

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 17, 2008, at 1:00 p.m., in Room 241 of the County Office Building on McIntire Road, Charlottesville, Virginia. This meeting was adjourned from March 12, 2008.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 6:00 p.m., by the Chairman, Mr. Boyd.

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Agenda Item No. 2. Work Session: FY 2008-09 County Budget:

Mr. Boyd said he had received a letter from Fluvanna County concerning the VACo Courthouse meeting. It will be held on April 29, 2008, between 6:30 and 8:30 p.m. The purpose of the meeting is to discuss the district's legislative agenda for next year. He said if any Board members have thoughts about items that are different from the current program, they should send those requests to the County Executive's Office so a listing of talking points can be put together for the meeting.

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Item 2a. Continuing Local Government Issues.

Mr. Tucker said he will outline the agenda for today. First, the list of potential adjustments the Board made during the work sessions will be discussed. He said there have been some changes in revenue projections since the work sessions began. He wants to look at some revenue projections for FY 2010 which need to be part of the Board's consideration while evaluating the budget for FY 2009. After that is done, the remaining functional areas of Local Government's budget will be reviewed; they are Human Services and the Community Development Department. He said it would be good if the Board could finalize the budget for public hearing today, and get some closure on the real property tax rate to be advertised.

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Item 2b. Continuing Issues from Prior Work Sessions.

Mr. Tucker said that last week Ms. Laura Vinzant handed out a list of revenue and expenditure adjustments. The revenue adjustments are: the EMS Recovery item has been removed from the budget entirely and there is the possibility of an additional \$600,000 reduction in State revenues. For expenditures: the Board put on the list the funding of two instead of four police officers. The Pantops Fire Station has been put on hold while staff talks with the City and the East Rivanna Fire Company about potential solutions. Save the Fireworks was on the list for a savings of \$10,000. There is a request for additional funding for the Registrar's Office for the Presidential election in November. Support for a Domestic Violence Coordinator in the City's Commonwealth's Attorney Office is on the list at \$6,000. The Sheriff asked for money for a maintenance contract for the Live Scan system; someone will be present today to give additional information about that request. Enhanced median mowing has been moved as a potential funding item for \$45,000+. About \$75,000 has been put in for the recycling item. The Library Bookmobile item was added at just under \$17,000. The volunteer/rescue incentive program for one-half a year is included at \$157,000. If the Board funds all of these things, there would be a funding shortfall of just under \$1.0 million. This scenario assumes the Board would use the \$300,000 in its reserve fund.

Mr. Rooker said he thinks it is unwise to enter any budget period with no reserve funds.

Ms. Thomas said she appreciates the information about the bookmobile. She asked if the Library System could choose another item for a comparable amount of money if they would rather have the part-time positions. Mr. Bryan Elliott said that in terms of the overall ranking of their initiatives, the bookmobile was at the low end of the list. Extending the operating hours of their branches, essentially in the evenings, was a higher priority.

Mr. Rooker asked for information on the trial period of the bookmobile visiting nursing homes, etc. Mr. Elliott said the Library did not provide any specific information in terms of success of the trial period. They have a rather extensive list of items divided between youth and adult services. In order to serve all of those needs once a month would require a part-time position.

Mr. Tucker said he mentioned last week that the County will still be experiencing significant budget challenges in FY '10. If all of the adjustments on the list the Board has suggested were included in the budget, including the revenue reductions, the projected bottom line for FY '10, would be nearly a \$3.5 million shortfall just in Local Government.

Mr. Tucker had a PowerPoint presentation. A balanced Five-Year Financial Plan was presented last November, but several things have changed since then. The shortfall for FY '10 is due primarily to changes in revenue projections and assumptions. For example, the continued impact of the housing market downturn. The elimination of the EMS revenue recovery program creates a shortfall of about \$1.6 million. Declining revenues carry forward amounting to another \$600,000. Also, staff does not know what next year may bring from the State.

Ms. Thomas said there has been no full analysis of the State budget, but the VML sent out a bulletin that showed a couple of things. Every employee who gets salary funding through the State Compensation Board will get a two percent salary increase. Mr. Tucker said everything VACo or VML have sent has been factored into the County's projections.

Mr. Slutzky asked if staff has reevaluated revenue projections from the perspective of property values.

Mr. Tucker said that is what he will talk about now. He showed a slide depicting revised reassessment assumptions. In October, staff projected minus one percent for the 2008 reassessment, but when that reassessment was completed, the actual figure was slightly better than the projection coming in at -.25 instead of the -1.0 originally projected.

Mr. Rooker asked the residential component of that projection. Mr. Tucker said when land use is taken out, it is about -.14.

Mr. Richard Wiggans, Director of Finance, said the residential component actually went down 2.5 percent.

Mr. Tucker said even though the 2008 reassessment was slightly better than projected, an analysis of market trends indicates the downward trend in the housing market is likely to continue. As a result, staff revised the reassessment projection for 2009 down from a one percent increase to a -.6 percent decrease. Staff is projecting a slight recovery in 2010, with a two percent increase. Another area that has had significant impact on the budget is the slow down in new construction. The 2008 actual figure for new construction was 1.63 which is the lowest growth in new construction since at least 1995.

Mr. Tucker then referred the Board to the pie chart on the screen, which shows the major expenditure assumptions in the Financial Plan for FY '10. All of these assumptions were included in the balanced plan presented to the Board in November 2007, with the exception of the final bullet. Looking at these assumptions there is still a \$3.5 million shortfall. This has an impact on the choices made in the FY '09 budget which could create expenditure obligations for the next year, so that is why staff is bringing this to the Board's attention now. Staff is not trying to solve the FY '10 budget challenges today, but staff felt it was important to share this with the Board as it begins to consider any adjustments in expenditures or revenues in the FY '09 budget, particularly those that would have implications on future budget years.

Mr. Tucker said the remaining slides will focus on two other functional areas, Human Development and Community Development, and on non-departmental issues. He is trying to make the Board aware that the decisions it makes for the FY '09 budget may have implications for the FY '10 budget.

Mr. Elliott said the **Human Development** functional category totals \$18.8 million, an increase of 1.8 percent or \$336,000 over FY '08. It includes funding for the Department of Social Services, a transfer to CSA, funding for Human Development agencies - the Health Department, a transfer to the Bright Stars Program, tax relief for the elderly, Region 10 and PVCC.

Mr. Elliott said the **Department of Social Services** has a recommended increase of \$18,254.00 or 0.2 percent over the current year. Two positions have been eliminated – the mental health substance abuse worker and the employment services worker. These two positions have been on the rolls for a couple of years. It was anticipated that they would be funded with Federal and State revenues, but those revenues were never made available. For '09 there is a full year of salary reclassification for employees in the department. There is also a decrease of about eight percent in overall Federal and State revenues for the year. There is a \$400,000 decrease in Aid to Dependent Children, and an additional \$232,700 increase in support for families adopting children with special needs. He said the demand for services is not decreasing; the children in these programs are shifting to either Medicaid or the CSA program. There are continuing increases in terms of workload and caseload for the workers in this department.

Mr. Elliott said there are a number of unfunded initiatives. The department requested a total of eight positions for the upcoming fiscal year, three in Adult and Child Protective Services, three for eligibility, an office associate in eligibility and one full-time equivalent for the Bright Stars Cale Program.

Mr. Slutzky asked if there was a reduction of staff at Cale Elementary. Mr. Elliott said a second classroom funded through a grant has started at Cale in the current year, but funding from that grant is decreasing. The Schools will continue that second classroom, but staff did not recommend funding for continuation of that position. Last week, they learned there is a fund balance in the Bright Stars Fund that could fund that position for another year. That fund could provide services not only to Cale but also to Red Hill School.

Mr. Rooker asked about the Governor's initiative for pre-K. Was there any money in the State budget for that initiative? Mr. Elliott said it was not as much as originally anticipated. He said there is a General Fund increase of approximately \$87,500 for Bright Stars, about a 12 percent increase. He said there are eight classrooms with approximately 125 children in these classrooms. It is funded by the Virginia Pre-school Initiative of the Virginia Department of Education. The County partners with the School Division to provide services for these eight classrooms. He said funding for this grant is based on the composite index. At this time, the County's share is about 63 percent. Staff understands that in the General Assembly the composite index in FY '10 will go to 50 percent, but that will not help in FY '09 which is the reason for the increase.

Mr. Elliott said the next item is the CSA breakdown. There is a General Fund increase of about \$142,000 or 5.7 percent. In recent years, staff has witnessed the aging of the CSA population. Rather than children coming in at an earlier age to provide wrap-around service and reduce that cost, children are coming into the program in later years (pre-adolescent and adolescent years) and they require a higher level of services thus increasing the cost of the program. Compounding that is the fact that vendor rates are unregulated. The County continues at a match rate of 55.3 percent from the State so all of those factors lead to the \$142,000 increase for the upcoming year.

Mr. Boyd said there have been discussions about increasing allocations for administrative staffing. He asked if that is in the State budget. Mr. Elliott said it is not in that budget.

Mr. Elliott said the Human Development functional category also includes funding for outside agencies; there is an overall increase of \$88,615.00 or 2.3 percent. He said these programs and agencies are reviewed through the Commission on Children and Families and the Agency Budget Review Team. The scoring recommendations that were followed this year are shown on the screen. There are three programs of note – the Computer Club House, contingency funding for the Teen Pregnancy Program and an increase for the Shelter for Help in Emergency.

Mr. Elliott said the **Computer Club House** is a new program that Computers4Kids is attempting to get grant funding for. The ABRT felt that if these funds were set aside in a contingency it would show private foundations and other donors that Local Government supports this middle school program. There is a sunset on this funding. If it is not available by the end of the second quarter of FY '09, the program will be reconsidered.

Mr. Elliott said the contingency funding for the **Teen Pregnancy Program** is something the ABRT is working on in terms of identifying a program for the continuation of delivery of these services to teens.

Mr. Elliott said the **Shelter for Help in Emergency** has an overall increase of 9.6 percent, but a portion of that is to cover the County's share of the property tax that is expected will be applied to the new facility they have just constructed. That tax burden will be shared by all of the jurisdictions who fund SHE.

Mr. Elliott said 23 agencies, one partnership and one collaboration are funded. He said the ABRT received requests for funding from 54 programs totaling \$1.5 million, and 47 programs or \$1.83 million are recommended for funding.

Mr. Boyd asked about the **Piedmont Workforce Initiative**. He said the County funded them in FY '07, but did not fund them in FY '08. They requested \$13,700 for FY '09 and they are not funded. He thinks that amount is cheap to invest in the workforce program.

Ms. Mallek said there has been support from Richmond for the one-stop facility. She hopes the Board can find some token amount to put in the budget.

Mr. Boyd said he would like to put this item on the list. Mr. Elliott said this was an initiative put forth late last year by the Workforce Investment Board because of a decrease in Federal funding. It is requesting all of the member jurisdictions to allocate funding to the Workforce Investment Board to make up the difference. The \$13,000 was based on a formula derived by the Workforce Investment Board.

Mr. Rooker asked if staff knows what the other jurisdictions are going to do. Mr. Elliott said at this point, they do not. At a meeting of the Workforce Board in January it was discussed and several jurisdictions said they could not make up the amount this year because of their budget situation.

Mr. Slutzky asked about the switch between the **Teen Sight** and the Teen Pregnancy Program. Mr. Elliott said the teen program is currently run through Teen Sight. Previously this program has been under the umbrella of FOCUS. They had formed their own 501(c)(3) so there was not actually a legitimate application on the table for consideration this year. Rather than eliminating all funding, the ABRT decided it is a program of value and of need in the community, so between the City, the County and United Way, they would like to get a recommendation as to another agency that might be able to deliver the same services.

Mr. Boyd asked if any other Board members would like to have the Piedmont Workforce Program added to the list for consideration for funding. Mr. Slutzky and Mr. Rooker said they would be amendable to that suggestion.

Mr. Rooker said he would like to have an understanding of what the other jurisdictions are going to do. He asked if they have a program that will be eliminated if they do not get the funds.

Ms. Thomas said she thinks the Board's contribution should be contingent on a major portion of the other localities also contributing.

Mr. Slutzky said he had a question about the **Boys' and Girls' Club**. They had a significant increase in their request. He asked the logic in denying that increase. Mr. Elliott said that Ms. Gretchen Ellis, Director for the Commission on Children and Families, is present to answer that question.

Ms. Ellis said it was not recommended for funding because it was rated as a solid program, and all the solid programs were recommended for funding at a three percent increase.

Mr. Slutzky asked why there was such a significant increase in the request. He said there could be consequences from not funding a good youth program and not providing something for those kids to do in the afternoon. He wants to understand why the request was not funded. Ms. Ellis said the request was simply to expand their program. It was not a capital funding request and it was not for a specific location.

Mr. Slutzky said the reason for adding in the capital project is because they are expanding their services. If they have not built their building, does staff know if they are taking in more children if there is a temporary location. He said it sounds as though there is a disconnect here. If they say they need money for an expanded program, they must have one. Ms. Ellis said they indicated they anticipate doubling their membership at Southwood in the next year.

Mr. Slutzky said he would like to see the Board give them some amount greater than the \$13,000.

Mr. Rooker said these requests go through an intense process before they get to this Board. At this point, he would like to have more information before considering additional funding.

Mr. Slutzky said he would like to have more information, but would like to add this to the list for consideration.

Ms. Thomas said these agencies go through a rigorous review. She finds it unprofessional or unadvisable to second guess many of these requests. The Board is just destroying a whole process that is difficult for these human service agencies to go through. This one was regarded as solid by the ABRT, but not exemplary.

Mr. Slutzky said he fundamentally disagrees with Ms. Thomas' characterization of this as inappropriate. He thinks there is a thoughtful process with good people taking a close look at each of these requests, and weighting one against the other. However, when there is a request for more than a doubling of funds because they expect to provide more than a doubling of services, and a valuable program does not get that increase, it is not inappropriate for the Board to ask the logic that gave rise to that conclusion. He does not want to second guess them, but he wants to understand their thought process. If he then thinks the thought process was not reflective of what he thought it should be, he would weigh in and second guess them, just like the Board did with the bookmobile.

Ms. Thomas said the bookmobile did not go through the ABRT process.

Mr. Slutzky said it went through a process that was not dissimilar. A group of people evaluated the priorities for the Library. He does not understand the reluctance to get more information on a gap between a budget request for valuable services to the community and the budget recommendations of that group.

Ms. Thomas said many other groups would have the same story. The Aids Services Group has a growing need and client list but got the same level of funding.

Mr. Slutzky asked if the Board should take the recommendation of this group without any questioning.

Mr. Rooker said there was a time when every agency came before the Board and made its own pitch for funding. The Board wanted to create a more objective way of analyzing the various agency requests so it created a joint committee with the City to make these evaluations. They do outcome analyses on programs to determine if they should continue to be funded. The Board needs to be careful about jumping in and second guessing these things on a spot basis because something catches the eye. If that undermines the process, the Board could get back to where it was before this committee was constituted.

Mr. Slutzky said he is only raising a question about this one item which he thinks provides good value to the community. He is frustrated that there is such strong resistance to even opening this up for discussion. He would just like to have more information about this one item, and he does not think that is an unreasonable request.

Mr. Boyd said he would suggest that Mr. Slutzky get that information on his own.

Mr. Slutzky said in his role as a Supervisor, he wants to have that information provided to him.

Mr. Boyd said he agrees with Ms. Thomas and Mr. Rooker because he knows this process was put into place to head off requests like Mr. Slutzky is making. He has some pet projects that he would also like to see considered for additional funding.

Mr. Slutzky said during that review process the ABRT may have been making a decision based on the expectation that the Board had created that there would be four additional police officers in this year's budget.

Ms. Thomas said the Board has the whole review team book and it shows that they give a good exemplary, solid review. They do not know how much money will be given to each category. As a group, she suggested that the Board look at how much money will be given to the nonprofits that are in this category. The Board decided on four percent which she thinks is modest, and might not be enough. She

said the County gets so many multipliers for the dollars spent on the nonprofits that it would do well to put more in that pot.

Mr. Slutzky said the Board is responsible for taking that information from the advisory bodies, and taking them into account relative to all the other factors that enter into the Board's decision for how to allocate the budget. The Board has already had conversations about possibly shelving two of the four police officers which will have an impact on the crime rate, etc. When there is an item for funding that the review process suggested not be increased even though the service provider suggested that with increased money they could double the value of what they give to the community, he thinks it is appropriate for the Board to go back and look at the request. He does not understand the reluctance to look at it.

Ms. Mallek asked if they have physical space now to do this, or is it contingent on a new building. She would like to have an answer to her question. Mr. Elliott said the program is at capacity at Southwood. They are trying to open a facility on Cherry Avenue for the City. He understands that the plans for expansion at Southwood have been submitted to the County; they hope to undertake that expansion this summer. He understands that their space at Covenant School is also maxed out as to the number they can serve during the summer.

Mr. Slutzky said he would like to understand how they could have put in a request and suggest that they are going to double their capacity if they can't do so; there is a disconnect here. Mr. Elliott said he believes they had hoped that their facilities at Cherry Avenue and Southwood would come online and allow them a full year of servicing additional people. In previous years, the County has been able to fund as much as eight percent increases for agencies. They had asked for an increase of 112 percent increase, so it would be difficult to reach anywhere near their request.

Ms. Ellis said as the Review Team agrees on the final ratings, they know the County Executive's Office will make recommendations based on those ratings. They do consider whether to recommend an exception for each program. There was one made in this year's requests and it was for the Partnership for Children to take an 8/10th position to a full-time position. The Team recommended that request for funding if funds were available. There is consideration as to whether to go outside of the setup algorithm. The Team decided not to do that in the case of the Boys' & Girls' Club.

Mr. Slutzky said that is fine, and he understands there is an intelligent system put into place to minimize the complexity of the process. People are allowed to analyze the agencies, the service providers, the budget requests and make a series of recommendations based on objective standards, but the Board members represent the community so it has a responsibility to look over the shoulder of all those analytical processes. Sometimes something will be identified that is a discreet element of that process and question it. He does not understand the reluctance to let him question it and send him off to find his own answer. He thinks that is an abdication of the fundamental responsibility the Board has to the voters.

Mr. Boyd said what he was saying is that if there is no consensus to put this item on the list, Mr. Slutzky can still get that information on his own.

Mr. Slutzky said he will, but it sounds as if no other Board member is concerned about it.

Mr. Rooker said virtually every agency in the budget requested more than they were funded. He asked if Mr. Slutzky had made an inquiry as to why JAUNT was funded \$112,000 less than its request. He said the Board could go through these agencies and spend days doing what the ABRT does. He said for this list of agencies it is about a 3.2 percent increase, but the overall agency increase is about four percent. The fundamental question when they begin the review is how much more the Board will budget for agency requests than it did last year. They started with four percent and allocated that based on priorities, some of which are explained in the booklet furnished to the Board. He said the Boys' & Girls' Club is an excellent organization. It also does a good job of fundraising in the community. They are building about a \$10.0 million facility off of Cherry Avenue. He does not know about their request, vis-à-vis their own resources as compared to some other organizations that might not have the same success in fundraising. He said there are two sides to the question; how many resources do they have available from other sources, and what will they not do that they would do if they had additional funding?

Mr. Slutzky said what the ABRT does not take into account when they do that analysis are the decisions this Board makes that impact their decisions. The Board chose to consider reducing the increase in Police Department staff from four to two; he suggests the Boys' & Girls' Club has a function that is not unrelated to the need for police officers.

Mr. Boyd said the Board needs to move on with the budget discussion. He asked if there is a consensus to add this item to the list.

Mr. Dorrier said he will support Mr. Slutzky.

Ms. Mallek said she would like to get the question answered.

Ms. Thomas said if the Board is going to save money by only hiring two police officers instead of four, it might challenge the community to say how to tackle the gang problem with that money without the police officers. The Boys' & Girls' Club might be the ideal recipient of that money and the ideal way to tackle that problem, or there might be some other agency that is ready to tackle it. That is not the question asked of the ABRT Team when they reviewed all the agencies. It is not something the Board

has done before but she thinks it is a creative approach to cutting the budget in one direction and saying there might be a better way to tackle the problem. The Police Department might have an idea.

Mr. Dorrier said the Boys' & Girls' Club is a big proponent of mentoring. He thinks mentoring is a way to deal with some of the problem.

Mr. Tucker said the Board had said it wanted to maintain some reserve balance. The Board could revisit some of the items it feels strongly about later and utilize some of that reserve to fund them. The Boys' & Girls' Club probably would not need that space until after school begins. The Board has time to think about this request.

Mr. Boyd said there is time to think about this before setting the final budget. He would like to know whether there is a consensus to put it on the final list.

Mr. Slutzky said since there is no enthusiasm to consider this, he would welcome an e-mail articulating the logic behind the recommendation. Why did they ask for such a significant increase, and is that request still valid in their minds? If so, what is the argument in favor of the Board increasing their funding? If that information comes back suggesting there may be a reason to add that into the list, it could be put on the list before finalizing the budget.

Mr. Foley said the last major functional area is **Human Development**. He said this category represents four percent of the General Fund budget.

Ms. Thomas said this is the only General Government category that matches those in the School System. It is the only one that has been analyzed, has done a self-analysis and has come up to the standards recognized by the governors and senators and received awards. If Human Development asks for additional positions, she thinks they have a better claim to dollars than any other department. There should be some reward for meeting the demands that the taxpayers make of everyone involved with government to analyze how the department is doing. She said if the Board only allows them one additional position, she would ask which one they would want to have. Since the request for additional personnel was made and "turned down flat" she wonders if any other Board member is interested in putting this department on the list.

Mr. Rooker said the Board just received information that the budget as it currently stands, without adding positions, will have a \$3.5 million deficit next year. Adding positions just adds to that deficit. He said the Board needs to know what the picture looks like next year. Where would the Board come up with the money to add additional operating expenses that would carry over into the next year? There is also the question of whether the Board should fund new positions or unthaw frozen positions.

Mr. Slutzky said if both positions were viewed as critical by the Board in order to deliver quality services to the community, it could look at the issue of raising revenues.

Mr. Rooker said he thinks revenues will have to be raised to cut into that \$3.5 million deficit. The more that is added, the bigger that deficit will become.

Mr. Slutzky said he thinks of it more as "the more we need." He thinks it is a value judgment that each Board member gets to make.

Mr. Dorrier said these new positions would be on top of the School's deficit. He asked if the Board was going to take care of the General Government's deficit before that of the Schools.

Mr. Rooker said the Schools are getting 60 percent of the revenues and they are going to create their budget within that 60 percent. If revenues are expanded, the Schools would get 60 percent of that increased revenue. At this time, 30 percent would be used to bridge what has already been presented to the Board as a \$900,000 deficit for General Government. He said the Board will either have to cut \$900,000 in expenses or increase revenues by that amount in order to meet the FY '09 budget.

Ms. Thomas said there are people in the community whose lives are getting tougher because they are unemployed, so she thinks the Human Development Department is the most likely to get stressed in a time of financial problems for an increasing number of people in the community. She asked if anyone would be interested in putting one additional position on the list and have the department say which position that should be.

Several Board members indicated that one position should be added to the list for consideration later.

Mr. Elliott said Ms. Kathy Ralston, Director of Social Services, has indicated that an adult protective services social worker would be at the top of the list.

Ms. Thomas would like to add one adult protective services social worker to the list. Mr. Elliott said the cost for that position would be \$56,446. Some State and Federal dollars would accrue to this position.

Mr. Rooker said a few years ago the Board added three additional positions for the Social Services Department. At this time about \$4.5 million in local dollars are going into programs that are supposed to be funded by State and Federal funds. The match mentioned is Federal money. The reason the County has to put up the money to get the Federal match is because the State won't put up the

money. There are a lot of good causes but the Board is stepping into areas that were previously funded by State and Federal dollars.

Mr. Slutzky said the Board is being put into a position to put up the funds; it is a discretionary call on the part of the Board.

Ms. Thomas said the State knows they have Local Government "over the barrel" because they know the Board will have this conversation and decide it is important to have this position in the County. They all go home "whistling Dixie" because they have been able to hold the tax rate at the State level. She understands the dilemma and is falling into the trap.

Mr. Slutzky said he agrees, and he does not think the Board has any choice.

Ms. Thomas said she would like to have this added to the list. There was general agreement to do so.

Mr. Foley said the next category is **Community Development** and it is four percent of the General Fund, or \$7.8 million. This functional area reflects a decrease of just under \$300,000, or 3.6 percent for FY '09. He said the Department of Community Development makes up about 68 percent of the total. Community Development agencies are at 19 percent, the Office of Housing is at about 10 percent, with three percent for the other two areas, Soil & Water Conservation and the Extension Service.

Mr. Foley said if the Inspections Division of Community Development (actually in the functional area of Public Safety) is included there is a total decrease of about \$450,000 or 6.7 percent. That primarily reflects seven frozen positions. These vacancies became available over the course of the last nine months. Staff is hoping to fill some of those positions.

Mr. Rooker asked how staff proposes to unfreeze them if there is no money to do so. Mr. Foley said if there are other vacancies that are not considered to be as high of a priority, they would be left vacant and the money used to fill the core positions. He said the combination of consultant fees and removal of a lease payment totaled just under \$120,000, so that is a major savings for the department. Master planning expenses are reduced by \$65,000. This will not impact master planning at all. The schedule is somewhat changed from the original, but staff is still working toward the Strategic Plan Goal of finishing all of the plans by 2010. There is a reduction in consultant fees for zoning text amendments, and the debt on the CountyView software has been paid off.

Mr. Foley said he had more information about the frozen positions. He showed a slide setting out the Department's priority for filling those positions. Last week the Board discussed revenue options to help with filling some vacancies - staff would like to talk about that today. A couple of months ago staff presented the Department's review of its fee schedule. An increase of almost 20 percent in fees across-the-board has been reflected in this budget. In addition to that, staff has a specific proposal related to fees under the water protection ordinance and also for building inspections which they think can generate about \$105,000 beyond the current amount in the budget. Staff is suggesting that some of those funds be used to fill some of the positions at the top of the list, particularly the position of inspector. He said that is a 1.5 FTE.

Mr. Foley said this is not something to be added to a list, but would be considered when staff presents the new fee schedule for review. The fees will be presented at two different meetings over the next several months. First, the easier fees to justify will be shown to the Board today. Second will be the fees which are more complicated and less objective in terms of the basis for raising them. He said Mr. Graham is present to answer questions.

Mr. Graham said what staff is proposing for the water protection ordinance and the building inspection fees is to carry through with prior decisions about cost recovery for those programs. Staff is less clear on changes to the Subdivision Ordinance and the Zoning Ordinance. Realistically, these fees will be higher than those in some of the surrounding localities, but is still considerably less than fees charged in the more urbanized areas.

Mr. Slutzky asked why the Board would not want to implement those fees. Mr. Graham said staff has not identified any reasons. It feels they are consistent with past practices.

Ms. Thomas said citizens will say it will affect the cost of housing. The Board's history shows that it will think this is a good idea, but when the public hearing is held, it will say "we can't do that." That leaves the financial planners "out on a limb." To her it is a fee for service. The County provides good service and engineers and others prefer to have County staff do a lot of work that in other communities they have to do themselves, and they are not charged very much for that. She thinks this is a way to charge for the services the County provides and she would not have any trouble voting for the increase. She would like to be sure people around the table are not nodding their heads, but with their fingers crossed behind their backs.

Mr. Boyd asked for an explanation of the fees. Mr. Graham said a good example would be with an erosion and sediment control plan for a single-family house. The new requirement to add a driveway will add the burden to do a lot grading plan. The permit fee for that lot grading plan now is \$130.00. The new fee would be about \$290.00. He said a comparable lot grading plan in Fairfax County is \$800.00+.

Mr. Boyd said he can agree with the \$290.00 figure.

Mr. Slutzky said the County is providing those services and if the fees are not added, those services will be paid for on the tax rate. This is the closest thing there is in the rural area to an impact fee. This is an opportunity to focus the cost on the new entrant into the community associated with new construction. He thinks it is much fairer.

Mr. Boyd asked if Mr. Slutzky was considering every person who moves into the rural area a new entrant. He said there are a lot of family members who just move from house to another house; they are not all new members of the community.

Mr. Dorrier asked if this will work against providing affordable housing in the County. This is passing on another cost to the homeowner.

Mr. Rooker said this is passing on an actual cost. The Board has already decided to try and get somewhere near cost recovery for providing certain services. If you look at the building permits issued for the rural area, there is no affordable housing proposed in the rural area. He said when the Board looked at affordable housing it is the housing being built in the development areas primarily by way of proffers.

Mr. Boyd said he is not concerned about the \$200+, but a great source for affordable housing is in the rural communities where there are family subdivisions with free land provided to a family member.

Mr. Slutzky asked how many family-related building permits have been issued in the last couple of years. Mr. Graham said he cannot answer that question at this time. It is a significant number, but it is not the majority of those permits.

Mr. Rooker said some of the family subdivisions do not have a new driveway.

Mr. Slutzky said if a driveway is necessary the taxpayers will still have to pay for it, but will it be the person who chooses to build in that location, whether it is a family subdivision or not, or will it be dispersed across the entire tax base. He thinks it is more appropriate to burden the instigator because they could choose not to build. He is comfortable with the fees because he thinks it is a productive suggestion that Community Development has put forth.

Ms. Thomas said when the Work Program for Community Development was presented in January there were certain things that were postponed indefinitely (critical slopes, Architectural Review Board Entrance Corridor design guidelines, historic preservation survey of sites and viewsheds, Natural Heritage Committee strategies and guidance, green buildings, contractors storage, lighting). She asked if there is anything in the proposed budget that will get those items funded? Mr. Graham said this new funding would help with some of those items. The largest item on the list is the position of Senior Planner. Additional resources are needed in Planning in order to free up some employees who are doing plan review now in order for them to work on some of these initiatives. He said the Department is down seven positions and the workload as far as building permits is concerned is off about 25 percent. Nothing else has shown a significant decrease.

Mr. Slutzky asked the lease that staff proposed removing in order to get some savings. Mr. Graham said CountyView is the department's database and that lease is already incorporated into the budget. Mr. Foley said if the Board moves forward with staff's recommendation, they feel confident the first two positions will be able to be filled in the near term. Without the new revenues it will take longer, but the two positions at the top of the list are the highest priority for the entire organization.

Mr. Rooker asked if the projected revenue from the fee increases is based on current development activity, which is down somewhat. Mr. Graham answered "yes."

Mr. Slutzky asked if this will slow down the master planning process. Mr. Graham said "no." Staff has become more efficient in terms of consultants needed to produce a master plan. That is where they were able to pick up \$65,000. Master planning is still the Department's highest priority in terms of initiatives.

Ms. Mallek said on the list the people who inspect roadways in neighborhoods when they are completed so that road bonds can be released are far down on the list. She asked if there is any possibility of having a fee for service so someone could hire a person from an approved list of inspectors to do that work. A developer asked her this question. Mr. Graham said staff is looking at that idea now. There is nothing like that proposed in the Subdivision Ordinance or the Zoning Ordinance.

Mr. Boyd said he thinks this is a good idea. This came out of the Development Review Task Force. Mr. Graham said the idea has been discussed with other localities. Staff heard some real horror stories where people certified things that turned out to be unacceptable to the State. Bonds had been released and then the locality had to do the improvements themselves.

Mr. Slutzky asked if there is some omissions coverage on those bonds. Mr. Graham said the County would have to recover those moneys from the certified engineer. Mr. Foley said this will be a scheduled agenda item sometime in the near future.

Mr. Elliott said the **Office of Housing** has a decrease of \$43,534. This is not a program funding being cut, but is the result of a position not being filled in the department and that workload being taken over by another department in the County. In terms of programs, it is recommended that the **Homebuyers' Assistance Program** be continued at \$250,000, in addition to funding eight **AHIP** Programs at \$416,000, and the **Piedmont Housing Alliance** at \$113,400. The increases are about four

percent over the current year. Taking all of those areas, plus the housing choice vouchers, for FY '09, the County's investment in housing is \$1.32 million.

Mr. Slutzky said IMPACT has requested \$500,000 for affordable housing. At IMPACT's meeting, two members of the Board said they were strongly committed to the idea, the other Board members were committed to the idea if there was an opportunity to find enough money to do it. He asked if this item should be added to the list.

Mr. Rooker said if Mr. Slutzky wants that request on the list, he is agreeable, but the Board is already looking at a \$900,000 deficit which has actually increased since the Board began this meeting today. The deficit for the next year is estimated at \$3.5 million. He assumes this will not be a one-time request.

Mr. Slutzky said he would like it to be an annual thing, so he would like to see it added to the list. He asked if anybody objects to having it put on the list.

Mr. Boyd said he is thinking about setting the tax rate after these work sessions are completed. If the Board adds all of these things to the budget, it will be looking at a huge tax increase.

Mr. Rooker said putting something on the list does not mean it will be funded. Mr. Tucker said the most effective way to resolve these items is to take each item on the list and vote on it before the tax rate is set. He needs to know what tax rate is to be advertised by 3:00 p.m. on Wednesday.

Mr. Slutzky said there are budget reductions on the list which he does not support, but he supports having them on the list for further discussion. Mr. Tucker said the Board has to decide, and adding things to the list is just prolonging the decision.

Mr. Dorrier said there are two things on the list that the Board needs to talk about - the EMS Revenue Recovery Program and State revenues. That is \$1.5 million which could be used for these items.

Mr. Rooker said from the time when the Board started work on this budget revenues have been reduced by that amount, which means the Board has to find money to replace those revenues.

Mr. Elliott next noted funding for MACAA, CTS and the T.J. Soil and Water Conservation Service. He said **MACAA** applied for funding for seven programs and the ABRT did not recommend funding for the Project Discovery Program for the elementary schools. The program is currently offered in Yancey and Greer for Grades 3 through 5. Funding is recommended for the balance of MACAA's programs.

Mr. Foley said **CTS (Charlottesville Transit Service)** shows an increase of about \$12,000 or 1.8 percent. This fully funds the request submitted to the County and includes a \$70,000 grant match for night service on Route 5.

Mr. Foley said the **T.J. Soil and Water Conservation District** increases 11.8 percent. That is almost completely related to a salary reclassification because one of their employees is on the County's pay plan.

Mr. Slutzky asked if the Treesdale project will be available within the next year. When the Board talked about this project, it was anticipated that there would be transit service available to it. Mr. Elliott said nothing is anticipated in FY '09.

Mr. Tucker said he would mention **Non-Departmental Costs. The City/County Revenue-Sharing Agreement** has a \$421,000 or 3.2 percent increase, but the major increase will come in FY '10. The increase in the **transfer to the School System** is about \$922,000 or 9/10th of a percent increase. The School Board's original request exceeded budget by 1.3 percent. He said this information was given to the Board on March 5 by the School Board. It included the CIP Transfer of one cent, plus another \$900,000. The \$922,000 includes the CIP Transfer he recommended. The School Board's budget showed a shortfall of \$1.3 million.

Mr. Boyd asked the impact from the budget passed at the State level. Mr. Tucker said he does not know if staff has that number at this time.

Mr. Boyd asked if the Schools will be coming back to the Board and saying they have lost another \$1.0 million. Mr. Tucker said he does not think so.

Ms. Thomas said there is supposedly no state funding for a salary increase for teachers. She asked if that creates a greater deficit than anticipated. Mr. Tucker said the Schools built their budget on there being no additional revenue. All of their salary increases would be funded by local funds.

Mr. Tucker said the **transfer to Capital Debt** decreased by \$834,000 or 3.2 percent. He said there will be no impact on capital projects over the five-year period.

Ms. Thomas said it shows up in the amount of money there would be in the reserves so the County can do pay-as-you-go projects. Mr. Tucker said that issue will have to be addressed at some point.

Mr. Rooker said the Board's policy had been to put two cents into Capital. Now, the Board is discussing changing that to one cent, which would be a reduction of \$1.6 million. Mr. Tucker said other

revenues go into the transfer other than the two cents.

Mr. Rooker asked for an explanation. He said Mr. Tucker said \$834,000, but he thought the change would be \$1.6 million. Ms. Laura Vinzant said it would have been \$1.6 million from the two cents in FY '09. The base increase in revenues has offset about one-half the \$1.6 million.

Ms. Thomas said on page 24 of the big budget book, the performance indicator shows it going below the goal for the Capital Reserve. Ms. Vinzant said that was based on the CIP the Board approved last year at this time.

Ms. Thomas asked if that reflects taking out the one penny. Ms. Vinzant said "no."

Ms. Thomas asked if the reserve figure will be worse. Ms. Vinzant it will not. Projects were also shifted to the out years. Mr. Tucker said it will not be worse; the Reserve actually improved when some of those projects were moved. The Reserve is actually in better shape over the next five years than the Financial Plan the Board adopted last year.

Mr. Boyd said to him the statement about the transfer to capital and debt is confusing. What is that? Ms. Vinzant said the policy that was developed by Davenport, the financial advisors, came up with a total lump sum that was to be transferred to both Capital and Debt Service.

Mr. Boyd asked if that transfer was to be made from revenues. Ms. Vinzant said the transfer is from the General Fund. The amount for Debt Service is taken off the top first, and what remains is left for pay-as-you-go capital projects.

Mr. Boyd asked how much of that goes to debt service. Is there a decrease in what goes to debt service? Ms. Vinzant referred Mr. Boyd to Page 181 of the budget document which shows that the increase for debt service from FY '08 is \$680,000. The decrease in pay-as-you-go capital projects is \$1.5 million compared to last year.

Ms. Thomas said she thinks the amount in pay-as-you-go has always proven to be a positive factor in terms of the County's Standard and Poors credit rating.

Mr. Slutzky said Davenport suggested there was some room to give without compromising the County's creditworthiness.

Mr. Tucker said there was \$300,000 in the **Board's Reserve** which can be put back in after the Board talks about the many items on the list. There is \$244,000 in a **Salary Reserve** for merit and reclassification.

Mr. Rooker suggested putting the \$300,000 in the Board's Reserve on the list for consideration.

Mr. Boyd asked if the \$244,000 is not already programmed into the budget for the 3.5 percent general salary increase. Mr. Tucker said the 3.5 percent is budgeted, but a merit increase might be over that 3.5 percent.

Mr. Dorrier said he thinks the Board needs to consider the City/County Revenue Sharing Agreement. He has brought up the subject before but has not received much in the way of support. Eventually the Board will have to deal with the issue of skyrocketing revenues going to the City of Charlottesville. There will be a \$4.0 million increase in the next couple of years. He said the Agreement carries a statement that the amounts can be reconsidered if the parties agree. He wants the Board to ask the City to reconsider the agreement. He thinks that at some point it will cause problems in the County.

Mr. Boyd said this matter will be discussed in a closed session soon.

Mr. Tucker said it is hard to address this matter during discussion of the budget. It is an unknown and the budget has to be balanced by 3:15 p.m., Wednesday.

Mr. Dorrier said he thought Mr. Tucker and the City Manager decided each year on the percentage of payment. Mr. Tucker said there is no decision to be made; the payment is based on a formula.

Mr. Rooker said at this time it is capped at ten cents of the tax dollar. Mr. Tucker said neither he nor the City Manager can go away from that formula

Mr. Rooker said that amount is not going to increase, but the dollar amount increases because the tax base upon which it is computed increases. As much as he thinks everyone would like to talk about it, he thinks it has to be paid in this year's budget. The amount will not change this year.

Mr. Boyd said he concurs with what Mr. Dorrier said. He knows there can be no change this year, but he means what he said. If there is an emphasis on both the part of the City and the County, there is no reason that a windfall profit of \$4.0 million year after next could not be divvied up and collectively put into affordable housing. That is the kind of negotiations the Board might have with City Council.

Mr. Rooker suggested Mr. Boyd meet with the Mayor and probe the areas in which they might be willing to have some discussions. However, to amend the Agreement requires both parties to agree, and he does not think they will unilaterally agree to accept less than they are entitled to under the contract.

Mr. Dorrier said the Board has not explored what the Council is willing to consider.

Mr. Boyd said he saw an interview with the Mayor on television last week, and he said it is an ironclad agreement.

Ms. Mallek said someone read her a paragraph from the Agreement which says the City and County will each put money into a fund. That was news to her.

Mr. Boyd and Mr. Rooker said that is part of the formula.

Ms. Mallek said this citizen asked her if the City puts in something and is it used for joint projects, or is that just the way it is described.

Mr. Rooker said it is hypothetical. At the end of the year, the net is looked at, and one party pays to the other whatever the difference is. Because of the growth of the County's tax base it is always the County paying the City money and it is capped out now at the ten cents. Mr. Tucker said theoretically the City could be paying the County if revenues were different.

Mr. Boyd asked if there were anything else to talk about today concerning this budget.

Mr. Elliott said staff has a couple of questions. He said Mr. Slutzky brought up the issue with the Boys' & Girls' Club and it is not on the list now. Staff understands that additional clarification is needed before the Board makes a decision.

Mr. Rooker said if the Board has a reserve, that item could be funded from the reserve. When they originally asked for funds for the Southwood facility, those funds came from the reserve.

Mr. Slutzky said as long as the Board is committed to funding the Boys' & Girls' Club, he agrees with that suggestion.

Mr. Elliott said Ms. Thomas brought up the idea of earmarking \$50,000 to address the gang problem. Staff is not clear about that item.

Mr. Tucker said that is another item he would suggest could be funded from the contingency if the Board decides to go forward with this suggestion.

Ms. Thomas said having it as part of the contingency makes sense.

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- Item 2c. Board Discussion, Wrap Up.
  - Item 2d. Approve Proposed Budget for Public Hearing.
  - Item 2e. Set 2008 Tax Rates for the Public Hearing.

Mr. Tucker said the Board could go through each item on the list if that is what it desires to do. There could be a motion on each item and the item could be discussed. As an example, there is the question about the two police officers.

Mr. Boyd said he thought the idea today was to come up with a tax rate to be advertised. Mr. Tucker said going through the list would help the Board decide on a tax rate.

Mr. Dorrier asked if these two police officers are the ones which were cut from the budget, or are they the two that were left in the proposed budget. Mr. Tucker said these were the two police officer positions which were cut.

Mr. Slutzky said the Board has talked about creative ways to fund some of the frozen staff positions. Even if the Board took 1.5 FTEs off of the frozen list, how much of a savings would there be if the Board did not fund any of the remaining frozen positions. Mr. Tucker said it would cost about \$600,000 to unfreeze all of the frozen positions.

Mr. Slutzky said each of these positions has been independently determined to have merit and value to the community. Several of them are compatible with the expectations created through the Comprehensive Plan. He would like to see those positions not permanently frozen, but up and running and doing their good work. If that means an extra \$600,000 item in the budget, he would like to see it put back in unless no one else is interested in seeing those frozen positions unfrozen.

Ms. Thomas suggested that this be added to the list even if it is removed from the list in the next 10 minutes. She thinks it shows a more realistic view of what should be in the budget. At the beginning of this process, the Board talked about core services and she thought that was a healthy way to be looking at the budget. She said hundreds of community members had a voice in drafting the Comprehensive Plan and those positions would carry out what people said in the Comprehensive Plan they want the County to do.

Mr. Boyd referred to a chart on the screen and said he did not understand the top line of \$1.6 million. Mr. Tucker said that is the elimination of the EMS Revenue Recovery Program and the \$600,000 in additional State reductions.

Mr. Slutzky said as to the Board finalizing the list, he supports taking the penny off the CIP

Transfer. He asked if that item should also be on the list for discussion.

Ms. Thomas said she was reading the minutes of March 12, 2007, and a statement was made that going to a tax rate of 68 cents would create a negative situation in all years, with the sharpest decrease being in FY '09. She said the impact to Schools and Capital at 68 cents is almost a \$3.3 million decrease over what was recommended for Schools and an \$870,000 decrease in the Capital transfer. The 68-cent tax rate would eliminate all initiatives included in the recommended budget, defer the hiring of police officers, level-fund departmental operations and the Capital Transfer, etc. She said it has all come to pass, so staff should be feeling good that they told the Board what was going to happen. The Board went ahead and did it, and that is why they are in this position now.

Mr. Slutzky said that was based on more optimistic revenue projections than what are before the Board now.

Mr. Rooker said no one on staff has said "I told you so."

Mr. Tucker said staff needs a five-minute break in order to make some new calculations.

Ms. Mallek asked if the calculations will include fully funding the Schools budget. Mr. Tucker said if the Board decides to increase the tax rate, staff can calculate how much that would generate for the Schools. They get 60 percent of new revenues, regardless.

(Note: At 2:47 p.m., the Board recessed and reconvened at 3:00 p.m.)

Mr. Tucker said there is a shortage of \$1.6 million because of the loss in State revenues and the loss of the anticipated EMS Revenue Recovery Program. Then there were expenditure adjustments – reducing the four police officers down to two; elimination of the Pantops Fire/Rescue personnel; and, elimination of Save the Fireworks – that is \$702,000 in savings. Subtract the \$702,000 from the \$1.6 million, and if all the additions the Board made (those items add up to \$2.1 million), the final amount is \$3.0 million.

Mr. Boyd asked if the \$3.0 million includes the 60 percent for the Schools. Mr. Tucker said this is just Local Government.

Mr. Rooker said the budget starts with a deficit of \$1.6 million, so he thinks the bottom four things on the list need to come off. The Board is talking about spending money that it does not have. Staff started with a budget which did not unfreeze all of the frozen positions and they have a plan for gradually unfreezing them. If the Board ends up with some reserve funds, it can always take money out of that reserve to fund a key position. He sympathizes with the Social Services Department's request for additional people and thinks the Board might consider funding some position during the year if there are additional revenues. He does not know if their request is more important than unfreezing a frozen position. The Board is talking about adding a person, and the Leadership Council actually makes recommendations about positions that need to be funded. That is the top priority in Social Services, but he asked if that was the top priority of the Council. Mr. Tucker said there is a committee looking at that list. The Community Development Department positions are at the top of the list.

Mr. Rooker said to him this is a little like what the Board talked about during review of the Agency requests. The Board was going in and picking out a position that did not make the top of the list in the recommendations for the budget. Realistically, he thinks the Board should take off the last four items on the list. He would like for the Board to do more in the way of affordable housing, but he does not think it is possible this year.

Ms. Thomas asked about the Board's Reserve Fund. Mr. Tucker said the Reserve is not being used to balance the budget, so it was removed from the list of items for discussion. The Reserve remains in the budget.

Mr. Foley said it is important to note that when the change was made to Capital, it impacted the amount going to the Schools.

Ms. Thomas asked for an explanation.

Mr. Rooker said a penny will still go to the CIP. It takes \$900,000 out of the School budget.

Ms. Thomas said it is the same as a penny. The Board either restores a penny to the CIP, or uses \$900,000 out of a penny to the School System.

Mr. Rooker said he understands that, but at this moment the budget is short five cents, not one cent.

Mr. Slutzky said that in order to fund the budget, the tax rate would have to be increased by five cents.

Mr. Rooker said to **fully** fund the budget the tax rate would have to be raised five cents.

Ms. Thomas said that would be about \$150.00 more for the average taxpayer in the County.

Mr. Slutzky said that is \$12.50 a month. This would fund positions that are basically called for in the Comprehensive Plan, and it includes a nominal gesture toward affordable housing. He does not see

adding these items back into the budget and asking the average taxpayer to pay an extra \$12.50 a month as an unrealistic burden. He thinks to gut the funding of these different items is more to ask of the community than that they pay a portion of a tax rate restored from last year. He would support taking nothing off the list and not adding anything to it. There are initiatives he would like the County to invest in. It is clearly not a good year to do that, but he thinks that even if these items were included it is still a bare bones budget. He would be comfortable advertising the tax rate at the 73 cents this implies.

Mr. Dorrier said he supports what Mr. Rooker said. He does not think the County can afford to pay the extra amount of money this year. He would be willing to put an amount equal to the Reserve into affordable housing, but he does not think the County can afford those four items (unfreezing positions, restoring the one cent to the CIP, affordable housing beyond the rainy day fund).

Ms. Thomas said she might agree with Mr. Dorrier but is interested in his thought process. She said he stood in front of a group of almost 2,000 people and said he was willing to put affordable housing, in the full amount requested, into the budget.

Mr. Dorrier said he had said he was willing to work on it.

Ms. Thomas disagreed, and said Mr. Dorrier had said "yes" to their question.

Mr. Dorrier said he had said "yes." Specifically, he said that if the Board could transfer the rainy day fund into affordable housing, he would be in favor of it.

Mr. Rooker suggested the Board look at a tax rate of 70 cents and look at restoring the cent to the CIP and see what that looks like. This would add about \$1.24 million to revenues, and would reduce the deficit of \$1.795 million, and if the last three items on the list are removed, the budget would almost balance, and there would still be a Reserve Fund of \$300,000.

Mr. Slutzky said he cannot support that suggestion.

Mr. Rooker asked if Mr. Slutzky was saying he would not support a tax rate of 70 cents.

Mr. Slutzky said he cannot support not funding those frozen positions on basically a near permanent basis. They are frozen this year, and everybody knows that next year will be no better. Looking at the commitment he thinks the community should be making toward the affordable housing problem, that \$500,000 is a nominal contribution. To him, anything short of funding what he feels is a bare bones budget is irresponsible of the Board to the community. If the Board is not going to fund some of those frozen positions, he will suggest that it needs to revisit the Comprehensive Plan and the expectations it creates.

Mr. Rooker said that may be brought up at the appropriate time when the Comprehensive Plan comes up for review. At this point the whole community and country is in significant economic straits.

Mr. Slutzky said he would be surprised that \$12.50 a month for the average household in this County would make much of a difference.

Mr. Boyd said that there are not too many people in the County who are average. He would take the Social Services item from the list and that would about balance the budget.

Mr. Rooker said he has said that he is not in favor of funding that position without an analysis. Staff has recommended that positions be added in a certain order. In order to vary from that order, significant discussion is needed. Mr. Tucker said that Adult Protective Services worker is part of a new initiative. It was not on the list of frozen positions.

Mr. Slutzky asked if the two police officers are on the list of frozen positions. Mr. Tucker said "no."

Mr. Slutzky said if the Board wants to fully fund the expectation he thinks the Board has created that there would be four new police officers then those two should be added back in. He does not disagree with the elimination of the Pantops items and the Fireworks item, but he would like to see those two police officers put back in.

Mr. Rooker said there was already a consensus on the Board to take that step. He understands Mr. Slutzky does not agree, but there was a consensus earlier to reduce the increase in police officers to two in the current year.

Mr. Slutzky said the Board needs to decide today on a real property tax rate for advertising. He would be most comfortable if a rate of 73 cents was advertised. That would give the public an opportunity to weigh in and draw their attention that these things are in question if the tax rate were reduced from the 73 cents to something lower.

Mr. Rooker said there are two sides to the budget. The Schools gave the Board a scenario, and he understands that a 70-cent tax rate would basically fund them to Scenario No. 3.

Mr. Boyd said that was his understanding. The Board could fully fund their request at the 70-cent rate. Mr. Tucker said based on the information the School Board furnished to the Supervisors on March 5 that is true.

Mr. Slutzky said the School Board had already developed a budget based on the expectation of a 68-cent tax rate.

Mr. Rooker said none of their scenarios were fully funded with a 68-cent tax rate. They gave three scenarios. If they got a penny from the CIP, they would have a \$0.5 million deficit in Scenario No. 3, with a one-cent increase in the tax rate.

Mr. Slutzky said he thinks the Board must be careful if it is going to stick with the 60:40 revenue split. It is inevitable that in any given year either the County side or the School side will have an easier time getting to that number. If it is also the practice that whichever is the lower dictates to the other side, he is not sure that is an appropriate way for the Board to operate.

Mr. Rooker said he was trying to look at both sides of the budget to be sure the Board is not advertising a rate that results in cuts in the Schools budget. He thinks a two-cent increase avoids that happening.

Ms. Thomas asked for an explanation of what a two-cent increase does. The last time the Board raised the tax rate, this question was not asked. The question is: How does it affect this year's current budget when the tax rate is raised two cents? Revenues are received in such a way that there will be a revenue increase in the current year's budget and half of the revenue increase would go into next year's budget. Mr. Tucker said if the real property tax rate is increased by two cents, half of that amount would be collected in the current year, and half of it in FY '09. The Schools would get about \$900,000 and Local Government about \$600,000.

Ms. Thomas asked if that wipes out the deficit in the current year. Mr. Tucker said "yes". He said Local Government's deficit is about \$0.5 million.

Mr. Slutzky asked Ms. Thomas' feeling about advertising the rate at 73 cents and getting public comment before setting the rate.

Ms. Thomas said she appreciates that the School Board has hired an efficiency expert to look at its operations. She does not want to cut short that process. She thinks it is smarter to go to public hearing with a slightly higher tax rate than the Board will probably end up setting because it would give the Board some flexibility. She suggested that it be one-cent higher to give that flexibility.

Mr. Slutzky asked what Ms. Thomas would maintain of the cuts if she does not think the five cents is appropriate.

Ms. Mallek asked if the Board can consider including half of the frozen positions amount and half of the affordable housing amount. Would that give a 71-cent tax rate and leave some flexibility for the next year because the Board knows the situation may be considerably worse.

Mr. Slutzky said if Ms. Mallek wants to make that as a proposal, what happens at the public hearing if there is an outcry from the public saying it does not want to see those positions frozen at all. The opportunity to respond to the public feedback and add them back would have been precluded. That is why he thinks Ms. Thomas suggested advertising it as high as it might conceivably be set to give some flexibility.

Mr. Rooker said he thinks it sends the wrong signal to the community if there is no intention of adopting a rate that is five cents higher than the current rate.

Ms. Thomas said she would not suggest advertising a rate that is much higher than the Board will probably settle on. She suggested going one cent higher because that would give the Board some flexibility.

Mr. Slutzky said if everybody is going to overrule his request to advertise the rate at 73 cents, he thinks it is only fair to explain to the public that items from this list have already been taken off of the table so they will not be interested in their feedback because they have made the decision and it is gone.

Mr. Rooker said it does not mean those items cannot be addressed as the revenue picture improves, if it does. He thinks it is unwise to be stepping out assuming \$0.5 million increases in expenses in a year when the year starts with a significant deficit. To the extent that those things are put into next year's budget, that \$3.5 million grows.

Mr. Slutzky said this started with a budget proposal from the County Executive that suggested maintaining the six-cent cut the Board made in the tax rate last year even though staff counseled the Board last year that the six-cent cut was going to "bite us" as quickly as FY '09. He is not saying the budget is starting with a deficit because the Board has not set a tax rate.

Mr. Rooker said there is a deficit based on the budget the County Executive has presented to the public and the Board at this point.

Mr. Slutzky said the public responded and said to put some items back into the budget.

Mr. Rooker said affordable housing was a request. He did not hear any public comment to speak of on the other things. He heard a lot of public comment concerning the Schools suggesting they should not be funded below Scenario No. 3. What the Board is talking about is a package that avoids that and

may even solve the \$0.5 million deficit they had in Scenario No. 3. He will support advertising a real property tax rate of 71 cents. He asked Mr. Boyd his opinion.

Mr. Boyd said he still favors 70 cents. He thinks it is important to fund the Schools, and he knows all new initiatives requested cannot be funded. He thinks the rotating system with the frozen positions will fill those positions as they become available.

Ms. Mallek asked if that rate will take care of the \$700,000 for frozen positions that are on the list for discussion.

Mr. Boyd said the 70 cents along with the reductions Mr. Rooker outlined would be covered, but he would like to add back the \$10,000 for Save the Fireworks.

Mr. Rooker said this scenario contemplates a 70-cent rate. With that rate, the budget is still \$1.795 million short until some of the additional expenses are deleted.

Mr. Slutzky asked if the "scenario" is Mr. Rooker's proposal to gut the affordable housing to zero, to not restore the penny to the CIP and to keep the frozen positions.

Mr. Rooker said the Board is spending \$1.3 million now on affordable housing. He asked if this is a good year to increase that amount by \$0.5 million. He had said publicly at the meeting of the IMPACT group that it is not a good year to do that.

Ms. Thomas said what staff is showing the Board now is a 70-cent real property tax rate, elimination of the bottom four items but retaining \$300,000 in the Board's Reserve. Mr. Tucker said that is correct.

Mr. Slutzky said when the Board refers to getting feedback from the public it has never had 2,000 people come to a Board meeting to say what they think about the budget, but there were 2,000 people who met at U-Hall who specifically asked the Board to support their request for \$0.5 million for affordable housing. He said more people chose to go to that event than any of the budget hearings so far.

Mr. Rooker agreed, but said none of those people were knowledgeable about the County's budget. He thinks their request was made in a vacuum. It is a request outside of the budget process and a lot of people who attended that meeting were people who attend a single meeting based upon receiving an invitation to come. They have not participated in studying the issue. They have a core group that studies the issue, not the 2,000 people. He did not hear anyone at that meeting say the tax rate should be raised. He has asked individual members of the group several times if they would support that, and they have always declined to come forward and ask to raise the tax rate. In fact, Mr. Slutzky raised that issue and no one said they wanted to increase the tax rate.

Mr. Slutzky said when the Board held the informational public hearing earlier on this budget, a citizen said he wanted to see the six cents restored. He counted 62 people who stood up in the room in response to that comment. There are a significant number of people in the County who have said they are willing to pay the extra amount if they get the services promised.

Mr. Rooker said a lot of those people are school teachers. He thinks most of the other people who spoke at the hearing said to fund the Schools budget. The Schools budget is almost funded under Scenario No. 3, in fact, it eliminates more than the \$0.5 million they have under Scenario No. 3. He said the School side is handled reasonably under this proposal. The question is, is the Board reasonably handling General Government? He would be fine advertising a 71-cent rate recognizing that it might give a little flexibility.

Ms. Mallek said the Board might not fund all of the things on that list.

Mr. Slutzky said the ones dropped from the list are gone if the rate is advertised at 71 cents.

Ms. Thomas said she is looking at the frozen positions, and with a \$307,000 Reserve the Board might say it wants one of those positions fully funded. Mr. Tucker said if the Board went with 71 cents, it would give a Reserve of about \$600,000.

Mr. Rooker said the Board needs to understand the difference between an advertised rate, and an adopted rate. He said Ms. Thomas has said there should be some room in what is advertised. He does not think that more than a penny is needed to make that room.

Mr. Slutzky asked Ms. Thomas if she is agreeable to advertising a 71-cent rate, or does she want it larger so the public can weight in on the issue.

Ms. Thomas said the Board might take a straw vote now because she is willing to advertise at 72 cents, but not 73 cents.

Mr. Boyd asked Mr. Dorrier his thoughts.

Mr. Dorrier said he is willing to advertise at 70 cents and put \$300,000 in a reserve for affordable housing.

Mr. Rooker said he thinks it would be unwise to do that – it would in fact be designating the entire

reserve for affordable housing and leaving the Board with no Reserve.

Mr. Dorrier said he did not believe the whole \$300,000 would be spent.

Mr. Rooker said if it is designated, from Day 1 it is not a reserve but an expenditure.

Mr. Dorrier said no money will be raised through billing for emergency services revenue recovery, yet it is going to move ahead with trying to do it.

Mr. Rooker and Mr. Slutzky both said they would not want to count on it working.

Mr. Dorrier said there is \$600,000 that will not come from State revenues, but that is not positive.

Mr. Rooker said based on the best information available at this time, the County will have \$600,000 less from the State than it thought it was going to have a couple of weeks ago.

Ms. Mallek said it may get worse.

Mr. Rooker said that is one reason for having a reserve.

Mr. Slutzky said it is down to a \$7.50 a month increase on an average household.

Mr. Rooker asked Mr. Dorrier if he would support 71 cents.

Mr. Dorrier said he would if a good part of that was used for affordable housing.

Mr. Rooker said he is talking about an advertised rate. It is not being adopted.

Mr. Slutzky asked Ms. Mallek if she can support 71 cents, or would she be agreeable to 72 cents, which is his choice.

Ms. Mallek said the 71 cents would give the Board a Reserve Fund of \$900,000. From that the Board could choose when a particular program is added. That gives the Board some flexibility as to doing a particular project for affordable housing. She has things she would like to see discussed like a tax grant program based on income only, which the City now has and which would be a huge help to the Board to help bridge the gap for people who are from a former economy which no longer exists and who are seriously affected by the tax rate.

Ms. Thomas asked the County Attorney if the Board has set the tax relief program as high as it can. Mr. Davis said in November, 2007, everything was set at the maximum rate that is allowed. There is a sliding scale involved also.

Mr. Slutzky asked if the Board has the authority to create a grant program like the City did. Mr. Davis said what Ms. Mallek is talking about is a different program; the City had its charter amended in order to have that program. The County does not have the enabling authority to do the same.

Ms. Thomas said the General Assembly took a strange turn this year; they want to reduce their own taxes, they do not want the County to get additional money from proffers, they do not want the County to provide a tax relief program under the Homestead title, so they are impacting decisions being made in this County.

Mr. Rooker said if a Homestead element were added in to this budget, it would probably be out of balance by another \$5.0 million.

Ms. Thomas said it would provide another option.

Mr. Slutzky asked if Ms. Mallek would be comfortable advertising a rate of 72 cents as Ms. Thomas has suggested. He, personally, could support 72 cents even though he would rather have it higher. It would give an opportunity for the Board to pick a rate and then ask the public for feedback before setting a rate.

Ms. Mallek said "yes." It would give the Board the flexibility to hone in on the items that must be funded before picking the number to buy them with.

Mr. Slutzky asked Mr. Rooker if he would be comfortable advertising at that rate knowing that he most likely would not support it in the end.

Mr. Rooker said he does not think a rate higher than 71 cents should be advertised. The staff has shown a slide which shows the budget balanced at 70 cents, so if the rate were set at 71 cents there would be an additional \$600,000. Mr. Tucker said there would be a \$900,000 reserve. Unless the Board identified a specific line item, or how any of that revenue would be used, it would be put into the Board's Reserve.

Mr. Slutzky said funding the frozen positions, the one cent for the CIP, and affordable housing would take more than that. Mr. Tucker said unless the Board said how much of that additional amount to put into affordable housing, etc., it would have to go into the reserve.

Mr. Slutzky said unlike the rate which cannot be set higher than advertised, the Board could adjust any expenditure item up or down. Mr. Tucker said that is correct; he would not want the Board to be aghast by seeing a large reserve.

Mr. Rooker said the Board could put the extra cent back into the CIP.

Ms. Thomas said it could also go toward funding some of the frozen positions. If the Board is coming up with a tax rate increase that will provide a reserve at the end of the current fiscal year, that money will go into the CIP following the Board's policy. The policy takes a large portion of anything left at the end of the fiscal year and puts it into the CIP. She agrees with Mr. Tucker's proposal to put only one cent into the CIP. But, she would also want some of that money to go into funding the frozen positions which are keeping the County from doing the job the public thinks it is doing.

Mr. Boyd said everything the Board does will compound that \$3.5 million shortfall in the FY '10. When making this decision, the Board members should keep that in mind.

Ms. Thomas said she thinks they are basic services and lack of them will create a problem for the County.

Mr. Boyd said in order to get things moving along, he is going to use his new found power and make a motion. He then offered **motion** to set the real property tax rate at 70 cents/\$100 for advertising purposes. Mr. Dorrier **seconded** the motion. Roll was called, and the motion **failed** by the following recorded vote:

AYES: Mr. Boyd and Mr. Dorrier.

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

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Mr. Rooker then offered **motion** to set the real property tax rate at 71 cents/\$100 for advertising purposes. Ms. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Slutzky.

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Mr. Tucker asked if the Board would be comfortable having the \$900,000 stay in the Board's Reserve, and not try to allocate it at this time.

Mr. Rooker said he would. However, if funds become available, he may end up supporting an affordable housing recommendation by the committee. But, at this time, he is not comfortable allocating money to a recommendation the Board has not even received.

Ms. Mallek said she wanted to be sure the Board may vote on things on the list later.

Mr. Boyd asked if the other Board members are willing to delete the \$10,000 for Save the Fireworks.

Mr. Slutzky said he thinks the amount is inconsequential and he would prefer that it be left in, but he does not feel that strongly about it.

Ms. Mallek said she thought that item and some other things could come off of the list.

Mr. Slutzky said when Mr. Tucker makes the presentation at the public hearing, he would like for him to acknowledge that the affordable housing request is on the list and the Board has discussed it, but is waiting on the recommendation of the Committee, so there is no money being reserved for that item in this budget.

Mr. Boyd said he disagrees with that request. When mentioning affordable housing, it needs to be said that the County is investing \$1.3 million in affordable housing in this budget, and the Board is considering upping that to \$1.8 million.

Ms. Thomas said she feels similarly about the Volunteer Fire/Rescue Incentive Program. The Board does not yet have a recommendation; it is something the Board is committing itself to, but she is not comfortable with letting them have \$157,000.00 to do with as they please. If they presented a program explaining what would be done with the money, she would then say "yes." She does not regard that particular item as a commitment to just give the money away.

Mr. Slutzky said the ACE Program has an allocation that is not associated with specific easements. The Board has created a \$250,000 "slush fund" to address the need for economic development, and none of it has been allocated to any particular project. It is not unusual to have a placeholder. He wants to be sure the public understands there is a \$0.5 million idea for affordable housing over and above what the County is already spending. There is the penny for the CIP which is done for the moment.

Mr. Rooker said the Board could restore one-half of a cent to the CIP transfer. Mr. Tucker said if that is done the Board will be telling the Schools that they have to come up with a half cent. This is just

Local Government's portion.

Mr. Rooker said if funds became available during the year, four or five of those frozen position could be unfrozen.

Mr. Slutzky said he wants to be sure there is a dollar amount attached to those frozen positions so it provides a placeholder. The public needs to understand that during deliberation of the budget the Board considered those positions, and for the moment this budget does not provide any funding for them, but there will be a reserve in this budget of a certain amount, and they may be considered again.

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Mr. Boyd said the Board needs to move on with today's agenda.

Ms. Mallek said there is a representative present from the Sheriff's Office and she wonders if this is the time to get the information requested about funding for the Live Scan item.

Capt. Jeff Vohwinkel said he talked with the State Coordinator today, and the County is required to have at least \$1,675.00 in maintenance agreements pertaining to software for the fingerprint scanner. From July '07 until today, this unit has provided \$1,330.00 in revenue for the County. That is based on the fingerprints taken for people applying for jobs that require a records check. With reference to the computer itself, the County's IT Department does not provide support for it financially. However, he has discussed the scanner with the technician who provides support for the Sheriff's equipment and was told he would work on the equipment but the Sheriff would have to provide funding for any parts that malfunction. Recently, they suffered the loss of a power supply and a tower, and they paid a \$300.00 fee for a printer that was destroyed. He got a quote from a State Police representative this morning and was told that to replace the camera kit on that unit it would cost \$1,900.00. To have a maintenance agreement for that particular item would cost \$266.00 a year. That is a significant savings.

Ms. Thomas asked what is being requested for the \$2,000.00. Capt. Vohwinkel said it is actually \$2,373.00 - \$1,675.00 of that amount is required by the State Police.

Mr. Dorrier asked if the device would ever pay for itself. Capt. Vohwinkel said that potentially, it could.

Mr. Rooker said he thinks the money should remain in the budget, but this is a State department, and the State should be funding the amounts necessary to service its equipment.

Mr. Slutzky said it sounds as though the County has no choice. He wonders if there is an option to collaborate with surrounding jurisdictions and have only one piece of equipment serving both communities. Capt. Vohwinkel said the State allows them to do the fingerprinting and 113 City residents have already done so. He said the City takes fingerprints on designated days, but they still do it on paper. The disadvantage to paper is that it must be sent to the State Police through mail. He said the fingerprints taken by the Sheriff's Office are submitted electronically, and the report back is received electronically within 48 hours.

Mr. Elliott said he would like to clarify the matter of revenue from this procedure. The original cost of this equipment was \$3,100.00; \$900.00 is already funded, so that is how they came up with the figure of \$2,351.00. The revenue would take that figure down to \$1,051.00.

Capt. Vohwinkel said the \$3,100.00 was a miscalculation by him. He included the software at \$775.00 in the figure twice.

Mr. Boyd suggested the Board take a recess while staff resets the equipment for the next agenda item. (**Note:** At 3:51 p.m. the Board recessed, and reconvened at 4:01 p.m.)

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Agenda Item No. 3a. CPA-2004-02, Pantops Master Plan - Work Session.

Mr. David Benish, Chief of Planning, said the Board held a work session on August 1, 2007, and a public hearing on September 12, 2007, on the Pantops Master Plan as recommended by the Planning Commission. At the public hearing, the Board received a request from the owners of Tax Map 62, Parcel 28A, the Vermillions, to add their property into the Pantops Development Area. The property is located on the east side of Route 20 just north of Broadus Memorial Baptist Church. After receiving public comment, the Board discussed the draft plan and the Commission's recommendation, and then directed staff to evaluate the potential of adding this property to the Development Area. In addition, several Board members asked for background information as to the reason for the recommendation originally on the Wheeler property, which has now been provided in Attachment A to the Executive Summary (on file in the Clerk's Office). Staff also provided additional information regarding the Commission's recommendation to delete the recommendation to relocate Hansens Mountain Road. Background information on that recommendation has been provided and also some alternative language if the Board wants to mesh the Commission's recommendation to minimize impact to the Glenorchy neighborhood by that potential relocation, yet still provide that as an option.

Mr. Rooker asked if there is a map showing how that connection might be made. He understands the connection is for the purpose of allowing traffic from Ashcroft to connect to the stoplight at Glenorchy across from Peter Jefferson Place. Mr. Benish said that is correct.

Mr. Boyd said according to the staff's report, the proposed connection would be made north of the houses in Glenorchy as opposed to south of the houses. He has not seen it on a map, and would like to do so. There is some vacant acreage in that area.

Mr. Rooker said the homeowners in Glenorchy sent an e-mail recently in which they expressed support for the new language. He asked if that was correct.

Mr. Boyd said that was not his interpretation of the e-mail.

Mr. Rooker said he thought they supported the staff's recommendation.

Mr. Benish showed some maps on the screen and said that alternate locations will be difficult given the topography in the area and the potential construction of the Gazebo Place shopping center. If it goes in as proposed, it may foreclose options to access Glenorchy Drive at its upper end which would allow one to circle around on existing lots.

Mr. Boyd asked if that is because the road would go through the Gazebo Place Shopping Center. Mr. Benish said the way the shopping center is planned on the site it starts to foreclose on the east/west connections from Hansens Mountain Road to the upper end of Glenorchy Drive. There is not an easy, obvious alternate to what the developers of Gazebo Place have been pursuing which is the road that is parallel and closest to Route 250.

Mr. Rooker asked if right-of-way would have to be acquired to make that connection. Mr. Benish said that is possible. There is a possibility that Gazebo Place will never be built, and a different proposal may be submitted. As of this time, final plans have been signed on Gazebo Place, and he believes the County has been requested to issue a grading permit.

Mr. Boyd asked if the final plan is one showing 60-foot walls in front of it. Mr. Benish said they are very tall.

Mr. Rooker said the proposal now is to use Hansens Mountain Road and VDOT has already said they will close the turns on Route 250 in both directions. Mr. Benish said when the use is opened, the crossover at Route 250 will be closed.

Mr. Boyd said VDOT is also talking about putting up "No U-turn" signs at the two closest lights. Mr. Benish said there would be a "No-U-turn" sign at Peter Jefferson Parkway. Coming out of Hansens Mountain Road, in order to make a left turn to head east on Route 250 one would have to make the U-turn at Worrell Drive. To make a turn into Hansens Mountain Road coming west to east, the U-turn would be at North Hill Drive.

Mr. Slutzky asked if the shopping center is essentially a by-right use. Mr. Davis said it is by-right in that it was approved under the master plan adopted in the early 1980s.

Mr. Slutzky asked if the Board did not want to see the property developed in this way, under the *Kelo v. City of New London* Supreme Court decision, would the Board have the ability to condemn the property so it could be resold to someone else for a better use. Mr. Davis said under Virginia condemnation laws it would have to be defined as being done for a public purpose.

Mr. Rooker said it will be interesting to see what is going to happen. The current traffic situation would be a significant detraction to any potential tenant wanting to locate on that property as well as the lack of exposure. With all the options available, he cannot imagine that anyone would choose to locate in that location. Also, Peter Jefferson Place has somewhat of an aesthetic control over what happens on that property. There has already been a hearing on whether or not they will approve it. They sold the property, but in the deed retained some aesthetic control over the property.

Ms. Thomas asked if they stipulated that they would have control over what it would look like from their lot or from anywhere.

Mr. Rooker said he thinks it has to do with what the development would look like because it would have some effect on property values in the area. A decision has not been entered in that hearing, but there has been a hearing on the issue.

Mr. Boyd said Mr. Benish should continue with his presentation.

Mr. Benish showed a map and said it provides more detail on the character of the area, including the green systems plan. He said the connections in the master plan to the Gazebo Place development show a lower, middle and upper option which all tie into Glenorchy Drive. The applicant had been pursuing, and VDOT was interested in implementing, a connection to the lower road. He thinks the developer of Gazebo Place has purchased one lot and may have also purchased an additional lot. That connection is one that goes through the street with the most homes on it. There are homes on the middle street, but there needs to be some way to get through the property or some other option to give Ashcroft access. Currently, there are 1,400 vtpd on Lego Drive and that furnished the predominate amount of traffic on Hansens at this time. He said there are a lot of critical slopes in the area, and the slopes that are not critical do not flatten off (there are slopes of 15, 23 and 25 percent in that area). It is challenging.

Mr. Benish said staff had offered language that could provide the ability to put something around the slopes, particularly if Gazebo Place redevelops. Also, if there were a negotiated agreement to

purchase all of the properties and there were no more impact to the remaining neighborhood, then the project could move forward.

Mr. Rooker asked if one of the alternate routes were used, if it would also service the Gazebo property. Mr. Benish said if Gazebo Place develops, staff would like for it to do so as the plan is drafted at this time. He said most of the development of the site is in the front portion.

Mr. Rooker said if this change is made to the Comprehensive Plan, he thinks it would be in their interest to try to arrange their plan to take advantage of it. From a transportation standpoint, use of Hansens Mountain Road is not a good option for their development.

Mr. Boyd asked if their plan is restrictive in terms of what was approved. Mr. Cilimberg said their site plan defines how they would currently develop the site. They could file a new plan if they wanted to do that. It is their choice.

Mr. Boyd said he thought when the applicant talked with him about the road he proposed to use, there was a requirement to change it. Mr. Cilimberg said the final site plan was consistent with the zoning on the property that recognized a prior site plan from years ago as the Application Plan. The change was how they were locating the building on the terrain. In this case, they were cutting, whereas before they were filling. There are ways to do the plan and be in compliance and potentially accommodate a road that did something along the lines of what Mr. Benish just mentioned.

Mr. Boyd asked if staff has talked with the developer. Mr. Cilimberg said they have not had any conversations about that issue.

Mr. Boyd said in previous conversations it was stated that any deviations from the road plan would change the zoning or the site plan to an extent that it no longer was allowed. Mr. Cilimberg said the question was whether it would be an allowable variation without obtaining a change in zoning. Staff determined that it was not because of the impact that road would have on existing neighborhoods to the west.

Mr. Boyd asked if the road could go in some other location. Mr. Cilimberg said a change here could establish a new basis by which to try and locate the road. It would allow a plan for the development to be consistent with the zoning plan through variation. Staff has not discussed that with the developer so he does not know how practical that is for them or how practical it is considering the lay of the land.

Ms. Thomas asked how much power the Board has in the sense that it has before it a master plan and it can draw lines on the map, but does that have anything to do with how Gazebo Place will develop. Is it a *fait accompli* (accomplished fact) and is the Board just trying to make the master plan fit what they are already doing? Mr. Cilimberg said their site plan is approved and they can develop under that site plan. Their land use is not being recognized in this Comprehensive Plan change but nothing being done here can foreclose that site plan being pursued.

Ms. Thomas said if the Board cannot foreclose, can it impact its entrances and neighboring roads. What can the Board do? Mr. Davis said this Comprehensive Plan would be a guide if they wanted to do something different from what they already have approved.

Mr. Rooker said they have indicated a desire to do something different from what has been approved. That is why the whole issue of whether it would require an amendment to zoning came up. That is why they bought one or more lots in Glenorchy in order to provide for an alternate entrance. They recognized that the current entrance on Hansens Mountain Road is not a good commercial entrance for what they have planned.

Mr. Boyd said they are adamant about not going back through a rezoning process. If there is some compromise that is acceptable to Glenorchy and to the developer and to Ashcroft, he would love to find a way to do it. He has talked to the developer a couple of times about going through the rezoning process, and he does not want to do that.

Mr. Rooker said that earlier Mr. Cilimberg said the initial decision about the requirement that it be an amendment to the zoning of the property was substantially based on the impact to the neighborhood. If there were an alternate route that did not have the same impact it might be done through a variation instead of an amendment to zoning. Procedurally, that might work if there were a route that could physically be accomplished. Mr. Cilimberg said if it were possible physically it would allow their plan to move forward as it was originally contemplated.

Mr. Boyd said he thinks the Board should set up a meeting and at least ask that question. Mr. Rooker agreed. Mr. Cilimberg said for those that are not aware of the issue, it goes back to 1980 when extensive changes in zoning occurred. Planned development zoning designations were placed on properties even though there had not been an application for a rezoning but there was simply a site plan in existence. The site plan became the application plan for those properties, and this property happened to be one of them. There is a very old site plan and the County has to use it as the basis for any new development proposal on this property. Anything staff evaluates has to be based on that old plan from back in the '70s which became part of the zoning in 1980. Mr. Davis said they go under the pre-1980s Zoning Ordinance as well. It specifically grandfathers them under the pre-80 zoning regulations.

Mr. Cilimberg said staff has parameters they have to work within. They issued an opinion at one point which did not indicate a variation was possible the way they were proposing this. If this were in the

plan, it could give them something else to work with. It is a possibility for the future, but he does not know realistically how practical it is to get the road in another location.

Mr. Rooker said the language proposed is well and good if it can be accomplished physically. If it can't be accomplished, the Board, in this master plan, may be foreclosing the connection through Glenorchy. If that is the desire of the Board, that is fine, but from a transportation standpoint, it is a nightmare. Mr. Benish said that was the recommendation of the Planning Commission. This is an option that provides some balance between what the Commission was trying to achieve and still keep the road identified in some way. If a proposal came to the Board for a new public road in the location where it was previously proposed, staff would have to make a finding that there is no significant impact to the neighborhood. That might be difficult to do. Mr. Cilimberg said the Commission recommended that there be no connections to Glenorchy.

Mr. Boyd asked what impact Ashcroft West will have on this situation; that is going to add 70 more homes which will put more strain on the roads. Mr. Cilimberg said it will put more vehicles on Lego Drive.

Mr. Slutzky asked if there is a way to determine if a road can be built there. He said it seems silly for the Board to adopt a Comprehensive Plan that can or cannot be implemented. The County is paying consultants, and staff is spending a lot of time trying to get it right. He suggested waiting and getting it right. Mr. Benish said no consultant is being paid for this plan.

Mr. Rooker said it is all academic if no road can be built. Mr. Benish said there has been no design to see if anything is feasible here.

Mr. Slutzky said he thinks it would be worth it to know if a road is possible in this one spot.

Mr. Boyd said if it is of interest to the developer, it might be a solution to his problem. Maybe the Board could get him to decide if it is feasible. Mr. Benish said in the master planning process, staff brought up this idea, but the developer was not willing to do it.

Mr. Slutzky asked if it is the County's responsibility if he does not want to do it. Mr. Cilimberg said the original recommendation to the Planning Commission (which is basically the language shown on the screen without the language staff offered today) would be the recommendation to approve. That gives three possibilities for connection. It does not protect Glenorchy because it provides the possibility of a consistent road being built through either of those two cul-de-sac streets. That is the most open-ended alternative. The Commission's recommendation was the most restrictive. Staff had offered something to try and find a place that would not impact Glenorchy, or at least the existing homes in Glenorchy.

Mr. Rooker asked when the Board will be asked to vote on this master plan. Mr. Benish said the Vermillion request has not been discussed yet, but if the Board chooses not to include Vermillion it could act today; any amendments to this language would require re-advertisement. The Board has already held a public hearing on this plan. If the Board wishes to add Vermillion to the Development Area, staff recommends that the Board act on the Plan as it stands now and adopt a Resolution of Intent to amend the boundary and have the Planning Commission spend some time on more detailed recommendations for the development of that site.

Mr. Slutzky asked why the recommendation that the Worrell property be withdrawn from the plan was overruled by the Planning Commission. For all the reasons it was originally recommended that the property not be in the growth plan, is it too late to reconsider the decision of the Commission. Mr. Davis said it was considered by the Commission and public hearings were held on that consideration. The Board has the ability to amend what the Commission recommended.

Mr. Boyd said the Board has become totally sidetracked from Mr. Benish's presentation. He asked that he continue.

Mr. Benish said he can go through it quickly. In the Executive Summary staff outlined its recommendation for not including the Vermillion property at this time.

Mr. Boyd said the Vermillion's contend that they have growth area on three sides of their property. He asked if that is true. Mr. Benish said the growth area boundary follows Dorrier Drive and intersects with the stream at the Vermillion property and then follows that stream.

Mr. Rooker said none of the properties on the north side are in the growth area. Mr. Benish said Franklin Subdivision is designated rural area. He then pointed out on a map the locations being discussed, and the Darden Towe Park.

Mr. Boyd said that was the Vermillion's argument. They are basically surrounded by the growth area and there is a creek there which has been cut down. Mr. Benish said that across the street it is in the development area. He said Franklin is developed with 1.5 to 2.0-acre lots. It is a relatively large subdivision. It is fair to say the Vermillions are surrounded by subdivisions.

Mr. Dorrier said it is also a historical property. Ben Franklin's nephew owned the land. Mr. Benish said he knows that a relative of Ben Franklin's was the architect.

Mr. Boyd said it has an interesting history, but it had fallen into disrepair 30 or more years ago. The Vermillions have done a lot to restore the home on the property. Mr. Benish said the Vermillions have a good point about the type of development that surrounds them. Given the topography of the site, with a

density of 3/6 d.u. acre, in order to avoid the critical slopes system, staff was concerned development would be focused close to the actual historic property. The development could look like Kenridge or White Gables, which are attractive, but in this case with the adjacent stream, the historic property, and the character of Route 20, it might be more problematic.

Mr. Boyd said he understands the arguments on both sides; they do not plan to do anything with the property; they are concerned about their heirs. Mr. Benish said a lot of the points about the Vermillion property are very similar to the Wheeler property.

Mr. Slutzky said the Wheeler property is on the Rivanna River along the whole western side and across Route 20 from the Wheeler property it cannot be developed because of the topography. The Board is trying to protect this rural road and the question is whether it makes any sense to put the left side of the road into the development area when it is right on the water. He asked if any Board member feels strongly that it should be included. He knows the property owner would like that designation, but the Board is supposed to be making this decision for the long-term good of the community.

Mr. Rooker said it makes no sense to have that property in the growth area, just for all the reasons mentioned.

Mr. Slutzky asked if others agree it should be pulled out now.

Mr. Boyd said he does not agree. It is a property rights issue.

Mr. Rooker said no one has a property right in a Comprehensive Plan designation. He does not know why it was decided to put it in. In the past the Board has not made Comprehensive Plan changes based upon the request of property owners. There have been a number of mixed signals from this property owner. He understands they have talked about putting the property in a conservation easement. It can't be done if the property is in the growth area.

Mr. Slutzky said Ms. Vermillion did say she would like to have the property in the growth area. He would be overruling the request of a homeowner and he does that reluctantly, but he is looking at the long-term stewardship responsibility on which the whole growth area concept was based. He thinks this is an obvious parcel to remain in the rural area. He does not want to see it put in the plan.

Mr. Dorrier said there is another category which recognizes historical houses. Maybe the Board could provide some relief, but still preserve the property. Mr. Davis said there is no zoning district that would allow that to happen. If someone requested a rezoning from RA to a more intensive use with proffers, they could fashion a restricted use of the property, but there is nothing in the Zoning Ordinance to address that.

Mr. Boyd said he is in a do no harm mode so he could probably go along with not doing anything with the Vermillion property because it has been outside of the growth area and it requires a change to do that. However, the Wheeler property has been in the growth area all along and even though he thought she wanted the property removed from the growth area designation, she has clearly said she does not want it removed.

Mr. Slutzky asked if Mr. Boyd wants to do no harm to property rights, not the environment.

Mr. Boyd said he wants to do no harm to property rights as long as they are doing no harm to the environment.

Mr. Slutzky said she is a good steward of the land now, and he would like to keep it that way.

Mr. Rooker said her comment was that she wanted the land to remain in the growth area so she could continue to protect the property, which she could still do if it were in the rural area.

Mr. Slutzky said there are obviously two different points of view being expressed. He asked if a vote should be taken on the issue.

Mr. Boyd said staff recommends that everything be left as it is.

Mr. Benish said the Board has the Planning Commission's recommendation to leave Wheeler in and take the Hansens Mountain Road recommendation out; Vermillion was never considered as part of the Commission's recommendation so they would be left out by the action of the Commission. He said staff's recommendation to the Commission was for the Hansens Mountain Road connection and that the Wheeler property be taken out. Mr. Cilimberg said in those two cases, the Commission did the opposite of what staff recommended.

Mr. Rooker said there is some alternate language regarding Hansens Mountain Road that would be between the two positions. One is a strong preference for a connection that would not impact the Glenorchy neighborhood, not completely foreclosing the potential for the original connection.

Mr. Boyd said the underlying part of it to "avoid significant negative impacts" is ambiguous. Mr. Cilimberg said staff was trying to avoid connections that would require taking homes or literally going right next to a home. Putting more traffic down Glenorchy Drive will obviously impact the neighborhood.

Mr. Boyd said he met with people in Glenorchy and they are more concerned about large trucks

using the road. But, they did say this language is acceptable to them. They wanted to prevent the road going through the cul-de-sac, that was their interpretation and why the language was acceptable to them. He suggested that Mr. Rooker might not want to rule that out totally.

Mr. Rooker said he thinks that is right, but in staff's mind this does not close another potential connection that would have less impact on the neighborhood. From a transportation standpoint, he may be willing to support what staff proposed since it leaves open the potential for a connection. To approve something that precludes a connection would be ignoring the transportation needs of that area.

Mr. Slutzky said he strongly agrees.

Ms. Thomas asked if the proposal being shown on the screen allows the Gazebo Place people to think the Board will approve any of the three routes they find physically possible to build. What is the interpretation? Mr. Davis said he understands the position of the current developer is that he would like to find an alternative entrance as long as it does not require him to amend the current development plan. At this time they have not indicated any preference for any alternative route that significantly changes their approved plan. He thinks they would be interested in any alternative that could be approved by the Planning Director as a minor change and would not require rezoning of their property. If the developer changes his mind or they can find a route requiring only a minor change to the existing site plan they would pursue it consistent with the Comprehensive Plan. Mr. Benish said the only alignment the consultant looked at is the upper road.

Mr. Boyd said for Ms. Mallek's information, this development was actually denied by the Planning Commission. The developer decided not to bring it to the Board, but went to court and got a court order approving it.

Ms. Thomas said the Board does not have to be enthusiastic about the use, and does not have to make it easy if it is to the detriment of a longstanding neighborhood.

Mr. Boyd said on the one hand the Board is creating a terrible traffic situation, and on the other hand it is facilitating a developer with a development that it does not like anyway.

Mr. Rooker said if there is an alternate route that might work, he could support the language recommended by staff.

Mr. Boyd said he can speak with the developer.

Mr. Slutzky asked if it would be reasonable not to act today, but let Mr. Boyd talk with the developer and have staff see if there is actually a viable connecting road that could be put in the plan.

Mr. Boyd said they have engineering people who could look to see if there is that potential. The developer said he was not interested in that before, but things have changed in the last year. Mr. Benish said from a planning perspective the Board does not want staff going further in determining if a road is viable. The Engineering Office would have to do that and they have other priorities so he does not know how fast they could do it.

Ms. Thomas said she is not in favor of putting staff resources into helping find another route.

Mr. Rooker said if the developer thinks it is something that might get approved without going through an amendment to the zoning, he would have an incentive to find an alternate route that does not significantly impact the Glenorchy neighborhood. If he does not have an interest, the Board can't make him do it since he has an approved site plan and can connect to Hansens Mountain Road. The Board cannot make him use another connector. The question is whether he wants to pursue it. If he does, he should do it at his own expense. He thinks this language leaves that possibility open, and he is ready to support the language as proposed.

Mr. Boyd asked Mr. Rooker if he thinks the language leaves both the options open including the one through the existing cul-de-sac in front of the houses.

Mr. Rooker said to leave that one out. Mr. Cilimberg said it is not likely under this language because it would create a significant impact on exiting occupied dwellings.

Mr. Rooker asked what would happen if no reference to that connection is made in the master plan. Is there a disadvantage to that? Mr. Benish said this proactive plan tries to address the transportation issue so that would create an impact. The impact to the developer and staff's evaluation of the impact to the neighborhood is probably similar because staff has not made a specific statement about the criteria for reviewing any connection to the west. Mr. Cilimberg said staff would have no guidance with which to evaluate any connection proposed.

Mr. Boyd asked if the words in the second sentence referring to a negative impact were deleted and said there are several possible alignment options available, would that work? Mr. Cilimberg said that would get to staff's recommendation.

Mr. Boyd asked if that would allow the developer to do the road. Mr. Cilimberg said it would open up the possibility for him to build the road he has proposed that the County has said he cannot build.

Mr. Boyd said it would change the current decision that it would drastically impact that neighborhood so they can't do it. Mr. Cilimberg said based on the determination that was one of the

findings.

Mr. Rooker said staff did not say he could not make that connection; they said if he makes that connection it will require a zoning amendment.

Mr. Boyd said he knows that, but that was not the only reason. If it is eliminated in the wording, he can do that. He owns the property he bought in Glenorchy so he could do it.

Mr. Rooker said he would still need to get the zoning changed. This wording does not eliminate that. Mr. Cilimberg said one of the aspects of the zoning that exists on the property is that connections for commercial access are not to be made through residential neighborhoods. That was the piece that played into the recommendation. Even getting away from the cul-de-sac connections and going northward and coming back through Glenorchy probably has some of those same characteristics because it would be providing commercial access through a residential neighborhood. It leaves a more preferable route particularly if there is the opportunity to extend the road westward. That would create more of a parallel network which was the real intent of all of this planning.

Mr. Boyd asked what such a road would connect to. Mr. Benish said it is problematic, but it would connect into Luxor Road. The interesting thing is that the road could run across the slopes instead of up the slopes. Mr. Cilimberg said without the restrictive language it opens up a connection possibility and there is the potential for a public project consistent with the Comprehensive Plan that utilizes that cul-de-sac for the connection. It is something the developer will not try to build, but VDOT might decide that with developer contributions it will build. If the plan is set up to provide for the possibility of that access, and if VDOT were truly interested in pursuing it with the developer's resources, it would come to the Planning Commission for a finding of compliance and they could find compliance based on the Comprehensive Plan. That would not depend on the zoning being changed in order for it to happen; it would become a public project. He said it is important to recognize the resources of the developer.

Mr. Rooker asked if the developer supplies all of the money, if VDOT will build it. Referring back to that language, he asked if using the word "minimizes" instead of "avoids" would solve the problem. It would allow staff to approve a route that minimizes the negative impact, although he is not sure it "avoids" that impact. Mr. Benish said the word "significant" needs to be avoided. Using the word "minimizes" probably opens it up a little more.

Mr. Rooker said the Planning Commission still has to make a finding of compliance. Mr. Cilimberg said that is necessary for any public project.

Ms. Mallek said she understands that if the Board accepts this language it would make it easier for the Board to approve something which it really does not want to approve for other reasons. It is the better road to help the developer get people in and off of Route 250, so this would give up the neighbors in Glenorchy to accomplish that. She asked if she was over simplifying it.

Mr. Rooker said he thinks Ms. Mallek has dramatically overstated the point. The development is already approved. The developer has a site plan approved for the property and can build a shopping center which exits on Hansens Mountain Road. If he does that, VDOT is going to close the left-turn lanes from Hansens Mountain onto Route 250. Today the people in Ashcroft use that as the entrance to their subdivision. There are 1,400 vtpd in and out of that road today. Those cars would not be able to come out and turn left.

Ms. Mallek asked if VDOT can do that and just cut off 1,400 people.

Mr. Rooker said they can; it is bad now and with that additional traffic that is what they would do. The stacking situation through there is terrible. There are competing interests here. The neighborhood does not want any additional traffic, and there is the interest of the public in not having a nightmare of an entrance situation there for everybody using the road. Staff has said this language would not let the developer put the road through the middle of Glenorchy, but if they find another route that would have minimal impacts on the neighborhood, then it might get approved. He said it is problematic to have a Comprehensive Plan that forecloses use of the road because there is a red light at the entrance to Glenorchy. It would be a better place for the current residents of Ashcroft to exit regardless of whether this development ever happens. Mr. Benish said the language is specific about dwelling units because staff wanted to leave open the opportunity that if the developer were able to acquire lots such that they would not be a direct impact, that was an option to make the roadway work.

Mr. Slutzky said he thinks it makes sense to use the word "minimizes" for the word "avoids." Mr. Cilimberg said from the perspective of the Comprehensive Plan it is being done in relation to the proposed land use for Gazebo Place property which under the new plan would be urban and Neighborhood density residential. In the event the Gazebo Place project never moves forward, or they decide to develop differently, it gives them a new land use designation. It actually reflects what they initially talked to the County about three years ago before they decided to just pursue Gazebo Place. The interconnections become more important when thinking about a logical transportation system to support additional residential development.

Mr. Slutzky asked if a condition could be included saying they could build the road if it is to accommodate a mixed-use development, or it creates a positive incentive to switch. Mr. Davis said this Comprehensive Plan would show that type of development so it would still be problematic for them if they came back with a revised Gazebo Place commercial development. It still would not be consistent with the Comprehensive Plan although that component of the entrance might be consistent with the

Comprehensive Plan.

Mr. Rooker said he is fine with the language proposed. If "minimizes" is substituted for "avoids" he is fine with that also. He thinks this reasonably balances the interests as best the Board can.

Mr. Cilimberg said there were only three outstanding issues for the Board to discuss today. If the Board can reach a resolution on Vermillion and Wheeler and on this interconnection aspect, it can take action on the Plan.

Mr. Boyd said he knows it is late to bring up the subject, but there is the question of light industrial land. He knows the Planning Commission discussed this and decided not to extend the study for Pantops to the other side of I-64. There is a stretch of land through there that is about as close to being light industrial as it can be; it houses UPS, contractors and mobile home parks, etc. He asked why it was not decided to put that section into this plan. Mr. Cilimberg said they have been working from the boundaries set in 1996 with some adjustments depending on particular things discovered during work on the master plan. For this Pantops plan, they did not identify any factors that would lend to expanding the development area boundary eastward. It is recognized that there is old scattered commercial and light industrial zoning on Route 250 East. They have been dealing with it in different ways for years. In fact, this Board has had more than one request for public water access along that waterline since it was extended to Glenmore.

Mr. Cilimberg said the Board has, until now, consistently said it is not interested in furthering commercial or industrial development along the Route 250 East corridor east of Shadwell. When they started to look at that area, the difficulty was with competing interests. Is the existing scattered commercial and industrial important enough to expand that kind of use along the corridor which would be a stripping of Route 250 East versus the fact that there are conservation easements and historic districts essentially adjacent to the area. There is an association with Monticello and the Southwest Mountains and it was staff's view that it was not worth pursuing. When the rezoning for Cavalier Mini-storage, which was deferred last week came before the Planning Commission, it recognized that the rezoning was not consistent with the Comprehensive Plan. Some of the Commissioners felt it was worth potentially doing a study of that area to see if the land uses should be reclassified on Route 250 East. Staff was concerned that it should not take priority over the rural characteristics of that area.

Mr. Cilimberg said that would be new work and it is not in line with the Department's Work Program priorities. In order to do that, some other work would have to be delayed. After the Board talks about the other elements of the master plan which still need to be decided, staff was going to ask the Board for its thoughts as to what it should report to the Commission on whether that kind of work should be pursued. There is a rezoning just going to the Commission concerning a commercial recreational residential development literally right next to the Shadwell conservation easement.

Mr. Rooker asked if the property is in the growth area. Mr. Cilimberg said it is not.

Mr. Boyd asked if there is commercial zoning on the property now. Mr. Cilimberg said a very little part of it has the old Highway Commercial designation. The zoning on the property is predominately rural areas.

Mr. Boyd said that property abuts the Monticello conservation easement. Mr. Cilimberg said that is correct. Cavalier Mini-storage is located across Route 250 on the north side adjacent to the hotel property.

Ms. Thomas asked why the Board would want to strip one more entrance into the community. She was a member of the Board of Supervisors which refused to allow one of the businesses in that area to hook to public water when all they wanted to do was sprinkle their building for fire protection purposes. She thought the Board was mean to say no to that business, but it also was a step to keeping that area from opening up to stripping by businesses. She thought the Board was correct to say no, and she cannot imagine why the Board would want to strip another entrance.

Mr. Boyd said he is concerned there is not enough light industrial land in the County that is affordable.

Ms. Thomas said putting land in the development area does not make it affordable. It may open it up to water and sewer service, and she would be opposed to doing that.

Mr. Boyd said he feels it is already stripped. UPS and VDOT are on that road.

Ms. Thomas said there is also an amazing conservation easement all along one side of Route 250 that Monticello put on the Shadwell property.

Mr. Rooker said the VDOT facility cannot be seen from the road.

Mr. Boyd said he wonders if some kind of light industrial could be constructed where it would not be seen from the road. UPS also cannot be seen from the road, but contributes a huge amount of traffic to the road in the morning.

Mr. Rooker said those facilities have been in place for quite a long while. In the past, people have put prices on light industrial property that is much higher than the use could afford. He has suggested that the Board consider eliminating a number of uses from light industrial property because people are taking

light industrial property and using it for things that have a higher value thus foreclosing its use for the kinds of things which have been mentioned. Just creating another 40+ acres of land and allowing people to put in higher and more valued uses will not help the situation.

Mr. Boyd suggested limiting it only to industrial park uses.

Mr. Slutzky said there is probably not enough support on the Board at this time to do that.

Mr. Cilimberg said when the Board sees rural area items, it will see a list of uses in the rural area. It is the general consensus with the Board and the Planning Commission that it will be important to look at that list in order to make small business opportunities that are more in character with the rural area, allowable by special use permit or by-right. The Board talked about Watkins last week. That could be the next thing staff works on depending on the Board's priorities. That is where the Board might discuss the more beneficial changes to zoning in the way of small business activities which have the rural area characteristics. At the same time, the Board might make changes to the Industrial District so it is not so open-ended.

Mr. Dorrier asked if some type of historical zone is included so that some sort of entrepreneurial activity would be allowed. Mr. Cilimberg said the Board might want to recognize in the uses what have been historic types of activities, or activities which have been typical to the rural area over time, some of which are no longer allowed.

Mr. Slutzky said it sounds as though the Board will not be dealing with the Pantops Master Plan today.

Mr. Rooker said he agrees. The Board has before it the question about whether to include the Vermillion property in the growth area. At this time he is not in favor of including it because something would have to be fashioned to significantly reduce the potential density on the property below the 3/6 d.u. acre. He does not think that property is appropriate for 125 units. He asked if there is a consensus among the Board members that the property not be included in the growth area.

Mr. Slutzky said the Board needs to reassure the owners that this does not mean it is against any potential future use if a lower density becomes plausible.

Mr. Rooker said Mr. Vermillion would need to file a request for a Comprehensive Plan amendment specific to the property. He asked if there a consensus not to include that property.

Mr. Slutzky and Ms. Mallek agreed.

Mr. Rooker said there is still the question about the Wheeler property.

Mr. Slutzky said the reasons staff originally recommended to the Planning Commission that the property be removed from the growth area are still valid. He understands the property owner has asked that it be left in, but he thinks decisions are not to be based on an individual request. That property sticks out and it can't be developed across Route 20 and should not be developed along Route 20, and the River on the other side has to be protected. Development would ignore the obvious historic significance of the property, so he thinks it should be taken out of the growth area.

Mr. Boyd disagreed. He said there are no compelling reasons to make those boundary line adjustments.

Ms. Mallek said if it is taken out, it would be more compatible with the decision the Board just made about Vermillion.

Mr. Boyd said he will go back to his assumption that the Board is not changing anything that was in place when the people bought the property.

Ms. Thomas said at the public hearing a number of people said the reason they had gone through the whole master planning process and attended all of those work sessions was that they thought they would come out with something positive and the only positive thing was removing the Wheeler property, and then they were surprised to see that it was not removed. She does not know if that represented the view of only a few people or not.

Mr. Boyd said he walked through all of those neighborhoods and did not hear a lot about that situation. He attended the Pantops master planning sessions and knows it was discussed, but not overwhelmingly.

Mr. Slutzky asked if there are four people who would prefer to take it out.  
Mr. Boyd asked if doing that requires re-advertisement. Mr. Davis said "no."

Mr. Rooker then **moved** approval of CPA-2004-02, Pantops Master Plan, dated August 1, 2007, with the staff recommendations regarding the Vermillion (to not include it in the Development Area at this time) and Wheeler (to remove it from the Development Area) properties, and the relocation of Hansens Mountain Road (Relocate the Hansens Mountain Road from its current intersection with Route 250 to a new location that would utilize the Glenorchy Drive/Peter Jefferson Parkway crossover at the Route 250 intersection with Route 250 to align with the existing entrance into Peter Jefferson Place [Glenorchy Drive/Peter Jefferson Parkway] in a manner that minimizes significant negative impacts to occupied

dwelling units in the Glenorchy neighborhood.).

Ms. Mallek gave **second** to the motion.

Mr. Boyd said this master plan is for land in his district and because he feels strongly about the Wheeler property, he will have to vote against the motion. Roll was called, and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Mr. Rooker, Mr. Slutzky and Ms. Thomas.

NAYS: Mr. Boyd and Mr. Dorrier.

Mr. Dorrier said he is more interested in historical zoning. There should be a historic zone for the Wheeler property.

Mr. Rooker said that is not an available option for the Board at this time. Is that a reason to vote against the master plan?

Mr. Dorrier said he thinks the Board needs to consider it.

Mr. Rooker said to add that to the Zoning Ordinance would be a whole separate process. It has no bearing on what the Board is doing today.

Mr. Cilimberg said he understands the Board has no interest in looking at the east side of the interchange on Route 250. That was the general consensus of the Board members.

Mr. Boyd said he is still concerned about the lack of light industrial property.

Mr. Benish said as part of the review of the Economic Development Policy, staff was directed to study and inventory industrial land. There is another process in place, and a resolution of intent will be adopted soon to start that study.

Mr. Boyd said the key word is "affordable." There is some industrial land available now but it is not affordable to the people who need it.

Mr. Slutzky said he agrees that is a problem, but does not think that adding to the growth area in that location is the answer.

**(Note: At 5:17 p.m., the Board recessed and reconvened at 5:27 p.m.)**

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Agenda Item No. 3b. Crozet Downtown Zoning District (ZTA-2007-05) and proposed Zoning Map Amendment.

Mr. Cilimberg said the Crozet Master Plan identifies the need for zoning changes in order to fully implement the Plan's land use recommendations and goal of economic vitality for the Downtown Crozet area. The Board received a detailed outline of the public process of the project as information on the Consent Agenda at its March 5, 2008, meeting. Today staff hopes to get feedback regarding the Planning Commission's recommendations and that the Board direct staff to draft the zoning text amendment language for the Downtown Crozet Zoning District and the process necessary to get this to public hearing. He said that Ms. Rebecca Ragsdale, Planner, will go through the components of what has been recommended by the Commission.

Ms. Ragsdale (using a PowerPoint presentation) said the Downtown Crozet Zoning District project was initiated by the Board with a resolution of intent and approval of funding to hire a consultant in September 2006. The consultant worked with the Crozet community over the course of five community meetings to develop the recommended zoning changes. These zoning changes were discussed in a series of five Planning Commission work sessions. The process began by talking with the public starting with the Goals and Recommendations in the Crozet Master Plan. Things to be accomplished include increasing pedestrian friendliness, making opportunities for pedestrians downtown, infill and redevelopment, along with revising some of the suburban zoning requirements in place now.

Ms. Ragsdale said they looked at historic building patterns in the downtown area along Crozet Avenue, which is known as the main street, and it has buildings which are up against the road. This is a return to those historic building patterns. She said there is C-1 Commercial zoning in that area, along with some PD-SC (planned district shopping center). There is heavy industrial in downtown where the lumber yard property is located; that property was rezoned in the late '90s to HI. Before that rezoning the lumber yard was operating under commercial zoning, so it was a nonconforming use.

Ms. Ragsdale said that the zoning on Jarman's Gap Road is CO (commercial office.) She showed a rendering of the consultant's recommendation to the Planning Commission in September 2007. She noted that they have been meeting monthly with the Crozet Community Advisory Council and the Project Steering Committee and the Downtown Crozet Association. The consultant's recommendation is for a tiered zoning approach to implementation with the highest level of detail being the Crozet transects requiring mixed-use in Downtown 1 (where the highest level of uses would be located), but not in Downtown 2. Going into the adjoining residential neighborhoods there would be some neighborhood commercial in these two transition districts. The consultants recommended that these transition districts be adopted in the text of the Zoning Ordinance, but that the areas not be rezoned. That recommendation

went through four or five work sessions with the Commission and the public. Eventually the Crozet community came forward with a recommendation that there be one single downtown zoning district equal to the Downtown 1 recommendation of the consultant who also recommended the boundaries for the district. There were several components of the text and regulations that the consultant worked through the Planning Commissions with in terms of the requirement for mixed use, and recommendations regarding regulating the average residential unit size. These were some of the primary concerns of the Crozet community.

Ms. Ragsdale said the recommendation from the Planning Commission at this time is for a new zoning district with a comprehensive rezoning of an area she pointed out on a map (gray area). It would go as far as Firehouse Lane to the Firehouse on the east and to Carter Street on the west, follow the stream north of the Dairy Queen, and pick up a quadrant already zoned commercial including the Smith property which has CO (commercial office) zoning on it now. She wanted to give the Board an idea of where these regulations would apply, and then go over the highlights of what is in the outline. This is currently an outline, and would have to be developed into zoning ordinance text. There are comments from Atwood Architects that speak to making sure there is clarity when the ordinance is drafted with the County Attorney's Office. The ordinance would allow for greater development and redevelopment opportunities in Downtown Crozet by reducing setbacks so that staff is implementing the goals of the neighborhood model and the Crozet master plan and allowing the buildings to move up close to the street. They would also require a façade break so blocks could be created every 200 feet and allow for ally's to access the parking that would be regulated under this proposed ordinance. Another significant point is that under this ordinance would be requiring a minimum two-story and maximum four-story building heights with some exceptions, reducing parking requirements, reducing buffer/screening requirements, and allowing flexibility in residential and parking uses.

Mr. Rooker asked if you could build a one story with a special use permit. Mr. Cilimberg said "yes."

Mr. Slutzky asked if there was a minimum width for the façade breaks? Ms. Ragsdale answered that there was a 20 foot maximum side set-back. He asked if there was a minimum for the width of the breaks. Someone could be complying with the plan but not really have a way for people to walk to the back. He asked if the Board would be interested in setting a width at 5 feet or some other minimum width.

Ms. Mallek asked if it was intended to be used for vehicular access?

Ms. Ragsdale said the sidewalk width was not specified, no minimum has been specified, but a 20 foot maximum has been specified.

Mr. Rooker said that is a good point.

Mr. Cilimberg said staff can deal with this issue by having a minimum based on the need for vehicular access and a minimum based on strictly pedestrian access.

Mr. Graham said in the zoning ordinance there was a vehicular access way of 20 feet. The sidewalk is a different question that he cannot answer. Staff could look into it.

Mr. Rooker said there is no requirement that the facade break be either, and that is the point.

Mr. Davis said a requirement could be included that the facade break have a sidewalk or an alley.

Mr. Rooker said there is a difference between a passage way and a facade break. Ms. Thomas agreed. She does not think a facade break has to be a passage way.

Mr. Slutzky said he would like one to be every 200 feet so that you have a way to access the back of the building.

Ms. Mallek suggested calling it an access way instead. Mr. Cilimberg said they could work on the terminology.

Mr. Rooker said if the facade break is for aesthetic purposes, you probably want one more often than every 200 feet. There is a difference between access and facade break. If there is an important reason aesthetically for facade breaks, the requirement should be something less than 200 feet.

Ms. Ragsdale said in this particular case, the facade break was for the access ways and alleys. Staff will also have to consider access ways for pedestrians.

Ms. Thomas asked for clarification on the side entrance doors facing the front right of way. Ms. Ragsdale said if you had a vestibule or an entrance that projected off to the side, than the door would face the front. It would be more visible this way.

Mr. Rooker questioned why this should be a requirement.

Mr. Slutzky said it would prevent people from stepping out into the flow of traffic.

Mr. Rooker said if there is a sidewalk there already, why would you require that?

Mr. Slutzky said Mr. Rooker is trying to say you should require a front orientation to side doors except if they enter onto a sidewalk. That would take care of the safety feature.

Ms. Thomas said the main purpose of this ordinance is for it to be flexible and reasonable and quickly adopted.

Ms. Ragsdale said that staff wants this to be easily administered as well.

Ms. Ragsdale said that the next highlight is reducing the number of required parking spaces. In this case, staff would have a calculation for all non-residential uses lumped together, with the exception of civic uses such as libraries, and residential uses would have separate calculations. The consultant had recommended 3:1000 square feet of net floor area. The Commission recommended that staff reduce this to 1:1000 square feet, and that is the minimum number of spaces. There is no maximum; the current ordinance does have provisions that limit the maximum number of spaces you can have, so this does away with that requirement. It also allows structured parking by-right. The Commission recommended that stand alone parking lots not be a use that is allowed by right.

Mr. Slutzky asked if staff is requiring a minimum number of bike racks. Ms. Ragsdale answered "yes." For every ten auto spaces you would have one space for a bike. This also allows for sharing of parking within the downtown district. The current ordinance allows for shared parking (you can share 35% of the total number of spaces between off peak uses with off peak operating hours.) The consultant had recommended that be between business owners or administrative with informal agreements, but staff has current ordinance language that allows for off site parking through recorded instruments which the Planning Commission recommended rather than the more informal approach.

Ms. Ragsdale said with regard to uses the ordinance does allow residential uses by-right (right now they are by special use permit). Crozet Station is an example of that under the current C1 zoning. Any form of structured parking would be by-right. It also combines uses that are separated among the three tiers of commercial zoning that the County has now, C1, CO, and HC. A public concern that was heard at the Planning Commission level regarding uses is are staff allowing enough flexibility in uses by-right? They have had business inquiries and seen market trends that there are indeed business, and there have been conversations as to if they should be aloud to be by-right or not. Small veterinary offices are also in question. The Planning Commission did not recommend any changes, but staff has had continued public interest in allowing more flexibility of those type uses by-right.

Ms. Mallek wanted to make sure that the Board understood from the previous slide, under special use permit, was stand alone residential. There is a real concern that a large tract of property could be turned into an apartment building. This could bring in more commuters and more problems.

Mr. Rooker said that even an apartment building would not be permitted without a special use permit. Stand alone residential just means not mixed use.

Ms. Ragsdale said that the slide should read stand alone parking lots and not parking structures. That was a mistake. At the Commission's last work session, staff brought back some of the elements that were in the mixed use requirements from the consultant recommendations in that all ground floor uses have to be non-residential, except if you wanted an apartment building, that would be by special use permit.

Mr. Cilimberg said that on the by-right side, the residential uses are second floor and above, so that will need to be further defined that first floor residential is not by-right.

Mr. Rooker said the language could state "residential uses above the first floor."

Mr. Slutzky asked why staff is allowing gas stations and truck repair shops by-right, but saying you have to get permission to put in some of the other buildings.

Ms. Ragsdale said that is consistent with by-right uses in commercial districts.

Ms. Mallek brought up the existing historical buildings that are there currently. The Board does not want to create nonconforming issues for places like Community Garage, which is a repair shop on one end and a gas station on the other end of this three block area.

Ms. Thomas asked what staff wants from the Board today. Should the Board weigh in on whether we should have research and development shift over to the by-right and if the Board does not speak up it will go in its current form to staff for turning into a written ordinance?

Ms. Ragsdale said staff is seeking input on what will be drafted and how it will be structured.

Ms. Ragsdale said requests have been made that research and development uses and veterinary offices without outdoor activity be allowed by-right rather than requiring a special use permit as recommended by the Planning Commission.

Ms. Ragsdale said that the next slide shows examples regarding R&D activity. Some are uses that are near residential buildings. Diffusion is a business that staff is aware of that will be displaced with the expansion of Afton Technologies buying the building. Currently, that is allowed by special use permit in the CO district, or by-right in the LI or planned districts that allow those uses. Staff suggested that some form of this be allowed by-right with performance standards.

Ms. Thomas said the purpose of the downtown area of Crozet is to attract people there for commercial, but also to provide jobs. There very few jobs in Crozet. She thinks research and development is an up and coming category in general in the community, but it can also be deadening to a commercial district to have a building that doesn't want anyone to come inside but the few people that work there. She thinks a special use permit might be appropriate. Her first thought is that it should be allowed because it is an employment idea, and now she is trying to picture how it would actually fit in downtown Crozet.

Mr. Boyd said he assumes there was a lot of discussion of this by the community groups.

Mr. Rooker said he regards that use the same as an office use. In downtown Charlottesville the office workers create a lot of vibrancy for the area throughout the day.

Ms. Thomas said it would not look any different than an office. It might get built as an office, and one of the tenants might do research. If that was the case, would they have to change the zoning? She asked how research could change an office buildings use.

Ms. Mallek said there was concern expressed at some of the meetings as to the type of activity that might take place since it is close to residential areas. Would they be reporting what type of work they would be doing? Ms. Ragsdale said a certified engineer's report is usually required for R&D labs.

Ms. Thomas asked if it could be a by-right activity still subject to performance standards. Ms. Ragsdale said the ordinance might set out the use by-right with a reference to Section 5 of the Zoning Ordinance where supplemental regulations which apply to uses are set out.

Ms. Slutzky said he can see R&D being a by-right use subject to performance standards, but for a gas station in the downtown area, he cannot see that as a by-right use.

Ms. Mallek said that people need to be able to buy fuel.

Mr. Slutzky said sadly that is true, but is the downtown Crozet area is what is being talked about here, not all of the areas?

Ms. Ragsdale said that under the new provisions, the station would have to be two-stories unless they got a special use permit.

Mr. Rooker said the new ordinance will not change any existing use.

Ms. Mallek said people are nervous about becoming nonconforming.

Mr. Cilimberg said his understanding is that R&D should be moved to by-right with performance standards.

Mr. Rooker asked about veterinary offices. Mr. Cilimberg said there are no districts in the Zoning Ordinance where veterinary offices are allowed by-right.

Mr. Rooker said he has no preference either way.

Mr. Slutzky said a single-screen theatre is also mentioned in the proposal. If someone wanted to build a multiplex he does not know why that should require a special use permit. Ms. Ragsdale said it is due to the scale of the facility; this is a recommendation from the consultant. She said staff can address that issue.

Mr. Rooker said he does not think a single-screen theatre is economically feasible.

Ms. Ragsdale said R&D would be in the by-right category, and leave veterinary by special use permit. The multiplex should also be moved over to the by-right category.

Mr. Slutzky asked if the Board really wanted to make a pool hall a by-right use in the downtown area. He knows there is an existing use pool hall. The Board said they did not see a problem with that.

Ms. Thomas asked about Doctor's offices. Ms. Ragsdale replied that any type of office would be by-right.

Mr. Cilimberg said single-screen theatre can be changed to movie theatre and moved to the by-right category. He asked if the Board agrees that "standalone parking lots" should require a special use permit. The Planning Commission wanted to promote structured parking rather than surface parking.

Ms. Mallek asked if there is any concern about parking as part of a movie theatre use.

Mr. Rooker asked the parking requirements for a movie theatre. Are they different from the 1:1000? Ms. Ragsdale said that under this proposal they would be 1:1000 square feet. There is only one parking calculation for all of the nonresidential uses except for certain public or civic uses. This proposal requires screening rather than the distance buffering between commercial and residential areas. At this time, the commercial zoning district is 50 feet and 20 feet for buffer and screening. This reduces that requirement if screening is provided not only for commercial uses and objectionable features, but also parking with low walls and a planting strip. It also specifies requirements for landscaping of parking lots.

Mr. Slutzky asked if people could break these down into 20-foot wide lots with everybody having four cars parked in front so by definition the front facades might be pushed back by the length of a car without intending to. Ms. Ragsdale said all parking spaces will have to be located behind the buildings. For any new construction the sidewalk width is 10 feet, and a planting strip with trees and grates is also required.

Mr. Rooker asked if "primary street" is a defined term. Ms. Ragsdale said Crozet Avenue, Three Notch'd Road and the new Main Street are primary streets. Mr. Cilimberg said the original Eastern Connector Road in the old plans for Crozet was actually a relocation of Route 240. It was to accommodate Route 240 in a different location so you did not have to go through the downtown area.

Ms. Ragsdale said there was a lot of discussion about boundaries throughout the process. She referred to a map on the screen which shows the recommendation of the Planning Commission; it does not include the lumber yard property for a number of reasons. The owner does not want to become a legally nonconforming use. Also, the boundary is focused around areas invested in by the County including the library property and streetscape projects, and the area included in the Stormwater Master Plan. It takes into account a concern about adjoining residential areas which are zoned R-2 residential. Some of those areas have expressed concern that they are not ready to transition yet. This is also an overlay of the proposed boundaries with the Crozet Master Plan underneath. CT 6 is in red and the CT 5 is in the darker pink. If someone wanted to come in and rezone in any of the areas adjoining the district, they would still have that opportunity.

Mr. Slutzky asked what if somebody wants to come in and do a rezoning from the purple area?

Ms. Ragsdale said the ordinance, through proffers or special use permits that are allowed, could rezone in the darker pink or the purple consistent with the Crozet Master Plan.

Mr. Cilimberg said this received a thorough discussion by the Planning Commission. There was interest that Carter Street be included on the west side and there was interest in having Barnes Lumber Company included, but in both cases the Commission decided that the underlying Crozet Master Plan is still a guide to future rezoning decisions that might be made based on individual applications. From the standpoint of what the County would initiate it would be in areas where it felt most logical to apply the ordinance as it is written and not go through the additional consideration of proffers – wanting proffers for public improvements or design consideration. As to the west side of Carter Street, it was clear in the Commission's discussion that ultimately it will go to nonresidential or mixed uses. That is what the Crozet Master Plan calls for but it was more important to deal with proposals individually there than on the east side of Carter Street.

Mr. Slutzky said his anxiety about phasing the growth area from the start is whether the Board is creating a perverse incentive for by-right development outside of the focused area. He thinks that is what will happen. It will be cheaper to develop by-right, and he thinks this will end up undermining the Master Plan in those non-priority areas. Ms. Ragsdale said by-right zoning is predominantly R-2 adjoining the downtown area.

Mr. Cilimberg said Barnes Lumber and Carter Street became important for the Planning Commission in terms of a future rezoning consideration. They can deal with any new development proposed through proffers, including application plans to the adjacent residential areas. That was important in the Commission's ultimate recommendation.

Ms. Thomas asked what the purple area that was slashed is to the east and west. Ms. Ragsdale answered that is a CT 5 area.

Mr. Cilimberg said you are getting CT 6 and CT 5 under the current Master Plan that would be within what the County initiates, and that is shown with a cross hatch. CT 5 and CT 6 are outside that area, and would be subject to future rezoning.

Mr. Rooker asked the size of the lumberyard, and Ms. Ragsdale replied that it is approximately 20 acres. Mr. Rooker stated that is about 40 percent of the size of the rest of the downtown area.

Ms. Ragsdale said staff is interested in getting feedback about the proposed text of the ordinance and the map boundaries, and also directions on how to proceed with the project in terms of the process. Should there be a joint public hearing with the Planning Commission? She said the County Attorney has noted that there is need for an additional Resolution of Intent to get the process started.

Mr. Davis said the Board has not adopted a Resolution of Intent concerning the Zoning Map Amendment. The 2006 resolution was simply for the zoning text amendment since the Board was not certain how it would proceed with a zoning map amendment. At this time, staff will need to give the Board a very specific Resolution of Intent to identify the area where the Board wants to initiate a rezoning.

Mr. Cilimberg asked if the Board had comments about sections of the ordinance which have not been discussed.

Mr. Rooker brought up the letter that was sent by Bill Atwood. It was his understanding that staff would take into consideration those types of comments. Mr. Cilimberg said it was not intended to treat that parking in a way that it couldn't be under or next to a building.

Mr. Cilimberg asked if the Board agrees with the district boundaries proposed by the Planning Commission and staff?

Ms. Thomas said she thinks it is reasonable as proposed with the areas to the west of Carter Street. She said the Board should be aware that one of those properties will come in for a rezoning soon. It will be a fluid situation because it will impact on the residential neighborhood in a way that they may not appreciate. If the Board adopts this, it will have sent a message, which is the Board will be willing to rezone to a higher use. The Board is coming in on the side of land value and commercial downtown as opposed to residential, neighborhood character.

Mr. Rooker said he does not agree. The Master Plan for Crozet already designates potential uses for those properties. The Board is not changing that if it adopts this ordinance.

Ms. Mallek said the idea was to protect the residences on Blue Ridge Avenue which back up to the backs of the West Carter Street lots which is the part that is not included.

Ms. Thomas asked that Ms. Ragsdale point out that area on the map.

Ms. Mallek said they front on Blue Ridge Avenue. There was discussion that there could be high, commercial, three and four story buildings on Carter Street. That would impact the residential area on the other side of the street. Those lots are fairly long (approximately 200 feet), but she thinks that was the main reason those lots come in gradually so there would be more control transitioning to the residential neighborhood there.

Mr. Rooker said what is approved can be shaped with the proffer system and through the application plans, but if the Board initiates the rezoning it creates by-right uses with setbacks only as required in the ordinance and it loses that control. Mr. Cilimberg said the downtown district can be used as an application district, and all of the elements of that district are not needed to be applied if the Board does not feel it is appropriate. There was discussion about transition into those areas, so that is why they were left out of this County-initiated rezoning.

Mr. Rooker said he would be in favor of a joint public hearing with the Planning Commission. That would be an efficient way to go about this, and the Board could benefit from their comments. Mr. Cilimberg said staff has not asked the Commission if they want to see the zoning text language at a work session before a public hearing is scheduled. Staff can furnish the language to the Board and then the Commission can decide if it is ready to act, and the Board can follow suit.

Mr. Davis said the Planning Commission has to make a recommendation. Whether they would be comfortable making a recommendation at the first public hearing would probably depend on the complexity of the public comments. After they make a recommendation, the Board would have to have another public hearing if there were any changes made that were more intensive than what had been advertised. If changes were less intensive, a second public hearing by the Board would not be legally required.

Mr. Dorrier asked if the Crozet Advisory Committee has looked at this.

Ms. Mallek said they have been very involved in the process. She asked if the reason for holding a joint public hearing is to shave off a month or two. Mr. Cilimberg said one hearing allows both bodies to hear it at one time, and possibly move to take action immediately as long as there is not intensification of the zoning.

Ms. Mallek asked if the theory is to get this done so the architects for the new library can get on with their work. Mr. Cilimberg said it was staff's thought to provide the quickest course possible.

Ms. Thomas said it is good for the public not to have to attend two public hearings if they are going to be on something so similar. She thinks it is a good use of the public's time.

Mr. Cilimberg said staff will use the boundaries shown, and will get a resolution of intent developed and back to the Board for approval on a consent agenda.

Mr. Boyd said he thinks there are some people from the public present who would like to comment. He is willing to hear them.

Mr. Sandy Wilcox said this process started almost two years ago. Someone is now trying to build a town center about one and a half miles away and it is not really the center of Crozet. He said "hurry" is the word. He knows that no one present today has experience in designing a town so he hopes the Board will give some latitude and let the merchants and people in Crozet try to develop the town so there is a secondary market developed and the downtown provides a sense of identify. Otherwise, the default category is that all are "Charlottesvillians" and everybody runs up and down the roads back and forth to Charlottesville. In order to create an employment center, it has to be done in a centralized place. The two years has been painfully slow for those who have been trying to do this. They know the process takes a long time, but they need this to move along. They are trying to preserve Crozet.

Mr. Cliff Fox said one of the things he has been working on is to make sure the uses are broadened. There are a lot of opportunities within a small town context where there could be boutique manufacturing or storage on a basement floor. Some of those things might still need to be tweaked, but the latitude with small-scale uses would make a more dynamic economic situation in downtown Crozet.

Mr. Boyd said staff has the Board's marching orders, and should move forward.

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

Mr. Tucker said he appreciates Board's work on the budget this afternoon. Because of that, there is no need for a work session on Wednesday.

Mr. Boyd asked if the Board members felt there was no need for further discussion of the budget.

Mr. Rooker said the Board set a tax rate for public hearing and it did that this afternoon.

Mr. Tucker said he might ask the Board to have a work session on April 9 to finalize the budget portion, particularly if there is debate over the real property tax rate of \$0.71/\$100. That evening the Board needs to make its decision about the tax rate.

It was the consensus of the Board to have a work session beginning at 3:00 p.m. on April 9, before the evening meeting.

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Agenda Item No. 6. Adjourn to March 19, 2008, 6:00 p.m., Lane Auditorium.

At 6:27 p.m., with no further business to come before the Board, **motion** was offered by Mr. Rooker to adjourn to March 19, 2008, at 6:00 p.m., in the Lane Auditorium. The motion was **seconded** by Ms. Mallek. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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Chairman

Approved by the Board of County Supervisors
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Date: 12/03/2008
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Initials: EWJ
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