned. He is not sure if River Run has any units as high as the \$400,000 units mentioned by Ms. Long.

Mr. Ray said there are no single-family houses in River Run and it was built 15 or more years ago which accounts for some of the price difference.

Mr. Rooker said he is just saying there are units for sale at River Run. When he looks at townhouses selling for \$220,000 to \$300,000 he does not think that is a market bargain.

Ms. Long said their research data shows there is demand for it. She said the River Run condos and the Barracks West condos can be sold to people making any amount of money. They could be sold to investors and then rented out. The 24 moderately-priced units they propose to proffer can only be sold to those families making up to 120 percent of the median family income. They may not be able to afford this unit without that loan fund, which is the reason for the fund.

Mr. Rooker said if you look at the MLS now there are a plethora of units available to anybody in the \$220,000 to \$300,000 range. He does not understand why this project is a benefit when there are so many units available in the market. Mr. Cilimberg said it was the understanding of staff that \$220,500 was at the upper end of the moderately-priced units.

Mr. Slutzky asked Mr. Rooker if he was suggesting the County does not have a lack of affordable workforce housing in the market, that there is a sufficient supply.

Mr. Rooker said he does not know how to define it, but if you look at the MLS service and look for houses priced between \$220,000 and \$300,000 there are a huge number of units available. Looking at places like River Run, which is very similar to this proposal, price points are not any higher, in fact are lower.

Mr. Slutzky asked if Mr. Rooker is arguing that there is not an inadequate supply of workforce housing in the market.

Mr. Rooker said in the price range from \$220,000 to \$300,000 there is not a lack of housing options today. He has represented several people buying houses today recently whose price was substantially lower than these prices. He said the Board has economic data which indicates that there is a higher percentage of homeownership in this market than anywhere else in the state.

Mr. Boyd asked Ms. Long to continue with her presentation.

Ms. Long said she attended the joint work session with the Board, the Planning Commission and the Housing Committee a couple of months ago. She said Mr. Bill Edgerton led the discussion about the importance of moderately-priced housing. He convinced the Board not to grant any credit toward the 15 percent affordable housing requirement by using moderately-priced housing to get there. She thinks his point was that this undercuts the commitment made to the community. They need to encourage and provide incentives for applicants to come forward with moderately-priced housing in addition to affordable housing. Their proposal was already in the process and they were pleased to hear that. They felt that supported their project.

Ms. Long said in addition to the two tiers of proffered units, they propose a third tier of 20 units which are a little more expensive representing 8.6 percent of the units. All of the remaining units would be priced more at market, \$250,000 and up. As to the cash proffers, they were broken down to be: 22 single-family detached units proffered at the current rate of \$17,500; 15 attached units at the current rate of \$11,900; the only difference from a standard proffer is with regard to the 24 units they proffer to build and price at the moderately-priced levels. They are asking the Board's approval to proffer 50 percent of the amount that would otherwise be due. The normal rate for an attached unit is \$11,900 and they are proposing to proffer 50 percent for the proffered moderately-priced units or \$5,950 per unit. The Board has clearly stated it will not require any cash proffer for an affordable unit.

Ms. Long said there is not a proffer requirement for moderately-priced units. If the Board wants to encourage and provide an incentive for developers to provide moderately-priced, income-restricted units, they felt it made sense to grant some amount of credit, and they thought 50 percent was appropriate. The total proffered amount under this proposal is \$2,348,500, with \$300,000 allocated toward a transit

fund; \$748,500 would be directed to the County's CIP Fund; \$1.3 million would go into the Housing Loan Fund which was conceived to be used only for moderately-priced units at Willow Glen.

Ms. Long said over the past few months they have researched more about affordable housing units in the community. They learned that of the \$16,500 the County currently supports affordable housing families in the form of down payment assistance, that amount is only about one-half of the amount most families need. It was apparent to them that the funds in the Willow Glen loan fund could be used not only for the families buying moderately-priced housing, but also for those families purchasing the affordable units at Willow Glen.

Mr. Rooker asked if the housing loan fund proposed is a down payment assistance fund, or a fund to make loans to purchase homes. Ms. Long said it is a little of both. It is a down payment assistance fund where the interest would likely be deferred at first; it would be accomplished through a second deed of trust that would not be due until the house was sold or refinanced. Upon either of those two events, both the principal of the loan as well as a proportionate percentage increase in the equity value of the home would be paid back into the loan fund. There is a 100 percent payback plus however much the house appreciated. In that way, the fund self-replenishes, but it also grows so it can support more families. It is not necessarily a direct grant. She said that Ms. Marilyn Young who works with Mr. Ray is present and can answer questions about the loan fund.

Mr. Rooker asked if Ms. Long was suggesting the money would be used for down payment assistance and not for the base purchase price. It would not replace a conventional or VHA loan. Ms. Long said that is correct.

Mr. Slutzky asked if Ms. Long was saying that after the loan had been used on a unit and came back into the fund, the money would be available to anyone in the County that the Housing Office chose to provide those funds to.

Ms. Long said that is right. They have spent a lot of time on this question. Ms. Young has been a mortgage broker for many years and they have met numerous times with Mr. Ron White over the past couple of years.

Mr. Rooker said the fundamental issue is whether the Board, on a case-by-case basis wants to take proffer money that was supposed to go toward funding capital improvements based upon impacts as determined by the Fiscal Impact Committee and at the request of the applicant divert them for things that are not within the parameters of the proffers. He does not think the Board should allow that. It is just an invitation not to get funds for the capital improvements needed and to divert funds in all different directions based upon an applicant's desires with respect to their particular project.

Mr. Slutzky asked if the funds were to come back after the first sale, could they also be reverted to the CIP at the Board's discretion.

Mr. Rooker asked Mr. Davis to comment on the feasibility and administration of doing this with proffers. Mr. Davis said this is a new idea. It was not proffered previously so his office has not looked at that aspect of this proposal. He thinks it would require a lot of administration and he does not know who would do it.

Mr. Boyd said if this becomes a habit, he would be concerned about setting up accounts for different projects.

Mr. Rooker said the idea of a housing loan fund (the County already has a down payment assistance fund), having a second deed of trust and getting the money back eventually is an idea the Board has suggested before. He said the Housing Committee would need to make a final recommendation. If the Board is going to direct money into affordable housing, it should go in that fund and not in little pockets of funds for individual developments. There is also the fundamental question of whether the Board wants to take proffer money that is supposed to go to capital improvements and put it into a housing fund. If money is diverted elsewhere, the Board loses sight of the purpose of the proffer policy.

Mr. Slutzky asked if the applicant cannot come up with proffer language that staff was comfortable with and which would work for the purpose described, the applicant still has Plan "B".

Ms. Long said they do. It would be disappointing to them, but they can live with it. If the Board does not accept the housing loan fund concept, they will proffer the normal amounts; the units they were going to proffer as moderately-priced would still be built, but they would not be proffered. She said this is not a simple concept. They have spent months as a group refining the concepts and spending a lot of time with Mr. White. There are no simple solutions to affordable and moderately-priced housing in this community. This Board, the Housing Committee and a number of nonprofits in the community have been working on it for many years. No project has proffered the type of moderately-priced units this applicant has proffered. It is hard to find people who meet the income criteria for moderately-priced units who can afford a house at the price they are proposing.

Mr. Rooker said there was a development approved in Crozet where they said they would build affordable single-family detached houses. They said they could sell the houses for about \$250,000 which would have been about \$60,000 less than their value. Ms. Long is saying they will sell the units for what they say is market value for houses that are even larger.

Ms. Long said that was for a detached unit.

Mr. Rooker said they were detached, and this proposal is for townhouses and condos priced from \$220,000 to \$300,000 and the applicant is asking for special consideration for that. If the Board "goes down that road" again it eviscerates the proffer policy.

Ms. Long said as Mr. Slutzky pointed out, the units at Willow Glen are designed to be of a size so they are more likely to be more affordable within Willow Glen than the market rate units within Willow Glen.

Mr. Rooker said he thinks less expensive, smaller units will be built. The applicant is also asking for a special concession for building that smaller unit, which is not selling for anything less than market, and asking the Board to relax the proffer policy in order to get that done.

Mr. Slutzky said his interpretation is different from that of Mr. Rooker. He then explained his understanding of the proposal. The applicant will build the 50 percent affordable units and not pay a proffer on those units. For the so-called workforce housing, money would go into a fund to help sell those units to qualifying families. When those people sell their property the fund will be paid back with any profit from the sale going back into that fund. Then, at the Board's discretion the money could be used elsewhere for affordable housing or could go directly into the CIP Fund.

Mr. Rooker said Mr. Slutzky did not mention that they want to pay only one-half of the proffer on all of the units in that band. They are not suggesting that they will pay \$11,900 per unit. They are suggesting that they pay \$5,500 per unit for the houses in that band. They are saying that the proffer policy on the units they will sell from \$220,000 to \$300,000 should be one-half of what it is.

Ms. Long said that is in exchange for committing to only sell those units to certain income-qualified families. In River Run and the other communities referenced by Mr. Rooker, they could sell their units to anyone.

Mr. Rooker said if there were five units in River Run selling for \$220,000 now, a person could buy one of those units no matter the amount of their income. The seller has no interest in that person's income.

Mr. Slutzky said they need the down payment money.

Mr. Rooker said this applicant is not proposing that down payment assistance money go to the people in that tier.

Ms. Long and Mr. Slutzky both said they are proposing that.

Mr. Rooker said the Board would be saying it would change the affordable housing policy by diverting money from proffers to a separately-maintained affordable housing fund and accept half the proffer amounts for mid-priced units. Ms. Long said the key point is that these units would be sold only to qualified families.

Mr. Slutzky said there are two choices being offered today. One is the traditional approach and the second is the alternative approach.

Mr. Boyd said he thinks the words "traditional approach" are interesting. There has been nothing traditional about the proffer policy.

Ms. Thomas said the Board developed a proffer policy by looking at the impact of each new house in the community as judged by the County's Capital Improvements budget. So, it is a discounted price; it is not the full impact. The Board picked the \$17,000 figure as the impact that could be measured by the CIP. The Board said "affordable" trumps that. Since affordable units are so important to the County, the applicant would not have to pay for those. That means the public at large has to pay that impact, so it is not easy to say something trumps it. She thinks what the Board is being asked today is whether this creative scheme for the workforce housing, second mortgage, special fund, handpicked clients, also trumps the proffer policy for those units. That is a good policy question which should be debated. She is not sure how she feels about it at this time, but that is what she thinks the Board is talking about. She does not want to discourage creativity because there are probably a dozen organizations working on the issue of how to approach affordable housing. In her own mind she has to figure out if all of that is so important that the Board should give up the impact. By saying so, the Board would be saying the other taxpayers in the County are going to have to pick up the impact of that household.

Ms. Long said she agrees; it was framed perfectly. Especially when talking about the issue of not requiring any proffers for the affordable housing because it is so important. As indicated, that money has to be made up somehow. There is the 15 percent affordable and whether they are subsidized or not, it is a challenge. In order to make up the difference, the other units in the development have to be priced that much higher.

Mr. Slutzky clarified that Ms. Thomas was talking about the burden of paying for the infrastructure attributable to those dwelling units.

Mr. Ray said this may be the rare situation where the County "can have its cake and eat it too." By using the \$1.3 million to facilitate people getting into affordable housing and then recycling it into the CIP, the County has met its responsibility for affordable housing and its responsibility to the capital fund, it just deferred the contribution to the capital fund.

Mr. Rooker said Mr. Ray ignored the fact that they want to start out with just half of the proffer amount. Ms. Long said that is just for 24 units.

Mr. Rooker said that is all of the units that would be provided in that band.

Mr. Ray said they are taking a huge risk that they can build those houses and sell them for that price in two years when they come on line. They are asking for the County's help, but if the County can't help they would prefer not to make that promise.

Mr. Dorrier said the County's proffer policy should not be "one size fits all." The proffer is a way for the County to deal with the development and its infrastructure. This can be a creative feature in developments. Since proffers are offered to the County by developers, each one should be looked at to see if it is a good deal or not.

Mr. Rooker said most jurisdictions of a size similar to Albemarle have developed a cash proffer policy with the idea that the proffer is a known amount by the developer and somewhat matches the impact cost to the county. Saying it should be different in every case means there is no proffer policy. He said the Board developed and then adopted a proffer policy. What is being talked about now would create a number of hybrids so in every case a developer could come in and argue it should be done. In every case he has seen so far they also cost the developer less.

Mr. Slutzky said he did not think the Board had adopted a proffer policy, only agreed on proffer amounts for specific units. The proffer policy is still a work in progress.

Mr. Boyd said the Board had adopted some guidelines. He agrees with what Mr. Rooker is saying. He has been trying for four years to get something stabilized so when people are planning projects they know what to expect. He is not in favor of setting up a separate loan fund. What they are proposing in the way of a loan fund is the way he thinks it should work countywide. If the applicant has worked out the mechanics of this proposal, he would like for him to talk to the Housing Committee. He is not in favor of varying from the proffer policy the Board has now. The other issue is whether the Board wants to do something with the policy to deal with moderate-priced homes, workforce homes, or whatever they are called. That would be incorporated into a procedure about proffers just like the Board is working through on what it takes for credits on a property. That is the one piece that is flexible.

Mr. Boyd said he had hoped the Affordable Housing Committee just established with the University and the City, would look at the affordable housing issue and find out where the needs are. He has not seen any statistics saying that where support is needed is in the 125 percent of median income group.

Mr. Rooker said the Board should not just "jump on a new idea." If money is going to be diverted from proffers toward affordable housing, the Board should try and find out the best investment for that money. The Board is being asked to make huge policy decisions "on the fly" that are different from the ones already made. He thinks that is a mistake.

Mr. Wyant said he appreciates what has been offered, and thinks it is something the Board needs to consider. However, in the long run, he thinks it would be an administrative headache for the County. He is not for the proposal as presented.

Mr. Slutzky said it sounds like "Plan B" will have the Board's support.

Mr. Boyd said if the Board has decided it will put money from proffers into a fund for affordable housing, how that money is to be applied needs to be identified from three different categories. The Board started out with 80 percent; the Fiscal Impact Committee then asked what should be done with the 30 percent. Now the workforce group is asking what to do about the 120 percent. He thought that was the whole impetus behind the County/City/ University Task Force that is supposed to complete its work by December.

Mr. Slutzky said anything above 80 is not a part of the Comprehensive Plan now but affordable as defined is a part of the Plan. As much as he is sympathetic to the creativity and intent of Plan "A" as proffered, he thinks the Board is reaching a consensus that it is not appropriate to "jump on that bandwagon."

Mr. Boyd said to the applicant that he thinks they are a bit ahead of the Board. It has not gotten to a place where it is ready to make that kind of commitment.

Ms. Long said it is very challenging. She questions how many projects the Board will see in the future that contain moderately-priced housing. With the new proffer policy, it goes from zero proffer dollars up to \$190,000 priced houses, to \$11,900 for anything above that. There is a disincentive for any developer to provide so-called moderately-priced housing to cover that gap. The pressure will be to have the two extremes. There is the required requisite of 15 percent and then everything else will be \$600,000 and above, with few different prices between.

Mr. Rooker said he is suggesting that there should be some incentive to build housing in that category. The Board has not decided to do that as a policy matter. It also has not decided to take proffer money intended for infrastructure and divert it into affordable housing. In this case, it would be affordable housing only for people who live in that particular development, which is something the Board has not done.

Ms. Long said they recognize that the Board has not addressed those issues. They were trying to be creative in solving a community problem. They have participated in and monitored all of the proposals that have come to the Housing Committee. They have sat through the discussions about the proffer policy. When they did not see any movements on it, they decided to tackle it themselves.

Mr. Boyd said he does not want to diminish what the applicant has done and thinks the ideas and concepts are good. He does not think the Board can make that countywide decision based just on this particular project. A huge group of people (IMPACT) would argue that the County is not taking care of the 30 percent market, and that is where the critical need is in the community. There are three distinct categories, and there is a need to figure out how to handle each of those categories.

Mr. Rooker agreed. If someone says to take their proffer money and spend it in a certain way, the Board will have made a decision that it will take County money and spend it in that way. The expenditure might be a good decision, but taking proffer money and deciding how to spend it are two different things. The Board cannot get tied up by having developers say they will meet the proffer policy, and then say how it has to be spent.

Ms. Thomas said the applicant also promised to put in some administrative work because they were proffering to manage this second mortgage situation and its clients. About an hour ago she said the reason she would vote in favor of not having this be industrial land was if it was truly a good affordable housing proposal. She said there are reasons to make proffers and she thinks the Board has given the applicant fair warning that it wants a good, affordable housing plan. What the applicant has said is that they cannot promise a good affordable housing situation for the moderate entity unless the Board agrees to cut the proffer policy.

Mr. Ray said that several times today they said they will do the tier system, but it may not be possible to do it at the prices shown today. The unit prices would need to be increased by \$6,000 or \$7,000. He emphasized that they are still committed to an affordable housing project or a project that has housing that can be afforded as opposed to the policy of \$190,400. He said the market will dictate prices, but without some help they cannot promise they will take the risk to build those houses that inexpensive. They are still committed to the whole concept. He is disappointed that this project is too creative, and that they are ahead of the curve.

Mr. Slutzky asked if any Board member objected to \$300,000 of the proffer money being allocated to the purpose of transit. He said the community is obviously trying to stimulate a transit system with the private sector investing in it. Does the Board resist that earmarking in this instance where it has been allowed in other places?

Mr. Rooker asked if that money would be paid upfront or would it be paid by a pro-rata share of each unit's funds. If so, he does not know how that could be managed. Mr. Davis said in the original proffer it was drafted as being on a per-unit basis. It designates how the money would be spent, and that is contrary to the policy.

Mr. Rooker said he thinks a decision to put money into transit is a decision to spend the money that way. He thinks there should be an investment in transit, but if the Board takes slices of houses and says the money can only be spent in that way, that would be a big mistake.

Mr. Slutzky said the Board supported that idea in the Biscuit Run development and also in a couple of other projects.

Mr. Boyd agreed.

Mr. Rooker said Biscuit Run has not been voted on yet, but in that proposal the idea is to set up a homeowner's association that pays money in perpetuity into a transit fund. The Board has said it may give some credit for that. That is different from saying the proffer money per-unit as the houses sell will be sliced off and set aside in a fund where it can only be spent in a certain way. The concept of having money put in perpetuity toward transit is attractive and imposes the same kind of administrative burden that starting to slice off pieces of the proffers and putting them in separate pockets does.

Mr. Slutzky said there is a certain amount of money going into the CIP at this time; about \$11.0 million of that CIP budget is for transportation purposes. A subset of that amount, which is nearly nothing, is allocated for transit. An applicant might think it is appropriate to put aside some of the proffer money for transit because without transit coming to their development, it would not be as successful. He does not know that it is inappropriate for a developer to propose to earmark funds. He is concerned about just asking for cash, and then deciding how it should be spent.

Mr. Rooker said Mr. Slutzky is saying he does not like the disruption in the CIP. To him that is a separate decision. The money which has been earmarked for transportation over the next five years could be spent on transit if the Board decided to do so. However, the money in the CIP is typically spent on capital projects as opposed to operating expenses.

Mr. Slutzky asked if someone proffered to build the bridge over the South Fork Rivanna River to complete Berkmar Drive, would the Board say "no", just give it money and let it decide how to spend it.

Mr. Rooker said that is a different situation altogether. That is a transportation capital improvement that is the reason the proffer money is being given. The Board could decide that building the bridge should be given a certain amount of credit. That bridge would not be built at a rate of \$100 per unit over 30 years. The Board would require that the bridge be built in a particular time period. But, he thinks that if the Board allows proffers to be "sliced and diced" by developers and put in pots, it would be an incredible administrative burden, and would also put straightjackets on the ability of future boards to fund capital projects.

Mr. Slutzky said he does not understand the distinction between giving school sites or 400 acres for parklands or a bridge over the SRRR being okay, but giving \$300,000 of proffer money to transit is different.

Mr. Rooker said the things Mr. Slutzky mentioned are one-time capital replacements. A park is built, and it is done with.

Mr. Slutzky asked if a developer said he would proffer \$300,000 upfront toward transit and would like to have credit for it toward his proffers, and the rest of the cash would be dispersed, if that would be alright.

Mr. Rooker said if capital funds were needed for transit that would be alright. The Board would make that one-time decision upfront instead of having an applicant say he would like to give money for a park near their development and would like to allocate it at about \$800 a unit over the next 25 years. That puts an administrative burden on future capital expenditures. The need for a bridge has already been identified, and some developer will build it, so the question is what kind of credit will be given.

Mr. Boyd said that is not an option in the matrix shown on the screen right now. They have said it would be just a straight proffer if the Board does not go along with their proposal.

Mr. Slutzky said he is just trying to understand the views of the Board in its entirety. He and Mr. Rooker disagree with these issues. He understands his logic which is not irrelevant. He would like to see the proffering community make a commitment to transit because he thinks it will then happen. He is curious as to whether the other Board members find that to be a worthy goal.

Mr. Boyd said that is a discussion for another time. When talking about the proffer policy, the Board said it would talk about credits at another time. When working through the Biscuit Run petition it evolved as part of that process. He thinks that is still something the Board needs to finish at some point in time. The Board has decided on the proffer amounts, but has not established the policy yet.

Mr. Slutzky said this is a work session and he is not sure what the Board is telling the applicant with respect to the \$300,000.

Mr. Davis said the proffer the Planning Commission reviewed was a proffer restricting its use to operating expenses for transit split on a per-unit, at-building permit contribution, and if it was not spent within five years of the last unit built, the money reverted back to the developer.

Ms. Thomas said she is interested in making transit something that is used by people in this development. She was going to ask about the layout of the property that would allow the bus route to go through this development. She appreciates there being only one-car garages because there is a saying that the time to get someone to become a transit user is before a household buys a second car. So, if there is a commuter bus line in this development that makes sense, and if there is a bicycle route that makes sense, she will regard this as a transit-ready community and will be supportive of it. She agrees with Mr. Rooker about how to separate out the \$300,000. Also, transit in general is important to her.

Mr. Slutzky said he hopes the Board does not invite the occupants to move in with their one car and then not have a bus route because it was not funded.

Mr. Boyd said this amount would not fund a bus route.

Mr. Rooker said it might fund a route for one year based on the prices the Board has seen for transit. It would be paid over a number of years, so a bus route could not be funded with that money.

Mr. Boyd said to Ms. Long that he thinks the Board has ruled out some of the parts of the proposal. He asked if she had any final comments before this session is ended.

Ms. Long said they clearly have the guidance needed on the proffers, so they will regretfully go with Plan "B". They would like to have more feedback on the Comprehensive Plan issue. They have been given a public hearing schedule and are anxious to keep moving forward. They will have to tweak the proffers a little, but they are close to being ready to go. There are no further revisions needed to the plan. A few minor issues came up during the Planning Commission hearing which they have been working on with staff; those are close to being resolved. The Comprehensive Plan issue is very important, so she wonders if there is a consensus now. After they had presented their proposal and made everybody aware of the affordable housing program and loan fund proposed, she had hoped that would be enough to get the Board's support for the Comprehensive Plan changes.

Mr. Rooker said he thinks three people have said that was not a block to approving this request. Two or three members said it was a "maybe". He does not know how to take it further now because the Board is not voting on this request tonight. The way a member votes on any rezoning depends on the whole package. To him it is a negative to convert industrial land to residential even though this island was created by past actions of the Board. The industrial use of the property would be opposed by people living around it to the extent that it might not get rezoned industrial. That is somewhat persuasive. He views the conversion as somewhat negative. If the other positive aspects of the development are there, he might support it.

Mr. Cilimberg said staff understands the Board is looking for a straight cash proffer according to the expectations the Board has established. He is not clear whether it expects the applicant to make any other attempts in the proffer to address price points that differentiate this project from a conventional project.

Mr. Rooker said to the extent possible, that would give the request a more favorable review by some members of the Board.

Mr. Cilimberg said staff became aware today that there is not yet an agreement with the Albemarle County Service Authority on the sewer line. There has been an indication from the Hollymead Towncenter developer that they will enter into that agreement. It is something that has been a part of other projects. He and Mr. Graham talked about this and are not sure an agreement is really necessary because the Service Authority can exercise powers the local government cannot exercise in terms of adequate public facilities and impact fees.

Mr. Rooker said the Authority does not have to provide a hookup unless there is adequate capacity available. It is first-come, first-served. Mr. Cilimberg said that is the adequate facilities part of this proposal.

Mr. Boyd said he would like to mention an equity concern he has, and it was explained that this came about through a resolution of intent adopted by the Planning Commission. He knows there are a couple of other Comprehensive Plan amendments which have been on hold for years waiting for the Places29 master plan. They have not been allowed to move forward, so why is it that this project has been moved forward to a point of having a work session and a discussion of what the Board might do.

Mr. Cilimberg said the Planning Commission made that decision.

Mr. Rooker said this project is a little different from a typical rezoning in that it requires a Comprehensive Plan change first.

Mr. Boyd said there is a request on Berkmar Drive that has been waiting for two or three years and they have not been allowed to move forward.

Mr. Cilimberg said staff did not recommend that this request move forward, or the one on Berkmar Drive. Staff has consistently said these requests should wait for Places29. It was the Planning Commission's decision to let this one move forward.

Mr. Davis said staff does not recommend that applicants bring rezoning applications concurrently with Comprehensive Plan amendments and incur that expense.

Mr. Boyd said it just seems that it is a little inequitable that one project is allowed to move forward when it is holding others off.

Mr. Rooker said that is a good point.

Mr. Boyd said if there is nothing else on this request, he will allow Mr. Mark Graham to discuss an item that is not on the agenda.

NonAgenda Item.

Mr. Mark Graham, Director of Community Development, said when the Board discussed the Rural Area ordinance amendments in June, staff was not certain the Board wanted a work session prior to its public hearing.

Mr. Boyd said he feels there should be another work session after the Planning Commission finishes its work. He is already getting feedback from the public saying the proposed amendments are evolving and they cannot find out what is being proposed. He said the Commission is making modifications to the ordinance now.

Mr. Rooker said he thinks it depends on the extent of the changes. If the ordinances the Board has already seen are only being tweaked, that is different. Mr. Davis said the Planning Commission is going to consider the amendments again on Tuesday, September 11. Staff has tweaked the ordinance and is addressing some issues that have been raised, not necessarily fundamental changes.

Mr. Slutzky asked if the Planning Commission should be asked for advice as to whether another work session is needed based on their changes.

Mr. Boyd said he would like to have a work session. He is getting a lot of public input on the amendments proposed.

Mr. Rooker said the ordinances themselves are not that complicated, and the Board has spent a lot of time on the amendments. To him, it depends on the extent of the changes. He does not see the need for another work session if the concepts are not changed substantially.

Mr. Boyd said he has a lot of direct input from his constituents and he has concerns about that. Just saying to bring something forward does not mean the Board will stand behind it or be in favor of it.

Mr. Slutzky said having a work session is a separate issue from having reservations about supporting the amendments based on input from some constituents. The Board might have a public hearing and the ordinances might be voted down because people shared those same concerns. He is not sure a work session will make a difference if there is a fairly simply ordinance reflective of what the Board had already discussed. The Board has talked about the framework of the ordinances, and seemed to have unanimity of support at one time. Now there is supposed to be a codification of what the Board has already agreed upon brought forward with some minor tweaks by staff and perhaps some minor tweaks by the Planning Commission, and then the Board can consider it and support it or not.

Mr. Boyd reiterated that he would vote for a work session because he does not think it is a simple change, and does not have the determining factors staff will use to determine what will be administratively approved. There has to be very specific language in the ordinance to make that determination.

Mr. Slutzky said he would support voting on the ordinance after getting it back from the Planning Commission and after hearing from the public during the hearing. He does not see this amendment as being that complicated.

Mr. Boyd said Mr. Slutzky must not be talking to the constituents that he has talked with.

Mr. Wyant said he is hearing the same thing.

Mr. Slutzky said he has heard from some people that this is one of the greatest things the County has done for the ecology of Albemarle County. Other constituents have said the Board is stealing their property rights. He has his own views on whether this is appropriate. He does not think the issues are so complicated that the Board needs to have another work session. He does not know what information would come out of that work session, other than the delay factor.

Mr. Dorrier said, "The devil's in the details." The details are very important in this issue. When talking about building on top of the mountains there is a need to decide what will be allowed and what will not be allowed, and whether arguments against roads going up mountains outweigh the property rights of people who own flat land on top of the mountain.

Mr. Rooker said delaying that decision will not change the nature of that decision.

Mr. Boyd said getting a complete understanding of what is being proposed is important to him. He is getting a lot of questions from constituents that he cannot answer because he does not know specifically what the Board is being asked to vote on.

Mr. Slutzky said Mr. Boyd may not be comfortable voting for it, and may decide to vote against the amendments and he does not have a problem with that.

Mr. Boyd asked why there is a rush to get this through.

Mr. Slutzky responded that there is no rush; it has been sitting around for a year.

Mr. Boyd said when there is a Comprehensive Plan change, there is always a work session first.

Mr. Rooker responded that there have been two work sessions – including one with the Planning Commission – and from that, the Board sent this amendment forward. Originally it started with a Mountain Protection Ordinance which several people on the Board did not support because they did not like the creation of a separate district. They thought things should apply throughout the rural areas in an even way. Some of the things in that package were removed because it was clear there were not three votes for it. For the things left in, there seemed to be unanimous support for them. There might be things in the amendments that certain Board members do not like. There was a joint meeting with the Planning Commission, and a resolution of intent was adopted to send the amendments to the Commission. They will do whatever they feel is appropriate. If it comes back without a huge number of changes, what will the Board gain by yet again delaying this?

Mr. Boyd said when the Board passed the Resolution of Intent he thought these were interesting concepts and should be fleshed out with the public. The response he is receiving from the public now is not favorable and he wants to know why that is. He wants to know if there are things the Board can do to accomplish what it really set out to do. Is the language bad or could the language be tweaked? He said Mr. Rooker is saying the Planning Commission may do all that and the Board can just read their minutes and have a total understanding of it without having another work session on what he thinks will be greatly modified before the Board gets the ordinance back.

Mr. Slutzky said he is not uncomfortable maintaining the current schedule where it would come to the Board for a public hearing and possibly a vote. He asked when that public hearing is scheduled. Mr. Tucker said the Planning Commission has not finished its work yet.

Mr. Slutzky asked if the Planning Commission finishes next week, when would it be scheduled. Mr. Tucker said there would probably be a need to have a special meeting in October because agendas are full.

Mr. Wyant said he has received a lot of comments regarding the ordinances and they have not been good, especially concerning critical slopes requirements. He has talked to Mr. Graham about the accuracy of the data being used. He got a notice of public hearing letter and it showed critical slopes on flat ground. Also, the information on the County's website does not give many details. If the Planning Commission is fleshing out all of the things concerning family divisions and critical slopes, he thinks it will take significant time to go through that process.

Mr. Rooker said the comments received last time about family divisions primarily had to do with the holding period. It is not that complicated an issue. The time period is five years, ten years, or 15 years.

Mr. Boyd said that has an effect on mortgages. What do mortgage bankers think about deed restrictions on properties?

Mr. Rooker said one thing to keep in mind is that the County is not required to have such an ordinance. The ordinance simply allows people to bypass the normal subdivision process.

Mr. Boyd said he does not want to get into this discussion now. The reason to have a work session is to go through all of these details.

Mr. Rooker said all of this was discussed when the Board met with the Planning Commission.

Mr. Slutzky said the Board went through each item and discussed each one. The Board talked about stream buffers and critical slopes and only the ones where there was a consensus of support were sent to the Planning Commission. Those will come back to the Board in final form for the Board to review and possibly vote on. He does not understand the problem.

Mr. Boyd said there are a lot of specific details related to those concepts and they need to be fleshed out in a work session. He wants to be sure he understands all of the details.

Mr. Slutzky asked if the five, ten or 15-year holding period is the question.

Mr. Boyd said that question should be left to the mortgage bankers.

Mr. Rooker said he assumes someone will have information about that issue to bring forward at the Planning Commission's public hearing and the Board's public hearing.

Mr. Slutzky asked why a work session is needed on everything.

Mr. Boyd asked why the Board ever has a work session; maybe it should just let the Planning Commission have a work session.

Mr. Rooker said the Board has already held a work session.

Mr. Boyd said the Board has not had a work session on the ordinance, it was on the three different concepts and they were put forward, but the Board has not seen the details of them.

Ms. Thomas said she thinks this Board and its predecessors have a policy of being very much in favor of the concepts, even getting them into the Comprehensive Plan. But, the Board never passes the ordinances, so why not be consistent and say "we speak a good speech, but we don't act."

Mr. Boyd said he thinks concepts and details are two different things. He disagrees with what Ms. Thomas said. He does not see how the Board can pass a concept, and then get into the details and find out from the public that they don't like what the Board has come up with.

Mr. Slutzky said if the public does not like what the Board has come up with, they will say so. Then, the Board can decide whether to vote against it.

Mr. Boyd asked why this is such an important issue to get through in the next month or so. Why the rush?

Mr. Slutzky said it seems to him that it is being delayed, as opposed to rushing.

Mr. Dorrier said the Board is not delaying it. If Albemarle County were a flat piece of property, the Board would not be having this discussion. Because it has a lot of mountains and hills over 25 percent, it is an important issue. It is important to the people who own the land.

Mr. Slutzky said the Board needs to protect the rural land and eco-systems, and it should not be delayed a minute more than necessary.

Mr. Boyd said if some members of the Board have already made up their minds, he thinks it should just go straight ahead into the vote.

Mr. Rooker said he would like to have it come before the Board so he can vote.

Mr. Slutzky said he has not heard the public input at the public hearing and he is eager to have that.

Mr. Boyd said he has not seen the details of the ordinance either. He does not think the Board will be able to give staff any directions today.

Mr. Graham pointed out that the last directions he received from the Board in June were to bring the ordinances straight to a public hearing.

Mr. Slutzky said he does not support changing that path.

Mr. Boyd asked if the Board needs to vote to bring something to a public hearing. Mr. Davis said the way the process has always worked is that after a recommendation from the Planning Commission it is scheduled for the next available Board meeting for public hearing unless there is a direction from the Board to do otherwise. That is not in writing, but has been the policy the Board has followed for decades. Staff has been working on the issues raised by the Commission and is revising some sections of the Zoning Ordinance to clarify those issues. The Commission will have another discussion on September 11, and they may or may not complete their discussion that night. The Commission has already had their legally required public hearing.

Mr. Wyant asked if the Planning Commission makes major changes, if they are required to have another public hearing. Mr. Davis said they are not required to do so. Mr. Cilimberg said the Commission will be recommending to the Board what those changes should be.

Mr. Dorrier said he agrees with Mr. Boyd and Mr. Wyant that the public is upset about the proposals. He is receiving a lot of comments from his constituents.

Mr. Rooker said there was a recent survey which indicated that about 80 percent of the people think the County should be doing more.

Mr. Boyd said that survey is extremely flawed. It is a "push" poll.

Mr. Rooker said the County's own survey in April came out with very similar results on that issue. He has no doubt that there will be 100 people present, and 25 or 30 of them will speak against the ordinances, but those 25 or 30 people do not represent the view of the entire County or even the voters who will vote in the next election.

Mr. Boyd said Mr. Rooker seems to have made up his mind. He is saying that if 25 or 30 people come forward, that doesn't count.

Mr. Rooker said if he gets something from them that is different from the current understanding of what this ordinance does, it might make him vote against it. From what he has seen so far, all of the Board members voted in favor of moving this forward because all agreed with the basic concepts. He agrees with the basic concept today. That does not mean that when he sees the ordinance, he might not find there are things in it with which he does not agree. But the Board needs to see the ordinance, get public input, and make a decision. He is in favor of making that decision. Implementation of the rural plan has dragged on and on and on. As Ms. Thomas said, the Board has paid lip service to accomplishing things to protect the rural areas, but the Board does not seem to have the will to actually take the steps to do it.

Mr. Slutzky said he has received significant feedback from his constituents asking what is taking so long for the Board to do things proactively to protect the rural area. He has not gotten as many negative comments about this ordinance as he thought he might get. He is surprised at how positive the communications he has received have been.

Mr. Boyd said he is getting a different message from people. The only thing he is asking for is to have a work session so he can have a full understanding of what the Board will be taking to public hearing so he can explain it to people.

Mr. Slutzky asked what Mr. Boyd supported sending to the Planning Commission. There was an extensive detailed discussion of each of the elements and Mr. Boyd was a part of that discussion. He weighed in heavily and appropriately and then it was sent to the Planning Commission.

Mr. Boyd said he had said it was worth fleshing out the details. He knows what the concepts are about.

Mr. Rooker said he does not believe the Board can accomplish anything more tonight.

Mr. Graham said he has a second question. It has to do with the mailing list. As required by State Code, staff had to send a notice for the Planning Commission's first public hearing. He understands that is not required so the question is whether the Board wants staff to do another mailing to about 14,000 individual properties at a cost of about \$5,000.

Mr. Rooker said a group was identified for the first mailing, so this would just be a second mailing to the same group. He thinks it should be done. Mr. Davis responded that it is legally required for the Planning Commission hearing, but is not legally required to be done for the Board's hearing.

Mr. Slutzky said he would support doing it for the Board's meeting as well.

Mr. Boyd said he thinks it should be done, and there should be a very clear description of what is being proposed. If it is simple, then it should be a simple description. The Board is apparently headed toward skipping a work session, so it may or may not understand it. Mr. Davis said the requirement only applies to the Zoning Ordinance change, not the changes in the Subdivision Ordinance concerning the family division or the stream buffer change in the Water Protection Ordinance. The Planning Commission included in their notice a description of all three ordinances, and staff assumes the Board would want to do that again.

Mr. Rooker said he is in favor of giving full notice to the public of what's being considered. There have been some misunderstandings about what the changes will or will not do. He suggested that a Q&A might be included with the notice.

Ms. Thomas said she thinks that all of the Board members have received a lot of communications about these ordinances. She found that there are a lot of misunderstandings, particularly about the family subdivision provisions. She is concerned about the message given to people who have questions. If Board members are telling their constituents they do not "have a clue in the world what we are thinking" people will say their supervisor had said it was a puzzle to him. "That is a great message to be sending." She hopes that when constituents ask questions, the Board members find the answers and get the answers back to them.

Mr. Boyd said that his questions have been much more technical, and he has not said he is "puzzled" by it.

Ms. Catlin said if there are consistent questions that were not addressed the first time, those questions should be sent to staff in an e-mail to help staff when putting information on the website and for the mailing. Staff can easily put together a FAQ. She said there was a problem the first time staff did a mail because so many people hit the GIS site at one time that there were "crashing" issues which staff hopes to correct this time around.

Mr. Rooker said a lot of people do not understand that they can't build on critical slopes today.

Mr. Graham said staff has found a lot of misunderstanding about existing County ordinances and policies since this was advertised the first time. Staff has been manning a telephone bank and has people available to answer questions. Staff has met with 200 or so property owners who walked into the office. About 95 percent of the time, they find the changes will not impact them.

Agenda Item No. 25. Adjourn. At 8:49 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman

Approved by the Board of County Supervisors

Date: 11/12/2008

Initials: EWJ
